

Intro. Res. No. **1744-15**  
Introduced by Presiding Officer on request of the County Executive

Laid on Table: **9/9/15**

**RESOLUTION NO -2015, ACCEPTING AND APPROPRIATING 100% REIMBURSABLE FEDERAL GRANT FUNDS FROM THE NEW YORK STATE OFFICE FOR THE AGING FOR A NY CONNECTS EXPANSION AND ENHANCEMENTS (BALANCING INCENTIVE PROGRAM, BIP) PROGRAM**

**WHEREAS**, the New York State Office for Aging has made available to Suffolk County Office for Aging funding for a local NY Connects Expansion and Enhancements Program in the amount of \$619,163; and

**WHEREAS**, this grant will be utilized to expand local NY Connects Programs; and

**WHEREAS**, this grant will create two Neighborhood Aide positions and reimburse fringe benefits of \$173,665 currently in the operating budget; and

**WHEREAS**, the program year will run from April 1, 2014, through December 31, 2016; and

**WHEREAS**, the 100% Federal grant funds are not included in the 2015 Adopted Suffolk County Budget; and

**WHEREAS**, it is in the best interest of the County to accept these funds; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds:

**REVENUES:**

001-4772 Federal Aid **\$619,163**

**County Executive  
Human Services: Office for the Aging  
001-EXE-6807**

<b><u>Personal Services</u></b>	<b><u>374,248</u></b>
1100-Permanent Salaries	77,716
1110-Interim Salaries	296,532
<b><u>Equipment</u></b>	<b><u>27,850</u></b>
2010-Furniture and Fixtures	8,050
2020-Office Equipment	19,800

**Employee Benefits  
Retirement  
001-EMP-9010**

<u>Employee Benefits</u>	<u>2,331</u>
8280-Retirement	2,331

**Employee Benefits  
Social Security  
001-EMP-9030**

<u>Employee Benefits</u>	<u>5,945</u>
8330-Social Security	5,945

**Employee Benefits  
Welfare Fund Contribution  
001-EMP-9080**

<u>Employee Benefits</u>	<u>2,912</u>
8380-Welfare Fund Contributions	2,912

**Interfund Transfer  
Transfer to Employee Medical Health Plan  
001-IFT-E039**

<u>Employee Benefits</u>	<u>32,212</u>
9600-Transfer of Funds	32,212

**2<sup>nd</sup> RESOLVED**, that the following interfund revenues for Employee Medical Health Plan be accepted and appropriated as follows:

**REVENUES;**

039-IFT-R001 Transfer from General Fund	32,212
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**ORGANIZATION:**

**Employee Benefits (EMP)  
Major Medical Claim  
039-EMP-9060**

Employee Benefits	<u>32,212</u>
8360 Health Insurance	32,212

And be it further

**3<sup>rd</sup> RESOLVED**, that the following positions be created in the Suffolk County Executive's Office for the Aging as follows:

<u>Spec. No.</u>	<u>Title</u>	<u>Grade</u>	<u>J/C</u>	<u>No. Created</u>
3706	Neighborhood Aide	13	NC	2

And be it further

**4<sup>th</sup> RESOLVED**, that nothing contained herein shall be construed as obligating or

committing the county of Suffolk to continue the employment of the individuals filling the positions created by this Resolution at the conclusion of the grant funding provided for such position created by said grant.

**5<sup>th</sup> 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 the 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 of 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 of Approval:

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

<b>1. Type of Legislation</b>		
Resolution <u>  X  </u> Local Law <u>      </u> Charter Law		
<b>2. Title of Legislation</b>		
Resolution appropriating 100% reimbursable grant funds for NY Connects Expansion and Enhancement Program.		
<b>3. Purpose of Proposed Legislation</b>		
SEE #2 ABOVE.		
<b>4. Will the Proposed Legislation Have a Fiscal Impact?</b> Yes <u>      </u> No <u>  X  </u>		
<b>5. If the answer to Item 4 is yes, on what will it impact? (Circle appropriate category)</b>		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
<b>6. If the answer to item 5 is yes, Provide Detailed Explanation of Impact.</b>		
<b>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</b>		
<b>8. Proposed Source of Funding.</b>		
NY Connects funding from The New York State Office for the Aging		
<b>9. Timing of Impact.</b>		
Immediate		
<b>10. Type Name &amp; Title of Preparer</b>	<b>11. Signature of Preparer</b>	<b>12. Date</b>
HOLLY RHODES-TEAGUE DIRECTOR	<i>Holly Rhodes-Teague</i>	9/1/15

SCIN FORM 175b (11/97)

*Suzanne MARTIN*  
Pr. Budget Examiner

*Suzanne Martin*

9/3/15

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

2015 INTERGOVERNMENTAL RELATIONS

MEMORANDUM OF SUPPORT

TITLE OF BILL: Accepting and Appropriating 100% reimbursable grant funds from the New York State Office for the Aging for NY Connects Expansion and Enhancement Program.

PURPOSE OR GENERAL IDEA OF BILL: To appropriate funds for a NY Connects Expansion and Enhancements Program.

SUMMARY OF SPECIFIC PROVISIONS: This would provide long term care information to residents of Suffolk Count.

JUSTIFICATION: This funding will assist residents by providing long term care information.

FISCAL IMPLICATIONS: None. 100% funded.

NOTIFICATION OF GRANT AWARD - NY CONNECTS EXPANSION and ENHANCEMENT  
(including Balancing Incentive Program)

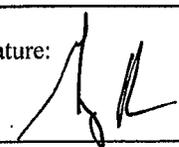
<p>Name and Address of Area Agency: Suffolk County Office for the Aging P.O.Box 6100- H.Lee Dennison Bldg-3rd Fl 100 Veterans Memorial Highway Hauppauge, NY 11788-0099</p>	<p>Name and Address of Sponsoring Agency/Payee: Suffolk County</p>
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Program Year - Beginning: 4/1/2014 Ending: 12/31/2016

Fiscal Year from which funds are awarded: 2014	Federal CFDA No.- 93.778	This award is New																																							
<p><b>Section I - Cost Categories</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="text-align: right; border-bottom: 1px solid black;">Amount</th> </tr> </thead> <tbody> <tr><td>Personnel</td><td style="text-align: right;">\$374,248.00</td></tr> <tr><td>Fringe Benefits</td><td style="text-align: right;">217,065.00</td></tr> <tr><td>Equipment</td><td style="text-align: right;">27,850.00</td></tr> <tr><td>Travel</td><td style="text-align: right;">0.00</td></tr> <tr><td>Maint. &amp; Operations</td><td style="text-align: right;">0.00</td></tr> <tr><td>Other Expenses</td><td style="text-align: right;">0.00</td></tr> <tr><td>Subcontracts</td><td style="text-align: right;">0.00</td></tr> <tr><td>Food</td><td style="text-align: right;">0.00</td></tr> <tr><td>Approved Costs</td><td style="text-align: right; border-top: 1px solid black;">\$619,163.00</td></tr> <tr><td>Less:</td><td></td></tr> <tr><td>Anticipated Income</td><td style="text-align: right;">0.00</td></tr> <tr><td>Net Cost</td><td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">\$619,163.00</td></tr> </tbody> </table>		Amount	Personnel	\$374,248.00	Fringe Benefits	217,065.00	Equipment	27,850.00	Travel	0.00	Maint. & Operations	0.00	Other Expenses	0.00	Subcontracts	0.00	Food	0.00	Approved Costs	\$619,163.00	Less:		Anticipated Income	0.00	Net Cost	\$619,163.00	<p><b>Section II - Grantee Budget - Grant Funding:</b></p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 80%;">Grant Share (see remark 1)</td><td style="text-align: right;">\$619,163.00</td></tr> <tr><td>Other Resources Cash</td><td style="text-align: right;">0.00</td></tr> <tr><td>Other Resources In-Kind</td><td style="text-align: right;">0.00</td></tr> <tr><td>Net Cost</td><td style="text-align: right; border-top: 1px solid black;">\$619,163.00</td></tr> </tbody> </table> <p><b>Section III - Grant Funds Ceiling:</b></p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 80%;">A. NY Connects Additional General Fund</td><td style="text-align: right;">\$145,259.00</td></tr> <tr><td>B. Balancing Incentive Program Funding</td><td style="text-align: right;">473,904.00</td></tr> <tr><td>Grant Funds Ceiling (see remark 1)</td><td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">\$619,163.00</td></tr> </tbody> </table>	Grant Share (see remark 1)	\$619,163.00	Other Resources Cash	0.00	Other Resources In-Kind	0.00	Net Cost	\$619,163.00	A. NY Connects Additional General Fund	\$145,259.00	B. Balancing Incentive Program Funding	473,904.00	Grant Funds Ceiling (see remark 1)	\$619,163.00
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Remarks: In addition to the conditions contained in the Four Year Plan, Annual Implementation Plan and Application for Funding, the conditions checked below apply to this award:

- (XX) 1. Grant reimbursement is limited to the **lower** of the "Grant Share" in Section II or the "Grant Funds Ceiling" in Section III of this award notice.
- (XX) 2. Receipt of Grant funds (either through advance or reimbursement) does not constitute earning of these funds. The Grant share of the project cost is earned only when allowable costs have been incurred and paid.
- (XX) 3. "Give Aways" are not an allowable expense under this program.
- (XX) 4. A separate audit trail is to be maintained for these funds and copies of all receipts and other pertinent documentation are to be maintained by the recipient for subsequent audit.
- (XX) 5. The final claim must be submitted to the State Office for the Aging no later than 45 days after the close of the program period.
- ( ) 6. Other:

<p>Name and Title of Authorizing Official: Corinda Crossdale Director</p>	<p>Signature: </p>	<p>Date: 8-28-15</p>
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COUNTY OF SUFFOLK



Steven Bellone  
COUNTY EXECUTIVE

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 NY Connects Expansion and Enhancement Program**

**Date:** September 1, 2015

As per ADH 01-15, I am enclosing Draft Resolution, Request for the Introduction of Suffolk County Legislation (Scin Form 175a), Fiscal Impact Statement (Scin Form 175b) and Notification of Grant Award Letter to appropriate additional funds for the NY Connects Program.

**We would like to accept these funds in accordance with Local Law 40-2013.**

These funds will be utilized to provide long term care information to residents of Suffolk County.

The period of award is April 1, 2014 through December 31, 2016. Please note that this request is **100% funded**.

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

  
Holly Rhodes-Teague

HRT:JK  
Enclosures

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

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**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.

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Submitting Department  
(Dept. Name & Location)  
County Executive/Human Services/Office for the Aging  
H. Lee Dennison Office Bldg.  
Hauppauge, NY 11788

Department Contact Person  
(Name & Phone No.)  
Joanne Kandell, Principal Accountant  
853-8212

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Suggestion Involves:

Technical Amendment

New Program

Grant Award

Contract (New\_\_ Rev.\_\_)

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

To appropriate 100% reimbursable funds in connection with NY Connects Expansion and Enhancement Program.

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

N/A

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PLEASE FILL IN REVERSE SIDE OF FORM

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

1745

Intro. Res. No. -2015  
Introduced by Legislator Schneiderman

Laid on Table 9/9/15

**RESOLUTION NO. - 2015, ADOPTING LOCAL LAW NO.  
-2015, A LOCAL LAW TO ESTABLISH A SUSTAINABLE  
ENERGY LOAN PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2015, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM**" now, therefore, be it

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

**LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK  
A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY  
LOAN PROGRAM**

**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 it is the policy of both the County of Suffolk and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of the global climate change and advance a clean energy economy.

