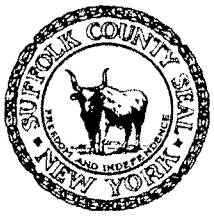
COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

RECEIVED
2011 DEC 30 A 9:16
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
RIVERHEAD

December 30, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION NO. 1194 – 2011, AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CR 48, MIDDLE ROAD, TOWN OF SOUTHOLD (CP 5526)

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 1194 – 2011, AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CR 48, MIDDLE ROAD, TOWN OF SOUTHOLD (CP 5526);** vetoed in its entirety.

The executive branch made a policy determination to scale back the capital budget to deal with the difficult economic conditions we face. Major infrastructure was given priority in order to spur economic development, but other items that might have breezed through in better years, were delayed.

The legislature often says that the capital budget doesn't authorize spending, it merely creates a plan. However by placing every item in the budget up for authorization, it shatters that concept and eliminates any form of prioritization in order to control debt service levels.

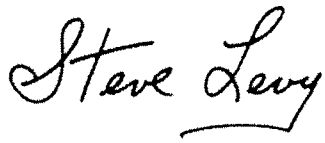
LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy
County Executive of Suffolk County

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

Intro. Res. No. 2090-2011 Laid on Table 12/6/2011
Introduced by Legislator Romaine

RESOLUTION NO. 1194-2011, AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CR 48, MIDDLE ROAD, TOWN OF SOUTHOLD (CP 5526)

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with the Reconstruction of CR 48, Middle Road; and

WHEREAS, sufficient funds are not included in the 2011 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 Suffolk County Council of Environmental Quality has reviewed this project and declared this project constituted an unlisted action that will not have a significant effect on the environment for the following reasons:

1) The proposed action will not exceed any criteria in section 617.7(c) of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment;

2) A positive drainage system will be installed to improve drainage and eliminate discharging run-off to surface waters wherever possible;

3) All necessary NYSDEC permits will be obtained;

4) Traffic safety will be improved; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of $4,230,000 in Suffolk County Serial Bonds; now, therefore be it

1st **RESOLVED**, Resolution No. 1113-2001, approved by the County Legislature, finds that this project constitutes an unlisted action that will not have a significant effect on the environment, 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 fifty-five (55) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and 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 the Reconstruction of CR 48, Middle Road, pursuant to section C8-2 (A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the 2011 Capital Budget and Program be and is hereby amended as follows:

Project Number: 5175
Project Title: Safety Improvements on CR 99, Woodside Avenue

Cost Elements	Total Es'd Cost	Current 2011 Capital Budget & Program	Revised 2011 Capital Budget & Program
3. Construction	$3,600,000	$3,500,000B	$0
TOTAL	$3,700,000	$3,500,000	$0

Project Number: 5571
Project Title: Safety Improvements on CR 48, Middle Road and Cox Neck Road

Cost Elements	Total Est'd Cost	Current 2011 Capital Budget & Program	Revised 2011 Capital Budget & Program
3. Construction	$2,000,000	$730,000B	$0
TOTAL	$2,000,000	$730,000	$0

Project Number: 5526
Project Title: Reconstruction of CR 48, Middle Road

Cost Elements	Total Est'd Cost	Current 2011 Capital Budget & Program	Revised 2011 Capital Budget & Program
3. Construction	$16,380,000	$0	$4,230,000B
TOTAL	$18,170,000	$0	$4,230,000

and be it further

5th **RESOLVED**, that the proceeds of $4,230,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	JC	Project Title	Amount
525-CAP-5526.310	50	Reconstruction of CR 48, Middle Road	$4,230,000

and be it further

6th **RESOLVED**, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith.

DATED: DEC 2 0 2011

APPROVED BY: VETOED

County Executive of Suffolk County

Date: 12 - 30 - 11

Intro. Res. 8090 Res. No. 1194 December 20, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
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	Sarah S. ANKER	✓				
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	16	—	—	2	—

MOTION

- ✓ 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 X FAILED____

No Motion___ No Second___

RESOLUTION DECLARED

- X ADOPTED
- ____ NOT ADOPTED

Roll Call____ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature