

Introduced by Presiding Officer, on request of the County Executive and Legislators
Schneiderman, Cooper

**RESOLUTION NO. 550 -2009, AMENDING THE 2009
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH THE CHARTER LAW
EXTENDING AND ACCELERATING THE SUFFOLK COUNTY
¼% DRINKING WATER PROTECTION PROGRAM FOR
ENVIRONMENTAL PROTECTION FOR LAND ACQUISITIONS**

WHEREAS, at the general election held on November 6, 2007, the electorate approved the mandatory referendum on Resolution No. 770-2007, Adopting a Charter Law Extending and Accelerating the Existing Suffolk County ¼% Drinking Water Protection Program for Environmental Protection, Sewer District Tax Rate Stabilization and County-wide Property Tax Protection from December 31, 2013 to November 30, 2030 (Local Law No. 24-2007); and

WHEREAS, the intent of Local Law No. 24-2007 is to extend the ¼% Suffolk County Drinking Water Protection Program for 17 years and to accelerate the land acquisition component of the program, by permitting borrowing of up to \$322 million over the first four (4) years, with the cost of the borrowing to be repaid from the ¼% Sales Tax Revenue Stream; and

WHEREAS, Local Law No. 24-2007 will allow the County to borrow money now at reduced interest rates, purchase the last vestiges of land available, and pay off its debt service at a later date, all to the benefit of the Suffolk County taxpayers; and

WHEREAS, under said law, 31.10% of the total revenues generated each calendar year by the ¼% Sales Tax Revenue Stream is allocated annually to the Suffolk County Environmental Programs Trust Fund; and

WHEREAS, the Suffolk County Environmental Programs Trust Fund can be used for the payment of debt service on serial bonds or notes authorized via duly enacted resolution of the County of Suffolk and issued for the purchase of farmland development rights, open space, wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks, active parkland, active recreation, historic and/or cultural park uses; and

WHEREAS, principal and interest expenses, bond or note issuance costs and all other expenses directly related to the bonds or notes issued for such purchases may be paid from the sales tax revenues allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund; and

WHEREAS, the serial bonds or notes issued for the purchase of development rights or land under this program are required to be authorized by a duly enacted bond or note resolution of the County of Suffolk adopted in the calendar years 2008, 2009, 2010 or 2011; and

WHEREAS, any such bonds or notes must be issued on or prior to December 31, 2011, and the final maturity of such bonds and notes shall be no later than December 31, 2030; and

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

WHEREAS, the County Legislature by even date herewith has authorized the issuance of \$55,000,000 in Suffolk County Serial Bonds to cover the cost of purchasing land under the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection; now, therefore be it

1st **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, not including new programs or major reordering of priorities that may affect the environment; and be it further

2nd **RESOLVED**, that prior to the approval by this Legislature of any property for purchase under this capital project, an environmental review of each property shall be undertaken and completed in accordance with SEQRA; and be it further

3rd **RESOLVED**, that the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law; and be it further

4th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-two (72), 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

5th **RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No. 8712

Project Title: Suffolk County ¼% Drinking Water Protection Program for Environmental Protection-Land Acquisition Component

	Total Estimated <u>Cost</u>	Current 2009 Capital Program <u>and Budget</u>	Revised 2009 Capital Program <u>and Budget</u>
2 Land Acquisitions	\$112,000,000	\$0	\$55,000,000 B
Total	\$112,000,000	\$0	\$55,000,000

and be it further

6th **RESOLVED**, that the proceeds of \$55,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8712.210	Suffolk County ¼% Drinking Water Protection	\$55,000,000

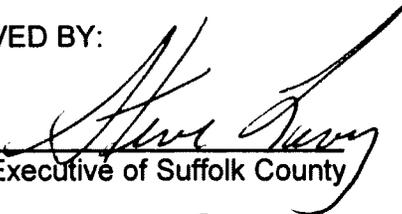
(Fund 477-Debt Service) Program for Environmental Protection-Land
Acquisition Component

and be it further

7th **RESOLVED**, that no funds appropriated by this resolution may be expended unless and until a resolution authorizing planning and/or acquisition of a piece of property for the purposes of these capital projects has been duly adopted.

DATED: June 23, 2009

APPROVED BY:



County Executive of Suffolk County

Date: 7-6-09

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 23, 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. 1536 Res. No. 550

June 23, 2009

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

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

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-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		15	1	1	1	-

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