

RESOLUTION NO. 868 -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 PLANNING AND ENGINEERING IN SUPPORT OF DISCHARGE REMEDIATION AND STREAM WATER SILT REMOVAL AT THE NISSEQUOGUE TRIBUTARY HEADWATERS NORTH FROM THE VILLAGE OF THE BRANCH TO MILLER'S POND WEIR (CP 8710)

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

WHEREAS, numerous studies and evaluations have been performed concerning the elevated groundwater table and chronic flooding occurring along the Nissequogue River Tributary known as the Northeast Branch, or more commonly, as "The Branch", including the three volume report produced through Capital Project No. 5013 in 1979, and more recently, The Nissequogue River-Northeast Branch Restoration Project summary prepared by H2M and Land Use Ecological Services, Inc.; and

WHEREAS, previous silt remediation, storm water system reconstruction, and surface water containment activities have been successfully conducted for those sections of The Branch south of the Village/Town boundary line, resulting in an increase in stream flow, water clarity, and positive relief provided for the persistently elevated groundwater table; and

WHEREAS, the United States Geological Service (USGS) released sampling results in May of 2010 revealing that groundwater levels within the vicinity of thousands of homes adjacent to The Branch have been subject to a groundwater level at an unprecedented level of 60 feet above mean sea level; and

WHEREAS, the New York State Department of Environmental Conservation has approved freshwater wetlands remediation permits, supported by inventory, analysis, and scope of work reporting similar to that contemplated by the funding for the instant resolution; and

WHEREAS, it is the desire of the Board of Trustees of the Village of the Branch, as well as the Suffolk County Parks Department to support lasting efforts to remediate persistent flooding conditions that occur in those areas of the Branch north and east of the Town of Smithtown/Village of the Branch southern-most border; and

WHEREAS, Miller's Pond, an integral water body located within the course of The Branch has been determined to be an impacted water body by the New York State Department of Environmental Conservation, and in need of long term remediation, and surface water drainage correction; and

WHEREAS, the Weir at the western-most end of Miller's Pond has been the subject of much discussion concerning the ongoing level of the Pond itself, and possible

groundwater relief associated with a concomitant lowering of the Pond level by as much as two feet; and

WHEREAS, the Suffolk County Water Quality Review Committee (WQRC), at its meetings held in June and July of 2010, did approve a sum of \$400,000 to be committed to Planning, Engineering, Permit Application preparation, and other associated activities; 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, 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) of the SUFFOLK COUNTY CHARTER, the County is authorized to fund Water Quality Protection and Restoration Program and Land Stewardship Initiatives projects including, but not limited to, non-point source abatement and control, stream corridor restoration, and aquatic habitat restoration; 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	\$400,000

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	\$400,000

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 the Village of the Branch,
 to Miller’s Pond Weir- Phase III

	Total Est'd Cost	Current 2010 Capital Budget & Program	Revised 2010 Capital Budget & Program
1. Planning	\$ 650,000	\$0	\$ 400,000
3. Construction	\$ 250,000	\$0	\$ 250,000
TOTAL	\$ 900,000	\$0	\$ 650,000

and be it further

7th **RESOLVED**, that the transfer in the amount of \$400,000 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.128	50	Nissequogue Tributary Headwaters North from the Village of the Branch, to Miller’s Pond Weir- Phase III	\$400,000

and be it further

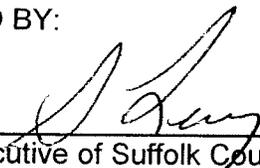
8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project; and be it further

9th **RESOLVED**, that authorization to use the funds herein appropriated is hereby limited to Phase III planning, including for the reduction of flooding in many areas of the Town of Smithtown, stream remediation, and habitat restoration of the impaired water body; 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: **SEP 16 2010**

APPROVED BY:



County Executive of Suffolk County

Date: **SEP 24 2010**

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 September 16, 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.


Clerk of the Legislature

Intro. Res. 1847

Res. No. 968

September 16, 2010

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, 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	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
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee _____
Table Subject To Call _____
Lay On The Table _____
Discharge <input checked="" type="checkbox"/> EDDINGTON
Take Out of Order _____
Reconsider _____
Waive Rule _____
Override Veto _____
Close _____
Recess _____
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote