

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 585 -2014, ACCEPTING STATE FUNDS AND AMENDING THE 2014 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET (FIMI) (CP 5382)**

**WHEREAS**, Suffolk County, and more particularly, its South Shore suffered severe, substantial and devastating impacts as the result of Superstorm Sandy on October 29, 2012; and

**WHEREAS**, a great majority of the barrier beach and dune system protecting the mainland of Long Island were washed away and destroyed; and

**WHEREAS**, as a consequence of the severe coastal erosion, the barrier beach is vulnerable to overwash and breaching during future storm events which may increase the potential for devastating storm damage to shore and back bay communities along the Great South Bay and Moriches Bay; and

**WHEREAS**, the Federal Government, recognizing the urgency to repair and implement immediate stabilization measures, has committed over \$207 million to restore the beaches and dune network thereby protecting the barrier islands and the mainland from the Fire Island Inlet to the Moriches Inlet (the "Project"); and

**WHEREAS**, in order for the Project to proceed, it is necessary for both the State of New York and Suffolk County to agree to be local sponsors of the Project and execute necessary agreements known as Project Partnership Agreements; and

**WHEREAS**, Introductory Resolution No. 1628-2014 seeks approval for the County Executive to enter into a Local Project Partnership Agreement with the State of New York and to take such actions necessary to fulfill the County's obligations under that agreement; and

**WHEREAS**, in order for the Project to proceed, it will be necessary to acquire title to approximately forty-one (41) properties and to obtain approximately four hundred eleven (411) easements on private properties, including Perpetual Beach Storm Reduction Easements, Temporary Construction Easements, and Rights-of-Entries; and

**WHEREAS**, the Federal Government has estimated that the cost for acquiring the real estate interests necessary for implementation of the Project, will amount to the approximate sum of \$68,421,848; and

**WHEREAS**, this is a new project and there are no funds included in the 2014 Capital Budget and Program to cover the cost of said request and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State Aid; and

**WHEREAS**, pursuant to the proposed Project Partnership Agreement between the State and the County, the State will advance and/or reimburse to the County funds to cover the cost of acquiring the real estate interests necessary for the Project to proceed and will thereafter seek reimbursement from the Federal Government, and

**WHEREAS**, the Project has undergone an environmental assessment by the Federal Government in accordance with the requirements of the National Environmental Protection Act of 1969 (NEPA) wherein it was found that there was no significant adverse impact; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act, N.Y. Env. Conservation Law Article, 8 (“SEQRA”) and Title 6 New York Code of Rules and Regulations (“NYCRR”) Part 617, the New York State Department of Environmental Conservation, acting as lead agency, classified the Project as a Type I action under 6 NYCRR §617.4, determined that implementation of the Project as proposed will not result in any significant adverse environmental impacts and issued a negative declaration (“Negative Declaration”) regarding the Project; and

**WHEREAS**, a coordinated SEQRA review was performed; and

**WHEREAS**, the County of Suffolk, as an involved agency, following coordinated review, is bound by the Negative Declaration (see 6 NYCRR Section 617.6(b)(3)(iii)); 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 2014 Capital Budget, as the basis for funding Capital Projects such as this Project; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, this Legislature, pursuant to SEQRA and Chapter 450 of the Suffolk County Code, hereby finds and determines that the County is bound by the Negative Declaration issued by NYSDEC on July 18, 2014, and that, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this Project, with a priority ranking of sixty-eight (68) 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

**3<sup>rd</sup>** **RESOLVED**, that the 2014 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5382  
 Project Title: Reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet

	Total Est'd Cost	Current 2014 Capital Budget & Program	Revised 2014 Capital Budget & Program
2. Land Acquisition	\$68,421,848	\$0	\$68,421,848 (S)
TOTAL	\$207,000,000	\$0	\$68,421,848-

and be it further

**4<sup>th</sup>** **RESOLVED**, that State Aid in the amount of \$68,421,848 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-CAP-5382.210	50	Reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet	\$68,421,848

**5<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept State funding in the amount of \$68,421,848; and be it further

**6<sup>th</sup>** **RESOLVED**, that the County shall not enter into any contracts in connection with the Project until Introductory Resolution No. 1628-2014 is duly approved by this Legislature and the Local Project Partnership Agreement is duly executed by all parties.

DATED: July 29, 2014

APPROVED BY:

/s/ Dennis M. Cohen  
Chief Deputy County Executive of Suffolk County

Date: July 30, 2014

**RESOLUTION NO. 309 -2015, AMENDING RESOLUTION NO. 585-2014 WHICH ACCEPTED AND APPROPRIATED FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET (FIMI)**

**WHEREAS**, the Fire Island to Moriches Inlet (“FIMI”) project was developed as a consequence of Superstorm Sandy and in recognition of the urgency to repair and implement immediate stabilization measures particularly between the Fire Island and Moriches Inlet; and

**WHEREAS**, in accordance with Resolution No. 586-2014, Suffolk County is a local sponsor of the FIMI project; and

**WHEREAS**, as a local sponsor of FIMI, the County is responsible for the acquiring the real estate interests necessary for implementation of the Project, including the acquisition of approximately 41 properties and the procurement of more than 400 easements on private properties; and

**WHEREAS**, all necessary real estate interests must be acquired prior to August 2015 in order for construction of the project to proceed in accordance with the United States Army Corp of Engineers (“USACE”) schedule; and

**WHEREAS**, the work involved to acquire the necessary properties and easements is primarily being performed in the Division of Real Property Acquisition and Management in the County Department of Economic Development and Planning; and

**WHEREAS**, Resolution No. 585-2014 accepted and appropriated \$68,421,848 for the FIMI project under Capital Project No. 5382.210; and

**WHEREAS**, as the FIMI project progresses in 2015, the volume of work associated with securing the required property acquisitions and easement procurements will increase dramatically, rendering it necessary to engage additional personnel in order for it to be feasible for the County to acquire all necessary real estate interests; and

**WHEREAS**, the salaries of County personnel dedicated to completing work in connection with the FIMI project may be reimbursed by New York State; and

**WHEREAS**, Resolution No. 2184-2014 amended the Suffolk County Temporary Classification and Salary Plan to include positions necessary to complete said work; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the 3<sup>rd</sup> RESOLVED clause of Resolution No. 585-2014 is hereby amended as follows:

3<sup>rd</sup> RESOLVED, that the 2014 Capital Budget and program be and they are hereby amended as follows:

Project No.: 5382  
 Project title: Reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to the Moriches Inlet

	<u>Total Est'd Cost</u>	<u>Current 2014 Capital Budget &amp; Program</u>	<u>Revised 2014 Capital Budget &amp; Program</u>
2. Land Acquisition	<u>\$68,421,848</u> \$207,000,000	<u>\$0</u>	<u>\$68,243,193</u> [\$68,421,848](S)

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the 4<sup>th</sup> RESOLVED clause of Resolution 585-2014 is hereby amended as follows:

4<sup>th</sup> RESOLVED, that State Aid in the amount of \$68,243,193 [\$68,421,848] be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-CAP-5382.210	50	Reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet	<u>\$68,243,193</u> [\$68,421,848]

and be it further

**3<sup>rd</sup>** **RESOLVED**, that the 5<sup>th</sup> RESOLVED clause of Resolution 585-2014 is hereby amended as follows:

5<sup>th</sup> RESOLVED that the County Comptroller and the County Treasurer be and hereby are authorized and directed to accept State Funding in the amount of \$68,243,193 [\$68,421,848], such funding to be placed into a separate restricted sub-account of Fund 525; and be it further

[ ] Brackets denote deletion of language.  
 \_\_\_ Underlining denotes addition of new language.

DATED: April 28, 2015

APPROVED BY:

/s/ Steven Bellone  
 County Executive of Suffolk County

Date: May 14, 2015