

**ELEVENTH DAY**  
**SPECIAL MEETING**

**July 1, 2008**

Minutes of the Special Meeting of the County Legislature of Suffolk County, New York, held in the Rose Y. Caracappa Legislative Auditorium, William H. Rogers Legislature Building, Hauppauge, New York, at 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:36 a. m. by acting Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Vilorio-Fisher and Legislators Romaine, Schneiderman, Beedenbender, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Stern, and D'Amaro.

Legislator Cooper arrived at 9:57 a.m.

Pledge of Allegiance.

-----  
**Legislator D'Amaro made motion for the following resolution, seconded by Legislator Stern. Legislator Barraga voted no. Legislator Romaine abstained. Legislators Browning, Horsley and Cooper were not present. The resolution was passed 12-1-1-3-0.**

Intro. Res. No. 1541-2008 Laid on Table 6/10/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 571 -2008, AMENDING THE 2008  
CAPITAL BUDGET AND PROGRAM AND  
APPROPRIATING FUNDS IN CONNECTION WITH THE  
COUNTY SHARE FOR PARTICIPATION IN THE  
RECONSTRUCTION/WIDENING OF CR 3, WELLWOOD  
AVENUE BRIDGE OVER THE SOUTHERN STATE  
PARKWAY, TOWN OF BABYLON (CP 5851)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway; and

**WHEREAS**, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0756.71, with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) percent County funds; and

**WHEREAS**, the County must in the first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

**WHEREAS**, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request under Capital Project 5851 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 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2008 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 \$300,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, Resolution No. 154-2003 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-one (61) 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

**3<sup>rd</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 of the Suffolk County Charter to complete the Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway; and be it further

**4<sup>th</sup>** **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5851  
 Project Title: Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget &amp; Program</u>	<u>Revised 2008 Capital Budget &amp; Program</u>
3. Construction	\$12,180,000	\$ 0	\$ 60,000B <u>\$240,000F</u>
TOTAL	\$13,225,000	\$ 0	\$300,000

and be it further

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$60,000 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-5851.310 (Fund 001 Debt Service)	50	Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway	\$60,000

and be it further

**6<sup>th</sup>** **RESOLVED**, that Federal Aid in the amount of \$240,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5851.310	50	Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway	\$240,000

and be it further

**7<sup>th</sup>** **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$60,000; and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$240,000; and be it further

**9<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$240,000; and be it further

**10<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: July 1, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: July 10, 2008

Intro. Res. No. 1746-2008

Laid on Table 8/5/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 721-2008, AMENDING  
RESOLUTION NOS. 873 OF 2007 AND 571 OF 2008  
FOR PARTICIPATION IN CONSTRUCTION IN  
CONNECTION WITH THE  
RECONSTRUCTION/WIDENING OF CR 3, WELLWOOD  
AVENUE BRIDGE OVER THE SOUTHERN STATE**

**PARKWAY, TOWN OF BABYLON (CAPITAL PROGRAM  
NUMBER 5851)**

**WHEREAS**, Resolution No. 1325 of 2005 appropriated \$9,280,000 under Capital Project No. 5851.310 for this project; and

**WHEREAS**, Resolution No. 929 of 2006 appropriated \$2,600,000 under Capital Project No. 5851.310 for this project; and

**WHEREAS**, Resolution No. 873 of 2007 reflected a total project cost as \$11,880,000 and apportioned the funding allocation at 80% in federal funds in the amount of \$9,504,000, 14.354377% in State Marchiselli Aid reimbursement in the amount of \$1,705,300 and a 5.645623% County share in the amount of \$670,700; and

**WHEREAS**, Resolution No. 571 of 2008 appropriated an additional \$300,000 for this project; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the apportionment of the cost of Capital Project 5851.310 be amended to reflect a total cost of \$12,180,000 with 80% Federal reimbursement in the amount of \$9,744,000, 14.0008% State Marchiselli Aid reimbursement in the amount of \$1,705,300, and a 5.9992% County share in the amount of \$730,700; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Comptroller is hereby authorized and directed to limit the serial bond borrowing for the County share to \$730,700; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to place into a debt service reserve fund any Federal or State Aid received for this project, that is required to pay down debt service borrowed in excess of the serial bond borrowing limit of \$730,700 for the County share; and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount up to \$9,744,000; and be it further

**5<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total federal and state share of \$11,449,300; and be it further

**6<sup>th</sup>** **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal Aid in connection with this project.

DATED: August 19, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 3, 2008

-----

**Legislator D'Amato made motion for the following resolution, seconded by Legislator Stern. Legislator Barraga voted no. Legislator Romaine abstained. Legislators Browning, Horsley, and Cooper were not present. The resolution was passed 12-1-1-3-0.**

Intro. Res. No. 1541A-2008

**BOND RESOLUTION NO. 572 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION/WIDENING OF CR 3, WELLWOOD AVENUE BRIDGE OVER THE SOUTHERN STATE PARKWAY, TOWN OF BABYLON (CP 5851.310)**

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 \$300,000 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 a part of the cost of the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon, as authorized in the 2008 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 \$12,580,000. The plan of financing includes (a) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1064-2003, as modified by Resolution 752-2006, (b) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 925-2005, as modified by Resolution No. 858-2007, (c) the issuance of \$9,280,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1324-2005, as modified by Resolution No. 600-2006 and Resolution No. 565-2007, (d) the issuance of up to \$2,600,000 bonds or bond anticipation notes authorized pursuant Bond Resolution No. 928-2006, as modified by Resolution No. 873-2007, (e) the issuance of up to \$300,000 bonds or bond anticipation notes authorized pursuant to this resolution (the bond issuance being limited to the County share of 20% or \$60,000) and (f) 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. It is expected that Federal Aid shall be received to pay a part of the cost of the project and any such aid is authorized to be expended for such purpose. Bond anticipation notes are authorized to be issued pursuant to this resolution in the principal amount of up to \$300,000. The

maximum amount of serial bonds authorized to be issued pursuant to this resolution is \$60,000.

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. 20 (c) of the Law, is fifteen (15) years, computed from November 1, 2004, the date of the first obligations issued for such purpose pursuant to Bond Resolution No. 1064-2003.

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: July 1, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: July 10, 2008

**MEETING ADJOURNED 12:31PM  
TIM LAUBE, CLERK OF THE LEGISLATURE**

