

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1108 -2009, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 - SOUTHWEST (CP 8170)

WHEREAS, a map, plan and estimate of cost were prepared and filed with the County Legislature resulting in a public hearing in relation to the infrastructure improvements including odor control, grit system and building renovations at Suffolk County Sewer District No. 3 – Southwest; and

WHEREAS, pursuant to Resolution No. 922-2008, the Clerk of this Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the official newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to this Legislature; and

WHEREAS, said public hearing was held in Hauppauge, New York in said County on December 2, 2008 at 2:30 p.m., Prevailing Time; and

WHEREAS, following the publication of the December 2, 2008 public hearing but prior to such hearing being held, the Towns of Islip and Babylon provided new, updated data regarding the affected parcels which resulted in the Department of Public Works substantially reducing the projected annual increase to the typical property from approximately \$14.30 per typical property in the Town of Islip and approximately \$13.25 per typical property in the Town of Babylon to approximately \$10.61 for parcels in both towns. At said public hearing the updated cost per typical property information for both of the affected towns was conveyed to the attendees thereof; and

WHEREAS, on December 16, 2008 the legislature passed Resolution No. 1209-2008, making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (CP 8170) and said Resolution erroneously contained the original rather than the updated cost per typical property information; and

WHEREAS, this Legislature desires to correct the record and has duly considered the map and plan and estimate of cost for the increase and improvement of facilities for Suffolk County Sewer District No. 3 – Southwest submitted and evidence given at the public hearing held on December 2, 2008; now, therefore be it

1st **RESOLVED**, by this Legislature, as follows:

Section 1. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, it is hereby found and determined that it is in the public interest to increase and improve the facilities at Suffolk County Sewer District No. 3 – Southwest (which shall include, among other things infrastructure improvements, such as odor control, grit system, and building renovations) that the proposed work is adequate and appropriate, and will not constitute an undue burden on the property which will bear the cost thereof;

Section 2. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, this Legislature further finds and determines that it is in the public interest to expend \$5,800,000 on the increase and improvement of the facilities at Suffolk County Sewer District No. 3 – Southwest;

Section 3. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, and recommendations, and data filed with this Legislature, this Legislature further finds and determines that it is in the public interest to provide for the increase and improvement of the infrastructure at Suffolk County Sewer District No. 3 – Southwest at a maximum cost of \$5,800,000 which represents the aforementioned project which will be attributable to the increase and improvement of the facilities of said sewer district, substantially in accordance with the revised map and plan;

Section 4. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, this Legislature further finds that one other project (sludge treatment, and improvements, Capital Project Number 8180) being implemented for this sewer district, when added to the project will result in an annual increase to the typical property of approximately \$10.61 but no more than \$11.00 for parcels located in either Town; and

Section 5. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, this Legislature further finds and determines that all property and property owners within the existing Suffolk County Sewer District No. 3 – Southwest will be benefited by such planning of the increase and improvement of facilities and that no benefited property has been excluded from the increase and improvement of facilities.

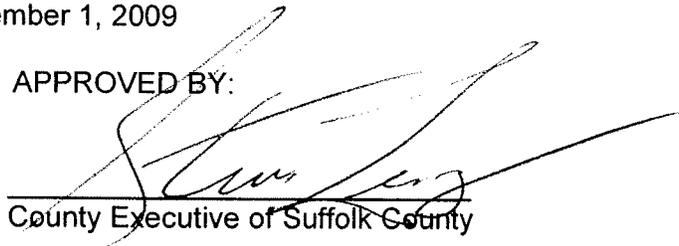
2nd **RESOLVED**, that Resolution No. 1209-2008 is hereby repealed, effective immediately

3rd **RESOLVED**, this Legislature, being the lead agency under the State Environmental Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York State Code of Rules and Regulations ("NYCRR"), this Legislature has no further responsibilities under SEQRA, and be it further

4th **RESOLVED**, that this resolution shall take effect immediately.

DATED: December 1, 2009

APPROVED BY:


County Executive of Suffolk County

Date: DEC 02 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 1, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script, appearing to read "Tim Laube".

Clerk of the Legislature

Intro. Res. 2019 Res. No. 1108

December 1, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

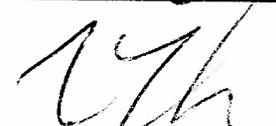
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED

Roll Call _____ Voice Vote


 Tim Laube, Clerk of the Legislature