

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. 1705 - 2009**

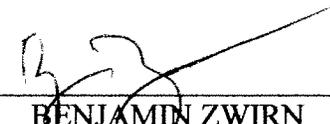
WHEREAS, INTRODUCTORY RESOLUTION NO. 1705 – 2009

**RESOLUTION NO. -2009, AMENDING THE 2009 CAPITAL
BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN
CONNECTION WITH PREPARING A SEWERING FEASIBILITY
STUDY FOR THE DEER PARK, NORTH BABYLON,
WYDANCH AND WEST ISLIP AREAS (CP 8139)**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY
RESOLUTION NO. 1705 – 2009, BECAUSE AN AMENDMENT WAS FILED AFTER
THE AMENDED COPY DEADLINE.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
EIGHTEENTH DAY OF AUGUST, 2009.**



BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

AMENDED AS OF 8-14-2009

RESOLUTION NO. -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH PREPARING A SEWERING FEASIBILITY STUDY FOR THE DEER PARK, NORTH BABYLON, WYANDANCH AND WEST ISLIP AREAS (CP 8139)

WHEREAS, the areas of Deer Park, North Babylon, Wyandanch and West Islip would benefit from the availability of sanitary sewer service; and

WHEREAS, the availability of sanitary sewer service in these areas has the potential to increase business investment, increase workforce housing opportunities, and provide greater environmental protection in these communities; and

WHEREAS, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2009 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$400,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-six (56) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd RESOLVED, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project Number: 1755

Project Title: Infrastructure Improvements for Traffic and Public Safety and Public Health

	Total Est'd Cost	Current 2009 Capital Budget & Program	Revised 2009 Capital Budget & Program
<u>Cost Elements</u>			
3. Construction	\$2,320,000	\$2,720,000B	\$2,320,000B
TOTAL	\$2,320,000	\$2,720,000	\$2,320,000

Project Number: 8139

Project Title: Sewering Feasibility Study for the Deer Park/North Babylon, Wyandanch and West Islip Area

<u>Cost Elements</u>	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
1. Planning, Design, Supervision	\$400,000	\$0	\$400,000B
TOTAL	\$400,000	\$0	\$400,000

and be it further

3rd **RESOLVED**, that the proceeds of \$400,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8139.110	80	Sewering Feasibility Study for the Deer Park/North Babylon, Wyandanch and West Islip Areas	\$400,000

and be it further

4th **RESOLVED**, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith; and be it further

5th **RESOLVED**, that the Administrative Head of the Sewer Districts be and hereby is authorized, directed and empowered to issue an RFP and enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to consultant assistance for the planning of this project; and be it further

6th **RESOLVED**, that should this Sewer Feasibility Study result in the creation of a new Sewer District for the Deer Park/North Babylon, Wyandanch/West Islip area(s) operated by Suffolk County, a local municipality, an association or a private developer that the cost associated with this Sewer Feasibility Study, both principal and interest incurred on the serial bonds, will be repaid to the Suffolk County General Fund 001 by the new Sewer District; and be it further

7th **RESOLVED**, that in accordance with applicable provisions of law the expenditures which are attributable to the establishment of a district, shall be apportioned against the users of such district and reimbursed to the County for the costs herein; and be it further

8th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8,

hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

T:\BROIR 1705 Amended 8-14-09.doc

AMENDED AS OF 8-14-09

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1705

IR Year: 2009

Introduced By: Legislators D’Amaro, Stern, Gregory, Horsley and Barraga

Title of Proposed Resolution:

Amending the 2009 Capital Budget and Program and appropriating funds in connection with preparing a sewerage feasibility study for the Deer Park, North Babylon, Wyandanch, and West Islip areas (CP 8139)

Purpose and Intent of Proposed Legislation:

This resolution amends the 2009 Capital Budget and Program to transfer \$400,000 from Capital Project No. 1755, Infrastructure Improvements for Traffic and Public Safety and Public Health, to Capital Project No. 8139, Sewerage Feasibility Study for the deer Park/North Babylon, Wyandanch and West Islip Area, and appropriates \$400,000 in Suffolk County Serial Bonds in connection with preparing a sewerage feasibility study for the areas of Deer Park, North Babylon, Wyandanch, and West Islip.

Detailed Explanation of Fiscal Impact:

This resolution authorizes the issuance of \$400,000 in County Serial Bonds which translates into an estimated cost of \$602,872 over 20 years when interest costs are included. This resolution would increase the 2010 General Fund tax levy by \$29,562, a cost of \$0.05 to the average taxpayer.

If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor?

Not applicable.

Total Financial Cost and timing over five years on each affected political or other subdivision:

Year		Principal Repayment	Interest Payment	Total Debt Service
1	2010	\$14,216	\$15,346	\$29,562
2	2011	\$14,499	\$15,675	\$30,174
3	2012	\$14,875	\$15,300	\$30,174
4	2013	\$15,301	\$14,873	\$30,174
5	2014	\$15,776	\$14,398	\$30,174
		\$74,667	\$75,592	\$150,259

The first year impact is \$29,562 in debt service. Over five years the total debt service is estimated as \$150,259.

Proposed Source of Funding: Suffolk County Serial Bonds.

Total Estimated Financial Impact on all Funds, tax rates, and property tax: This resolution would increase the 2010 General Fund tax levy by \$29,562, a cost of \$0.05 to the average taxpayer unless offset by other reductions.

Total Estimated Financial Impact on Suffolk County's economy including

1705 Amended
8/14/09

\$400,000 serial bond issue, with debt service based on a 20-year default setting for the weighted average maturity (WAM) repayment schedule and variable interest rates that average 3.99%
Principal repayment is based on a level debt service schedule, as authorized by Res. No. 676-2006

Year	Principal Repayment	Interest Payment	Total Debt Service	Bonds Outstanding	Interest Rate	
					Coupon	Yield
1	\$14,216	\$15,346	\$29,562	\$385,784	1.990%	3.990%
2	\$14,499	\$15,675	\$30,174	\$371,285	2.590%	4.063%
3	\$14,875	\$15,300	\$30,174	\$356,410	2.870%	4.121%
4	\$15,301	\$14,873	\$30,174	\$341,109	3.100%	4.173%
5	\$15,776	\$14,398	\$30,174	\$325,333	3.240%	4.221%
6	\$16,287	\$13,887	\$30,174	\$309,046	3.390%	4.269%
7	\$16,839	\$13,335	\$30,174	\$292,207	3.540%	4.315%
8	\$17,435	\$12,739	\$30,174	\$274,772	3.690%	4.360%
9	\$18,079	\$12,096	\$30,174	\$256,693	3.830%	4.402%
10	\$18,771	\$11,403	\$30,174	\$237,922	3.950%	4.442%
11	\$19,512	\$10,662	\$30,174	\$218,410	4.050%	4.481%
12	\$20,303	\$9,872	\$30,174	\$198,107	4.200%	4.520%
13	\$21,155	\$9,019	\$30,174	\$176,952	4.300%	4.553%
14	\$22,065	\$8,109	\$30,174	\$154,887	4.380%	4.583%
15	\$23,032	\$7,143	\$30,174	\$131,855	4.460%	4.612%
16	\$24,059	\$6,116	\$30,174	\$107,797	4.540%	4.638%
17	\$25,151	\$5,023	\$30,174	\$82,646	4.590%	4.660%
18	\$26,305	\$3,869	\$30,174	\$56,340	4.640%	4.681%
19	\$27,526	\$2,648	\$30,174	\$28,814	4.680%	4.700%
20	\$28,814	\$1,360	\$30,174	\$0	4.720%	4.720%
Totals	\$400,000	\$202,872	\$602,872			
Net Present Value			\$409,870			
Bond Yield			3.990%		3.990%	4.472%
5 Year Total	\$74,667	\$75,592	\$150,259		2.773%	

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. 1707 - 2009**

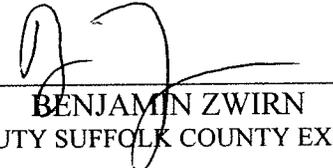
WHEREAS, INTRODUCTORY RESOLUTION NO. 1707- 2009

**RESOLUTION NO. -2009, , A LOCAL LAW REQUIRING
DISCLOSURE OF THE METROPOLITAN COMMUTER
TRANSPORTATION DISTRICT MOBILITY PAYROLL TAX ON
REAL PROPERTY TAX BILLS**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY
RESOLUTION NO. 1707 - 2009, BECAUSE OF THE POTENTIAL TIME
RESTRAINTS THE TOWN'S RECEIVERS OF TAXES MAY FACE IN PREPARING
THE TAX BILLS TO BE IN COMPLIANCE WITH THIS PROPOSED LEGISLATION
IF ADOPTED BY THE LEGISLATURE.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
EIGHTEENTH DAY OF AUGUST, 2009.**



BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

MEMORANDUM

TO: Timothy Laube
Clerk of the Legislature

FROM: **Brendan Chamberlain**
Director, Intergovernmental Relations

DATE: August 18, 2009

RE: Amended Copies

Attached please find *amended copies* for the following resolutions:

**1707- A LOCAL LAW REQUIRING DISCLOSURE OF
THE METROPOLITAN COMMUTER TRANSPORTATION
DISTRICT MOBILITY PAYROLL TAX ON REAL
PROPERTY TAX BILLS**

- Changed Language in Section 2 (A)

A. Pastore 8/18/09 10:42 am

AMENDED COPY AS OF 8/18/2009

Intro. Res. No. 1707-2009

Laid on Table 8/4/2009

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW
NO. -2009, A LOCAL LAW REQUIRING DISCLOSURE OF
THE METROPOLITAN COMMUTER TRANSPORTATION
DISTRICT MOBILITY PAYROLL TAX ON REAL PROPERTY
TAX BILLS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2009, a proposed local law entitled, **“A LOCAL LAW REQUIRING DISCLOSURE OF THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT MOBILITY PAYROLL TAX ON REAL PROPERTY TAX BILLS;”** and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW REQUIRING DISCLOSURE OF THE
METROPOLITAN COMMUTER TRANSPORTATION DISTRICT
MOBILITY PAYROLL TAX ON REAL PROPERTY TAX BILLS**

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

Section 1. Legislative Intent.

The Legislature finds that through no action of, and against the wishes of Suffolk County officials, the State Legislature and the Governor recently approved legislation mandating a Metropolitan Commuter Transportation District Mobility Tax.

The Legislature also finds that this tax will be calculated at a rate of \$3.40 per \$1,000.00 of payroll for the Counties of Suffolk, Dutchess, Nassau, Orange, Putnam, Rockland, and Westchester.

The Legislature also finds that this tax is an unfunded mandate levied against the taxpayers of this County at a time of economic recession. It imposes a real wealth transfer from Suffolk County to the State in the sum of approximately \$4 million.

The Legislature also finds that pursuant to the authority of the Suffolk County Tax Act sections 11 and 21 and the Real Property Tax Law section 922, resolutions and local laws previously required that all ten Towns in Suffolk County set forth in the tax bill by separate line item the tax due for various items. Since this unfunded mandate takes money directly from Suffolk County taxpayers with no source of reimbursement or replenishment to any other Suffolk County fund or program, the Legislature also finds that it is in the public's interest to continue the policy of clearly accounting for tax dollars by requiring a line item on the County tax bill which illustrates the impact of this payroll tax on local real property taxes.

Therefore, the purpose of this law is to require the Towns' Receivers of Taxes to set forth on a separate line the tax due for all County funds attributable to the Metropolitan Commuter Transportation District mobility tax bill to clarify that this shift of local money to the State is imposed by State lawmakers, and to illustrate the real property tax impact.

Section 2. Amendment.

Chapter 176 of the Administrative Local Laws of Suffolk County is hereby amended to add a new Article III as follows:

Chapter 176 Tax Notices and Billing

Article III **Metropolitan Commuter Transportation** **District Mobility Tax**

- A.) The real property tax bills prepared by the Receiver of Taxes of the ten (10) Towns of Suffolk County shall set forth as a separate item on the front of the tax bill, apart for all other County taxes, the proportionate aggregate amount of tax due for all County funds which is attributable to the Metropolitan Commuter Transportation District mobility tax. The tax should be next to the heading entitled: New York State MTA tax.
- B.) The rear of the tax bill shall contain the following explanation of the Metropolitan Commuter Transportation District Mobility Tax:
- “New York State law added Article 23 to the Tax Law, which established the Metropolitan Commuter Transportation District Mobility Tax. This tax will be administered by the New York State Tax Department, and the proceeds from this tax will be distributed to the Metropolitan Transportation Authority.”
- C.) In the event that any Receiver of Taxes of the ten (10) Towns of Suffolk County willfully violates the provisions of this law by knowingly refusing to provide these separate tax bill lines, then the Town in which such Receiver of Taxes is so employed shall be ineligible for receipt of any form of financial aid or assistance from the County of Suffolk, (including Sewer Tax Stabilization monies authorized by Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection, and County Taxpayers”), any program of County assistance or compensation for the printing of such tax bills, and transfers of real property or personal property to a Town within the County of Suffolk, for as long as such Town is out of compliance with this law. Funding for the printing of real property tax bills shall not be paid unless the County Department of Law has first approved the actual formatting of tax bills by the pertinent Town taxing jurisdiction as being in compliance with this law and only if the Legislative Office of Budget Review, in consultation with the

Legislature's Counsel, certifies that tax bills are printed, and/or mailed by the Receivers of Taxes in a format that is in compliance with this law and any subsequent amendments.

- D.) In the event that the Legislative Office of Budget Review, in consultation with the Legislature's Counsel, certifies that tax bills are printed, and/or mailed by any of the Receivers of Taxes of the ten (10) Towns of Suffolk County in a format that does not comply with this law and any subsequent amendments, then the County Department of Audit and Control and the County Department of Finance and Taxation are hereby respectively authorized, empowered, and directed, under Sections 5-2(I) and 15-2(G) of the SUFFOLK COUNTY CHARTER, to decline to process for payment or actually pay any form of County financial assistance or County compensation that is 100 per cent County-funded (including Sewer Tax Stabilization monies authorized by Local Law No. 35-1999, "A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection, and County Taxpayers") to a Town within the County of Suffolk including, but not limited to, payments under Section 4-6(J) of the SUFFOLK COUNTY CHARTER.

Section 3. Applicability.

This law shall apply to all tax bills prepared 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 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

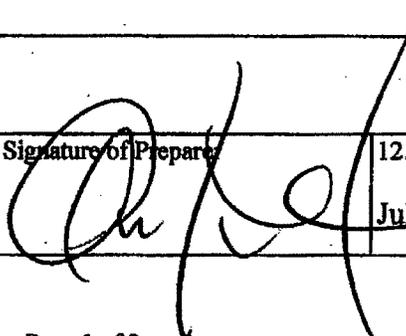
DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution Local Law <u>X</u> Charter Law		
2. Title of Proposed Legislation		
A LOCAL LAW REQUIRING DISCLOSURE OF THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT MOBILITY PAYROLL TAX ON REAL PROPERTY TAX BILLS		
3. Purpose of Proposed Legislation		
SAME AS ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
NONE		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
NONE		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
2010 or 2011 Tax Bill		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Allen M. Kovcsdy Director of Management and Research		July 30, 2009

SIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

OFFICE OF THE COUNTY EXECUTIVE
COUNTY OF SUFFOLK

- (1) Please limit this suggestion to (ONE) proposal.
- (2) Describe in detail.
- (3) Attach all pertinent backup material.

Submitting Department Department Contact Person
(Dept. Name & Location)(Name & Telephone No.)

SUFFOLK COUNY EXECUTIVE'S OFFICE
HAUPPAUGE, NEW YORK

Suggestion Involves:

Technical Amendment New Program

Grant Award Contract (New Rev.)

Summary of Problem: (Explanation of why this legislation is needed.)

A LOCAL LAW REQUIRING DISCLOSURE OF THE METROPOLITAN COMMUTER
TRANSPORTATION DISTRICT MOBILITY PAYROLL TAX ON REAL PROPERTY TAX
BILLS

Proposed Changes in Present Statute: (Please specify section when possible)

PLEASE FILL IN REVERSE SIDE OF FORM

SCIN Form 175a(10/95) Prior editions of this form are obsolete.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. 1779 - 2009**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1779 – 2009

**RESOLUTION NO. -2009, ACCEPTING AND
APPROPRIATING 100% FEDERAL GRANT FUNDS
AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER
THE RECOVERY ACT EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT TO SUFFOLK COUNTY
DEPARTMENTS OF PROBATION, POLICE, SHERIFF,
HEALTH, AND DISTRICT ATTORNEY**

WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,

NOW, I, BRENDAN CHAMBERLAIN, DIRECTOR OF INTERGOVERNMENTAL
RELATIONS, CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. 1779 – 2009, BECAUSE THE SUFFOLK
COUNTY CJCC WOULD LIKE TO ACCEPT THE GRANT FUNDING FROM THE
BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL RECOVERY
ACT LOCAL JUSTICE ASSISTANCE GRANT (JAG) TO HELP THE SUFFOLK
COUNTY CRIMINAL JUSTICE SYSTEM WITH JOB CREATION AND
RETENTION.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
EIGHTEENTH DAY OF AUGUST, 2009.



BRENDAN CHAMBERLAIN
DIRECTOR OF INTERGOVERNMENTAL RELATIONS

2009 AUG 17 P 3:58
SUFFOLK COUNTY
CLERK OF SUPERIOR COURT
SUFFOLK COUNTY
NEW YORK

RESOLUTION NO. -2009, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO SUFFOLK COUNTY DEPARTMENTS OF PROBATION, POLICE, SHERIFF, HEALTH, AND DISTRICT ATTORNEY

WHEREAS, Suffolk County has applied for and has been approved to receive Federal Recovery Act Edward Byrne Memorial Justice Assistance Grant funds in the amount of \$1,318,843 from the U.S. Department of Justice; and

WHEREAS, Suffolk County Departments of Probation, Health Services, Police, Sheriff and the District Attorney cooperatively submitted the grant application; and

WHEREAS, on, May 18th 2009 the County's Criminal Justice Coordinating Council provided the required public notice on all funding requests under said grant and after such notice it was the recommendation of the Council to approve all such funding requests; and

WHEREAS, it is specifically stated in the grant documents, that the accounting systems of all recipients and sub-recipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source; and

WHEREAS, the Suffolk County Integrated Financial Management System will be setup with expense units 001-PRO-3146, 001-HSV-4724, 001-SHF-3157, 001-DIS-1158 and 115-POL-3616 with the title for all to be BYRNE JAG RECOVERY PROGRAM for the segregation of all expenditures to be reimbursed under this grant; and

WHEREAS, the Suffolk County Integrated Financial Management System (IFMS) will be setup with revenue sources 001-PRO-3146-4375, 001-HSV-4724-4375, 001-SHF-3157-4375, 001-DIS-1158-4375 and 115-POL-3616-4375 all with the title to be BYRNE JAG RECOVERY PROGRAM for the segregation of all revenues received under this grant; and

WHEREAS, a portion of the grant award is for job retention and creation in programs where federal, state or county funding has been reduced or eliminated; and

WHEREAS, certain positions as described hereafter have been identified for reimbursement but will not be budgeted in the Suffolk County Payroll Personnel System under the expense units titled BYRNE JAG RECOVERY PROGRAM; and

WHEREAS, each Department claiming reimbursement for salary and fringe benefits expenditures for the identified positions will journal voucher the expense to the appropriate line within that Department's expense unit entitled BYRNE JAG RECOVERY PROGRAM to insure all expenses are reflected in IFMS in the Grant Budget; and

WHEREAS, the Probation Department has requested \$98,330 to fill a vacant Registered Nurse Position, currently budgeted in 001-3138, for a period of approximately 18 months, for the Day Reporting Center and to transfer the position to 001-3146; and

WHEREAS, the Probation Department has requested \$131,000 to create a new full time Principal Research Analyst Position in 001-PRO-3146 for a period of approximately 18 months, to meet reporting requirements of this grant and other data reporting duties in support of grant related and other Criminal Justice Coordinating Council's (CJCC) efforts; and

WHEREAS, the Health Department Crime Lab has requested \$162,478 to continue funding for a period of approximately two years, the Forensic Scientist (Ballistics) Position which will lose the current grant funding in June of 2010 which is currently and is to remain budgeted in the Payroll Personnel System (PPS) in 001-HSV-4732; and

WHEREAS, the District Attorney has requested \$101,000 to support detective investigator and investigative auditor positions for a period of approximately one year to assist in sales tax fraud investigations and prosecutions, which are currently, and are to remain budgeted in the PPS in 001-DIS-1165; and

WHEREAS, the District Attorney has requested \$45,967 to fund for approximately one year, a research technician position to gather statistics and prepare statistical comparisons related to gun activity and gun crime which is currently budgeted in 001-1167 Operation Impact and to transfer this position to 001-DIS-1158; and

WHEREAS, a portion of the grant award is to supplement or enhance existing programs; and

WHEREAS, the Probation Department has requested \$90,000 to provide housing and transportation stipends, for probationers; and

WHEREAS, the Probation Department has requested \$132,418 to subcontract with South Oaks Hospital to establish a adolescent outpatient clinic to serve the family court and criminal courts; and

WHEREAS, the Probation Department has requested \$60,000 to subcontract with mental health professionals to provide assessments for offenders; and

WHEREAS, the Probation Department has requested \$2,000 for travel costs associated with attendance at the mandatory Bureau of Justice Assistance Regional Conference for Grantees; and

WHEREAS, the Probation Department has requested \$40,650 for the Legal Aid Society to upgrade their case management system; and

WHEREAS, the Sheriff has requested \$280,000 for a vehicle to use as DWI arrest check point and for a mobile arrest processing center; and

WHEREAS, said vehicle for the Sheriff will increase the fleet size of the Sheriff by one (1); and

WHEREAS, the Police Department has requested \$175,000 for a rapid response vehicle for the Emergency Service Section; and

WHEREAS, the rapid response vehicle for the Police Department's Emergency Service Section will be replacing a vehicle which has been decommissioned and therefore is no longer able to be used by the Emergency Service Section; and

WHEREAS, the vehicle purchased with herein referenced grant funds will replace said decommissioned vehicle and, therefore, will not result in an increase to the Police fleet; and

WHEREAS, Chapter 186 of the Suffolk County Code requires that no vehicle shall be purchased or leased unless explicit approval for the acquisition of such vehicle, via lease or purchase has been granted via duly enacted Resolution of the Suffolk County Legislature; and

WHEREAS, the Federal Recovery Act Edward Byrne Memorial Justice Assistance Grant award period is from July 1, 2009 through June 30, 2013; now, therefore be it

1st **RESOLVED**, that the County Executive is authorized to execute any Agreement with the U.S. Department of Justice, as necessary, to secure said grant funds; and be it further

2nd **RESOLVED**, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of individuals filling the positions created by this resolution at the conclusion of the grant which provided funding for such position created by said grant; and be it further

3rd **RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said grant funds in the amount of \$1,318,843 as follows:

REVENUES:

4375 – Byrne JAG Recovery Program
\$1,318,843

001 - DIS - 1158 - 4375	\$ 146,967
001 - HSV- 4724 - 4375	\$ 162,478
001 - PRO-3146 - 4375	\$ 554,398
001 - SHF -3157 – 4375	\$ 280,000
115 - POL -3616 – 4375	\$ 175,000

INTERFUND REVENUES:

039-IFT-E039-R001 – Transfer from Fund 001 \$ 61,600

APPROPRIATIONS:

Suffolk County District Attorney
Byrne JAG Recovery Program
001-DIS-1158
\$146,967

<u>1000-Personnel Services</u>	<u>\$146,967</u>
1100-Permanent Salaries	45,967
1110-Interim Salaries (for charging salaries from 001-1165)	101,000

Suffolk County Department of Health Services
Byrne JAG Recovery Program
001-HSV-4724
\$162,478

<u>1000-Personnel Services</u>	<u>\$108,160</u>
1110-Interim Salaries (for charging salary from 001-4732)	108,160

<u>8000-Employee Benefits</u>	<u>\$22,738</u>
8280-State Retirement	\$11,725
8330-FICA	\$ 8,251
8360-Health Insurance	\$31,580
8380-Benefit Fund Contribution	\$ 2,762

Suffolk County Probation Department
Byrne JAG Recovery Program
001-PRO-3146
\$554,398

<u>1000-Personnel Services</u>	<u>\$167,750</u>
1100-Permanent Salaries	\$167,750

<u>3000-Supplies</u>	<u>\$ 90,000</u>
3500-Other Unclassified (housing and transportation stipends)	\$ 90,000

<u>4000-Contractual</u>	<u>\$235,068</u>
4330-Travel Employee Contracts	\$ 2,000
4560-Fees For Services: Non Employees	\$ 60,000
4980-XXXX South Oaks	\$132,418
4980-XXXX Legal Aid Society	\$ 40,650

<u>8000-Employee Benefits</u>	<u>\$ 31,552</u>
8280-State Retirement	\$ 15,266
8330-FICA	\$ 12,833
8360-Health Insurance	\$ 30,028
8380-Benefit Fund Contribution	\$ 3,453

Suffolk County Sheriff's Office
Byrne JAG Recovery Program
001-SHF-3157
\$280,000

<u>2000-Equipment</u>	<u>\$280,000</u>
2050-Other Motorized Equipment	\$280,000

Suffolk County Police Department
 Byrne JAG Recovery Program
 115-POL-3616
 \$175,000

<u>2000-Equipment</u>	<u>\$175,000</u>
2040-Trucks, Trailers, Jeeps	\$170,000
2090-Radio and Communication	\$ 5,000

Fund 039 – Health Insurance
 Major Medical Claims
 039 EMP 9060
 \$61,600

<u>8000-Employee Benefits</u>	<u>\$ 61,600</u>
8360-Health Insurance	\$ 61,600

and be it further

4th **RESOLVED**, that the following new position be and it hereby is created as follows:

<u>FUND</u>	<u>JC</u>	<u>SPEC.</u> <u>NO.</u>	<u>POSITION TITLE</u>	<u>GRADE</u>	<u>NO.CREATED</u>
<u>Probation Department</u>					
001-3146-0100-0012	C	0704	Principal Research Analyst	28	1

and be it further

5th **RESOLVED**, that the following positions be transferred in the Payroll Personnel System (PPS).

<u>FUND</u>	<u>JC</u>	<u>SPEC.</u> <u>NO.</u>	<u>POSITION TITLE</u>	<u>GRADE</u>	<u>TR IN/OUT</u>
<u>Probation Department</u>					
001-3138-0100-0070	N	2011	Registered Nurse	19	TR OUT -1
001-3146-0100-0050	N	2011	Registered Nurse	19	TR IN +1
<u>District Attorney</u>					
001-1167-0608-1008	C	0701	Research Technician	17	TR OUT -1
001-1158-2603-1008	C	0701	Research Technician	17	TR IN +1

and be it further

6th **RESOLVED**, each Department claiming reimbursement for salary and fringe benefits expenditures for the identified positions are directed to journal voucher any of these expenses that are not directly charged to the appropriate line within that Department's expense unit entitled BYRNE JAG RECOVERY PROGRAM to insure all expenses are reflected in IFMS in the Grant Budget; and be it further

7th **RESOLVED**, that the County Executive be and hereby is authorized to assign activity (pseudo) codes to South Oaks Hospital and the Legal Aid Society; and be it further

8th **RESOLVED**, that the County Legislature hereby authorizes the fleet of the Sheriff's Office be increase by one (1) vehicle; and be it further

9th **RESOLVED**, that the purchase of one (1) rapid response vehicle for the Police Department and one (1) vehicle for use as DWI arrest check point and mobile arrest processing center are hereby approved pursuant to Chapter 186-2(b)6 of the SUFFOLK COUNTY CODE; and in accordance with or exceeding the county vehicle standard; and be it further

10th **RESOLVED**, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE
County of Suffolk**

- (1) Please limit this suggestion form to ONE proposal.
- (2) Describe in detail.
- (3) Attach all pertinent backup material.

**Submitting Department:
(Dept. Name & Location):**

Suffolk County Probation Department
P.O. Box 205, Yaphank Avenue
Yaphank, New York 11980

**Department Contact Person
(Name & Phone No.):**

Robert C. Marmo, Ph.D
Chief Planner, CJCC
(631)852-6825

Suggestion Involves:

Technical Amendment

New Program

Grant Award

Contract (New Rev.)

Summary of Problems: (Explanation of why this legislation is needed.)

To accept and appropriate 100% Federal Recovery Act funds from the U.S. Department of Justice, under the Edward Byrne Memorial Justice Recovery Act Local Assistance Grant into the 2009 Suffolk County Operating Budget.

Proposed Changes in Present Statute: (Please specify section when possible.)

N/A

PLEASE FILL IN REVERSE SIDE OF FORM

Prior editions of this form are obsolete.