

Intro. Res. No. 1311-2014

Laid on Table 3/18/2014

Introduced by Presiding Officer, on request of the County Executive and Legislators Krupski, Schneiderman

RESOLUTION NO. 440 -2014, AUTHORIZING SUFFOLK COUNTY TO ENTER INTO AN INTERMUNICIPAL AGREEMENT THEREBY CREATING THE PECONIC ESTUARY PROTECTION COMMITTEE

WHEREAS, the Suffolk County Water Quality Review Committee at the December 12, 2013 meeting, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship funds; and

WHEREAS, the Suffolk County Department of Economic Development and Planning and the Suffolk County Department of Health Services have requested funding to allow the County of Suffolk to enter into an intermunicipal agreement (the "IMA") with the Towns of Brookhaven, East Hampton, Riverhead, Shelter Island, Southampton, and Southold and Villages of Dering Harbor, Greenport, North Haven, and Sag Harbor (collectively "Members"), thereby creating the Peconic Estuary Protection Committee ("Committee"); and

WHEREAS, the Members will each appoint a representative to the Committee and Suffolk County will be represented by the County Executive or his/her duly appointed representative; and

WHEREAS, the Committee shall be funded by annual contributions ("Dues") which shall be determined annually by the Committee after the opportunity for review by each municipality; and

WHEREAS, the maximum aggregate amount of Dues shall not exceed \$100,000 per calendar year; and

WHEREAS, the Dues to be apportioned to Suffolk County shall be 25% of the annual aggregate amount of Dues; and

WHEREAS, there are sufficient funds within the Fund 477 2014 Operating Budget to fund payment of the Dues; and

WHEREAS, subsequent to the execution of the IMA, the Members shall vote on the execution of a cooperative agreement with the New York State Department of Transportation ("NYS DOT"), which shall then become a Member; and

WHEREAS, the goals of the Committee shall be to increase efficiency and efficacy of stormwater management, pollution prevention, and water quality protection activities undertaken by the Members; consistent with the recommendations of the 2001 Comprehensive Conservation and Management Plan (CCMP) of the Peconic Estuary Program; now, therefore be it

1st 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 resolution constitutes a Type II action, pursuant to Section

617.5(c) (18), (20), (21) and (27) of Title 6 of the NYCRR 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, and 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 resolution; and be it further

2nd **RESOLVED**, that the County Executive is hereby authorized to execute an intermunicipal agreement, in a form substantially similar to the Intermunicipal Agreement annexed hereto as Exhibit "A", with all or any combination of the following municipalities: the Towns of Brookhaven, East Hampton, Riverhead, Shelter Island, Southampton, and Southold and Villages of Dering Harbor, Greenport, North Haven, and Sag Harbor under Section 119-0 of the NEW YORK GENERAL MUNICIPAL LAW authorizing the creation of the Peconic Estuary Protection Committee, consisting of a representative of each Member municipality; and be it further

3rd **RESOLVED**, in the event that NYS DOT agrees to execute a cooperation agreement to become a Member of the Committee, the County Executive is hereby authorized to execute an agreement in a form substantially similar to the Agreement annexed hereto as Exhibit "B", with the Member municipalities of the Peconic Estuary Protection Committee and the New York State Department of Transportation, making the New York State Department of Transportation a Member of the Peconic Estuary Protection Committee; provided, however, that in the event such Cooperation Agreement is not executed by NYS DOT, the Intermunicipal Agreement shall remain in full force and effect.

DATED: June 3, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 18, 2014