

Intro. Res. No. 2063-2012

Laid on Table 11/7/2012

Introduced by Presiding Officer, on request of the County Executive and Legislators Anker, Calarco, Gregory, Schneiderman

**RESOLUTION NO. 923 -2012, AUTHORIZING EMERGENCY
BARRIER ISLAND REPAIR AGREEMENTS BETWEEN THE
COUNTY OF SUFFOLK AND THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

WHEREAS, construction of the Atlantic Coast of Long Island, Fire Island Inlet to Montauk Point beach erosion control and hurricane protection project (hereinafter the "Authorized Project" or "Project"), was authorized by the River and Harbor Act of 1960, Pub. L. 86-645, 86th Congress, Second Session, in accordance with House Document No. 425, and subsequently amended by Section 31 of the Water Resources Development Act of 1974, Pub. L. 93-251, Section 502 of the Water Resources Development Act of 1986, Pub. L. 99-662, and Section 102(u) of the Water Resources Development Act of 1992, Pub. L. 102-580; and

WHEREAS, emergency conditions exist at the SMITH POINT COUNTY PARK, WILDERNESS AREA OF THE FIRE ISLAND NATIONAL SEASHORE and the CUPSOGUE COUNTY PARK as a result of the Storm of October 28-30, 2012 (Sandy) which caused breaches of the Fire Island barrier island; and

WHEREAS, the State and the County desire to enter into agreements to provide for emergency repairs to the breaches to the barrier island; and

WHEREAS, Section 103(c) (5) of the Water Resources Development Act of 1986, Pub. L. 99-662, specifies the cost-sharing requirements applicable to the construction of the project; and

WHEREAS, Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended, provides that the construction of any water resources project by the Secretary of the Army shall not be commenced until the non-Federal interest has entered into a written agreement to furnish its required cooperation for the project; and

WHEREAS, it is in the best interest of the County to enter into these emergency repair agreements; now, therefore be it

1st **RESOLVED**, the form and substance of the barrier island repair agreements, presented to the members of the Legislature is hereby approved; and be it further

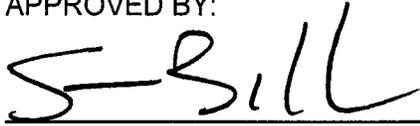
2nd **RESOLVED**, the execution and delivery on behalf of and in the name of the County and the Department of Public Works by the County Executive and/or his designee(s) of the Agreements presented to the members of the Legislature at this meeting, is hereby authorized and directed, with such ministerial and non-substantive changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such Agreements shall be conclusive evidence of his approval of any such changes and of the authorization and direction thereof by this Legislature; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, 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 the NEW YORK CODE OF RULES AND

REGULATIONS (6 N.Y.C.R.R.) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

DATED: November 7, 2012

APPROVED BY:

A handwritten signature in black ink, appearing to read "S. Bill", written over a horizontal line.

County Executive of Suffolk County

Date: 11/15/12

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 7, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Motion:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	<i>18</i>				

MOTION

Approve
 ___ Table: _____
 ___ Send To Committee
 ___ Table Subject To Call
 ___ Lay On The Table
 ___ Discharge
 ___ Take Out of Order
 ___ Reconsider
 ___ Waive Rule
 ___ Override Veto
 ___ Close
 ___ Recess

APPROVED FAILED ___
 No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED
 ___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote