

Introduced by Presiding Officer, on request of the County Executive and Legislator Fleming

**RESOLUTION NO. 850 -2016, AUTHORIZING THE REPLACEMENT OF THE EASTERN BOAT PUMP-OUT STATION AT THE COUNTY'S SHINNECOCK MARINA, USING THE NEW ENHANCED SUFFOLK COUNTY WATER QUALITY PROTECTION PROGRAM FUNDS (CP 8733) AND AMENDING RESOLUTION NO. 437-2016**

**WHEREAS**, Local Law No. 31-2014, a Charter Law Amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for Enhanced Water Quality Protection, Wastewater Infrastructure and General Fund Property Tax Relief for Suffolk County, created the 2014 Enhanced Suffolk County Water Quality Protection Program, codified in Suffolk County Charter Article XIA; and

**WHEREAS**, Local Law No. 31-2014 was approved at a referendum in November of 2014, by Suffolk County voters; and

**WHEREAS**, the 2016 Adopted Capital Budget contains three water quality protection 2014 Referendum Capital Projects totaling \$29.4 million: CP 8732 for land purchases (\$20 million), CP 8733 for water quality projects (\$4.7 million), CP 8734 for sewer improvement projects (\$4.7 million); and

**WHEREAS**, the Legislature has determined that the Drinking Water Protection Program is essential to the well-being of the County's drinking water supply, and it is in the best interest of the County's residents to preserve the sanctity of the Program and to secure significant environmental and public health benefits; and

**WHEREAS**, Resolution No. 437-2016 appropriated \$4.7 million in serial bond proceeds for water quality protection and restoration program and land stewardship initiatives projects as set forth in the Enhanced Suffolk County Water Quality Protection Program; 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 2016 Capital Budget as the basis for funding capital projects such as this project; and

**WHEREAS**, funding is requested for this project through the New Enhanced Suffolk County Water Quality Protection Program; and

**WHEREAS**, the Suffolk County Department of Economic Development and Planning has requested funding that will enable the Suffolk County Department of Parks, Recreation and Conservation to replace the Eastern Boat Pump-out Station, one of two such stations, at the Shinnecock Marina; and

**WHEREAS**, the Suffolk County Water Quality Review Committee at its August 11, 2016 meeting, pursuant to Article XII of the Suffolk County Charter, has recommended funding the Replacement of the Eastern Boat Pump-out Station at the Shinnecock Marina as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship funds; and

**WHEREAS**, the Shinnecock Marina is located on the northern end and east side of Shinnecock Canal, and services both the Shinnecock Bay and Great Peconic Bay areas; and

**WHEREAS**, both the South Shore Estuary Reserve, of which the Shinnecock Bay is a component, and the Peconic Estuary containing the Great Peconic Bay have been designated as "No Discharge Zones" by the New York State Department of Environmental Conservation and the EPA; and

**WHEREAS**, the "No Discharge Zone" designation make it illegal for boats to discharge on-board sewage into the designated waterbody, therefore requiring boaters to dispose of their sewage at pump-out facilities; and

**WHEREAS**, the discharge of sewage from recreational boats may contain chemicals toxic to marine life such as chlorine, formaldehyde, ammonium, and zinc compounds that are used to disinfect, deodorize or breakdown waste; and

**WHEREAS**, the discharge of sewage from recreational boats can contribute to the growth of bacteria and other pathogens to the water that spread disease and contaminate shellfish beds; and

**WHEREAS**, the discharge of sewage from recreational boats contributes to the bacterial decomposition of the organic waste, which can increase the biochemical oxygen demand, which can deplete dissolved oxygen levels and result in serious consequences to fish and other aquatic flora and fauna; and

**WHEREAS**, the Shinnecock Marina Pump-out Stations accept waste from recreational boaters utilizing Peconic and Shinnecock Bays; and

**WHEREAS**, the Shinnecock Marina Pump-out Stations routinely receive waste from the Town of Southampton pump-out boats; and

**WHEREAS**, it is crucial to have two operational pump-out systems at the Shinnecock Marina to handle the volume required; and

**WHEREAS**, it is crucial to have the capacity required at the Shinnecock Marina to provide reliable and adequate service to the boating public; and

**WHEREAS**, having suitable pump-out systems at the Shinnecock Marina will protect the water quality of our bays; and

**WHEREAS**, the purpose of the project is to replace the Eastern Boat Pump-out Station at the County's Shinnecock Marina; and

**WHEREAS**, the project will be initiated within one year of the date of adoption of this Resolution; and

**WHEREAS**, the project will be completed within three years of the date of adoption of this Resolution; and

**WHEREAS**, the seventh Whereas in Resolution No. 437-2016 was stated in anticipation of corresponding Bond Resolution No. 438-2016 being adopted; and

**WHEREAS**, the seventh Whereas in Resolution No. 437-2016 needs to be stricken as a result of Bond Resolution No. 438-2016 not being adopted; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$17,340 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-nine (69), 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

**2<sup>nd</sup>** **RESOLVED**, pursuant to the new Article XIIA of the Suffolk County Charter, CP 8733.310 funding shall be used for water quality protection and restoration program and land stewardship initiatives projects as set forth in Section C12-2(B) of the Suffolk County Charter, exclusive of Suffolk County personnel costs; and be it further

**3<sup>rd</sup>** **RESOLVED**, Resolution No. 437-2016 is hereby amended to strike the seventh Whereas paragraph therein; and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Comptroller is hereby authorized to pay \$17,340 from previously appropriated funds in Capital Project 525-CAP-8733.310 for the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum, Water Quality Projects component, Section C12-2(B) of the Suffolk County Charter, for this water quality restoration project; and be it further

**5<sup>th</sup>** **RESOLVED**, that the Suffolk County Legislature, having conducted a review and being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this proposed action constitutes a Type II action, in accordance with the provisions of 6 NYCRR §617.5 (C) 2 and 27, therefore the SEQRA review is complete and no further action needs to be taken; and be it further

**6<sup>th</sup>** **RESOLVED**, that the County Executive or designee, and the Department of Economic Development and Planning, with the approval of the County Attorney, are hereby authorized and empowered to take such actions and execute such documents as may be necessary or desirable, consistent with the purposes and intent of the foregoing resolution.

DATED: October 5, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 20, 2016