

**RESOLUTION NO. 87 -2017, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND ISSUING AN ORDER IN RELATION TO THE IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 – SOUTHWEST (RONKONKOMA HUB PROJECT (CP 8156)) AND THE ACCEPTANCE OF CERTAIN REAL PROPERTY FOR SUCH IMPROVEMENT PURPOSES (SCTM NO. 0200-800.00-02.00-028.004 P/O)**

**WHEREAS**, pursuant to New York County Law Section 268, the Suffolk County Sewer Agency has prepared and submitted to the Legislature of the County of Suffolk, a map, plans, and a report including recommendations and cost estimates pertaining to an improvement to facilities at Suffolk County Sewer District No. 3 – Southwest (Ronkonkoma Hub Project (CP 8156)); and

**WHEREAS**, such map, plans, and report addressed improvements related to, among other things, construction of a pump station, force mains and ancillary sewerage facilities for the purpose of conveying wastewater emanating from outside of the Suffolk County Sewer District No. 3 – Southwest (the “District”), including the Ronkonkoma Hub development project and other projects, to the existing facilities of Suffolk County Sewer District No. 3 – Southwest; and

**WHEREAS**, these maps, plans, recommendations and cost estimates were provided to the County Legislature and accompanied Suffolk County Resolution No. 1102-2016 and are attached to this Resolution and Order as Exhibit “A”; and

**WHEREAS**, the total estimated cost for the improvements to Suffolk County Sewer District No. 3 – Southwest for the project is \$26.375 million; and

**WHEREAS**, the Legislature authorized execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 – Southwest and the developer of the Ronkonkoma Hub pursuant to Legislative Resolution No. 937-2016 with a connection fee of twelve million dollars (\$12,000,000) for four hundred thousand gallons per day (400,000 GPD); and

**WHEREAS**, the annual cost to the typical property within Suffolk County Sewer District No. 3 - Southwest for the project when factoring in the total cost of the project, a grant of \$4 million from the Empire State Development Corporation, and contribution by the developer for its proportionate share of the project which is expected to exceed \$7 million, would be \$11.42, however, because of the collection and full allocation of the connection fee paid to the Suffolk County Sewer District No. 3 – Southwest pursuant to Suffolk County Code § 740-45, and contribution for the proportionate share from the developer for the project, the annual cost to the typical property will be relieved; and

**WHEREAS**, as other projects seek connection to the improvement project, through the collection of the required connection fees to the District and payment for the proportionate share of the use of the improvement project, the cost to the typical property owner

will continue to be offset and the improvement project is expected to be fully funded over time;  
and

**WHEREAS**, this cost will be financed utilizing Sewer District Serial Bonds; and

**WHEREAS**, the map, plan and report include a recommendation that the property proposed to be utilized for the construction of the pump station be accepted for dedication of fee title from the present owner of the property, the developer of the Ronkonkoma Hub Project (Tritec), at no cost to Suffolk County Sewer District No. 3 – Southwest, and such property is known as and designated on the Suffolk County Tax Map as 0200-800.00-02.00-028.004 (p/o); and

**WHEREAS**, pursuant to Suffolk County Resolution No. 1102-2016 and New York County Law Section 254, the Clerk of the Legislature did duly cause a Notice of Public Hearing regarding improvements to Suffolk County Sewer District No. 3 – Southwest, to be published at least once in each of the official newspapers of the County and proof thereof has been presented to the County Legislature; and

**WHEREAS**, pursuant to such Notice of Public Hearing, a public hearing was held by the Legislature of the County of Suffolk in Hauppauge, New York in said County on December 20th, 2016 at 9:30 a.m., Prevailing Time; and

**WHEREAS**, said County Legislature has duly considered the map, plan, and report for the improvements to Suffolk County Sewer District No. 3 – Southwest, as well as evidence given at the public hearing held on December 20th, 2016; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, by the Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon evidence presented at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and estimate of costs filed with the Legislature of the County of Suffolk and attached to this Resolution and Order as Exhibit “A”, it is hereby found and determined that (a) the total cost for the increases and improvements to Suffolk County Sewer District No. 3 – Southwest shall be set at a maximum of \$26.375 million, which shall be financed using Sewer District Serial Bonds as set forth in Section 4 of this Resolved clause.

Section 2. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid maps, plans, reports, recommendations and estimate of costs it is hereby found and determined that the increases and improvements to Suffolk County Sewer District No. 3 – Southwest, as set forth in such maps, plans, reports, recommendations and estimate of costs, are hereby determined to be necessary and desirable for the purpose of providing sewage treatment to previously un-sewered areas, provide a favorable ecological and economic impact to the County, and provide for the construction of an asset for the District that will provide future cost savings to District rate payers.

Section 3. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid maps, plans, reports, recommendations and estimate of costs, it is hereby further found and determined that the proposed work involving the increases and improvements to Suffolk County Sewer District No. 3 – Southwest, Ronkonkoma Hub Project is adequate and appropriate and the cost thereof will not constitute an undue burden on the properties in said District.

Section 4. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid maps, plans, reports, recommendations, and cost estimates, it is further found and determined that it is in the public interest to expend a maximum amount of \$26.375 million on the improvements to Suffolk County Sewer District No. 3 – Southwest, funded with (a) sewer district serial bonds, (b) the anticipated receipt of a \$4 million grant from the Empire State Development Corporation, (c) a monetary contribution by the developer of the Ronkonkoma Hub development project for its proportionate share of the improvement project expected to exceed \$7,000,000, (d) the gross connection fees collected pursuant to the terms and conditions of the connection agreement approved by this Legislature via Resolution No. 937-2016 paid to the Suffolk County Sewer District No. 3 – Southwest pursuant to Suffolk County Code § 740-45. The amounts set forth in both (c) and (d) herein when paid shall be fully allocated in an amount equal to the planning, construction and debt service costs to relieve the District of the cost of the improvement to the typical property, and as other projects seek connection to the improvement subject to approval of this Legislature by a duly adopted resolution, the gross connection fees collected and payment of the proportionate share for the use of the improvement to further relieve the District of the cost of the improvement.

Section 5. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid maps, plans, reports, recommendations, and cost estimates, the Legislature hereby authorizes, empowers and directs the Administrative Head of Suffolk County Sewer District No. 3 – Southwest, pursuant Sections 263 and 268 of the New York County Law, to accept at no cost to the County of Suffolk or Suffolk County Sewer District No. 3 – Southwest, fee title to the property known and designated on the Suffolk County Tax Map as 0200-800.00-02.00-028.004 (p/o), the precise dimensions subject to what a survey might show as determined by the Department of Public Works, upon which the pump station to be constructed will be sited.

**2<sup>nd</sup>** **RESOLVED**, IT IS HEREBY ORDERED, by the Legislature of the County of Suffolk as follows:

Section 1. The improvements to Suffolk County Sewer District No. 3 – Southwest as more particularly described in the maps, plans, reports, recommendations, and estimate of costs attached as Exhibit “A”, are hereby approved.

Section 2. Upon the effective date of this Resolution and Order, the Suffolk County Department of Public Works and the Administrative Head of Suffolk County Sewer District No. 3 – Southwest are hereby authorized and directed to carry out the improvements to said District as more particularly described in the maps, plans, reports, recommendations and estimate of costs attached as Exhibit “A” and accept fee title to the property to be dedicated for a pumping station as set forth herein.

Section 3. The Clerk of this Legislature is hereby authorized and directed to cause a certified copy of this Resolution and Order to be recorded in the Office of the Clerk of the County of Suffolk, New York, within ten days of the effective date of this Resolution and Order in accordance with the provisions of New York County Law Section 259.

**3<sup>rd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (“SEQRA”) Lead Agency, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Title 6 NYCRR Part 617.5 (c)(20) and (27) as the proposal involves

the adoption of regulations, policies, procedures, and local legislative decisions in connection with routine or continuing agency administration and management.

**4<sup>th</sup>**                **RESOLVED**, that this resolution shall take effect immediately.

DATED: March 7, 2017

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: March 8, 2017