

Intro. Res. No. 1921-2009

Laid on Table 10/13/2009

Introduced by Presiding Officer, on request of the County Executive and Legislators Losquadro, Horsley, Romaine

**RESOLUTION NO. 979 -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH ALTERNATIVE FUEL INFRASTRUCTURE AND COMPRESSED NATURAL GAS VEHICLES (CP 5602)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the purchase of compressed natural gas vehicles and construction of compressed natural gas fueling stations at various locations throughout Suffolk County; and

**WHEREAS**, there are funds available under the American Recovery and Reinvestment Act of 2009 in Funding Opportunity #DE-PS26-09NT01236-04 in the amounts of \$4,258,000, with a share allocation of fifty percent Federal funds (\$2,129,000) and fifty percent County funds (\$2,129,000); 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 as revised by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, Resolution No. 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$4,258,000 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 Section 617.5 (C) (2), (11), (20), (21), (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), 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; and in that (1) maintenance or repair involving no substantial changes in an existing structure or facility and (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds the thresholds in section 617.4 of this Part, and the Legislature has no further responsibilities under SEQRA; and be it further

2<sup>nd</sup> **RESOLVED**, that it is hereby determined that this project, with a priority ranking of eighty-one (81) 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**, as per Resolution No. 321-2003, the purchase of these vehicles are replacement vehicles and shall not increase the County fleet, and the purchase is hereby approved by this legislature; and be it further

4<sup>th</sup> **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 (X) of the Suffolk County Charter to complete this project; and be it further

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

Project No. : 5602  
 Project Title: Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles-ARRA

	Total Est'd Cost	Current 2009 Capital Budget & Program	Revised 2009 Capital Budget & Program
1. Planning, Design & Supervision	\$ 360,000	\$ 0	\$ 180,000B \$ 180,000F
3. Construction	\$ 3,423,000	\$ 45,000B 180,000F	\$ 1,644,000B \$ 1,779,000F
5. Furniture & Equipment	\$ 5,100,000	\$ 880,000B 3,520,000F	\$ 1,230,000B \$ 3,870,000F
	\$ 8,883,000	\$ 4,625,000	\$ 8,883,000

and be it further

6<sup>th</sup> **RESOLVED**, that the proceeds of \$2,129,000 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- 5602.110 (Fund 001-Debt Service)	50	Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles- ARRA	\$ 180,000
525-CAP-5602.311 (Fund 001-Debt Service)	50	Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles- ARRA	\$1,599,000
525-CAP-5602.512 (Fund 001-Debt Service)	50	Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles- ARRA	\$ 350,000

and be it further

7<sup>th</sup> **RESOLVED**, that Federal Aid in the amount of \$2,129,000 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- 5602.110	50	Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles-ARRA	\$ 180,000
525-CAP-5602.311	50	Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles-ARRA	\$1,599,000
525-CAP-5602.512	50	Alternative Fuel Infrastructure and Compressed Natural Gas Vehicles-ARRA	\$ 350,000

and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$2,129,000; 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 in the amount of \$2,129,000; and be it further

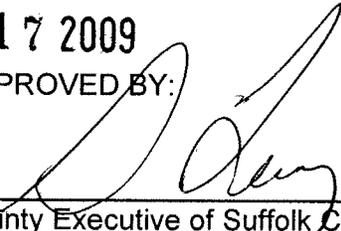
**10<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$2,129,000; and be it further

**11<sup>th</sup>** **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 for construction of the project; and be it further

**12<sup>th</sup>** **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute an agreement for reimbursement with the United States Department of Energy or other designee 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: **NOV 17 2009**

APPROVED BY:

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

Date: **DEC 02 2009**

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 November 17, 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".

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Clerk of the Legislature

Intro. Res. 1921 Res. No. 979

November 17, 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	14	1		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 _____

Tim Laube  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote \_\_\_\_\_