

Intro. Res. No. 1107-2018

Laid on Table 2/6/2018

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

RESOLUTION NO. 80 -2018, AMENDING RESOLUTION NO. 1101 -2015 AND RESOLUTION NO. 1067-2017 IN CONNECTION WITH THE SUFFOLK COUNTY SUPPLEMENTAL ENVIRONMENTAL PROJECT FOR LAND ACQUISITION-ENVIRONMENTAL PROTECTION AGENCY JUDGEMENT SETTLEMENT (CP 8735)

WHEREAS, Resolution No. 1101-2015 appropriated \$2,000,000 for a consent judgement settlement (Consent Judgement) with the United States Environmental Protection Agency (EPA); and

WHEREAS, \$1,500,000 of the above amount must be spent for Land Acquisition in order to satisfy a portion of the Consent Judgement; and

WHEREAS, under the Consent Judgement, the deadline for the Land Acquisition has been extended from February 24, 2018 to August 24, 2018; and

WHEREAS, in order to comply with the Consent Judgement, Resolution Nos. 633-2017 and 634-2017 authorized and bonded the purchase of the property to be sold to the County by Matrix Residential Holdings, LLC (Swan River, Town of Brookhaven) (SCTM No. 0200-982.50-04.00-003.000) (Matrix Property) for \$1,330,380, and this purchase was to be funded out of Capital Project 8735; and

WHEREAS, based on a survey, the final purchase price for the Matrix Property was reduced to \$1,271,220, leaving a balance \$59,160; and

WHEREAS, the original purchase price of \$1,330,380 was borrowed in the 2017 Series B Borrowing, and the cash balance of \$59,160 cannot be used toward any other purchase, but rather must be used for debt service on the borrowing; and

WHEREAS, as a result, Resolution No. 1101-2015 needs to be amended to increase the Land Acquisition component of Capital Project 8735 by \$59,160; and

WHEREAS, in order to satisfy the Consent Judgement, Resolution Nos. 1067-2017 and 1068-2017 authorized and bonded the purchase of the property held by the Estate of Dominick Mennuti (Town of Brookhaven) (SCTM Nos. 0200-713.00-03.00-002.001 and 0200-713.00-03.00-002.003) (Mennuti Property) for \$500,000, to be funded out of Capital Project 8735 (\$169,620) and Capital Project 8732 (\$330,380); and

WHEREAS, to satisfy the Consent Judgement, requiring \$1,500,000 be spent on Land Acquisition, Resolution No. 1067-2017 needs to be amended to reflect the increase of \$59,160 to the Land Acquisition - Land Purchase component of Capital Project 8735 (to a total of \$228,780), with the corresponding reduction of \$59,160 in the payment to be made from Capital Project 8732 (\$271,220); and

WHEREAS, there is no net effect on the total cost of the project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized amending bond Resolution No. 1068-2017 in accordance with this resolution; and

WHEREAS, pursuant to the Consent Judgment, "This project was undertaken in connection with the settlement of an enforcement action, United States v. County of Suffolk, taken on behalf of the United States Environmental Protection Agency under the Resource Conservation and Recovery Act"; now, therefore be it

1st **RESOLVED**, that the 4th Resolved clause of Resolution No. 1101-2015 is hereby amended as follows:

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> 525-CAP-8735.110 (Fund 001-Debt Service)	<u>Project Title</u> Suffolk County Supplemental Environmental Project for Land Acquisition-Planning	<u>Amount</u> \$150,000
<u>Project No.</u> 525-CAP-8735.210 (Fund 001-Debt Service)	<u>Project Title</u> Suffolk County Supplemental Environmental Project for Land Acquisition-Land Purchase	<u>Amount</u> [\$1,500,000] \$1,559,160
<u>Project No.</u> 525-CAP-8735.410 (Fund 001-Debt Service)	<u>Project Title</u> Suffolk County Supplemental Environmental Project for Land Acquisition-Site Improvements	<u>Amount</u> [\$350,000] \$290,840

and be it further

2nd **RESOLVED**, that the 3rd Resolved clause of Resolution No. 1067-2017 is hereby amended as follows:

3rd RESOLVED, that the County Comptroller is hereby authorized to reserve and to pay [*One Hundred Sixty-Nine Thousand Six Hundred and Twenty Dollars*] [~~(\$169,620)~~] Two Hundred Twenty Eight Thousand Seven Hundred and Eighty Dollars (\$228,780) subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8735.210 under the Suffolk County Supplemental Environmental Project (SEP) Project, Consent Judgment Civil Action No. CV-13-7183 for this acquisition; and be it further

and be it further

3rd **RESOLVED**, that the 5th Resolved clause of Resolution No. 1067-2017 is hereby amended as follows:

5th RESOLVED, that the County Comptroller is hereby authorized to reserve and to pay [Three Hundred Thirty Thousand Three Hundred Eighty Dollars]

[(\$330,380)] Two Hundred Seventy-One Thousand Two Hundred and Twenty Dollars (\$271,220), subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8732.210 for the 2014 Enhanced Suffolk County Water Quality Protection Program, pursuant to Article XIIA of the SUFFOLK COUNTY CHARTER, Section C12A-2(B)(1); and be it further

and be it further

4th **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 action constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: March 6, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 13, 2018