

1544

Intro. Res. No. -2013
Introduced by Presiding Officer Lindsay

Laid on Table 6/18/13

**RESOLUTION NO. -2013, PROVIDING UPDATED REPORT
FOR ELECTED OFFICIALS**

WHEREAS, the New York State Comptroller established regulations in 2009, requiring local governments to establish a standard work day for their elected and appointed officials who are members of the New York State and Local Retirement System but not involved in the employer's time keeping system, and further requiring such officials to prepare and submit to the Clerk of the County Legislature a record of their work day activities; and

WHEREAS, Resolution No. 543-2011 established a standard work day for the County's elected officials and reported the number of days worked by the elected officials based on a record of activities they maintained; and

WHEREAS, the New York State Comptroller requires the County to periodically adopt an updated resolution to report the number of days worked by newly elected officials; now, therefore be it

1st RESOLVED, that the following is adopted to reiterate Suffolk County's standard work day and to report to the New York State and Local Retirement System the number of days worked by certain elected officials:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/ Month Based on Record of Activities
Elected Office							
County Legislator	Al Krupski			6.0	01/22/13 - 12/31/2013	N	32.67

and be it further

2nd 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:

County Executive of Suffolk County

Date:

s:\res\r-updating elected official workday - krupski

1545
Intro. Res. No. -2013
Introduced by Legislator D'Amaro

Laid on Table 6/18/13

**RESOLUTION NO. -2013, ENSURING TIMELY UPDATES
OF SUFFOLK COUNTY'S OPEN ACCESS WEBSITE**

WHEREAS, Resolution No. 964-2008 directed the Department of Information Technology to study the feasibility of establishing a program modeled on New York State's "Project Sunlight", which would make government information easily available to the public on the County's website; and

WHEREAS, this study led to the creation of Suffolk County's "Open Access" website; the public can use this site to access information on Suffolk County contracts, lobbyists, budgets, legislation and campaign finances; and

WHEREAS, many County departments provide information and documentation that is made available on the Open Access website; and

WHEREAS, currently, no single County department is responsible for keeping the Open Access site up to date and accurate; and

WHEREAS, to ensure the information on the County's Open Access Website is current and accurate, one department should be made accountable for overseeing the website and ensuring that information is updated regularly; now, therefore be it

1st RESOLVED, that the Department of Information Technology is hereby authorized, empowered and directed to maintain all documents and information on the County's Open Access Website; and be it further

2nd RESOLVED, that the Department of Information Technology shall, at a minimum, update documentation and information on the Open Access Website every four months; and be it further

3rd 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:

County Executive of Suffolk County

Date:

s:\res\r-timely-updates-open-access-website

1546
Intro. Res. No. - 2013
Introduced by Presiding Officer on request of the County Executive

Laid on the Table 6/18/13

**RESOLUTION NO. - 2013, APPROPRIATING FUNDS
IN CONNECTION WITH ENERGY CONSERVATION AT
VARIOUS COUNTY FACILITIES (CP 1664)**

WHEREAS, the Commissioner of Public Works has requested funds for the Energy Conservation at Various County Facilities; and

WHEREAS, there are sufficient funds within the 2013 Capital Budget and Program to cover the cost of said request; 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 \$5,715,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act (SEQRA), Environmental Conservation Law Article 8, Resolution No. 506-1995 classified the action contemplated by this as Type II Action ; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy (70) 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 (A) of the Suffolk County Charter to complete this project; and be it further

4th RESOLVED, that the proceeds of \$5,715,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1664.118 (Fund 001 Debt Service)	20	Energy Conservation at Various County Facilities-Engineering	\$230,000
525-CAP-1664.320 (Fund 001 Debt Service)	20	Energy Conservation at Various County Facilities--Construction	\$5,485,000

Date:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1546

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>X</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation RESOLUTION NO. - 2013, APPROPRIATING FUNDS IN CONNECTION WITH ENERGY CONSERVATION AT VARIOUS COUNTY FACILITIES (CP 1664)		
3. Purpose of Proposed Legislation SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> 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 SCHEDULE		
8. Proposed Source of Funding SERIAL BONDS		
9. Timing of Impact 2014		
10. Typed Name & Title of Preparer Nicholas Paglia Asst Executive Analyst	11. Signature of Preparer 	12. Date 6/11/2013

SCIN FORM 175b (10/95)

Suffolk County
General Obligation Serial Bonds
Level Debt

1546

Term of Bonds: 15
 Amount to Bond: \$5,715,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2013					
11/1/2014	2.000%	\$296,180.27	\$200,025.00 \$94,829.35	\$496,205.27 \$94,829.35	\$496,205.27
11/1/2015	3.000%	\$306,546.58	\$94,829.35 \$89,464.78	\$401,375.93 \$89,464.78	\$496,205.27
11/1/2016	3.000%	\$317,275.71	\$89,464.78 \$83,912.46	\$406,740.49 \$83,912.46	\$496,205.27
11/1/2017	3.000%	\$328,380.36	\$83,912.46 \$78,165.80	\$412,292.82 \$78,165.80	\$496,205.27
11/1/2018	3.000%	\$339,873.67	\$78,165.80 \$72,218.01	\$418,039.47 \$72,218.01	\$496,205.27
11/1/2019	3.000%	\$351,769.25	\$72,218.01 \$66,062.05	\$423,987.26 \$66,062.05	\$496,205.27
11/1/2020	3.000%	\$364,081.18	\$66,062.05 \$59,690.63	\$430,143.22 \$59,690.63	\$496,205.27
11/1/2021	3.000%	\$376,824.02	\$59,690.63 \$53,096.21	\$436,514.64 \$53,096.21	\$496,205.27
11/1/2022	3.000%	\$390,012.86	\$53,096.21 \$46,270.98	\$443,109.06 \$46,270.98	\$496,205.27
11/1/2023	3.000%	\$403,663.31	\$46,270.98 \$39,206.87	\$449,934.29 \$39,206.87	\$496,205.27
11/1/2024	3.000%	\$417,791.52	\$39,206.87 \$31,895.52	\$456,998.40 \$31,895.52	\$496,205.27
11/1/2025	3.000%	\$432,414.23	\$31,895.52 \$24,328.27	\$464,309.75 \$24,328.27	\$496,205.27
11/1/2026	3.250%	\$447,548.73	\$24,328.27 \$16,496.17	\$471,877.00 \$16,496.17	\$496,205.27
11/1/2027	3.250%	\$463,212.93	\$16,496.17 \$8,389.94	\$479,709.10 \$8,389.94	\$496,205.27
11/1/2028	3.375%	\$479,425.38	\$8,389.94	\$487,815.33	\$496,205.27
11/1/2029		\$5,715,000.00	\$1,728,079.07	\$7,443,079.07	\$7,443,079.07
11/1/2030					
11/1/2031					

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1546

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$496,205	\$0.96	\$0.002

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$496,205	\$0.96	\$0.002

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK

1546



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

VINCENT FALKOWSKI, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

MEMORANDUM OF SUPPORT

TITLE OF BILL: A resolution to appropriate funds in connection with Energy Conservation at Various County Facilities.

PURPOSE OR GENERAL IDEA OF BILL: To authorize the issuance of Suffolk County Serial Bonds in connection with design services and construction for energy conservation projects.

SUMMARY OF SPECIFIC PROVISIONS: Energy improvements to existing buildings in the form of energy efficient lighting, windows, boilers, insulation, HVAC equipment and building management systems in collaboration with NYPA, LIPA and NYSERDA affiliated energy conservation programs.

JUSTIFICATION: With the rising cost of fossil fuels and electricity, it has been necessary to implement an aggressive energy conservation plan to improve building envelopes and reduce utility demands.

FISCAL IMPLICATIONS: Results of energy conservation will reduce building operating costs and provide rebates from affiliated organizations to help offset initial construction costs.

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

COUNTY OF SUFFOLK



1546

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

VINCENT FALKOWSKI, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

MEMORANDUM

TO: Jon Schneider, Deputy County Executive

FROM: Gilbert Anderson, P. E., Commissioner 

DATE: February 25, 2013

RE: CP 1664 – Energy Conservation at Various County Facilities

Attached for your review is a draft resolution appropriating the sum of \$230,000 Planning and \$6,705,000 Construction, for a total of \$6,935,000. These funds will be used to continue with our aggressive energy conservation program. I have attached a listing of current proposed projects for your reference. While this list is not exhaustive, it does provide a general overview of proposed expenditures.

We have worked extensively with the Office of Legislative Budget Review to enable these projects to be conducted this calendar year to exploit the maximum operating savings up front. These much needed improvements to our mechanical and electrical infrastructure will save an estimated \$1,000,000 per year in operating costs.

This action is considered a Type II Action under SEQRA in accordance with Resolution No. 506-1995.

An e-mail copy of the resolution has been sent to CE RESO Review sent under the title Reso-DPW-CP 1664 Energy Cons.doc.

GA/KL/dk
attachments

cc: Dennis M. Cohen, Chief Deputy County Executive
Lisa Santerano, Assistant Deputy County Executive
Tom Vaughn, Director, Intergovernmental Relations
Joanne Mineri, Deputy County Executive/Commissioner, Economic Development & Planning
Michael J. Monaghan, P.E., Chief Engineer
James J. Ingenito, R.A., County Architect
Charles Jaquin, General Services Manager
CE RESO Review (e-mail)

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Budget Review Office Recommended Increase for CP 1664 (Capital '13-'15)

1546

2012 Tier 1-b Energy Efficiency Projects

Projected Start Date	Projected Completion Date	Schedule Year	Count	Projects - Phase 1b	Fund	Installed Costs (\$)	Annual Energy Savings (\$)	Annual Maintenance Savings (\$)	Total Annual Savings (\$)	Annual Energy Savings (MMBtu)	Simple Payback (Years)	Est'd. Utility Rebates \$	Net Cost After Utility Rebates	Life-cycle Cost Savings (\$)	Life of Equipment (\$)	Savings to Investment Ratio (SIR) without rebate	Return on Investment (ROI)	
Jan-13	Mar-13	2013	1	Replace Lighting Wards 1, 2, and 3	1664	\$ 202,000	\$ 47,238	\$ 2,782	\$ 50,020	961	4.04	\$ 71,825	\$ 130,175	\$ 224,681	10	2.11	24.76%	
Apr-13	Jun-13	2013	1	Replace Existing Roof with R-10 Insulation	1459	\$ 1,100,000	\$ 28,541	\$ 2,500	\$ 31,041	492	35.44	\$ 10,000	\$ 1,090,000	\$ (559,487)	25	0.49	2.82%	
Jun-13	Jul-13	2013	1	Install 30-KW Solar PV to DC connection to new lighting circuits	1664	\$ 120,000	\$ 14,400	-	\$ 14,400	131	8.33	-	\$ 120,000	\$ 94,236	20	1.79	12.00%	
Jun-13	Jul-13	2013	1	Install 30-KW Solar PV Central Inverter & LIPA Interconnection	1664	\$ 120,000	\$ 14,400	(800)	\$ 13,600	131	8.82	\$ 52,500	\$ 67,500	\$ 82,334	20	1.69	11.33%	
Jan-13	Mar-13	2013	1	Chiller Optimization	1664	\$ 1,542,000	\$ 104,573	\$ 4,482	\$ 109,051	1,714	14.14	\$ 134,325	\$ -1,407,675	\$ 4,784	19	1.00	7.07%	
Feb-13	Apr-13	2013	1	Renewed Center Power Plant	1664	\$ 596,600	\$ 211,000	\$ 1,000	\$ 212,000	3,456	2.77	\$ 168,839	\$ 417,761	\$ 2,567,425	20	5.38	36.14%	
Jan-14	May-14	2014	1	H.L. Denmark (Upgrade or replace)	1664	\$ 375,000	\$ 76,000	\$ 800	\$ 76,800	1,089	4.88	\$ 73,024	\$ 301,966	\$ 767,580	20	3.05	20.48%	
Jan-14	May-14	2014	1	sub total Chiller Optimization	1664	\$ 1,056,000	\$ 124,000	\$ 1,000	\$ 125,000	2,209	8.45	\$ 137,554	\$ 818,446	\$ 803,684	20	1.78	11.82%	
Feb-13	Jun-13	2013	1	Install Building Management Systems (BMS) Energy Systems Integration and Efficiency Improvements	1664	\$ 2,017,500	\$ 411,000	\$ 2,800	\$ 413,800	6,244	4.88	\$ 379,427	\$ 1,638,173	\$ 4,788,699	20	3.05	20.57%	
Feb-13	Jun-13	2013	1	Various County Facilities Installation of BMS and Remote Access at County owned and Long-Term Leased Facilities (assumes 6 buildings)	1664	\$ 1,720,000	\$ 478,104	-	\$ 478,104	8055	3.60	-	\$ 1,720,000	\$ 5,392,980	20	4.14	27.80%	
Feb-13	Aug-13	2013	1	Various County Facilities Real-Time Monitoring of energy meters and BMS (assumes RFP for 20 buildings)	1664	\$ 390,000	\$ 1,240,391	\$ (5,000,000)	\$ 1,235,391	43664	0.32	-	\$ 390,000	\$ 10,148,135	10	27.02	316.77%	
Jan-14	Apr-14	2014	1	Combined Heat & Power (aka Cogeneration) Central Plant Administration	1664	\$ 2,110,000	\$ 1,718,495	\$ (5,000)	\$ 1,713,495	51,728	1.23	-	\$ 2,110,000	\$ 18,245,592	15	9.08	81.21%	
Jan-14	Apr-14	2014	1	Danmon Building - 63 KW base-load with 40-ton exhaust fired absorber	1664	\$ 540,000	\$ 70,000	\$ (10,800)	\$ 59,200	354	9.12	-	\$ 540,000	\$ 166,726	15	1.31	10.96%	
Jan-14	Apr-14	2014	1	Cohalan Court Complex - 65 KW base-load	1664	\$ 640,000	\$ 75,000	\$ (10,800)	\$ 64,200	365	9.97	-	\$ 640,000	\$ 126,415	15	1.20	10.03%	
Jan-14	Apr-14	2014	1	sub total Cogeneration	1664	\$ 1,820,000	\$ 199,741	\$ (22,400)	\$ 167,341	1,299	10.88	-	\$ 1,820,000	\$ 177,705	15	1.10	9.19%	
Feb-13	Jul-13	2013	1	Various County Facilities Various County Facilities	1664	\$ 1,200,000	\$ 300,000	\$ 30,000	\$ 330,000	6,162	3.64	-	\$ 1,200,000	\$ 1,614,967	10	2.35	28%	
Feb-13	Apr-13	2013	1	12 Fluorescent Lighting Replacement 395 Oser Avenue	1664	\$ 1,111	\$ 96,000	\$ 44,161	\$ 46,661	895	2.06	\$ 35,000	\$ 61,000	\$ 302,028	10	4.15	49%	
Feb-13	Jul-13	2013	1	Renewed Central Courts Building Repair Window Gaskets and Install Window Films to reduce glare and heat loss/gain	1664	\$ 385,000	\$ 53,920	-	\$ 53,920	1150	7.14	-	\$ 385,000	\$ 74,949	10	1.19	14%	
Feb-14	Aug-14	2014	1	Various County Facilities Repair window gaskets and install window films to reduce glare and heat loss/gain (assumes RFP for 20 buildings)	1664	\$ 870,000	\$ 620,195	-	\$ 620,195	21832	1.40	-	\$ 870,000	\$ 4,420,393	10	6.08	71%	
Mar-13	Jun-13	2013	1	1st Flr Boiler Replacement	1664	\$ 150,000	\$ 39,447	\$ 2,500	\$ 41,947	394	3.58	\$ 10,000	\$ 140,000	\$ 580,429	25	4.87	28%	
Feb-13	Apr-13	2013	1	Upgrade existing chiller plant with air-cooled chiller	1664	\$ 690,400	\$ 53,920	\$ 150,000	\$ 203,920	1150	3.39	-	\$ 690,400	\$ 2,343,415	20	4.39	30%	
Feb-13	Apr-13	2013	1	Police HQ	1664	\$ 3,391,400	\$ 1,111,843	\$ 185,000	\$ 1,296,643	31,592	2.62	\$ 45,000	\$ 3,346,400	\$ 12,087,846	15	4.56	38.22%	
Feb-13	Apr-13	2013	1	sub total Various Upgrades	1664	\$ 10,891,000	\$ 3,545,458	\$ 154,892	\$ 3,700,346	90,172	2.94	\$ 559,752	\$ 10,322,248	\$ 37,284,610	17	4.43	34.07%	
Feb-13	Apr-13	2013	1	2013 Tier 1 total	1664	\$ 10,891,000	\$ 3,545,458	\$ 154,892	\$ 3,700,346	90,172	2.94	\$ 559,752	\$ 10,322,248	\$ 37,284,610	17	4.43	34.07%	
Feb-13	Apr-13	2013	1	Completion by or in June '13	1664	\$ 5,209,000	\$ 998,170	\$ 159,562	\$ 1,147,632	16,485	4.54	\$ 333,698	\$ 4,875,302	\$ 11,089,395	17	3.73	22%	
Feb-13	Apr-13	2013	1	1st year debt service	1664	\$ 348,787	\$ 326,443	-	\$ 326,443	-	-	-	-	-	-	-	-	-
Feb-13	Apr-13	2013	1	1st year net savings (less debt service)	1664	\$ 798,965	\$ 821,309	-	\$ 821,309	-	-	-	-	-	-	-	-	-

The Proposed Capital Program includes \$5,209,000 in serial bond financing for this project (2013-2015 and 5Y). If the entire \$5,209,000 were borrowed at once, the estimated fiscal impact to the operating budget for debt service payments is \$348,787 in the first year and \$7,053,110 over the life of an 18-year bond.

The Proposed Capital Program includes \$4,875,302 in serial bond financing for this project (2013-2015 and 5Y). If the entire \$4,875,302 were borrowed at once, the estimated fiscal impact to the operating budget for debt service payments is \$326,443 in the first year and \$6,801,275 over the life of an 18-year bond.

Source: Department of Public Works & Office of Budget Review

1547

Intro. Res. No. - 2013
Introduced by Presiding Officer on request of the County Executive

Laid on the Table 6/18/13

RESOLUTION NO. - 2013, APPROPRIATING FUNDS IN CONNECTION WITH DREDGING OF COUNTY WATERS AT VARIOUS LOCATIONS (CP 5200)

WHEREAS, the Commissioner of Public Works has requested funds for site improvements and equipment in connection with the dredging of County waters at various locations; and

WHEREAS, there are sufficient funds within the 2013 Capital Budget and Program to cover the cost of said request; and

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

WHEREAS, as the New York State Department of Environmental Conservation is the SEQRA lead agency for all dredging project, this project is not reviewed by the Suffolk County Council on Environmental Quality; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$7,400,000 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 seven (57) 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

2nd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Dredging of County Waters at Various Locations, pursuant to Section C8-2 (F) of the Suffolk County Charter; and be it further

3rd RESOLVED, that the proceeds of \$7,400,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5200.449 (Fund 001 Fund Service)	50	Dredging of County Waters at Various Locations	\$7,000,000

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5200.512 (Fund 001 Fund Service)	50	Dredging of County Waters at Various Locations	\$400,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1547

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. - 2013, APPROPRIATING FUNDS IN CONNECTION WITH DREDGING OF COUNTY WATERS AT VARIOUS LOCATIONS (CP 5200)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u> County </u>	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 SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2014		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Asst Executive Analyst		6/13/2013

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1547

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$1,606,607	\$3.10	\$0.006

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$1,606,607	\$3.10	\$0.006

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
General Obligation Serial Bonds
Level Debt

1547

Term of Bonds: 5
 Amount to Bond: \$7,400,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2013					
11/1/2014	2.000%	\$1,399,407.99	\$207,200.00 \$84,008.29	\$1,606,607.99 \$84,008.29	\$1,606,607.99
11/1/2015	3.000%	\$1,438,591.41	\$84,008.29 \$63,868.01	\$1,522,599.70 \$63,868.01	\$1,606,607.99
11/1/2016	3.000%	\$1,478,871.97	\$63,868.01 \$43,163.80	\$1,542,739.98 \$43,163.80	\$1,606,607.99
11/1/2017	3.000%	\$1,520,280.39	\$43,163.80 \$21,879.88	\$1,563,444.19 \$21,879.88	\$1,606,607.99
11/1/2018	3.000%	\$1,562,848.24	\$21,879.88	\$1,584,728.11	\$1,606,607.99
11/1/2019		\$7,400,000.00	\$633,039.95	\$8,033,039.95	\$8,033,039.95
11/1/2020					
11/1/2021					
11/1/2022					
11/1/2023					
11/1/2024					
11/1/2025					
11/1/2026					
11/1/2027					
11/1/2028					
11/1/2029					
11/1/2030					
11/1/2031					

COUNTY OF SUFFOLK

1547



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

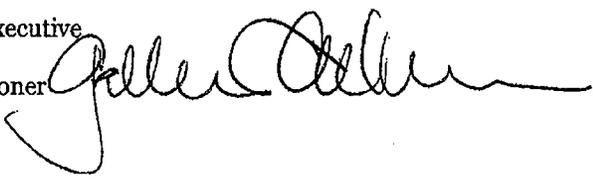
VINCENT FALKOWSKI, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

MEMORANDUM

TO: Jon Schneider, Deputy County Executive

FROM: Gilbert Anderson, P.E. Commissioner 

DATE: May 23, 2013
June 3, 2013 (revised)

RE: **Appropriating Funds in Connection with Dredging of County Waters at Various Locations (CP 5200)**

Attached is a draft resolution and duplicate copy to appropriate the sum of \$7,000,000 for site improvements and \$400,000 for equipment in connection with the above referenced project. There are sufficient funds included in the 2013 Capital Budget and Program for this project.

The funding requested for site improvements are for large-scale dredging projects that are scheduled to take place over the course of the 2013/2014 dredging season (October 1 through May 15). The locations anticipated for the upcoming season include Narrow Bay, Nissequogue River, Stony Brook Harbor/Yacht Club Spur & Porpoise Channel and Coecles Harbor. The equipment funding will be utilized under our dredging equipment requirements contract to dredge smaller locations, to support the County's dredge program. Anticipated locations for the upcoming season include Strongs Creek, Smith Point Marina, Swan River, Mud Creek and Fosters Creek. It should be noted that, due to the extreme weather experienced by Long Island this past winter, many waterway locations originally scheduled for dredging in later years have become silted to a point where it is necessary to move them up in the queue and it **may be necessary to add and/or substitute other waterways due to environmental permits, changes in priorities or other requirements to be determined by this Department.**

As the New York State Department of Environmental Conservation is SEQRA lead agency for all dredging projects, this project is not reviewed by the Suffolk County Council on Environmental Quality.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP5200(Dredging-Site,Equip).doc".

GA/WH/td
attach.

cc: Dennis M. Cohen, Chief Deputy County Executive
Lisa Santeramo, Assistant Deputy County Executive
Tom Vaughn, Director of Intragovernmental Relations
William Hillman, P.E., Chief Engineer
Charles Jaquin, Acting Head of Finance Division

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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 material.

Submitting Department
(Dept. Name & Location)

Department Contact Person
(Name & Phone No.):

Public Works
335 Yaphank Avenue
Yaphank, NY 11980

William Hillman, P.E.
Chief Engineer
852-4002

Suggestion Involves:

Amendment

New Program

Grant Award

Contract (New Rev.)

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

Dredging of County Waters at Various Locations

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

Not Applicable

PLEASE FILL IN REVERSE SIDE OF FORM

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

1548

Intro. Res. No. -2013

Laid on Table 6 /18 /2013

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2013, AMENDING THE 2013 OPERATING BUDGET AND TRANSFERRING FUNDS WITHIN THE OFFICE OF THE COUNTY EXECUTIVE TO PROVIDE FUNDING FOR LEGAL ASSISTANCE TO THE ELDERLY

WHEREAS, the 2013 Adopted Operating Budget contains funding for Legal Assistance to the Elderly; and

WHEREAS, Legal Assistance to the Elderly is identified as a priority service funded under the federal Older Americans Act; and

WHEREAS, each Office for the Aging must fund a legal assistance program; and

WHEREAS, this legal assistance program offers legal advice, representation and assistance to the elderly, particularly low income, minority individuals; and

WHEREAS, Touro Law School is currently administering the program for the County Executive's Office for the Aging and is successfully targeting services to the minority, elderly population; and

WHEREAS, funding for the program is necessary in order for it to continue at the current level; and

WHEREAS, the County Executive and the County Legislature wish to amend the 2013 Operating Budget to transfer funds for the program; now, therefore, be it

1st RESOLVED, that the 2013 County Operating Budget is hereby amended and the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds as follows:

Fund	Dept	Unit	Object	Object Name	ACT	Amount
001	EXE	6797	4980	Contracted Agencies	000	\$10,000

To

FUND	DEPT	UNIT	Unit Name	OBJ	Object Name	ACT	Activity Name	Amount
001	EXE	6772	Older Americans Act Programs	4980	Contracted Agencies	JGS1	TOURO LAW SCHOOL	\$10,000

and be it further

2nd **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) 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:

County Executive of Suffolk County

Date:

BRO Agency Data Report 2012

1548

Department EXECUTIVE Division Office for the Aging

Fd 001 Agcy EXE Org 6772 Activity Code JGS1

Program Name III-B Legal Assistance

2011 Actual:	\$217,752	Net Cost 2011 Actual:	\$21,775
--------------	-----------	-----------------------	----------

2012 Estimate:	\$218,567	Net Cost 2012 Estimated:	\$21,857
----------------	-----------	--------------------------	----------

2013 Requested:	\$218,567	Net Cost 2013 Requested:	\$21,857
-----------------	-----------	--------------------------	----------

Revenue Name: FEDERAL AID:PROGRAM Revenue Code: 4772

Revenue Amount: \$196,710

Brief Description: Legal assistance is a service provided by or under the supervision of an attorney which may include legal advice, representation and assistance with public benefits applications, legal appeals or other legal service. The target population is the elderly in greatest social and economic need, with particular attention to low income minority individuals.

Other Providing Same No.

Can Service be Provided by Other Agencies? Yes

Justification Legal assistance to the elderly is identified as a priority service funded under the Older Americans Act. Each office for the Aging must fund a legal assistance program.

Has Program Audit been Performed? Yes Program Year Audited 2011

Audit Findings Contractor is successfully targeting services to the minority elderly.

Recommendation (1) Continue at Current Level

Contractor Contact Linda Baurle Contractor Phone (631) 761-7004

Street Address 225 Eastview Drive

City Central Islip **State** NY **Zip Code** 11722

Department Priority Level 1

Department Contact Joanne Kandell **Department Contact Title** Principal Accountant

Department Contact Phon 6318538212 **Extension**

**FINANCIAL IMPACT
2013 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1548

GENERAL FUND

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



Steven Bellone
COUNTY EXECUTIVE

1548
OFFICE FOR THE AGING
Holly S. Rhodes-Teague
DIRECTOR

MEMORANDUM

To: Jon Schneider
Deputy County Executive

From: Holly Rhodes-Teague
Director

Re: Resolution to appropriate additional funds for Legal Services for the Elderly

Date: June 13, 2013

As per ADH 03-12, I am enclosing Draft Resolution, Request for the Introduction of Suffolk County Legislation (Scin Form 175a) and Fiscal Impact Statement (Scin Form 175b) to appropriate additional funds for Legal Services for the Elderly.

These funds will be utilized to enhance the program currently contracted to Touro Law School.

If you require any further information, please contact Joanne Kandell, Principal Accountant, at 853-8212.


Holly Rhodes-Teague

HRT:JK

Enclosures

cc: Dennis M. Cohen, Chief Deputy County Executive
Lisa Santeramo, Assistant Deputy County Executive
Tom Vaughn, Director of Intergovernmental Relations
Beth Reynolds, Chief Executive Analyst
Joanne Kandell, Principal Accountant

1549

Intro. Res. No. -2013

Laid on Table

6/18/13

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. -2013, APPROPRIATING FUNDS IN CONNECTION WITH REPAIRS TO HISTORIC STRUCTURES (CP 7510)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for Repairs to Historic Structures; and

WHEREAS, there are sufficient funds within the 2013 Capital Budget and Program to cover the cost of repairs under Capital Program Number 7510; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution 461-2006, established the use of a priority ranking system implemented in the Adopted 2013 Capital Budget 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 \$250,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of forty (40), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 461-2006; and be it further

2nd RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8, Resolution Number 485-2004 determined that the Proposed Historic Restoration, Preservation and Stabilization of Historic Buildings and Structures within Suffolk County Parks constitutes a Type II action pursuant to the provisions of Title 6 NYCRR Part 617.5 (c), (1) and (2) and Chapter 279 of the Suffolk County Code, since it involves "maintenance or repair involving no substantial changes in an existing structure or facility;" and "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any thresholds in section 617.4 of this Part;" and

3rd RESOLVED, that the proceeds of \$250,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7510.342 (Fund 001 Debt Service)	26	Repairs to Historic Structures	\$250,000

DATED

APPROVED BY:

County Executive of Suffolk County

Date:

1549

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2013, APPROPRIATING FUNDS IN CONNECTION WITH REPAIRS TO HISTORIC STRUCTURES (CP 7510)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u> County </u>	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 SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2014		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Asst Executive Analyst		6/13/2013

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1549

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$54,277	\$0.10	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$54,277	\$0.10	\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
 General Obligation Serial Bonds
 Level Debt

1549

Term of Bonds	5
Amount to Bond:	\$250,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2013					
11/1/2014	2.000%	\$47,277.30	\$7,000.00	\$54,277.30	\$54,277.30
			\$2,838.12	\$2,838.12	
11/1/2015	3.000%	\$48,601.06	\$2,838.12	\$51,439.18	\$54,277.30
			\$2,157.70	\$2,157.70	
11/1/2016	3.000%	\$49,961.89	\$2,157.70	\$52,119.59	\$54,277.30
			\$1,458.24	\$1,458.24	
11/1/2017	3.000%	\$51,360.82	\$1,458.24	\$52,819.06	\$54,277.30
			\$739.18	\$739.18	
11/1/2018	3.000%	\$52,798.93	\$739.18	\$53,538.11	\$54,277.30
11/1/2019		\$250,000.00	\$21,386.48	\$271,386.48	\$271,386.48
11/1/2020					
11/1/2021					
11/1/2022					
11/1/2023					
11/1/2024					
11/1/2025					
11/1/2026					
11/1/2027					
11/1/2028					
11/1/2029					
11/1/2030					
11/1/2031					

1550

Intro. Res. No. -2013

Laid on Table 6/18/13

Introduced by Legislators Anker, Horsley, Cilmi, Kennedy and Schneiderman

**RESOLUTION NO. -2013, ADOPTING 2013-2014
OPERATING BUDGET TOTAL FOR SUFFOLK COUNTY
COMMUNITY COLLEGE**

WHEREAS, the Board of Trustees of Suffolk County Community College submitted their 2013-2014 Operating Budget request to the County Executive and the County Legislature on April 19, 2013; and

WHEREAS, the budget request submitted by the Community College's Board of Trustees proposed no increase in the County contribution and a total budget of \$198,092,313; and

WHEREAS, the Suffolk County Executive submitted to this Legislature a Recommended 2013-2014 Suffolk County Community College Operating Budget, which included a zero increase in the County contribution; and

WHEREAS, the Budget Review Office issued a Review of the Recommended 2013-2014 Suffolk Community College Operating Budget on June 13, 2013; and

WHEREAS, the Suffolk County Legislature held public hearings on the Community College's Recommended Budget on June 4, 2013 and June 18, 2013; and

WHEREAS, Section A4-3(F)(4) of the SUFFOLK COUNTY ADMINISTRATIVE CODE authorizes the County Legislature to approve an operating budget total and County contribution for the Community College no later than August 15 each year; now, therefore be it

1st RESOLVED, that all Whereas clauses and all Resolved clauses contained in the Suffolk County Community College Recommended Budget 2013-2014 on page 5, are hereby stricken and not approved, and shall not appear in the printed 2013-2014 Suffolk County Community College Adopted Operating Budget; and be it further

2nd RESOLVED, that this Legislature hereby approves an Operating Budget Total of \$198,092,313 for the Suffolk County Community College during fiscal year September 1, 2013 to August 31, 2014; and be it further

3rd RESOLVED, that this Legislature approves a total contribution by the County of Suffolk ("local sponsor share") in the amount of \$38,988,987, which is comprised of \$34,583,772 County contribution and a Discretionary Tax Levy in the amount of \$4,405,215 as recommended by the County Executive.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Intro. Res. No. 1551-2013
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/18/2013

**RESOLUTION NO. -2013, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
423-2013**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 423-2013; and

WHEREAS, this resolution when adopted contained technical errors; and

WHEREAS, the County Executive desires technical corrections to this resolution; now, therefore be it

1st **RESOLVED**, that the Clerk of the Legislature shall make the following technical corrections:

Resolution No. 423-2013

In the 3rd RESOLVED paragraph, under the Project Numbers change:

<u>FROM:</u> .110	<u>TO:</u> .111
-----------------------------	---------------------------

and

<u>FROM:</u> .510	<u>TO:</u> .511
-----------------------------	---------------------------

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

**RESOLUTION NO. -2013, AUTHORIZING THE
LEASE OF PORTIONS OF LIPA OWNED RIGHT-OF-
WAY FROM CRYSTAL BROOK HOLLOW ROAD EAST
TO WADING RIVER FOR A PEDESTRIAN AND
BICYCLE PATH**

WHEREAS, Federal Highway Administration (FHWA) funding has been allocated to Suffolk County for purposes of designing and constructing a pedestrian and bicycle path (the "Path") on Long Island Power Authority (LIPA) owned right-of-way in the Towns of Brookhaven and Riverhead, Suffolk County; and

WHEREAS, in furtherance of this project, LIPA has agreed to lease to the County a thirty (30) foot wide portion of LIPA owned electrical transmission and distribution right-of-way land, constituting approximately 129.9 acres in the Towns of Brookhaven and Riverhead for a period of twenty-five (25) years for purposes of constructing the Path, which Lease shall only be effective upon receipt by the County of the affirmative commitment of FHWA funding for the Path; and

WHEREAS, the lease and location of the path is subject to conditions that the Path will not interfere with LIPA's responsibility to provide electrical service; and

WHEREAS, pursuant to the lease the County shall be responsible for the construction, maintenance, repair, replacement and operation of the Path in the LIPA right-of-way, and would further be responsible for any costs incurred in the event that LIPA determines that the Path poses an interference with LIPA's responsibility to provide electrical service and that it is necessary to relocate a portion of the Path; and

WHEREAS, it is noted that, in some instance where it is not practical to relocate the Path if so required by LIPA, the County may be responsible for providing for the partial recovery of Federal funds if the Path has not fulfilled its full useful life; now, therefore, be it

1ST 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 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 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. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

2ND RESOLVED, that the County Executive be and hereby is authorized to execute a "no-rent" Lease with LIPA, for a term of twenty-five (25) years in accordance

with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED:

County Executive of Suffolk County
Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1552

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
2. Title of Proposed Legislation		
AUTHORIZING THE LEASE OF PORTIONS OF LIPA OWNED RIGHT-OF-WAY FROM CRYSTAL BROOK HOLLOW ROAD EAST TO WADING RIVER FOR A PEDESTRIAN AND BICYCLE PATH		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact		
Should LIPA require access to areas that would be in conflict with the construction of Rails to Trails project, the County would need to pay the costs associated with removing, or moving said portion that was in conflict.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SCHEDULE.		
8. Proposed Source of Funding		
SERIAL BONDS.		
9. Timing of Impact 2013		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
DEBRA A. KOLYER CHIEF FINANCIAL ANALYST		

**2013 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT**

TITLE OF BILL: Authorizing the Lease of Portions of LIPA owned Right-of-Way from Crystal Brook Hollow Road East to Wading River for a Pedestrians and Bicycle Path (CP 5903)

PURPOSE OR GENERAL IDEA OF BILL: This resolution authorizes the County Executive to execute a no-cost lease agreement with the Long Island Power Authority (LIPA) for a term of 25 years for the purposes of designing and constructing a pedestrian and bicycle path from Port Jefferson to Wading River

SUMMARY OF SPECIFIC PROVISIONS: The County shall be responsible for the construction, maintenance, repair, replacement and operation of the path in the LIPA right-of-way and, in the event that LIPA determines that the path poses interference with providing electrical service, the County will be responsible to relocate those portions that pose interference.

JUSTIFICATION: This would enable Suffolk County to commence the design and construction of the Port Jefferson to Wading River Rails to Trails Project

FISCAL IMPLICATIONS: Bonds will be issued to finance this project and principal and interest costs will be incurred over the life of the Bonds.

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

VINCENT FALKOWSKI, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

MEMORANDUM

TO: Jon Schneider, Deputy County Executive

FROM: Gilbert Anderson, P.E. Commissioner 

DATE: June 14, 2013

RE: **Authorizing the Lease of Portions of LIPA owned Right-of-Way from Crystal Brook Hollow Road East to Wading River for a Pedestrians and Bicycle Path (CP 5903)**

Attached is a draft resolution and duplicate copy authorizing the County Executive to execute a "no-rent" lease with the Long Island Power Authority (LIPA), for a term of twenty-five years for the purposes of designing and constructing a pedestrian and bicycle path along LIPA owned right-of-way in the Towns of Brookhaven and Riverhead.

Suffolk County has a unique opportunity to provide transportation enhancement by the development of this historic railroad right-of-way that runs from the existing Port Jefferson Railroad Station to Wading River, in the form of a pedestrian and bicycle path. With on-going communications between the County of Suffolk and LIPA, it is our intention that the proposed location of the path will not interfere with LIPA's responsibility to provide electrical service. Should relocation become necessary, it will be the onus of the County to remove/relocate those portions posing interference.

The Suffolk County Legislature has reviewed this proposal and has determined that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York State Code of Rules and Regulations as this involves continuing agency administration, management and information collection. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP5903(LIPA Lease for RtoT).doc".

GA/WH/td
attach.

cc: Dennis M. Cohen, Chief Deputy County Executive
Lisa Santeramo, Assistant Deputy County Executive
Tom Vaughn, Director of Intragovernmental Relations
William Hillman, P.E., Chief Engineer
Charles Jaquin, Acting Head of Finance Division

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1552

AGREEMENT OF LEASE

between

LONG ISLAND LIGHTING COMPANY d/b/a/ LIPA

as LANDLORD

and

COUNTY OF SUFFOLK

as TENANT

Date: _____, 2011

Path constituting portions of LIPA owned transmission and distribution Right-of Way
from Crystal Brook Hollow Road east to Wading River, New York

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AGREEMENT OF LEASE

THIS AGREEMENT OF LEASE ("Lease") made as of the ____ day of _____, 2011, by and between the COUNTY OF SUFFOLK, a municipal corporation with an address at County Center, Riverhead, New York 11901 ("COUNTY"), acting through its duly constituted Department of Public Works, located at 335 Yaphank Avenue, Yaphank, New York 11978, and Long Island Lighting Company d/b/a LIPA ("LIPA"), a New York corporation and wholly-owned subsidiary of the Long Island Power Authority, a corporate municipal instrumentality and political subdivision of the State of New York ("Authority"), having its principle office at 333 Earle Ovington Boulevard, Uniondale, New York 11553. COUNTY and LIPA are referred to herein individually as a "Party" and collectively as the "Parties".

WITNESSETH:

SECTION 1. DESCRIPTION

Section 1.01 In consideration of and subject to the terms, covenants, agreements, provisions, conditions, and limitations set forth in this Lease, LIPA hereby agrees to lease to COUNTY, for use as a pedestrian and bicycle path, a thirty (30) foot wide portion of LIPA-owned electrical transmission and distribution right-of-way land, constituting approximately 129.9 acres (the "Path"), which encompass or traverse approximately sixty (60) tax lots in the Town of Brookhaven, and approximately thirty three (33) road crossings, including one (1) historic overpass, as identified on the survey which will be attached hereto as **Exhibit A**, and the metes and bounds descriptions which will be attached as **Exhibit B**, together with rights-of way for ingress and egress to the Path over the adjoining lands of LIPA (the "Property"). The parties acknowledge that these exhibits have not yet been created and attached to this Lease, and will be created and attached to this Lease as per Section 2 below.

SECTION 2. PURPOSE AND CONSTRUCTION

Section 2.01 The parties acknowledge that the COUNTY is a municipal corporation and is entering into and executing this Lease by virtue of the authority of Resolution No. ____-2011 of the Suffolk County Legislature, for use of the Path to construct, maintain, repair, replace, and operate a pedestrian and bicycle path for the "Rails to Trails" Pedestrian and Bicycle Path Project (the "Project"). COUNTY acknowledges and agrees to use the Path as specified herein, and for no other purpose. COUNTY shall be solely responsible for obtaining all permits, approvals and consents required for the Project at the COUNTY's sole cost and expense. LIPA shall provide COUNTY with all reasonable cooperation in connection with COUNTY's efforts to obtain the requisite permits, approvals and consents.

Section 2.02 COUNTY agrees to create construction drawings, plans, specifications, and **Exhibit A** and **Exhibit B** (collectively, the "Plans and Specifications") at COUNTY's sole cost and expense, and to submit the Plans and Specifications to LIPA. LIPA shall have a reasonable opportunity to review and comment thereon before they are considered final and become part of this Agreement. Both **Exhibit A** and **Exhibit B** shall be prepared by a licensed surveyor and shall define the survey and metes and bounds of the Path and identify the respective tax lots. COUNTY agrees that it will not commence any construction activities relating to the installation of the Path until LIPA's formal written approval of COUNTY's Plans and Specifications have been received, which approval will not be unreasonably withheld, delayed or conditioned and

which shall be provided within ninety (90) days of submission of complete Plans and Specifications. Upon such formal written approval, the Plans and Specifications shall become part of this Lease. In addition, COUNTY shall provide LIPA at least fourteen (14) days notice prior to the commencement of any construction activities.

Section 2.03 In recognition of the high voltage nature of the electric facilities in and around the Path and the Property, the COUNTY shall take all necessary precautions in any and all activities in and around the Path and the Property. The COUNTY shall take all necessary precautions for the health and safety of its agents, employees, invitees, contractors, subcontractors, and the general public and any personal property present on the Path or the Property during initial construction and continuing maintenance of the Path, including warning COUNTY employees, agents, and contractors, invitees and the general public of the fact that the electric facilities and related equipment present or to be installed on the Property are of high voltage electricity. The COUNTY shall use all safety and precautionary measures when working under or near LIPA's facilities and shall employ all safety and precautionary measures to protect the public from LIPA's facilities. COUNTY further covenants and agrees that no construction and maintenance activities or equipment shall be conducted or operated closer than fifteen (15) feet from LIPA's overhead wires and cables. All construction and maintenance activities must comply with "Foreign Uses of LIPA Property Restrictions and Requirements," attached hereto as **Exhibit C** and made a part hereof.

SECTION 3. TERM

Section 3.01 The "Effective Date" of this Lease shall mean the date on which this Lease shall have been executed and delivered by both LIPA and COUNTY and State Approval, as hereinafter defined, has occurred.

Section 3.02 The "Term" of this Lease shall commence upon the Effective Date , and shall expire twenty-five (25) years later (the "Expiration Date"), or on such earlier date as this Lease may terminate or expire as provided for herein; provided, however, that if such date does not fall on a "Business Day," (as defined below), then this Lease shall end on the next Business Day. For the purposes of this Lease and all agreements supplemental to this Lease, the term "Business Day" means any day except a Saturday, a Sunday, or any day on which commercial banks are required or authorized to close in Suffolk County, New York.

Section 3.03 *Comptroller's Approval and State Required Clauses:* In accordance with Section 112 of the New York State Finance Law, this Lease shall not be valid, effective, or binding upon LIPA until it has been approved by the State Comptroller and filed in said Comptroller's office ("State Approval"). In addition, the parties agree to be bound by the clauses in **Appendix A** hereto, which is made a part of this Lease.

SECTION 4. RENT

Section 4.01 The Path described herein is leased to the COUNTY on a rent-free basis in furtherance of the public health and welfare benefit to be provided to those individuals who will use the Path, including, but not limited to, the residents of Suffolk County.

SECTION 5. CARE AND REPAIR OF PATH

Section 5.01 COUNTY is leasing the Path in its "as is" physical condition, without any representation or warranty by LIPA as to the condition or state thereof or its fitness or availability

for any particular use or purpose. COUNTY represents and warrants that it has examined the Path and is fully familiar with the physical condition of the Path.

Section 5.02 It shall be COUNTY's obligation and responsibility to maintain the Path, in clean, orderly condition and good repair, free of debris, which shall include but not be limited to repairing cracks, potholes and other defects. It shall be COUNTY'S obligation and responsibility to comply with all present and future laws, rules and regulations relating to the construction, use and maintenance of the Path. In recognition of the high voltage nature of the electrical facilities within and around the Path, COUNTY shall take all necessary precautions in any and all activities in and around the Path. COUNTY shall take all necessary precautions for the health and safety of its agents, employees, invitees, contractors, subcontractors, and the general public and their property present on the Path, including warning COUNTY employees, agents, contractors, invitees, and the general public of the fact that the electrical facilities and related equipment present or to be installed on the Path are of high voltage electricity. COUNTY shall use all safety and precautionary measures when working under or near LIPA's facilities and shall employ all safety and precautionary measures to protect the public from LIPA's facilities. COUNTY agrees to pay the cost to restore or repair any damage to the Path and other areas on the Property caused by COUNTY, either directly or indirectly. COUNTY shall perform all work required to accommodate the needs of COUNTY and the Project, which work shall be carried out at all times in a safe manner. All work is to be conducted in a good and workmanlike manner, in accordance with Section 7 below, at COUNTY's sole cost and expense.

The Path shall be closed during inclement weather and its aftermath (i.e. while there is snow on the ground). The COUNTY shall not have any obligation to remove snow and ice from the Path.

Section 5.03 COUNTY shall provide signage and notice, subject to approval by LIPA, to Path users relative to COUNTY's responsibility, proper use of the Path, and hours of operation. COUNTY shall furnish to LIPA a direct telephone number and other contact information with respect to the proper County of Suffolk agency or office authorized to respond to any and all complaints and emergencies relating to the use of the Path and LIPA shall be authorized to make public such telephone number and contact information.

Section 5.04 COUNTY agrees to maintain the screening and fence as they presently exist and is under no obligation to replace the existing screening and fencing.

Section 5.05 The Lease shall be subject and subordinate to and not interfere with LIPA's right and responsibility to provide electrical service. LIPA, for itself and by and through its agents, including without limitation National Grid Electric Services, LLC ("National Grid") shall perpetually and at its discretion have full and open access at all times to all of its electric and other facilities on or adjacent to the Path and Property; the right to construct, reconstruct, relocate, operate, maintain, expand, modify, and remove its electric and other facilities on or adjacent to the Path; the right to permit the installation of wires and other facilities of public utility companies or others and convey an interest with respect to LIPA's property interest in the Path; and the right to require the removal and/or relocation of the Path, at the COUNTY's expense, in the event LIPA conveys the Path or LIPA, in its sole discretion, considers such Path to pose an interference with LIPA's right and responsibility to provide electrical service. LIPA and its agents, servants, and employees agree to consult with and consider the County's reasonable requests prior to requiring the relocation or removal of any portion of the Path. LIPA shall maintain responsibility for, and be in full control of, any tree trimming, brush control, and scheduling matters on the Property. LIPA will not be responsible for aesthetic or cosmetic appearance of the Path or the Property.

SECTION 6. LIENS

Section 6.01 LIPA covenants to keep the Path free of liens and any additional encumbrances which would interfere with COUNTY's use of the Path.

Section 6.02 In the event it is permissible for any mechanics' or other liens to be filed against any portion of the Path by reason of COUNTY's acts or omissions or because of a claim against COUNTY, COUNTY shall cause the same to be cancelled or discharged of record by bond or otherwise within ninety (90) days after notice from LIPA. If COUNTY shall fail to cancel or discharge said lien or liens within said ninety (90) day period, LIPA may cancel or discharge the same and upon LIPA's demand, COUNTY shall reimburse LIPA for all costs incurred in canceling or discharging such liens.

SECTION 7. ALTERATIONS

Section 7.01 COUNTY shall not expand the Path beyond the boundaries set forth in **Exhibit B** without the prior written consent of LIPA.

Section 7.02 In the event COUNTY desires to perform any construction, reconstruction, maintenance, repair, physical changes, or alterations, (collectively hereinafter, "**Alterations**") to the Path, COUNTY shall submit to LIPA plans and specifications and obtain LIPA's written approval before undertaking any Alterations. Any such Alterations and associated activities shall be undertaken at COUNTY's own cost and expense, provided such Alterations do not interfere with the construction, operation and maintenance by LIPA or its agents of electric transmission lines, poles, towers, wires and appurtenant facilities on the Property.

SECTION 8. NEGATIVE COVENANTS

Section 8.01 Neither LIPA nor COUNTY shall use, occupy, maintain or operate the Path, nor suffer or permit the Path or any part thereof to be used, occupied, maintained or operated, nor bring into or keep at the Path, nor suffer or permit anything to be brought into or kept therein, which would in any way (a) violate any term, covenant or condition of this Lease; (b) violate any restrictive covenant, operating covenant, encumbrance or easement affecting the Path; (c) violate any law; (d) make void or voidable any insurance policy then in force with respect to the Path or make any such insurance unobtainable or increase the rate of any insurance with respect to the Path; (e) cause physical damage to the Path or any part thereof; (f) permit the excess accumulation of waste or refuse matter; (g) constitute a public or private nuisance; and (h) not conform to all applicable federal, state and local laws and regulations regulating toxic waste and discharge, including, but not limited to, Articles VII and XII of the Suffolk County Sanitary Code.

SECTION 9. INDEMNITY

Section 9.01 COUNTY agrees that it shall protect, indemnify and hold harmless LIPA, National Grid (manager of LIPA's electric transmission and distribution system), the Authority, and their respective directors, trustees, officers, officials, employees, affiliates, agents, assigns, successors, representatives, contractors, subcontractors and other persons (each, an "**Indemnified Party**", and collectively, the "**Indemnified Parties**"), from and against all liabilities, fines, penalties, damages, claims, demands, judgments, losses, costs, expenses, suits, actions and other proceedings (including, without limitation, appeals) and reasonable attorneys' fees and other costs

of legal defense and, investigation of any of the foregoing commenced or threatened, whether direct or indirect, as a result of, arising out of or in any way connected with, damages or injuries to persons and/or property (a) incurred on the Path at any time; (b) incurred on the Property during Daytime Hours (as hereinafter defined), in connection with use of the Path; and (c) incurred on the Property at any time due to the acts, omissions or negligence of the COUNTY, its agents, employees, contractors, subcontractors, officers or officials or due to any other reason for which the COUNTY is determined to be legally liable (the foregoing hereinafter referred to collectively as the "**Indemnified Matters**"). The term "**Daytime Hours**" shall mean the hours between sunrise and sunset, the daily occurrence of each event to be determined in accordance with the Sunrise/Sunset Calculator as found on the National Oceanic and Atmospheric Administration website, www.noaa.gov. COUNTY shall defend the Indemnified Parties in any suit, action or other proceeding (including appeals), or, at each Indemnified Party's option, pay or reimburse such Indemnified Party for the reasonable attorney's fees and other costs of legal defense and investigation of any suit, action or other proceeding arising out of, or in any way connected with, any of the Indemnified Matters. Notwithstanding the foregoing, COUNTY shall not indemnify LIPA for that portion of any claim, loss, or damage arising under this Lease (y) to the extent due to the negligent acts or omissions of LIPA, or (z) in connection with any claims asserted as the result of injuries incurred on the Property, but off the Path, during hours other than Daytime Hours (except to the extent such claims arise from the acts, omissions or negligence of the COUNTY, its agents, employees, contractors, subcontractors, officers or officials).

Section 9.02 The provisions of this **Section 9** shall survive the expiration or termination of this Lease.

SECTION 10. INSURANCE

Section 10.01 Neither LIPA nor its agents shall be liable for the loss of or damage to the Path or any property of the COUNTY by theft or otherwise, nor for any injury or damage to persons or property resulting from any cause of any nature relating to use of the Path unless caused by or due to the negligence, misuse, or abuse by LIPA, its employees, officers and agents. Accordingly, without limiting the generality of the foregoing, the risk of loss or damage to the construction or other personal property of the COUNTY from any peril while on the Path, shall be borne by the COUNTY. It is further understood that the COUNTY waives any right to subrogation against LIPA for loss or destruction of any construction or personal property of the COUNTY while on the said Path except in cases due to the negligence, misuse, or abuse by LIPA, its employees, officers and agents.

