

Intro. Res. No. 2114-2011  
Introduced by Legislators D'Amaro and Horsley

Laid on Table 12/6/2011

**RESOLUTION NO. 1136 -2011, ADOPTING LOCAL LAW  
NO. 31 -2012, 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 December 6, 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. 31 -2012, 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 building its new world headquarters in 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 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 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 further finds that at the time Canon purchased the Melville property the sewer connection fee was \$15.00 per gallon.

This Legislature also determines that Canon is building its new headquarters in two phases and Phase I is presently under construction. Phase II will not be commenced for at least seven years after Phase I is completed, estimated to be 2020. The estimated discharge associated with the Phase II construction is 12,619 gallons per day.

This Legislature determines that the sewer connection rate for Phase I of the Canon Headquarters Project 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. However, the connection fee for Phase II should be \$30 per gallon and the fee for this phase - - \$378,570 - - should be payable at the time payment for Phase I is made.

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 for Phase I of the Canon Headquarters Project shall be reduced from \$30 per gallon per day to \$15 per gallon per day, reducing the gross fee for Phase I to \$680,715.00. The connection fee for Phase II of the Canon project shall be \$30 per gallon and the fee for that phase, shall be payable at the same time Canon pays the connection fee for Phase I.

### **Section 3. Authority to enter agreement.**

The Suffolk County Sewer Authority and Suffolk County Sewer District No. 3 – Southwest are hereby authorized and empowered to enter into an agreement with Canon USA, Inc. to effectuate the terms of this local law.

### **Section 4. 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 5. 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 6. 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 7. Effective Date.**

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

DATED: December 20, 2011

APPROVED BY:

/s/ Steve Bellone  
County Executive of Suffolk County

Date: January 9, 2012

After a public hearing duly held on January 9, 2012  
Filed with the Secretary of State on June 5, 2012

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DATED: December 20, 2011

APPROVED BY:



County Executive of Suffolk County

Date: 1/9/12

After a public hearing duly held on January 9, 2012  
Filed with the Secretary of State on June 5, 2012

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 January 3, 2012 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.*

*Tim Laube*

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Clerk of the Legislature

Intro. Res.

2114

Res. No. 1136

December 20, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Sarah S. ANKER	/				
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	16	1	-	-	-

MOTION
<input checked="" type="checkbox"/> Approve
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
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ 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 \_\_\_\_\_