

Intro. Res. No. 1417-2013  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 5/7/2013

**RESOLUTION NO. 486 -2013, APPROPRIATING FUNDS IN CONNECTION WITH CONSTRUCTION OF COMPRESSED NATURAL GAS (CNG) FUELING FACILITIES (CP 5603 PIN 075961)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Installation of a Compressed Natural Gas (CNG) Fueling Facility in Yaphank, NY; and

**WHEREAS**, there are Federal and/or State funds available from the Federal Highway Administration for the project, identified as PIN 075961, under the Federal Highway Administration (FHWA) funding, with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County funds; and

**WHEREAS**, sufficient funds are not included in the 2013 Adopted Capital Budget and Program to cover the cost of said request under Capital Project 5603 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**, 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 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 Department of Public Works will assign staff funded in the Suffolk County Operating Budget to perform a portion of the tasks as required for the engineering, planning and construction of this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$4,500,000 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 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

**2<sup>nd</sup>** **RESOLVED**, that the Legislature hereby determines that the Proposed Yaphank CNG Fueling Facility, Town of Brookhaven constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617, Chapter 450 of the Suffolk County Code and CEQ Resolution No. 19-2013, which project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Title 6 NYCRR Part 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. The proposal does not significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;
3. The parcel does not appear to suffer from any severe environmental development constraints (limiting soil properties; no high groundwater and no unmanageable slopes);
4. The Suffolk County Department of Public Works will coordinate with Suffolk County Department of Parks, Recreation and Conservation during clearing to observe and preserve any artifacts which may be encountered;
5. All local fire codes and State regulations governing the CNG Fueling Facility will be adhered to;

and be it further

**3<sup>rd</sup>** **RESOLVED**, that a copy of this resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

**4<sup>th</sup>** **RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this resolution; and be it further

**5<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 (A) of the Suffolk County Charter to complete the Construction of Compressed Natural Gas (CNG) Fueling Facilities; and be it further

**6<sup>th</sup>** **RESOLVED**, that the Suffolk County Department of Public Works keeps track of staff and costs as required associated with Capital Project 5603, PIN 075961 for chargeback purposes; and be it further

**7<sup>th</sup>** **RESOLVED**, that the 2013 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5603

Project Title: Construction of Compressed Natural Gas (CNG) Fueling Facilities

	Current 2013 Capital Budget & <u>Program</u>	Revised 2013 Capital Budget & <u>Program</u>
Total Est'd <u>Cost</u>		

3. Construction	\$ 900,000B	\$ 500,000B	\$ 900,000B
	<u>\$3,600,000F</u>	<u>\$2,000,000F</u>	<u>\$3,600,000F</u>
TOTAL	<u>\$4,500,000</u>	<u>\$2,500,000</u>	<u>\$4,500,000</u>

**8<sup>th</sup>** **RESOLVED**, that the proceeds of \$900,000 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-5603.310 (Fund 001-Debt Service)	50	Construction of Compressed Natural Gas (CNG) Fueling Facilities	\$900,000

and be it further

**9<sup>th</sup>** **RESOLVED**, that Federal Aid in the amount of \$3,600,000 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-5603.310	50	Construction of Compressed Natural Gas (CNG) Fueling Facilities	\$3,600,000

and be it further

**10<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal and/or State funding in the amount of \$3,600,000; and be it further

**11<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$3,600,000; and be it further

**12<sup>th</sup>** **RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; and be it further

**13<sup>th</sup>** **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: June 4, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: June 7, 2013