Section 10.02 The COUNTY further agrees to procure, pay the entire premium for, and maintain throughout the term of this Lease, insurance in amounts and types specified by LIPA. Unless otherwise required by LIPA, in writing, such insurance will be as follows:

- (i) a commercial general liability policy of not less than Two Million (\$2,000,000) Dollars covering the Indemnified Matters (as defined above), (ii) an umbrella policy covering protection in an amount not less than Ten Million (\$10,000,000) Dollars combined single limit coverage for the Indemnified Matters (as defined above), (iii) an automobile liability policy covering all owned, hired and non-owned vehicles with a combined single limit of not less than One Million (\$1,000,000) Dollars and (iv) Worker's Compensation and Employer's Liability as required by law. Licensee shall name National Grid and Long Island Lighting Company d/b/a LIPA and all of their respective subsidiaries and affiliates as additional insureds. Said policy shall contain a provision whereby the same may not be canceled unless National Grid and LIPA are

given at least thirty (30) days prior written notice of such cancellation. Licensee shall provide National Grid and LIPA with renewal certificates if said insurance policies are to expire prior to the expiration or termination of this Agreement. Said certificates must be provided to National Grid and LIPA no later than ten (10) days prior to the renewal date. Insurance as specified herein must be maintained at all times throughout the term of this Agreement.

Section 10.03 All insurance required by this Lease shall be maintained with insurance underwriters authorized to do business in the State of New York with an A.M. Best Rating of A- or better.

Section 10.04 The COUNTY shall furnish LIPA with Certificates of Insurance and Endorsement Pages for each such policy of insurance, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the Authority, LIPA and National Grid shall be named as an additional insured and the COUNTY shall furnish a Certificate of Insurance and Endorsement Page evidencing LIPA's status as an additional insured on said policy.

Section 10.05 All Certificates of Insurance, Endorsement Pages, and other evidence of insurance shall provide for LIPA to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in said policy.

Section 10.06 Any contractors and subcontractors who may at any time be involved with construction or reconstruction of the Path on behalf of COUNTY shall be required to procure and maintain throughout the term of construction insurance in the amounts and types specified in this Section 10.

Section 10.07 Notwithstanding the foregoing, however, the COUNTY, at its sole option, subject to it being in full compliance with all applicable New York State, local, and federal regulations regarding the COUNTY's self-insurance program, may elect to be either partially or totally self-insured and thereby assume responsibility for that portion of the liability insurance as described in Section 10.02 of this agreement. In this case, the COUNTY must notify LIPA of its self-insured status by a signed writing, indicating that it meets the requirements to self-insure and that its self-insurance program meets the minimum insurance requirements in a manner consistent with that specified in this Section 10.

Section 10.08 Any such insurance referenced herein shall not relieve or release COUNTY from, or limit its respective liability as to, any and all obligations arising under this Lease. COUNTY shall immediately notify LIPA, initially by telephone, and thereafter in writing, of any and all accidents and other insurable incidents occurring on or related to the Path.

Section 10.09 In the event that any of the insurance required by this Lease ceases to be in full force and effect, COUNTY agrees to cease all operations as set forth in Section 2 herein.

SECTION 11. DEFAULT REMEDIES/DAMAGES

Section 11.01 Upon the occurrence of any one or more of the following events (each referred to as an "Event of Default" and referred to collectively as "Events of Default") at any time prior to or during the Term of the Lease, and in addition to any other remedy available to LIPA at law or in equity, LIPA may give to COUNTY a written notice of such Event of Default.

Upon receipt of the notice of the Event of Default, COUNTY shall have thirty (30) days to cure the Event of Default provided, however, that, in the case of an Event of Default which for causes beyond COUNTY's reasonable control cannot, with reasonable diligence be cured within such period of thirty (30) days, such thirty (30) day cure period shall be, extended as reasonably necessary to permit the COUNTY time to cure such Event of Default provided that the COUNTY shall immediately upon the receipt of such notice, (a) advise LIPA of COUNTY's intention duly to institute all steps necessary to cure such Event of Default and (b) institute and thereafter diligently prosecute to completion all steps necessary to cure the same.

Events of Default

- (i) if COUNTY shall fail to cause a lien to be cancelled or discharged of record by bond or otherwise; or
- (ii) if the COUNTY abandons the Path or any part thereof; or
- (iii) if any execution or attachment is issued against COUNTY or any of COUNTY's property whereupon the Path is taken or occupied by someone other than COUNTY;
- (iv) the filing by or against COUNTY of a petition in bankruptcy, the taking by COUNTY of the benefit of any other insolvency act or procedure, which term includes any form of proceeding for voluntary or involuntary reorganization or arrangement or rearrangement under federal bankruptcy laws as well as an assignment for the benefit of creditors, or the appointment of a receiver for COUNTY and such receiver is not discharged within forty-five (45) days.
- (v) failure of COUNTY to observe or perform one or more of its obligations under the terms, conditions, covenants or agreements of this Lease

Section 11.02 COUNTY and LIPA shall not be in default of this Lease because of such party's inability to perform the covenants and obligations set forth herein during the continuance of any period of "Force Majeure," defined below, except as may otherwise be expressly specified in this Lease.

For purposes of this Lease, "Force Majeure" means any delay in performing the obligations under this Lease by reason of strikes, boycotts, labor disputes, embargoes, shortages of material, acts of God, acts of the public enemy or terrorism, acts of superior governmental authority, weather conditions, tides, riots, rebellion, sabotage not the fault of the party performing such duty or obligation or any other circumstances for which it is not responsible and which are not within its control; provided that the party so delayed provides the other with written notice of such delay and the party so delayed uses its best efforts to perform its obligations during such period of delay; and provided that in no event shall the performance of an obligation under this Lease be deemed prevented or delayed by any of the foregoing reasons if performance can be (or could have been) effectuated by, or any default thereof cured by, the proper payment of money with respect to any such obligation and in no event shall the inability of either party to make available sufficient funds be deemed to be a Force Majeure. The parties will work together in good faith to mitigate the impact of any Force Majeure event.

Section 11.03 No failure by the COUNTY or LIPA to insist upon the strict performance of any covenant, agreement, term or condition of this Lease, or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any breach or of such covenant,

agreement, term or condition hereof. No covenant, agreement term or condition of this Lease to be performed or complied with by either party, and no breach thereof, shall be waived, altered or modified except by a written instrument executed by the other party hereto. No waiver of any breach shall affect or alter this Lease but each and every covenant, agreement, term and condition of this Lease shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

Section 11.04 In the event of any breach or threatened breach by COUNTY of any of the covenants, agreements, terms or conditions contained in this Lease, LIPA shall be entitled to enjoin such breach or threatened breach and shall have the right to invoke any right and remedy allowed at law or in equity or by statute or otherwise.

Section 11.05 If COUNTY shall default in the performance of any covenant, term, provision or condition herein contained, LIPA, without thereby waiving such default may perform the same at the expense of COUNTY (i) immediately (a) after forty-eight (48) hours written notice in the case of an "Emergency," as defined below; (b) after seven (7) days written notice if such failure unreasonably interferes with the efficient operation of the Property; or (c) after seven (7) days written notice if such failure may result in a violation of any legal requirements; or (ii) in any other case, if such failure continues after ten (10) days from the date of the giving of written notice of LIPA's intention to perform the same. In the case of a failure which for causes beyond the COUNTY's reasonable control cannot with reasonable diligence be cured within such 10-day period, such 10-day period shall be deemed extended if the COUNTY immediately upon the receipt of such notice, (a) advises LIPA of its intention to institute all steps necessary to cure such failure and (b) institutes and thereafter diligently prosecutes to completion all steps necessary to cure the same.

Section 11.06 Bills for any expense incurred by LIPA in connection with any such performance by LIPA for the account of COUNTY, and bills for all costs, expenses and disbursements, including (without being limited to) reasonable attorneys' fees, incurred in enforcing or endeavoring to enforce any rights against COUNTY under or in connection with this Lease, or pursuant to law may be sent by LIPA to COUNTY monthly, or immediately, at LIPA's option, and shall be due and payable by COUNTY within sixty (60) days after receipt by COUNTY of a written itemized statement as to the amounts of such costs and fees together with interest thereon at the rate of twelve (12%) per annum from the date said bills should have been paid. No interest shall accrue while the COUNTY is disputing in good faith either the alleged failure or the expenses billed. COUNTY shall reimburse and compensate LIPA for all expenditures (including, without limitation, reasonable attorneys' fees) made by, or damages or fines sustained or incurred by, LIPA due to any breach of this Lease.

An "Emergency" means any situation where LIPA, in its reasonable judgment, concludes that a particular action is immediately necessary (i) to avoid imminent material damage to all or any material portion of the Path or the Property, (ii) to protect any person from imminent harm, or (iii) to avoid an imminent condition which would have a material and adverse effect on the Path or the Property, to utilize the Path or the Property for its intended purposes.

SECTION 12. SURRENDER OF PATH; HOLDOVER

Section 12.01 On the Expiration Date, or upon the sooner termination of this Lease, COUNTY shall, at its expense, quit, surrender, vacate, and deliver the Path to LIPA in good order, and condition, together with all improvements therein. COUNTY shall, at its expense, if necessary, remove from the Path all COUNTY's personal property and any personal property of Persons

claiming by, through or under COUNTY, or equipment, or other items installed by or on behalf of COUNTY, and any Alterations, and shall repair or pay the cost of repairing, all damage to the Path occasioned by such removal. In the event COUNTY, its successors or assigns, does not restore the Path or any part thereof within a reasonable time, then LIPA shall have the right to restore the Path or any part thereof back to good order and condition at the sole cost and expense of COUNTY.

Section 12.02 If any personal property of the COUNTY and/or any personal property of Persons claiming by, through or under COUNTY, or equipment, or other items installed by or on behalf of COUNTY on the Path remains on the Path after the expiration or termination of this Lease, or if COUNTY otherwise fails to return the Path to LIPA after the expiration or termination of this lease in the condition required by Section 12.01 above without limiting any of LIPA's rights at law or in equity, the COUNTY agrees that any such failure(s) by the County, and any inaction by LIPA with respect thereto, shall not give rise to any rights by the County, including without limitation any extension or renewal of this Agreement, tenancy by will or by sufferance, and/or any right to continue the possession or use of the Path, but the COUNTY, agrees that it shall protect, indemnify and hold harmless LIPA, National Grid (manager of LIPA's electric transmission and distribution system), the Authority, and their respective directors, trustees, officers, officials, employees, affiliates, agents, assigns, successors, representatives, contractors, subcontractors and other persons (each, an "**Indemnified Party**", and collectively, the "**Indemnified Parties**"), from and against all liabilities, fines, penalties, damages, claims, demands, judgments, losses, costs, expenses, suits, actions and other proceedings (including, without limitation, appeals) and reasonable attorneys' fees and other costs of legal defense and, investigation of any of the foregoing commenced or threatened, whether direct or indirect, as a result of, arising out of or in any way connected with failure by the COUNTY to remove the same in accordance with *Section 12.02*, above. COUNTY shall defend the Indemnified Parties in any suit, action or other proceeding (including appeals), or, at each Indemnified Party's option, pay or reimburse such Indemnified Party for the reasonable attorney's fees and other costs of legal defense and investigation of any suit, action or other proceeding arising out of, or in any way connected with, any of the Indemnified Matters. Notwithstanding the foregoing, COUNTY shall not indemnify LIPA for that portion of any claim, loss, or damage arising under this Lease to the extent due to the negligent acts or omissions of LIPA.

Section 12.03 LIPA's rights pursuant to Section 12.02 are in addition to and not in substitution for or in limitation of its rights pursuant to Section 9 ("INDEMNITY") of this Agreement. In the event of any inconsistency between provisions of Sections 12.02 and 9, LIPA shall be entitled to enforce any provision(s) of either or both such Sections in its sole discretion without reference to or limitation by any inconsistent provision(s).

Section 12.04 The provisions of this Section 12 shall survive the expiration or earlier termination of this Lease.

SECTION 13. INTENTIONALLY OMITTED

SECTION 14. ASSIGNMENT OF MANAGEMENT/CONTROL

Section 14.01 In the event that LIPA assigns, transfers, conveys, leases or grants management or control of the Path or a portion thereof, to another entity, this Lease shall not be subject or subordinate to any such assignment, transfer, conveyance, lease or grant and this Lease and the rights of COUNTY hereunder shall continue in full force and effect and shall not be terminated or disturbed.

SECTION 15. EMINENT DOMAIN

Section 15.01 If the Path or any part thereof or any estate therein, or any other part of the Path materially affecting COUNTY'S use of the Path is taken for any public purpose, or for any reason whatsoever, such that the Path cannot reasonably or practicably be repaired or reconverted so as to permit the use thereof by COUNTY for the purposes permitted hereunder, this Lease shall terminate on the date when title vests pursuant to such taking.

SECTION 16. NOTICES

Section 16.01 Any communication, notice or other submission necessary or required to be made by the parties regarding this Lease except with respect to *Section 16.02* shall be deemed to have been duly made upon receipt by: (a) if to LIPA, at LIPA's agent at the following address: National Grid Electric Services LLC, Real Estate Department, 175 East Old Country Road, Hicksville, New York 11801, and (b) if to COUNTY, Suffolk County Department of Public Works, Attention Chief Deputy Commissioner, 335 Yaphank Avenue, Yaphank, New York 11978 or, (c) at such other address as LIPA or COUNTY, respectively, may designate in writing.

Section 16.02 Any communication or notice regarding indemnification, termination, or litigation by either party to the other shall be in writing and shall be deemed to be duly given only if delivered: (i) personally (personal service on COUNTY must be pursuant to New York Civil Practice Law and Rules Section 311); (ii) by nationally recognized overnight courier; or (iii) mailed by registered or certified mail in a postpaid envelope addressed: (a) if to COUNTY, to Suffolk County Department of Public Works, Attention: Chief Deputy Commissioner, at the address first set forth above, with a copy to the Suffolk County Department of Law, Attention Suffolk County Attorney, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099; and (b) if to LIPA, at LIPA's agent's address first above set forth, or at such other address as LIPA or COUNTY, respectively, may designate in writing.

Section 16.03 Notice shall be deemed to have been duly given (1) if delivered personally, upon delivery thereof on a Business Day or if not a Business Day, then the next succeeding Business Day, (2) if by nationally recognized overnight courier, the first Business Day subsequent to transmittal and (3) if mailed by registered or certified mail, upon the seventh (7th) Business Day after the mailing thereof. Any notice by either party to the other with respect to the commencement of any law suit or legal proceeding shall be affected in accordance with *Section 16.02* and governed by the New York Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.

SECTION 17. ASSIGNMENT AND SUBLETTING

Section 17.01 COUNTY shall not assign, sublet, or otherwise transfer any portion of the Path or this Lease.

SECTION 18. ENVIRONMENTAL RESPONSIBILITIES

Section 18.01 COUNTY will assume all liability for Hazardous Substances, as hereinafter defined, and other conditions, if any, related to COUNTY's use of the Path. COUNTY agrees to defend, indemnify and hold harmless the Indemnified Parties (as defined in Section 9.01) from and against all liabilities, fines, penalties, damages, claims, demands, judgments, losses, costs expenses, suits, actions and other proceedings (including, without limitation, appeals) of whatever

form or nature, including reasonable attorneys' fees and other costs of legal defense and of investigating any proceeding commenced or threatened, whether direct or indirect, as a result of, arising out of or in any way connected with such conditions, and COUNTY shall bear the responsibility of eliminating or remediating such conditions in accordance with all applicable federal, state and local laws, ordinances, rules, regulations, policies, orders and directives, at COUNTY's sole cost and expense.

Section 18.02 COUNTY shall keep or cause the Path to be kept free of Hazardous Substances. COUNTY shall immediately notify LIPA in writing of any actual or threatened release of any Hazardous Substances on or about the Path, including notification to LIPA if COUNTY receives any notice or requests for inspection or information from any federal, state or local official or agency which pertains to Hazardous Substances. Copies of all reports, notices, correspondence, and other documents received from or submitted to governmental authorities shall be provided to all parties to this Lease.

For purposes of this Lease, the term "Hazardous Substances" means (i) asbestos and any asbestos containing material and any substance that is listed in, or otherwise classified pursuant to any "Environmental Laws," as that term is defined below, or any applicable laws or regulations as "hazardous substance," "hazardous material," "hazardous waste," "infectious waste," "toxic substance," "toxic pollutant," or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, toxicity, reproductive toxicity, or "EP toxicity," (ii) any petroleum and drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal resources and (iii) petroleum product, polychlorinated biphenyls, urea formaldehyde, radon gas, radioactive matter, and medical waste. "Hazardous Substance" shall not include normal cleaning and personal household products being used in their intended manner and otherwise in a manner that is in compliance with Environmental Laws.

"Environmental Laws" means any and all present and future federal, state, and local laws, ordinances, rules, regulations, decisions, and standards relating to protection of human health and the environment, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et.seq. ("CERCLA"); the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et.seq. ("RCRA"); and the Occupational Safety and Health Act, 29 U.S.C. 651 et.seq. ("OSHA"). Environmental Laws shall also include, but are not limited to, any requirements relating to underground storage tanks, the storage and use of gasoline, diesel fuel, waste oil or other petroleum products.

Section 18.02 COUNTY shall not use or suffer the use of all or any part of the Path to treat, generate, store, dispose of, transfer, release, convey or recover any Hazardous Substances, as that term is defined above.

COUNTY shall immediately notify LIPA of the presence or suspected presence of any Hazardous Substance on or about the Path.

Section 18.03 COUNTY, at its expense, shall comply with all Environmental Laws applicable to the Path and shall give LIPA prompt notice of any lack of compliance with any of the foregoing and of any notice it receives of the alleged violation of any Environmental Laws. LIPA shall cooperate with COUNTY's efforts hereunder.

Section 18.04 The provisions of this Section 18 shall survive the expiration or earlier termination of this Lease.

SECTION 19. NO IMPLIED WAIVER

Section 19.01 No failure or delay by either party to insist upon the strict performance of any provision of this Lease, or to exercise any right, power or remedy consequent upon a breach thereof, and no acceptance of full or partial rent or other performance by either party during the continuance of such breach shall constitute a waiver of any such provision.

SECTION 20. COOPERATION ON CLAIMS

Section 20.01 Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be reasonably required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Lease.

SECTION 21. MISCELLANEOUS

Section 21.01 Legislative Approval: This Lease is subject to the approval of the Suffolk County Legislature and shall not become effective until the requirements of Section 3.03 have been met.

Section 21.02 LIPA warrants that the execution and delivery of this Lease was duly authorized by all necessary action of LIPA, none of which action has been rescinded or otherwise modified. LIPA has full power and authority to execute and deliver this Lease and to perform its obligations under this Lease. Except as otherwise set forth herein, no consents, approvals or permits are required for the performance of the terms and provisions herein, or, if any such consents, approvals or permits are required, they have been or will be obtained in a timely fashion. After the Effective Date, this Lease will be a legal, valid, and binding obligation of LIPA, enforceable against LIPA in accordance with its terms.

Section 21.03 COUNTY is a municipal corporation duly organized and existing under the laws of the State of New York and is duly authorized and empowered to enter into and perform this Lease and to execute all documents related thereto. No consents, approvals or permits are required for the performance of the terms and provisions herein or, if any such consents, approvals or permits are required, they have been or will be obtained in a timely fashion. After the Effective Date, this Lease will be a legal, valid, and binding obligation of the COUNTY, enforceable against the COUNTY in accordance with its terms.

Section 21.04 References contained herein to Sections, Exhibits, and Schedules shall be deemed to be references to the Articles, Appendices, Exhibits, and Schedules of and to this Lease unless specified to the contrary.

Section 21.05 Neither this Lease nor any memorandum thereof shall be recorded, without the prior written consent of LIPA.

Section 21.06 COUNTY shall, at any time, and from time to time, within ten (10) days after LIPA's request therefor, execute and deliver to LIPA a statement in writing (i) certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, that the

same is in full force and effect as modified and stating the modifications), (ii) stating whether or not LIPA is in default in performance of any covenant, agreement, term, provision or condition contained in this Lease, and, if so, specifying each such default; (iii) confirming the Effective Date and the scheduled Expiration Date under this Lease; and (iv) containing such other information as to the status of this Lease as LIPA shall reasonably request. COUNTY hereby acknowledges that the statement delivered pursuant hereto may be relied upon by any prospective assignee of this Lease, lender or any other third party with whom LIPA has a reason to provide same

SECTION 22. NOT A CO-PARTNERSHIP OR JOINT VENTURE

Nothing herein contained shall create or be construed as creating a co-partnership or joint venture between LIPA and COUNTY or to constitute either as an agent or employee of the other. The relationship of LIPA to COUNTY is that of landlord-tenant and both LIPA and COUNTY, in accordance with its status as such, covenant and agree that they shall conduct themselves consistent with such status, and will neither hold themselves out as, nor claim to be, an officer or employee of the other by reason hereof, and that both LIPA and the COUNTY, and their employees, shall not, by reason hereof, make any claims, demands or application to or for any right of privilege including, but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage or retirement membership credit as officers, employees or agents of the other.

SECTION 23. BROKER

LIPA and COUNTY each represent and warrant to the other that no broker brought about this Lease. LIPA and COUNTY hereby agree to indemnify, defend and hold the other harmless against any claim, demand and judgment which may be made or obtained against one of the parties by any broker claiming a commission for representing the other, in connection with bringing about this Lease. LIPA or COUNTY shall forthwith notify other of any such claim, demand or legal action for purposes of requesting defense against any such claim, demand or legal action.

SECTION 24. CERTIFICATION

The parties to this Lease hereby certify that, other than the funds provided in this Lease and other valid agreements with COUNTY or LIPA, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial, economic, or financial relationship between the parties, the signatories to this Lease, and any partners, members, directors, or shareholders of more than five per cent (5%) of any party to this Lease.

SECTION 25. GOVERNING LAW

This Lease shall be construed and interpreted in accordance with the laws of the State of New York, and without regard to its conflict of laws provisions. Venue shall be designated in Nassau or Suffolk County, New York or the United States District Court for the Eastern District of New York.

SECTION 26. SUCCESSORS BOUND

This Lease shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors and assigns.

SECTION 27. COUNTY REPRESENTATIVES

It is expressly understood and agreed by and between the parties that the officers, officials, employees and agents of COUNTY are acting in a representative capacity for the COUNTY and not for their own benefit, and that LIPA shall not have any claim against them or any of them as individuals in any event whatsoever.

SECTION 28. LIPA REPRESENTATIVES

It is expressly understood and agreed by and between the parties that the officers, officials, employees and agents of LIPA are acting in a representative capacity for LIPA and not for their own benefit, and that COUNTY shall not have any claim against them or any of them as individuals in any event whatsoever.

SECTION 29. INTENTIONALLY OMITTED

SECTION 30. NO CREDIT

COUNTY agrees that this Lease shall not be pledged, hypothecated, or put up as security for a loan, credit or for any reason whatsoever.

SECTION 31. CONFLICTS OF INTEREST

Section 31.01 For the purposes set forth in Section 2 herein, the parties agree that they will not during the term of this Lease engage in any activity that is contrary to and/or in conflict with the goals and purposes of the other party.

Section 31.02 The parties are charged with the duty to disclose to the other party the existence of any such adverse interests, whether existing or potential. This duty shall continue during the term of this Lease. The determination as to whether or when a conflict exists or may potentially exist shall ultimately be made by the party to whom disclosure is made after full disclosure is obtained.

SECTION 32. GRATUITIES

LIPA represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

SECTION 33. PARAGRAPH HEADINGS

The paragraph headings in this Lease are included for convenience only and shall not be taken into consideration in any construction or interpretation of this Lease or any of its provisions.

SECTION 34. SEVERABILITY

It is expressly agreed that if any term or provision of this Lease and/or any amendment hereto, or the application thereof to any person or circumstances, shall be held invalid or unenforceable to any extent, the remainder of this Lease and any amendment hereto, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Lease and any amendment hereto shall be valid and shall be enforced to the fullest extent permitted by law.

SECTION 35. ENTIRE AGREEMENT

Section 35.01 It is expressly agreed that this instrument represents the entire agreement of the parties and that all previous understandings are merged in this Lease. The foregoing constitutes the entire agreement of the parties on the subject matter hereof. It may not be changed, modified, discharged or extended except by written instrument duly executed by COUNTY and LIPA.

Section 35.02 COUNTY agrees that no representations or warranties shall be binding upon LIPA unless expressed in writing, in this Lease.

- Signature Page Follows -

WHEREOF, the parties hereto have caused this Lease to be executed and delivered as of the date first set forth above.

LONG ISLAND LIGHTING COMPANY d/b/a

COUNTY OF SUFFOLK

LIPA

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Dennis M. Cohen
Title: Deputy County Executive
Date: _____

APPROVED AS TO LEGALITY:

RECOMMENDED:

DENNIS M. BROWN
Suffolk County Attorney

By: _____
GILBERT ANDERSON
Commissioner, Department of Public Works
Date: _____

By: _____
BASIA DEREN BRADDISH
Assistant County Attorney
Date: _____

APPROVED BY:
OFFICE OF THE STATE COMPTROLLER

APPROVED AS TO FORM:
OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL

By: _____
Name: _____
Title: _____
Dated: _____

By: _____
Name: _____
Title: _____
Dated: _____

APPENDIX A

STANDARD CLAUSES FOR LIPA CONTRACTS

For the purposes of this Appendix A, the Long Island Power Authority and its operating subsidiary the Long Island Lighting Company d/b/a LIPA are hereinafter referred to as "LIPA."

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than LIPA, whether a contractor, consultant, licensor, licensee, lessor, lessee or other party):

NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of LIPA and any attempts to assign the contract without LIPA's written consent are null and void. The Contractor may, however, assign its right to receive payment without LIPA's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

COMPTROLLER'S APPROVAL. In accordance with Section 112 of the New York State Finance Law (the "State Finance Law"), this Agreement shall not be valid, effective or binding upon LIPA until it has been approved by the State Comptroller and filed in his office.

WORKER'S COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this Agreement shall be void and of no force and effect unless the Contractor provides and maintains coverage during the life of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

NON-DISCRIMINATION REQUIREMENTS. In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other New York State and Federal statutory and constitutional non-discrimination provisions, the Contractor shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability, marital status, sexual orientation, genetic predisposition or carrier status. Furthermore, in accordance with Article 220-e of the New York Labor Law, and to the extent that this Agreement shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, national origin, sexual orientation, genetic predisposition or carrier status; (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee for the performance of work under this Agreement.

WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither the Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 2878 of the Public Authorities Law, if this contract was awarded based upon the submission of bids, Contractor warrants, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further warrants that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to LIPA a non-collusive bidding certification on the Contractor's behalf.

INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, The Contractor agrees, as a material condition of the contract, that neither The Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC app. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

SET-OFF RIGHTS. LIPA shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, LIPA's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to LIPA with regard to this contract, any other contract with LIPA, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to LIPA for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. LIPA shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by LIPA, its representatives, or the State Comptroller.

RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. LIPA shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) The Contractor shall timely inform LIPA in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

EQUAL EMPLOYMENT FOR MINORITIES AND WOMEN. In accordance with Section 312 of the New York Executive Law: (i) the Contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, genetic predisposition or carrier status and shall undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation; (ii) at the request of LIPA, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, genetic predisposition or carrier status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and (iii) Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of this Agreement, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, genetic predisposition or carrier status. Contractor shall include the provisions of (i), (ii) and (iii) above, in every subcontract over twenty-five thousand dollars (\$25,000.00) for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor.

CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

LATE PAYMENT. Timeliness of payment and any interest to be paid to the Contractor for late payment shall be governed by Section 2880 of the Public Authorities Law and the guidelines adopted by LIPA thereto.

PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165 (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the Contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the New York Laws of 1992), the Contractor hereby stipulates that the Contractor either (i) has no business operations in Northern Ireland, or (ii) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Article 165 of, the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
One Commerce Plaza
Albany, New York 12245.

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Minority and Women's Business Development Division
One Commerce Plaza
Albany, New York 12245

The Omnibus Procurement Act of 1992 requires that by signing this Agreement, Contractor certifies that:

(a) The Contractor has made commercially reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and woman-owned business enterprises, on this Project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended; and

(c) The Contractor agrees to make commercially reasonable efforts to provide notification to New York State residents of employment opportunities on this Project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request.

(d) The Contractor acknowledges that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

RECIPROCITY AND SANCTIONS PROVISIONS. The Contractor is hereby notified that if its principal place of business is located in a state that penalizes New York State vendors, and if the goods or services it offers are substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 amendments (Chapter 684, Laws of 1994) require that the Contractor be denied contracts which it would otherwise obtain.

PURCHASES OF APPAREL. In accordance with State Finance Law 162 (4-a), LIPA shall not purchase any apparel from any Contractor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) the Contractor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with LIPA), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

CONTRACTOR CERTIFICATION OF COMPLIANCE WITH STATE FINANCE LAW SECTION 139-j. Contractor certifies and affirms that it understands and agrees to

comply with the procedures of the Governmental Entity relative to permissible contacts as required by the State Finance Law § 139-j (3) and § 139-j (6)(b).

OPTIONAL TERMINATION BY THE AUTHORITY. LIPA reserves the right to terminate this contract in the event it is found that the certification filed by Contractor in accordance with New York State Finance Law § 139-k was intentionally false or intentionally incomplete. Upon such finding, LIPA may exercise its termination right by providing written notification to the Contractor in accordance with the written notification terms of the contract.

CONTINGENT FEES. Contractor hereby certifies and agrees that (a) Contractor has not employed or retained and will not employ or retain any individual or entity for the purpose of soliciting or securing any LIPA contract or any amendment or modification thereto pursuant to any agreement or understanding for receipt of any form of compensation which in whole or in part is contingent or dependent upon the award of any such contract or any amendment or modification thereto; and (b) Contractor will not seek or be paid an additional fee that is contingent or dependent upon the completion of a transaction by LIPA.

NONPUBLIC PERSONAL INFORMATION. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208). Contractor shall be liable for the costs associated with such breach if caused by Contractor's negligent or willful acts or omissions, or the negligent or willful acts or omissions of the Contractor's agents, officers, employees or subcontractors.

IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

NAMES

LEGAL RESIDENCE

President

Secretary

Treasurer

President

Secretary

Treasurer

Identifying Data:

Potential

Consultant:

Street

Address:

City,

Town,

etc.

Telephone:

Title:

If applicable, Responsible Corporate Officer Name

Title

Signature

Joint or combined bids by companies or firms must be certified on behalf of each Contractor:

Legal name of person, firm or corporation

By _____
... (Name)

Title

Street Address

City and State

Legal name of person, firm or corporation

By _____
... (Name)

Title

Street Address

City and State

NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND:

MACBRIDE FAIR EMPLOYMENT PRINCIPLES

In accordance with section 165 of the State Finance Law, the bidder, by submission of this bid certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership in the bidder, either: (answer yes or no to one or both of the following, as applicable),

(1) has business operations in Northern Ireland;

Yes ___ or No ___

If yes:

(2) shall take lawful steps in good faith to conduct any business operations that it has in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such Principles.

Yes ___ or No ___

Signature

Contractor Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

Contract Procurement Number:

Date:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity:

Date of Finding of Non-responsibility:

Basis of Finding of Non-Responsibility:

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No

Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

(Add additional pages as necessary)

Contractor certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____
Signature

Name: _____

Title: _____

CONTINGENT FEE CERTIFICATION

In accordance with section F.2 of Article II of the Long Island Power Authority "Guidelines Regarding the Use, Awarding, Monitoring and Reporting of Procurement Contracts" (the "Guidelines"), the proposer, by submission of this proposal certifies the following with respect to the payment of contingent fees:

- (1) Proposer has not employed or retained and will not employ or retain any individual or entity for the purpose of soliciting or securing any Long Island Power Authority contract or any amendment or modification thereto pursuant to any agreement or understanding for receipt of any form of compensation which in whole or in part is contingent or dependent upon the award of any such contract or any amendment or modification thereto; and
- (2) Proposer will not seek or be paid an additional fee that is contingent or dependent upon the completion of a transaction by the Long Island Power Authority.

FAILURE TO PROVIDE THIS CERTIFICATION WILL BE GROUNDS FOR DISQUALIFICATION IN THE PROCUREMENT PROCESS.

VIOLATION OF EITHER (1) OR (2) OF THIS CERTIFICATION SHALL RESULT IN:

- (i) disqualification of Proposer from the procurement process; and
- (ii) prohibition of the Proposer from being awarded any contract for a period of three years from the commencement of the procurement process.

Certified as of the _____ day of _____, 20__.

Name of person, firm or corporation

By _____
(Name and Title)

New York State

Vendor Responsibility Questionnaire

Effective January 1, 2005, the Office of the State Comptroller (“OSC”) has implemented a requirement that all state entities whose contracts are subject to OSC approval, such as LIPA, must certify that its contracts have been awarded to “responsible” vendors. Although LIPA (and KeySpan on behalf of LIPA) have always complied with this legal requirement and awarded contracts to responsible vendors, this process requires LIPA to provide more specific and in-depth information about vendors to OSC.

In order to assist LIPA in providing this certification, all vendors that have been awarded contracts are required to complete the enclosed Vendor Responsibility Questionnaire. Additional information regarding vendor responsibility determinations can be found at OSC’s web site at <http://www.osc.state.ny.us/agencies/gbull/g221.htm>.

A contracting agency is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. This questionnaire is designed to provide information to assist a contracting agency in assessing a vendor’s responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each bidder’s authorization to do business in New York, business integrity, financial and organizational capacity, and performance history.

Prospective contractors must answer every question contained in this questionnaire. Each “Yes” response requires additional information. The vendor must attach a written response that adequately details each affirmative response. The completed questionnaire and attached responses will become part of the procurement record.

It is imperative that the person completing the vendor responsibility questionnaire be knowledgeable about the proposing contractor’s business and operations as the questionnaire information must be attested to by an owner or officer of the vendor. **Please read the certification requirement at the end of this questionnaire.**

EXHIBIT A
(Survey of Path)

EXHIBIT B

(Metes and Bounds Description of Path)

EXHIBIT CForeign Uses of LIPA Property
Restrictions and Requirements

<u>Applicable</u>	<u>No.</u>	<u>Item</u>
<u> X</u>	1	Any grade changes shall be submitted to Engineering for approval prior to implementation.
<u> X</u>	2	COUNTY must maintain a 15 ft. clearance between construction equipment and any LIPA conductor or structure.
<u> X</u>	3	Complete Construction drawings shall be submitted to Engineering for approval prior to start of construction.
<u> X</u>	4	The counterpoise (or grounding system) in addition to all other LIPA facilities are to be protected from damage. In the event of damage, repairs shall be made by LIPA at the expense of the COUNTY.
<u> X</u>	5	Mr. Larry Ferrandiz (631-348-6013) shall be notified at least two weeks prior to construction start. Also, Mr. Ferrandiz shall be kept advised of any matters affecting the maintenance of the R.O.W. and his approval shall be required as to site conditions before the contractor leaves the site.
<u> X</u>	6	LIPA shall have access at all times for repair or maintenance of its facilities.
<u> X</u>	7	LIPA's underground rights shall be maintained.
<u> X</u>	8	Patrol routes shall be kept clear for LIPA patrolling vehicles.
<u> X</u>	9	A site plan shall be submitted to Manager, Survey Division, to allow for the protection of, or changes to, survey monumentation at the site. Any survey work will be paid for by the COUNTY.
<u> X</u>	10	Any temporary structures erected near LIPA wires must be approved by Engineering before their erection.

*Counterpoise wires are bare, 3/8" diameter, copper colored, and are usually buried 18" below grade, one wire on each side of the tower or pole line running from structure to structure.

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 material.

Submitting Department
(Dept. Name & Location)

Public Works
335 Yaphank Avenue
Yaphank, NY 11980

Department Contact Person
(Name & Phone No.):

William Hillman, P.E.
Chief Engineer
852-4002

Suggestion Involves:

Amendment

Grant Award

New Program

Contract (New Rev.)

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

Authorizing the County Executive to execute a "no-rent" Lease of Portions of LIPA owned ROW from Crystal Brook Hollow Road to Wading River for Pedestrian and Bicycle Path

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

Not Applicable

PLEASE FILL IN REVERSE SIDE OF FORM

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

1553

Intro. Res. No. -2013

Laid on Table 6/18/13

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. -2013, AUTHORIZING THE INCLUSION OF NEW PARCELS INTO EXISTING CERTIFIED AGRICULTURAL DISTRICTS IN THE COUNTY OF SUFFOLK - 2013 AND UPDATING ANNUAL ENROLLMENT PERIOD

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law provides for a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law established and articulates the Agricultural Districts Program, wherein viable agricultural land included within a certified agricultural district receives certain benefits and protections in order to perpetuate farming; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law was amended in 2003 to include Section 303-B which allows county legislative bodies the opportunity to designate an annual thirty-day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within an existing certified agricultural district; and

WHEREAS, Suffolk County does contain agricultural districts; and

WHEREAS, Resolution 103-2006 designated March as the thirty-day period within which a land owner may submit a request for inclusion of land that is predominately viable agricultural land within a certified agricultural district and designated January as the annual enrollment month starting in January 2007; and

WHEREAS, the thirty-day period in 2013 within which a land owner may submit a request for inclusion of land that is predominately viable agricultural land within a certified agricultural district was April 16 - May 16 and will designate March as the annual enrollment month starting in 2014; and

WHEREAS, nine (9) applications were received from land owners during the 2013 annual enrollment period; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board found that the parcels identified by "Exhibit A" consist of predominately viable agricultural land and that inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the existing certified agricultural districts; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board found that the parcels identified by "Exhibit B" do not consist of predominately viable agricultural land and that inclusion of such land would not serve the public interest; and

1st RESOLVED, that Suffolk County does hereby designate April 16-May 16, 2013 as the 30-day period during which landowners submitted proposals to include viable agricultural land within a certified agricultural district and designating March as the annual enrollment period starting in 2014; and be it further

Exhibit A

Parcels Approved for Inclusion in Existing Certified Agricultural Districts

Tax Map Number	Name	Acres	Agricultural District Number
0200-977.50-04.00-014.000	Michael Tifford	3.2	3
0900-056.00-01.00-015.000	Haney Farm LLC	13.0	5
0900-056.00-01.00-019.024	Haney Farm LLC	10.0	5
1000-075.00-04.00-022.009	Michael & Paula Croteau	9.4	1
1000-083.00-02.00-012.004	Oregon LLC and Morell LLC	28.5	1
1000-083.00-02.00-012.007	Oregon LLC and Morell LLC	11.7	1
1000-101.00-02.00-022.002	Hallock E. Tuthill	5.2	1
1000-113.00-07.00-019.023	James J. Bissett, III	37.0	1
1000-115.00-02.00-006.000	Maratooka North LLC	23.3	1
1000-125.00-03.00-004.005	Edward & Stanley Sawicki	10.3	1
	TOTAL ACRES	151.6	

Tax Map Number	Name	Acres
0200-976.10-03.00-027.002	South Country Farms LLC	26.8
1000-125.00-03.00-004.004	Edward & Stanley Sawicki	2.5
	TOTAL ACRES	29.3

**2013 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT**

TITLE OF BILL (I.R.):

AUTHORIZING THE INCLUSION OF NEW PARCELS INTO EXISTING CERTIFIED AGRICULTURAL DISTRICTS IN THE COUNTY OF SUFFOLK - 2013 AND UPDATING ANNUAL ENROLLMENT PERIOD

PURPOSE OR GENERAL IDEA OF BILL (I.R.):

To include parcels identified by "Exhibit A" into existing certified agricultural districts.

SUMMARY OF SPECIFIC PROVISIONS:

This legislation is being submitted in order to initiate the County Legislative Body's recommendation of parcels identified by "Exhibit A" to the Commissioner of New York State Department of Agriculture and Markets pursuant to Section 303(B)(4) of Article 25-AA of the New York State Agriculture and Markets Law.

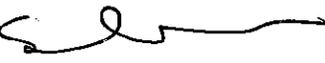
JUSTIFICATION:

The Suffolk County Agricultural & Farmland Protection Board ("Board") at its June 12, 2013 meeting reviewed landowner requests for the inclusion of land into certified agricultural districts during the 2013 Open Enrollment Period of April 16, 2013 to May 16, 2013. At said meeting, the Board reviewed nine (9) applications and recommended ten (10) parcels consisting of predominantly viable agricultural land as identified by "Exhibit A" for inclusion into existing certified agricultural districts.

FISCAL IMPLICATIONS:

The proposed legislation will not have a fiscal impact.

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

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation		
AUTHORIZING THE INCLUSION OF NEW PARCELS INTO EXISTING CERTIFIED AGRICULTURAL DISTRICTS IN THE COUNTY OF SUFFOLK - 2013 AND UPDATING ANNUAL ENROLLMENT PERIOD		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
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 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Sarah Lansdale Director of Planning		June 13, 2013

SCIN FORM 175b (10/95)

NEIL TOOMB

NEIL TOOMB 6/17/13

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

**Department of
Economic Development and Planning**

Joanne Minieri
Deputy County Executive and Commissioner

**Division of Planning
and Environment**

June 13, 2013

Jon Schneider, Deputy County Executive
Office of the County Executive
H. Lee Dennison Bldg. – 12th Floor
100 Veterans Memorial Hwy.
Hauppauge, New York 11788

Re: ***Reso-EDP-2013 Agricultural Districts***

Dear Mr. Schneider:

Attached for your review and consideration is a proposed Introductory Resolution that would authorize the inclusion of 10 parcels, representing 151.6 acres of farmland into existing certified agricultural districts. This inclusion of parcels is being conducted in accordance with the provisions of Section 303-b of Article 25-AA of the New York State Agriculture and Markets Law, which requires that the County provide property owners with an annual opportunity to request to have their lands included in existing certified agricultural districts.

The Suffolk County Agricultural and Farmland Protection Board has determined that each parcel identified in Exhibit A of the enclosed proposed Introductory Resolution consists predominantly of viable agricultural land and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district.

Additionally, this Introductory Resolution would authorize April 16 – May 13 as the 2013 Agricultural Enrollment Period and designate March as the Annual Enrollment month beginning in 2014.

Please contact me, if you require any additional information.

Very truly yours,


Sarah Lansdale
Director of Planning

Enclosures
Resolution

cc: Dennis M. Cohen, Chief Deputy County Executive
Joanne Minieri, Deputy County Executive and Commissioner, EDP
Lisa Santeramo, Asst. Deputy County Executive
Tom Vaughn, Director of Intragovernmental Relations
Lauretta R. Fischer, Principal Environmental Analyst
CE Reso Review (electronic copy)

1555

Intro. Res. No. -2013
Introduced by Presiding Officer on request of the County Executive

Laid on Table

6/18/13

**RESOLUTION NO. -2013, APPROPRIATING FUNDS IN THE 2013
CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH
PAVEMENT MANAGEMENT REHABILITATION AT FRANCIS S.
GABRESKI AIRPORT (CP 5739)**

WHEREAS, the Federal Aviation Administration has advised that the County will receive funding to assist with the planning and design of the rehabilitation of Runway 15-33 at Gabreski Airport; and

WHEREAS, there are Federal and State funds, \$361,800 and \$20,100 respectively, for this project with a share allocation of ninety percent (90%) Federal funds and five percent (5%) State funds and five percent (5%) County funds; and

WHEREAS, sufficient funds are included in the 2013 Capital Budget and Program to cover the cost of said request under Capital Project 5739: and

WHEREAS, the County must first pass a resolution and have State and Local agreements in place prior to final issuance of the Federal authorization; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal and State portion; and

WHEREAS, Resolution No. 471-1994 and as amended 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 \$20,100 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 Section 617.5 (c) (21) and (27)" of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns preliminary planning, other studies and adoption of a local legislative decision in connection with the same, and 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 seventy-nine (79) 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 (A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the proceeds of \$20,100 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5739.111 (Fund 625-Debt Service)	Pavement Management Rehabilitation at Francis S. Gabreski Airport	\$20,100

and be it further

5th **RESOLVED**, that State Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5739.111	Pavement Management Rehabilitation at Francis S. Gabreski Airport	\$ 20,100

and be it further

6th **RESOLVED**, that the Federal Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5739.111	Pavement Management Rehabilitation at Francis S. Gabreski Airport	\$361,800

and be it further

7th **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal aid in connection with this project; and be it further

8th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$381,900; and be it further

9th **RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; and be it further

10th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the grant agreement for reimbursement with the Federal Aviation Administration and the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2013, APPROPRIATING FUNDS IN THE 2013 CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH PAVEMENT MANAGEMENT REHABILITATION AT FRANCIS S. GABRESKI AIRPORT (CP 5739)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> 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. The County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$381,900.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SCHEDULE		
8. Proposed Source of Funding		
Federal Aviation Administration 90% (\$361,800) New York State Aid 5% (\$20,100) Suffolk County Serial Bonds 5% (\$20,100)		
9. Timing of Impact		
2014		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Asst Executive Analyst		6/17/2013

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$4,364	\$0.01	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$4,364	\$0.01	\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
General Obligation Serial Bonds
Level Debt

Term of Bonds: 5
 Amount to Bond: \$20,100

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2013					
11/1/2014	2.000%	\$3,801.09	\$562.80	\$4,363.89	\$4,363.89
			\$228.18	\$228.18	
11/1/2015	3.000%	\$3,907.53	\$228.18	\$4,135.71	\$4,363.89
			\$173.48	\$173.48	
11/1/2016	3.000%	\$4,016.94	\$173.48	\$4,190.42	\$4,363.89
			\$117.24	\$117.24	
11/1/2017	3.000%	\$4,129.41	\$117.24	\$4,246.65	\$4,363.89
			\$59.43	\$59.43	
11/1/2018	3.000%	\$4,245.03	\$59.43	\$4,304.46	\$4,363.89
11/1/2019		\$20,100.00	\$1,719.47	\$21,819.47	\$21,819.47
11/1/2020					
11/1/2021					
11/1/2022					
11/1/2023					
11/1/2024					
11/1/2025					
11/1/2026					
11/1/2027					
11/1/2028					
11/1/2029					
11/1/2030					
11/1/2031					

**2013 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT
DEPARTMENT OF ECONOMIC DEVELOPMENT & PLANNING**

TITLE OF BILL: RESOLUTION - APPROPRIATING FUNDS IN THE 2013 CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH PAVEMENT MANAGEMENT REHABILITATION AT FRANCIS S. GABRESKI AIRPORT (CP-5739)

PURPOSE OR GENERAL IDEA OF BILL:

To accept federal and state grants to fund the design phase of rehabilitating Runway 15-33 at Gabreski Airport, to appropriate the grant funds and to appropriate the County portion.

SUMMARY OF SPECIFIC PROVISIONS:

The \$381,800 funding from the FAA and NYS DOT provides 95% of the total project cost. The County share of 5% equates to \$20,100.

JUSTIFICATION:

Runway 15-33 is in need of resurfacing to prevent damage to aircraft.

FISCAL IMPLICATIONS:

Funding is included in the 2013 Adopted Capital Budget.
Bonding of the County portion of \$20,100.

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Joanne Minieri
Deputy County Executive and Commissioner

Department of
Economic Development and Planning

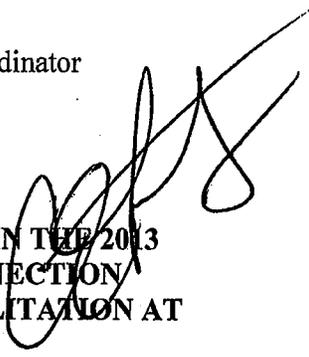
MEMORANDUM

TO: Jon Schneider, Deputy County Executive
Office of the County Executive

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development and Planning

DATE: June 17, 2013

SUBJECT: **RESOLUTION APPROPRIATING FUNDS IN THE 2013
CAPITAL BUDGET AND PROGRAM IN CONNECTION
WITH PAVEMENT MANAGEMENT REHABILITATION AT
FRANCIS S. GABRESKI AIRPORT (CP-5739)**



The Department of Economic Development and Planning requests the submittal of the attached resolution which accepts and appropriates federal and state funding of \$381,800 for the design phase of rehabilitating Runway 15-33 a runway at Gabreski Airport. The County's share is \$20,100.

Attached please find the draft resolution, Memorandum of Support and the required SCIN 175a and 175b. Electronic copies have been filed as required.

Thank you.

CEF/kmb

cc: Dennis M. Cohen, Chief Deputy County Executive
Joanne Minieri, Deputy County Executive/Commissioner
Vanessa Pugh, Deputy Commissioner
Lisa Santeramo, Assistant Deputy County Executive
Tom Vaughn, Director of Intergovernmental Relations
Tony Ceglie, Francis S. Gabreski Airport Manager

1555

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):	Department Contact Person (Name & Phone No.):
Department of Economic Development and Planning H. Lee Dennison Bldg. -- 11th Floor Hauppauge	Carolyn E. Fahey Intergovernmental Relations Coordinator (631) 853-4833

Suggestion Involves:

Technical Amendment _____

Grant Award _____

New Program _____

Contract: New _____ Rev. _____

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

**APPROPRIATING FUNDS IN THE 2013 CAPITAL BUDGET AND PROGRAM
IN CONNECTION WITH PAVEMENT MANAGEMENT REHABILITATION AT
FRANCIS S. GABRESKI AIRPORT (CP-5739)**

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

1556

Intro. Res. No. -2013
Introduced by Presiding Officer on request of the County Executive

Laid on Table 6/18/13

RESOLUTION NO. -2013, AMENDING THE 2013 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FUNDS IN CONNECTION WITH AIRPORT SNOW REMOVAL EQUIPMENT AT FRANCIS S. GABRESKI AIRPORT (CP 5737)

WHEREAS, the Federal Aviation Administration has advised that the County will receive funding to assist with the purchase of a Rotary Snow Plow for use at Gabreski Airport; and

WHEREAS, there are Federal and State funds, \$585,000 and \$32,500 respectively, for this project with a share allocation of ninety percent (90%) Federal funds and five percent (5%) State funds and five percent (5%) County funds; and

WHEREAS, sufficient funds are not included in the 2013 Capital Budget and Program to cover the cost of said request under Capital Project 5737 and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State Aid; and

WHEREAS, the County must first pass a resolution and have State and Local agreements in place prior to final issuance of the Federal authorization; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal and State portion; and

WHEREAS, Resolution No. 471-1994 and as amended 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 \$32,500 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 Section 617.5 (c) (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and 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 forty-three (43) 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 to complete the project, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the 2013 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5737
 Project Title: Airport Snow Removal Equipment at Francis S. Gabreski Airport

	<u>Total Est'd Cost</u>	<u>Current 2013 Capital Budget & Program</u>	<u>Revised 2013 Capital Budget & Program</u>
5. Equipment	<u>\$650,000</u>	\$0B \$0S \$0F	\$32,500B \$32,500S <u>\$585,000F</u>
TOTAL	\$650,000	\$0	\$650,000

and be it further

5th **RESOLVED**, that the proceeds of \$32,500 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5737.510 (Fund 625-Debt Service)	Airport Snow Removal Equipment at Francis S. Gabreski Airport	\$32,500

and be it further

6th **RESOLVED**, that State Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5737.510	Airport Snow Removal Equipment at Francis S. Gabreski Airport	\$585,000

and be it further

7th **RESOLVED**, that the Federal Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5737.510	Airport Snow Removal Equipment at Francis S. Gabreski Airport	\$32,500

and be it further

8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal and State funding in the amount of \$617,500 and be it further

9th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$617,500; and be it further

10th **RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; and be it further

11th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the grant agreement for reimbursement with the Federal Aviation Administration and the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2013, AMENDING THE 2013 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FUNDS IN CONNECTION WITH AIRPORT SNOW REMOVAL EQUIPMENT AT FRANCIS S. GABRESKI AIRPORT (CP 5737)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u> County </u>	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. The County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$617,500.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SCHEDULE		
8. Proposed Source of Funding		
Federal Aviation Administration 90% (\$585,000) New York State Aid 5% (\$32,500) Suffolk County Serial Bonds 5% (\$32,500)		
9. Timing of Impact		
2014		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Asst Executive Analyst		6/17/2013

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$7.056	\$0.01	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$7.056	\$0.01	\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
General Obligation Serial Bonds
Level Debt

Term of Bonds: 5
Amount to Bond: \$32,500

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2013					
11/1/2014	2.000%	\$6,146.05	\$910.00	\$7,056.05	\$7,056.05
			\$368.96	\$368.96	
11/1/2015	3.000%	\$6,318.14	\$368.96	\$6,687.09	\$7,056.05
			\$280.50	\$280.50	
11/1/2016	3.000%	\$6,495.05	\$280.50	\$6,775.55	\$7,056.05
			\$189.57	\$189.57	
11/1/2017	3.000%	\$6,676.91	\$189.57	\$6,866.48	\$7,056.05
			\$96.09	\$96.09	
11/1/2018	3.000%	\$6,863.86	\$96.09	\$6,959.95	\$7,056.05
11/1/2019		\$32,500.00	\$2,780.24	\$35,280.24	\$35,280.24
11/1/2020					
11/1/2021					
11/1/2022					
11/1/2023					
11/1/2024					
11/1/2025					
11/1/2026					
11/1/2027					
11/1/2028					
11/1/2029					
11/1/2030					
11/1/2031					

**2013 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT
DEPARTMENT OF ECONOMIC DEVELOPMENT & PLANNING**

TITLE OF BILL: AMENDING THE 2013 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FUNDS IN CONNECTION WITH AIRPORT SNOW REMOVAL EQUIPMENT AT FRANCIS S. GABRESKI AIRPORT (CP-5737)

PURPOSE OR GENERAL IDEA OF BILL:

Accepting grant funds from the Federal Aviation Administration and the NYS Department of Transportation to assist the County in purchasing snow removal equipment.

SUMMARY OF SPECIFIC PROVISIONS:

The \$617,500 funding from the FAA and NYS DOT provides 95% of the total project cost. The County share of 5% equates to \$32,500.

JUSTIFICATION:

The existing snow removal equipment is inadequate to clear the airport in accordance with FAA timelines. The FAA acknowledges this inadequacy and has agreed to support the purchase of new equipment.

FISCAL IMPLICATIONS:

Funding is not included in the 2013 Adopted Capital Budget. Overtime should be reduced due to the efficiency of the new equipment.

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Joanne Minieri
Deputy County Executive and Commissioner

Department of
Economic Development and Planning

MEMORANDUM

TO: Jon Schneider, Deputy County Executive
Office of the County Executive

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development and Planning

DATE: June 17, 2013

SUBJECT: RESOLUTION AMENDING THE 2013 CAPITAL
BUDGET AND PROGRAM AND ACCEPTING AND
APPROPRIATING FUNDS IN CONNECTION WITH
AIRPORT SNOW REMOVAL EQUIPMENT AT
FRANCIS S. GABRESKI AIRPORT (CP-5737)

The Department of Economic Development and Planning requests the submittal of the attached resolution which accepts, amends and appropriates federal and state funding of \$617,500 for the purchase of snow removal equipment for Gabreski Airport. The County's share is \$32,500.

Attached please find the draft resolution, Memorandum of Support and the required SCIN 175a and 175b. Electronic copies have been filed as required.

Thank you.

CEF/kmb

cc: Dennis Cohen, Chief Deputy County Executive
Joanne Minieri, Deputy County Executive and Commissioner
Vanessa Pugh, Deputy Commissioner
Lisa Santeramo, Assistant Deputy County Executive
Tom Vaughn, Director of Intergovernmental Relations
Tony Ceglie, Francis S. Gabreski Airport Manager

RESOLUTION NO. - 2013, AMENDING SUFFOLK COUNTY CODE, CHAPTER 948-32 TO REVISE THE FEE SCHEDULE FOR FRANCIS S. GABRESKI AIRPORT

WHEREAS, Suffolk County Code Chapter 948-32, Article XI sets forth fees for property use at Francis S. Gabreski Airport; and

WHEREAS, the Department of Economic Development and Planning (the "Department") on a regular basis reviews the Airport fee schedule to ensure that it is reflective of the local market; and

WHEREAS, after such review, the Department has determined that the Gabreski Airport Fee Schedule needs to be amended to be compatible with those of other local airports; and

WHEREAS, the fee schedule is also amended to include an Airport Customs Fee to be implemented only if US Customs and Border Patrol is provided office space by the department; now, therefore be it

1st RESOLVED, that Chapter 948-32, Article XI of the Suffolk County Charter is hereby amended to include the rates and fees as noted in "Exhibit A" attached and hereto made part of this resolution; and be it further

2nd 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) 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:

County Executive of Suffolk County

Date: _____

[] Brackets denote deletion of existing language
____ Underlining denotes addition of new language

**2013 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT
DEPARTMENT OF ECONOMIC DEVELOPMENT & PLANNING**

TITLE OF BILL:

AMENDING SUFFOLK COUNTY CODE, CHAPTER 948-32 TO REVISE THE FEE SCHEDULE FOR FRANCIS S. GABRESKI AIRPORT

PURPOSE OR GENERAL IDEA OF BILL:

Amending the fees associated with Gabreski Airport.

SUMMARY OF SPECIFIC PROVISIONS:

Landing fees have been amended to reflect market increases. The fee schedule is also amended to include an Airport Customs Fee to be implemented only if US Customs and Border Patrol (CBP) requires office space at Gabreski Airport.

JUSTIFICATION:

On a regular basis the Department reviews its fee structure to ensure that the current fees reflect the market. Landing fees are amended as such. Also included is an Airport Customs Fee. US Customs and Border Patrol has advised the airport that in order to continue servicing the private and corporate international flights they might require the airport to provide office space and the necessary computer connectivity at no cost. The proposed Customs Fee is on par with other local airports and will only be implemented if US Customs and Border Patrol require the county to provide space. It should be noted that there might be infrastructure improvements that need to be made in order to accommodate US CBP. The fee will help to cover those costs.

FISCAL IMPLICATIONS:

The amended landing fees will generate additional revenue of \$139,000 in 2013 (July – December) and \$277,000 in 2014.

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Joanne Minieri
Deputy County Executive and Commissioner

Department of
Economic Development and Planning

MEMORANDUM

TO: Jon Schneider, Deputy County Executive
Office of the County Executive

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Planning

DATE: June 13, 2013

SUBJECT: **AMENDING SUFFOLK COUNTY CODE, CHAPTER 948-32 TO
REVISE THE FEE SCHEDULE FOR FRANCIS S. GABRESKI
AIRPORT**

The Department of Economic Development and Planning requests the submittal of the attached resolution which revises the fee schedule for Francis S. Gabreski Airport. The new resolution updates several landing fees to bring them in line with the current market values.

Attached please find the draft resolution and the required documentation. Electronic copies have been filed.

Thank you.

CEF/kmb
Attachments

cc: Dennis Cohen, Chief Deputy County Executive
Joanne Minieri, Deputy County Executive and Commissioner
Vanessa Pugh, Deputy Commissioner
Lisa Santeramo, Assistant Deputy County Executive
Tom Vaughn, Director of Intergovernmental Relations

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):	Department Contact Person (Name & Phone No.):
Department of Economic Development and Planning H. Lee Dennison Bldg. – 11th Floor Hauppauge	Carolyn E. Fahey Intergovernmental Relations Coordinator (631) 853-4833

Suggestion Involves:

Technical Amendment _____

Grant Award _____

New Program _____

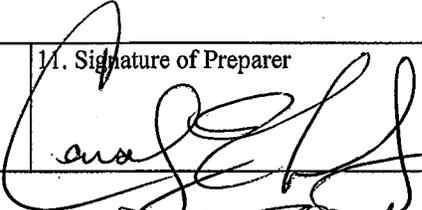
Contract: New _____ Rev. _____

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

**AMENDING SUFFOLK COUNTY CODE, CHAPTER 948-32 TO REVISE THE FEE
SCHEDULE FOR FRANCIS S. GABRESKI AIRPORT**

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

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
AMENDING SUFFOLK COUNTY CODE, CHAPTER 948-32 TO REVISE THE FEE SCHEDULE FOR FRANCIS S. GABRESKI AIRPORT		
3. Purpose of Proposed Legislation		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	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		
Per Dept estimates, add'l revenue in 2013 \$ 139,000		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
upon adoption		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carolyn Fahy		6/17/13

SCIN FORM 175b (10/95)

NEIL TOOMB

6/17/13

EXHIBIT A

EXHIBIT A

Amending Fees at Francis S. Gabreski Airport

Type	Landing Fee	Security Fee	Day Landing Fee Total	Night Landing Fee* Total
Non-Commercial Aircraft (max gross landing weight)				
Single-engine	\$3.00	\$2.00	\$5.00	\$6.65
Multi-engine equal to or under 12,500 lbs gross weight	\$8.00	\$2.00	\$10.00	\$13.00
Multi-engine over 12,500 lbs gross weight	[\$98.00] <u>\$148.00</u>	\$2.00	[\$100.00] <u>\$150.00</u>	[\$125.00] <u>\$187.50</u>
Multi-engine over 25,000 lbs gross weight	[\$198.00] <u>\$238.00</u>	\$2.00	[\$200.00] <u>\$240.00</u>	[\$250.00] <u>\$300.00</u>
Multi-engine over 50,000 lbs gross weight	[\$398.00] <u>\$478.00</u>	\$2.00	[\$400.00] <u>\$480.00</u>	[\$500.00] <u>\$600.00</u>
Commercial Aircraft (max gross landing weight)				
Single-engine	[\$23.00] <u>\$28.00</u>	\$2.00	[\$25.00] <u>\$30.00</u>	[\$31.25] <u>\$37.50</u>
Multi-engine equal to or under 12,500 lbs gross weight	[\$48.00] <u>\$58.00</u>	\$2.00	[\$50.00] <u>\$60.00</u>	[\$62.50] <u>\$75.00</u>
Helicopter	[\$73.00] <u>\$148.00</u>	\$2.00	[\$75.00] <u>\$150.00</u>	[\$93.75] <u>\$187.50</u>
Multi-engine over 12,500 lbs gross weight	[\$98.00] <u>\$148.00</u>	\$2.00	[\$100.00] <u>\$150.00</u>	[\$125.00] <u>\$187.50</u>
Multi-engine over 25,000 lbs gross weight	[\$148.00] <u>\$238.00</u>	\$2.00	[\$150.00] <u>\$240.00</u>	[\$187.50] <u>\$300.00</u>
Over 50,000 lbs gross weight	[\$223.00] <u>\$478.00</u>	\$2.00	[\$225.00] <u>\$480.00</u>	[\$281.25] <u>\$600.00</u>
100,000 lbs gross weight and over	[\$298.00] <u>\$548.00</u>	\$2.00	[\$300.00] <u>\$550.00</u>	[\$375.00] <u>\$687.50</u>

*Night Fees in effect between 11:00 p.m. and 7:00 a.m.

Tie Down

Single-engine	\$ 80.00 per month
Multi-engine	\$ 90.00 per month

Overnight/Transient Parking

(No more than seven consecutive days)

Single-engine	\$ 10.00 per day
Multi-engine	\$ 20.00 per day
Overnight Adjacent to Taxiway N	[\$75.00] <u>100.00 per day</u>

Airport Customs Fee (for common building use)*

350.00 per operation

Airship Mooring

\$125.00 per day (not to exceed \$2,000.00 per month)

Touch and Go Operations

Aircraft 12,500 lbs gross weight and over	\$200.00 (per series of 4)
Aircraft under 12,500 lbs gross weight	No Charge

(Based on gross take-off weights)

Film Industry/Promotional Events

Taxiways	\$1,000.00 per day
Runways	\$1,500.00 per day
Terminal Building	\$1,100.00 per day
Ramp Area	\$ 750.00 per day
Area outside AOA (Airfield Operations Area)	\$ 750.00 per day

Daily Fees are based on a 7 hour day. Any additional time will be prorated hourly based on the daily rates noted above.

Hangar Rental Rates Per Square Foot (SF)

Under 5,000 lbs Max Gross Takeoff Weight SF	\$6.00 / SF
Over 5,000 lbs Max Gross Takeoff Weight SF	\$8.00 / SF

* Airport Customs Fee will only be charged if US Customs and Border Patrol agents use Office Space at Gabreski Airport. Fee will be used to offset cost for office space and necessary improvements.

[] Brackets denote deletion of existing language

 Underlining denotes addition of new language

1559

Intro. Res. No. -2013
Introduced by Legislator Browning

Laid on Table 6/18/13

**RESOLUTION NO. -2013, PRIORITIZING AND EXAMINING
THE TRANSITION OF EXISTING COUNTY HEALTH CENTERS
TO THE FEDERALLY QUALIFIED HEALTH CENTER MODEL**

WHEREAS, the County of Suffolk is in the process of consolidating several of its health centers and transferring their operation to a private, non-profit federally qualified health center ("FQHC"); and

WHEREAS, the County owns and operates two health centers, the Riverhead County Health Center and the Tricommunity Health Center in Amityville, and contracts with local hospitals in other areas of the County to operate health centers in their communities; and

WHEREAS, the County's costs associated with the operation of contracted health centers is higher than those centers owned and operated by the County itself; and

WHEREAS, the County should prioritize the transition of health centers operated under contract with local hospitals to FQHCs before considering the transition of its own health centers; and

WHEREAS, to ensure that the FQHC transition process progresses in an informed, considered manner, the Legislature should establish an oversight committee; and

WHEREAS, the oversight committee should examine whether the County owned and operated health centers should be transitioned to FQHC status and consider if there are options other than the full privatization of the County's facilities; now, therefore be it

1st RESOLVED, that it shall be the policy of the County of Suffolk to transition County health centers that are operated by contract agencies to the FQHCs before the County owned and operated health centers are considered for such transition; and be it further

2nd RESOLVED, that a special FQHC Transition Legislative Oversight Committee ("Committee") is hereby established to study and determine if the remaining County owned and operated health centers should be transferred to a FQHC and, if so, examine the feasibility of negotiating to have County employees retained within the FQHC structure; and be it further

3rd RESOLVED, that this Committee shall consist of the following members:

1. the Presiding Officer of the County Legislature, or his or her designee;
2. the Minority Leader of the County Legislature, or his or her designee;
3. the Chairperson of the Health Committee of the Legislature, or his or her designee;
4. the Chairperson of the Government Operations, Personnel, Housing and Consumer Protection Committee of the Legislature, or his or her designee;
5. a representative from the Legislative Office of Budget Review;

6. a representative from the County Executive's budget office; and
7. the Commissioner of the Department of Health Services, or his or her designee.

and be it further

4th **RESOLVED**, the Committee shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened for the purpose of organization and the appointment of a chairperson, vice chairperson and a secretary; and be it further

5th **RESOLVED**, that four (4) members of the Committee shall constitute a quorum to transact the business of the Committee at both regular and special meetings; and be it further

6th **RESOLVED**, that support services and technical assistance involving the month-to-month operation of this Committee, as well as supplies and postage as necessary, will be provided by the staff of the Office of Legislative Budget Review and the Clerk of the Legislature; and be it further

7th **RESOLVED**, that the Committee may conduct such hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

8th **RESOLVED**, that the Committee may delegate to any member of the Committee the power and authority to conduct such hearings and meetings; and be it further

9th **RESOLVED**, that said Committee shall issue a written report, after a comprehensive study and analysis of the FQHC model, the subject County health centers, and the options for transition to FQHC status, to determine if the remaining County owned and operated health centers should be transitioned to the FQHC and under what circumstances; and be it further

10th **RESOLVED**, that this special Committee shall submit a written report of its findings and determinations, together with its recommendations for action, if any, to the Legislature's Health Committee no later than 180 days subsequent to the effective date of this Resolution for consideration, review and appropriate action, if necessary, by the entire County Legislature; and be it further

11th **RESOLVED**, that the Committee shall expire, and the terms of office of its members terminate, as of June 30, 2014, at which time the Committee shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

12th **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

13th **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:

County Executive of Suffolk County

Date:

s:\res\l-FQHC oversight committee

1560

Intro. Res. No. -2013
Introduced by Legislators Gregory and Krupski

Laid on Table 6/18/13

**RESOLUTION NO. -2013, AUTHORIZING A PLAN TO
REDUCE THE COUNTY'S USE OF PESTICIDES ON PUBLIC
AND PRIVATE LANDS BY UTILIZING NON-INVASIVE FISH
SPECIES TO COMBAT MOSQUITO INFESTATIONS**

WHEREAS, vector-borne diseases, especially those carried by mosquitos are among the most complex of all infectious diseases to prevent and control; and

WHEREAS, fish are well-known natural predators of mosquitos, feeding on their larvae after mosquitos lay their eggs in bodies of water; and

WHEREAS, many governments across the country, including jurisdictions in New York State, already successfully utilize non-invasive fish species to control local mosquito populations as part of their vector control plans; and

WHEREAS, Suffolk County previously utilized non-invasive fish as part of its vector mitigation efforts; and

WHEREAS, the Department of Public Works, Division of Vector Control, is responsible for controlling mosquito infestations; and

WHEREAS, Vector Control's annual plan includes large scale air spraying campaigns in numerous areas throughout the County to reduce the number of mosquitos, and before undertaking these spraying activities advises residents to take proper precautions not to unnecessarily expose themselves to the spraying agents; and

WHEREAS, utilizing fish to reduce the number of mosquitos on private and public lands will not only protect the populace from vector-borne disease but also reduce the amount of pesticides, larvecides and other mosquito control chemicals introduced into our environment which leach into Long Island's sole source aquifer, and

WHEREAS, the New York State Department of Environmental Control ("NYSDEC") has authorized the use of fish species that are capable of thriving in both fresh water and brackish water environments; and

WHEREAS, these non-invasive fish not only eat larvae when first introduced into the environment but are capable of breeding and increasing the number of mosquito predators in the years after they are first introduced, and

WHEREAS, the effort to protect the public's health by reducing vector borne disease agents and the amount of chemical agents used to control them by using non-invasive fish species would be greatly enhanced if private property owners with ponds and swamps and other aquatic environments also introduced these fish on their properties; now, therefore be it

1st RESOLVED, that the Department of Public Works, Division of Vector Control, is hereby authorized to design a non-invasive fish species component as part of the 2014 Vector Control Plan, including the amount of funding needed to implement a component prior to the introduction of the County's 2014 Operating Budget; and be it further

2nd **RESOLVED**, in addition to formulating a plan to reintroduce these non-invasive fish species on public lands the plan must also include a pilot program that would offer these fish to private property owners at no or nominal cost; and be it further

3rd **RESOLVED**, that Vector Control, must include in future annual Vector Control reports an evaluation of the efficacy and cost benefits of the public lands fish vector control program, and to the extent practicable, the private lands fish vector control program; such evaluation shall analyze how these programs affect the County's use of chemicals; and be it further

4th **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:

County Executive of Suffolk County

Date:

s:\res\r-utilize-non-invasive-fish-species

1561

Intro. Res. No. -2013

Laid on Table

Introduced by Presiding Officer, on request of the County Executive

6/18/13

**RESOLUTION NO. -2013, A LOCAL LAW
ADOPTING A NEW CHAPTER IN THE SUFFOLK
COUNTY CODE TO CODIFY CERTAIN FEES TO BE
COLLECTED BY THE TRAFFIC AND PARKING
VIOLATION AGENCY, AS APPROVED IN THE
OPERATING BUDGET**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2013, a proposed local law entitled, "**A LOCAL LAW ADOPTING A NEW CHAPTER IN THE SUFFOLK COUNTY CODE TO CODIFY CERTAIN FEES TO BE COLLECTED BY THE TRAFFIC AND PARKING VIOLATION AGENCY, AS APPROVED IN THE OPERATING BUDGET**"; 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:

**A LOCAL LAW ADOPTING A NEW CHAPTER IN THE
SUFFOLK COUNTY CODE TO CODIFY CERTAIN FEES
TO BE COLLECTED BY THE TRAFFIC AND PARKING
VIOLATION AGENCY, AS APPROVED IN THE
OPERATING BUDGET**

**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, in accordance with Article 14-B of the General Municipal Law, and pursuant to Local Law 9-2013, the County of Suffolk established a Traffic and Parking Violations Agency to assist the Suffolk County District Court in the disposition and administration of traffic and parking violations.

This Legislature further finds that certain administrative fees were adopted pursuant to Resolution No. 908-2012 (Budget Amendment Resolution No. 2), in the amount of \$30 for each notice of violation processed by the Agency which was issued pursuant to Vehicle and Traffic law Section 1111-b, and \$50 for each infraction of traffic and parking laws, ordinances, or rules and regulations processed by the Agency under General Municipal Law Section 371 other than notices of violation issued pursuant to Vehicle and Traffic Law Section 1111-b.

This Legislature further finds that, although these administrative fees were previously approved in Resolution No. 908-2012 (Budget Amendment Resolution No. 2-2012), it is prudent to incorporate such charges in a fee schedule established for the Traffic and Parking Violations Agency and codified in the Suffolk County Code.

Therefore, the purpose of this law is to codify the previously approved fee schedule for the Traffic and Parking Violation Agency in the Suffolk County Code.

Section 2. TRAFFIC AND PARKING VIOLATION AGENCY FEES

§ -1 **Fee Schedule:** A fee schedule for the Suffolk County Traffic and Parking Violations Agency is hereby established as follows:

Administrative Fee for Red Light Tickets	\$30.00
Administrative Fee for Traffic and Parking Tickets	\$50.00

§ -2 **Implementation.** All fees are to be implemented pursuant to rules and regulations as determined by the Traffic and Parking Violations Agency.

Section 3. Applicability.

The provisions of this law shall apply immediately upon 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 judged 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 Sections 617.5 (c) (20) and (27) of the New York Code of Rules and Regulations (NYCRR) and within the meaning of Section 8-0102(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 with the Secretary of State.

DATED:

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1561

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



WILLIAM H. ROGERS BUILDING
P.O. Box 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: June 17, 2013

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2013

TITLE: I.R. NO. -2013; A LOCAL LAW ADOPTING A NEW CHAPTER IN THE SUFFOLK COUNTY CODE TO CODIFY CERTAIN FEES TO BE COLLECTED BY THE TRAFFIC AND PARKING VIOLATION AGENCY, AS APPROVED IN THE OPERATING BUDGET

SPONSOR: PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 6/17/13 PUBLIC HEARING: 7/30/13

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

This proposed local law would codify the administrative fees for the Traffic and Parking Violation Agency, as approved in Resolution No. 908-2012 (2013 Operating Budget Amendment No. 2). The administrative fees are \$30.00 for red light camera tickets and \$50.00 for all other traffic and parking tickets.

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

A handwritten signature in black ink, appearing to read "George Nolan", written over a large, light-colored scribble.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-tvb fee schedule

1562

Intro. Res. No. ____-2013

Laid on Table 6/18/13

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2013, APPOINTING
ELIZABETH CUSTODIO AS MEMBER OF THE LONG
ISLAND REGIONAL PLANNING COUNCIL**

WHEREAS, Resolution No. 636-2005, adopted by the County of Suffolk on June 8, 2005 and entitled "Reorganizing and Strengthening the Nassau-Suffolk Regional Planning Board, and renaming the Board, 'The Long Island Regional Planning Council,'" as amended by Resolution No. 1097-2007, adopted by the County of Suffolk on November 30, 2007, provides for the appointment from Nassau County to provide for greater and more diverse citizen input through an expanded Council, greater accountability, and more sharply focused goals and responsibilities; and

WHEREAS, Nassau County has adopted an Ordinance, as amended, which is substantially similar to Resolution No. 636-2005, as amended by Resolution No. 1097-2007; and

WHEREAS, all members appointed should have a background in Engineering, Real Estate Development, Construction, Economic Development, Energy Planning and Analysis Law, Local Government, Environmental Protection, Health Care Planning, Transportation Planning or Regional Planning, and include members from a broad cross section of interests within the Suffolk County region, but not more than two (2) members shall be from the same type of professional background; and

WHEREAS, County Executive Steven Bellone has appointed Elizabeth Custodio, currently residing in Stony Brook, New York, as a member of the Long Island Regional Planning Council; now, therefore, be it

1st RESOLVED, that the appointment of Elizabeth Custodio, currently residing in Stony Brook, New York, as a member of the Long Island Regional Planning Council with a background in Economic Development, is hereby approved, pursuant to Resolution No. 636-2005, as amended by Resolution No. 1097-2007, for a term of three years commencing on the effective date of this resolution; and be it further

2nd 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/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, 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:

Steven Bellone
County Executive of Suffolk County

Date:

ELIZABETH CUSTODIO

Stony Brook, NY 11790
Home: (631) Cell: (631)

SUMMARY

A highly experienced executive who has demonstrated the ability to lead diverse teams of professionals to new levels of success in a variety of highly competitive industries, cutting-edge markets, and fast-paced environments; a force well known in the community as a committed advocate for financial education, with expertise in communicating across all levels of management, employees and clients with an impressive track record in creating fruitful synergies between corporate entities, not-for-profit agencies and government. Qualified with hands-on experience in strategic planning, business unit development, project and product management; ability to develop innovative and cost-effective solutions by enhancing competitiveness, increasing revenues and improving customer service offerings; active member/trustee of several boards.

PROFESSIONAL EXPERIENC

Astoria Federal Savings **Assistant CRA Officer**

(2011-Present)

Ensure the association is compliant regarding Community Reinvestment Act (CRA) regulations. Oversee the Federal Home Loan Bank of NY housing programs at Astoria. Partner with internal business units to strategize and implement initiatives in support of CRA. Support and collaborate with community based organizations throughout the NYC, Long Island and Westchester region.

Hispanic Counseling Center, Hempstead, NY

(2010-2011)

Development Associate
Develop strategies for growth
Event Planning
Marketing
Public speaking

HSBC Mortgage Corporation (USA) NA, Centereach, NY

First Vice President,

Regional Community Business Development,

Nassau Suffolk Queens Bronx Region -

(2007-2010)

- Conducted educational seminars presenting information on financial literacy, homeownership education and the availability of grant programs, which increased first-time loans 10% in the first year, with 20% annual growth thereafter
- Assembled team that developed revolutionary first-time loan programs serving low/moderate income families, resulting in well-performing loans and creating a program that competitors would emulate; successes led to 100% increase in staffing
- Researched and recommended program opportunities for a positive return on investment for corporate while serving applicant needs, driving revenue from \$0 to \$2.5 million the first year and peaking at approximately \$100 million
- Collaborated with several community-based organizations and housing agencies to support their missions by serving on boards and committees
Conceived of and planned events and fundraising activities that increased the Bank's profile and brand awareness among partners and key demographic groups
Presented financial basics for small business owners in partnership with not for profits and governmental agencies promoting

Continued...

