Intro. Res. No. 2273-2010 Laid on Table 12/21/2010
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 24 -2011, AMENDING THE 2011 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 that 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 $46,000,000 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

1st **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

2nd **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

3rd **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

4th **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

5th **RESOLVED**, that the 2011 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 2011 Capital Program & Budget	Revised 2011 Capital Program & Budget
1. Land Acquisition	$209,000,000	$0	$46,000,000 B
Total	$209,000,000	$0	$46,000,000

6th **RESOLVED**, that the proceeds of $46,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

Project No.	Project Title	Amount
525-CAP-8712.210 (Fund 477-Debt Service)	Suffolk County ¼% Drinking Water Protection Program for Environmental Protection-Land Acquisition Component	$46,000,000

and be it further

7th **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: February 1, 2011

APPROVED BY:

County Executive of Suffolk County

Date: FEB 17 2011

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 February 1, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 2273-10 Res. No. 24 February 1, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore,
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						
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			

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature