

RESOLUTION NO. 1101 -2015, AUTHORIZING THE BALANCE FOR A CONSENT JUDGEMENT SETTLEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND AMENDING THE 2015 CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH THE SUFFOLK COUNTY SUPPLEMENTAL ENVIRONMENTAL PROJECT FOR LAND ACQUISITION (CP 8735)

WHEREAS, this project will be undertaken in connection with the settlement of an enforcement action, United States v. County of Suffolk, taken on behalf of the U.S. Environmental Protection Agency under the Resource Conservation and Recovery Act; and

WHEREAS, Suffolk County has agreed to a Consent Judgement (“Consent Judgement”) with the United States Environmental Protection Agency (“EPA”) concerning underground storage tanks and universal waste; and

WHEREAS, this Consent Judgement was authorized via Suffolk County Resolution No. 1183-2013; and

WHEREAS, the Consent Judgement stipulates the County of Suffolk agreed to pay a \$2,000,000 penalty; and

WHEREAS, the monetary part of the penalty (\$500,000) was authorized via Resolution No. 1196-2013, leaving a remaining balance of \$1,500,000; and

WHEREAS, per the Agreement, the \$1,500,000 shall be expended upon a Supplemental Environmental Project (“SEP”) involving land acquisition which is environmentally beneficial to Suffolk County residents as it will benefit and protect the ground, drinking and surface waters of Suffolk County; and

WHEREAS, additionally, the County shall be responsible for all expenses necessary to fully implement the SEP, which includes non-creditable expenses such as the cost of title policies, appraisers, and environmental audits and site improvements; and

WHEREAS, the specific environmental land purchase and any associated site improvements or other work shall be consistent with the Consent Judgment; 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, the County Legislature, by resolution of even date herewith has authorized the issuance of \$2,000,000 in Suffolk County Serial Bonds; 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-

019 (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 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

3rd **RESOLVED**, that the 2015 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1782
Project Title: IFMS Release 3

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
1. Planning	<u>\$350,000</u>	<u>\$200,000B</u>	<u>\$ 0</u>
TOTAL	\$680,000	\$200,000	\$ 0

Project No.: 5738
Project Title: Master Plan for Aviation and Economic Development at Gabreski

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
1. Planning	<u>\$150,000</u>	<u>\$100,000B</u>	<u>\$ 0</u>
TOTAL	\$680,000	\$100,000	\$ 0

Project No.: 7143
Project Title: Construction of a Recharge Basin at North Fork Preserve, Town of Riverhead

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
3. Construction	<u>\$850,000</u>	<u>\$900,000B</u>	<u>\$0</u>
TOTAL	\$850,000	\$900,000	\$0

Project No.: 8220
Project Title: Underground Injection Control (UIC) Management Program

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
3. Construction	<u>\$650,000</u>	<u>\$125,000B</u>	<u>\$0</u>
TOTAL	\$750,000	\$125,000	\$0

Project No.: 8223
Project Title: Brownfields Program

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
1. Planning	\$1,293,000	\$105,000B	\$0
3. Construction	<u>\$7,509,564</u>	<u>\$545,000B</u>	<u>\$0</u>
TOTAL	\$8,811,864	\$650,000	\$0

Project No.: 8237
Project Title: Water Resource Management

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
1. Planning	<u>\$250,000</u>	<u>\$ 25,000B</u>	<u>\$0</u>
TOTAL	\$250,000	\$ 25,000	\$0

Project No.: 8735
Project Title: Suffolk County Supplemental Environmental Project for Land Acquisition

	Total Est'd Cost	Current 2015 Capital Budget & Program	Revised 2015 Capital Budget & Program
1. Planning	\$ 150,000	\$0	\$ 150,000B
2. Land Acquisition	\$1,500,000	\$0	\$1,500,000B
4. Site Improvement	<u>\$ 350,000</u>	<u>\$0</u>	<u>\$ 350,000B</u>
TOTAL	\$2,000,000	\$0	\$2,000,000

and be it further

4th **RESOLVED**, that the proceeds of \$2,000,000 in Serial Bonds be and they are hereby appropriated as follows, subject to the condition that no bonds or notes shall be issued

for any of the projects unless and until full environmental reviews under the State Environmental Quality Review Act (SEQRA) have been completed by the County of Suffolk:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8735.110 (Fund 001-Debt Service)	Suffolk County Supplemental Environmental Project for Land Acquisition-Planning	\$150,000

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8735.210 (Fund 001-Debt Service)	Suffolk County Supplemental Environmental Project for Land Acquisition-Land Purchase	\$1,500,000

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8735.410 (Fund 001-Debt Service)	Suffolk County Supplemental Environmental Project for Land Acquisition-Site Improvements	\$350,000

and be it further

5th **RESOLVED**, that no funds shall be allocated to or expended from this Capital Project No. 8735 unless and until a resolution is adopted by the County Legislature approving the specific environmental land purchase being considered for funding under this capital project along with the corresponding Bond Resolution; and be it further

6th **RESOLVED**, that the County Executive or designee, the County Attorney and the Department of Economic Development and Planning are hereby authorized, empowered and directed to take such further actions and execute such additional documents as may be necessary or desirable, consistent with the purposes and intent of the foregoing resolution, including, but not limited to, payment of expenses such as costs associated with surveys, appraisals, environmental audits, title reports and insurance.

DATED: December 15, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 21, 2015