

**RESOLUTION NO. 636 -2016, ADOPTING LOCAL LAW
NO. 23 -2016, A LOCAL LAW TO IDENTIFY AND RESERVE
TAX DEFAULT PROPERTIES APPROPRIATE FOR SITING
COMMUNITY WASTEWATER TREATMENT SYSTEMS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 1, 2016, a proposed local law entitled, "**A LOCAL LAW TO IDENTIFY AND RESERVE TAX DEFAULT PROPERTIES APPROPRIATE FOR SITING COMMUNITY WASTEWATER TREATMENT SYSTEMS**"; now, therefore be it

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

LOCAL LAW NO. 23 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IDENTIFY AND RESERVE TAX DEFAULT
PROPERTIES APPROPRIATE FOR SITING COMMUNITY
WASTEWATER TREATMENT SYSTEMS**

**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 the Suffolk County Comprehensive Water Resources Management Plan ("the Comprehensive Plan") identified excess nitrogen levels as the number one threat to Suffolk County's water quality.

This Legislature also finds that excess nitrogen, primarily resulting from hundreds of thousands of residential cesspools and septic systems, has caused harmful algal blooms, the diminution of the County's shellfisheries and degradation of wetlands and sea grass beds that act as wave and storm surge buffers.

This Legislature determines that the County of Suffolk is pursuing multiple strategies to protect its groundwater and surface water resources. One point of emphasis is reducing the flow of nitrogen from cesspools and septic systems to the County's groundwater and surface waters.

This Legislature finds that one recommendation offered in the Comprehensive Plan is for the County to identify tax default properties that would be appropriate for the siting of small, decentralized septic treatment systems that can serve multiple residences. These decentralized systems would replace cesspools and reduce the amount of nitrogen being released into the environment.

This Legislature finds that the County of Suffolk has authorized funding for the installation of enhanced nitrogen removal septic systems through the Suffolk County Drinking Water Protection Program (Suffolk County Charter Article 12) and the Enhanced Water Quality Protection Program (Article 12A of the Suffolk County Charter).

This Legislature concludes that it is in the best interests of the residents of Suffolk County for the County of Suffolk to begin to set aside properties that could house small decentralized sewage treatment systems.

Therefore, the purpose of this law is authorize the Department of Health Services and the Division of Planning and Environment to screen tax default properties and recommend to the County Legislature parcels that should be retained by the County for potential use as decentralized septic treatment systems.

Section 2. Amendments.

Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**ARTICLE XL.
COUNTY REAL PROPERTY**

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§ A40-4. Disposition of Property Acquired through Suffolk County Tax Act.

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- D. Upon the County acquiring an interest in real property by tax deed, the Commissioner shall advise the County Executive, the Commissioner of Public Works, the Commissioner of Parks, Recreation and Conservation, the Commissioner of Health Services, the Director of the Division of Planning and Environment, the Clerk of the County Legislature, and such others as by management order of the County Executive or resolution of the County Legislature shall be designated, thereof. Those so advised shall, within four weeks, report in writing to the Commissioner whether they wish consideration to be given to holding such interest for a County purpose, together with the reasons for such proposed retention.

- E. The County Executive, the Presiding Officer of the County Legislature, and the Commissioner, or [his or her] their designees, shall constitute an appeals committee to screen requests for the retention of property interests acquired by tax deed. Such committee shall meet from time to time to consider all such requests, and [its determination as to departmental requests shall be final unless overturned by a duly enacted resolution of the County Legislature] shall recommend to the County Legislature those property interests that should be retained by the County.
 - 1. For the purpose of siting decentralized septic treatment systems, the appeals committee and the County Legislature shall only consider those parcels that have been recommended or requested for retention for this purpose by a town or village resolution, the Commissioner of the Department of Health Services, the

Director of the Division of Planning and Environment or by the County Legislator representing the district where the property is situated.

2. In the event the appeals committee and the County Legislature approve the retention of a property for the purpose of siting a decentralized septic treatment system, such approval shall lapse after two years at which time the property will return to the County's inventory and be made available for auction or another purpose determined by the County Legislature.

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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 six months immediately subsequent to its filing in the Office of the Secretary of State.

- [] Brackets denote deletion of existing language
- ___ Underlining denotes addition of new language

DATED: July 26, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 12, 2016

After a public hearing duly held on June 21, 2016
Filed with the Secretary of State on September 1, 2016