

RESOLUTION NO. 409 -2015, AUTHORIZING THE ITEMS LISTED BELOW PURSUANT TO THE BOND ACTS ENACTED IN 1965, 1972 AND 1996 AND THE ENVIRONMENTAL PROTECTION FUND, AS WELL AS FEDERAL GRANT AWARDS AVAILABLE FOR SUCH PROJECTS, IN CONNECTION WITH STORMWATER IMPROVEMENTS TO THE NORTHEAST BRANCH OF THE NISSEQUOGUE RIVER (CP 8710)

WHEREAS, the northeast branch of the Nissequogue River ("the Branch") flows from the border of the Towns of Islip and Smithtown through the hamlet of Hauppauge and the Village of the Branch; and

WHEREAS, the Branch can become overwhelmed during heavy precipitation and periodically experiences groundwater flooding; and

WHEREAS, the County and the Town of Smithtown have engaged in silt remediation and stormwater upgrades for portions of the Nissequogue River; and

WHEREAS, the State Department of Environmental Conservation has approved grant funding under its Water Quality Improvement Program for a project described in the County's grant application for stormwater improvements within the segment of the Branch from Clearbrook Drive to the beginning of Miller's Pond in the Village of the Branch, with the assigned Project ID 2013WQI11111 (Contract Number C305238); and

WHEREAS, the County of Suffolk, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; now, therefore be it

1st RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to act on behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

1. That the Municipality agrees that it will fund its portion of the cost of the Project;
2. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation; and

3. That this Resolution take effect immediately.

2nd **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 law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and adoption of a local legislative decision in connection with the same; and the Legislature has no further responsibilities under SEQRA; and be it further

3rd **RESOLVED**, that the State Assistance Contract and all other documents shall be subject to the approval of the County Attorney.

DATED:

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 28, 2015