

WITHDRAWN AS OF 12/7/2011

Intro. Res. No. 1834-2011
Introduced by Legislator D'Amaro

Laid on Table 9/15/2011

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO LOWER THE SEWER
CONNECTION FEE FOR CANON USA, INC.**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2011, a proposed local law entitled, "**A LOCAL LAW TO LOWER THE SEWER CONNECTION FEE FOR CANON USA, INC.**;" now, therefore be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO LOWER THE SEWER CONNECTION FEE FOR
CANON USA, INC.**

**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 Local Law No. 38-2007 increased the connection fees for sewer district contractees located outside the geographic boundary of a sewer district from \$15.00 per gallon per day to \$30.00 per gallon per day.

This Legislature also finds and determines that Canon USA, Inc. ("Canon") is moving its headquarters to Melville, New York, outside the boundaries of Suffolk County Sewer District No. 3 – Southwest ("the District").

This Legislature further finds and determines that Resolution No. 1038-2010 authorized the execution of a connection agreement between Canon and the District at a rate of \$30.00 per gallon per day for 45,381 gallons per day, at a total cost to Canon of \$1,361,430.00.

This Legislature finds that the connection fee agreement executed authorized Canon to seek a resolution of this Legislature to decrease the connection fee.

This Legislature also finds that six other proposed projects at the same location as Canon have received prior approvals to connect to the District, some of which were approved at a higher flow rate than Canon, and all of which were approved at a rate of \$15.00 per gallon.

This Legislature determines that the sewer connection rate for the Canon property should be reduced from \$30.00 per gallon per day to \$15.00 in consideration for the significant economic benefit their business will bring to Suffolk County.

Therefore, the purpose of this law is to reduce the sewer connection fee established in an agreement between Canon USA, Inc. and Suffolk County Sewer District No. 3 – Southwest from \$30.00 per gallon per day to \$15 per gallon per day.

Section 2. Fees.

Notwithstanding the provisions of Chapter 724 of the SUFFOLK COUNTY CODE, § 424-38 of the SUFFOLK COUNTY CODE and Resolution No. 1038-2010, and pursuant to paragraphs 2 and 3 of the Suffolk County Sewer District No. 3 – Southwest’s connection fee agreement with Canon USA, Inc., the sewer connection fee rate shall be reduced from \$30 per gallon per day to \$15 per gallon per day, reducing the gross fee to \$680,715.00.

Section 3. Applicability.

This law shall apply only to the sewer connection agreement between Canon USA, Inc. and Suffolk County Sewer District No. 3 – Southwest for the Canon facility in Melville, New York.

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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: