

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1153 -2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE SEWER DISTRICT NO. 21 SUNY, PHASE I – IMPROVEMENT PROJECT (CP8121)

WHEREAS, Sewer District No. 21 – SUNY requires interim improvements which are defined as Phase I and includes an emergency electric generator and interim recharge facilities; and

WHEREAS, an application has been made to the New York State Environmental Facilities Corporation (EFC) for low interest loan financing for this project; and

WHEREAS, NYS EFC is still reviewing the mechanism for the distribution of available stimulus funds for such projects which may result in a partial grant and/or loan forgiveness to the County of these funds; and

WHEREAS, the application to NYS EFC required a bond resolution which was adopted on April 28, 2009 in Resolution No. 322-2009 authorizing the issuance of \$4 million to finance this project; and

WHEREAS, EFC has to date approved the application for low cost financing for up to \$1,931,256; and

WHEREAS, sufficient funds are not included in the 2010 Capital Budget and Program to cover the cost of said request under Capital Project 8121 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, NYS EFC has approved the low interest loan financing for this project; and

WHEREAS, there is a need to adopt an appropriating resolution to provide the mechanism for receipt of the NYS EFC funds to be disbursed to the contractors and vendors involved with the Phase I engineering and construction; and

WHEREAS, the funding provided by NYS EFC will be wired to the County allowing a voucher to be processed and for payments to be made to the various contractors/vendors from these County appropriations; now, therefore be it

1st RESOLVED, this Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA), Environmental Conservation law Article 8, pursuant to Resolution No. 333-2009 approved by the County Legislature, determined that this

action constituted a Type II action and; therefore, 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 seventy-seven (77) 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 of the Suffolk County Charter to complete the construction in connection with improvements to Suffolk County Sewer District No. 21 - SUNY at Stony Brook; and be it further

4th **RESOLVED**, that the 2010 Capital Budget be hereby amended as follows:

Project No.: 8121
 Project Title: Improvements to SCSD No. 21 – SUNY at Stony Brook

and be it further

	<u>Total Est'd. Cost</u>	<u>Current 2010 Capital Budget & Program</u>	<u>Revised 2010 Capital Budget & Program</u>
1. Planning, design and Supervision	\$ 2,042,000	\$ 0	\$454,000S
3. Construction	<u>\$15,547,256</u>	<u>\$ 0</u>	<u>\$1,477,256S</u>
TOTAL	\$17,589,256	\$ 0	\$1,931,256

and be it further

5th **RESOLVED**, that the proceeds of \$1,931,256 in NYS EFC financing be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8121.112 (Fund 221-EFC Financing)	80	Improvements to SCSD No. 21 – SUNY at Stony Brook (Planning, design, supervision – Phase I)	\$454,000
527-CAP-8121.311 (Fund 221-EFC Financing)	80	Improvements to SCSD No. 21 – SUNY at Stony Brook (Construction – Phase I)	\$1,477,256

and be it further

6th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept NYS EFC financing funds up to the amount of \$1,931,256; and be it further

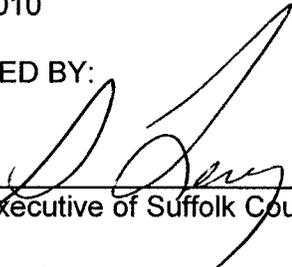
7th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total State share of \$1,931,256 pending receipt of NYS EFC funds; and be it further

8th **RESOLVED**, that the County Legislature has authorized the County Comptroller under Resolution No. 322-2009, to execute a project finance agreement and/or loan agreement, and any other agreements with New York State Environmental Facilities Corporation, including amendments thereto, and any other documents or any other instruments in the effectuation of the borrowing contemplated for the financing of this project; and be it further

9th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute any other standard agreement and/or application agreement required by the New York State Environmental Facilities Corporation, other than those authorized under Resolution No. 322-2009, related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: December 7, 2010

APPROVED BY:



County Executive of Suffolk County

Date: DEC 17 2010

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 December 7, 2010 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 2137

Res. No. 1153

December 7, 2010

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloria-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	
<input checked="" type="checkbox"/>	Approve
Table: _____	
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

<input checked="" type="checkbox"/>	RESOLUTION DECLARED
<input checked="" type="checkbox"/>	ADOPTED
<input type="checkbox"/>	NOT ADOPTED

Tim Laube

Roll Call _____ Voice Vote