

RESOLUTION NO. 712 -2010, AMENDING THE ADOPTED 2010 OPERATING BUDGET TO TRANSFER FUNDS FROM WATER QUALITY PROTECTION (FUND 477) AND AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS 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 (CP 8710)

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

WHEREAS, various studies and evaluations have been performed concerning the elevated groundwater table and chronic flooding occurring along the Nissequogue Tributary Headwaters, including a three volume report produced through Capital Project 5013 in 1979; and

WHEREAS, basement flooding, roadway obstruction and property damage has been a periodic and episodic hardship experienced by corridor residents residing in the areas of Smithtown, Village of the Branch, and Hauppauge; and

WHEREAS, these conditions are exacerbated during times of heavy rainfall, such as was experienced during the early months of 2010; and

WHEREAS, specific recommendations from the report funded through C.P. 5013 were made concerning the renovation of multiple stormwater removal systems with direct discharge into the Tributary; and

WHEREAS, it is the desire of the County of Suffolk and the Town of Smithtown to collaborate in a new stormwater remediation and silt removal project in this area to better control flooding in the immediate area; and

WHEREAS, Suffolk County and the Town of Smithtown commenced a collaborative effort to address non-point source pollution, remediation of stormwater runoff, and restoration of stream bed contours and boundaries and have worked earnestly since the adoption of Resolution No. 622-2006 to achieve these goals; and

WHEREAS, the removal and remediation of the stream water silt from Nissequogue Tributary Headwaters north from CR 76, Townline Road, to Miller's Pond, Smithtown will assist and contribute to restoring this natural resource; and

WHEREAS, the Township of Smithtown has adopted two resolutions pertinent to this request for funding: Resolution No. 599-2010, "Authorization of the Town Supervisor to Enter into an Agreement with Suffolk County" – adopted July 13, 2010 and a second resolution, Resolution No. 364-2010, "Establishment of \$500,000 Capital Budget for Phase II Nissequogue

River" – adopted July 13, 2010 (attached herewith), manifesting the compliance on the part of the Town to provide match for funding sought; and

WHEREAS, Resolution No. 310-2010 extended the term of the intermunicipal agreement between the County and the Town of Smithtown in connection with this project; and

WHEREAS, the Town of Smithtown, as the SEQRA lead agency for the proposed dredging, issued a negative declaration on 11/10/2009, and SEQRA is complete; and

WHEREAS, funding for this project was approved by the Water Quality Protection and Restoration Program and Land Stewardship Review Committee; and

WHEREAS, there are available Fund 477 funds within the reserved fund balance for Water Quality Protection projects to support the appropriation of funds for this project through the 2010 Capital Budget and Program; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-two (62) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd **RESOLVED**, that pursuant to Section C12-2(B)(1)(a)(1) of the SUFFOLK COUNTY CHARTER, the County is authorized to fund the investigation and reduction or elimination of sediment accumulation on County-owned property, as a non-point source abatement and control; 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 interfund 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	\$250,000

and be it further

5th **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>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	525	Transfer from Water Quality Protection	\$250,000

and be it further

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

Project Number: 8710
 Project Title: Water Quality Protection – Nissequogue Tributary Headwaters
 North from CR 76, Townline Road,
 to Miller's Pond, Smithtown

	<u>Total Est'd Cost</u>	<u>Current 2010 Capital Budget & Program</u>	<u>Revised 2010 Capital Budget & Program</u>
3. Construction	\$ 250,000	\$0	\$ 250,000
TOTAL	\$ 500,000	\$0	\$ 250,000

and be it further

7th **RESOLVED**, that the transfer in the amount of \$250,000 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.321	50	Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown	\$250,000

and be it further

8th **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; and be it further

9th **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;

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

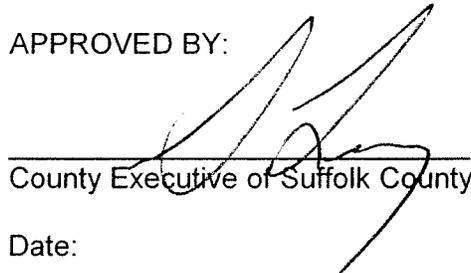
e) provide cost sharing for remediation and infrastructure improvements located both within the Incorporated Village of the Branch, as well as adjacent sections of the Town of Smithtown, proximate to the Northeast Branch;

and be it further

10th **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 (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: **AUG 03 2010**

APPROVED BY:



County Executive of Suffolk County

Date:

