

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 997-2011, AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING PAYGO FUNDS IN CONNECTION WITH THE SUFFOLK COUNTY 1/4% NEW DRINKING WATER PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION FOR LAND ACQUISITIONS (CP 8714.210)

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 1/4% 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, under Local Law No. 24-2007, 31.10% of the total revenues generated each calendar year by the 1/4% Sales Tax Revenue Stream is allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund; and

WHEREAS, under Local Law No. 24-2007, any bonds or notes must be issued prior to December 31st, 2011; Capital Project 8712.210 bonded debt is fully issued at \$209 million dollars in full compliance with the local law; and

WHEREAS, this current funding source for Land Acquisition, Capital Project 8712.210, is fully encumbered via contract and accepted offers; and

WHEREAS, the Division of Real Property Acquisition and Management has additional accepted offers with contracts signed by the land owners and other purchases are currently in negotiation which require a new funding source; and

WHEREAS, beginning January 1st, 2012, the funding source under the 1/4% Drinking Water Protection Program will be Pay as You Go; and

WHEREAS, adequate funding is provided within the Fund 477 Fund Balance Reserved for Land Acquisition; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2011 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature by even date herewith has authorized the appropriation of \$26,742,937 in PAYGO funds to cover the cost of purchasing land under the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection; now, therefore be it

1st 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) (18),(20), (21) and (27) of Title 6 of the 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; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-three (73) 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

3rd **RESOLVED**, that sufficient funds exist within the 477 Fund Balance for this project; and be it further

4th **RESOLVED**, that the Adopted 2011 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 General Capital Reserve Fund	\$26,742,937

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 (Ref. 525-CAP-IFTR-R477)	525	R477	E525	Transfer from Water Protection	\$26,742,937

and be it further

6th **RESOLVED**, that the 2011 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8714

Project Title: Suffolk County New Drinking Water Protection Program Pay As-You-Go

	<u>Total Est'd Cost</u>	<u>Current 2011 Capital Budget & Program</u>	<u>Revised 2011 Capital Budget & Program</u>
2. Land Acquisition	\$26,742,937	\$0	\$26,742,937 W
TOTAL	\$26,742,937	\$0	\$26,742,937

and be it further

7th **RESOLVED**, that these Water Quality Protection proceeds in the amount of \$26,742,937 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8714.210	Suffolk County New Drinking Water Protection Program Pay-As-You-Go Program for Land Acquisitions	\$26,742,937

and be it further

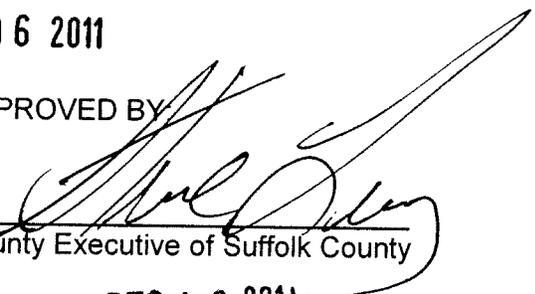
8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project; and be it further

9th **RESOLVED**, that no funding will be expended until the year 2012; and be it further

10th **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 and a full SEQRA determination has been completed.

DATED: **DEC 06 2011**

APPROVED BY:



County Executive of Suffolk County

Date: **DEC 12 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 December 6, 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. 1981

Res. No. 997

December 6, 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	1					

MOTION
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

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

Tim Laube

Roll Call ___ Voice Vote