

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2009**

1460
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2009

**RESOLUTION NO. -2009, APPROPRIATING FUNDS IN
CONNECTION WITH CAPITAL PROJECT 5713 -
INDUSTRIAL PARK REDEVELOPMENT**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY
RESOLUTION NO. - 2009, BECAUSE THIS PROJECT IS SUBJECT TO TIME
RESTRIANTS, WAITING UNTIL THE NEXT GENERAL MEETING OF THE
LEGISLATURE WOULD DRASTICALLY AFFECT THE PROJECT'S TIMELINE.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
TWELFTH DAY OF MAY, 2009.**


BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
2009 MAY 12 A 9:28
PROPERTY LEGISLATIVE
SUFFOLK COUNTY, N.C.
HAUPPAGE

Intro. Res. No. 1460-09

Laid on the Table 5/12/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009 AMENDING THE 2009 CAPITAL BUDGET
AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION
WITH INDUSTRIAL PARK REDEVELOPMENT AT FRANCIS S.
GABRESKI AIRPORT (CP 5713)**

WHEREAS, through resolution 627-2002 funds were appropriated into CP-5713 for the planning and design in connection with the Industrial Park Redevelopment at Francis S. Gabreski Airport; and

WHEREAS, the County postponed the final design and planning due to the time needed for the Town of Southampton to complete the zoning and adopt its' Planned Development District and the subsequent time needed for the RFP process and negotiations with a selected developer; and

WHEREAS, it was only through the negotiations that the County's obligations were finalized; and

WHEREAS, the funds authorized in 2003 have expired; and

WHEREAS, the Commissioner of the Department of Economic Development and Workforce Housing has requested funds for the Industrial Park Redevelopment (CP-5713); and

WHEREAS, these funds will cover the remaining costs associated with planning and designing the main access road and utilities into the airport; and

WHEREAS, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; 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 \$75,000 in Suffolk County Serial Bonds; now, therefore, be it

1st 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) (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns preliminary planning, other studies and adoption of a local legislative decision in connection with the same, and 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 fifty (50) 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 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5702
 Project Title: Renovations and construction of facilities at Gabreski Airport

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
3. Construction	<u>\$2,583,690</u>	<u>\$ 200,000B</u>	<u>\$ 125,000B</u>
TOTAL	\$2,718,600	\$ 200,000	\$ 125,000

Project No.: 5713
 Project Title: Industrial Park Redevelopment

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
1. Planning, Design and Supervision	<u>\$ 205,000</u>	<u>\$ 0 B</u>	<u>\$75,000B</u>
TOTAL	\$ 205,000	\$ 0 B	\$75,000

and be it further

4th RESOLVED, that the proceeds of \$75,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.:</u>	<u>Project Title:</u>	<u>Amount</u>
525-CAP-5713.111 (Fund 625 – Debt service)	Planning and Design Industrial Park Redevelopment at Francis S. Gabreski Airport	\$75,000

and be it further

5th RESOLVED, that the Department of Public Works pursuant to Section C8-2 (A) of the Suffolk County Charter is hereby authorized, empowered and directed to take such action as may be necessary to complete this project.

DATED:

APPROVED BY:

 County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. -2009 AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH INDUSTRIAL PARK REDEVELOPMENT AT FRANCIS S. GABRESKI AIRPORT (CP 5713)</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> County </div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District <input type="checkbox"/>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
<p>The five year PPU for planning funds appropriated through bond resolution 626-2002 have expired. Bonds can no longer be issued against the original bond authorization and; therefore, a new appropriation and bond authorization needs to be adopted. The \$75,000 appropriated under this resolution will meet the County's obligation under the planning part of this project.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SUFFOLK COUNTY SERIAL BOND		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Jr. Executive Technician		May 11, 2009

SCIN FORM 175b (10/95)

Suffolk County
Project Name
 General Obligation Serial Bonds
 Level Debt

Term of Bonds: 5
 Amount to Bond: \$75,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$13,709.37	\$3,375.00	\$17,084.37	\$17,084.37
			\$1,379.04	\$1,379.04	
5/1/2011	4.500%	\$14,326.29	\$1,379.04	\$15,705.33	\$17,084.37
			\$1,056.70	\$1,056.70	
5/1/2012	4.500%	\$14,970.98	\$1,056.70	\$16,027.68	\$17,084.37
			\$719.85	\$719.85	
5/1/2013	4.500%	\$15,644.67	\$719.85	\$16,364.52	\$17,084.37
			\$367.85	\$367.85	
5/1/2014	4.500%	\$16,348.68	\$367.85	\$16,716.53	\$17,084.37
		\$75,000.00	\$10,421.86	\$85,421.86	\$85,421.86

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$17,085	\$0.03		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

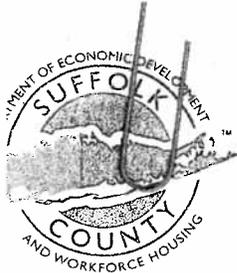
	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$17,085	\$0.03		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

CAPITAL PROJECT RANKING FORM

CAPITAL PROJECT RANKING FORM	Response	Score	Category
Cumulative Ranking (maximum score=100 points)		49.5	
1. Does this project meet the minimum 5-25-5 criteria for inclusion in the capital program pursuant to Local Law 23 of 1994? Enter "Y" or "N".	Y	5.6	Planning
2. ENTER "Y" if this is either a non-recurring project or a recurring project that is financed with "G" money or ENTER "N" if this is a recurring project financed through the capital program with a source of funds other than "G" money.	Y	5.6	Planning
3. Is implementation of the project mandated by federal, state or local law? ENTER "0" if not mandated, ENTER "1" (yes-long term) if mandated, but more than 3-years (beyond the current capital program) are needed to meet the mandate, or ENTER "2" if mandate must be met within the current 3-year capital program.	0	0.0	Planning
4. What percent of the project is funded by state or federal aid, or other nonproperty tax revenue (department income, tuition at the college, interfund transfers from Fund 404 for sewers, etc.)? ENTER the percent from 0 to 100.	0	0.0	Fiscal
5. What is the non-debt service net operating budget impact? ENTER "1" for an increase in net operating expenses (net of debt service on borrowing for this capital project and net of state & federal aid and other nonproperty tax revenue); ENTER "2" for no impact; ENTER "3" for a decrease in net operating expenses within 10 years; ENTER "4" for a decrease in net operating expenses within 5 years.	4	16.7	Fiscal
6. What affect will this project have on the local economy with respect to expansion of the tax base and/or job creation? ENTER "1" = negative economic impact; ENTER "2" = no effect; ENTER "3" = positive economic impact.	3	11.1	Economic
7. Which level of service best describes this project? ENTER "1" = will expand the level of services, provide new services, or provide service level quality enhancements; ENTER "2" = needed to maintain existing levels; or ENTER "3" = replaces, rehabilitates or repairs a deteriorating or obsolete facility (i.e., Yaphank Jail)	1	0.0	Service
8. Does this project (1) correct a critical health or safety hazard, (2) prevents a critical breakdown in county facilities (i.e. asbestos removal or road improvements at high accident locations) or (3) promotes public safety or public health, providing critical services to county residents? Enter "Y" or "N".	N	0.0	Service
9. What impact does the project have on the environment? ENTER "1" a for negative impact, ENTER "2" for no impact or ENTER "3" for a positive impact.	2	5.6	Service
10. What percent of the County's population will potentially be served? ENTER "1" if potential use is less than or equal to 25% of the county's population, ENTER "2" if potential use is less than or equal to 50%, ENTER "3" if potential use is less than or equal to 75%, ENTER "4" if potential use exceeds 75%.	1	1.4	Service
11. How would you (the analyst) rate the need for this project? ENTER "1" = Not necessary; ENTER "2" = Moderate priority; ENTER "3" = High priority; ENTER "4" = Critical.	3	3.7	All Categories



[Handwritten signature]

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
 Connie Corso, Budget Director

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
 Department of Economic Development & Workforce Housing

DATE: May 7, 2009

SUBJECT: **REQUEST FOR CERTIFICATE OF NECESSITY
 APPROPRIATING FUNDS IN CONNECTION WITH CAPITAL
 PROJECT 5713 – INDUSTRIAL PARK REDEVELOPMENT**

[Handwritten signature]

As a result of negotiations with the proposed developer of the Hampton Business and Technology Park, the County will be responsible for the installation of the utilities and the redevelopment of the airports main access road. The Department of Public Works must now complete the design and let and award the construction contract(s). The Lease Agreement calls for the substantial completion of this project in a timely manner. With concerns about the winter setting in DPW will expedite this project once funding is appropriated by the Legislature.

Funds for the planning and design (CP-5713) were appropriated via resolution 627-2002. Recent discussions between Economic Development, Public Works and the Budget Office determined that these funds have expired and a new appropriation and associated bond are needed.

The final design was postponed in hopes of getting the selected developer to cover part or all of the costs. As a result of the negotiations with Rechler, the County's obligations were finalized and the County will be expending approximately \$2.5m instead of the estimated \$7m on the infrastructure improvements.

Since the next Legislative meeting is a month away and waiting would drastically affect Public Works timeline, we are requesting that the attached resolution be introduced with a Certificate of Necessity at the May 12th meeting of the Legislature.

Attached please find the draft resolution and associated SCIN Forms. Copies have been filed electronically in accordance with the 2009 filing procedures. Carmine Chiusano has reviewed this resolution and is requesting the companion bonding resolution.

CEF/kmb
 Attachments

cc: Christopher Kent, Chief Deputy County Executive
 Patrick A. Heaney, Commissioner
 Anthony Ceglie, Francis S. Gabreski Airport Manager
 Brendan Chamberlain, County Executive Assistant
 Carmine Chiusano, Assistant Budget Director



Steve Levy
 Folk County Executive

Patrick Heaney
 Commissioner

BETTER FOR BUSINESS... BETTER FOR LIFE

RESOLUTION NO. -2009, MAKING CERTAIN SEQRA DETERMINATIONS AND AUTHORIZING COMPLETION OF INFRASTRUCTURE IMPROVEMENTS IN THE VICINITY OF THE HOMELAND SECURITY TECHNOLOGY PARK (HAMPTON BUSINESS AND TECHNOLOGY PARK) AT GABRESKI AIRPORT (CP 5735)

WHEREAS, Resolution No.1458-2006 appropriated \$3,000,000 for infrastructure improvements in the vicinity of the Homeland Security Technology Park, now known as the Hampton Business and Technology Park, at Gabreski Airport (CP 5735); and

WHEREAS, bonding for this project was deferred until the County solicited development bids for the property and determined how to proceed with the leasing of the industrial park and until an environmental review was completed in accordance with the State Environmental Quality Review Act ("SEQRA") by the Town of Southampton; and

WHEREAS, the County solicited development bids and has chosen Rechler@Gabreski LLC to develop the approximately 55 acres and is now ready to proceed with certain utility and road infrastructure improvements on the main access road to the airport; and

WHEREAS, the 2nd Resolved clause of Resolution No. 1458-2006 states that prior to the adoption of a bond authorization by this Legislature and any expenditure or commitment of said funds for this project, an environmental review shall be completed in accordance with SEQRA by the Town of Southampton, and that the Airport Planned Development District ("APDD") Master Plan and the associated Final Generic Environmental Impact Statement ("Final GEIS") shall be adopted by the Town; and

WHEREAS, the County only needs to authorize bonds for \$2,250,000 of the \$3,000,000 appropriated under Resolution No. 1458-2006; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$2,250,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that the Town of Southampton has completed its environmental review in accordance with SEQRA and has adopted the APDD Master Plan and the Final GEIS (Exhibit A); and be it further

2nd RESOLVED, that the County, through Resolution No. 151-2008, as an involved agency complied with the completion of SEQRA when it adopted the SEQRA Findings and Statement, annexed as (Exhibit B), based upon the Town of Southampton's adopted APDD Master Plan and Final GEIS, and therefore SEQRA is complete and no further review is required; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such actions as may be necessary pursuant to Section C8-2(X) of the Suffolk County Charter to complete this project.

BOND RESOLUTION NO. ____ - 2009

BOND RESOLUTION OF THE COUNTY OF SUFFOLK,
NEW YORK, AUTHORIZING THE ISSUANCE OF \$75,000
BONDS TO FINANCE THE COST OF PLANNING AND
DESIGN FOR INFRASTRUCTURE IMPROVEMENTS IN
CONNECTION WITH THE INDUSTRIAL PARK
REDEVELOPMENT AT FRANCIS S. GABRESKI AIRPORT
(CP 5713.111)

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW
YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the
members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is
hereby authorized to issue bonds in the principal amount of \$75,000 pursuant to the Local
Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York
(referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to
finance the cost of planning and design for infrastructure improvements in connection with the
industrial park redevelopment at Francis S. Gabreski Airport, as authorized in the 2009 Capital
Budget and Program, as amended. The estimated maximum cost of the project described herein,
including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000.
The plan of financing includes the issuance of \$75,000 bonds or bond anticipation notes

authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and

any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

Dated: _____

APPROVED: _____
County Executive, Suffolk County

Date of Approval: _____, 2009

The adoption of the foregoing resolution was seconded by Legislator

_____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, Tim Laube, Clerk of the Suffolk County Legislature, in the State of New York, HEREBY CERTIFY that Bond Resolution No. ____ - 2009 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of the County of Suffolk duly called and held on May 12, 2009, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Bond Resolution, which was duly adopted by the County Legislature on May 12, 2009 and approved by the County Executive on _____, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Legislature on this ____ day of May, 2009.

(SEAL)

Tim Laube
Clerk of the Legislature

LEGAL NOTICE

The resolution, a summary of which is published herewith, has been adopted on May 12, 2009 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Suffolk, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF SUFFOLK

DATED: May ____, 2009
Smithtown, New York

Tim Laube
Clerk of the Legislature

BOND RESOLUTION NO. ____ - 2009

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$75,000 BONDS TO FINANCE THE COST OF PLANNING AND DESIGN FOR INFRASTRUCTURE IMPROVEMENTS IN CONNECTION WITH THE INDUSTRIAL PARK REDEVELOPMENT AT FRANCIS S. GABRESKI AIRPORT (CP 5713.111)

The object or purpose for which the bonds are authorized is planning and design for infrastructure improvements in connection with the industrial park redevelopment at Francis S. Gabreski Airport, at the estimated maximum cost of \$75,000.

The amount of obligations to be issued is \$75,000.

The period of probable usefulness of the bonds is five (5) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk of the Legislature, W.H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York.

The bond resolution was adopted on May 12, 2009.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2009**

1461
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2009

**RESOLUTION NO. -2009, AUTHORIZING ACCEPTANCE
OF FEDERAL AID FOR PARTICIPATION IN THE
STRENGTHENING AND IMPROVING COUNTY ROADS
(CAPITAL PROGRAM NUMBER 5014.345)**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY
RESOLUTION NO. - 2009, BECAUSE THE DEPARTMENT OF PUBLIC
WORKS HAS TO MEET MANDATED MILESTONES OR RISK LOSING FEDERAL
FUNDING.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
TWELFTH DAY OF MAY, 2009.**



BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

2009 MAY 12 A 9 28
SUFFOLK COUNTY N.Y.
COUNTY CLERK'S OFFICE

RECEIVED

1461
Intro. Res. No. - 2009

Laid on the Table 5/12/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2009, AMENDING RESOLUTION NO. 115-2008 AND AUTHORIZING ACCEPTANCE OF FEDERAL AID FOR PARTICIPATION IN THE STRENGTHENING AND IMPROVING COUNTY ROADS (CAPITAL PROGRAM No. 5014.345)

WHEREAS, Resolution No. 869-2007 appropriated \$938,000 under Capital Project No. 5014.344 for Strengthening and Improving CR 97 with an allocation of eighty (80%) percent federal funds and twenty (20%) county funds in the amount of \$750,000 for the federal share and \$188,000 for the county share; and

WHEREAS, Resolution No. 867-2007 appropriated \$938,000 under Capital Project No. 5014.343 for Strengthening and Improving CR 80 with an allocation of eighty (80%) percent federal funds and twenty (20%) county funds in the amount of \$750,000 for the federal share and \$188,000 for the county share; and

WHEREAS, Resolution No. 115-2008 appropriated \$5,500,000 for Capital Project No. 5014.345 for Strengthening and Improving County Roads with an allocation of one hundred (100%) percent county funds; and

WHEREAS, the low bid amounts for each project, Strengthening and Improving CR 97 and CR 80, exceeded the appropriated \$938,000; and

WHEREAS, the County proceeded with these projects under Resolution No. 115-2008 Capital Project No. 5014.345 Strengthening and Improving County Roads, which included the required additional funding for completing the Strengthening and Improving CR 97 and CR 80 and funding for other projects; and

WHEREAS, there are now additional federal funds available from the Federal Highway Administration for both projects Strengthening and Improving CR 97, identified as PIN 075916 in the amount of \$109,600 and Strengthening and Improving CR 80, identified as PIN 075917 in the amount of \$649,600; and

WHEREAS, these additional federal funds total \$759,200 and will be utilized to offset the additional cost for strengthening and improving CR 97 and CR 80; and

WHEREAS, the County needs to authorize the acceptance of these additional Federal Highway Administration funds for Strengthening and Improving CR 97 and CR 80; now, therefore, be it

1st RESOLVED, that the County Treasurer and County Comptroller are authorized and directed to accept the additional federal funding in the amount of \$759,200; and be it further

2nd RESOLVED, that the apportionment of the cost of Capital Project No. 5014.345, adopted under Resolution No. 115-2008, be and hereby is amended to reflect the additional Federal Highway Administration funding of \$759,200; and be it further

3rd **RESOLVED**, that the apportionment of the cost of Capital Project No. 5014.345 be amended to reflect a total cost of \$5,500,000 with federal reimbursement in the amount of \$759,200 and county share of funding reduced to \$4,740,800; and be it further

4th **RESOLVED**, that the County Comptroller is hereby authorized and directed to limit the serial bond borrowing for the county share to \$4,740,800; and be it further

5th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total federal share of \$759,200; and be it further

6th **RESOLVED**, that if required the Federal Highway Administration funds equal to the amount borrowed in excess of the serial bond borrowing limit for the county share be placed into the Reserve for Bonded Debt (8840) account for the purpose of paying down the debt services on this project; and be it further

7th **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:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. - 2009, AMENDING RESOLUTION NO. 115-2008 AND AUTHORIZING ACCEPTANCE OF FEDERAL AID FOR PARTICIPATION IN THE STRENGTHENING AND IMPROVING COUNTY ROADS (CAPITAL PROGRAM No. 5014.345)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
<p>\$938,000 was appropriated for Strengthening and Improving CR 97 with an allocation of eighty (80%) percent federal funds and twenty (20%) county funds and \$938,000 was appropriated for Strengthening and Improving CR 80 with an allocation of eighty (80%) percent federal funds and twenty (20%) county funds. The low bid amounts for each project, Strengthening and Improving CR 97 and CR 80, exceeded the appropriated \$938,000. There are now additional federal funds available from the Federal Highway Administration for both projects Strengthening and Improving CR 97, identified as PIN 075916 in the amount of \$109,600 and Strengthening and Improving CR 80, identified as PIN 075917 in the amount of \$649,600. These additional federal funds total \$759,200 and will reduce the County cost.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Federal Highway Administration		
9. Timing of Impact		
Upon adoption		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine Chiusano Assistant Budget Director	<i>Carmine Chiusano</i>	May 11, 2009

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	-\$759,200	-\$1.42		-\$0.002

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	-\$759,200	-\$1.42		-\$0.002

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE
County of Suffolk

- (1) Please limit this suggestion form to ONE proposal.
- (2) Describe in detail.
- (3) Attach all pertinent material.

Submitting Department
(Dept. Name & Location)

Department Contact Person
(Name & Phone No.):

Public Works
335 Yaphank Avenue
Yaphank, NY 11980

William Hillman, P.E.
Chief Engineer
852-4002

Suggestion Involves:

Amendment

New Program

Grant Award

Contract (New Rev.)

Summary of Problem: (Explanation of why this legislation is needed.)

Proposed Changes in Present Statute: (Please specify section when possible.)

Not Applicable

PLEASE FILL IN REVERSE SIDE OF FORM

SCIN FORM 175a (10/95) Prior editions of this form are obsolete.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwiern, Deputy County Executive
FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner
DATE: May 8, 2009
RE: **AUTHORIZING ACCEPTANCE OF FEDERAL AID
FOR PARTICIPATION IN THE STRENGTHENING AND
IMPROVING COUNTY ROADS (CAPITAL PROGRAM
NUMBER 5014.345)**

Attached are a draft resolution and duplicate copy to accept Federal aid. We request this Resolution be presented as a CN. Mandated milestones must be adhered to otherwise we lose the Federal funding.

Resolutions No. 867-2007 for strengthening and improving CR 80 and 869-2007 for strengthening and improving CR 97 each appropriated the original Federal share provided for these various projects. The low bids for the projects exceeded these amounts and the County proceeded with these projects utilizing County funds from Resolution 115-2008 which appropriated \$5,500,000 for these and other CP 5014 projects. Additional Federal aid is now available to fund the low bid amounts, and to assist in funding the inspection contracts under the under the Federal Highway Administration (FHWA) funding.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5014.doc".

TL:WH:sk
attach.

cc Chris Kent, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
Theresa D'Angelo, Principal Clerk (Cover memo only)
James Bagg, Chief Environmental Analyst

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Run Date: 12/23/2008
Run Time: 11:31:02

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION

Report: FMISD06A
Page 1

STATE: NEW YORK PROJECT NO: 0759(163) NO: 1

STATE PROJ. NO(S): 0759.16.521, 0759.16.322

DESCRIPTION: SUFFOLK COUNTY: COUNTY ROUTE 97 FROM ROUTE 347 TO ROUTE 25A FOR 2R RESURFACING
CLASSIFICATION OF PHASE OF WORK: CONSTR

THE PROJECT AGREEMENT FOR THE ABOVE-REFERENCED PROJECT ENTERED INTO BETWEEN THE UNDERSIGNED PARTIES AND EXECUTED BY THE DIVISION ADMINISTRATOR ON 08/22/2008 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	URBAN/ WITH		FORMER AMOUNT	REVISED AMOUNT
L230	001	ESTIMATED TOTAL OF PROJECT	\$0.00	\$400,000.00
		FEDERAL FUNDS	\$0.00	\$320,000.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE		80.00%
LY20		ESTIMATED TOTAL OF PROJECT	\$674,500.00	\$674,500.00
		FEDERAL FUNDS	\$318,352.00	\$318,352.00
		ADV CONSTRUCTION FUNDS	\$221,248.00	\$221,248.00
		PERCENT FEDERAL SHARE	80.00%	80.00%

STATE REMARKS:

TO INCREASE PER REGION'S LOCAL PROGRAMS. ADDITIONAL FUNDS ARE CORRECTLY IDENTIFIED IN THE STIP. PROJECT IS PARTIALLY ADVANCE FUNDED. PROCESSING= 100%. CONSTRUCTION CONTRACT= LOCAL. COMPLETION DATE= 12/2009. FEDERAL % = 80%. PROJECT DEVELOPMENT HAS COMPLIED WITH THE PROJECT LEVEL PROCEDURES OF 23CFR PART 630. SUBPART J. LY20 FUNDS= .321 PIN AND L230 FUNDS= .322 PIN.

DIVISION REMARKS:

Authorization limited to Description in Authorizing Legislation and FHWA Guidance. Proposed Action is reflected in current STIP.

ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

DEPARTMENT OF TRANSPORTATION

AVAILABLE FUNDS CERTIFIED BY: KENNETH S. GRUPE DATE: 12/17/2008
APPROVAL RECOMMENDED BY: KENNETH S. GRUPE DATE: 12/17/2008
APPROVED AND AUTHORIZED BY: JOHN W. VAN DELOO DATE: 12/17/2008

FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY: MICHAEL J. PIDGEON DATE: 12/22/2008
APPROVED AND AUTHORIZED BY: MICHAEL J. PIDGEON DATE: 12/22/2008
MODIFICATION APPROVED BY: JACQUELINE KELLER DATE: 12/22/2008

Run Date: 01/02/2009
Run Time 10:41:39

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION

Report: FMISD06A
Page 1

STATE: NEW YORK PROJECT NO: 0759(173) NO: 1

STATE PROJ. NO(S): 0759.17.321, 0759.17.322, 0759.17.323

DESCRIPTION: SUFFOLK COUNTY: COUNTY ROUTE 80 FROM SEATUCK AVENUE TO SUMMIT BOULEVARD FOR RESURFACING.

CLASSIFICATION OF PHASE OF WORK: CONSTR

THE PROJECT AGREEMENT FOR THE ABOVE-REFERENCED PROJECT ENTERED INTO BETWEEN THE UNDERSIGNED PARTIES AND EXECUTED BY THE DIVISION ADMINISTRATOR ON 08/03/2008 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	URBAN/ WITH		FORMER AMOUNT	REVISED AMOUNT
HY20		ESTIMATED TOTAL OF PROJECT	\$320,802.00	\$320,802.00
		FEDERAL FUNDS	\$256,642.00	\$256,642.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80.00%	80.00%
L230	001	ESTIMATED TOTAL OF PROJECT	\$0.00	\$812,000.00
		FEDERAL FUNDS	\$0.00	\$649,600.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE		80.00%
LY20		ESTIMATED TOTAL OF PROJECT	\$617,188.00	\$617,188.00
		FEDERAL FUNDS	\$493,758.00	\$493,758.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80.00%	80.00%

STATE REMARKS:

TO INCREASE PER REGION'S LOCAL PROGRAMS. ADDITIONAL FUNDS ARE CORRECTLY IDENTIFIED IN THE STIP. PROCESSING= 186C. CONSTRUCTION CONTRACT= LOCAL LET. COMPLETION DATE= 08/2009. FEDERAL % = 80%. PROJECT DEVELOPMENT HAS COMPLIED WITH THE PROJECT LEVEL PROCEDURES OF 23CFR PART 830, SUBPART J. HY20 FUNDS= .321 PIN, LY20 FUNDS= .322 PIN AND L230 FUNDS= .323 PIN.

DIVISION REMARKS:

Authorization limited to Description in Authorizing Legislation and FHWA Guidance. Proposed Action is on the STIP.

ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

DEPARTMENT OF TRANSPORTATION

AVAILABLE FUNDS CERTIFIED BY: KENNETH S. GRUPE DATE: 12/17/2008
APPROVAL RECOMMENDED BY: KENNETH S. GRUPE DATE: 12/17/2008
APPROVED AND AUTHORIZED BY: JOHN W. VAN DELOO DATE: 12/17/2008

FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY: MICHAEL J. PIDGEON DATE: 12/29/2008
APPROVED AND AUTHORIZED BY: MICHAEL J. PIDGEON DATE: 12/29/2008
MODIFICATION APPROVED BY: JACQUELINE KELLER DATE: 12/29/2008