

Intro. Res. No. 1836-2010
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/3/2010

**RESOLUTION NO. 876 -2010, ADOPTING LOCAL LAW
NO. 53 -2010, A LOCAL LAW TO AMEND THE SUFFOLK
COUNTY CODE IN REGARD TO SEWER SYSTEM REFUNDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on August 3, 2010, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE SUFFOLK COUNTY CODE IN REGARD TO SEWER SYSTEM REFUNDS**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 53 -2010, SUFFOLK COUNTY, NEW YORK

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that from approximately 1965-1987, the Suffolk County Sewer Agency administered a program, referred to as the Suffolk County "Dry Sewer Program," whereby the County would enter into agreements with subdividers, developers and land users to provide for the construction, conveyance and installation of sewage collection and treatment systems for dedication to future County sewer districts, as well as for the installation of dry sewer lines for use in future County sewer districts.

This Legislature further finds and determines that pursuant to the Dry Sewer Program, in lieu of such installations, subdividers, developers or land users were permitted to make a contribution to the "Dry Sewer Fund" (T-30, EE), which would then be utilized for future installations or future plant construction.

This Legislature also finds and determines that in 1987, this Legislature enacted Chapter 162 of the Administrative Local Laws which ended the Dry Sewer Program and called for a refund of the 7.6 million dollars that remained in the Dry Sewer Fund.

This Legislature further finds and determines the County last issued a refund from the Dry Sewer Fund in 2007 and that, currently, approximately \$882,864.40 remains in the Fund.

This Legislature also finds that the Suffolk County Department of Public Works is undertaking projects pursuant to which it will be reviewing the development of future sewer districts in Suffolk County.

This Legislature therefore now finds and determines that any remaining unclaimed funds in the Dry Sewer Fund T-30, EE as of February 1, 2011, should be utilized for the purpose of planning and establishing future communal sewerage systems in Suffolk County.

Section 2. Amendments.

Chapter 162 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

§ 162-3. Refunds

D. Any claims for a refund pursuant to this Chapter must be received by the Suffolk County Department of Public Works no later than December 31, 2010. The Suffolk County Department of Public Works is hereby authorized and directed to publish a notice in the official papers of the County of Suffolk advising owners as designated in Subsection A(1) above of the deadline for filing a claim for a refund.

E. If as of February 1, 2011, any funds remain in the trust and agency account known and designated as "T-30, EE" the Suffolk County Executive, Comptroller and Treasurer shall be authorized to transfer the remaining funds to a fund to be used exclusively for the purpose of future communal sewerage systems in Suffolk County.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(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. 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 law.

Section 6. Effective Date.

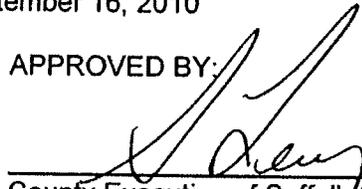
This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of language.

___ Underlining denotes addition of new language.

DATED: September 16, 2010

APPROVED BY:



County Executive of Suffolk County

Date: OCT 14 2010

After a public hearing duly held on October 4, 2010
Filed with the Secretary of State on October 28, 2010

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Suffolk County Legislature has passed Introductory Resolution No. 1836 -2010 and presented to me for approval Local Law No. -2010, "A Local Law to Amend the Suffolk County Code in regard to Sewer System Refunds" which law establishes December 31, 2010 as the deadline for filing claims for a refund of contributions to the Dry Sewer Fund (T-30 EE) under Chapter 162 of Suffolk County Administrative Local Laws and directs the Suffolk County Department of Public Works to publish a notice in the official papers of the County of Suffolk advising subdividers, developers and land users of the deadline. As of February 1, 2011, any remaining funds will be used exclusively for the purpose of future communal sewerage systems in Suffolk County.

NOTICE IS FURTHER GIVEN that the County Executive will hold a public hearing on the aforesaid Local Law at 9:30 a.m., prevailing time, on October 4, 2010 in the H. Lee Dennison Building , Media Room, 100 Veterans Memorial Highway, Hauppauge, New York, at which time all interested persons will be heard.

STEVE LEVY
Suffolk County Executive

DATED: Hauppauge, New York

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 September 16, 2010 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.


Clerk of the Legislature

Intro. Res. 1836 Res. No. 876

September 16, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, 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	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
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
<input type="checkbox"/>	Table: _____
<input type="checkbox"/>	Send To Committee _____
<input type="checkbox"/>	Table Subject To Call _____
<input type="checkbox"/>	Lay On The Table _____
<input type="checkbox"/>	Discharge _____
<input type="checkbox"/>	Take Out of Order _____
<input type="checkbox"/>	Reconsider _____
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto _____
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
<input checked="" type="checkbox"/>	APPROVED
<input type="checkbox"/>	FAILED
<input type="checkbox"/>	No Motion
<input type="checkbox"/>	No Second

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote