

**RESOLUTION NO. 306 -2011, AMENDING 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**, Resolution No. 712-2010 authorized the County to transfer funds from Fund 477, the County's Water Quality Fund Reserve, to the County's Capital Budget to fund projects to remediate stormwater system discharge and stream water silt removal and remediation in partnership with the Town of Smithtown; and

**WHEREAS**, the Town of Smithtown adopted two resolutions pertinent to these projects: Resolution No. 599-2010 "Authorization of the Town Supervisor to Enter into an Agreement with Suffolk County" – adopted July 13, 2010 and Resolution No. 364-2010, "Establishment of \$500,000 Capital Budget for Phase II Nissequogue River" – adopted July 13, 2010, which demonstrates the Town's compliance to match the funding provided by the County; and

**WHEREAS**, in order for the second phase to move forward, Resolution No. 712-2010 must be amended to authorize the County to enter into an intermunicipal agreement with the Town of Smithtown to complete Phase II of this project; and

**WHEREAS**, the intent of Resolution No. 712-2010 was to provide funding for planning and construction on this project; and

**WHEREAS**, a portion of the funding assigned to construction is necessary for planning; and

**WHEREAS**, there exists enough funding in the construction phase of this project to cover planning costs; and

**WHEREAS**, the County of Suffolk should amend Resolution No. 712-2010 to make these necessary changes; now, therefore be it

**1st** **RESOLVED**, that Resolution No. 712-2010 is hereby amended to include a new 11<sup>th</sup> **RESOLVED** clause to read as follows:

11<sup>th</sup> **RESOLVED**, that the County of Suffolk is hereby directed to enter into an Intermunicipal Agreement or, at the discretion of the County Attorney, an amendment to the existing Intermunicipal Agreement for Phase One with the Town of Smithtown for the purpose of implementing this project (Phase Two);

and be it further

**2nd** **RESOLVED** that the 6th **RESOLVED** clause of Resolution No. 712-2010 is hereby amended as follows:

**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

	Total Est'd Cost	Current 2010 Capital Budget & Program	Revised 2010 Capital Budget & Program
1. <u>Planning, Design &amp; Supervision</u>	<u>\$ 37,500</u>	<u>\$0</u>	<u>\$ 37,500</u>
3. Construction	[\$250,000] <u>\$212,500</u>	\$0	<u>[\$250,000]\$212,500</u>
TOTAL	\$500,000	\$0	\$250,000

and be it further

**3rd** **RESOLVED** that the 7th **RESOLVED** clause of Resolution No. 712-2010 is hereby amended as follows:

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

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
<u>525-CAP-8710.131</u>	<u>50</u>	<u>Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown</u>	<u>\$37,500</u>

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
<u>525-CAP-8710.321</u>	<u>50</u>	<u>Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown</u>	<u>[\$250,000] \$212,500</u>

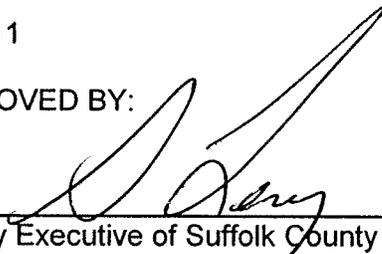
and be it further

**4th** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to effectuate the associated cash transfers for this capital project; and be it further

**5th**            **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, 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 (6 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 26, 2011

APPROVED BY:

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

Date:

**MAY 0 5 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 April 26, 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*

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Clerk of the Legislature

Intro. Res. 1306

Res. No. 306

April 26, 2011

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

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

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 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					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
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	17	—	—	—	—

**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