AUG 06 2010



Smithtown Town Board

99 West Main Street
Smithtown, NY 11787

1453

ADOPTED

RESOLUTION 2010-364

Meeting: 05/04/10 02:01 PM

Department: Comptroller

Category: Transfer Funds

Prepared By: Katherine Corr

Initiator: Anthony Minerva

Sponsors: Supervisor Patrick Vecchio

DOC ID: 3422 A

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer \$500,000.00 from Account Code H02.1990.0900 (Contingency) into Account Code H02.8540.0559.00000114 (Nissequogue River CP10 Phase II Nissequogue) in the amount of \$500,000.00. Transfer is pursuant to a letter from Supervisor Vecchio dated April 28, 2010, to County Executive Steve Levy regarding the Phase II Nissequogue River Drainage.

Dated: May 4, 2010

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patrick Vecchio, Supervisor
SECONDER: Thomas McCarthy, Councilman
AYES: Vecchio, McCarthy, Wehrheim, Creighton, Malloy

1453

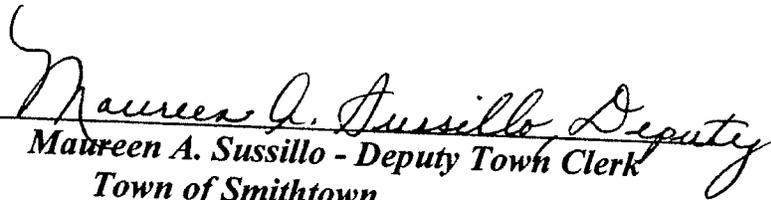
RE: *Smithtown Town Board Resolution #2010-364*
Re: Transfer regarding Phase II Nissequogue River Drainage

DATED: *May 4, 2010*

STATE OF NEW YORK }
TOWN OF SMITHTOWN }
COUNTY OF SUFFOLK }

I, MAUREEN A. SUSSILLO, DEPUTY TOWN CLERK, of the Town of Smithtown, County of Suffolk, New York, do hereby certify that the foregoing is a true copy of an original on file in the Town Clerk's office, and further certify that the said has been compared by me with an original thereof, and that the foregoing is a correct transcript therefrom, and of that whole of said original.

IN WITNESS WHEREOF, I have set my hand and cause the seal of said Town to be hereunto affixed at Smithtown, in said County and State this 22nd day of *July*, 2010.


Maureen A. Sussillo - Deputy Town Clerk
Town of Smithtown





Smithtown Town Board

99 West Main Street
Smithtown, NY 11787

Meeting: 07/13/10 02:01 PM

Department: Engineering

Category: Agreement

Prepared By: Phyllis Brody

Initiator: Mark Riley

Sponsors: Councilman Robert Creighton

DOC ID: 3693 A

1453

ADOPTED

RESOLUTION 2010-599

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement between the Town of Smithtown and the County of Suffolk regarding County assistance for the Northeast Branch of the Nissequogue River - Phase II Wetlands Restoration Project. Said agreement is to be on a form approved by the Town Attorney.

Dated: July 13, 2010

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patrick Vecchio, Supervisor
SECONDER: Thomas McCarthy, Councilman
AYES: Vecchio, McCarthy, Wehrheim, Creighton, Malloy

1453

RE: Smithtown Town Board Resolution #2010-599
Re: Agreement with Suffolk County for assistance for the
Northeast Branch of the Nissequogue River – Phase II
Wetlands Restoration Project

DATED: July 13, 2010

STATE OF NEW YORK }
TOWN OF SMITHTOWN }
COUNTY OF SUFFOLK }

I, MAUREEN A. SUSSILLO, DEPUTY TOWN CLERK, of the Town of Smithtown, County of Suffolk, New York, do hereby certify that the foregoing is a true copy of an original on file in the Town Clerk's office, and further certify that the said has been compared by me with an original thereof, and that the foregoing is a correct transcript therefrom, and of that whole of said original.

IN WITNESS WHEREOF, I have set my hand and cause the seal of said Town to be hereunto affixed at Smithtown, in said County and State this 22nd day of July, 2010.



Maureen A. Sussillo Deputy
Maureen A. Sussillo - Deputy Town Clerk
Town of Smithtown

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 August 3, 2010 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. 1453 Res. No. 712

August 3, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE	1					
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
6	Daniel P. LOSQUADRO						
7	Jack EDDINGTON						
9	Ricardo MONTANO						
10	Thomas CILMI						
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