

Introduced by Presiding Officer, on request of the County Executive and Legislator Losquadro

RESOLUTION NO. 771 -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE PORT JEFFERSON-WADING RIVER RAILS TO TRAILS PEDESTRIAN AND BICYCLE PATH (CP 5903)

WHEREAS, the Commissioner of Public Works has requested funds for engineering and land acquisition in connection with Port Jefferson-Wading River Rails to Trails; and

WHEREAS, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 075816, under the Federal Highway Administration (FHWA) funding, with a share allocation of ninety-nine and sixty-two hundredths (99.62%) percent Federal funds and thirty-eight hundredths of one percent (0.38%) percent County funds; and

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

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

WHEREAS, this is a new project and there are no funds included in the 2009 Capital Budget and Program to cover the cost of said request 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 and as amended by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,050,000 in Suffolk County Serial Bonds; now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (21) 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 it is hereby determined that this project, with a priority ranking of forty-three (43) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (A) of the Suffolk County Charter to complete the Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path; and be it further

4th **RESOLVED**, that 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 to proceed with this project; and be it further

5th **RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5903
 Project Title: Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
1. Planning, Design and Supervision	\$1,000,000	\$ 0	\$ 4,000B \$ 996,000F
2. Land Acquisition	<u>\$ 50,000</u>	_____	<u>\$ 50,000F</u>
TOTAL	\$1,050,000	\$ 0	\$1,050,000

and be it further

6th **RESOLVED**, that the proceeds of \$4,000 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-5903.111 (Fund 001-Debt Service)	50	Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path	\$4,000

and be it further

7th **RESOLVED**, that Federal Aid in the amount of \$1,046,000 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-5903.111	50	Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path	\$996,000

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5903.210	50	Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path (appraisals, surveys, mapping, etc.)	\$50,000

and be it further

8th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$4,000; and be it further

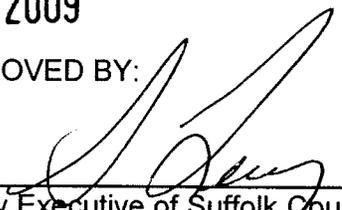
9th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$1,046,000; and be it further

10th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$1,046,000; and be it further

11th **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: **AUG 18 2009**

APPROVED BY:



 County Executive of Suffolk County

Date: 8/18/09

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 August 18, 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. 1720 Res. No. 771

August 18, 2009

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	18				

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 _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote