

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

**RESOLUTION NO. 790 -2010 AMENDING THE 2010 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 next 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 that law, 31.10% of the total revenues generated each calendar year by the ¼% Sales Tax Revenue Stream is allocated and deposited 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 2008 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 \$30,000,000 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

**1<sup>st</sup>** **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

**2<sup>nd</sup>** **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

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **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

**5<sup>th</sup>** **RESOLVED**, that the 2010 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 Est'd Cost	Current 2010 Capital Program & Budget	Revised 2010 Capital Program & Budget
2. Land Acquisition	\$163,000,000	\$21,000,000 B	\$51,000,000 B
Total	\$163,000,000	\$21,000,000	\$51,000,000

**6<sup>th</sup>** **RESOLVED**, that the proceeds of \$30,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

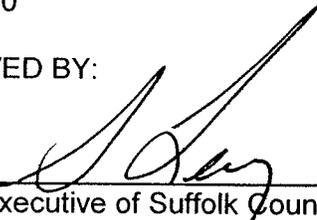
<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8712.210 (Fund 477-Debt Service)	Suffolk County ¼% Drinking Water Protection Program for Environmental Protection-Land Acquisition Component	\$30,000,000

and be it further

7<sup>th</sup> **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: August 17, 2010

APPROVED BY:

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

Date: 8/26/10

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 17, 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".

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Clerk of the Legislature

Intro. Res. 1784 Res. No. 790

August 17, 2010

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

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

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Viloria-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	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	15	2	-	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