

**RESOLUTION NO. 738 -2014, AMENDING THE 2014 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH PORT JEFFERSON-WADING RIVER RAILS TO TRAILS PEDESTRIAN AND BICYCLE PATH (CP 5903)**

**WHEREAS**, the Commissioner of Public Works has requested funds for (engineering and land acquisition in connection with the Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path; and

**WHEREAS**, there are Federal and/or State funds available from the Federal Highway Administration for this project, identified as PIN 075816, under the Federal Highway Administration (FHWA) funding, with a share allocation of one hundred percent (100%) Federal 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 first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal and/or State Marchiselli portion; 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**, sufficient funds are not included in the 2014 Capital Budget and Program to cover the cost of said request under Capital Project 5903 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 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 \$680,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> 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) (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-five (35) 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 to complete engineering, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup>** **RESOLVED**, that the 2014 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5903

Project Title: Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path

	<u>Total Est'd Cost</u>	2014 Current Capital Budget <u>Program</u>	&	2014 Revised Capital Budget & <u>Program</u>
1. Planning, Design and Supervision	\$630,000F	\$0		\$630,000F
2. Land Acquisition	<u>\$50,000F</u>	<u>\$0</u>		<u>\$50,000F</u>
TOTAL	\$680,000F	\$0		\$680,000F

and be it further

**5<sup>th</sup>** **RESOLVED**, that Federal Aid in the amount of \$680,000 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-5903.112	50	Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path	\$630,000
Ref-525-CAP-5903.211	50	Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path	\$50,000

**6<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$680,000; and be it further

**7<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$680,000; and be it further

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

**9<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: September 9, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 24, 2014

**RESOLUTION NO. 57 -2015, AMENDING RESOLUTION NO. 738-2014, PORT JEFFERSON-WADING RIVER RAILS TO TRAILS PEDESTRIAN AND BICYCLE PATH (CP 5903)**

**WHEREAS**, Resolution No. 738-2014 authorized the County of Suffolk to accept Federal and/or State funds from, and to execute an agreement with, the New York State Department of Transportation (NYSDOT) in connection with Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path (PIN 075816); and

**WHEREAS**, it is necessary to amend Resolution No. 738-2014 to incorporate language, required by NYSDOT, committing the County of Suffolk, as the Sponsor, to be responsible for repayment of any Federal and/or State Aid received for this project, in the event the Project is discontinued due to recession of property rights or other circumstances prior to the Project's 25 year useful life; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that Suffolk County, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Title 6 NYCRR Part 617.5(C) (20) and (27) as this legislative decision involves routine or continuing agency administration. As such, this Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that Resolution No. 738-2014 is hereby amended as follows:

**9<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[ . ]; and be it further

**10<sup>th</sup>** **RESOLVED**, should this Project be discontinued due to recession of property rights or other circumstances prior to the Project's 25 year useful life (calculated on a pro-rated scale – years actually in operation/25 year useful life), the County of Suffolk (Sponsor) shall repay any Federal and/or State Aid received for this project, within 180 days from any recoupment of funds against the State by FHWA for the Federal-Aid used on the project.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: February 3, 2015

APPROVED BY:  
/s/ Steven Bellone  
County Executive of Suffolk County

Date: February 17, 2015