

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

October 28, 2010

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

2010 OCT 28 P 4:19

RE: - October 12th- Legislative Meeting

Vetoed Resolution 951

Dear Mr. Laube:

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

Very truly yours,

Brendan Chamberlain
Intergovernmental Relations Director

Received by Date 10-27-10 Time 4:21 pm

BC:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

October 27, 2010

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. 951-2010 AUTHORIZING THE USE OF SCHRADER
HOUSE AT THE SUFFOLK COUNTY FARM BY PROJECT SOAR**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning, herein, **Resolution No. 951-2010** vetoed in its entirety.

This resolution seeks to offer the use of county property, specifically the Schrader House, to house classroom instruction and other activities related to Project SOAR. Project SOAR is a program that offers alternative junior high and high school instruction for adjudicated youth aged 13 to 17 as an enhancement to the services provided by the Juvenile Day Reporting Center. The program is conducted by the Cornell Cooperative Extension of Suffolk, under contract with the Suffolk County Probation Department.

According to the resolution, Project SOAR is housed on the County Farm but does not have the appropriate space for the education components of the program. This resolution would direct the Department of Public Works to make the Schrader House available to the Cornell Cooperative Extension for its Project SOAR.

The program and its goals are commendable. However, the circumstances related to this specific proposal raise questions that prevent me from supporting this particular resolution.

The flaws in this resolution are multiple and begin with its failure to follow the long standing process established to ensure that county resources are used efficiently and effectively. In this case the county resource is space. The Space Management Steering Committee was established via Article 22-2 of the Administrative Code to ensure scarce county space is allocated properly and efficiently on a priority basis. The Administrative Code clearly charges the Space Management Steering Committee with

the responsibility to review building space requests necessary to meet the needs of the County. It goes on to say that:

“No action shall be taken by the County of Suffolk in any capacity to locate or relocate a department of agency for or on behalf of the County of Suffolk unless and until the Committee has submitted its written recommendations to the County Executive and Presiding Officer.”

This resolution circumvents that review process and it should not. Cornell Cooperative Extension of Suffolk is not a county department but in this case they are a contract agency acting under the authority of a county department. As such, any request for the extended use of county space should have been made through the Probation Department to the Space Management Steering Committee. Not to do so would be to risk the exact circumstances the Steering Committee was intended to prevent, i.e. the inappropriate and inequitable use and allocation of county resources.

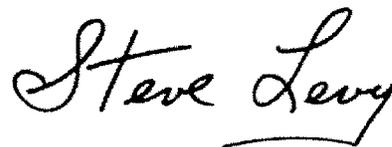
This particular circumstance is further complicated by the fact that this sub-contractor was awarded this bid over another bidder whose overall costs included the provision of classroom space at the sub-contractor's expense. It is reasonable to assume that this expense was built into their bid response and consequently put them at a competitive disadvantage against the eventual awardee.

So, through passage of this resolution, not only does the contract agency avoid the established process for space requests and seek to use county space rent free, but it now appears that it may have gained an advantage over other bidders by submitting a bid when it did not possess the appropriate facilities or include key overhead costs that were expected to be part of the original bid.

The circumstances surrounding this arrangement raise questions that make it impossible for me to approve this resolution. In fact, I will be asking the County Attorney to review the original bid process to confirm that the award process was fair and that the contractor is able to fulfill the requirements of the current contract.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,

A handwritten signature in black ink that reads "Steve Levy". The signature is written in a cursive style with a prominent underline at the end of the name.

Steve Levy
County Executive of Suffolk County

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
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Connie Corso, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Ben Zwirn, County Executive Assistant
Eric Naughton, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

**RESOLUTION NO. 951 -2010, AUTHORIZING THE USE OF
SCHRADER HOUSE AT THE SUFFOLK COUNTY FARM BY
PROJECT SOAR**

WHEREAS, Project SOAR is a program conducted by the Cornell Cooperative Extension of Suffolk, under contract with the Suffolk County Probation Department, to enhance and accomplish the goals of the Juvenile Day Reporting Center, an alternative junior high and high school program for adjudicated youth aged 13 to 17; and

WHEREAS, Project SOAR is housed on the County Farm in several buildings, including trailers on site, but it does not have appropriate space for the educational component of the program; and

WHEREAS, Cornell Cooperative Extension submitted a space assignment request to the Department of Public Works for Project SOAR earlier this year requesting approximately 3490 square feet of space; and

WHEREAS, the Schrader House on the County Farm is a 3685 square foot house that is currently vacant; and

WHEREAS, the Schrader House is located near Project SOAR's environmental and vocational projects; and

WHEREAS, allowing Project SOAR to use the Schrader House would provide the program with sufficient space and access to its existing projects on the County Farm and better allow the program's students to succeed; and

WHEREAS, Project SOAR can make the highest and best use of the Schrader House; now, therefore be it

1st RESOLVED, that the Department of Public Works is hereby authorized, empowered and directed to make the Schrader House available to the Cornell Cooperative Extension for its Project SOAR; and be it further

2nd RESOLVED, that the Department of Public Works is further authorized and empowered to amend their agreement with the Cornell Cooperative Extension to reflect the new use of the Schrader House; 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: October 12, 2010

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 10/28/10

Intro. Res. 1940 Res. No. 951

October 12, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
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	18				

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

Roll Call _____ Voice Vote