

Introduced by Presiding Officer, on request of the County Executive and Legislators Hahn, Caracappa

RESOLUTION NO. 461-2021, AMENDING THE 2021 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH CR 97, NICOLLS ROAD CORRIDOR MULTI-USE PATH (CP 5409)

WHEREAS, the Commissioner of Public Works has requested funds for engineering and land acquisition in connection with the CR 97, Nicolls Road Corridor Multi-Use Path; and

WHEREAS, there are Federal and/or State funds available from the Federal Highway Administration (FHWA) for this project, identified as PIN 076176, with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County 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 2021 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 2021 Capital Budget and Program to cover the cost of said request under CP 5409 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. 1070-2020, established the use of a new Capital priority ranking system, effective January 1, 2021, as the basis for funding Capital Projects such as this project and as required, an updated capital project ranking form was completed for this project; and

WHEREAS, the County Legislature has authorized the issuance of \$1,100,000 in Suffolk County Serial Bonds pending adoption of bond resolution; now, therefore be it

1st **RESOLVED**, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes (24) information collection, including basic data collection and research; (26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; (27) preliminary planning processes necessary to formulate a proposal for an action; (33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list, 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-nine (39), is eligible for approval in accordance with the provisions of Resolution No. 1070-2020; 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 CR 97, Nicolls Road Corridor Multi-Use Path, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the 2021 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5409
 Project Title: CR 97, Nicolls Road Corridor Multi-Use Path

| | <u>Total Est'd Cost</u> | <u>Current 2021 Capital Budget & Program</u> | <u>Revised 2021 Capital Budget & Program</u> |
|--|---------------------------------|--|--|
| 1. Planning, Design | \$1,000,000 | \$0 | \$200,000 (B) \$800,000 (F) |
| 2. Land Acquisition (Incidental Phase) | <u>\$ 100,000</u> | <u>\$0</u> | \$ 20,000 (B) <u>\$ 80,000 (F)</u> |
| TOTAL | \$1,100,000 | \$0 | \$1,100,000 |

and be it further

5th **RESOLVED**, that the proceeds of \$220,000 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-5409.110 (Fund 001-Debt Service) | 50 | CR 97, Nicolls Road Corridor Multi- Use Path | \$200,000 |
| 525-CAP-5409.210 (Fund 001- Debt Service) | 50 | CR 97, Nicolls Road Corridor Multi- Use Path | \$ 20,000 |

and be it further

6th **RESOLVED**, that Federal Aid in the amount of \$880,000 is hereby accepted and appropriated as follows:

| <u>Project No.</u> | <u>J.C.</u> | <u>Project Title</u> | <u>Amount</u> |
|--------------------|-------------|---|---------------|
| 525-CAP-5409.110 | 50 | CR 97, Nicolls Road Corridor Multi- Use Path | \$800,000 |
| 525-CAP-5409.210 | 50 | CR 97, Nicolls Road Corridor Multi- Use Path | \$ 80,000 |

and be it further

7th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the eligible County share of \$220,000; and be it further

8th **RESOLVED**, that the County Comptroller is authorized to issue Bond Anticipation Notes for the Federal share of \$880,000; and be it further

9th **RESOLVED**, that the County Comptroller is hereby authorized and directed to accept Federal funding in the amount of \$880,000; and be it further

10th **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 of \$220,000 for the County share; and be it further

11th **RESOLVED**, that the County Comptroller is hereby authorized and directed to accept Federal and/or State aid in connection with this project; and be it further

12th **RESOLVED**, that this resolution will become effective upon receipt of the Federal Authorization; 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; and be it further

14th **RESOLVED**, should this Project be discontinued due to rescission 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.

DATED: June 8, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 15, 2021