

**RESOLUTION NO. 289 -2017, AMENDING THE 2017
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH PORT JEFFERSON-WADING
RIVER RAILS TO TRAILS PEDESTRIAN AND BICYCLE PATH
(CP 5903, PIN 075816)**

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

WHEREAS, Resolution Nos. 738-2014 and 709-2016 appropriated \$780,000 for planning and preliminary design in connection with Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path and apportioned the share allocation as 100% Federal funds; and

WHEREAS, the project has entered the detailed design phase and Federal and/or State funds have been identified under PIN 075816, from the Federal Highway Administration (FHWA) for this project, 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, a portion of the professional engineering services associated with the planning, design and construction of this project may be or have been performed by the staff of the Department of Public Works; and

WHEREAS, there are no funds included in the 2017 Capital Budget and Program to cover the cost of said request 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 \$359,000 in Suffolk County Serial Bonds for the purpose of issuing Bond Anticipation Notes (BANS), if needed; 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) (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

2nd **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

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 engineering in connection with Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the 2017 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>	<u>Current 2017 Capital Budget & Program</u>	<u>Revised 2017 Capital Budget & Program</u>
1. Planning/Design/Engineer	\$ 1,989,000F	\$0F	\$359,000F
2. Land Acquisition	\$ 100,000F	\$0F	\$0F
3. Construction	<u>\$ 8,970,000F</u>	<u>\$0F</u>	<u>\$0F</u>
TOTAL	\$11,059,000	\$0	\$359,000

and be it further

5th **RESOLVED**, that Federal Aid in the amount of \$359,000 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-5903.113	50	Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path	\$359,000

and be it further

6th **RESOLVED**, that the County Comptroller is hereby authorized and directed to limit the serial bond borrowing to \$359,000; and be it further

7th **RESOLVED**, that the County Comptroller is 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; and be it further

8th **RESOLVED**, that the County Comptroller is hereby authorized and directed to accept Federal and/or State funding for up to \$359,000; and be it further

9th **RESOLVED**, that the County Comptroller is authorized to issue bond Anticipation Notes for the Federal share of \$359,000; and be it further

10th **RESOLVED**, that the County Comptroller is authorized to accept Federal and/or State Aid in connection with this project; and be it further

11th **RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; and be it further

12th **RESOLVED**, should this Project be discontinued due to rescission of property rights or other circumstances prior to the Project's 25 year use 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; and be it further

13th **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: April 25, 2017

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 2, 2017