

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

RESOLUTION NO. 861 -2016, AUTHORIZING THE LAKE AGAWAM STORMWATER REMEDIATION PHASE IV PROJECT WITHIN THE VILLAGE OF SOUTHAMPTON, USING THE NEW ENHANCED SUFFOLK COUNTY WATER QUALITY PROTECTION PROGRAM FUNDS (CP 8733)

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 Village of Southampton to implement the Lake Agawam Stormwater Remediation Phase IV Project; 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 Lake Agawam Stormwater Remediation Phase IV Project as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship funds; and

WHEREAS, the purpose of the project is to provide stormwater remediation and improve water quality in the Lake Agawam watershed; and

WHEREAS, the two roadways to receive improvements are Culver Street and Ox Pasture Road, both located on the west side of Lake Agawam. Both roadways are particularly steep and change in elevation by 20ft over relatively short distances creating high speeds and volumes of stormwater draining directly into Lake Agawam without treatment of infiltration; and

WHEREAS, the proposed project involves watershed analysis, design, and construction of stormwater improvements for Culver Street and Ox Pasture Road; and

WHEREAS, watershed analysis and conceptual design tasks are complete. The remaining tasks are final design, bidding, and construction; and

WHEREAS, Lake Agawam is a 303(d) impaired water body. This stormwater remediation project is estimated to reduce nitrogen input by 57.6%, reduce phosphorus input by 59.5%, and reduce sediment input by 74.8%; and

WHEREAS, the proposed improvements are identified in the Lake Agawam Comprehensive Management Plan (CMP); and

WHEREAS, The Lake Agawam Stormwater Remediation Phase I Project was completely funded by the Village of Southampton; the Phase II and Phase III projects were funded through the Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiative; and

WHEREAS, the requested funding will be used to implement Phase IV of the overall Lake Agawam Stormwater Remediation Project; and

WHEREAS, the Village of Southampton has committed by resolution at the June 24th, 2016 Village Board Meeting, to enter into an inter-municipal agreement with the County of Suffolk for this project and to commit to a match of the lesser of \$131,830 or one half the total cost of the project; and

WHEREAS, that the Village of Southampton, conducted an uncoordinated environmental review in accordance with the State Environmental Quality Review Act (SEQRA), N.Y. Envtl. Conserv. Law Art 8, and found that the proposed action constitutes an Unlisted Action and determined that the action will not have a significant adverse impact on the environment; 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 County Legislature, by resolution of even date herewith, has authorized the issuance of \$131,830 in Suffolk County Serial Bonds; now, therefore be it

1st **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

2nd **RESOLVED**, pursuant to the new Article XIA 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

3rd **RESOLVED**, that the County Comptroller is hereby authorized to reserve and to pay \$131,830, from the appropriated fund 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

4th **RESOLVED**, that the Village of Southampton will contribute a project match of \$131,830 or one half the total cost of the project, whichever is less; and be it further

5th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA), N.Y. Env'tl. Conserv. Law Art. 8, and Chapter 450 of the Suffolk County Code, has reviewed and agrees with the Village of Southampton's SEQRA determination and hereby determines that this resolution constitutes an Unlisted Action, pursuant to Title 6 NYCRR Part 617 and Chapter 450 of the Suffolk County Code and further determines that the implementation of this action will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in 6 N.Y.C.R.R. § 617.7, which sets forth thresholds for determining significant adverse impacts on the environment, as demonstrated in the Environmental Assessment Form;
2. The proposal does not significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;
3. All necessary permits/approvals will be obtained from all applicable state, County, town and village regulatory agencies prior to the commencement of project construction;
4. The proposed action will improve stormwater management for Ox Pasture Road and Culver Street which will improve the water quality of Lake Agawam by reducing road runoff to the Lake;
5. The drainage systems are proposed to be installed within the Village road right of ways and will not result in a change to impervious cover;

and be it further

6th **RESOLVED**, that this Legislature hereby adopts a determination of non-significance (negative declaration) and directs, in accordance with Section 450-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

7th **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