CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2010

1884

WHEREAS, INTRODUCTORY RESOLUTION NO. – 2010

RESOLUTION NO. -2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATION TO THE OLD 4TH PRECINCT FOR GENERAL OFFICE SPACE OR OTHER COUNTY USE (CAPITAL PROGRAM NUMBER 1641)

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. – 2010, BECAUSE IT IS BENEFICIAL AND COST EFFECTIVE TO THE COUNTY TO INITIATE THE PLANNING AND ENGINEERING AND EXPEDITE AN EARLY PHASE OF CONSTRUCTION ON THE RENOVATION TO THE OLD 4TH PRECINCT TO MAKE PART OF THE FACILITY READY AND USABLE FOR THE DISTRICT ATTORNEY'S OFFICE TO START TO RELOCATE STAFF FROM A RENTED FACILITY.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS SEVENTEENTH DAY OF AUGUST, 2010.

Brendan R. Chamberlain

BRENDAN CHAMBERLAIN
DIRECTOR OF INTERGOVERNMENTAL RELATIONS

2010 AUG 13 P 2:10

Intro. Res. No 1884 - 2010 Laid on the Table 8/17/10
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. – 2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATION TO THE OLD 4TH PRECINCT FOR GENERAL OFFICE SPACE OR OTHER COUNTY USE (CAPITAL PROGRAM NUMBER 1641)

WHEREAS, the Commissioner of Public Works has requested funds for renovations to the Old 4th Precinct; and

WHEREAS, there are sufficient funds within the 2010 Capital Budget and Program to cover the cost of said request; and

WHEREAS, it is beneficial and cost effective to the County to initiate the planning and engineering and expedite an early phase of construction on the Renovation to the Old 4th Precinct to make part of the facility ready and usable for the District Attorney's Office to start to relocate staff from a rented facility; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $500,000 in Suffolk County Serial Bonds; now, therefore, be it

1st 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 Volume 6 of New York Code of Rules and Regulations ("NYCRR") Part 617.5(c)(2), (21) and (27) as it involves the rehabilitation of a structure in kind, on the same site, and as a Type II, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-four (54) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete this project; and be it further

4th RESOLVED, that the 2010 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1641
Project Title: Renovation To The Old 4th Precinct For General Office Space Or Other County Use

	Total Est'd Cost	Current 2010 Capital Budget & Program	Revised 2010 Capital Budget & Program
1. Planning, Design, and Supervision	$250,000	$500,000 B	$250,000 B
3. Construction	$5,250,000	0	$250,000 B
TOTAL	$5,500,000	$500,000	$500,000

and be it further

5th RESOLVED, that the proceeds of $500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1641.110 Fund 001 Debt Service	20	Planning, Engineering and Design for the Renovation To The Old 4th Precinct For General Office Space Or Other County Use	$250,000
525-CAP-1641.310 Fund 001 Debt Service	20	Renovation To The Old 4th Precinct For General Office Space Or Other County Use	$250,000

Date:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. – 2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATION TO THE OLD 4TH PRECINCT FOR GENERAL OFFICE SPACE OR OTHER COUNTY USE (CAPITAL PROGRAM NUMBER 1641)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** __X__ **No** _____

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):**
Library District	**Fire District**	

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact

SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

SEE ATTACHED DEBT SERVICE SCHEDULE

8. Proposed Source of Funding

SERIAL BONDS

9. Timing of Impact

2011

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine A. Chiusano Assistant Budget Director	Carmine Chiusano	August 11, 2010

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2011 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	**$36,547**	**$0.07**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	**$36,547**	**$0.07**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
General Obligation Serial Bonds
Level Debt

Term of Bonds	20
Amount to Bond:	$500,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2010					
11/1/2010					
5/1/2011	2.500%	$16,921.95	$19,625.00	$36,546.95	$36,546.95
			$9,480.41	$9,480.41	
5/1/2012	3.500%	$17,586.14	$9,480.41	$27,066.55	$36,546.95
			$9,135.28	$9,135.28	
5/1/2013	3.500%	$18,276.40	$9,135.28	$27,411.68	$36,546.95
			$8,776.60	$8,776.60	
5/1/2014	3.500%	$18,993.75	$8,776.60	$27,770.35	$36,546.95
			$8,403.85	$8,403.85	
5/1/2015	3.500%	$19,739.25	$8,403.85	$28,143.10	$36,546.95
			$8,016.47	$8,016.47	
5/1/2016	3.500%	$20,514.02	$8,016.47	$28,530.49	$36,546.95
			$7,613.88	$7,613.88	
5/1/2017	3.500%	$21,319.19	$7,613.88	$28,933.07	$36,546.95
			$7,195.49	$7,195.49	
5/1/2018	3.500%	$22,155.97	$7,195.49	$29,351.46	$36,546.95
			$6,760.68	$6,760.68	
5/1/2019	3.500%	$23,025.59	$6,760.68	$29,786.27	$36,546.95
			$6,308.80	$6,308.80	
5/1/2020	3.500%	$23,929.35	$6,308.80	$30,238.15	$36,546.95
			$5,839.19	$5,839.19	
4/30/2021	3.750%	$24,868.57	$5,839.19	$30,707.76	$36,546.95
			$5,351.15	$5,351.15	
5/1/2022	4.000%	$25,844.66	$5,351.15	$31,195.81	$36,546.95
			$4,843.94	$4,843.94	
5/1/2023	4.500%	$26,859.07	$4,843.94	$31,703.01	$36,546.95
			$4,316.83	$4,316.83	
4/30/2024	4.500%	$27,913.29	$4,316.83	$32,230.12	$36,546.95
			$3,769.04	$3,769.04	
4/30/2025	4.500%	$29,008.88	$3,769.04	$32,777.92	$36,546.95
			$3,199.74	$3,199.74	
5/1/2026	4.500%	$30,147.48	$3,199.74	$33,347.22	$36,546.95
			$2,608.09	$2,608.09	
5/1/2027	4.500%	$31,330.77	$2,608.09	$33,938.86	$36,546.95
			$1,993.23	$1,993.23	
4/30/2028	4.750%	$32,560.50	$1,993.23	$34,553.73	$36,546.95
			$1,354.23	$1,354.23	
4/30/2029	4.750%	$33,838.50	$1,354.23	$35,192.73	$36,546.95
			$690.15	$690.15	
5/1/2030	4.750%	$35,166.66	$690.15	$35,856.81	$36,546.95
		$500,000.00	$230,939.10	$730,939.10	$730,939.10

REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE

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

Submitting Department (Department Name and Location):	Department Contact Person: (Name and Phone Number):
Public Works, Yaphank, New York	Tedd Godek, R.A. 852-4220

Suggestion Involves:

Technical Amendment __X_ New Program ____

Grant Award ____ Contract (New ____ Rev. ____)

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

AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATION TO THE OLD 4TH PRECINCT FOR GENERAL OFFICE SPACE OR OTHER COUNTY USE (CAPITAL PROGRAM NUMBER 1641)

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

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive (2 copies)

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: August 6, 2010

RE: CP 1641- Renovation To The Old 4th Precinct For General Office Space Or Other County Use

---

Attached for your review is a draft resolution amending the 2010 capital program and appropriating the sum of $500,000 ($250,000 Planning, and $250,000 Construction). This appropriation will partially fund the renovation of the now vacated old 4th Precinct for use by the District Attorney. The amendment facilitates the start of remedial work that will allow immediate beneficial use of the space.

This action is considered a Type II action under SEQRA as it is related to work involving the rehabilitation of a facility in kind.

An e-mail copy of the resolution has been sent to CE RESO Review sent under the title Reso-DPW-CP 1641 Renov to Old 4th.doc.

TL/TG/dk

cc: Christopher Kent, Chief Deputy County Executive
Ed Dumas, Chief Deputy County Executive
Gilbert Anderson, P.E., Commissioner
Louis Calderone, Deputy Commissioner
Tedd Godek, R.A., County Architect, Buildings Design & Construction
Michael J. Monaghan, P.E., Chief Engineer
Kathy LaGuardia, Executive Assistant for Finance & Administration
Laura Conway, CPA, Chief Accountant
CE RESO Review (e-mail)

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

335 YAPHANK AVENUE ■ YAPHANK, N.Y. 11980 ■ (631) 852-4010 FAX (631) 852-4150

I.R. 1884A-10

BOND RESOLUTION NO. ____ - 2010

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $500,000 BONDS TO FINANCE THE PLANNING, ENGINEERING, DESIGN AND CONSTRUCTION FOR RENOVATION OF THE OLD 4TH PRECINCT FOR GENERAL OFFICE SPACE OR OTHER COUNTY USE (CP 1641.110 and .310)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of $500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of planning, engineering, design construction for renovation of the old 4th Precinct for general office space or other County use, as authorized in the 2010 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is $500,000. The plan of financing includes the issuance of $500,000 bonds or bond anticipation notes

($250,000 for planning and $250,000 for construction) authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (2) of the Law, is fifteen (15) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to

publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

Dated: _____

APPROVED: _____
County Executive, Suffolk County

Date of Approval: _____, 2010

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

CERTIFICATE

I, Tim Laube, Clerk of the Suffolk County Legislature, in the State of New York, HEREBY CERTIFY that Bond Resolution No. ____ - 2010 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of the County of Suffolk duly called and held on August 17, 2010, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Bond Resolution, which was duly adopted by the County Legislature on August 17, 2010 and approved by the County Executive on _____, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Legislature on this ____ day of August, 2010.

(SEAL)

_____
Tim Laube
Clerk of the Legislature

LEGAL NOTICE

The resolution, a summary of which is published herewith, has been adopted on August 17, 2010 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Suffolk, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF SUFFOLK

DATED: August ____, 2010
Smithtown, New York

Tim Laube
Clerk of the Legislature

BOND RESOLUTION NO. _____ - 2010

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $500,000 BONDS TO FINANCE THE PLANNING, ENGINEERING, DESIGN AND CONSTRUCTION FOR RENOVATION OF THE OLD 4TH PRECINCT FOR GENERAL OFFICE SPACE OR OTHER COUNTY USE (CP 1641.110 and .310)

The object or purpose for which the bonds are authorized is the planning, engineering, design construction for renovation of the old 4th Precinct for general office space or other County use, at the estimated maximum cost of $500,000.

The amount of obligations to be issued is $500,000.

The period of probable usefulness of the bonds is fifteen (15) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk of the Legislature, W.H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York.

The bond resolution was adopted on August 17, 2010.

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2010

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2010

WHEREAS, INTRODUCTORY RESOLUTION NO. 1891 – 2010

AUTHORIZING PARTIAL WAIVER OF WORKER'S COMPENSATION BENEFITS PAID IN CONNECTION WITH THE WORLD TRADE CENTER LITIGATION SETTLEMENT

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. – 2010, BECAUSE ON AUGUST 9 AND 13, 2010, SUFFOLK COUNTY WAS FIRST NOTIFIED BY THE ATTORNEYS FOR THE WORKERS AT GROUND ZERO. THAT THE SETTLEMENT OF THE WORLD TRADE CENTER LITIGATION IS BEING HELD UP BY WORKERS' COMPENSATION LIENS AND THAT THE STATE WAS REQUIRING ALL WORKERS' COMPENSATION CARRIERS TO WAIVE THEIR RIGHTS TO BE REIMBURSED FROM THE SETTLEMENT TO THE INJURED WORKERS. THE COUNTY WAS ADVISED THAT A SETTLEMENT NEGOTIATION WAS CONCLUDING AND THAT THE ATTORNEYS FOR THE WORKERS AT GROUND ZERO HAD A DEADLINE OF TODAY, AUGUST 17, 2010, TO OBTAIN WAIVERS OF THE WORKERS' COMPENSATION LIENS IN ORDER TO FINALIZE THE SETTLEMENT FOR THE WORKERS OF GROUND ZERO.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS SEVENTEENTH DAY OF AUGUST, 2010.

BRENDAN CHAMBERLAIN
DIRECTOR OF INTERGOVERNMENTAL RELATIONS

1891 8/17/10

Intro Res. No. -2010 Laid on the Table
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, AUTHORIZING PARTIAL WAIVER OF WORKER'S COMPENSATION BENEFITS PAID IN CONNECTION WITH THE WORLD TRADE CENTER LITIGATION SETTLEMENT

WHEREAS, on or about June 10, 2010, the World Trade Center Captive Insurance Company, the City of New York, contractors for the City of New York and their sub-contractors, and attorneys for over 10,000 plaintiffs alleging injuries from rescue recovery and debris removal operations at the World Trade Center site after 9/11 announced an agreement on a settlement of those claims (the "class action"); and

WHEREAS, the settlement agreement includes, in relevant part, the waiving of workers' compensation liens against the settlement recovery; and

WHEREAS, compensation payments and/or medical benefits have been paid to or on behalf of Suffolk County employees (or former employee[s]), who are prospective participants in the class action litigation; and

WHEREAS, generally under section 29 of the New York State Workers' Compensation Law, an employer has a lien for compensation and/or medical benefits paid on behalf of an injured employee; and

WHEREAS, under subdivision 1-b of section 29 of the Worker's Compensation Law, workers' compensation payments made by or on behalf of an employer to an injured employee cannot become a lien against any proceeds paid in connection with the Federal Victims Compensation Fund for victims of the terrorist attack of September 11, 2001; and

WHEREAS, it is not clear if the lien exemptions set forth in section 29 (1-b) of the Workers' Compensation Law apply to the class action litigation; and

WHEREAS, a compromise formula for disposition of the County's putative lien for previously paid workers' compensation benefits paid to or on behalf of any injured County employee(s) (or former employee[s]) has been proposed by the lead firm in the class action litigation whereby the County can recoup the lesser of 25 percent of the lien or 25 percent of the cumulative net award for each respective recipient of benefits entitled to participate in the class action litigation; and

WHEREAS, in view of the uncertainty of the interpretation of section 29 (1-b) of the New York State Workers' Compensation Law, it is in the best interest of the County of Suffolk to accept the settlement offer proposed by lead counsel in the class action litigation; now, therefore, be it

1st **RESOLVED,** that the County Executive is hereby directed, authorized and empowered to enter into a settlement agreement to compromise any lien or right to offset future payments arising out of or in connection with compensation and/or medical benefits paid to or on behalf of any injured County employee(s) (or former employee[s]) by which the County may recoup the lesser of 25 percent of its lien or 25 percent of the

cumulative net award to each respective recipient of benefits who is entitled to participate in the class action litigation, provided, however, that nothing contained herein shall be construed to limit any right possessed by the CNA Insurance Company to recover any payment arising out of or in connection with compensation and/or medical benefits paid to or on behalf of any injured County employee(s) (or former employee[s]) who is entitled to participate in the class action litigation; and be it further

2nd **RESOLVED**, in the event that this resolution is construed to limit any right possessed by the CNA Insurance Company to recover any payment arising out of or in connection with compensation and/or medical benefits paid to or on behalf of any injured County employee(s) (or former employee[s]) who is entitled to participate in the class action litigation, this Resolution shall be deemed void and of no effect; and be it further

3rd **RESOLVED,** that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c) (20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: _____, 2010

APPROVED BY:

_____
County Executive of Suffolk County

Date: _____. 2010

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ___ Charter Law ___

2. Title of Proposed Legislation

RESOLUTION NO. -2010, AUTHORIZING PARTIAL WAIVER OF WORKER'S COMPENSATION BENEFITS PAID IN CONNECTION WITH THE WORLD TRADE CENTER LITIGATION SETTLEMENT

3. Purpose of Proposed Legislation

Provide the County with means to receive reimbursement in connection with the above.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes X** **No**

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):**
Library District	**Fire District**	

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact:

Additional Revenue – County will receive approximately $50,000.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

N/A

8. Proposed Source of Funding

Legal Settlement

9. Timing of Impact

UPON APPROVAL

10. Typed Name & Title of Preparer	11. Signature of Preparer	
Allen M. Kovesdy Director of Management and Research		August 17, 2010

SCIN FORM 175b (10/95)

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 OFFICE

Suggestion Involves:

_Technical Amendment___New Program

_Grant Award__Contract (New__Rev.___)

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

AUTHORIZING PARTIAL WAIVER OF WORKER'S COMPENSATION BENEFITS PAID IN CONNECTION WITH THE WORLD TRADE CENTER LITIGATION SETTLEMENT

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.

1892

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE PROGRAM; CHAPTER 105, LAWS OF 2010)" has been introduced in the Suffolk County Legislature. Said Local Law would amend Local Law 35-2010 to authorize the County Executive to include Federally and/or State funded positions in the Department of Labor in the County's Early Retirement Incentive Program .

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing in the Maxine S. Postal Auditorium of the Suffolk County Legislature, in the Riverhead County Center, Riverhead, New York, on the 17th day of August, 2010, at 2:30 P.M.

It is requested that speakers prepare a written statement to submit for the record.

Tim Laube
Clerk of the County Legislature

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2010

WHEREAS, INTRODUCTORY RESOLUTION NO. 1892 – 2010

ADOPTING LOCAL LAW NO. - , 2010, AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE PROGRAM; CHAPTER 105, LAWS OF 2010)

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. – 2010, BECAUSE AN AMENDMENT TO THIS LOCAL LAW IS NECESSARY TO ALLOW CERTAIN DEPARTMENT OF LABOR EMPLOYEES IN FUNDED POSITIONS TO PARTICIPATE IN THE EARLY RETIREMENT PROGRAM TO UTILIZE SALARY SAVINGS REALIZED AS AN OFFSET TO INCREASES IN PROGRAM COSTS DUE TO A NEW STATE LEVEL MANDATE.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS SEVENTEENTH DAY OF AUGUST, 2010.

BRENDAN CHAMBERLAIN
DIRECTOR OF INTERGOVERNMENTAL RELATIONS

1892

Intro Res. No. -2010 Laid on the Table 08/17/2010
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO. - , 2010, AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE PROGRAM; CHAPTER 105, LAWS OF 2010)

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on August 17, 2010, a proposed Local Law entitled **"AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE PROGRAM; CHAPTER 105, LAWS OF 2010);"** 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. -2010, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE; PROGRAM CHAPTER 105, LAWS OF 2010)

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 Local Law 35-2010 instituted the 2010 Part A Retirement Incentive Program (Chapter 105, Laws of 2010).

This Legislature further finds and determines that the program was not open to employees whose salary is funded with Federal and/or State Aid, except for certain employees in funded positions in the Departments of Health, Social Services and Aging.

This Legislature further finds and determines that upon review of titles to assure maximum participation in the program, it was discovered that employees in the Department of Labor in funded positions should be permitted to participate in the program because the salary savings realized are necessary to offset an increase in program costs due to a new state level mandate. All associated retirement costs including the incentive payment will be 100% reimbursed by grant funds not county funds.

Therefore, the purpose of this law is to amend Local Law 35-2010 to include this class of funded positions in the Department of Labor.

Section 2. Amendments.

Section 3 of Local law 35-2010 is hereby amended as follows

Section 3. Eligible Employees.

A.) For purposes of this law, eligible employees shall be all full time employees in any title, excepting: (i) those full time employees employed in a title designated by the County Executive pursuant to section one of Part A of Chapter 105, Laws of 2010, and excepting (ii) those employees whose salary is at least 50% funded with Federal and/or State Aid, provided, however, that employees in the Department of Health Services and the Department of Social Services whose salary is at least 50% funded with Federal and/or State aid shall be deemed eligible employees, and provided further that in the Office for the Aging, three Caseworkers, one Senior Caseworker and one Senior Citizen Aide shall be deemed eligible employees.

B.) Those employees as designated by the County Executive in titles that are funded in whole or in part by Federal and/or State aid in the Department of Labor shall be deemed eligible employees.

Section 3. Applicability.

This amendment shall only apply to those employees in the Department of Labor designated by the County Executive to participate in the Retirement Incentive Program authorized by Part A of Chapter 105, Laws of 2010.

Section 4. 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 (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 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. Effective Date.

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

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO. - , 2010, AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE PROGRAM; CHAPTER 105, LAWS OF 2010)

3. Purpose of Proposed Legislation

To include employees in the Department of Labor in the pool of eligible employees.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes__ No _X_**

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): DAV**
Library District	**Fire District**	

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Funding for salaries and retirement costs of certain Department of Labor employees is covered 100% by grants and is not paid for out of County funds. Some of the savings from early retirement will go to backfilling employees at a lower salary and a portion of it will go to increasing training funds as required by State Law. These training funds can increase by $300,000 per year which will increase services to Suffolk County residents that are designed to lower unemployment.

8. Proposed Source of Funding

Federal/State funding provided by the Workforce Investment Act and Suffolk Works Employment Program.

9. Timing of Impact

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Stephanie Rubino Chief Executive Analyst	Stephanie Rubino	August 16, 2010

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER $100	2010 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER $100	2010 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER $100	2010 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 2009.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Stephanie Rubino
August 16, 2010
Chief Executive Analyst

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
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(631) 853-4415 (FAX)

DATE: **August 17, 2010**

TO: **CLERK OF THE COUNTY LEGISLATURE**

RE: **MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28**

PROPOSED LOCAL LAW YEAR 2010

TITLE: **I.R. NO. -2010; AMENDING LOCAL LAW 35-2010 (THE 2010 PART A RETIREMENT INCENTIVE PROGRAM; CHAPTER 105, LAWS OF 2010)**

SPONSOR: **PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE**

DATE OF RECEIPT BY COUNSEL: **8/17/10** **PUBLIC HEARING:** **8/17/10**

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would amend Local Law 35-2010 which instituted the 2010 Part A Retirement Incentive Program in Suffolk County.

Local Law 35-2010 provides, that with certain limited exceptions, employees whose salaries are at least 50% federally or state funded are ineligible to participate in the incentive program. This proposed law would allow "employees as designated by the County Executive in titles that are funded in whole or in part by Federal and/or State aid in the Department of Labor" to participate in the County's Retirement Incentive Program.

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

GEORGE NOLAN
Counsel to the Legislature

GN:mjk

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