

**RESOLUTION NO. 1166 -2015, A RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH PLANNING AND DESIGN OF NITROGEN REDUCTION PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION FOR A LOW INTEREST LOAN (CP 8197)**

**WHEREAS**, the planning and design for four nitrogen reduction projects fall under CP 8197; and

**WHEREAS**, the four nitrogen reduction projects include CP 8134 Forge River, CP 8139 Carlls River, CP 8157 Connetquot River, and CP 8196 Patchogue River; and

**WHEREAS**, as a result of applications for grants and low interest loans, it has been determined that due to an accelerated time schedule, the concurrent planning and design of these projects should be undertaken as soon as possible; and

**WHEREAS**, the County intends to submit an application for financial aid under the Clean Water State Revolving Fund ("CWSRF") through the New York State Environmental Facilities Corporation ("NYSEFC"), a public benefit corporation created under and existing by virtue of the laws of New York State; and

**WHEREAS**, NYSEFC jointly administers the CWSRF with the New York State Department of Environmental Conservation; and

**WHEREAS**, such application will request that NYSEFC provide CWSRF short-term interest free and low interest financing to the County; and

**WHEREAS**, the appropriations and authorizations requested herein are necessary components in connection with the County's application for financial aid from NYSEFC through CWSRF; and

**WHEREAS**, the County Executive and County Legislature have placed \$22.1 million in the Modified 2015 Capital Program as presented in the 2016 Adopted Capital Budget and Program for engineering, planning and design of the nitrogen reduction projects with the intent that the design would be accelerated and, therefore, funds during 2015 to initiate work is necessary of which \$2.0 million has been appropriated via appropriating Resolution No. 720-2015 and bonds have been authorized via Bond Resolution No. 721-2015; 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 2015 Capital Budget as the basis for funding capital projects such as this project; and

**WHEREAS**, that this Legislature, by resolution of even date herewith, has authorized \$20.1 million in Suffolk County Serial Bonds for the specific object or purpose of securing the loan to be financed by the NYS EFC; now, therefore be it

**1<sup>st</sup> 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) (18), (21) and (27) of the Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action, since this law is a Type II action, 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-three (63) 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 proceeds of \$20,100,000 in EFC financing secured by Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8197.110 (Fund 001-Debt Service)	80	Planning and Design for Nitrogen Reduction Projects	\$20,100,000

and be it further

**4<sup>th</sup>** **RESOLVED**, that the Administrative Head of Sewer Districts and the Comptroller is each hereby authorized to file and execute applications for financial assistance and any and all other documents or instruments relating to such applications for financial assistance under the CWSRF to NYSEFC; and be it further

**5<sup>th</sup>** **RESOLVED**, that when sewer districts are created, extended and/or improved, those districts in accordance with Article 5-A of New York State County Law are responsible for reimbursing the County for any and all expenses incurred in the planning and design efforts associated with loan repayment.

DATED: December 15, 2015

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 22, 2015

**RESOLUTION NO. 615 -2016, AMENDING RESOLUTION NO. 1166-2015 CLARIFYING THE APPROPRIATION OF FUNDS FOR THE PLANNING AND DESIGN OF NITROGEN REDUCTION PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION FOR A LOW INTEREST LOAN (CP 8197)**

**WHEREAS**, Resolution No. 1166-2015, *Appropriating Funds In Connection With Planning And Design Of Nitrogen Reduction Projects And Authorizing The Filing Of An Application For A Low Interest Loan (CP 8197)*, appropriated \$20.1 million to CP 8197; and

**WHEREAS**, Charter Sections C4-13, *Modification of Capital Budget During Fiscal Year*, and C4-21, *Modification of Capital Program*; each require at least a three-quarter vote of the total membership of the County Legislature to provide funding to respond to a public declared emergency such as a hurricane; and

**WHEREAS**, Resolution No. 1166-2015 was adopted unanimously, but the legislative record did not clearly establish that the appropriation was to provide funding to respond to a hurricane, which in this case was Superstorm Sandy; and

**WHEREAS**, this resolution, if approved by at least 3/4 of the total membership of the County Legislature, clarifies that the appropriation was approved to provide funding to respond to Superstorm Sandy and that an offset was not needed; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the section of Resolution No. 1166-2015 that sets forth the Whereas clauses that precede that resolution's Resolved clauses, is hereby amended as follows:

**WHEREAS**, Suffolk County was impacted by Superstorm Sandy ("Sandy") and the County was declared a federal disaster area on October 30, 2012; and

**WHEREAS**, in advance of the storm, the County Executive issued a Declaration of Emergency on October 27, 2012; and

**WHEREAS**, in the wake of Sandy, federal and state programs have become available to the County to assist in recovering from Sandy's impact as well to harden infrastructure to prevent damage in future storm events; and

**WHEREAS**, on September 13, 2015, Governor Andrew M. Cuomo announced \$388 million in State and federal funding for coastal resiliency; and

**WHEREAS**, the initial design and environmental review phase of the project will be financed through funding from New York State Environmental Facilities Corporation; and

**WHEREAS**, the planning and design for four nitrogen reduction projects planned as part of the Governor's coastal resiliency initiative fall under CP 8197; and

**WHEREAS**, the four nitrogen reduction projects include CP 8134 Forge River, CP 8139 Carlls River, CP 8157 Connetquot River, and CP 8196 Patchogue River; and

**WHEREAS**, as a result of applications for grants and low interest loans making up the coastal resiliency initiative, it has been determined that due to an accelerated time schedule, the concurrent planning and design of these projects should be undertaken as soon as possible; and

**WHEREAS**, the County intends to submit an application for financial aid under the Clean Water State Revolving Fund ("CWSRF") through the New York State Environmental Facilities Corporation ("NYSEFC"), a public benefit corporation created under and existing by virtue of the laws of New York State; and

**WHEREAS**, NYSEFC jointly administers the CWSRF with the New York State Department of Environmental Conservation; and

**WHEREAS**, such application will request that NYSEFC provide CWSRF short-term interest free and low interest financing to the County; and

**WHEREAS**, the appropriations and authorizations requested herein are a prerequisite to the federal portion of the funding scheme for the coastal resiliency initiative through and its Sandy Recovery Office pursuant to its contingent funding approval letter dated September 9, 2015, and are necessary components in connection with the County's application for financial aid from NYSEFC through CWSRF; and

**WHEREAS**, the County Executive and County Legislature have placed \$22.1 million in the Modified 2015 Capital Program as presented in the 2016 Adopted Capital Budget and Program for engineering, planning and design of the nitrogen reduction projects with the intent that the design would be accelerated and, therefore, funds during 2015 to initiate work is necessary of which \$2.0 million has been appropriated via appropriating Resolution No. 720-2015 and bonds have been authorized via Bond Resolution No. 721-2015; and

WHEREAS, since this Resolution is to provide funding in response to Superstorm Sandy, if this Resolution is approved by an affirmative vote of at least 3/4 of the total membership of the County Legislature an offset is not needed under Charter Sections C4-13 and C4-21; 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 2015 Capital Budget as the basis for funding capital projects such as this project; and

**WHEREAS**, that this Legislature, by resolution of even date herewith, has authorized \$20.1 million in Suffolk County Serial Bonds for the specific object or purpose of securing the loan to be financed by the NYS EFC; now, therefore be it

**2<sup>nd</sup>** **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) (18), (20), (21) and (27) of the Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action, since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

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

DATED: June 21, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: July 1, 2016