ELIZABETH CUSTODIO

Stony Brook, NY 11790

Home: (631)

Cell: (631)

First Vice President,

Community Business Development Manager – (2004-2007)

- Interviewed, hired and managed team of Business Development Officers for new territories across bank's national footprint
- Reviewed and evaluated staff performance for quality and excellence
- Managed department budget, consistently decreasing expenses annually
- Developed relationships across bank's new assessment areas, increasing production for CRA lending goals and compliance

Vice President,

Community Business Development – (1994-2003)

- Joined BDO team and increased loan volume by 60% in first year

SKILLS & EDUCATION

- Fluent in Spanish
- Experienced in public speaking/served as emcee at high-profile events
- Conceived and coordinated logistics for local events and national conferences
- Herbert H. Lehman College, Bronx, NY

AFFILIATIONS

- Trustee College at Old Westbury SUNY Foundation Board
- Long Island Housing Partnership
- LI Hispanic Chamber of Commerce Board
- Adelante of Suffolk County Board Past President
- Community Development Corporation of Long Island
- Childcare Council of Suffolk County Board
- Greater Jamaica Development Advisory Board

AWARDS

- CDCLI Honoree
- BHEP Banker of the Year
- LIHCC Corporation of the Year
- Hispanic Brotherhood of Rockville Center Honoree
- Circulo de la Hispanidad Honoree
- La Fuerza Unida of Glen Cove Honoree
- Latin Leader of the Month 2008 Telecare Television
- Latina Style Magazine 2008 Top 50 Corporations Award
- Hispanic Counseling Center Honoree
- Annual LI Latino Award Top 50 Honoree 2010

1563
Intro. Res. No. -2013

Laid on Table

6/18/13

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 2013, AUTHORIZING EXECUTION
OF AN ORDER ON CONSENT WITH THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY CONCERNING
COUNTY UNDERGROUND STORAGE TANKS AND
UNIVERSAL WASTE**

WHEREAS, it is alleged by the United States Environmental Protection Agency (EPA) that Suffolk County has violated provisions of the Solid Waste Disposal Act (42 U.S.C. Section 6901, *et seq.*) and associated regulations concerning Underground Storage Tanks (USTs) and Universal Waste; and

WHEREAS, it is alleged that the violations were discovered during inspections and following review of documents provided by the County to the EPA and, as a result the EPA, the United States Department of Justice, and Suffolk County have negotiated a proposed settlement, the terms of which are substantially contained in a Consent Agreement and Final Order ("Consent Order"), attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the monetary penalties that could be imposed under Federal Statute for past alleged violations, if proven, could greatly exceed \$2,025,000 notwithstanding that the alleged violations have not contributed to any known spill or harm to the environment; and

WHEREAS, of the \$2,025,000 penalty, \$1,200,000 shall be expended upon a Supplemental Environmental Project ("SEPs") involving land acquisition and \$300,000 shall be expended toward expansion of a Central Monitoring System both of which are environmentally beneficial to Suffolk County residents and which will benefit and protect the ground, drinking and surface waters of Suffolk County, and \$525,000 shall be expended in payment of monetary penalties; and

WHEREAS, under the terms of the Consent Order, the County shall be responsible for all expenses necessary to fully implement the SEPs, including any non-creditable expenses such as title searches and policies and environmental audits and appraisals which are estimated at \$530,000; and

WHEREAS, it is in the best interest of the County of Suffolk to enter into the Consent Order as it shall settle all of the terms and conditions in connection with the above allegations and will avoid protracted litigation and the potential for significantly greater penalties than what has been agreed to by the parties; now, therefore be it

1st RESOLVED that the Suffolk County Executive, or his designee, is hereby authorized empowered and directed to execute the Consent Order with the United States, substantially in the form submitted herewith as Exhibit A, and to take all actions necessary to implement the Consent Order, subject to any necessary future approvals by the County Legislature; and, be it further

2nd RESOLVED, that the execution and delivery on behalf of and in the name of the County by the County Executive, or his designee, of the Consent Order, as presented to the members of the Legislature at this meeting in this Resolution is hereby authorized and directed,

with such changes therein as the EPA may require, the County Executive, or his designee, may accept, and the County Attorney may approve; and, be it further

3rd RESOLVED, that the execution and delivery of such Consent Order shall be conclusive evidence of approval of any such changes and of the authorization and direction thereof by this Legislature; and be it further

4th 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), (27) and (29), 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 and a civil enforcement proceeding, including a particular course of action specifically required to be undertaken pursuant to a judgment or order. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AUTHORIZING EXECUTION OF AN ORDER ON CONSENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CONCERNING COUNTY UNDERGROUND STORAGE TANKS AND UNIVERSAL WASTE		
3. Purpose of Proposed Legislation SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County X	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		
By accepting the terms of the Order on Consent with the US Environmental Protection Agency the County will avoid the possibility of being assessed monetary penalties in excess of the amount to fulfill the terms of the Order on Consent.		
Total settlement amount of \$2,555,000 is to be bonded over a period of 5 years.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
Debt Service payments will be approximately \$561,884 each year for the next five years for a total debt service payment of \$2,809,422		
8. Proposed Source of Funding		
SUFFOLK COUNTY SERIAL BONDS		
9. Timing of Impact		
Upon adoption of Resolution		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Assistant Budget Director		June 18, 2013

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$561,886	\$1.09	\$0.002

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$561,886	\$1.09	\$0.002

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

General Obligation Serial Bonds
Level Debt

Term of Bonds: 5
Amount to Bond: \$2,555,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
6/1/2013					
6/1/2014	3/250%	\$478,846.85	\$83,037.50	\$561,884.35	\$561,884.35
6/1/2015	3/250%	\$494,409.37	\$33,737.49	\$528,146.86	\$561,884.35
6/1/2016	3/250%	\$510,477.67	\$25,703.34	\$536,181.01	\$561,884.35
6/1/2017	3/250%	\$527,068.20	\$17,408.07	\$544,476.27	\$561,884.35
6/1/2018	3/250%	\$544,197.91	\$8,843.22	\$553,041.13	\$561,884.35
6/1/2019		\$2,555,000.00	\$254,421.73	\$2,809,421.73	\$2,809,421.73

Intro. Res. No. 1564-13
Introduced by the Presiding Officer at the Request of the County Executive

Laid on the Table 6/18/13

RESOLUTION NO. -2013, AMENDING THE 2013 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING FOR AN ORDER ON CONSENT SETTLEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CONCERNING COUNTY UNDERGROUND STORAGE TANKS AND UNIVERSAL WASTE

WHEREAS, the Suffolk County has agreed to an Order on Consent with the United States Environmental Protection Agency concerning County underground storage tanks and universal waste; and

WHEREAS, the Order on Consent stipulates that the County of Suffolk agrees to pay a monetary penalty of \$525,000 to the United States Environmental Protection Agency; and

WHEREAS, the Order on Consent stipulates that the County of Suffolk also agrees to provide \$1,200,000 for a Supplemental Environmental Project (SEPs) involving land acquisition; and

WHEREAS, the Order on Consent stipulates that the County of Suffolk also agrees to provide \$300,000 toward expansion of a Central Monitoring System; and

WHEREAS, the Order on Consent stipulates that the County of Suffolk also agrees to provide an estimated \$530,000 as a local match to provide for all expenses necessary to fully implement the SEPs, including any non-creditable expenses such as title searches, appraisals and policy and environmental audits; and

WHEREAS, the total cost of fulfilling the Order on Consent is \$2,555,000; and

WHEREAS, the 2013 Adopted Operating Budget does not include sufficient funds to fulfill the requirements of the Order on Consent; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of Two Million Five Hundred and Fifty-Five Thousand (\$2,555,000) Dollars in Suffolk County Serial Bonds to cover the cost of the above referenced Order on Consent and Local Match; now, therefore be it

1st RESOLVED, that the proceeds of Two Million Five Hundred and Fifty-Five Thousand (\$2,555,000) Dollars in Suffolk County Serial Bonds be and are hereby accepted and appropriated into the 2013 Operating Budget;

and be it further

2ND RESOLVED, that the 2013 Operating Budget be amended as follows:

2013 OPERATING BUDGET

REVENUES:

001-2780 Proceeds: Debt \$2,555,000

2013 OPERATING BUDGET

APPROPRIATIONS:

Judgements & Claims

001-MS-1930

Mandated

4570 –Judgements & Claims

\$2,555,000

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), (27) and (29), 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 and a civil enforcement proceeding, including a particular course of action specifically required to be undertaken pursuant to a judgment or order. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of the County of Suffolk

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AMENDING THE 2013 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING FOR AN ORDER ON CONSENT SETTLEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CONCERNING COUNTY UNDERGROUND STORAGE TANKS AND UNIVERSAL WASTE		
3. Purpose of Proposed Legislation SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County <u> X </u>	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 By accepting the terms of the Order on Consent with the US Environmental Protection Agency the County will avoid the possibility of being assessed monetary penalties in excess of the amount to fulfill the terms of the Order on Consent. Total settlement amount of \$2,555,000 is to be bonded over a period of 5 years.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Debt Service payments will be approximately \$561,884 each year for the next five years for a total debt service payment of \$2,809,422		
8. Proposed Source of Funding SUFFOLK COUNTY SERIAL BONDS		
9. Timing of Impact Upon adoption of Resolution		
10. Typed Name & Title of Preparer James P. Burt Assistant Budget Director	11. Signature of Preparer 	12. Date June 18, 2013

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$561,886	\$1.09	\$0.002

POLICE DISTRICT AND DISTRICT COURT

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
TOTAL	\$561,886	\$1.09	\$0.002

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

General Obligation Serial Bonds
Level Debt

Term of Bonds: 5
Amount to Bond: \$2,555,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
6/1/2013					
6/1/2014	3.250%	\$478,846.85	\$83,037.50 \$33,737.49	\$561,884.35 \$33,737.49	\$561,884.35
6/1/2015	3.250%	\$494,409.37	\$33,737.49 \$25,703.34	\$528,146.86 \$25,703.34	\$561,884.35
6/1/2016	3.250%	\$510,477.67	\$25,703.34 \$17,408.07	\$536,181.01 \$17,408.07	\$561,884.35
6/1/2017	3.250%	\$527,068.20	\$17,408.07 \$8,843.22	\$544,476.27 \$8,843.22	\$561,884.35
6/1/2018	3.250%	\$544,197.91	\$8,843.22	\$553,041.13	\$561,884.35
6/1/2019		\$2,555,000.00	\$254,421.73	\$2,809,421.73	\$2,809,421.73

1565
Intro. Res. No. -2013
Introduced by Legislators Spencer, Horsley, Hahn, Anker

Laid on Table 6/18/13

RESOLUTION NO. -2013, ESTABLISHING THE LONG ISLAND COMMISSION ON AQUIFER PROTECTION

WHEREAS, an aquifer system underlies both Nassau and Suffolk County; and

WHEREAS, the critical importance of the aquifer system was recognized by the United States Environmental Protection Agency when the system was designated a sole source aquifer (the "SSA"); and

WHEREAS, numerous studies and reports have recognized the critical importance of protecting the quantity and quality of water in the SSA; and

WHEREAS, groundwater and surface water are inextricably linked in the Long Island water cycle and protecting the quality of groundwater will protect the quality of the surface water into which groundwater flows; and

WHEREAS, notwithstanding the numerous reports and studies prepared to date, the preliminary results of Suffolk County's Comprehensive Water Resources Management Plan highlight the need to undertake additional proactive measures to safeguard Long Island's SSA; and

WHEREAS, the proliferation of local governmental entities and decentralized land use controls on Long Island limits the ability of the two counties to adequately address water quality issues due to the very nature of the SSA, which crosses all geopolitical boundaries; and

WHEREAS, Nassau and Suffolk recognize the need for comprehensive planning and special studies to focus on opportunities and issues, such as groundwater protection strategies, that are best handled on a broad geographic scale; and

WHEREAS, Nassau and Suffolk Counties need a strong bi-county commission specifically devoted to addressing the host of groundwater issues facing Suffolk and Nassau and to advocate a coordinated approach to the groundwater issues facing our region; and

WHEREAS, the commission membership should include a consortium of private and public experts on groundwater issues; and

WHEREAS; the Suffolk County Executive and this County Legislature have determined that is in the best interest of the County to establish, in conjunction with the County of Nassau, the Long Island Commission for Aquifer Protection (the "LICAP") to build upon the previous studies and reports, identify areas for further research and suggest programmatic opportunities for preventing the further degradation of Long Island's SSA and identify mechanisms, including land use controls, for improving the quality of water within the SSA and for implementing safeguards to maintain the quantity of water within the SSA; and

WHEREAS, LICAP is intended to be a temporary commission charged with gathering relevant data on groundwater issues and preparing a State of the Aquifer Report and a Groundwater Resources Management Plan that should form the scientific underpinning for a yet to be established entity; now, therefore be it

1st RESOLVED, the Long Island Commission for Aquifer Protection (the "LICAP") is hereby established; and be it further

2nd RESOLVED, that the Suffolk County Executive is hereby empowered and authorized to enter into an inter-municipal agreement with Nassau County, which agreement will set forth the terms and conditions under which the LICAP will operate, such agreement to be consistent with the terms of this resolution; and be it further

3rd RESOLVED, that the LICAP shall consist of nine members. Five entities shall have a permanent membership position, the Suffolk County Water Authority, the Long Island Water Conference, the Nassau-Suffolk Water Commissioner's Association and the Nassau and Suffolk Departments of Health. Each entity or member may designate a representative to attend meetings and such representative shall serve at the pleasure of his or her designating entity. There shall be four appointed members, two members to be appointed from Nassau County and two members to be appointed from Suffolk County, as set forth below. A quorum of the LICAP shall consist of no fewer than five voting members, which, at a minimum, must include at least three of the permanent members and at least one such member from Nassau County and at least one member from Suffolk County; any subcommittee of the Council shall contain equal representation from each County and at least one permanent member; and be it further

4th RESOLVED, that the Suffolk County Executive and the Presiding Officer of the Suffolk County Legislature shall each, subject to the approval of the Suffolk County Legislature, appoint one member to the LICAP, each of whom shall reside in Suffolk County. Each appointment shall be for a four year term except the initial non-permanent members of the LICAP shall have staggered terms, with the two Suffolk members having initial terms of one and four years and the two Nassau members having initial terms of two and three years. All members appointed pursuant to this resolved clause should have a background in hydrology, geology, hydrogeology, public sanitation, public health, and engineering, academia with a specialization in the study of groundwater issues, environmental protection and advocacy, or employment with a public water provider. Such members shall continue to hold office until their successors are appointed and qualified, provided that the appointment of a successor to a member who has continued to hold office after the expiration of his or her original term shall be for the unexpired portion of the new term; and, provided, further, that the vacancies in the LICAP occurring as a result of something other than the expiration of the term shall be filled by the appointing authority, subject to the approval of the Legislature, for the unexpired term; and be it further

5th RESOLVED, that the Suffolk County Executive, the Presiding Officer of the Suffolk County Legislature, the Commissioner of the Department of Public Works, the Commissioner of Parks, Recreation and Conservation, and the Commissioner of the Department of Economic Development and Planning, or their representatives, shall serve as ex-officio members of the LICAP, but shall not be entitled to vote, and a representatives from the New York State Department of Environmental Conservation, the United States Geologic Survey

and the Long Island Groundwater Research Institute shall be invited to serve as ex-officio members; and be it further

6th **RESOLVED**, that the members of the LICAP shall receive no salary or compensation for their services; and be it further

7th **RESOLVED**, that any LICAP member may be removed by their appointing or designating authority for cause, including a member's failure to attend at least half of all regularly scheduled meetings during the calendar year; and be it further

8th **RESOLVED**, the Chair and Vice-Chair of the LICAP shall rotate between the Suffolk County Water Authority, the Long Island Water Conference and the Nassau-Suffolk Water Commissioner's Association on a two year basis. The first Chair shall be the Suffolk County Water Authority's representative. The Chair shall keep a record of its resolutions, transactions, findings and determinations, which shall be public record, and shall adopt and file with the Clerks of the Nassau County and Suffolk County Legislatures by-laws governing its operations, including by-laws governing procurement that comply with all state requirements and, to the extent possible and reasonable, provide for competitive solicitation of goods and services; and be it further

9th **RESOLVED**, that the LICAP shall meet quarterly, or more often as agreed to by the LICAP. Notice of such meetings shall be provided, and such meetings shall be open to the public in compliance with the provisions of the Public Officers Law. Minutes of the meetings shall be kept and meeting agendas and minutes shall be provided to all LICAP members and ex-officio members; and be it further

10th **RESOLVED**, that the LICAP is hereby authorized and empowered to receive and expend public and private funds, including grants from non-profit foundations, agencies, corporations, including, public benefit corporations, and private entities, contract with public corporations for in-kind services and may apply for and accept grants, donations, subsidies, or other funding from the federal, state and local governments, and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with its approved purposes and make grants to public education and/or research institutions, such funds to be used for research purposes, provided that no more than 15% of the LICAP funds are used to pay for overhead or associated costs; and be it further

11th **RESOLVED**, the LICAP shall have the power and authority to enter into agreements with consultants and experts and to pay for their services; and to provide for such other expenses as may be necessary and proper within the appropriations therefor; and be it further

12th **RESOLVED**, that the members of the LICAP shall be subject to the Codes of Ethics contained in Chapter 77 of the Suffolk County Code or Section 2218 of the Nassau County Charter and Sections 22-4.2 and 22-4.3 of the Nassau County Administrative Code depending on their place of residence; notwithstanding the foregoing, LICAP staff members employed by a public corporation with its own Code of Ethics shall be subject only to the employing entity's Code of Ethics; and be it further

13th **RESOLVED**, LICAP members and the firms that they work for, or are associated with, shall be precluded from providing any paid services to LICAP; and be it further

14th **RESOLVED**, that the LICAP shall prepare and release a State of the Aquifer Report (the "Report") within one year of its first meeting and thereafter provide annual updates of the Report. The Report and its updates shall be issued to the Nassau and Suffolk County Executives, the Nassau and Suffolk County Legislatures, and public water purveyors in Nassau and Suffolk Counties and posted on the LICAP website; and be it further

15th **RESOLVED**, that LICAP, on an annual basis, shall conduct at least one public hearing in each county for the purpose of soliciting information necessary for the Report's preparation on issues of regional concern affecting the SSA from members of the public and organizations involved in groundwater research, management and advocacy; and be it further

16th **RESOLVED**, LICAP shall establish two standing committees, the 2040 Water Resources and Infrastructure Subcommittee (2040 WRIS) and the Water Resource Opportunities Subcommittee (WROS). The 2040 WRIS shall develop a 2040 WRIS Plan to identify long term risks to the water supply industry created by global climate change. The 2040 WRIS Plan shall recommend short term measures to strengthen public water distribution systems against these long term risks, including, but not limited to, the development of well placement criteria, mechanism for hardening water distribution system infrastructure in coastal areas and loss mitigation strategies, including methods for isolating vulnerable portions of distribution system during an event. The WROS will identify and quantify short term risks, if any, to groundwater resources; and be it further

17th **RESOLVED**, within three years of the Report, LICAP shall issue a Groundwater Resources Management Plan (the "Plan"), containing including, but not limited, to:

- a. Qualitative and quantitative groundwater data;
- b. Anthropogenic threats to groundwater quality and quantity;
- c. Existing regulatory groundwater management regimes,
- d. Assessment of adequacy of existing groundwater management regulations,
- e. Management opportunities;
- f. Development of recommendations;
- g. Methods for implementing the recommendations and proposed regulatory amendments; and
- h. Implementation program, including stakeholders, roles and responsibilities, prioritization of actions, schedule and costs;

and be it further

18th **RESOLVED**, in preparing the Plan, the LICAP may:

- a. conduct surveys, studies, and research programs that address regional groundwater needs, including general protection, enhancement, quality of life, sustainable growth and development dependent on the SSA, and distribute information and recommendations resulting from such surveys,

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Intro. Res. No. ____-2013

Laid on Table 6/18/2013

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2013, APPOINTING NANCY
ENGELHARDT AS MEMBER OF THE LONG ISLAND
REGIONAL PLANNING COUNCIL**

WHEREAS, Resolution No. 636-2005, adopted by the County of Suffolk on June 8, 2005 and entitled "Reorganizing and Strengthening the Nassau-Suffolk Regional Planning Board, and renaming the Board, 'The Long Island Regional Planning Council,'" as amended by Resolution No. 1097-2007, adopted by the County of Suffolk on November 30, 2007, provides for the appointment from Nassau County to provide for greater and more diverse citizen input through an expanded Council, greater accountability, and more sharply focused goals and responsibilities; and

WHEREAS, Nassau County has adopted an Ordinance, as amended, which is substantially similar to Resolution No. 636-2005, as amended by Resolution No. 1097-2007; and

WHEREAS, all members appointed should have a background in Engineering, Real Estate Development, Construction, Economic Development, Energy Planning and Analysis, Law, Local Government, Environmental Protection, Health Care Planning, Transportation Planning or Regional Planning, and include members from a broad cross section of interests within the Suffolk County region, but not more than two (2) members shall be from the same type of professional background; and

WHEREAS, County Executive Steven Bellone has appointed Nancy Engelhardt, currently residing in Lindenhurst, New York, as a member of the Long Island Regional Planning Council; now, therefore, be it

1st RESOLVED, that the appointment of Nancy Engelhardt, currently residing in Lindenhurst, New York, as a member of the Long Island Regional Planning Council with a background in Local Government, is hereby approved, pursuant to Resolution No. 636-2005, as amended by Resolution No. 1097-2007, for a term of three years commencing on the effective date of this resolution; and be it further

2nd 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/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, 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:

Steven Bellone
County Executive of Suffolk County

Date:



Nancy Engelhardt

Nancy Engelhardt is the founding Director of *The Energeia Partnership*, the Academy for Regional Stewardship at Molloy College. This program was launched in 2006 and is dedicated to bringing together proven and ethical leaders across Long Island to provide them with the information, support and the network necessary to help create change. The program boasts over 300 members, (graduates and board members) who represent every sector of the region and sit on over 250 boards and commissions across Nassau and Suffolk Counties.

"Our goal is to be a catalyst for transformation and create a network of practitioners or change agents for the collaborative problem-solving necessary to meet the challenges we face. We have embraced the challenge of one of my all time hero's, the late John W. Gardner "no more regionalism for its own sake. We now need pragmatic regionalism with a purpose."

Current Affiliations:

- Board of Directors for Pal-O-Mine Equestrian (the therapeutic use of horses for people and children with disabilities, those suffering from trauma, domestic violence, criminal justice reform and Veterans with PTSS)
- IDA Board member - Town of Babylon
- Founding Member, Vice President – The Social Enterprise Alliance (SEA) Long Island Chapter
- Advisory Board - Suffolk County Police Commissioners Council
- Immediate Past President of Splashes of Hope, painting murals in pediatric oncology units, orphanages and domestic shelters.
- Advisory Board - Long Island Arts Alliance, Arts Alive

Recent Recognitions:

- 2009 Long Island Business News "50 People Around 50" Making a Difference in the Region.
- 2010 "Distinguished Citizen Award" Leadership Huntington's 15th Year Celebration
- 2011/2012 "Woman of the Year" National Association of Professional Women
- 2012 Long Island Press "Power List"
- 2012 LIBN "50 Most Influential Women of 2012"

Personal Interests and Past Affiliations:

- The Ministry and Leaders and Friends, LLC
- The Alliance for Regional Stewardship
- The National Leadership Association
- Consultant, Brighton Group, New York
- Town of Oyster Bay, Sagamore Rowing Club
- Saint Anthony's Crew Team, Board Member
- New Community Cinema Arts Center, Advisory Board
- Our Lady Queen of Martyrs, Choir member
- Northport Chorale, member
- Education Chair, Community Outreach, Saint Patrick's Church, Huntington
- Artist, oil and pastels

Background:

1988: Vice President Sales for PMA Industries, Bellport NY

1990: Director of Marketing for Elbow Beach Hotel in Bermuda and the Vice President of Island Resorts Hotels, a top ranking marketing and management company for premier resort properties.

1993: Co-founded Interactive Marketing Services (IMS) a full service direct marketing company, in Hauppauge.

1996: eShare Technologies - IMS raised venture capital to further develop customer service software for the internet. IMS was renamed eShare Technologies and acquired by a public company in less than two years.

2000 - 2005: Became actively engaged in the community as Executive Director of Leadership Huntington, a nationally affiliated program, one of 800 in the country.

2005 - Present: Founding Director of the Energeia Partnership, the Academy of Regional Stewardship at Molloy College.

Nancy grew up on Long Island in Plainview, attended John F Kennedy High School. She attended Nassau Community College (NCC) and took first place in the Nationals as a member the (ICET) Intercollegiate College Equestrian Team. She studied Art History and Education at SUNY Cortland and then lived in New York City for 6 ½ half years before moving home to Long Island.

Nancy has a diverse background and a lifelong love of learning, caring and connecting with people. Nancy is the proud mother of two young adults, Jarrett and Brittany Jean Pagano.

Nancy Engelhardt



Nancy Engelhardt was an integral part of the team that founded and launched The Enegeia Partnership, the Academy for Regional Stewardship at Molloy College in 2006. Enegeia brings together proven and ethical leaders across Long Island to provide them with the information, support and the network necessary to help create change. Nancy designed and implements the pedagogy, content and core curriculum for 12 – 15 dynamic workshops every year including: Energy, Land Use, Education, Institutional Racism, Criminal Justice, Health Care, Poverty, Transportation, Media and more. Nancy is the “master facilitator” and continually creates opportunities and parallel programs that teach groups how to work together more efficiently and effectively.

There are currently over 250 graduates and board members of the Enegeia Partnership who represent government, business, not for profit organizations and whom sit on over 200 boards and commissions across the region. Our goal, Nancy states, is to be a catalyst for transformation and create a network of practitioners or change agents for the collaborative problem-solving necessary to meet the challenges we face. The Enegeia Partnership has embraced the challenge of one of her all time heroes, the late John W. Gardner “no more regionalism for its own sake. We now need pragmatic regionalism with a purpose.”

Nancy’s diverse and entrepreneurial background combined with her commitment to social justice, has prepared her to lead this successful program on Long Island. In addition to her leadership role with the Enegeia Partnership, Nancy served as President of Splashes of Hope and Executive Director of Leadership Huntington. She currently serves on the Board of Directors for Pal-O-Mine Equestrian, is a founding board member and Chair of the 13th chapter of the National Social Enterprise Alliance on Long Island and a member of the Education Committee for the Long Island Arts Alliance. After 25 years in Huntington, Nancy now lives in the Town of Babylon and was recently appointed to the IDA board.

Recent Recognitions include 2009 Long Island Business News “50 People Around 50” Making a Difference in the Region, 2010 “Distinguished Citizen Award” Leadership Huntington’s 15th Year Celebration, 2011 “Woman of the Year” by the National Association of Professional Women. In 2012 she appeared on the cover of The Corridor, Long Island’s Journal for Strategic Alliances, was honored by Long Island Business News as one of the 50 Most Influential Women on Long Island and was one of 50 people selected for the 2012 POWER LIST published by Long Island Press.

Personally, Nancy makes time for art and music, hiking, traveling and nurturing relationships,

especially with the wonderful women in her life. She is proud of hiking Half Dome at Yosemite, painting landscapes in Tuscany, recording a Christmas CD with a Contemporary Choir. Last but never least, Nancy is devoted to her family who blesses her life with unconditional love and support and is the proud mom of two young adults, Jarrett and Brittany Pagano.

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Intro Res. No. -2013
Introduced by the Presiding Officer on request of the County Executive

Laid on Table

6/18/13

**RESOLUTION NO. - 2013, ADOPTING LOCAL
LAW NO. YEAR 2013, A CHARTER LAW TO
CREATE A UNIFIED COUNTY DEPARTMENT OF
FINANCIAL MANAGEMENT AND AUDIT**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2013 a proposed local law entitled "**A CHARTER LAW TO CREATE A UNIFIED COUNTY DEPARTMENT OF FINANCIAL MANAGEMENT AND AUDIT**", 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. 2013, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO CREATE A UNIFIED COUNTY DEPARTMENT OF FINANCIAL MANAGEMENT AND AUDIT

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

Section 1. Legislative Intent.

This Legislature hereby finds that, under the present organization of Suffolk County government, Suffolk County finances are administered by two (2) separate departments headed by two (2) independently elected officials, i.e., the County Comptroller and County Treasurer, which offices interact regularly.

This Legislature further finds and determines that the respective roles of the County Treasurer and County Comptroller in directing the cash management administration for Suffolk County and exercising the auditing, borrowing, and appropriations control functions of the County have been divided in such a manner as to splinter the financial management duties of the County of Suffolk.

This Legislature also finds that a transfer of the functions and responsibilities of the County Departments of Finance and Taxation and Audit and Control to a unified County Department of Financial Management and Audit would result in more efficient financial management through economies of scale, consolidation of functions, streamlining of operations, increased and improved application of computerization, more accurate and more timely cash-flow analyses, the coordination and cooperation inherent in a unified operation.

This Legislature further finds that the elimination of duplicative services and the consolidation of County-wide functions are necessary to confront the fiscal difficulties engulfing Suffolk County at the present time, and to roll back the cost of County government.

This Legislature further determines that the creation of a single Department of Financial Management and Audit will help to ensure and promote the fiscal integrity of the County while enhancing effective administration and monitoring of financial activities.

Therefore, the purpose of this law is to transfer the functions of the County Department of Audit and Control and the County Department of Finance and Taxation into a unified, consolidated County Department of Financial Management and Audit to be administered by an independent Chief Financial Officer elected by the voters of Suffolk County, who would be designated as the chief fiscal officer of the County of Suffolk.

Section 2. Amendments.

I. Articles V and Article XV of the SUFFOLK COUNTY CHARTER and Article XV of the Suffolk County Administrative Code are hereby repealed in their entirety.

II. A new Article V of the SUFFOLK COUNTY CHARTER is hereby adopted as follows:

Article V

Department of Financial Management and Audit

Section C5-1. Department established.

A.) The Suffolk County Department of Financial Management and Audit ("Department") is hereby created, the head of which shall be the elected County Chief Financial Officer ("Chief Financial Officer"). The Chief Financial Officer shall be elected from the County at large. The first election for which shall be held in November 2014. The Chief Financial Officer's term of office shall be four (4) years from and including the first day of January next following his or her election, with the initial term of office to commence on January 1, 2015. He or she may serve as Chief Financial Officer for not more than 12 consecutive years. The Chief Financial Officer shall be the chief fiscal officer of the County. The Chief Financial Officer shall appoint a Chief Deputy Chief Financial Officer and a Deputy Chief Financial Officer both of whom shall serve at the pleasure of the Chief Financial Officer and possess the powers and perform the duties of the Chief Financial Officer, and, within the appropriation therefor, appoint an assistant to the Chief Financial Officer, an exempt secretary and all other officers and employees of the Department as may be necessary.

Section C5-2. Powers and Duties.

The Chief Financial Officer shall:

A.) Except as otherwise expressly provided in this Charter, have all the powers and perform all the duties conferred or imposed upon the chief fiscal officer of a county under the New York County Law and have charge of the administration of all of the financial affairs of the County.

- B.) Examine, audit and verify all books, records and accounts kept by the various administrative units, departments, offices, or officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records and accounts at any time.
- C.) Prescribe the form of receipts, vouchers, bills or claims to be filed by all departments, institutions, offices, and agencies of the County.
- D.) Examine and approve for payment all contracts, purchase orders, and other documents by which the County incurs financial obligations, having ascertained before approval that moneys have been duly appropriated or provided for and allotted to meet such obligations and will be available when such obligations shall have become due and payable; and record such obligations and encumbrances of the respective appropriations from which such obligations are to be paid.
- E.) Audit and approve all bills, invoices, payrolls, and other evidences of claims, demands or charges against the County or any county district and determine the regularity, legality, and correctness of the same.
- F.) Submit monthly reports to the County Legislature in such form and detail and at such other times as may be prescribed by the County Legislature.
- G.) Be the auditing authority of the County.
- H.) Prescribe such methods of accounting for the County and other units of the local government of the County as he or she may deem necessary, provided that the same shall have been approved by the County Executive and the State Comptroller.
- I.) Perform such other duties pertaining to the financial affairs of the County as may be directed by the County Legislature, by the County Executive or by any law or by any fiscal officers of the state authorized so to do by law.
- J.) Solicit requests for proposals by any interested qualified individuals, companies, partnerships, corporations, associations and/or joint ventures offering or providing services to perform refundings, refinancings and/or similar borrowings for existing County debt each time a proposal to refund or refinance existing County debt is formally introduced or submitted by any elected official of the County of Suffolk for formal action.
 - 1.) As a condition precedent to the solicitation of such proposals, the Chief Financial Officer shall develop written specifications, time limitations and criteria to be disseminated as widely as is possible within the pertinent financial markets and financial communities, with copies to be filed with the County Executive and the Clerk of the County Legislature for legislative distribution for each such proposal to refund or refinance existing County debt.

- 2.) After the proposals are submitted in writing to the Chief Financial Officer in conformity with such specifications and criteria, the Chief Financial Officer shall prepare a written evaluation and analysis of the effect and financial, economic or fiscal impact of such proposals and submit the same to the Legislative Budget Review Office and the County Executive.
- 3.) No action may be taken to approve or disapprove any such proposal to refund or refinance existing County debt unless and until all of the provisions of this subsection have been literally complied with.
- 4.) Any agreement or understanding between any of the above-named parties who are offering, providing, introducing or submitting competing proposals to refinance or refund existing County debt, which agreement provides for the splitting, sharing, dividing or allocation of fees or compensation generated by the consummation of such refinancing or refunding, shall first be submitted to the Budget Committee of the Suffolk County Legislature, or its successor, for preliminary approval of such agreement by a vote of at least a majority of the entire membership of such Committee prior to any action by the County Legislature on the final refunding or refinancing proposal
- K.) Direct the purchasing of, leasing of and contracting for all supplies, materials, vehicles and equipment of every kind and nature of all County departments, institutions, offices and agencies for which the County may be liable in accordance with the provisions of the New York General Municipal Law and the New York County Law relating to purchasing.
- L.) Receive and have custody of all public funds belonging to or handled by the County.
- M.) Collect all taxes, assessments, license fees and other revenues of the County or for whose collection the County is responsible, except those payable by law to the County Clerk or Sheriff.
- N.) Deposit all funds coming into his or her hands in such depositories as may be designated by resolution of the County Legislature or, if no such resolution is adopted, then as designated by the County Executive, subject to the requirements of law as to depositories and depositories' undertakings.
- O.) Have the custody, investment and management of any sinking funds provided for the payment or redemption of County debts.
- P.) Submit to the County Legislature annually, as required by law, a complete financial statement containing a general balance sheet for the County, and at such other times as may be required by the County Legislature.
- Q.) Exercise such powers and duties pertaining to or incidental to the private sale of serial bonds of the County of Suffolk, as may be delegated by the County of

Suffolk, in conjunction with the County Legislature and the County Executive in accordance with law.

- R.) Perform all the duties required by any law to be performed by a County Comptroller or County Treasurer, unless such duties shall have been assigned to some other County department or officer.
- S.) Perform such other duties pertaining to the financial affairs of the County as may be directed by the County Legislature, by any law, or by any fiscal officers of the state authorized so to do by law.

Section C5-3. Filling vacancies in office of Chief Financial Officer.

- A.) If the office of Chief Financial Officer becomes vacant other than by expiration of term, the vacancy shall be filled for the unexpired term at the first general election at which the vacancy may be filled.
- B.) Until the vacancy is filled by election as hereinabove provided, the vacancy shall be filled by appointment of a qualified person by the County Executive with the approval of the County Legislature.

Section C5-4. Filing results of audits with County Legislature.

- A.) Each audit prepared by the Department or by any independent auditor on behalf of the County of Suffolk shall be filed with each member of the Suffolk County Legislature within thirty (30) days after the completion of such report.
- B.) Within ninety (90) days after public release of such audit by the Department or by any independent auditor on behalf of the County of Suffolk, the department head or elected official in charge of the department, agency, board or other governmental entity which was the subject matter of such audit shall appear before the committee of the Suffolk County Legislature having primary jurisdiction over such department, agency, board or governmental entity for the purpose of explaining what actions have been taken to implement the recommendations, if any, of said auditor. If no steps have been taken to implement such recommendations or if no such recommendations have been implemented, then such department head or elected official shall give an explanation as to why such recommendations have not been implemented.
- C.) The Chairman of the pertinent legislative committee shall schedule such hearings as shall be necessary to fully explore and evaluate the results of such audits and the status of such recommendations and suggestions.

III. Article V of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE V
[Department of Audit and Control]
Department of Financial Management and Audit

Section A5-1. Audit and payment of claims.

- A.) No claims against the County, except for debt service, payrolls and judgments or other amounts required to be paid by the County pursuant to court orders or from the liability and casualty reserve fund, shall be paid except upon a voucher verified by the oath of the claimant or accompanied by a certificate made by the claimant to the same effect and certified by the head of the appropriate department, institution, office or agency of the County government and, in the case of purchases for a store account, by the Director of Purchasing, and by means of [a warrant on the County Treasurer] an order of payment signed by the County Chief Financial Officer. No [warrant] order of payment shall be issued for the purpose of meeting any payroll or item thereof until such payroll has been certified as correct by the Civil Service Commission.
- B.) Exceptions to the above statement:
- 1.) The payrolls of unclassified and elected employees are not certified by civil service. It is the responsibility of [Audit and Control] the Department of Financial Management and Audit to ensure the correctness of these payrolls.

Section A5-2. [Warrants] Orders of payments and accounts.

Accounts shall be kept for each specific item of appropriation made by the County Legislature, and every [warrant on the treasury] order of payment shall state specifically against which of said appropriations the [warrant] order of payment is drawn. Each such account shall show in detail the appropriation made by the County Legislature, any transfer to or from such appropriation, the amount drawn thereon, unpaid obligations charged against it and the unencumbered balance to the credit thereof.

Section A5-3. Authorization to sell capital notes.

- A.) Subject to the provisions of the Local Finance Law, the power to sell capital notes of the County of Suffolk, New York, heretofore or hereafter authorized to be issued, is hereby delegated to the [County Comptroller] Chief Financial Officer, the chief fiscal officer of such County. Such capital notes shall be of such terms, form and contents and shall be sold by such [County Comptroller] Chief Financial Officer in such manner as may be prescribed by him consistent with the provisions of the Local Finance Law.
- B.) Without limiting the generality of the foregoing delegations of power, the power to sell such capital notes shall include the power to combine two or more separately authorized issues of capital notes for sale as a single note issue, and the power to prescribe the terms, form and contents of such notes shall include:

- 10.) Any and all other provisions relating to the terms, form and contents of the notes which said [County Comptroller] Chief Financial Officer shall deem necessary or desirable.

Section A5-4. Deductions from wages or salaries for federal credit union authorized.

- B.) The [Comptroller] Chief Financial Officer is hereby authorized and directed to deduct from the wages or salary of an employee of the County any amount that such employee may specify in writing filed with the [Comptroller] Chief Financial Officer for dues or savings fund with the federal credit union of County employees and to transmit the sum so deducted to said credit union. Any such written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with the [Comptroller] Chief Financial Officer.
- C.) Deductions and withdrawals made pursuant to this section are subject to such rules and regulations as the [Comptroller] Chief Financial Officer may provide.

Section A5-5. Deductions from wages or salaries for Suffolk County teachers federal credit union authorized.

- B.) The [Comptroller] Chief Financial Officer is hereby authorized and directed to deduct from the wages or salary of employees of the Suffolk County Community College who are members or desire membership in the Suffolk County teachers federal credit union any amount that such employees may specify in writing filed with the [Comptroller] Chief Financial Officer for dues or savings fund with the Suffolk County teachers federal credit union and to transmit the sum so deducted to said credit union. Any such written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with the [Comptroller] Chief Financial Officer.
- C.) Deductions and withdrawals made pursuant to this section are subject to such rules and regulations as the [Comptroller] Chief Financial Officer may provide.

Section A5-6. Contractors and vendors required to submit full disclosure statement.

- D.) Each contractor or vendor shall file a verified public disclosure statement with the [Comptroller of Suffolk County] Chief Financial Officer as soon as practicable prior to being awarded the contract. An updated disclosure statement shall be filed by the contractor or vendor with the Comptroller by the 31st day of January in each year of the contract's duration. It shall be the duty of the [Comptroller] Chief Financial Officer to accept and file such statements.
- E.) No contract shall be awarded to any contractor or vendor, as defined in this section, unless prior to such award a verified public disclosure statement is filed with the [Comptroller] Chief Financial Officer as provided in this section. Any verified public disclosure statement containing fraudulent information shall constitute, for all purposes, a failure to file such statement in the first instance.

- G.) A separate folio for each company shall be maintained alphabetically for public inspection by the [Comptroller] Chief Financial Officer.

Section A5-7. Vendors in tax arrears.

- A.) The [County Comptroller] Chief Financial Officer is hereby authorized, pursuant to §C5-2 (I) of the Suffolk County Charter, to withhold any payments to any vendors or consultants under contract with the County of Suffolk in any instances in which it is determined that said vendor is in arrears on real property taxes, said withholding to be limited, in the aggregate, to the amount of said arrears (inclusive of interest, penalties and other charges).
- B.) Said moneys so withheld shall be kept in a separate account for periodic [distribution to the County Treasurer as] payment of said real property tax arrears only or for payment to the vendor or consultant where it is demonstrated that tax arrears have been cleared up, said payments to be credited to the pertinent tax parcel.

Section A5-8. Funds to be deposited in interest-bearing accounts.

The Chief Financial Officer is required to place all funds on deposit or in his hands into interest-bearing accounts. The Chief Financial Officer shall file with the Clerk of the Legislature every quarter a report concerning the status of all funds on deposit.

Section A5-9. Service charge for handling certain securities.

Whenever the Chief Financial Officer is obliged to accept a deposit of securities in lieu of retaining a percentage of the amount due from time to time on a contract, he shall impose and collect from the contractor a charge of 1/4 of 1% of

the value of the securities deposited, as such value is determined by the Chief Financial Officer, for his services in determining whether the securities are of the class that can be accepted for deposit, their value, for clipping and transmitting coupons and otherwise processing and servicing the account until it is terminated. Payment of such charges shall be made before release of any retained payments

Section A5-10. Authority to create petty cash funds.

- A.)** Notwithstanding the provisions of § 371 of the County Law, there is hereby delegated to the Chief Financial Officer the authority to approve the creation or modification of petty cash funds for any administrative unit, up to a maximum amount of \$1,500 per administrative unit, subject to the approval of the Chairman of the Finance and Budget Committee of the County Legislature and a certification by the Budget Director as to the availability of funds for such petty cash funds, except that the Chief Financial Officer shall create or modify a petty cash account for the Department of Social Services, in the amount of \$20,000.00.
- B.)** The Chief Financial Officer is hereby authorized, empowered and directed to increase and replenish the petty cash fund for the Department of Social Services within forty-eight (48) hours if the amount in the petty cash fund falls below \$8,500.00.

Section A5-11. Application of Real Property Tax Law to County.

The provisions of Chapter 417 of the Laws of 1971 are applicable to Suffolk County.

Section A5-12. Authority to file notice of intention to claim regarding insurance; issuance of certificates.

The collecting officer for the Suffolk County Tax District, the Chief Financial Officer, is authorized to file notices of intention to claim with the State Superintendent of Insurance. The Chief Financial Officer is further authorized to render to any insurer a certificate indicating the amount of all liens of the district against the real property as required and as prescribed by the New York State Insurance Law § 331.

Section A5-13. Release of fire insurance claims.

- A.)** Chapters 738 and 739 of the Laws of 1977 (see General Municipal Law § 22 and Insurance Law §§ 331 and 3410) have authorized tax districts to file claims on fire insurance policies issued on certain real property located within the tax district. In accordance with the statutory requirements, it is hereby provided that, upon compliance with the procedures set forth herein, any amounts which it would otherwise be entitled to claim will be returned or released to the insured

owner of the real property upon which a claim against fire insurance policy proceeds has been filed.

- B.)** The insured owner must deliver to the County a written agreement, subject to the approval of the County Attorney, whereby the owner agrees to restore the affected premises to the same or improved condition that it was in prior to being damaged by fire, within a specified time.
- C.)** The insured owner must post a bond insuring performance within the specified time in the amount of the proceeds to be released.

Section A5-14. Deposit of Department Proceeds.

- A.)** The head of each department or agency of the County of Suffolk, or his or her designee, shall deposit into depository interest-bearing savings or checking accounts accruing interest at current market rates all proceeds received by such departments, except as otherwise required by law, and except the special services (budget sub-object 477) account of the District Attorney's office and the County Police Department, in a Countywide system of interest-bearing depository accounts to be established in the name of the County Department of Financial Management and Audit, or any successor department thereto, said deposit to be made either on the day of receipt of such proceeds or no later than 24 hours after receipt of such proceeds. Said deposits shall be remitted to the County Department of Financial Management and Audit, or any successor department thereto, no later than 30 days after receipt of same by any such department or agency. The unified Countywide system of interest-bearing depository accounts (super account with subcomponents) shall be established and fully implemented no later than July 1, 1997.
- B.)** All petty cash checking accounts, except the petty cash (budget sub-object 350) account in the District Attorney's office, shall be maintained in such interest-bearing accounts.
- C.)** The T-106 account and departmental bank account for all refunds and recoveries of the Suffolk County Department of Social Services are exempt from the provisions of this section.
- D.)** The County Executive and County Department of Financial Management and Audit, or any successor department thereto, are hereby authorized, empowered and directed to issue quarterly reports to the Suffolk County Legislature apprising the Legislature of the status of such interest-bearing accounts.
- E.)** The County Department of Financial Management and Audit, or any successor department thereto, shall adopt internal rules and regulations designed to achieve the following:
 - 1.)** To establish cash control coupled with the provision of a written audit trail for each such transaction.
 - 2.)** A segregation of duties of employees so as to ensure the integrity of such cash-control and audit-control provisions.

- F.) The County Department of Financial Management and Audit, or any successor department thereto, shall immediately contact all County departments which regularly maintain depository balances in excess of \$100,000 and inform them that:
- 1.) Any deposits in excess of said amount are required to be secured by a pledge of collateral, letter of credit or surety bond; and
 - 2.) They are now required to have written security agreements and custodial agreements with the bank or trust company pledging such collateral.
- G.) The County Department of Financial Management and Audit, or any successor department thereto, shall execute written security agreements and custodial agreements, pursuant to § 10 of the New York General Municipal Law, with the banks holding collateral to secure deposits of the County Department of Financial Management and Audit, or any successor department thereto.
- H.) Responsible County officials and employees shall monitor the collateral by implementing procedures which would periodically verify the existence, sufficiency and segregation of pledged collateral.
- I.) Any willful or intentional violation of Subsection A, B, C or G of this section shall form the basis for a suspension, removal or disciplinary proceeding against the individual alleged to be responsible for such willful or intentional violation pursuant to § 75 of the New York Civil Service Law carried out in accordance with the procedural and substantive due process requirements required by law.

Section A5-15. Bank Account Reform.

- A.) Any bank account opened by any department, agency or entity of the County of Suffolk shall be opened in a depository designated by the County Legislature under § 212 of the New York County Law.
- B.) Any such account shall be opened only with the written consent of the County Department of Financial Management and Audit, or any successor department thereto, and shall provide that the monthly bank statements generated by each such account shall be forwarded directly to the office of the County Department of Financial Management and Audit, or any successor department thereto, together with a bank statement reconciliation from the pertinent County department, office or agency, to ensure a verification and review of returned checks.
- C.) All moneys received by the County of Suffolk shall be deposited in a bank or depository designated by the County of Suffolk under § 212 of the New York County Law.
- D.) Any departmental account shall be opened only with the written consent of the County Department of Financial Management and Audit, or any successor department thereto, and only in a bank or depository designated by the County of Suffolk pursuant to § 212 of the New York County Law.

- E.)** Any willful or intentional violation of this section shall form the basis for a suspension, removal or disciplinary proceeding against the individual alleged to be responsible for such willful or intentional violation pursuant to § 75 of the New York Civil Service Law carried out in accordance with the procedural and substantive due process requirements required by law.

Section A5-16. Contract award.

- A.)** In the course of determining the award of a bank deposit contract, the County of Suffolk shall assign a credit of two (0.02%) basis points to the proposed interest rate submitted by a depository responding to the bid process for awarding any bank-deposit contracts by Suffolk County for each of the following consumer protection standards with which the responding depository is in written compliance:

- 1.)** Not charge a fee for using a live teller;
- 2.)** Not impose minimum deposit requirements in excess of \$2,000 to open an interest-bearing account;
- 3.)** Not charge a monthly service fee for the first 15 checks in each checking account;
- 4.)** Not charge a fee to a customer who submits a check written by another party with insufficient funds to cover the check;
- 5.)** Limit the cost for the preparation of a money order to no more than \$5; and
- 6.)** Not charge a fee to a customer for receiving copies of checks written for the previous month.

- B.)** In the event that a depository demonstrates compliance with the requirements of the provisions of Subsection A of this section, then such compliance shall continue and endure throughout the course of any agreement with a depository once such agreement has been entered into.

Section A5-17. Disclosure.

Prior to entering into a contract with the County of Suffolk, or prior to the designation of a depository by the County of Suffolk, and at the initiation of the bid process for awarding any bank-deposit contracts, a depository shall make a written representation to the County of Suffolk as to whether and to what degree it abides by the consumer-protection requirements as listed in § A5-16(A) above, and that it will immediately notify the County if it experiences a change of control or ownership whereby it will no longer abide by such requirements. Such representation shall be made a part of each contract, together with a representation that an official with authority to bind the depository entering into

the contract with the County has read and is familiar with the provisions of this law.

Section A5-18. Enforcement.

- A.)** Any contract in violation of § A15-17 of this article shall be null and void ab initio and any depository entering into such an agreement shall not be entitled to any compensation pursuant to said agreement.
- B.)** The representations required by § A15-18 of this article shall be incorporated into all contracts entered into by the County of Suffolk with any depository and any violation of such condition shall constitute a material breach of the contract sufficient to cause termination of the contract by the County of Suffolk.

Section A5-19. Exemption.

Sections A5-17, A5-18, and A5-19 of this article shall not apply to any depository entering into an agreement with the County of Suffolk pursuant to a request or command of the United States government or the State of New York for federal or state grant purposes or programmatic purposes requiring the use of a particular depository as a condition precedent or a condition subsequent to the receipt of such federal or state aid or the implementation of such federal or state program. In order to qualify for such an exemption, a depository shall submit to Suffolk County written documentation of such request or command issued by an appropriate official of the United States government or the State of New York.

Section 3. Transition and Implementation Provisions.

- A.)** If this law is approved by a majority of qualified Suffolk County voters as set forth in § 9 of this law, and after its effective date, it shall be implemented as follows:
 - 1.)** The County Department of Finance and Taxation and the Office of County Treasurer shall be abolished as of midnight, December 31, 2013, and the functions of the Department of Finance and Taxation shall merge and be incorporated with the Department of Financial Management and Audit on January 1, 2014;
 - 2.)** The County Department of Audit and Control shall be abolished as of midnight, December 31, 2013 and the functions of the Department of Audit and Control shall merge and be incorporated with the Department of Financial Management and Audit on January 1, 2014;
 - 3.)** The individual serving as the County Comptroller on the effective date of this Law shall continue to serve as the County Comptroller and the appointed head of the Department of Financial Management and Audit created by this law through December 31, 2014. The Office of County Comptroller existing at the time of the adoption of this law shall be abolished via appropriate resolution as of midnight, December 31, 2014.
 - 4.)** A new elected County Chief Financial Officer position as head of the new Suffolk County Department of Financial Management and Audit shall be

created consistent with this law and by adoption of an appropriate resolution effective as of January 1, 2015, the first election for which shall be held in November 2014.

- B.)** Except as otherwise set forth in this section, any positions of employment,

 - 1.)** Within the Suffolk County Department of Finance and Taxation shall be abolished and/or transferred, as the case may be, via appropriate resolution, as of January 1, 2014, to the Department of Financial Management and Audit. Any positions of employment that have not been abolished shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the new office or department to which such position is transferred; and
 - 2.)** Within the Suffolk County Department of Audit and Control shall be abolished and/or transferred, as the case may be, via appropriate resolution, as of January 1, 2014, to the Suffolk County Department of Financial Management and Audit. Any positions of employment that have not been abolished shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the new office or department to which such position is transferred.
- C.)** The County Treasurer and the County Comptroller are hereby authorized, empowered, and directed to take such actions as shall be necessary to transfer, integrate, and consolidate the functions of the Department of Finance and Taxation and the Department of Audit and Control into the Suffolk County Department of Financial Management and Audit, including, but not limited to, cost reductions consistent with the consolidation of the two departments.
- D.)** Any reference in any provision of any resolution, ordinance, Charter law, or local law of the County of Suffolk, the Suffolk County Tax Act, any other general or special law of the State of New York and any federal law, rule or regulation to the County Treasurer subsequent to December 31, 2013 and through December 31, 2014 shall be construed as a reference to the County Comptroller, and subsequent to December 31, 2014, any reference to the County Treasurer or County Comptroller shall be construed as a reference to the County Chief Financial Officer.
- E.)** Any reference in any provision of any resolution, ordinance, Charter law, or local law of the County of Suffolk, the Suffolk County Tax Act, any other general or special law of the State of New York and any federal law, rule or regulation to the County Department of Finance and Taxation or the County Department of Audit and Control subsequent to December 31, 2013 shall be construed as a reference to the County Department of Financial Management and Audit.
- F.)** The Department of Finance and Taxation shall transfer all files and records to the Suffolk County Department of Financial Management and Audit.
- G.)** All County departments shall cooperate fully in implementing the provisions of this law.

Section 4. Construction.

The limitations found in Suffolk County Charter § C5-1 (B) pre-existing the effective date of this law shall not be construed as barring any official holding an elective office at the time of the adoption of this law from seeking the elective office of the County Chief Financial Officer as head of the new Suffolk County Department of Financial Management and Audit created by this law and serving up to twelve consecutive years.

Section 5. Form of Proposition.

The proposition to be submitted at the next general election, pursuant to § 9 of this law, shall be in the following form:

"Shall Resolution No. -2013, Adopting A Charter Law Abolishing The Now Existing Offices Of County Treasurer And County Comptroller, The Current Departments Of Finance And Taxation And Audit And Control, And Merging Their Functions Into a Single, Newly Created Department Of Audit And Financial Management Headed By An Elected Chief Financial Officer Elected From The General Population For The Purposes Of Improving Government Efficiency And Saving More Than \$1 Million Annually, Be Approved?"

Section 6. Applicability.

This law shall apply to all actions occurring on or after its effective date.

Section 7. 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 8. 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) 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 9. Effective Date.

Provided that this law has been approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition, it shall become effective in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW and after it has been filed in the office of the Secretary of State, and, provided further, that it shall be implemented as set forth in § 3 entitled, "Transition and Implementation Provisions," that Articles V and Article XV of the SUFFOLK COUNTY CHARTER and Article XV of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall be deemed repealed as of midnight, December 31, 2013, and that the new Article V of the SUFFOLK COUNTY CHARTER and the amendments to Article V of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall take effect January 1, 2014.

Section 10. Conflicting Referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County
Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



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(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: JUNE 18, 2013

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2013

TITLE: I.R. NO. -2013; A CHARTER LAW TO CREATE A UNIFIED COUNTY DEPARTMENT OF FINANCIAL MANAGEMENT AND AUDIT

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 6/17/13 PUBLIC HEARING: _____

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

This proposed charter law would abolish the Department of Audit and Control and the Department of Finance and Taxation, and merge their functions within a new Department of Financial Management and Audit. This new Department will be headed by an elected "Chief Financial Officer".

The new Department of Financial Management and Audit would be established within Article 5 of the SUFFOLK COUNTY CHARTER. All the powers and duties currently exercised by the County Treasurer and Comptroller would be vested in the Chief Financial Officer. The provisions of law that currently govern the operations of the Department of Audit and Control and the Department of Finance and Taxation would be carried over nearly verbatim, into Article 5 of the Charter and Article 5 of the Administrative Code under the aegis of the new Department of Financial Management and Audit.

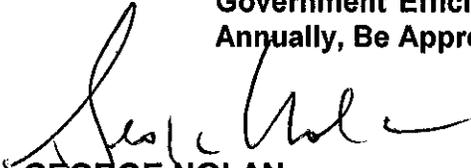
If this law is adopted, the Departments of Finance and Taxation and the Department of Audit and Control, and the Office of Treasurer would be abolished as of midnight December 31, 2013. The law states that the person serving as County Comptroller as of midnight December 31, 2013, "shall continue to serve as the County Comptroller and the appointed head of the Department of Financial Management and Audit created by this law through December 31, 2014" and that "the Office of County Comptroller existing at the time of the adoption of this law shall be abolished via an appropriate resolution as of midnight December 31, 2014."

The first election for Chief Financial Officer would be held in November, 2014 and the person elected shall take office on January 1, 2015. The term of office for this position would be four (4) years and there will be a 12 year term limit on this office.

The law provides that the term limits currently applicable to the Office of County Comptroller shall not bar "any official holding an elected office at the time of the adoption of this law from seeking the elected office of the Chief Financial Officer...."

This law is made subject to a voter referendum and the language submitted to voters shall be as follows:

“Shall Resolution No. - 2013, Adopting a Charter Law Abolishing the Now Existing Offices of County Treasurer and County Comptroller, The Current Departments of Finance and Taxation and Audit and Control, and Merging Their Functions into a Single, Newly Created Department of Audit and Financial Management Headed by an Elected Chief Financial Officer Elected from the General Population for the Purposes of Improving Government Efficiency and Saving More than \$1 Million Annually, Be Approved?”

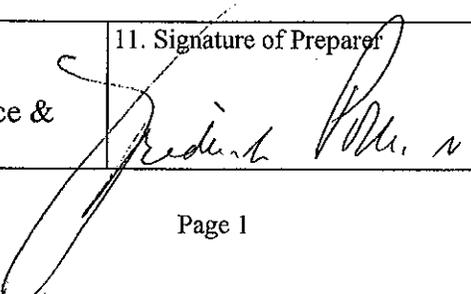


GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-Department of Financial Management and Audit

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		
Adopting Local Law No. Year 2013, A Charter Law to Create a Unified County Department of Financial Management and Audit		
3. Purpose of Proposed Legislation		
To consolidate two County financial departments (Department of Finance & Taxation and the Department of Audit & Control) into a unified financial department. The implementation of this Local Law is subject to referendum requirements. The Departments of Finance & Taxation and Audit & Control will be abolished as of 12/31/13 and merged into the new Department of Financial Management and Audit. The first election for the new consolidated department head will be held November 2014, with the four-year term to begin on 1/1/2015.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	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		
Consolidation of the Department of Finance & Taxation and the Department of Audit & Control will result in more efficient financial management through: economies of scale, consolidation of functions, streaming of operations, increased and improved application of computerization, more accurate and more timely cash-flow analysis, and the coordination and cooperation inherent in a unified operation, and will generate recurring budget savings from elimination of redundant positions. A review by Performance Management outlines the operational improvements and efficiencies of a consolidated financial department. The seven following positions will be redundant to the needs and operations of a consolidated department: the County Treasurer; two Deputies; one Assistant; one Secretary; one professional and one support position. If these positions are abolished by separate resolution from the new consolidated department they will generate annual savings of approximately \$1.07 million in 2014 (\$750,000 in salaries and \$325,000 in benefits). Salary and fringe benefit costs are expected to increase in the future.		
Additional savings will be generated by the transfer of two cars to the County pool of cars.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
Savings of approximately \$1.07 million in 2014, and with a moderate increase in salaries and benefits, total five year savings equals \$5.7 million.		
8. Proposed Source of Funding		
General Fund Savings		
9. Timing of Impact		
FY 2014 and beyond.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Fred Pollert Deputy County Executive for Finance & Management		6/4/13

I. Introduction

The Performance Management team has been created to, among other things, introduce, develop and implement programs of evidence-based decision making, rethink and reframe operating assumptions, evaluate and improve government to provide effective service as well as sound financial outcomes. As part of this mission, Performance Management seeks to reconfigure roles, streamline operations and innovate to ensure optimal services and implementation of best practices. Three recent projects that speak to this approach are the consolidation of Labor and Consumer Affairs, the restructuring of Risk Management into the County Attorney's office, as well as the consolidation of IT resources, known as the new "Federated model." These examples will be discussed below. Two of these projects (IT Federation and Consumer Affairs Consolidation) just received National Association of Counties achievement awards from the Washington DC based organization. Performance Management continues its efforts to consolidate duplicative efforts; identify opportunities for improvement; eliminate distinct silos of response and is addressing space consolidations to promote physical office synergies and promote efficiency.

It has become clear throughout our first year of existence that the current operation of Suffolk County must be transformed into a simpler and higher performing organization by, among other things, moving away from process to results, shifting the focus from bureaucracy to stakeholders, becoming more proactive in solving problems, empowering employees by providing the tools needed to make decisions, embracing and leveraging new technologies and creating more effective intra and inter organization communication channels ultimately

connecting government with constituents. Transforming Suffolk County government requires taking a hard look at redundancy of services, parallel bureaucracies and identifying opportunities to better manage operations.

Numerous states throughout the nation are combining or have combined departments to garner efficiencies and improve productivity. In Suffolk County, following examples in Pennsylvania, Maryland, Minnesota, Montana and Virginia, Performance Management recently championed the merger of the Departments of Labor and Consumer Affairs into a Department of Labor and Industry, to promote and protect the well-being of workers, employers and citizens, and to uphold their rights and responsibilities. In achieving this consolidation, personnel and finance units were merged while pooled resources enabled a much stronger grants management unit to be realized.

Another recent merger championed by the Performance Management team is the movement of Risk Management to The County Attorney's Office which is best positioned by experience and education to inform, address and improve the current Risk Management operation. Initial efforts have focused on the worker's compensation function to increase control & accountability, strengthening claim investigations and monitoring standardizing policies regarding injury investigations, improving loss control measures once a claim is accepted and among other things, creating a knowledge base to enable better, transparent and cost-effective outcomes.

Similarly, Performance Management spent much time last year evaluating our technology base infrastructure and data usage with an eye for leveraging existing technology

tools and judiciously making decisions regarding acquisition of new tools. In implementing the Federated Model, the County began saving money, coordinating policy and purchasing and improving job track opportunities for our Suffolk County workers. We implemented a Federated model for IT governance whereby technology staff stays in departments but the reporting and budget lines transferred to central DoIT. Duplicative purchasing, uncoordinated spending and a disconnected series of technology visions are all being remediated and addressed by consolidating our technology efforts under the leadership of one Commissioner.

Likewise, New York State, under the leadership of Andrew Cuomo, has initiated a number of Executive orders and analyses to reduce inefficient use of resources. For example, New York State recently endeavored to thwart excessive compensation to State funded service providers and reduce the amount of administrative overhead authorized for agencies contracting with NYS. The premise of consolidating services and revamping contractual requirements is that quality services remain a priority but should be provided by agencies making efficient, productive and informed decisions.

The urgency of the economic climate and the value of consolidations is the impetus for New York State's somewhat recent legislation to standardize state law regarding the process of government consolidation. This law standardizes the process for shared services, government dissolution or consolidation, thereby making it easier for voters to require efficiency and effective government operations. This legislation was guided by the premise that NYS residents continue to desire quality services from their government but that the prohibitive tax burden

could no longer be shouldered, which is a result, in part of the 10,000 taxing entities that exist throughout NYS.

In line with New York State's commitment to improve efficiency and reduce redundancy in department operations, and building on the above mentioned three successful consolidations already implemented in Suffolk County, Performance Management recommends that Suffolk County consolidate two separately elected departments: the Department of Finance & Taxation and the Department of Audit & Control into one new department with merged functions. This merger can be accomplished by abolishing the offices of County Comptroller and County Treasurer by local law and creating a new department, Financial Management and Audit. We recommend that the County Executive appoint a Chief Financial Officer subject to legislative ratification, to a one year term commencing January 1, 2014 and ending 12/31/14. The appointed Chief financial Officer will oversee the merger and creation of the new department. The merger should be overseen and supported throughout the transition by the Departments of Performance Management and Budget. The first election for this new elected Chief Financial Officer would be held November 2014 with a four year term to begin on 1/1/2015.

New York State already operates State government with such a model, whereby there is one elected officer and no separately elected Treasurer. The New York State Treasurer was a state cabinet officer in the State of New York between 1776 and 1926. During the re-organization of the state government under Governor Al Smith, the office was abolished and its

responsibilities transferred to the new Department of Audit and Control headed by the New York State Comptroller. This model continues to operate effectively today.

The Comptroller's Office of Operations provides leadership in financial management and fiscal accountability by: engaging in accounting and financial reporting services; auditing state contracts, expenditures and payrolls prior to payment and carrying out the mandates of the Abandoned Property Law by safeguarding lost assets belonging to residents.

There are a number of models employed by different Counties relating to the financial management of county affairs. Most recently, Cortland County's Legislative Chair has announced that the County is pursuing a plan to eliminate the elected County Treasurer's Office and replace the job with an appointed Comptroller, adding professional requirements to the position. Other examples of models exist throughout NYS. For example, Putnam County has a County Finance Department that performs a number of functions including tax collection, budgeting accounts receivable and payable, payroll, financial analyses, investment, acquisition of property for unpaid taxes and providing certificates of residence for tuition reduction at local colleges.

A slightly different take on a Finance Department exists in Monroe County. The Department of Finance supervises and controls the financial affairs of Monroe County. This includes coordinating and managing the functions of the Office of the Controller, the Office of Grants and Reimbursements, and the Divisions of the Treasury, Real Property Tax Service, Purchasing, and Internal Audit, as well as Debt Management. The mission of the Department of Finance is to maximize the ability of Monroe County government to promote the social and

economic well-being of the community in a financially responsible and sustainable fashion, minimizing the reliance on County taxpayer resources.

Orange County also has a financial department that encompasses a number of different functions. The Department of Finance is responsible for providing financial services for Orange County including: real property tax collection, financial accounting and reporting, payroll and accounts payable disbursement functions, cash and investment management, debt management, real property, property management and internal audit.

The chart below is illustrative of the notion that Counties have various ways of managing their finance units.

County	Population	Department with Treasurer
Suffolk County	1,493,350	Treasurer's Office
Nassau County	1,339,532	Treasurer's Office
Westchester County	949,113	Finance Department
Erle County	919,040	Budget & Management
Monroe County	744,344	Real Property Tax
Onondaga County	467,026	Finance Department
Orange County	372,813	Finance Department
Rockland County	311,687	Finance Department
Albany County	304,204	Division of Finance
Dutchess County	297,488	Finance Department
Oneida County	234,878	Finance Department
Saratoga County	219,607	Treasurer's Office
Niagara County	216,469	Treasurer's Office
Broome County	200,600	Office of Management & Budget

Though other counties have various elected offices melding Comptroller and Treasurer, according to NYSAC, Suffolk County remains **the only county** in the State of New York with two

separate elective offices: an elected Comptroller and an elected Treasurer--- which is an inefficient and expensive model to operate. Consolidating these two financial departments into a new unified financial department would result in more efficient financial management through economics of scale, consolidation of functions, streaming of operations, increased and improved application of technology and more accurate and timely cash-flow analyses. Additionally, coordination and cooperation inherent in a unified operation will generate recurring budget savings from salaries, elimination of County car assignments and valuable technology improvements. The immediate fiscal impact of consolidation in 2014 is expected to be \$1.07M and with a moderate increase in salaries and benefits, total five year savings equal \$5.7M. **All personnel changes will be subject to civil service requirements and will be codified in an amended salary classification plan.** Bringing the new combined department into the Federated model of Technology may also help realize additional savings as decisions are made, for example, to cancel the process of contracting with off-site vendors and instead bring a single system under the responsibility of the Department of Information Technology in Suffolk County.

II. Background

The Department of Audit & Control is headed by the County Comptroller. The Comptroller is an elected official, and pursuant to Article V of the Suffolk County Charter, has the authority to examine, audit and verify all books, records and accounts kept by various administrative units, department's offices or officials paid from County funds. As the auditing authority of the County, the Comptroller must verify, approve and process the County's payroll, and examine

and approve for payment all contracts, purchase orders and other documents by which the County incurs financial obligations. The Comptroller also has full responsibility for compliance and issuance of the verified financial statements for Suffolk County for each fiscal year. This department is organized into five administrative units: administration, audit, payroll, general appropriations and accounting and special appropriations/fixed asset reporting.

The primary mission of the Comptroller's office is to ensure that County funds are expended in compliance with all prescribed laws, rules and regulations mandated by the State Comptroller, Local Laws and the Suffolk County Charter and that amounts of money paid are in accord with contractual obligations and that billings are appropriate.

The Suffolk County Treasurer is the investment officer for the County and pursuant to the Suffolk County Charter and the Suffolk County Tax Act protects the assets of the county and its nearly 1.6 million residents. This office administers the collection of delinquent property taxes, the county hotel/motel tax, and bail, while at the same time maintaining and protecting the records of the nearly 600,000 property tax parcels in the county. The department is organized into six administrative units: administration, real estate, accounting, tax collection, tax history & sale, certiorari & small claims.

III. Merging the Departments of Finance & Taxation and Audit & Control is proactive and prudent in the current fiscal environment.

The merger of the Department of Finance & Taxation and the Department of Audit and Control is particularly timely given the fiscal climate and County deficit. The current environment necessitates a renewed review of financial operations. Cash flow has traditionally

been prepared by Audit & Control for credit rating and short term borrowing purposes. The current cash issues faced by the County and the fluidity of necessary, quick decision-making in this economic climate require daily cash management and cash flow planning and projections to be more closely tied together. Consolidation of these departments would allow the County to streamline cash management and track such flows more effectively by using a standard technology platform to facilitate timelier decision-making. By creating a new, merged office, the cash management process would also be streamlined because there would be one team to prepare a cash flow on a daily basis. This would flow into the monthly cash flow projection which is required for borrowing and credit agency reporting.

This team would also be able to manage the County's cash and borrowing more efficiently because this consolidated team would now have advance notice of all receipts coming into the County in addition to the discretion to approve disbursements. This would improve the county's daily cash management and reduce short-term interfund borrowings by allowing the County, where possible, to plan weekly disbursements based on revenue receipts. This result translates to a more accurate portrayal of County assets and fewer resources spent on the audit process.

Monitoring of finances is particularly acute in this climate. As it stands, general ledger entries are uncoordinated. Revenues are entered by the Treasurer's office while expenditures are recorded by Audit & Control. These duties need not be segregated and if consolidated, would enable the County more efficient and robust oversight of the general ledger. It is also arguable that by streamlining this process, the annual independent audit could be expedited.

The audit would be expedited if the revenue documents and personnel responsible for their approval were located in the same location as the independent audit team. This would reduce audit time in traveling to audit location (when original documentation must be reviewed) and time waiting for the requested documentation to be sent via interoffice. Oversight of the revenue recognition process will reduce audit adjustments since they will be reviewed by the staff responsible for the preparation of the County's financial statements prior to the annual audit. It would also improve the year end process by reducing the amount of year end accruals necessary if the accounting staff reviewed the revenues prior to recording them as is done on the expenditure side.

IV. Advancements in Technology Support this Merger and opportunities exist with consolidation to strengthen the use of technology in financial management.

Another benefit of creating a new department relates to judicious and efficacious use of technology resources. If the Department of Finance and Taxation was combined with Audit and Control, this would result in a more streamlined delivery of technology to support both departments' functions. For example, currently, the Department of Finance and Taxation maintains two full time systems analysts, whereas the Office of Audit & Control has none.

A result of no dedicated technology staff, Audit and Control has had to dedicate audit staff to system maintenance tasks, taking them away from their critical functions. If consolidated, the Department of Audit & Control would benefit from the infusion of technology resources. The newly created department should be part of the Federated model of technology delivery, enabling coordinated, efficacious use of technology resources and better planning. To

ensure that these technology synergies are achieved, we recommend that the new department be part of the technology federation.

Both departments share common applications including the Integrated Financial Management System run by DoIT (IFMS), the payroll system, the county Email System, Internet access, the telecommunications environment, and the WAN – wide area network connectivity. Additionally, the Department of Finance and Taxation currently has contracted for an offsite hosted system that could be hosted in the County and would save approximately \$200,000/year if the new department is created with overall coordination from DoIT.

The use of the current system is an example of a technology decision made without regard to overall County needs and demonstrates just one opportunity for the Federated model to assist with coordination and oversight. By moving to an in-house system, the security of county data would remain intact as a result of moving off the outside hosted model currently employed by the Department of Taxation & Finance and moving to local, hosted applications. Support staff will also be better served with a consolidated approach without additional staff required.

V. Merging the Departments of Finance & Taxation and Audit & Control supports shared services.

The consolidation would also support a more unified land record system. Currently the county has many separate databases that purport to provide the same function. This requires reconciliation of tabulations because databases are disjointed and don't interface with one another. One coordinated system would simplify and streamline the processing of land record

information and provide more insight into the status of property tax collections, and land record revenues.

Through coordination of these systems a master land records system could handle the various departmental components and eliminate duplication of efforts and systems. In conjunction with the development and coordination of the data, the systems would better support the desired development of business intelligence software for applications which Performance Management is drawing up to provide information about operations; enhance employee skill sets; and to provide tools necessary to exert more professional management control over departments. These capabilities clearly support the identification of potential savings, service improvements and efficiencies.

Additionally, both departments maintain individual interfaces with the ten towns for tax payer information purposes. As part of the overall goal of standardizing the ways in which we store and track data and the vision of increasing shared resources with other municipalities, this consolidation would enable the County to more easily host more standardized information and provide disaster recovery services. These synergies would benefit the towns, villages and the county going forward while eliminating duplication at all levels of local government.

Arguments opposing the merger of these departments are specious.

Consideration of such a consolidation is not new. Efforts in the past have been thwarted by ineffective technology solutions to maintain control and concerns about separation of duties. Today, improvements to accounting systems, such as the newest release

of IFMS vitiate these concerns and improve management and control. The implementation of the Federated model of technology also increases DoIT's ability to be engaged as a partner in solving any problems that arise, eliminating barriers related to technology.

Efforts to consolidate these two departments have been met with some resistance in the past. One concern previously raised is the need for independence to manage the County's investments. Under the proposed merger, the newly combined department would still be an elected office, with a Chief Financial Officer remaining independent.

Checks and balances would remain in place, with continuation of the County's written investment policy which is approved annually by the Legislature. Technological advances to the County's financial system allow for separation of powers to ensure proper segregation of duties and establishment of internal controls. The IFMS 3 accounting software, implemented just several years ago has improved internal control capabilities which would allow increasing system security and require multiple levels of approval for transaction processing.

For example, the current system allows the county to control expenditures through the use of a tiered approval process for procurement. Prior to the system departments would simply complete a purchase requisition and send it to budget – once approved it was sent to purchasing and the item was procured. Through IFMS and the tiered level of approval process (a minimum of 4) the requests are first entered – then the requesting department head must assign an electronic approval.

Once the department level approval is in place the requisition is routed to the budget office for financial review, if approved it moves on to the purchasing office and after the process is complete all requisitions are retained in the system allowing audit and control to review purchases by commodity, vendor, department, object, amount, date, fund, or item. Further, using the system controls can be implemented to throttle back on specific expenditures as needed (i.e. during times of fiscal restraint) or to place funds in special accounts (savings) to achieve a savings goal.

Cash flow is monitored as well as pending requisitions in order to paint a larger picture of the current fiscal condition of the County. The system also tracks revenues by code and allows monitoring of the income of the county. Finally the system supports the Budget process that provides an annual spending plan for the county and a tax warrant to the residents.

A second concern previously raised is that the departments perform separate and distinct functions. As described earlier, functions that were previously distinct have become more closely related as a result of the fiscal emergency. For example, daily cash flow management and cash flow planning are much more intertwined in such a different economic environment. The daily cash flow that is prepared by the Treasurer's office is prepared based on the general fund only. However in times of economic difficulty when the County's cash flow is tight we need to look at the available cash in all of the County's funds.

Therefore over the last several years the Comptroller's office has been requested by the County Executive's Office to prepare weekly cash flow statements and projections based on all of the County's taxing funds. These statements are used to pinpoint specific dates of cash

concern in order to negotiate changes in contractual payments or payment schedules with other governmental entities. If one office was responsible for cash flow preparations, the reports could be prepared in a manner that would allow for the daily report to combine into a weekly and ultimately the monthly statement.

Similarly, duplicative monitoring is occurring in both departments due to the new IRS regulations related to arbitrage compliance. Both departments are currently keeping records related to short term borrowing and restrictions for repayment using different methodologies. Both departments are also responsible for posting general ledger entries. None of these responsibilities need to be segregated and consolidation would provide more efficient and complete oversight. Previously required physical separation of specific duties can be overcome by the ability to develop internal controls to segregate duties using technology.

Previous erroneous concerns have also been raised about how the consolidation could impact the bond rating. In the Long Island Business News, (2006) Jeremy Harrell indicated that analysts from Standard & Poor's and Fitch Rating deal with governments that use an array of administrative lineups to deal with finances and Standard & Poor's doesn't endorse one system over another. Standard and Poor's and Fitch have stated previously that the consolidation of the two offices would not result in an issue in terms of credit rating. In fact, as earlier noted, Suffolk County is the only county in New York with both an elected Treasurer and Comptroller.

Opponents of this merger have pointed to Orange County, California as an example of the danger of consolidating offices and thereby reducing separation of powers. The comparison between these two counties however, is without merit because in Suffolk County

continued separation of powers is maintained by the Suffolk County Legislature, County Executive and the newly elected CFO of the proposed combined department. Investments are approved through resolution on an annual basis with approval from the Executive and Legislature for various County investments.

No investments are permitted without approval and adoption of the aforementioned legislative resolution. Separation between the Office of Finance and Taxation and Audit & Control is thereby not necessitated to separate powers because investment policy approval is not predicated on these separate authorizing bodies.

A final flawed contention is that the Office of Audit and Control, if combined with Taxation & Finance would ultimately result in a department that is auditing itself, removing independence. Presently, activities of the Office of Taxation & Finance are subject to audit on an annual basis from the County's independent audit firm. The independent audit includes confirmation of cash in the County's accounts, audits of reconciliations for all accounts and a review to confirm that investments adhere to the written investment policy. Independent auditors also test internal controls and safeguard proper segregation of duties within departments.

The Department of Audit & Control performs audits of departmental cash accounts maintained by individual departments, which would continue, uninterrupted, upon merger. Consolidation, thereby would not reduce internal or external auditing, ensuring the continued safeguard of County funds. Consolidation could also help provide more complete information

for Performance Management to analyze, evaluate and make recommendations for the future of Suffolk County.

VI. Consolidation will result in new opportunities for better fiscal management.

Substantial support for such a merger also enjoys a long history. For example, the Suffolk County Charter Revision Commission indicated in their report from 1997 to 1999 on pages 20 and 21 that creating a unified County Department of Financial Management and Audit should be a priority. The Commission advocated that the current model splinters the financial management duties of the County which “hampered the growth of an effective fiscal management system which would encourage communication and cooperation.”

Finally, the merger of the aforementioned departments also represents an opportunity for the County at this juncture. With the proposed merger of the Comptroller and Treasurer’s functions, the County will be establishing a finance service center with significant capabilities and capacity. In addition to the benefits that will immediately occur as a result of this merger, there may be an opportunity to implement additional efficiencies through a federated (shared services) finance organization, similar to the County IT model. This may be considered a second phase of the reform but initial discussions should take place as early as possible to determine feasibility.

Performance Management is already looking at shared service environments which include opportunities such as Accounts payable (expenditures), Accounts receivable (revenue), cash management, collections and contracts. This merger would help bring these plans to

fruition. It could also elucidate opportunities to reform and improvements to pursue. Expected among them are: standardization of routine finance functions, repurposing roles from transaction processing to higher value functions, augmenting staff skills through training, process redesign and policy regulation enhancement, more opportunities for automation through technology, enhanced access to data at the end user level, increased integration with third parties (banks, vendors) and consolidation of supporting systems into an enterprise book of record. **In order to maximize accomplishment of the potential shared service opportunities Performance Management will work closely with the newly created Office of Financial Management and Audit throughout the year-long period of transition ending 12/31/2014.**

VII. Conclusion

The Departments of Finance & Taxation and Audit & Control, as indicated throughout this report provide finance related functions that are imperative to the operations of Suffolk County. With the current fiscal climate and with the advancement of accounting technology solutions that support internal controls, there is an opportunity to reduce the redundancy of services and bureaucracy shouldered by taxpayers by creating a single efficient department.

As outlined above, the creation of a new, merged department will yield savings for the taxpayer, improve financial management of Suffolk County government, eliminate waste, better allocate technology staff to meet emerging needs, provide opportunities to implement new processes and further integrate County financial systems and increase ease of use by external customers through shared services and efficient processes. Aligning finance related

functions into one office offers significant opportunity for Suffolk County at this time and is a step in the direction of creating a Center of Excellence for financial management.