

AMENDED COPY AS OF 11/18/2019

Intro. Res. No. 2008-2019

Laid on Table 11/6/2019

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

**RESOLUTION NO. -2019, AUTHORIZING FUNDING OF
INFRASTRUCTURE IMPROVEMENTS AND OVERSIGHT OF
REAL PROPERTY UNDER THE SUFFOLK COUNTY
AFFORDABLE HOUSING OPPORTUNITIES PROGRAM AND
AMENDING THE 2019 OPERATING BUDGET AND AMENDING
THE 2019 CAPITAL BUDGET AND PROGRAM AND
APPROPRIATING FUNDS IN CONNECTION WITH THE SEWER
INFRASTRUCTURE PILOT PROGRAM FOR INCLUSIVE
HOUSING TO PROVIDE FUNDING FOR BLUE SEA
DEVELOPMENT COMPANY, LLC/MATINECOCK COURT HDFC
(CP 6411.312, CP 6411.315 and CP 8724.310)**

WHEREAS, Local Law No. 13-2000 as amended in its entirety by Local Law No. 17-2004, known as Suffolk County Administrative Code (“SCAC”) Article XXXVI, as amended, found and determined that there was a need for the County to provide assistance in creating affordable housing and established the Suffolk County Housing Opportunities Programs; and

WHEREAS, SCAC § A36-2 provides a statutory framework for land to be acquired and infrastructure improvements for the development of affordable housing through the use of capital bond proceeds; and

WHEREAS, Blue Sea Development Company, LLC (the “Developer”) and Matinecock Court HDFC (the “Fee Owner”) have identified a site in the County of Suffolk which would be appropriate for development as affordable housing and is identified by Suffolk County Tax Map Numbers 0400-114.01-01.00-001.000 through 0400-114.01-01.00-146.000 inclusive and 0400-114.00-04.00-007.000(the “Subject Premises”); and

WHEREAS, the Town of Huntington Planning Board on December 12, 2012 granted a conditional site plan approval for the Subject Premises and included conditions requiring highway and open space dedications to the Town of Huntington; and

WHEREAS, the housing development to be known as Matinecock Court contemplates the construction of one hundred forty six (146) one, two, and three bedroom units, seventy (70) of which will be rental units and seventy six (76) of which will be homeownership units; the seventy (70) rental units will include one (1) non-rent bearing superintendent unit and sixty nine (69) affordable rental units, eight (8) units of which will designated for eligible individuals as determined by the Office for People with Development Disabilities (“OPWDD”); the seventy six (76) homeownership units will include four (4) affordable homeownership units as per Suffolk County’s Housing Opportunities Programs and fifteen (15) units which will be eligible to families qualified by Habitat for Humanity, all as more particularly described in Exhibit 1 (the “Development Plan”) attached hereto; and

WHEREAS, the Subject Premises will require infrastructure improvements to facilitate the construction of the housing development and in connection therewith, the Developer has requested infrastructure funding from the Suffolk County Housing Opportunities Program in the amount of up to Two Million One Hundred Ninety Thousand and 00/100 Dollars (\$2,190,000.00); and

WHEREAS, Resolution No. 1192-2009 appropriated \$5,000,000 for Capital Project Number 6411.312 and companion bond Resolution No. 1193-2009 authorized the issuance of \$5,000,000 in Suffolk County Serial Bonds for Capital Project Number 6411.312 to fund the infrastructure improvements in connection with the properties acquired, funded, constructed, reconstructed or rehabilitated in connection with the Housing Opportunities Programs subject to further Legislative approval of a resolution authorizing the funding of specific infrastructure improvements to be made in connection with such affordable housing developments; and

WHEREAS, Resolution No. 1156-2016 appropriated \$4,000,000 for Capital Project Number 6411.315 and companion bond Resolution No. 1157-2016 authorized the issuance of \$4,000,000 in Suffolk County Serial Bonds for Capital Project Number 6411.315 to fund the infrastructure improvements in connection with the properties acquired, funded, constructed, reconstructed or rehabilitated in connection with the Housing Opportunities Programs subject to further Legislative approval of a resolution authorizing the funding of specific infrastructure improvements to be made in connection with such affordable housing developments; and

WHEREAS, Local Law No. 31-2014, which was approved by voter referendum on November 4, 2014, authorized the County of Suffolk to use excess monies in the Assessment Stabilization Reserve Fund to fund wastewater upgrades; and

WHEREAS, the funds for the Sewer Infrastructure Pilot Program for Inclusive Housing are maintained within the Sewer Infrastructure Program Fund ("Fund 406"); and

WHEREAS, there are sufficient funds within Fund 406 for the implementation of the purposes of Local Law No. 31-2014; and

WHEREAS, the Sewer Infrastructure Committee approved the creation of a \$2 Million Sewer Infrastructure Pilot Program for Inclusive Housing at its April 18, 2019 public meeting; and

WHEREAS, wastewater treatment upgrades are critical because nitrogen has led to the degradation in the local water quality, and has harmed groundwater, drinking water, wetlands and surface waters throughout the County; and

WHEREAS, the Sewer Infrastructure Committee evaluated and unanimously approved the Blue Sea Development Company, LLC/Matinecock Court HDFC request for funding from the Suffolk County Sewer Infrastructure Pilot Program for Inclusive Housing in an amount of up to Four Hundred Thousand and 00/100 Dollars (\$400,000.00) at its June 5, 2019 meeting to utilize funding for sewer infrastructure; and

WHEREAS, the recommended project constitutes a permitted use of Sewer Infrastructure Funds pursuant to Local Law No. 31-2014; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, established a priority ranking system, implemented in the 2019 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

