

Introduced by Presiding Officer, on request of the County Executive and Legislator Vioria-Fisher

RESOLUTION NO. 125 -2010, AMENDING THE ADOPTED 2010 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH STORMWATER REMEDIATION TO WEST MEADOW CREEK (CP 8240.324)

WHEREAS, there are sufficient funds within the reserved fund balance of Fund 477 for the purpose of Water Quality Protection and Restoration; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiative funds; and

WHEREAS, the Suffolk County Department of Public Works will sponsor a non-point source abatement and control remediation project in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, the project proposes implementing stormwater infrastructure improvements along West Meadow Creek which will have beneficial effects on the water quality of the Long Island Sound; the project design and construction work is to be performed by the Town of Brookhaven and or its contractors; and

WHEREAS, the Town of Brookhaven has committed by Town Resolution No. 2009-755 to accept the grant from the County of Suffolk for a stormwater remediation project and to enter into an inter-municipal agreement with the County of Suffolk for this project; and

WHEREAS, the Town of Brookhaven has committed by Town Resolution No. 2009-755 to either the lesser of \$50,000 or one half the cost of this project; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2010 Adopted Capital Budget and Program, as the basis for funding Capital Projects such as this project; and

WHEREAS, there are sufficient available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2010 Capital Budget and Program; now, therefore be it

1st RESOLVED, that the Town of Brookhaven, New York being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines, as documented in Town Resolution 2009-754, that this project constitutes an unlisted action, for which a Negative Declaration was issued; therefore the SEQRA review is complete and no further action needs to be taken by the Suffolk County Legislature; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-four (74) 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 sufficient funds exist within Fund 477's Water Quality Reserve Fund Balance component to cover the cost of said transfer; and be it further

4th **RESOLVED**, that the Adopted 2010 Operating Budget be and hereby is amended and that the inter-fund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance 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	\$50,000

and be it further

5th **RESOLVED**, that the inter-fund 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>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT (Ref.525-CAP-IFTR-R477)	525	R477	E525	Transfer from Water Quality Protection	\$50,000

and be it further

6th **RESOLVED**, that the 2010 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8240
Project Title: Stormwater Remediation to West Meadow Creek

	<u>Total Est'd Cost</u>	<u>Current 2010 Capital Budget & Program</u>	<u>Revised 2010 Capital Budget & Program</u>
3. Construction	\$50,000	\$0	\$50,000 W
TOTAL	\$50,000	\$0	\$50,000

and be it further

7th **RESOLVED**, that these Water Quality proceeds in the amount of \$50,000 be and hereby are appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8240.324	50	Stormwater Remediation to West Meadow Creek	\$50,000

and be it further

8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these inter-fund revenues and effectuate these inter-fund transfers, including the associated cash transfers to finance this Capital Project; and be it further

9th **RESOLVED**, that the County Executive is hereby authorized to execute an Intermunicipal agreement with the Town of Brookhaven under Section 119-0 of the NEW YORK GENERAL MUNICIPAL LAW, which shall include but not be limited to, a provision authorizing the Town of Brookhaven to conduct a Stormwater Remediation Project to West Meadow Creek.

DATED: March 2, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 12, 2010