

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 988 -2016, AUTHORIZING THE CONSTRUCTION OF A STORMWATER MANAGEMENT PROJECT AT MEADOW ROAD, TOWN OF SMITHTOWN, 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 XIIA; 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**, the Town of Smithtown, by Resolution No. 2016-705, committed to providing matching funds for this project in the required minimum of 50% of the total project cost; 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 Town of Smithtown has requested funding that will enable them to implement the Meadow Road Stormwater Management 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 Meadow Road Stormwater Management Project, Town of Smithtown; and

**WHEREAS**, stormwater runoff from the Meadow Road watershed feeds into a small stream and then into Phillips Mill Pond; and

**WHEREAS**, Phillips Mill Pond flows into the tidal portion of the Nissequogue River, which flows into Smithtown Bay; and

**WHEREAS**, the proposed bioswale can reduce the amount of nitrogen entering Phillips Mill Pond, the Nissequogue River, and Smithtown Bay; and

**WHEREAS**, the purpose of the project is to construct a bioswale designed to filter and capture runoff from the Meadow Road watershed; and

**WHEREAS**, the bioswale is intended to filter and capture a significant amount of runoff from the Meadow Road watershed; and

**WHEREAS**, the Town of Smithtown, conducted an uncoordinated environmental review in accordance with the State Environmental Quality Review Act (SEQRA), N.Y. Env'tl. 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 \$50,000 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**, that the County Comptroller is hereby authorized to reserve and to pay \$50,000, 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

**4<sup>th</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA), N.Y. Environmental Conservation Law Article 8, and Chapter 450 of the Suffolk County Code, has reviewed the proposed action and hereby determines that it will not have significant adverse impact on the environment for the following reasons:

1. the proposed action will not exceed any of the criteria set forth in Title 6 NYCRR Part 617.7 which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. the proposed action does not appear to 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 and town regulatory agencies prior to the commencement of project construction; and
4. the proposed project will improve drainage along Meadow Road to facilitate stormwater management and improve water quality in Mill Pond, the Nissequogue River and the Long Island Sound.

and be it further

**5<sup>th</sup>** **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

**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: November 22, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: November 29, 2016