This Legislature also finds and determines that Suffolk County can further these policy goals by facilitating energy financing to property owners for the installation of renewable energy systems and energy efficiency measures.

This Legislature further finds and determines that this local law would establish a program that will allow the Energy Improvement Corporation, a local development corporation, acting on behalf of the County of Suffolk, to make Federal funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds.

This Legislature also finds that the County of Suffolk is authorized to implement this sustainable energy loan program, known as Energize NY Benefit Financing Program, pursuant to Article 5-L of the New York General Municipal Law.

Therefore, the purpose of this local law is to establish a sustainable energy loan program in the County of Suffolk.

**Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AUTHORITY**

The New York State Energy Research and Development Authority (NYSERDA), as defined by subdivision two of Section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

**COUNTY**

County of Suffolk, State of New York

**EIC**

The Energy Improvement Corporation, a local development corporation, duly organized under Section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County to implement the Energize NY Benefit Financing Program by providing qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the County tax collector as a charge to be levied on the real property and collected in the same manner and same form as the County property taxes.

**ENERGY AUDIT**

A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

**ENERGY EFFICIENCY IMPROVEMENT**

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather-stripping, air sealing, insulation, heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

**QUALIFIED PROPERTY OWNER**

An owner of residential or commercial real property located within the boundaries of the County that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this local law.

**RENEWABLE ENERGY SYSTEM**

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

**RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY**

A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

**Section 3. Establishment of an Energize NY Benefit Financing Program.**

A. An Energize NY Benefit Financing Program is hereby established by the County, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this local law, to finance the acquisition,

construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

B. The funds provided shall not exceed the lesser of ten percent (10%) of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

#### **Section 4. Procedures for Eligibility.**

A. Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and on the Suffolk County Government website.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria for making a financing application enumerated section (A) of section 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC acting on behalf of the County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under Section 6 of this local law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

#### **Section 5. Application Criteria.**

A. Upon submission of an application, EIC acting on behalf of the County shall make a positive or negative determination on such application based upon the following criteria for the making of financing:

1. The proposed Energy Efficiency Improvement and/or Renewable Energy Systems are determined to be cost effective by the Authority;
2. The proposed Energy Efficiency Improvement and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
3. Sufficient funds are available to provide to the property owner;
4. The property owner is current in payments on any existing mortgage;
5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and

6. Such additional criteria, not inconsistent with the criteria set forth above, as the County, or EIC acting on its behalf, may set from time to time.

**Section 6. Opt-in, Energize Finance Agreement.**

A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on behalf of the County.

B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the County, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this local law have been met.

C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under Section 8 of this local law.

**Section 7. Energy Audit, Renewable Energy System Feasibility Study.**

A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit.

B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study.

C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

**Section 8. Terms and Conditions Repayment.**

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County, shall set forth the terms and conditions of repayment in accordance with the following:

1. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their real property tax bill and shall be levied and collected at the same time and in the same manner as County property taxes, provided that such charge shall be separately listed on the tax bill. The County shall make payment to EIC or its designee in the amount of all such separately listed charges within thirty (30) days of the County real property tax due date.
2. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County.

3. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County at the time the Energize Finance Agreement is executed by the property owner and EIC.
4. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**Section 9. Verification and Report.**

A. EIC shall be responsible for verifying and reporting to the County on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.

B. The County shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energized NY Benefit Financing Program in such form and manner as the Authority may establish.

**Section 10. Applicability.**

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

**Section 11. 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 12. SEQRA Determination.**

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

**Section 13. Effective Date.**

This law shall take effect 120 days after its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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

Date:

s:\laws\l-energize NY benefit financing program

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1745

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: SEPTEMBER 3, 2015

TO: CLERK OF THE COUNTY LEGISLATURE

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

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PROPOSED LOCAL LAW YEAR 2015

TITLE: I.R. NO. -2015; A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 9/2/2015 PUBLIC HEARING: 10/6/2015

DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed law would establish a sustainable energy loan program in accordance with the provisions of Article 5-L of the NEW YORK GENERAL MUNICIPAL LAW. Under this law, the Energy Improvement Corporation ("EIC"), a local development corporation acting on behalf of Suffolk County, would provide qualified property owners with funds to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements.

EIC would judge applications for participation in this program based upon the following criteria:

1. Whether the proposed improvement is determined to be cost effective.
2. Whether the proposed improvement would generate cost savings greater than the applicants annual repayment.
3. Whether sufficient funds are available.
4. Whether the applicant is current in his or her property tax and mortgage payments.

Additionally, no funding would be made available for energy efficiency improvements unless an energy audit determines the improvement would be appropriate and no funds would be made available for a renewable energy system without a positive finding through a renewable energy system feasibility study.

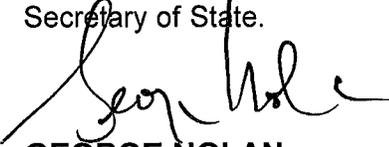
The funds provided to an eligible property owner would not exceed the lesser of 10% of the appraised value of the real property where the improvement will be made or the actual cost of installing the renewable energy system and/or energy efficiency improvement.

Under this law, qualified property owners would enter into an agreement with EIC (again acting on behalf of the County) which would set forth the terms and conditions of repayment. The

1745

repayment period and the interest rate will be determined at the time the agreement is entered into by the property owner and EIC. Principal and interest will be paid by the property owner as a charge on their real property tax bill which shall be listed separately on the bill. This charge will constitute a lien upon the property and run with the land. The County will forward these payments to EIC within 30 days of the real property tax due date.

This law will take effect one hundred twenty (120) days after its filed in the Office of the Secretary of State.



**GEORGE NOLAN**  
**Counsel to the Legislature**

**GN:js**

s:\rule28\28-energize-ny-benefit-financing-program

1746

Intro. Res. No. -2015  
Introduced by Legislator Stern

Laid on Table 9/9/15

**RESOLUTION NO. -2015, AUTHORIZING TRANSFER OF  
DECOMMISSIONED VEHICLES TO THE DIX HILLS FIRE  
DEPARTMENT**

**WHEREAS**, the Suffolk County Department of Public Works has declared a number decommissioned vehicles surplus to the needs of the County; and

**WHEREAS**, the Dix Hills Fire Department has requested the donation of four (4) vehicles from the County; and

**WHEREAS**, this organization is willing to assume responsibility for the removal and transportation of these vehicles; now, therefore, be it

**1st RESOLVED**, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, to transfer the following decommissioned vehicles to the organization listed, pursuant to Section A8-10(B)(3) of the SUFFOLK COUNTY ADMINISTRATIVE CODE:

**TO:**  
Dix Hills Fire Department  
115 E. Deer Park Avenue  
Dix Hills, NY 11746  
Contact Person: Scott Dalrymple  
631-858-6801

**SERIAL NUMBER:**  
1FAFP52241A270917  
1G1ZS57N37F285986  
2FAHP71VX9X144676  
1FAHP2MK1EG148376

and be it further

**2nd RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; 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-decommissioned-vehicles-dix-hills-fd

1747

Intro. Res. No. -2015  
Introduced by Presiding Officer Gregory

Laid on Table 9/9/2015

**RESOLUTION NO. -2015, AMENDING THE 2015 OPERATING BUDGET TO FUND PAY AS YOU GO CAPITAL PROJECTS AND APPROPRIATING 2015 CAPITAL BUDGET AND PROGRAM PAY AS YOU GO FUNDS IN CONNECTION WITH VIDEO EQUIPMENT FOR LEGISLATIVE AUDITORIUMS (CP 1820)**

**WHEREAS**, the Adopted 2015 Capital Budget includes \$96,000 in pay-as-you-go financing (G) to purchase equipment for video streaming of legislative meetings; and

**WHEREAS**, sufficient funds were included in the 2015 Operating Budget in appropriation 001-LEG-1010-2020, Office Machines, for this project; and

**WHEREAS**, it is the desire of this legislature to use these operating funds to finance this project; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2015 Capital Budget, as the basis for funding capital projects such as this project; and

**WHEREAS**, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of 35 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

**2<sup>nd</sup> RESOLVED**, the 2015 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

**APPROPRIATIONS:**

**FROM:**

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY &amp; OBJECT NAME</u>	<u>AMOUNT</u>
001	LEG	1010	0000	2020	County Legislature: Office machines	-\$96,000

**TO:**

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY &amp; OBJECT NAME</u>	<u>AMOUNT</u>
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001 IFT E401 0000 9600 Transfer to Capital Reserve Fund +\$96,000

and be it further

**3<sup>RD</sup> RESOLVED**, that the 2015 County Operating Budget be and hereby is amended increasing interfund revenues and expenditures within the Capital Reserve Fund (Fund 401) and that the additional interfund revenues and expenditures be and hereby are accepted and appropriated as follows:

REVENUES:

<u>FD</u>	<u>AGY</u>	<u>REV CODE</u>	<u>REVENUE NAME</u>	<u>AMOUNT</u>
401	IFT	R001	Transfer From General Fund	\$96,000

EXPENDITURES:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY &amp; OBJECT NAME</u>	<u>AMOUNT</u>
401	IFT	E525	9600	Transfer to Fd 525 Capital Fund	\$96,000

and be it further

**4<sup>th</sup> RESOLVED**, hat these interfund revenues be and hereby are transferred and accepted within the Capital Budget as follows:

REVENUES:

<u>FD</u>	<u>AGY</u>	<u>REV CODE</u>	<u>REVENUE NAME</u>	<u>AMOUNT</u>
525	IFT	R401	Transfer from Capital Reserve Fund	\$96,000

**5<sup>th</sup> RESOLVED**, that the proceeds of \$96,000 in Capital reserve Funds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1820.510	Video Equipment for Legislative Auditoriums	\$96,000

and be it further

**6<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, to and from the Capital Reserve Fund required to finance this capital project.; and be it further

**7<sup>th</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), 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.

DATED:

APPROVED BY:

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

Date:

T:\BRO\CP 1820.docx

1748

Intro. Res. No. -2015  
Introduced by Presiding Officer Gregory

Laid on Table 9/9/15

**RESOLUTION NO. -2015, TO ESTABLISH A COMMUNITY COLLEGE BUDGET COMMITTEE TO DEVELOP A LONG-TERM BUDGET PLAN**

**WHEREAS**, Suffolk County Community College gives many County residents access to quality post-secondary education at affordable prices; and

**WHEREAS**, this educational opportunity allows students who might not otherwise attend college to enhance their career prospects and economic mobility; and

**WHEREAS**, in the past several years tuition and other costs at the Community College have increased even as Suffolk County has raised its contribution to fund college operations; and

**WHEREAS**, all interested parties share the goal of strengthening the College's financial position, maintaining education excellence and stabilizing tuition and related costs for students; and

**WHEREAS**, convening a group of County and college officials to engage in long-term financial planning could provide solutions that would help Suffolk County achieve these goals; now, therefore be it

**1st RESOLVED**, that the Community College Budget Committee is hereby established for the purpose of developing a five (5) year budget plan for the Community College; and be it further

**2nd RESOLVED**, that that this Committee will be comprised of the following members:

1. The County Executive, or his or her designee;
2. The Director of the County Executive's Budget Office, or his or her designee;
3. The Presiding Officer, or his or her designee;
4. The Chairperson of the Legislature's Education and Information Technology Committee, or his or her designee;
5. The President of Suffolk County Community College, or his or her designee;
6. The Chairman of the Board of Trustees of Suffolk County Community College, or his or her designee;
7. A representative of the Suffolk County Community College student government association; and
8. The Director of the County Legislature's Budget Review Office;

and be it further

**3rd**           **RESOLVED**, that the plan developed by this group will be non-binding and advisory in nature; and be it further

**4th**           **RESOLVED**, that the Committee will submit its plan to the County Executive and each member of the County Legislature within one hundred eighty (180) days of the effective date of this resolution; and be it further

**5th**           **RESOLVED**, that the members of the Committee will select the group's chairperson; and

**6th**           **RESOLVED**, that this Committee shall meet, at a minimum, on a monthly basis until such time as its report is complete; and it be it further

**7th**           **RESOLVED**, that the Committee will terminate upon the submission of their plan; and

**8th**           **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-establish-sccc-budget-committee

1749

Intro. Res. No. -2015

Laid on Table

9/9/15

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2015, TRANSFERRING FUNDS FROM ASSESSMENT STABILIZATION RESERVE FUND, AMENDING THE 2015 OPERATING BUDGET AND AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE SEWER INFRASTRUCTURE PROGRAM TO PROVIDE FUNDING FOR MESCHUTT COUNTY PARK WASTEWATER UPGRADE (CP 8720.110 & .310)**

**WHEREAS**, Local Law No. 31-2014, which was approved by voter referendum on November 4, 2014, authorized the County of Suffolk to use excess monies in the Assessment Stabilization Reserve Fund to fund wastewater upgrades; and

**WHEREAS**, the funds for the Sewer Infrastructure Program are maintained within the Sewer Infrastructure Program Fund ("Fund 406"); and

**WHEREAS**, there are sufficient funds within Fund 406 for the implementation of the purposes of Local Law 31-2014; and

**WHEREAS**, the Meschutt County Park is in close proximity to surface waters and experienced a septic failure; and

**WHEREAS**, wastewater treatment upgrades are critical because nitrogen from septic and cesspools has led to the degradation in the local water quality, and has harmed groundwater, drinking water, wetlands and surface waters throughout the County; and

**WHEREAS**, the Sewer Infrastructure Committee evaluated and unanimously approved the Meschutt County Park Wastewater Upgrade request for \$300,000 at its August 26, 2015 meeting for advanced nitrogen removal wastewater treatment; and

**WHEREAS**, the recommended project constitutes a permitted use of Sewer Infrastructure Program funds pursuant to Local Law 31-2014; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 461-2006, established a priority ranking system, implemented in the 2015 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

**WHEREAS**, there are insufficient funds available in the 2015 Capital Budget and Program for this program; and

**WHEREAS**, there are sufficient funds available within Fund 406 to support the appropriation of the recommended project; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project 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

2<sup>nd</sup> **RESOLVED**, that sufficient funds exist within Fund 406 Sewer Infrastructure Program Fund component to cover the cost of the County's share for these projects; and be it further

3<sup>rd</sup> **RESOLVED**, that the Adopted 2015 Capital Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 406 Sewer Infrastructure Program Fund as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	406	E525	9600	Transfer to Capital Fund 525	\$300,000

and be it further

4<sup>th</sup> **RESOLVED**, that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R406	E525	Transfer from Fund 406	\$300,000

and be it further

5<sup>th</sup> **RESOLVED**, that the 2015 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8720

Project Title: Meschutt County Park Wastewater Upgrade

	<u>Total Est. Cost</u>	<u>Current 2015 Capital Budget &amp; Program</u>	<u>Revised 2015 Capital Budget &amp; Program</u>
1. Planning	\$50,000	\$0	\$ 50,000 (406)
3. Construction	<u>\$250,000</u>	<u>\$0</u>	<u>\$ 250,000 (406)</u>
TOTAL	\$300,000	\$0	\$300,000

; and be it further

6<sup>th</sup> **RESOLVED**, that the interfund revenues in the amount of \$300,000 be and hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8720.110	50	Meschutt County Park Wastewater Treatment Upgrades	\$50,000

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8720.310	50	Meschutt County Park Wastewater Treatment Upgrades	\$250,000

and be it further

7<sup>th</sup> **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 resolution constitutes a Type II action, pursuant to Section 617.5 (c) (18), (20), (21), and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, 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:

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		
<p><b>RESOLUTION NO.   -2015, TRANSFERRING FUNDS FROM ASSESSMENT STABILIZATION RESERVE FUND, AMENDING THE 2015 OPERATING BUDGET AND AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE SEWER INFRASTRUCTURE PROGRAM TO PROVIDE FUNDING FOR MESCHUTT COUNTY PARK WASTEWATER UPGRADE (CP 8720.110 &amp; .310)</b></p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? <b>Yes</b> <u>  X  </u> <b>No</b> _____		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <b>County</b> </div>	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		
ASSESSMENT STABILIZATION RESERVE FUNDS (SEWER INFRASTRUCTURE PROGRAM FUND 406) IN THE AMOUNT OF \$300,000 WILL BE TRANSFERRED INTO CAPITAL FUND 525 FOR THE PURPOSE OF IMPLEMENTING THIS PROJECT.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Assessment Stabilization Reserve Fund 406-\$300,000-(2015)		
9. Timing of Impact		
UPON ADOPTION		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas E. Paglia Jr. Executive Analyst		September 4, 2015

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**COMBINED**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 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, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**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**

September 1, 2015

Jon Schneider, Deputy County Executive  
H. Lee Dennison Bldg. – 12<sup>th</sup> Floor  
Hauppauge, New York 11788-0099

Re: Reso-EDP-Transferring Funds for Wastewater Infrastructure Program

Dear Mr. Schneider:

Enclosed herewith for your approval is original copy of the proposed resolution with documentation pursuant to:

Transferring Funds From Assessment Stabilization Reserve Fund, Amending the 2015 Operating Budget and Amending the 2015 Capital Budget and Program and Appropriating Funds in Connection with the Wastewater Infrastructure Program (CP 8720)

I would appreciate your placing this on the legislative agenda at your earliest convenience.

Very truly yours,

Sarah Lansdale  
Director of Planning

Enclosures

cc: Joanne Minieri, Deputy County Executive and Commissioner  
Dept. of Economic Development and Planning

**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.

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Submitting Department  
Department of Economic Development and Planning  
H Lee Dennison Bldg., 4th Floor, Hauppauge

Department Contact Person  
Sarah Lansdale  
853-5190

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Suggestion Involves:

- |  |  |
|--|--|
| <input type="checkbox"/> Technical Amendment | <input type="checkbox"/> New Program                 |
| <input type="checkbox"/> Grant Award         | <input type="checkbox"/> Contract (New ___ Rev. ___) |
| <input checked="" type="checkbox"/> Other    |  |

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

Meschutt County Park, which is in close proximity to surface waters, experienced a septic system failure. Wastewater treatment upgrades are critical because nitrogen from septic and cesspools has led to the degradation in the local water quality, and has harmed groundwater, drinking water, wetlands and surface waters throughout the County.

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

N/A

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PLEASE FILL IN REVERSE SIDE OF FORM

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

Intro. Reso. No. 1750-15  
Introduced by Presiding Officer at the request of the County Executive

Laid on Table 9/9/15

**RESOLUTION NO. -2015, ACCEPTING AND APPROPRIATING A GRANT PROVIDING 75% SUPPORT, IN THE AMOUNT OF \$321,325, FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, AND AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH THE PURCHASE OF MARINE EQUIPMENT (CP 3513)**

**WHEREAS**, The United States Department of Homeland Security has awarded \$321,325 in Port Security Grant funds to the Suffolk County Police Department to purchase marine equipment, and;

**WHEREAS**, said project is designed to enhance the Suffolk County Police Department's ability to prevent and respond to terrorism or other emergency incidents in Suffolk County, and

**WHEREAS**, the operational period of the Project will be from September 1, 2015 through August 31, 2018; and

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

**WHEREAS**, there are Federal funds available from the United States Department of Homeland Security for this project, with a share allocation of \$321,325 in Federal funds and \$107,108 in County funds; and

**WHEREAS**, sufficient funds are not included in the 2015 Capital Budget and Program to cover the cost of said request under Capital Project 3513 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**, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2015 Adopted Capital Budget and Program, 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 \$107,108 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") Section 617.5(25) and (27), in that the resolution concerns purchase 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; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is determined that this program 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

**3<sup>rd</sup>** **RESOLVED**, that the 2015 Capital Budget and Program be and they hereby are amended as follows:

Project No.: 3513

Project Title: Marine and Helicopter Equipment

	<u>Total Estimated Cost</u>	<u>Current 2015 Capital Budget and Program</u>	<u>Revised 2015 Capital Budget and Program</u>
5. Furniture & Equipment	\$ <u>2,136,583</u>	\$0	\$321,325 (F)
		<u>\$0</u>	<u>\$107,108 (B)</u>
<b>TOTAL</b>	\$2,136,583	\$0	\$428,433

and be it further

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$107,108 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-3513.515 (Fund 001 Debt Service)	7	Purchase of Marine Equipment	\$107,108

and be it further

**5<sup>th</sup>** **RESOLVED**, that Federal Aid be and it hereby is appropriated as follows:

<u>Project No</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3513.515	7	Purchase of Marine Equipment	\$321,325

and be it further

**6<sup>th</sup>** **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$107,108; and be it further

**7<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$321,325; and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$321,325; and be it further

**9<sup>th</sup>** **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the United States Department of Homeland Security 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 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		
<p><b>RESOLUTION NO.                      -2015, ACCEPTING AND APPROPRIATING A GRANT PROVIDING 75% SUPPORT, IN THE AMOUNT OF \$321,325, FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, AND AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH THE PURCHASE OF MARINE EQUIPMENT (CP3513)</b></p>		
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)		
<p><b>County</b></p>	<p><b>Town</b></p>	<p><b>Economic Impact</b></p>
<p><b>Village</b></p>	<p><b>School District</b></p>	<p><b>Other (Specify):</b></p>
<p><b>Library District</b></p>	<p><b>Fire District</b></p>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
75% Federal funding from the United States Department of Homeland Security, 25% Suffolk County funding. Suffolk County is required to first instance the entire cost of the project. This resolution authorizes the County Comptroller to issue bond anticipation notes to cover the Federal share. Serial bonds will be issued to finance the County share of this project. Principal and interest costs will be incurred over the life of the bonds.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
75% Federal funding and 25% County funding through serial bonds. The County Comptroller is authorized to issue bond anticipation notes to cover the Federal share.		
9. Timing of Impact		
For Suffolk County Serial Bonds: IT IS ANTICIPATED THAT BONDS WILL BE ISSUED SSRING OF 2016 AND DEBT SERVICE WILL COMMENCE SPRING 2017. THERE IS NO FISCAL IMPACT IN 2015 OR 2016. EARLIEST DEBT SERVICE FISCAL IMPACT WILL BE IN THE 2017 OPERATING BUDGET. ATTACHED 2017 CAT BASED ON 2015 DATA.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas E. Paglia Jr. Executive Analyst		September 4, 2015

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2017 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$12,987</b>	<b>\$0.02</b>		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$12,987</b>	<b>\$0.02</b>		\$0.000

*\* The Estimated 2017 Cost to Average Taxpayer is based upon the 2015 property tax levy and is provided for informational purposes only.*

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 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: 10  
Amount to Bond: \$107,108

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2016					
5/1/2017	3.000%	\$9,059.94	\$3,927.29	\$12,987.23	\$12,987.23
			\$1,797.55	\$1,797.55	
5/1/2018	3.000%	\$9,392.14	\$1,797.55	\$11,189.68	\$12,987.23
			\$1,625.36	\$1,625.36	
5/1/2019	3.000%	\$9,736.51	\$1,625.36	\$11,361.87	\$12,987.23
			\$1,446.86	\$1,446.86	
5/1/2020	4.000%	\$10,093.52	\$1,446.86	\$11,540.38	\$12,987.23
			\$1,261.81	\$1,261.81	
5/1/2021	4.000%	\$10,463.62	\$1,261.81	\$11,725.42	\$12,987.23
			\$1,069.98	\$1,069.98	
5/1/2022	4.000%	\$10,847.28	\$1,069.98	\$11,917.26	\$12,987.23
			\$871.11	\$871.11	
5/1/2023	4.000%	\$11,245.02	\$871.11	\$12,116.12	\$12,987.23
			\$664.95	\$664.95	
5/1/2024	4.000%	\$11,657.33	\$664.95	\$12,322.28	\$12,987.23
			\$451.23	\$451.23	
5/1/2025	4.000%	\$12,084.77	\$451.23	\$12,536.00	\$12,987.23
			\$229.68	\$229.68	
5/1/2026	4.000%	\$12,527.88	\$229.68	\$12,757.55	\$12,987.23
5/1/2027		\$107,108.00	\$22,764.32	\$129,872.32	\$129,872.32
5/1/2028					
5/1/2029					
5/1/2030					
5/1/2031					
5/1/2032					
5/1/2033					
5/1/2034					

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

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**FINANCIAL IMPACT  
2016 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

*\* The Estimated 2016 Cost to Average Taxpayer is based upon the 2015 property tax levy and is provided for informational purposes only.*

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# COUNTY OF SUFFOLK



STEVEN BELLONE  
COUNTY EXECUTIVE

EDWARD WEBBER  
POLICE COMMISSIONER

## POLICE DEPARTMENT

### MEMORANDUM

**TO:** Jon Schneider, Deputy County Executive  
Suffolk County Executive's Office

**FROM:** Stuart Cameron, Chief of Support Services *sc*  
Suffolk County Police Department

**DATE:** September 1, 2015

**SUBJECT:** Resolution Packet & SCIN Forms for the U. S. Department of Homeland Security, Federal  
Emergency Management Agency sponsored Port Security 2015 Grant Program (CP3513)

**Request to be Laid on the Table September 9 as a Late Starter**

Attached please find the following for the US Department of Homeland Security, FEMA sponsored Port Security 2015 grant program:

1. Draft Resolution.
2. Memorandum of Support
3. SCIN Forms.
4. Request for Introduction of Legislation.
5. Financial Impact Statement.
6. Copy of the Award letter and Agreement between Suffolk County and the US Department of Homeland Security

**We are requesting to have this resolution Laid on the Table September 9 as a Late Starter. The grant award was made by FEMA on August 31 and the grantor requests acceptance of the award within two to four weeks. In addition, once a Purchase Order for the vessel has been issued, it will take a manufacturer almost one year to deliver the vessel. Any additional delay causes greater impact to Marine Bureau capabilities for next summer.**

Electronic copies of this packet are also being forwarded to the Federal and State Aid Claims Unit for review. Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW.

If you have any questions concerning this resolution package, please contact Sarah Furey, Senior Grants Analyst, at 852-6042 or Susan C. Krause, Grants Analyst, at 852-6601.

Thank you as always for your assistance with this project.

SC/sf  
cc:



**ACCREDITED LAW ENFORCEMENT AGENCY**  
Visit Us Online at [www.suffolkpd.org](http://www.suffolkpd.org)  
Crime Stoppers Confidential Tip Hotline 1-800-220-TIPS  
Non-Emergencies Requiring Police Response, Dial (631) 852-COPS  
30 Yaphank Avenue, Yaphank, New York 11980 – (631) 852-6000



1750

Obligating Document for Award/Amendment

1a. AGREEMENT NO. 2. AMENDMENTV00051248 3. RECIPIENT NO. 4. TYPE OF ACTION AWARD 5. CONTROL NO. W510955N

6. RECIPIENT NAME AND ADDRESS  
 County of Suffolk-Suffolk County Police Department  
 30 Yaphank Avenue  
 Yaphank, NY, 11980

7. ISSUING FEMA OFFICE AND ADDRESS  
 Grant Operations  
 245 Murray Lane - Building 410, SW  
 Washington DC, 20528-7000  
 POC: 866-927-5646

8. PAYMENT OFFICE AND ADDRESS  
 Financial Services Branch  
 500 C Street, S.W., Room 723  
 Washington DC, 20472

9. NAME OF RECIPIENT PROJECT OFFICER Sarah Furey

10. NAME OF FEMA PROJECT COORDINATOR  
 Central Scheduling and Information Desk  
 Phone: 800-368-6498  
 Email: Askcsid@dhs.gov

11. EFFECTIVE DATE OF THIS ACTION 09/01/2015

12. METHOD OF PAYMENT PARS

13. ASSISTANCE ARRANGEMENT Cost Reimbursement

14. PERFORMANCE PERIOD  
 From: 09/01/2015 To: 08/31/2018  
 Budget Period 09/01/2015 08/31/2018

15. DESCRIPTION OF ACTION  
 a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
Port Security Grant Program	97.056	2015-SL-B411-P410- -4101-D:W510955N \$ 321,325.00	\$0.00	\$321,325.00	\$321,325.00	\$107,108.00
<b>TOTALS</b>			<b>\$0.00</b>	<b>\$321,325.00</b>	<b>\$321,325.00</b>	<b>\$107,108.00</b>

b. To describe changes other than funding data or financial changes, attach schedule and check here.  
 N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)  
 Port Security Grant Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

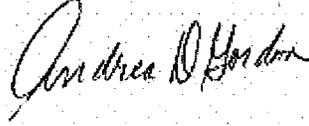
16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN  
 This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)  
 N/A

DATE  
 N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title)

DATE  
 08/28/2015

 ANDREA GORDON, Assistance Officer



3. Explanation of Requested County Financial Assistance			
<i>Category</i>	<i>Total Requested</i>	<i>Personnel Costs Requested</i>	<i>Non-Personnel Costs Requested</i>
TOTAL COUNTY SHARE:	\$ 107,108	\$	\$107,108
A. Cash Contribution	\$ 107,108	\$	\$107,108
B. In-Kind Contribution	\$	\$	\$
4. Total Number of New Positions Requested      0		5. Can This Program Be Refunded by the Proposed Non-County Sources?	
		X	YES                      NO
6. Estimated Expected Additional Indirect Costs (Costs to County not delineated in Budget Request, for example, added overhead, capital expenditures required as a result of project activity, associated administrative costs, etc.)			
Some additional indirect costs resulting from administrative oversight may be incurred.			
7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinue (That is, program termination, reduced services, financial implications, layoffs, etc.)?			
In the event that another source of outside funding is not found, continuance of this program will be re-evaluated based on community need and available resources of the Police Department.			
8. Attach a List of Potential Subcontractors, If any, outlining the purpose of each subcontract (That is, 456 and 490 account items; use an additional 8 ½" X 11" sheet).			
<b>III. COUNTY EXECUTIVE'S OFFICE REVIEW</b>			
1. Intergovernmental Relations Division Review:	Approved	2. Signature of Coordinator	3. Date
	Disapproved		
4. Comments			
5. Budget Office Review:	Approved	6. Signature of Budget Director	7. Date
	Disapproved		
8. Comments			

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.)

Suffolk County Police Department  
30 Yaphank Avenue, Yaphank

Sarah Furey, Sr.Grants Analyst  
852-6042

---

Resolution Involves:

Technical Amendment

New Program

Grant Award

Contract (New \_\_\_ Rev. \_\_\_)

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Explanation of Proposed Resolution

Accepting and appropriating a grant providing 75% support, in the amount of \$321,325 from the US Department of Homeland Security, and amending the 2015 Capital Budget and Program in connection with the purchase of marine equipment (CP3513).

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Summary of Resolution Benefits

The County will have \$321,325 available to purchase SCPD Marine Bureau vessel to replace a vessel that is out of service with a cost to the County of only \$107,108.

U.S. Department of Homeland Security  
Washington, D.C. 20472



Dennis Cohen  
County of Suffolk-Suffolk County Police Department  
30 Yaphank Avenue  
Yaphank, NY 11980

Re: Grant No. EMW-2015-PU-00377

Dear Dennis Cohen:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2015 Port Security Grant Program has been approved in the amount of \$321,325.00 . As a condition of this award, you are required to contribute a cost match in the amount of \$107,108.00 of non-Federal funds, or 25 percent of the total approved project costs of \$428,433.00 .

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2015 Port Security Grant Program Funding Opportunity Announcement.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go on-line to the ND Grants system at <https://portal.fema.gov>. After logging in, you will see a subtitle Grants Management. Under this subtitle, you will see a link that says Award Package(s). Click this link to access your award packages. Click the Review Award Package link to review and accept the award package for your award. Please print your award package for your records.

Step 2: Please fill out and have your bank complete and sign the SF 1199A, Direct Deposit Sign-up Form. The information on the 1199A must match your SAM record. Be sure to include your DUNS and grant number on the form in Section 1F "Other." The SF 1199A should be sent directly from your financial institution to the FEMA Finance Center, via fax or mail to the Vendor Maintenance Office (see address below). The 1199A form will not be accepted unless it is received directly from the financial institution. Please pay careful attention to the instructions on the form.

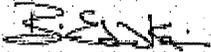
FEMA Finance Center  
Attn: Vendor Maintenance  
P.O. Box 9001  
Winchester, VA 22604

Secured Fax: (540) 504-2625  
Email: [FEMA-Finance@FEMA.DHS.gov](mailto:FEMA-Finance@FEMA.DHS.gov)

System for Award Management (SAM): Please ensure that your organization's name, address, DUNS number, EIN, and banking information are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all

FEMA awards. The System for Award Management is located at <http://www.sam.gov>. Future payments will be contingent on the information provided in the SAM; therefore it is imperative that the information is correct.

If you have any questions or concerns regarding the process to request your funds, please call (866) 927-5646.



BRIAN KAMOIE, GPD Assistant Administrator



U.S. Department of Homeland Security  
Washington, D.C. 20472

**AGREEMENT ARTICLES**  
**Port Security Grant Program**

**GRANTEE:** County of Suffolk-Suffolk County Police  
Department  
**PROGRAM:** Port Security Grant Program  
**AGREEMENT NUMBER:** EMW-2015-PU-00377-S01

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Article II	Acknowledgement of Federal Funding from DHS
Article III	Activities Conducted Abroad
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Article VII	Title VI of the Civil Rights Act of 1964
Article VIII	Civil Rights Act of 1968
Article IX	Copyright
Article X	Assurances, Administrative Requirements and Cost Principles
Article XI	Debarment and Suspension
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Article XIV	Energy Policy and Conservation Act
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Article XXXVIII	Acceptance of Post Award Changes

**Article I - Summary Description of Project**

Project 1: Marine Bureau Sustainment Costs is fully funded for \$321,325.

**Article II - Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

**Article III - Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

**Article IV - Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.)*, which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

**Article V - Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

#### **Article VI - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

#### **Article VII - Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

#### **Article VIII - Civil Rights Act of 1968**

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 C.F.R. § 100.201).

#### **Article IX - Copyright**

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

#### **Article X - Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative and audit requirements and cost principles that apply to DHS award recipients originate from 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

#### **Article XI - Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

#### **Article XII - Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

#### **Article XIII - Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms

and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

#### **Article XIV - Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

#### **Article XV - Reporting Subawards and Executive Compensation**

##### **a. Reporting of first-tier subawards.**

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

##### **b. Reporting Total Compensation of Recipient Executives.**

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

##### **c. Reporting of Total Compensation of Subrecipient Executives.**

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

**d. Exemptions**

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

And

ii. The total compensation of the five most highly compensated executives of any subrecipient.

**e. Definitions. For purposes of this award term:**

1. *Entity* means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. *Salary and bonus.*

ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

#### **Article XVI - False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

#### **Article XVII - Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

#### **Article XVIII - Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

#### **Article XIX - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

#### **Article XX - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

## **Article XXI - Lobbying Prohibitions**

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

## **Article XXII - Non-supplanting Requirement**

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

## **Article XXIII - Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

## **Article XXIV - Procurement of Recovered Materials**

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

## **Article XXV - Contract Provisions for Non-federal Entity Contracts under Federal Awards**

### **a. Contracts for more than the simplified acquisition threshold set at \$150,000.**

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

### **b. Contracts in excess of \$10,000.**

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

## **Article XXVI - SAFECOM**

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

## **Article XXVII - Terrorist Financing E.O. 13224**

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

## **Article XXVIII - Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

## **Article XXIX - Trafficking Victims Protection Act of 2000**

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

## **Article XXX - Rehabilitation Act of 1973**

All recipients of must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

## **Article XXXI - System of Award Management and Universal Identifier Requirements**

### **A. Requirement for System of Award Management**

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

### **B. Requirement for unique entity identifier**

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

### **C. Definitions**

For purposes of this award term:

1. *System of Award Management (SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
  - a. A Governmental organization, which is a State, local government, or Indian Tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization; and
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
  - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

#### **Article XXXII - USA Patriot Act of 2001**

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose

#### **Article XXXIII - Use of DHS Seal, Logo and Flags**

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article XXXIV - Whistleblower Protection Act**

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

#### **Article XXXV - DHS Specific Acknowledgements and Assurances**

All recipients must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

#### **Article XXXVI - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

#### **Article XXXVII - Prior Approval for Modification of Approved Budget**

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

#### **Article XXXVIII - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov) if you have any questions.

1752

Intro. Res. No. -2015  
Introduced by Legislators Hahn and Browning

Laid on Table 9/9/15

**RESOLUTION NO. - 2015, ADOPTING LOCAL LAW NO. -2015, A LOCAL LAW TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2015, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAM**"; now, therefore, be it

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

**LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAM**

**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 Suffolk County is facing a dire shortage of affordable housing.

This Legislature further finds and determines that affordable housing is critical to retaining young workers who help support a healthy economy on Long Island.

This Legislature finds that the County of Suffolk has worked diligently to create affordable housing. Most significantly, the County has transferred many parcels to towns and villages at no cost for the purpose of building workforce housing.

This Legislature also finds that, while the County's 72-h transfer program has been successful, more should be done to facilitate affordable housing development in Suffolk County.

This Legislature further determines that direct conveyance of vacant and improved parcels in need of refurbishing to non-profit organizations for appropriate consideration would further improve access to affordable housing. Currently, direct conveyances to not-for-profits is limited to projects targeted for veterans housing.

Therefore, the purpose of this law is to amend Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to authorize the County of Suffolk to transfer surplus real property directly to non-for-profit corporations for the purpose of creating affordable owner-occupied housing.

**Section 2. Amendments.**

I. Section A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new Section (F) which shall read as follows:

F. Transfer Program for Affordable Owner-Occupied Housing.

1. The County may transfer habitable improved parcels, uninhabitable improved parcels and vacant parcels directly to qualified not-for-profit corporations for the purpose of constructing or reconstructing housing for qualified first time homebuyers or affordable owner-occupied housing, subject to approval by the County Legislature.
2. Parcels transferred pursuant to this section will be subject to the same income and purchase price requirements for occupants that are applicable to parcels that are conveyed by the County pursuant to the § 72-h transfer program set forth at § A36-2(B) of the Article.
3. The deed restrictions set forth in § A36-2(B)(2) of this Article shall apply to any property transferred pursuant to this section. In addition, any deed of conveyance shall contain a restriction that the property so conveyed shall be owner-occupied and utilized as provided herein. Failure to comply with the restrictions shall result in the property reverting to the County of Suffolk.
4. For each property transferred hereunder that is not yet occupied, the grantee shall provide the Director with an annual report setting forth the status of development of the parcel transferred hereunder, including the status of municipal approvals and funding sources. For each parcel that is occupied, the grantee shall provide the Director with an annual report setting forth the property sales price, verify that the property is owner-occupied and affirm that the income requirements for owner-occupants have been met.
5. The consideration paid to the County of Suffolk for any parcel transferred hereunder shall be the County's investment in the property, including taxes and other charges paid or payable by the County, in connection with such property.
6. The Director shall establish written rules and procedures to implement this program. Such procedures shall include minimum financial, management and housing development qualifications for not-for-profit corporations seeking to participate in the program. The Director shall ensure that not-for-profit corporations participating in this program are provided with information on all parcels in the County's surplus real property inventory on no less than a monthly basis.

II. Section (F) of § A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby re-lettered (G) and Section (G) of § A36-2 is hereby re-lettered Section (H).

**Section 3. Applicability.**

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

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

DATED:

APPROVED BY:

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

Date:

s:\laws\l-improve-affordable-housing-program

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

1752

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



WILLIAM H. ROGERS BUILDING  
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(631) 853-5494 (PHONE)  
(631) 853-4415 (FAX)

DATE: September 8, 2015  
TO: CLERK OF THE COUNTY LEGISLATURE  
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

-----  
PROPOSED LOCAL LAW YEAR 2015

TITLE: I.R. NO. -2015; A LOCAL LAW TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAM

SPONSOR: LEGISLATORS HAHN AND BROWNING

DATE OF RECEIPT BY COUNSEL: 9/8/2015 PUBLIC HEARING: 10/6/2015

DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed local law would amend Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to authorize the County to convey surplus real estate directly to not-for-profit organizations for the purpose of constructing or reconstructing affordable housing for home ownership.

Parcels transferred pursuant to this new program will be subject to the same income and purchase price requirements that are applied to parcels transferred under the County's § 72-h transfer program. This program will require the receiving not-for-profit corporations to reimburse the County for its investment in any property transferred.

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

A handwritten signature in black ink, appearing to read "George Nolan".

GEORGE NOLAN  
Counsel to the Legislature

GN:

s:\rule28\28-improve affordable housing

9/9/15

**RESOLUTION NO. - 2015, AMENDING THE 2015  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
ADDITIONAL FUNDING IN CONNECTION WITH PAVEMENT  
RESURFACING OF CR 100, SUFFOLK AVENUE FROM THE  
VICINITY OF WASHINGTON AVENUE TO THE VICINITY OF NY  
454 (CP 5599.315, PIN 076084)**

**WHEREAS**, Resolution No. 584-2015 appropriated \$4,500,000 for construction in connection with the Resurfacing of CR 100, Suffolk Avenue from the Vicinity of Washington Avenue to the Vicinity of NY 454 and apportioned the share allocation as 80% Federal funds and 20% County funds; and

**WHEREAS**, further estimates indicate the need for additional funding for construction of this project; and

**WHEREAS**, additional Federal and/or State funds have been identified from the Federal Highway Administration for this project, identified under PIN 076084, through the Federal Highway Administration (FHWA), with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County funds; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of an additional amount of \$2,195,000 in Suffolk County Serial Bonds for this project; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that this Legislature hereby determines that the strengthening and improving of County roads constitutes a Type II action pursuant to the provisions of the Title 6 NYCRR Part 617.5(C)(1)(4) and (27) since the action involves a legislative decision concerning the repaving of existing highways not involving the addition of new travel lanes; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy four (74) 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

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Pavement Resurfacing of CR 100, Suffolk Avenue, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the 2015 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5599

Project Title: Pavement Resurfacing of CR 100, Suffolk Avenue from the Vicinity of Washington Avenue to the Vicinity of NY 454

	<u>Total Est'd Cost</u>	<u>Current 2015 Capital Budget &amp; Program</u>	<u>Revised 2015 Capital Budget &amp; Program</u>
3. Construction	\$6,695,000	\$ 900,000B	\$1,339,000B
		\$3,600,000F	\$5,356,000F
TOTAL	\$6,695,000	\$4,500,000	\$6,695,000

5<sup>th</sup> **RESOLVED**, that the proceeds of \$439,000 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-5599.315 (Fund 001 Debt Service)	50	Pavement Resurfacing of CR 100, Suffolk Avenue from the vicinity of Washington Avenue to the vicinity of NY 454	\$439,000

and be it further

6<sup>th</sup> **RESOLVED**, that Federal Aid in the amount of \$1,756,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-CAP-5599.315	50	Pavement Resurfacing of CR 100, Suffolk Avenue from the vicinity of Washington Avenue to the vicinity of NY 454	\$1,756,000

7<sup>th</sup> **RESOLVED**, that the County Comptroller is hereby authorized and directed to limit the serial bond borrowing for the County share to \$1,339,000; and be it further

8<sup>th</sup> **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to place into a debt service reserve fund any federal or state aid received for this project, that is required to pay down debt service borrowed in excess of the serial bond borrowing limit of \$1,339,000 for the County share; and be it further

9<sup>th</sup> **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding for up to \$5,356,000; and be it further

10<sup>th</sup> **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the Federal share of \$5,356,000; and be it further

11<sup>th</sup> **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and Federal Aid in connection with this project; and be it further

**12<sup>th</sup> RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; and be it further

**13<sup>th</sup> RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with 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 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		
<p><b>RESOLUTION NO.                      - 2015, AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING ADDITIONAL FUNDING IN CONNECTION WITH PAVEMENT RESURFACING OF CR 100, SUFFOLK AVENUE FROM THE VICINITY OF WASHINGTON AVENUE TO THE VICINITY OF NY 454 (CP 5599.315, PIN 076084)</b></p>		
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)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <p style="margin: 0;">County</p> </div>	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		
<p>There are Federal funds available from the Federal Highway Administration (FHWA) for this project, with a share allocation of eighty (80%) percent Federal funds (\$5,356,000) and twenty (20%) percent County funds (\$1,339,000). Suffolk County must "first instance" fund the entire cost of the project. County Comptroller is authorized to issue bond anticipation notes for the federal and/or state share. If short term notes are issued, the county would incur minimal interest costs. DPW to track staff and related costs associated with this project for chargeback purposes.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Federal Funds 80% and Suffolk County Serial Bonds 20%.		
9. Timing of Impact		
<p>For Suffolk County Serial Bonds: It is anticipated that bonds will be issued Spring 2016 and debt service will commence Spring 2017. There is no impact in 2015 or 2016. Earliest debt service fiscal impact will be in the 2017 Operating Budget. The appropriations within this resolution shall not be expended, encumbered or authorized, and that no bond or notes shall be issued, for this project until the County is in receipt of the Federal Authorization for this project.</p>		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Analyst		September 9, 2015

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2017 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$118,335</b>	<b>\$0.22</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$118,335</b>	<b>\$0.22</b>		<b>\$0.000</b>

*\* The Estimated 2017 Cost to Average Taxpayer is based upon the 2015 property tax levy and is provided for informational purposes only.*

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 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: 15  
Amount to Bond: \$1,339,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2016					
5/1/2017	3.000%	\$68,122.89	\$50,212.50	\$118,335.39	\$118,335.39
			\$23,828.95	\$23,828.95	
5/1/2018	3.000%	\$70,677.50	\$23,828.95	\$94,506.44	\$118,335.39
			\$22,503.74	\$22,503.74	
5/1/2019	3.000%	\$73,327.91	\$22,503.74	\$95,831.65	\$118,335.39
			\$21,128.84	\$21,128.84	
5/1/2020	4.000%	\$76,077.70	\$21,128.84	\$97,206.55	\$118,335.39
			\$19,702.39	\$19,702.39	
5/1/2021	4.000%	\$78,930.62	\$19,702.39	\$98,633.00	\$118,335.39
			\$18,222.44	\$18,222.44	
5/1/2022	4.000%	\$81,890.51	\$18,222.44	\$100,112.95	\$118,335.39
			\$16,686.99	\$16,686.99	
5/1/2023	4.000%	\$84,961.41	\$16,686.99	\$101,648.40	\$118,335.39
			\$15,093.96	\$15,093.96	
5/1/2024	4.000%	\$88,147.46	\$15,093.96	\$103,241.43	\$118,335.39
			\$13,441.20	\$13,441.20	
5/1/2025	4.000%	\$91,452.99	\$13,441.20	\$104,894.19	\$118,335.39
			\$11,726.46	\$11,726.46	
5/1/2026	4.000%	\$94,882.48	\$11,726.46	\$106,608.93	\$118,335.39
			\$9,947.41	\$9,947.41	
5/1/2027	4.000%	\$98,440.57	\$9,947.41	\$108,387.98	\$118,335.39
			\$8,101.65	\$8,101.65	
5/1/2028	4.000%	\$102,132.09	\$8,101.65	\$110,233.74	\$118,335.39
			\$6,186.67	\$6,186.67	
5/1/2029	4.000%	\$105,962.05	\$6,186.67	\$112,148.72	\$118,335.39
			\$4,199.88	\$4,199.88	
5/1/2030	4.125%	\$109,935.62	\$4,199.88	\$114,135.51	\$118,335.39
			\$2,138.59	\$2,138.59	
5/1/2031	4.125%	\$114,058.21	\$2,138.59	\$116,196.80	\$118,335.39
5/1/2032		\$1,339,000.00	\$436,030.86	\$1,775,030.86	\$1,775,030.86
5/1/2033					
5/1/2034					

**FINANCIAL IMPACT  
2016 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

*\* The Estimated 2016 Cost to Average Taxpayer is based upon the 2015 property tax levy and is provided for informational purposes only.*

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



**2015 INTERGOVERNMENTAL RELATIONS  
MEMORANDUM OF SUPPORT**

TITLE OF BILL: Amending Resolution No. 584-2015 in Connection with Pavement Resurfacing of CR 100, Suffolk Avenue from the Vicinity of Washington Avenue to the Vicinity of NY 454 (CP 5599.315, PIN 076084)

PURPOSE OR GENERAL IDEA OF BILL: This request will increase funding for the construction of the roadway within the above limits.

SUMMARY OF SPECIFIC PROVISIONS: This amending resolution is required to increase and adjust the share allocations of Federal share (80%) and County share (20%).

JUSTIFICATION: These funds will enable Suffolk County Department of Public Works to let a construction project for Pavement Resurfacing of CR 100, Suffolk Avenue from the Vicinity of Washington Avenue to the Vicinity of NY 454.

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**

**GILBERT ANDERSON, P.E.**  
COMMISSIONER

**PHILIP A. BERDOLT**  
DEPUTY COMMISSIONER

**DARNELL TYSON, P.E.**  
DEPUTY COMMISSIONER

## MEMORANDUM

TO: Jon Schneider, Deputy County Executive

FROM: Gilbert Anderson, P.E. Commissioner 

DATE: August 27, 2015

RE: **Amending Resolution No. 584-2015 in Connection with Pavement Resurfacing of CR 100, Suffolk Avenue from the Vicinity of Washington Avenue to the Vicinity of NY 454 (CP 5599.315, PIN 076084)**

Attached is a draft resolution requesting an amendment to Resolution No. 584-2015. Current engineer's estimates indicate the need for additional funding to construct this project. Additional Federal Aid funds have been identified.

The increase in cost is due to the need to bring all curbing and sidewalk along the above corridor into compliance with ADA requirements. In 2013, the Department of Justice determined that resurfacing projects constitute reconstruction, therefore, any resurfacing project must include ADA mitigation.

The requested increase of \$2,195,000 (\$1,756,000 Federal share (80%) and \$439,000 County share (20%)), will enable the County to proceed to project Letting and construction.

The revised project cost of \$6,695,000, reflects a revised share allocation of \$5,356,000 (80% Federal) and \$1,339,000 (20% County).

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-Amend 584-15 (CP 5599 CR100).doc".

GA/WH/td  
attach.

cc: William Hillman, P.E., Chief Engineer  
Charles Jaquin, Acting Head of Finance Division

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2015, AMENDING THE 2015  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
ADDITIONAL FUNDING IN CONNECTION WITH PAVEMENT  
RESURFACING OF CR 83, NORTH OCEAN AVENUE FROM  
THE VICINITY OF SUNRISE HIGHWAY (NY27) TO THE  
VICINITY OF LIE (I-495) (CP 5599.314, PIN 076083)**

**WHEREAS**, Resolution No. 582-2015 appropriated \$4,000,000 for construction in connection with the Resurfacing of CR 83, North Ocean Avenue from the Vicinity of Sunrise Highway (NY27) to the Vicinity of LIE (I-495) and apportioned the share allocation as 80% Federal funds and 20% County funds; and

**WHEREAS**, further estimates indicate the need for additional funding for construction of this project; and

**WHEREAS**, additional Federal and/or State funds have been identified from the Federal Highway Administration for this project, identified under PIN 076083, from the Federal Highway Administration (FHWA), with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County funds; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of an additional amount of \$2,110,000 in Suffolk County Serial Bonds for this project; now, therefore, be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature hereby determines that the strengthening and improving of County roads constitutes a Type II action pursuant to the provisions of the Title 6 NYCRR Part 617.5(C) (1)(4) and (27) since the action involves a legislative decision concerning the repaving of existing highways not involving the addition of new travel lanes; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-four (74) 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

**3<sup>rd</sup>** **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Pavement Resurfacing of CR 83, North Ocean Avenue, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup>** **RESOLVED**, that the 2015 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5599

Project Title: Pavement Resurfacing of CR 83, North Ocean Avenue from the vicinity of Sunrise Highway (NY27) to the Vicinity of LIE (I-495)

	<u>Total Est'd Cost</u>	<u>Current 2015 Capital Budget &amp; Program</u>	<u>Revised 2015 Capital Budget &amp; Program</u>
3. Construction	<u>\$6,110,000</u>	\$ 800,000B	\$1,222,000B
		<u>\$3,200,000F</u>	<u>\$4,888,000F</u>
TOTAL	\$6,110,000	\$4,000,000	\$6,110,000

and be it further

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$422,000 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-5599.314 (Fund 001 Debt Service)	50	Pavement Resurfacing of CR 83, North Ocean Avenue from the vicinity of Sunrise Highway (NY27) to the vicinity of LIE (I-495)	\$422,000

and be it further

**6<sup>th</sup>** **RESOLVED**, that Federal Aid in the amount of \$1,688,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-CAP-5599.314	50	Pavement Resurfacing of CR 83, North Ocean Avenue from the vicinity of Sunrise Highway (NY27) to the vicinity of LIE (I-495)	\$1,688,000

and be it further

**7<sup>th</sup>** **RESOLVED**, that the County Comptroller is hereby authorized and directed to limit the serial bond borrowing for the County share to \$1,222,000; and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to place into a debt service reserve fund any federal or state aid received for this project, that is required to pay down debt service borrowed in excess of the serial bond borrowing limit of \$1,222,000 for the County share; and be it further

**9<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding for up to \$4,888,000; and be it further

**10<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the Federal share of \$4,888,000; and be it further

**11<sup>th</sup>**           **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and Federal Aid in connection with this project; and be it further

**12<sup>th</sup>**           **RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; and be it further

**13<sup>th</sup>**           **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with 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		
<p><b>RESOLUTION NO. - 2015, AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING ADDITIONAL FUNDING IN CONNECTION WITH PAVEMENT RESURFACING OF CR 83, NORTH OCEAN AVENUE FROM THE VICINITY OF SUNRISE HIGHWAY (NY27) TO THE VICINITY OF LIE (I-495) (CP 5599.314, PIN 076083)</b></p>		
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		
<p>There are Federal funds available from the Federal Highway Administration (FHWA) for this project, with a share allocation of eighty (80%) percent Federal funds (\$4,888,000) and twenty (20%) percent County funds (\$1,222,000). Suffolk County must "first instance" fund the entire cost of the project. County Comptroller is authorized to issue bond anticipation notes for the federal and/or state share. If short term notes are issued, the county would incur minimal interest costs. DPW to track staff and related costs associated with this project for chargeback purposes.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Federal Funds 80% and Suffolk County Serial Bonds 20%.		
9. Timing of Impact		
<p>For Suffolk County Serial Bonds: It is anticipated that bonds will be issued Spring 2016 and debt service will commence Spring 2017. There is no impact in 2015 or 2016. Earliest debt service fiscal impact will be in the 2017 Operating Budget. The appropriations within this resolution shall not be expended, encumbered or authorized, and that no bond or notes shall be issued, for this project until the County is in receipt of the Federal Authorization for this project.</p>		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Analyst		September 9, 2015

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2017 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$107,995</b>	<b>\$0.21</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	ESTIMATED 2017* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$107,995</b>	<b>\$0.21</b>		<b>\$0.000</b>

*\* The Estimated 2017 Cost to Average Taxpayer is based upon the 2015 property tax levy and is provided for informational purposes only.*

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 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 

15
----

  
Amount to Bond: 

\$1,222,000
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Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2016					
5/1/2017	3.000%	\$62,170.41	\$45,825.00 \$21,746.80	\$107,995.41 \$21,746.80	\$107,995.41
5/1/2018	3.000%	\$64,501.80	\$21,746.80 \$20,537.40	\$86,248.60 \$20,537.40	\$107,995.41
5/1/2019	3.000%	\$66,920.61	\$20,537.40 \$19,282.63	\$87,458.01 \$19,282.63	\$107,995.41
5/1/2020	4.000%	\$69,430.14	\$19,282.63 \$17,980.82	\$88,712.77 \$17,980.82	\$107,995.41
5/1/2021	4.000%	\$72,033.77	\$17,980.82 \$16,630.19	\$90,014.59 \$16,630.19	\$107,995.41
5/1/2022	4.000%	\$74,735.03	\$16,630.19 \$15,228.90	\$91,365.22 \$15,228.90	\$107,995.41
5/1/2023	4.000%	\$77,537.60	\$15,228.90 \$13,775.07	\$92,766.50 \$13,775.07	\$107,995.41
5/1/2024	4.000%	\$80,445.26	\$13,775.07 \$12,266.73	\$94,220.33 \$12,266.73	\$107,995.41
5/1/2025	4.000%	\$83,461.95	\$12,266.73 \$10,701.81	\$95,728.68 \$10,701.81	\$107,995.41
5/1/2026	4.000%	\$86,591.78	\$10,701.81 \$9,078.22	\$97,293.59 \$9,078.22	\$107,995.41
5/1/2027	4.000%	\$89,838.97	\$9,078.22 \$7,393.74	\$98,917.19 \$7,393.74	\$107,995.41
5/1/2028	4.000%	\$93,207.93	\$7,393.74 \$5,646.09	\$100,601.67 \$5,646.09	\$107,995.41
5/1/2029	4.000%	\$96,703.23	\$5,646.09 \$3,832.90	\$102,349.32 \$3,832.90	\$107,995.41
5/1/2030	4.125%	\$100,329.60	\$3,832.90 \$1,951.72	\$104,162.50 \$1,951.72	\$107,995.41
5/1/2031	4.125%	\$104,091.96	\$1,951.72	\$106,043.68	\$107,995.41
5/1/2032		\$1,222,000.00	\$397,931.08	\$1,619,931.08	\$1,619,931.08
5/1/2033					
5/1/2034					

**FINANCIAL IMPACT  
2016 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2015 PROPERTY TAX LEVY	ESTIMATED 2016* COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

*\* The Estimated 2016 Cost to Average Taxpayer is based upon the 2015 property tax levy and is provided for informational purposes only.*

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**\*\* NEW YORK METROPOLITAN TRANSPORTATION COUNCIL \*\***  
**ADMINISTRATIVE MODIFICATION: NS14-Y**

AGENCY PIN WORKTYPE <AQ STATUS>	PROJECT DESCRIPTION		TOTAL 5-YEAR PROGRAM in millions of dollars	PHASE	PRE FFY 2014	POST FFY 2018
	COUNTY	TOTAL PROJECT COST				

**From**

SUFFOLK CO. 076069 MISC <Exempt>	DESIGN & CONSTRUCTION OF NEW COMPRESSED NATURAL GAS FUELING STATIONS AT THE RIVERHEAD COUNTY CENTER WHICH FACILITATE THE CONVERSION OF SUFFOLK COUNTY FLEET VEHICLES TO "GREEN VEHICLES" HELPING TO REDUCE AIR POLLUTANTS IN TOWN OF RIVERHEAD, SUFFOLK COUNTY	CMAQ 08/2015 LOCAL 08/2015 CMAQ 10/2014 LOCAL 10/2014	2.400 0.600 0.240 0.060	CONST CONST DETLDES DETLDES	2.400 0.600 0.240 0.060	
AQC:KIP	SUFFOLK TPC: \$2-\$4 M	<b>TOTAL 5YR COST:</b>	3.300		3.300	0.000

**To**

SUFFOLK CO. 076069 MISC <Exempt>	DESIGN & CONSTRUCTION OF NEW COMPRESSED NATURAL GAS FUELING STATIONS AT THE RIVERHEAD COUNTY CENTER WHICH FACILITATE THE CONVERSION OF SUFFOLK COUNTY FLEET VEHICLES TO "GREEN VEHICLES" HELPING TO REDUCE AIR POLLUTANTS IN TOWN OF RIVERHEAD, SUFFOLK COUNTY	CMAQ 08/2016 LOCAL 08/2016 CMAQ 08/2016 LOCAL 08/2016 CMAQ 11/2015 LOCAL 11/2015	0.360 0.090 2.040 0.510 0.240 0.060	CONINSP CONINSP CONST CONST DETLDES DETLDES	0.360 0.090 2.040 0.510 0.240 0.060	
AQC:KIP	SUFFOLK TPC: \$2-\$4 M	<b>TOTAL 5YR COST &gt;</b>	3.300		3.300	0.000

**Ballot Comment:** MOVE TO FFY16 AS DELAYED WAITING ON PREVIOUSLY AUTHORIZED PHASE I (PIN 075961)

**From**

SUFFOLK CO. 076083 R&P <Exempt>	RESURFACING CR83, NORTH OCEAN AVENUE FROM THE VICINITY OF SUNRISE HIGHWAY (NY27), TO THE VICINITY OF LIE (I-495), SUFFOLK COUNTY (FORMERLY PIN: 072542)	SIP LG URBAN 04/2015 LOCAL 04/2015 SIP LG URBAN 04/2015 LOCAL 04/2015	0.320 0.080 2.880 0.720	CONINSP CONINSP CONST CONST	0.320 0.080 2.880 0.720	
AQC:A10P	SUFFOLK TPC: \$4.6-\$7.5 M	<b>TOTAL 5YR COST:</b>	4.000		4.000	0.000

**To**

SUFFOLK CO. 076083 R&P <Exempt>	RESURFACING CR83, NORTH OCEAN AVENUE FROM THE VICINITY OF SUNRISE HIGHWAY (NY27), TO THE VICINITY OF LIE (I-495), SUFFOLK COUNTY (FORMERLY PIN: 072542)	SIP LG URBAN 04/2015 LOCAL 04/2015 SIP LG URBAN 04/2015 LOCAL 04/2015	0.638 0.155 4.256 1.063	CONINSP CONINSP CONST CONST	0.638 0.155 4.256 1.063	
AQC:A10P	SUFFOLK TPC: \$4.6-\$7.5 M	<b>TOTAL 5YR COST &gt;</b>	6.110		6.110	0.000

**Ballot Comment:** COST INCREASE REFINED ESTIMATE DUE TO FIELD INVESTIGATION AND ADA COMPLIANCE (OFFSET 076085)

**2015 INTERGOVERNMENTAL RELATIONS  
MEMORANDUM OF SUPPORT**

TITLE OF BILL: Amending Resolution No. 582-2015 in Connection with Pavement Resurfacing of CR 83, North Ocean Avenue from the Vicinity of Sunrise Highway (NY27) to the Vicinity of LIE (I-495) (CP 5599.314, PIN 076083)

PURPOSE OR GENERAL IDEA OF BILL: This request will increase funding for the construction of the roadway within the above limits.

SUMMARY OF SPECIFIC PROVISIONS: This amending resolution is required to increase and adjust the share allocations of Federal share (80%) and County share (20%).

JUSTIFICATION: These funds will enable Suffolk County Department of Public Works to let a construction project for Pavement Resurfacing of CR 83, North Ocean Avenue from the vicinity of Sunrise Highway to the vicinity of LIE.

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

GILBERT ANDERSON, P.E.  
COMMISSIONER

PHILIP A. BERDOLT  
DEPUTY COMMISSIONER

DARNELL TYSON, P.E.  
DEPUTY COMMISSIONER

## MEMORANDUM

TO: Jon Schneider, Deputy County Executive

FROM: Gilbert Anderson, P.E. Commissioner

DATE: August 27, 2015

RE: **Amending Resolution No. 582-2015 in Connection with Pavement Resurfacing of CR 83, North Ocean Avenue from the Vicinity of Sunrise Highway (NY27) to the Vicinity of LIE (I-495) (CP 5599.314, PIN 076083)**

Attached is a draft resolution requesting an amendment to Resolution No. 582-2015. Current engineer's estimates indicate the need for additional funding to construct this project. Additional Federal Aid funds have been identified.

The increase in cost is due to the need to bring all curbing and sidewalk along the above corridor into compliance with ADA requirements. In 2013, the Department of Justice determined that resurfacing projects constitute reconstruction, therefore, any resurfacing project must include ADA mitigation.

The requested increase of \$2,110,000 (\$1,688,000 Federal share (80%) and \$422,000 County share (20%)), will enable the County to proceed to project Letting and construction.

The revised project cost of \$6,110,000, reflects a revised share allocation of \$4,888,000 (80% Federal) and \$1,222,000 (20% County).

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-Amend 582-15 (CP 5599 CR83).doc".

GA/WH/td  
attach.

cc: William Hillman, P.E., Chief Engineer  
Charles Jaquin, Acting Head of Finance Division

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro. Res. No. **1755-15**  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table **9/9/15**

**RESOLUTION NO. -2015, AMENDING RESOLUTION 578-2015**

**WHEREAS**, Resolution 1084-2013 accepted and appropriated 100% federal pass-through grant funds from the NYS Division of Homeland Security and Emergency Services in the amount of \$2,584,010 for the "Urban Area Security Initiative (UASI) FY2013" administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements; and

**WHEREAS**, Resolution 1187-2014 amended Resolution No. 1084-2013; and

**WHEREAS**, Resolution 578-2015 amended Resolution No. 1187-2014; and

**WHEREAS**, a State approved budget modification made in the UASI 2013 grant requires the County budget to be modified to match the current grant budget, and

**WHEREAS**, sufficient funds will remain to cover personnel lines in the UASI 2013 grant; now, therefore be it

**1<sup>st</sup> RESOLVED**, that Suffolk County, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Title 6 NYCRR Part 617.5(C) (20) and (27) as this legislative decision involves routine or continuing agency administration. As such, this Legislature had no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup> RESOLVED**, that Resolution No. 578-2015 is hereby amended as follows:

**1<sup>st</sup> RESOLVED**, the County Comptroller and the County Treasurer be and they hereby are authorized to accept \$2,584,010 and appropriate said grant funds as follows:

**UASI FY 2013 - \$2,584,010**

**REVENUES**

**AMOUNT**

001-FRE-4335- UASI 2013	\$1,197,000
001-POL-4335 - UASI 2013	\$ 660,000
001-HSV-4335 - UASI 2013	\$ 225,500
001-SHF-4335 - UASI 2013	\$ 414,000
001-PKS-4335 - UASI 2013	\$ 7,500
001-MEO-4335 - UASI 2013	\$ 80,000

**ORGANIZATIONS**

Suffolk County Dept of Fire, Rescue & Emergency Services  
UASI FY 2013

001-FRE-3413 - [\$1,047,631] \$1,074,907

1000 - Personnel Services

\$389,389

1110 – Interim Salaries (for charging salaries from 001-3401)	\$318,346
1120 – Overtime	\$ 71,043
<u>2000 – Equipment</u>	<u>[\$157,742] \$185,018</u>
2090 – Communications Equipment	[\$121,528] \$148,804
2500 – Other Equipment	\$ 36,214
<u>3000 – Supplies</u>	<u>\$270,500</u>
3160 – Computer Software	\$170,500
3330 – Food	\$100,000
<u>4400 – Rent</u>	<u>\$105,000</u>
4410 – Rent: Offices and Buildings	\$105,000
<u>4500 – Contractual Services</u>	<u>\$125,000</u>
4560 – Fees for Services – Non Employees	\$125,000

Suffolk County Police Department  
UASI FY2013  
001-POL-3644 - \$587,590

<u>1000 – Personnel Services</u>	<u>\$242,590</u>
1120 – Overtime	\$242,590
<u>2000 – Equipment</u>	<u>\$330,000</u>
2500 – Other Equipment	\$330,000
<u>4000 – Contractual Expenses</u>	<u>\$ 15,000</u>
4770 – Special Services	\$ 15,000

Suffolk County Dept of Health Services  
UASI 2013  
001-HSV-4639 - \$224,779

<u>1000 – Personnel Services</u>	<u>\$ 2,279</u>
1120 – Overtime	\$ 2,279
<u>2000 – Equipment</u>	<u>\$ 90,000</u>
2500 – Other Equipment	\$ 90,000
<u>3000 – Supplies</u>	<u>\$107,500</u>
3160 – Computer Software	\$ 15,000
3370 - Medical, Dental and Lab Supplies	\$ 75,000
3680 – Repairs & Maint – Special Equipment	\$ 17,500
<u>4500 – Contractual Services</u>	<u>\$ 25,000</u>
4560 – Fees for Service – Non Employees	\$ 25,000

Suffolk County Sheriff's Office  
UASI FY2013  
 001-SHF-3702 - \$398,373

<u>1000 – Personnel Services</u>	<u>\$ 49,373</u>
1120 – Overtime	\$ 49,373
<u>2000 – Equipment</u>	<u>\$304,000</u>
2130 – Boats & Marine	\$178,000
2500 – Other Equipment	\$126,000
<u>3000 – Supplies</u>	<u>\$ 30,000</u>
3500 – Other Supplies	\$ 10,000
3680 – Equipment Maintenance	\$ 20,000
<u>4000 – Contractual Expenses</u>	<u>\$ 15,000</u>
4015 – Cellular Telephones	\$ 15,000

Suffolk County Medical Examiner's Office  
UASI 2013  
 001-MEO-4738 - \$80,000

<u>2000 – Equipment</u>	<u>\$80,000</u>
2080 – Medical, Dental & Lab Equipment	\$80,000

Suffolk County Parks Department  
UASI FY2013  
 001-PKS-7127- \$5697

<u>1000 – Personnel Services</u>	<u>\$ 5,697</u>
1120 – Overtime	\$ 5,697

Employee Benefits  
Social Security

001-EMP - 9030 - [\$36,156] \$32,156

8000 – Employee Benefits  
 8330 – Social Security

[\$36,156] \$32,156  
[\$36,156] \$32,156

Employee Benefits  
Retirement

001-EMP-9010 – [\$152,091] \$128,815

Employee Benefits  
 8280 – Retirement

[\$152,091] \$128,815  
[\$152,091] \$128,815

Employee Benefits  
Welfare Fund  
 001-EMP-9080 – \$3,927

Employee Benefits \$ 3,927  
8380 – Welfare Fund Contribution \$ 3,927

Interfund Transfer  
Transfer to Employee Medical Health Plan  
001-IFT-E039 – \$47,755

Employee Benefits \$ 47,755  
9600 Transfer of Funds \$ 47,755

Employee Benefits  
Major Medical Claims  
039-EMP-9060

Employee Benefits \$ 47,755  
8360 – Health Insurance \$ 47,755

2<sup>nd</sup> **RESOLVED**, that the following interfund revenues for Employee Medical Health Plan be accepted as follows:

REVENUES

039-IFT-R001 Transfer from General Fund \$ 47,755

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

DATED:

APPROVED BY:

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

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Local Law: \_\_\_\_\_ Charter Law: \_\_\_\_\_ Resolution:   X  

2. Title of Proposed Legislation  
Amending Resolution No. 587-2015.

3. Purpose of Proposed Legislation

A State approved budget modification made in the UASI 2013 grant requires the County budget to be modified to match the current grant budget. The budget modification moved \$27,276 from Fringes (Employee Benefits) to Interoperable Communications (FRES). The budget transfer must be completed, and purchases made, prior to the November 30, 2015 expiration date.

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

5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)

County                      Town                      Economic Impact

Village                      School District              Other (Specify):

Library District              Fire District

6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision  
\$2,584,010 - UASI FY2013

8. Proposed Source of Funding  
NYS Div of Homeland Security & Emerg Svcs pass-through of US Dept of Homeland Security

9. Timing of Impact: 09/01/2013 – 11/30/2015

10. Typed Name & Title of Preparer Jared A. Cirillo, Grants Analyst	11. Signature of Preparer 	12. Date September 8, 2015
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**2015 INTERGOVERNMENTAL RELATIONS  
MEMORANDUM OF SUPPORT  
2013 UASI GRANT**

**TITLE OF BILL:** An act to amend Resolution No. 578-2015.

**PURPOSE OR GENERAL IDEA OF BILL:** To re-appropriate UASI 2013 grant funds.

**SUMMARY OF SPECIFIC PROVISIONS:** N/A

**JUSTIFICATION:** A State approved budget modification made in the UASI 2013 grant requires the County budget to be modified to match the current grant budget. The budget modification moved \$27,276 from Fringes (Employee Benefits) to Interoperable Communications (FRES). The budget transfer must be completed, and purchases made, before the November 30, 2015 expiration date.

**FISCAL IMPLICATIONS:** None

COUNTY OF SUFFOLK



JOSEPH F. WILLIAMS  
COMMISSIONER

EDWARD K. SPRINGER  
CHIEF FIRE MARSHAL

GREGORY C. MINIUTTI  
CHIEF OF COMMUNICATIONS

JOHN G. JORDAN SR.  
DEPUTY COMMISSIONER

EDWARD C. SCHNEYER  
DIRECTOR OF EMERGENCY PREPAREDNESS

JOEL VETTER  
CHIEF OF SUPPORT SERVICES

STEVEN BELLONE  
COUNTY EXECUTIVE

DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

TO: Jon Schneider  
Deputy County Executive

FROM: Joseph F. Williams   
Commissioner

DATE: September 8, 2015

SUBJECT: Request for **Certificate of Necessity**: Introductory Resolution: Amend  
UASI FY13 Grant

Enclosed for further processing is an introductory resolution and supporting documents to amend Resolution 578-2015 to re-appropriate UASI 2013 grant funds. The NYS Division of Homeland Security and Emergency Services has provided approval to modify the budget of this grant. The budget modification moved \$27,276 from Fringes (Employee Benefits) to Interoperable Communications (FRES).

**The Department of Fire, Rescue and Emergency Services requests a Certificate of Necessity for the immediate consideration of the introductory resolution to amend the UASI FY13 Grant. The budget transfer must be completed, and purchases made, before the November 30, 2015 expiration date.**

If you have any questions, please contact Jared Cirillo of my office at 25338.

JFW:jac

Enclosures

1756  
Intro. Res. No. -2015  
Introduced by Legislator Lindsay

Laid on Table

9/9/15

**RESOLUTION NO. -2014, ADOPTING LOCAL LAW  
NO. -2015, A LOCAL LAW TO LIMIT SALARIES OF  
ELECTED OFFICIALS COLLECTING PUBLIC PENSIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on 2105, a proposed local law entitled, "**A LOCAL LAW TO LIMIT SALARIES OF ELECTED OFFICIALS COLLECTING PUBLIC PENSIONS**"; now, therefore be it

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

**LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO LIMIT SALARIES OF ELECTED OFFICIALS COLLECTING PUBLIC PENSIONS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines New York State law allows persons who have retired from public employment to hold local elected offices with no diminution of their public pension.

This Legislature also finds that there are many examples in Suffolk County of elected officials simultaneously collecting a full public pension together with salary for their elected position. In some cases, these combined payments to elected officials approach \$300,000 per year.

This Legislature further finds that the County of Suffolk enacted a law in 2011 which prohibited the County's elected officials from holding another paid government position, finding "public confidence in government suffers when officials collect two public salaries simultaneously." This Legislature believes that public confidence in government also suffers when elected officials collect a public salary and a full public pension simultaneously.

Therefore, the purpose of this law is to limit the salaries of County elected officials who are receiving a public pension.

**Amendments.**

Chapter 205 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 205: SALARIES AND COMPENSATION**

**Article I: Equitable Compensation of Certain Elected Officers**

\* \* \* \*

**§ 205-2 Salary schedule.**

\* \* \* \*

- C. Notwithstanding § 205-5(A) and § 205-5(D), in no event shall the District Attorney's salary be less than allowed under state law.
- D. In the event an elected official is receiving a retirement allowance from a retirement system or systems or pension plan or plans administered by the State of New York or any of its political subdivisions, that official's salary, as calculated under paragraph (A) of this section, shall be reduced by the amount of the retirement allowance or \$50,000, whichever amount is less.

\* \* \* \*

**Article II. Salary Cap.**

\* \* \* \*

**§ 205-5. Limitation on salaries.**

\* \* \* \*

- D. If the County Executive's salary is subject to reduction pursuant to § 205-2(D), for the purposes of this section only, the County Executive's salary shall be calculated as if his or her salary was not reduced due to pension income.

\* \* \* \*

**Section 4. Applicability.**

The salary limits provided for in this local law shall take effect for the County elected officers on the dates set forth below:

County Executive	January 1, 2016
County Sheriff	January 1, 2018
County Clerk	January 1, 2019
County Comptroller	January 1, 2019
District Attorney	January 1, 2019
Presiding Officer of the County Legislature	January 1, 2016
Deputy Presiding Officer of the County Legislature	January 1, 2016
County Legislator	January 1, 2016

**Section 5. Severability.**

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

**Section 6. SEQRA Determination.**

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

**Section 7. Effective Date.**

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

DATED:

APPROVED BY:

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

Date:

s:/res/2015/l-limit public officials salaries-retirement

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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: SEPTEMBER 9, 2015  
TO: CLERK OF THE COUNTY LEGISLATURE  
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

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## PROPOSED LOCAL LAW YEAR 2015

TITLE: I.R. NO. -2015; A LOCAL LAW TO LIMIT SALARIES OF ELECTED OFFICIALS COLLECTING PUBLIC PENSIONS

SPONSOR: LEGISLATOR LINDSAY

DATE OF RECEIPT BY COUNSEL: 9/4/2015 PUBLIC HEARING: 10/6/2015

DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

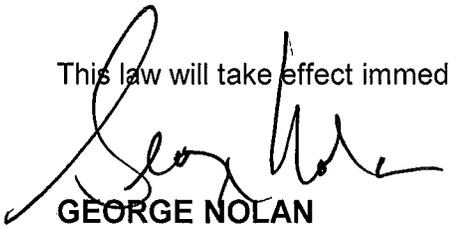
This proposed local law seeks to reduce the salary of any County elected official who is receiving a retirement allowance from a retirement system or pension plan administered by the State of New York or any of its political subdivisions. Such elected officials' salaries would be reduced by the amount of their retirement allowance with a maximum reduction of \$50,000.

The salary limits proscribed by this law would take effect for the County's elected officials on the dates set forth below:

County Executive	January 1, 2016
County Sheriff	January 1, 2018
County Clerk	January 1, 2019
County Comptroller	January 1, 2019
District Attorney	January 1, 2019
Presiding Officer of the County Legislature	January 1, 2016
Deputy Presiding Officer of the County Legislature	January 1, 2016
County Legislator	January 1, 2016

Notwithstanding the provisions of this law, the District Attorney's salary cannot be reduced below the level allowed under State law.

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



**GEORGE NOLAN**  
**Counsel to the Legislature**

**GN:tm**

s:\rule28\28-limit elected officials pension

1757

Intro. Res. No. -2015  
Introduced by Legislator Krupski

Laid on Table 9/9/15

**RESOLUTION NO. -2015, REPEALING RESOLUTION NO. 765-2014 - AUTHORIZING EXECUTION OF AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF EAST HAMPTON IN CONNECTION WITH THE DOWNTOWN MONTAUK STABILIZATION PROJECT**

**WHEREAS**, Resolution No. 765-2014 authorized the County Executive, on behalf of the County of Suffolk, to enter into an agreement with the Town of East Hampton to share in the town's cost for operation and maintenance of a project to reinforce the dune near downtown Montauk; and

**WHEREAS**, since Resolution No. 765-2014 was approved by this Legislature, certain aspects of the Montauk Stabilization Project have changed; and

**WHEREAS**, a product called "Armor Flex" will now be utilized to create vehicle access in the area of the project; the use of this product was not envisioned in the original plan; and

**WHEREAS**, homes adjacent to the project will now require vibration monitoring; and

**WHEREAS**, adequate plans for stormwater mitigation have not been developed; and

**WHEREAS**, there are no adequate traffic management plans in place to address the impacts of the construction and increased truck traffic; and

**WHEREAS**, the County of Suffolk should review the changes to the proposed Montauk Stabilization Project before committing to sharing in future costs of project operation and maintenance; now, therefore be it

**1st RESOLVED**, that Resolution No. 765-2014 is hereby repealed in its entirety; 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: