

Introduced by Presiding Officer, on request of the County Executive and Legislators Muratore, Kennedy

RESOLUTION NO. 310 -2010, EXTENDING THE TERM OF THE EXECUTED INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY AND THE TOWN OF SMITHTOWN IN CONNECTION WITH THE NISSEQUOGUE RIVER NORTH TRIBUTARY STORMWATER REMEDIATION PROJECT (CP 8710.114)

WHEREAS, Resolution No. 622-2006 transferred \$250,000 from Fund 477 to Capital Fund 525-CAP-8710.114 for stormwater remediation and silt removal at the Nissequogue tributary headwaters north from CR 76, Townline Road, to Miller's Pond, Smithtown; and

WHEREAS, Resolution No. 622-2006 also authorized the County Executive to execute an intermunicipal agreement with the Town of Smithtown for the construction portion of the project within the funds provided there under; and

WHEREAS, the Town Board of the Town of Smithtown authorized the Supervisor of the Town to execute an intermunicipal agreement with the County for this project; and

WHEREAS, on May 10, 2007 an intermunicipal agreement (IMA) for this project was executed by the County and the Town of Smithtown; and

WHEREAS, due to significant design changes and scope of this project, the project was not initiated during the two (2) year term of the IMA and the IMA expired on May 10, 2009 by its own terms; and

WHEREAS, various studies and evaluations have been performed concerning sediment accumulation and chronic flooding occurring along the Nissequogue tributary headwaters, including the Nissequogue River-Northeast Branch Restoration Project environmental report dated June 19, 2009; and

WHEREAS, basement flooding, roadway obstruction, and property damage is an ongoing hardship experienced by corridor residents residing in the areas of Smithtown, Village of the Branch, and Hauppauge; and

WHEREAS, there remains \$250,000 in unused County funds available in 525-CAP-8710.114 for this project; now, therefore be it

1st **RESOLVED**, that the term of the IMA in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue tributary headwaters north from CR 76, Townline Road, to Miller's Pond Smithtown is hereby extended through December 31, 2011; and be it further

2nd **RESOLVED**, that authorization to use the funds herein appropriated is hereby limited to the following activities related to the investigation and reduction or elimination of sediment accumulation on County-owned property:

a) review of previously prepared studies in order to identify additional sources of flooding than those already identified;

b) identification and investigation of appropriate and feasible management techniques, mitigation measures and infrastructure improvements, if any, to more effectively address and control periodic flooding in the area;

c) seek to lower water elevations, reduce flooding and improve water quality entering the Nissequogue Tributary Headwaters, north from CR 76, Townline Road, to Miller Pond, Smithtown; and

d) embark upon capital improvements on County-owned property necessary to mitigate the flooding problems; and be it further

3rd **RESOLVED**, that the County Executive is hereby authorized to execute an amendment to the IMA with the Town of Smithtown under Section 119-o of the NEW YORK GENERAL MUNICIPAL LAW extending the term of the agreement to December 31, 2011 and revising the project work plan and budget referenced at Exhibit III and Exhibit IV, respectively, of the IMA to reflect the above referenced revised project work plan; and be it further

4th **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 resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21), and/or (27) of Title 6 of the New York Code of Rules and Regulations (NYCRR) and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and 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 resolution.

DATED: April 27, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 7, 2010