

RESOLUTION NO. 502-2009, AUTHORIZING THE FILING OF A GRANT APPLICATION ON BEHALF OF THE DISABLED AMERICAN VETERANS (DAV) FOR FEDERAL CAPITAL ASSISTANCE FOR THE PURCHASE OF VANS FOR ITS TRANSPORTATION PROGRAMS AND AMENDING THE 2009 OPERATING BUDGET AND AMENDING THE 2009 CAPITAL BUDGET TO PROVIDE FUNDS FOR THE PURCHASE OF VANS FOR DISABLED AMERICAN VETERANS (DAV) (CP 5658)

WHEREAS, the Federal Transit Administration (FTA), an operating administration of the United States Department of Transportation awards grants for Federal capital assistance for mass transportation projects as authorized by 49 U.S.C Chapter 53, Title 23, United States Code and other Federal statutes administered by the Federal Transit Administration; and

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal capital assistance for transportation projects; and

WHEREAS, in Federal Fiscal Years 2007 and 2008 the Disabled American Veterans organization (DAV) was allocated \$56,179 and \$60,831, respectively, in federal capital assistance funds to acquire vans for its transportation programs under Section 5309 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the County of Suffolk is a Designated Recipient as defined by 49 U.S.C. Section 5307(a) (2); and

WHEREAS, in order to expedite the grant making process, Suffolk County will file for and accept the FTA grant on behalf of the DAV; and

WHEREAS, the grant contracts for Federal and State financial assistance will impose certain obligations upon the County, and will require the County to commit resources necessary to cover the entire grant with the understanding that reimbursement at the ratio of 80% Federal funds and 20% non-Federal funds will be made and that the State share will be used to fund up to 50% of the non-Federal share of Federally funded projects, but not to exceed 10% of Federally funded total projects costs and that the County will provide the remaining 10% local share of total project costs; and

WHEREAS, the County will provide all annual certifications and assurances required for the project to the FTA; and

WHEREAS, upon approval of the grant, Suffolk County will acquire the vehicles and subsequently, transfer right, title and interest in the vehicles to the DAV; and

WHEREAS, the County will execute a Transfer of Title Agreement with the DAV to assign all responsibility for the use and maintenance of the vehicles, together with any reporting requirements thereof; and

WHEREAS, it is required by the U.S. Department of Transportation, in accord with the provision of Title VI of the Civil Rights Act of 1964, as amended, that the County give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; and

WHEREAS, the downturn in the national and local economy has put a strain on the limited resources of the DAV preventing the Agency from providing a 10% match (\$14,627) for the purchase of vans; and

WHEREAS, it is imperative that the DAV obtain these vans to meet the increasing needs of providing medical transportation for Suffolk County Veterans; and

WHEREAS, it is the desire of the Suffolk County Legislature to provide this one time match to DAV for the purchase of vans to fulfill the local matching requirement required by the Federal grant to purchase vans for DAV; and

WHEREAS, there are excess appropriations in the Department of Public Works; 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; 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 the Designee of the County Executive of Suffolk County is hereby authorized to execute and file a grant application on behalf of the DAV with the FTA for federal capital financial assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the FTA; and be it further

2nd **RESOLVED**, that the DAV proposes to utilize allocated Federal Fiscal Year 2007 and 2008 funds to aid in the financing of a capital assistance project pursuant to Section 5309 of the Federal Transit Act, a Program of Projects and Budget as follows:

Related Capital Program #	Program of Projects	Estimated Cost
5658	Purchase of Para transit Vans (including related equipment) for the Disabled American Veterans	\$146,263
	Total Estimated Cost	\$146,263
	Estimated Federal Share @ 80%	\$117,010
	Estimated State Share @ 10%	\$14,626

	Estimated County Share @ 10%	\$14,627
--	------------------------------	----------

and be it further

3rd **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and Budget; and be it further

4th **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute grant agreements on behalf of the County of Suffolk with the U.S. Department of Transportation and the New York State Department of Transportation for aid in the financing of the Capital Program of Projects and Budget herein described; and be it further

5th **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 materials, 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

6th **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute a Transfer of Title Agreement with the DAV to assign all responsibility for the use and maintenance of the vehicles, together with any reporting requirements thereof in connection with said grant; and be it further

7th **RESOLVED**, that the 2009 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 & OBJECT NAME</u>	<u>AMOUNT</u>
001	DPW	8150	0000	4560	Riverhead Cty Ctr Pump Station, Fees for Service: Non-Employee	-\$14,627

TO:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY & OBJECT NAME</u>	<u>AMOUNT</u>
001	IFT	E525	0000	9600	Trans to Capital	+14,627

and be it further

8th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of 59 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

9th **RESOLVED**, that the 2009 Capital Budget and Program be and is hereby amended as follows:

Project Number: 5658
 Project Title: Purchase of Public Transit Vehicles

<u>Cost Elements</u>	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
5. Furniture & Equipment	\$111,736,216	\$0 G	\$14,627 G
TOTAL	\$111,736,216	\$5,302,500	\$5,317,127

and be it further

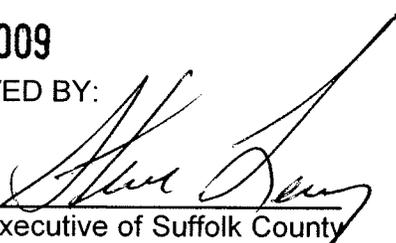
10th **RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to allocate funding from appropriation 001-IFT-E525, Transfer to Capital Fund, as follows:

<u>REVENUES:</u>	<u>Amount</u>
525-IFT-R001 Transfer from General Fund	\$14,627

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.544	Purchase of Para transit Vans (including related equipment) for the Disabled American Veterans	\$14,627

DATED: **JUN 9 2009**

APPROVED BY:


 County Executive of Suffolk County

Date: 6/18/09

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 9, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1455 Res. No. 502

June 9, 2009

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

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

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro,
 Eddington, Browning, Alden, Lindsay, Vioria-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	17	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
 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote