

**RESOLUTION NO. 431 -2010, AMENDING THE 2010 CAPITAL PROGRAM AND BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH THE CONSTRUCTION OF A SKATE PARK TO BE LOCATED IN MASTIC, TOWN OF BROOKHAVEN, AND AUTHORIZING THE COUNTY TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF BROOKHAVEN IN CONNECTION WITH THE FINANCING, PLANNING, CONSTRUCTION AND OPERATION OF THE MASTIC SKATE PARK (CP 7112)**

**WHEREAS**, Suffolk County Resolution No. 586-2004, amended the 2004 Capital Program and Budget and appropriated funds for the Construction of a Skate Park at Smith Point County Park, Town of Brookhaven; and

**WHEREAS**, Suffolk County Resolution No. 1278-2004, amended the 2004 Capital Program and Budget and funds were appropriated for the Planning for the Construction of the Skate Park at Smith Point County Park, Town of Brookhaven; and

**WHEREAS**, Planning for the Construction of the Skate Park at Smith Point County Park, Town of Brookhaven has been completed; and

**WHEREAS**, during the planning and review process an alternative site for the Construction of the Skate Park in Mastic in the Town of Brookhaven has been determined to be a more suitable location for reasons of easier and safer access; and

**WHEREAS**, as a result of discussions between the Town of Brookhaven and the County of Suffolk, a determination has been made to enter into an Intermunicipal Agreement pursuant to General Municipal Law section 119-o, the terms and conditions of which shall require the Town to complete all planning, construction, permit applications and obtain approvals including SEQRA, and operate the Mastic Skate Park; and

**WHEREAS**, the Town of Brookhaven adopted Town Resolution 2009-1111 authorizing use of certain real property for a Skate Park (0200, 938.00, 05.00, 023.0), committing \$250,000 for the Construction of a Skate Park, committing to maintain the Skate Park as an active park, and authorizing an intermunicipal agreement with the County for the construction and maintenance of the Skate Park; and

**WHEREAS**, the 2004 Capital appropriation for the Construction of the Skate Park at Smith Point County Park can not be utilized to fund the Construction of a Skate Park at the Mastic location; and

**WHEREAS**, Suffolk County is still committed to providing the \$250,000 for the Construction of a Skate Park at the Mastic location in the Town of Brookhaven; and

**WHEREAS**, Suffolk County needs to appropriate \$250,000 for the Construction of a Skate Park at the Mastic location under a new Capital Project 7112; and

**WHEREAS**, sufficient funds are not included in the 2010 Capital Budget and Program to cover the cost of Capital Project 7112 and pursuant to Suffolk County Charter, Section C 4-13, an offsetting authorization must be provided from another capital project; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2010 Capital Budget, 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 \$250,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-seven (47) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 and as amended by Resolution No. 461-2006; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the 2010 Capital Budget and Program be and they are hereby amended as follows:

Project No: 7009  
Project Title: Improvement to Campgrounds

	<u>Total Est'd Cost</u>	<u>Current 2010 Capital Budget &amp; Program</u>	<u>Modified 2010 Capital Budget &amp; Program</u>
3. Construction	<u>\$10,718,500</u>	<u>\$500,000 B</u>	<u>\$250,000 B</u>
TOTAL	\$11,548,000	\$500,000	\$250,000

Project No: 7112  
Project Title: Mastic Skate Park, Town of Brookhaven

	<u>Total Est'd Cost</u>	<u>Current 2010 Capital Budget &amp; Program</u>	<u>Modified 2010 Capital Budget &amp; Program</u>
3. Construction	<u>\$250,000</u>	<u>\$ 0</u>	<u>\$250,000 B</u>
TOTAL	\$250,000	\$ 0	\$250,000

and be it further

**3<sup>rd</sup>** **RESOLVED**, that the proceeds of \$250,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7112.310 Fund 001 Debt Service	26	Mastic Skate Park, Town of Brookhaven	\$250,000

and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Legislature hereby authorizes, empowers, and directs the County Executive, or his designee, to enter into an Intermunicipal Agreement, subject to the approval of the County Attorney, with the Town of Brookhaven, and to execute any and all documents deemed necessary and appropriate to implement the development of the Mastic Skate Park; and be it further

**5<sup>th</sup>** **RESOLVED**, that all plans completed for the construction of the Skate Park at Smith Point County Park, Town of Brookhaven be released to the Town of Brookhaven to be utilized for the construction of the Skate Park in Mastic in the Town of Brookhaven in the place of the Smith's Point County Park location; and be it further

**6<sup>th</sup>** **RESOLVED**, that the County Comptroller and County Treasurer be and hereby are authorized to close the Capital Project 7162.315 Construction of a Skate Park at Smith Point County Park which is no longer required and credit the appropriate general fund revenue account no later than December 31, 2010, and that any unissued serial bond or capital note authorization remaining after the project is closed can be liquidated by the County Comptroller and the County Treasurer; and be it further

**7<sup>th</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) (20) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA.

Date: May 11, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 26, 2010