WHEREAS, there are insufficient funds available in the 2019 Capital Budget and Program for this program; and

WHEREAS, there are sufficient funds available within Fund 406 to support the appropriation of the recommended project; now, therefore be it

1st **RESOLVED**, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that the development of Matinecock Court meets the requirements of the Suffolk County Housing Opportunities Programs and the need to fill the critical shortage of affordable housing in the County and, accordingly, authorizes the development of Matinecock Court and the requested funding thereof in the amount of up to Two Million One Hundred Ninety Thousand and 00/100 Dollars (\$2,190,000.00) for infrastructure improvements in accordance with the Development Plan and the Housing Opportunities Programs; and be it further

2nd **RESOLVED**, that it is hereby determined that this project 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 sufficient funds exist within Fund 406 Sewer Infrastructure Program Fund component to cover the cost of the County's share for these projects; and be it further

4th **RESOLVED**, that the County Executive, the Department of Economic Development and Planning, its Commissioner, its Director of Real Estate, its Director of Planning and the County Attorney are authorized, empowered and directed to negotiate, execute and deliver all documents contemplated to be executed and delivered in connection therewith, with such changes thereto as may be necessary or desirable, consistent with the Development Plan, in order to effectuate this overall housing project and transactions contemplated hereby; and be it further

5th **RESOLVED**, that the County Executive, the Department of Economic Development and Planning, its Commissioner, its Director of Real Estate, its Director of Planning and the County Attorney are authorized, empowered and directed to take such further actions and execute such additional documents as may be necessary or desirable, consistent with the Development Plan, in order to effectuate 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; and be it further

6th **RESOLVED**, that, subject to the terms of the fully executed Development Agreement, the County Comptroller is hereby authorized to reserve and pay in connection with infrastructure costs associated with the development of Matinecock Court with an amount of Nine Thousand Seven Hundred Ninety-Six and 00/100 Dollars (\$9,796.00±) from previously appropriated funds in Capital Project No. 525-CAP-6411.312 and an amount of up to Two Million One Hundred Eighty Thousand Two Hundred Four and 00/100 Dollars (\$2,180,204.00±) from previously appropriated funds in Capital Project No. 525-CAP-6411.315; and be it further

7th **RESOLVED**, that the Adopted 2019 Capital Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 406 Sewer Infrastructure Program Fund as follows:

EXPENDITURES:

<u>Fund</u>	<u>Dept</u>	<u>Approp</u>		<u>Object</u>	<u>Activity</u>	<u>Description</u>	<u>Amount</u>
		<u>Unit</u>	<u>Unit</u>				
406	IFT	ODE	E525	9600	0000	Transfer to Capital Fund	\$400,000

and be it further

8th **RESOLVED**, that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

<u>Dept</u>	<u>Fund</u>	<u>Approp</u>		<u>Rev Source</u>	<u>Unit</u>	<u>Group</u>	<u>Description</u>	<u>Amount</u>
		<u>Unit</u>	<u>Unit</u>					
CAP	525	X		R406	IFTR	0000	Transfer from Fund 406	\$400,000

and be it further

9th **RESOLVED**, that the 2019 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8724.310
 Project Title: Blue Sea Development/Matinecock Court HDFC

	<u>Total Est'd Cost</u>	<u>Current 2019 Capital Budget & Program</u>	<u>Revised 2019 Capital Budget & Program</u>
3. Construction	\$400,000	\$0	\$400,000 (406)
TOTAL	\$400,000	\$0	\$400,000

and be it further

10th **RESOLVED**, that the interfund revenues in the amount of \$400,000 be and hereby are appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8724.310	35	Blue Sea Development/Matinecock Court HDFC Wastewater Treatment	\$400,000

and be it further

11th **RESOLVED**, that the County Comptroller is hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project; and be it further

12th **RESOLVED**, a State Environmental Quality Review Act (“SEQRA”) coordinated review, that included Suffolk County, was conducted by the Town of Huntington Planning Board and the Town of Huntington Planning Board was determined to be the Lead Agency for the Matinecock Court project; and be it further

13th **RESOLVED**, The Town of Huntington Planning Board, as SEQRA Lead Agency, classified the project as a Type I Action under SEQRA and issued a Positive Declaration on July 12, 1995 and after completing a Final Environmental Impact Statement, adopted a Findings Statement on October 10, 2007 imposing the mitigating conditions described therein, for the Matinecock Court project attached hereto and incorporated by reference as Exhibit 2, and be it further

14th **RESOLVED**, that pursuant to SEQRA, Title 6 NYCRR Part 617, and Suffolk County Code Chapter 450, Suffolk County hereby incorporates by reference and adopts the Matinecock Court Findings Statement (Exhibit 2) consistent with this resolution; and be it further

15th **RESOLVED**, that based upon Suffolk County’s review of the relevant SEQRA documents, Suffolk County, as an involved agency, hereby finds and determines that:

- (1) Suffolk County has considered the relevant environmental impacts, facts and conclusions disclosed in the Final Environmental Impact Statement; and
- (2) Suffolk County has weighed and balanced relevant environmental impacts with social, economic and other considerations; and
- (3) these Findings and SEQRA documents provide a rationale for Suffolk County’s decision; and
- (4) Suffolk County certifies that the requirements of SEQRA and Title 6 NYCRR Part 617 have been met; and
- (5) Suffolk County certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the subject action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (6) Suffolk County certifies that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and
- (7) the project will be required to obtain and be in conformance with all applicable Suffolk County permits and approvals.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: