

Introduced by Presiding Officer, on request of the County Executive and Legislators Eddington, Browning

**RESOLUTION NO. 469-2009, AMENDING THE ADOPTED 2009 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, FROM THE PROGRAM ENDING NOVEMBER 30, 2007, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH STORMWATER REMEDIATION TO COUNTY ROAD 36, SOUTH COUNTRY ROAD, AT PATCHOGUE AND BELLPORT BAYS, PHASE I, TOWN OF BROOKHAVEN (CP 8240.321)**

**WHEREAS**, Local Law No. 35-1999, "A Charter Law Adopting Common Sense Tax Stabilization Plans for Sewers, Environmental Protection and County Taxpayers," as amended by Local Law No. 24-2007, authorized the use of 11.25 percent of sales, and compensating use tax proceeds generated each year through November of 2007 for the purpose of Water Quality Protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, there are funds remaining within the reserved fund balance of Fund 477, which have accrued through November of 2007 and are required to be appropriated for the purpose of Water Quality Protection; and

**WHEREAS**, Resolution No. 1223-2006 was approved on November 21, 2006; to transfer \$200,000 to 525-CAP-8240.113 for Planning, Design & Supervision in connection with stormwater remediation to Patchogue Bay @ CR 36; and

**WHEREAS**, Introductory Resolution No. 1484-2007, which requested to transfer \$980,000 to 525-CAP-8240.319 for stormwater remediation to Bellport Bay @ CR 36, South Country Road, was stricken on November 15, 2007; and

**WHEREAS**, the Commissioner of Public Works has requested funds for stormwater remediation to Patchogue and Bellport Bays @ CR 36, South Country Road; and

**WHEREAS**, this project will remediate untreated direct stormwater discharges to Bellport and Patchogue Bays by installing new stormwater drainage systems and stormwater treatment systems; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2009 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

**WHEREAS**, there are sufficient funds within the reserved fund balance of Fund 477 from the program ending November 30, 2007 for the purpose of Water Quality Protection; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that it is hereby determined that these projects, with a priority ranking of seventy-three (73) for the Patchogue Bay portion and fifty-nine (59) for the Bellport

Bay portion, eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

**2<sup>nd</sup>** **RESOLVED**, that this Legislature, via Resolution No. 307-2008, determined that this project is an unlisted action that will not have significant adverse effects on the environment, pursuant to the provisions of Title 6 NYCRR, Part 617 and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law and Chapter 279 of the Suffolk County Code; and be it further

**3<sup>rd</sup>** **RESOLVED**, that sufficient funds exist within Fund 477 Water Quality Reserve Fund from the program ending November 30, 2007 Balance component to cover the cost of said transfer; and be it further

**4<sup>th</sup>** **RESOLVED**, that the Adopted 2009 Operating Budget be and hereby is amended and that the additional interfund expenditures be and hereby are appropriated as follows:

**EXPENDITURES:**

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$2,000,000

and be it further

**5<sup>th</sup>** **RESOLVED**, that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

**REVENUES:**

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Org</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$2,000,000
(Ref. 525-CAP-IFTR-R477)					

and be it further

**6<sup>th</sup>** **RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8240

Project Title: Stormwater Remediation to County Road 36, South Country Road at Patchogue and Bellport Bays, Phase I

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget &amp; Program</u>	<u>Revised 2009 Capital Budget &amp; Program</u>
3. Construction	\$9,682,500	\$0	\$2,000,000 W
TOTAL	\$10,387,500	\$0	\$2,000,000

and be it further

7<sup>th</sup> **RESOLVED**, that the transfer in the amount of \$2,000,000 be and hereby is appropriated as follows:

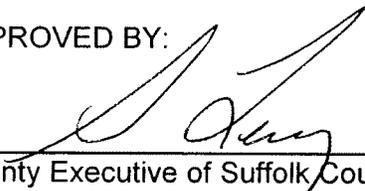
<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8240.321	50	Stormwater Remediation to County Road 36, South Country Rd at Patchogue and Bellport Bays, Phase I	\$2,000,000

and be it further

8<sup>th</sup> **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project.

DATED: **JUN 9 2009**

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: 6/18/09

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 9, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1363 Res. No. 469

June 9, 2009

**Motion:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Vitoria-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Vitoria-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Support:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Vitoria-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	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
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	18				

**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 \_\_\_\_\_ FAILED \_\_\_\_\_

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED

NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote