

RESOLUTION NO. 644 -2012, AMENDING THE 2012 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH ACQUISITION OF LANDS FOR THE RECONSTRUCTION OF CR 16, PORTION ROAD FROM RONKONKOMA AVENUE TO CR 97, NICOLLS ROAD, TOWN OF BROOKHAVEN (CP 5511, PIN 075598)

WHEREAS, the Commissioner of Public Works has requested funds for the acquisition of land and related expenses (title insurance policies, settlement of claims settled by the Department of Law with statutory interest thereon, court appraisals and court engineering fees, etc.) for the Reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven; and

WHEREAS, CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road is a residential and commercial corridor that has experienced high traffic accident rates, traffic congestion and deteriorating roadway inadequate for current vehicular capacity and insufficient provisions for pedestrians; these safety issues were addressed by acquiring property and reconstructing the subject roadway by reconstructing CR 16, Portion Road, creating turning lanes, installing sidewalks and reconfiguring intersections to enhance pedestrian safety; and

WHEREAS, as a part of this reconstruction, acquisition of lands from private property owners under the provisions of the New York State Eminent Domain Procedure Law was required; and

WHEREAS, the property owners have filed claims and they are expected to settle with Court Orders for additional compensation under the provisions of the New York State Eminent Domain Procedure Law above and beyond the amount of compensation initially offered by the County; and

WHEREAS, there are no funds included in the 2012 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, Federal and/or State funds are anticipated from the Federal Highway Administration to cover the cost for these acquisitions, identified as PIN 075598, under the Federal Highway Administration (FHWA) funding, with a share allocation of sixty-seven percent (67%) Federal funds and thirty-three percent (33%) 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, in the first instance, fund the entire cost of the project and will subsequently be reimbursed for the Federal and/or State Marchiselli portion; 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 \$4,800,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, that Resolution No. 67-2002, approved by the County Legislature, issued a SEQRA Negative Declaration for this project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-seven (67) 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 to complete Acquisition of Lands for the Reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven; and be it further

4th **RESOLVED**, that the 2012 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5511
 Project Title: Acquisition of Lands for the Reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven

	<u>Total Est'd Cost</u>	Current 2012 Capital Budget & <u>Program</u>	Revised 2012 Capital Budget & <u>Program</u>
2. Land Acquisition	<u>\$14,570,000</u>	<u>\$231,000B</u>	<u>\$1,815,000B</u>
TOTAL	\$37,500,000	\$700,000	\$5,500,000

and be it further

5th **RESOLVED**, that the proceeds of \$1,584,000 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-5511.211 (Fund 001-Debt Service)	50	Acquisition of Lands for the Reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road	\$1,584,000

and be it further

6th **RESOLVED**, that Federal Aid in the amount of \$3,216,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-CAP-5511.211	50	Acquisition of Lands for the Reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road	\$3,216,000

7th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$1,584,000; and be it further

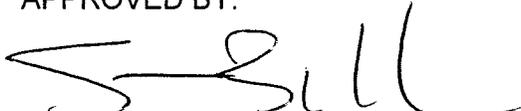
8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$3,216,000; and be it further

9th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$3,216,000; and be it further

10th **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: August 7, 2012

APPROVED BY:


 County Executive of Suffolk County

Date: 8-16-2012

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 7, 2012 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. 1631

Res. No. 644

August 7, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING				/	
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.				/	
	Totals	16			2	

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

Roll Call ___ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature