

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

RECEIVED

2008 DEC 31 P 12: 54

COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

December 31, 2008

Mr. Timothy Laube
Clerk of the Legislature
Suffolk County Legislature
Veterans Memorial Highway
Hauppauge, New York 11788

RE: - December 16, 2008 - Legislative Meeting

Vetoed Resolution: #1121 & #1167

Dear Mr. Laube:

Attached please find the above resolutions, which have been acted upon as indicated.

Very truly yours,

Ben Zwirn
Deputy County Executive

Received by J. Howard Date 12/31/08 Time 12:54P.

BZ:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

December 30, 2008

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION NO. 1121 -2008, APPROPRIATING FUNDS IN CONNECTION WITH CONSTRUCTION OF NOISE ABATEMENT STRUCTURES ON CR 83 NORTH OCEAN AVENUE (CP 5556)

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 1121 -2008, APPROPRIATING FUNDS IN CONNECTION WITH CONSTRUCTION OF NOISE ABATEMENT STRUCTURES ON CR 83 NORTH OCEAN AVENUE (CP 5556)** vetoed in its entirety because spending three million dollars on a sound wall along County Road 83 is not in the best interest of all Suffolk County residents in a time of fiscal crisis.

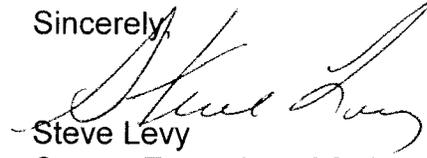
For most of 2008 we have been faced with difficult decisions to prevent layoffs and to preserve core services to Suffolk County residents. The construction of a sound wall does not fit into our plans to control costs. If we approve a sound wall for this portion of County Road 83; then more requests for sound walls for other areas will come forward. This is a time where smart government must prevail.

While I commend the Legislature for seeking to ease the frustration of the local homeowners, the sound wall is not guaranteed to provide the sound reduction many think it will; there is no money back guarantee if this does not work. We need to be more creative than simply building a wall.

With sound walls comes the opportunity for vandals to deface County property with graffiti; which will incur cost for removal.

For the reason stated above, I urge the Legislature to sustain my veto.

Sincerely,



Steve Levy

County Executive of Suffolk County

SL

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
James A. Morgo, Chief Deputy County Executive
Frederick B. Pollert, Deputy County Executive for Finance and Management
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff
Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

RESOLUTION NO. 1121 -2008, APPROPRIATING FUNDS IN CONNECTION WITH CONSTRUCTION OF NOISE ABATEMENT STRUCTURES ON CR 83 NORTH OCEAN AVENUE (CP 5556)

WHEREAS, this project consists of constructing noise abatement barriers along a portion of CR 83, Patchogue-Mt. Sinai Road from Granny Road to Bicycle Path; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said land acquisition and construction funds under Capital Program Number 5556; 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 2008 Capital Budget, as the basis for funding capital projects such as this project; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that prior to the adoption of a bond authorization by this Legislature and any expenditure or commitment of said funds for this project, an environmental review shall be completed in accordance with SEQRA by the County of Suffolk; and be it further

3rd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-three (53) 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

4th RESOLVED, that the proceeds of \$3,000,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5556.211	Construction of Noise Abatement Structures on CR 83 North Ocean Avenue	\$500,000
525-CAP-5556.310	Construction of Noise Abatement Structures on CR 83 North Ocean Avenue	\$2,500,000

DATED: December 16, 2008

APPROVED BY:

VETOED
County Executive of Suffolk County

Date: 12-30-2008

Intro. Res. 2048 Res. No. 1121

December 16, 2008

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN			/		
11	Thomas F. BARRAGA			/		
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		16		1	1	

MOTION

Approve

___ Table: _____

___ Send To Committee

___ Table Subject To Call

___ Lay On The Table

___ Discharge

___ Take Out of Order

___ Reconsider

___ Waive Rule _____

___ Override Veto

___ Close

___ Recess

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED



 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

December 29, 2008

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

**RE: RESOLUTION NO. 1167 -2008, AMENDING THE 2008
OPERATING BUDGET TO AUTHORIZE THE DISBURSEMENT OF
FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE
CONTINGENCY FUND FOR COLONIAL YOUTH AND FAMILY
SERVICES UNDER CONTRACT WITH THE YOUTH BUREAU**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 1167 -2008, AMENDING THE 2008 OPERATING BUDGET TO AUTHORIZE THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR COLONIAL YOUTH AND FAMILY SERVICES UNDER CONTRACT WITH THE YOUTH BUREAU** vetoed in its entirety because Colonial Youth and Family Services (Colonial) submitted an application for Living Wage Contingency Funds to the Suffolk County Department of Labor's Living Wage Unit; which was reviewed and denied because Colonial exceeded the program guidelines which are clearly presented to all contract agencies.

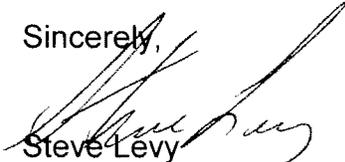
When a contract agency receives an application, they are notified of the program rules and regulations. The Suffolk County Department of Labor's website has a section dedicated to Living Wage which features a Frequently Asked Questions portion, copies of the application, the actual text of the Local Law, and the Rules and Regulations are also available to anyone interested in applying for Living Wage Contingency funds. The Department of Labor's Living Wage Unit holds work sessions to help local organizations understand the Living Wage Law and apply for funding; which members of Colonial attended.

The Living Wage Law was passed to ensure that employees of County contractors and subcontractors and beneficiaries of tax, loan, grant and other subsidy assistance provided by the County earn an hourly wage that is sufficient for a family of four to live at or above the federal poverty level.

The Living Wage Contingency Fund is not a discretionary fund for legislators to award funds to local organizations for the services they provide; guidelines are in place so only eligible organizations who cannot afford to pay a living wage receive funding. Awarding this money to Colonial sets a dangerous precedent and opens the door for other contract agencies to demand County funds to supplement the wages paid to employees over the living wage rate. Some legislators voted to approve this resolution based on the belief that no other groups would be able to come forward and submit claims for funds in 2008 because the last General Meeting of the Legislature took place on December 16, 2008. While that might be true; that kind of decision making does not take into account the possibility of an organization coming forward in 2009 or any future year using this case as an example of why they should be able to collect funds even though they are above the Living Wage Law guidelines.

Colonial Youth and Family Services provide a much needed service to the residents of Suffolk County with quality and care. Awarding Colonial money from the Living Wage Contingency Fund when they clearly are not eligible based on the guidelines stated in the Living Wage Law would undermine this law. This is not the right avenue to use to remedy this problem.

For the reason stated above, I urge the Legislature to sustain my veto.

Sincerely,

Steve Levy
County Executive of Suffolk County

SL:bc

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney

James A. Morgo, Chief Deputy County Executive
Frederick B. Pollert, Deputy County Executive for Finance and Management
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff
Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

Intro. Res. 2108 Res. No. 1167

December 16, 2008

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
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6	Daniel P. LOSQUADRO					
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9	Ricardo MONTANO					
10	Cameron ALDEN		/			
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
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15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17	1			

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

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

Roll Call ___ Voice Vote



 Tim Laube, Clerk of the Legislature

RESOLUTION NO. 1167-2008, AMENDING THE 2008 OPERATING BUDGET TO AUTHORIZE THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR COLONIAL YOUTH AND FAMILY SERVICES UNDER CONTRACT WITH THE YOUTH BUREAU

WHEREAS, in accordance with Section 347-15, County Transitional Financial Assistance was added to the Suffolk County Code wherein not-for-profit corporations shall be eligible for upfront financial assistance from the Suffolk County Living Wage Contingency Fund, or any successor fund thereto, in order to meet increased payroll expenses; and

WHEREAS, Colonial Youth and Family Services has submitted an application for Hardship Assistance and other prescribed forms to document the need for financial assistance; and

WHEREAS, the agency has concerns about their ability to comply with the Living Wage Law without a financial subsidy; and

WHEREAS, the agency provides a needed service to the community; now, therefore be it

1st RESOLVED, that the County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:

		<u>AMOUNT</u>
001-MSC-1998-4770	Suffolk County Living Wage Contingency Fund	-\$57,000

TO:

001-EXE-7320-4980-GAB1	Colonial Youth and Family Services	+\$57,000
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and be it further

2nd RESOLVED, that the County Executive is hereby authorized, empowered and directed to disburse the funds to Colonial Youth and Family Services; and be it further

3rd RESOLVED, that additional Hardship Assistance in the amount of \$57,000 be awarded for the period January 1, 2008 to December 31, 2008.

DATED: **DEC 16 2008**

APPROVED BY:

VETOED
County Executive of Suffolk County

Date: 12-29-2008