

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION  
OF INTRODUCTORY RESOLUTION NO. 1232 - 2008**

**WHEREAS, INTRODUCTORY RESOLUTION NO. 1232 - 2008**

**RESOLUTION NO. -2008, A LOCAL LAW AUTHORIZING THE  
CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL  
DEVELOPMENT CORPORATION KNOWN AS THE SUFFOLK  
TOBACCO ASSET SECURITIZATION CORPORATION" OR  
"STASC"**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY  
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE  
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,  
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A  
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY  
RESOLUTION NO. - 2008, IN ORDER TO PROVIDE THE FINANCING  
STRUCTURE FOR SUCH SECURITIZATION AND A SOURCE OF FUNDING TO  
THE COUNTY TO REDUCE DEBT OBLIGATIONS AND OTHER PRESENT AND  
FUTURE COUNTY PURPOSES, WHILE PROTECTING THE COUNTY'S  
EXISTING CREDIT RATINGS, IT IS NECESSARY FOR THE COUNTY TO  
CREATE A LOCAL DEVELOPMENT CORPORATION PURSUANT TO THE NEW  
YORK NOT-FOR-PROFIT CORPORATION LAW WITH THE POWERS TO  
ACQUIRE SUCH RIGHTS, TITLE AND INTEREST IN ALL OF THE MONIES TO  
BECOME PAYABLE TO THE COUNTY UNDER THE MASTER SETTLEMENT  
AGREEMENT ENTERED INTO ON NOVEMBER 23, 1998 AMONG THE  
ATTORNEYS GENERAL OF 46 STATES AND SIX OTHER UNITED STATES  
JURISDICTIONS AND THE FOUR LARGEST UNITED STATES TOBACCO  
MANUFACTURERS AND THE CONSENT DECREE AND FINAL JUDGMENT OF  
THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW  
YORK, DATED DECEMBER 23, 1998 IN THE CLASS ACTION ENTITLED STATE  
OF NEW YORK ET AL. V. PHILIP MORRIS INCORPORATED, ET AL. (INDEX  
NO. 400361/97). THIS RESOLUTION AUTHORIZES THE CREATION OF SUCH  
CORPORATION, AND NO TRANSFER OF ANY MONIES FROM THE COUNTY  
TO THE CORPORATION CAN BE EFFECTUATED WITHOUT PRIOR APPROVAL  
OF THE SUFFOLK COUNTY LEGISLATURE.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND  
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS  
EIGHTEENTH DAY OF MARCH, 2008.**



**BENJAMIN ZWIRN**

**DEPUTY SUFFOLK COUNTY EXECUTIVE**

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1232

Amended Copy 03/17/08

Intro. Res. No. -2008

Laid on Table 03/04/2008

Introduced by Presiding Officer, on request of County Executive

**RESOLUTION NO. , ADOPTING LOCAL LAW NO. , A  
LOCAL LAW AUTHORIZING THE CREATION BY THE  
COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT  
CORPORATION KNOWN AS THE "SUFFOLK  
TOBACCO ASSET SECURITIZATION CORPORATION"  
OR "STASC"**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT CORPORATION KNOWN AS THE "SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION" OR "STASC",**" 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. -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW AUTHORIZING THE CREATION BY THE  
COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT  
CORPORATION KNOWN AS THE "SUFFOLK TOBACCO  
ASSET SECURITIZATION CORPORATION" OR "STASC"**

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

**Section 1. Legislative Intent.**

The County of Suffolk is entitled to receive payments under the Master Settlement Agreement entered into on November 23, 1998 among the attorneys general of 46 states and six other United States jurisdictions and the four largest United States tobacco manufacturers (hereinafter, the "MSA") and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the "Decree") in the class action entitled State of New York et al. v. Philip Morris Incorporated, et. [sic] al. (Index No. 400361/97).

In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree, and thereby provide a source of funding to the County to reduce debt obligations and to further certain other county purposes, it is necessary or desirable for the County to sell its rights, title and interest in and to all of the monies to become payable to the County under the MSA and the Decree (the "Tobacco Asset" in order to facilitate the securitization of the Tobacco Asset).

In order to provide the financing structure for such securitization and a source of funding to the County to reduce debt obligations and other present and future

County purposes, while protecting the County's existing credit ratings, it is necessary or desirable for the County to sell such rights, title and interest to a local development corporation to be created by the County pursuant to the New York Not-For-Profit Corporation Law (the "Suffolk Tobacco Asset Securitization Corporation" or "STASC"), with the powers to acquire such rights, title and interest; to issue bonds, notes and other evidence of indebtedness and incur other obligations; to create a business trust under the laws of the State of Delaware (the "Residual Trust") and assign and deliver to the Residual Trust the monies to become payable to the County under the MSA and the Decree in excess of the amounts necessary to pay debt service on such bonds, notes and other evidence of indebtedness, the expenses of STASC, the expenses of the trustee which is a party to the indenture of trust with STASC authorizing the issuance of such bonds, notes and other evidence of indebtedness (the "Indenture"), any amounts necessary to maintain the reserve funds required by the Indenture to be maintained, and certain other ancillary pecuniary obligations; and to take all other actions as may be necessary, convenient or desirable in furtherance of its powers, in exchange for the net proceeds of the securitization of the Tobacco Asset and certain residual rights, including the right to receive the net proceeds of future securitizations, if any, of the Tobacco Asset.

## **Section 2. Creation of Local Development Corporation**

The County Executive and/or his designee(s) are hereby authorized, empowered and directed to take all actions necessary to create the STASC pursuant to Section 1411 of the New York Not-For-Profit Corporation Law. The STASC shall be created for the purposes and shall exercise and perform the powers described in Section 1 hereof, in accordance with the provisions of the Certificate of Incorporation of the STASC. There shall be three directors of the Corporation. One director shall be appointed by the Presiding Officer of the Legislature. Two directors shall be appointed by the County Executive, at least one of whom shall be an individual who (i) is not, and in the past two years has not been, employed by the County; (ii) is not, and in the past two years has not been, employed by an entity that received remuneration valued at more than fifteen thousand dollars for goods and services provided to the County or received any other form of financial assistance valued at more than fifteen thousand dollars from the County; (iii) is not a relative of an employee of the County; and (iv) is not, and in the past two years has not been, a lobbyist registered under a state or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the County.

## **Section 3. Sale of Tobacco Asset**

The sale by the County to the STASC of the County's rights, title and interest in and to all of the Tobacco Asset, without recourse, is hereby authorized in exchange for the delivery to, or upon the order of, the County, of (i) the net proceeds of the initial issuance of bonds by the STASC contemporaneously with such sale (the "STASC Bonds") after (A) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of the STASC and (B) the funding of all reserve funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the STASC bonds and (ii) the undivided beneficial interest in the Residual Trust, and upon such other terms and conditions as set forth in a Purchase and Sale Agreement

approved by the County Legislature at a future date between the STASC, as purchaser, and the County, as seller, ("Sale Agreement").

#### **Section 4. Execution and Delivery of Sale Agreement**

Upon legislative approval at a future date of the Sale Agreement:

- i). the County Executive and/or his designee(s) are hereby granted authority and are empowered and directed to execute and deliver on behalf of the County such approved Sale Agreement, with such changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such agreement shall be conclusive; and
- ii). the County Executive and/or his designee(s) are hereby further authorized, empowered and directed to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations, and to perform all acts as may be contemplated, necessary or advisable to consummate, or otherwise give full effect to, the approved Sale Agreement and this Local Law or any agreement, instrument or authorization approved, contemplated or authorized hereby; and
- iii). the County pledges to and agrees with the STASC and the holders of any bonds, notes and other obligations of the STASC (hereinafter the "Obligations"), including without limitation the STASC Bonds, that the County will not alter, limit or impair the rights of the STASC to fulfill the terms of its agreements with such holders, or in any way impair the rights and remedies of such holders or the security for the Obligations, until the Obligations, together with the interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged and such agreements are fully performed on the part of the STASC. The Legislature hereby further delegates to the County Executive and/or his designee(s) the power to make, ratify and confirm such pledge to and agreement with the STASC and the holders of its Obligations and to take any and all actions necessary or desirable to cause such pledge to and agreement with the STASC and the holders of its Obligations to be made or enforced. The STASC is hereby authorized to include in any agreement with or for the benefit of the holders of its Obligations the pledges and agreements made by the Legislature and by the County Executive and/or his designee(s) on behalf of the County pursuant to this Section. The County agrees that as a member of the class of releasing parties under the Decree it is bound by the terms and conditions of the MSA and the Decree and will not take any action inconsistent therewith.

#### **Section 5. Applicability.**

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

**Section 6. 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 7. 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) 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 8. 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

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



**GEORGE NOLAN**  
COUNSEL TO THE LEGISLATURE  
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**IAN P. BARRY**  
ASSISTANT COUNSEL TO THE LEGISLATURE  
email: ian.barry@suffolkcountyny.gov

**DATE:** March 4, 2008  
**TO:** CLERK OF THE COUNTY LEGISLATURE  
**RE:** MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

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## PROPOSED LOCAL LAW YEAR 2008

**TITLE:** A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT CORPORATION KNOWN AS THE "SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION" OR "STASC"

**SPONSOR:** PRESIDING OFFICER ON REQUEST OF COUNTY EXECUTIVE

**DATE OF RECEIPT BY COUNSEL:** 3/4/08 **PUBLIC HEARING:** 3/18/08

**DATE ADOPTED/NOT ADOPTED:** \_\_\_\_\_ **CERTIFIED COPY RECEIVED:** \_\_\_\_\_

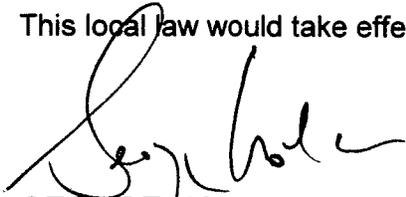
Enactment of this proposed local law would create the Suffolk Tobacco Asset Securitization Corporation ("STASC") for the purpose of acquiring rights, title and interest to the payments the County is entitled to receive under the settled tobacco litigation; to issue bonds and notes; to create a business trust; and to take all other actions as may be necessary, in order for the County to sell its rights, title and interest in all monies to become payable to the County pursuant to the Master Settlement Agreement entered into in the class action State of New York et al. v. Philip Morris Inc., et al.

This local law would authorize the County Executive to take all action necessary to create the STASC pursuant to Section 1411 of the NY NOT-FOR-PROFIT CORPORATION LAW. The STASC shall be comprised of three directors, one to be appointed by the County Executive, one appointed by the Presiding Officer and the third by the County Executive from the private sector, who shall not be of the same political party as the County Executive.

This local law would also authorize the sale by the County of the County's rights, title and interest in and to all of the moneys payable to the County under the Master Settlement Agreement (the Tobacco Asset). This sale would be in exchange for the delivery to the County of the net proceeds of the initial issuance of bonds by the STASC (less costs, fees and moneys reserved for the payment of debt service) and an undivided beneficial interest in the business trust created by the STASC.

This local law would further authorize the County Executive to enter into a sale agreement between the County and the STASC; and would also pledge the County to not alter, limit or impair the rights of the STASC to fulfill the terms of its agreements with holders of any bonds or notes issued by the STASC.

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

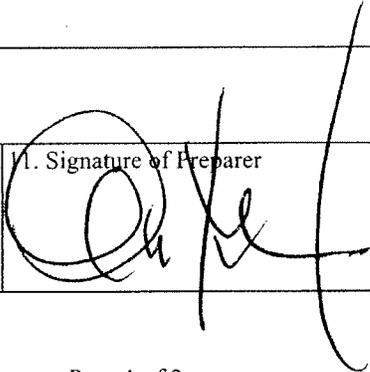


**GEORGE NOLAN**  
**Counsel to the Legislature**

**GN:**

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STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution _____ Local Law <u>X</u> Charter Law _____		
2. Title of Proposed Legislation:		
A Local Law Authorizing the Creation by the County of Suffolk of a Local Development Corporation known as the " Suffolk Tobacco Asset Securitization Corporation or "STASC"		
Purpose of Legislation		
Same as stated above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
No cost to County		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
None		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
Upon approval		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Allen M. Kovesdy Director of Management and Research		March 17, 2008

SIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2008 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

0

**POLICE DISTRICT AND DISTRICT COURT**

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**COMBINED**

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



**RESOLUTION NO. \_\_\_\_\_, 2008 CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 18 – HAUPPAUGE INDUSTRIAL (CP 8126) AND REPEALING THE TERMS OF INCONSISTENT RESOLUTION NOS. 598-2005 AND 1041-2007**

**WHEREAS**, Resolution No. 598-2005, Calling for a Public Hearing for the Purpose of Considering the Proposed Increase and Improvement of Facilities for Sewer District No. 18 – Hauppauge Industrial, signed on June 9, 2005, called for a public hearing to be held on the 28<sup>th</sup> day of June 2005, at 2:30 pm at the County Center in the meeting room of the County Legislature in Riverhead, New York for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 18 – Hauppauge Industrial; and

**WHEREAS**, Resolution No. 598-2005 called for the Clerk of the Suffolk County Legislature to cause a notice of the aforementioned public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may have designated, said publication to have been made in each of such newspapers not less than ten, nor more than twenty days before the 28<sup>th</sup> day of June 2005.

**WHEREAS**, upon review by the New York State Comptroller's Office, the notice for the public hearing called for in Resolution No. 598-2005 was determined ineffective due to the omission of certain mandated language and information; and

**WHEREAS**, the Suffolk County Legislature enacted Resolution No. 1041 to correct this problem; and

**WHEREAS**, the Notice of Public Hearing required by Resolution No. 1041-2007 was improperly published; and

**WHEREAS**, by this resolution, it is the intent of the Suffolk County Legislature to correct improper publication by repealing Resolution No. 1041-2007 in its entirety and to amend then amend the original Resolution No. 598-2005 to conform to the legal requirements of Article 5-A of the New York County Law and language mandated by the Rules of the New York State Comptroller; and

**WHEREAS**, this action is in conformity with Resolution 716-2004 which satisfies the State Environmental Quality Review Act: and now, therefore, be it

1<sup>st</sup> **RESOLVED**, that Resolution No. 598-2005 and Resolution No. 1041-2007 are repealed in their entirety; and

2<sup>nd</sup> **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29 day of April 2008, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of

said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29<sup>th</sup> day of April, 2008 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to increase and improve the facilities of County Sewer District No. 18 – Hauppauge Industrial in and about the Hauppauge Industrial Park within the Town of Smithtown, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County legislature by the Suffolk County Sewer Agency with the assistance of the County Department of Public Works, at which time and place said County legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to eliminate current problems with the aging infrastructure of two sewage treatment plants which comprise the existing Sewer District and detail the proposed expansion which will allow growth and environmental benefits in the existing and proposed service area. The environmental benefits associated with the project include the elimination of on-site systems and the implementation of reliable and efficient sewage treatment systems. An engineering report has been prepared and the cost opinion approaches a total cost, for both the improvements and an extension to the district, of \$70 million, approximately \$35 million of which will be for the increase and improvements to the district.

The proposed County sewer district increase and the improvements therefore as more fully described and defined in the aforementioned maps, plans, report and recommendations, will consist, among other things, of the installation of sewers and pumping stations, construction of a wastewater treatment and disposal facilities, abandonment of on-site sanitary facilities and abandonment of two existing wastewater treatment facilities. Copies of the map, engineering report, the public hearing report and the project summaries are available in the Hauppauge Industrial Association's office at 225 Wireless Blvd, the Office of the Department of Public Works, located in Yaphank and the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday. We encourage all interested parties to appear. Any questions should be forwarded to Ben Wright at 631-852-4204 at the Suffolk County Department of Public Works.

The public hearing report incorporates a map indicating the boundaries of the existing and proposed extension (which extension will be addressed in a separate notice of public hearing) of the sewer district. The existing district is billed based on water consumption, \$13.11 per 1,000 gallons during 2008 (for example, a consumption of 1,000 gallons per day is a base bill of \$4,785 per year). This bill includes debt service and operation and maintenance costs. Pursuant to the requirements of participation in the Suffolk County Assessment Stabilization Reserve Fund, which was established by Suffolk County Charter, bills are increased by 3% per year in order for the participating districts to be eligible to access the Reserve Fund. Funding from the Suffolk County Assessment Stabilization Reserve Fund then permits these participating districts to stabilize annual costs. The existing district parcels have experienced the 3% increase for approximately the last ten (10) years with the typical parcels bill being \$4,236 during 2008. The cost to the typical parcel is reached by determining the median annual parcel cost when each individual parcel cost is listed in increasing value. The 2009 rate would be \$13.50 per 1,000 gallons would result in an increase from 2008 of approximately \$127.08 for the typical parcel, as described above. The project schedule provides that construction will be initiated during 2009 and all parcels in the existing district will pay on a benefit (water consumption) basis. The estimated expense of said increase and improvements will be approximately thirty-five (35) million dollars.

It is proposed that such County Sewer district shall comprise an area lying entirely within the Town of Smithtown, known as the Hamlet of Hauppauge, such area being more particularly bounded and described as follows:

Beginning at a point on the northerly line of Vanderbilt Motor Parkway said point being 30.00 feet westerly of an arc having a Radius of 40.00 feet and Length of 62.83 feet which connects the northerly line of Vanderbilt Motor Parkway with the westerly line of Kennedy Drive;

RUNNING THENCE South 84 degrees 52 minutes 36 seconds West for a distance of 965.75 feet to a point;  
RUNNING THENCE South 89 degrees 53 minutes 16 seconds West for a distance of 42.68 feet to a point;  
RUNNING THENCE South 84 degrees 27 minutes 36 seconds West for a distance of 824.02 feet to a point;  
RUNNING THENCE South 83 degrees 20 minutes 16 seconds West for a distance of 183.37 feet to a point;  
RUNNING THENCE South 83 degrees 22 minutes 37 seconds West for a distance of 1101.79 feet to a point;  
RUNNING THENCE South 84 degrees 04 minutes 48 seconds West for a distance of 1236.94 feet to a point;  
RUNNING THENCE South 83 degrees 48 minutes 09 seconds West for a distance of 1301.75 feet to a point;  
RUNNING THENCE South 83 degrees 31 minutes 18 seconds West for a distance of 1029.09 feet to a point;  
RUNNING THENCE South 84 degrees 15 minutes 00 seconds West for a distance of 317.04 feet to a point;  
RUNNING THENCE South 84 degrees 21 minutes 39 seconds West for a distance of 858.90 feet to a point;  
RUNNING THENCE South 83 degrees 40 minutes 06 seconds West for a distance of 400.16 feet to a point;  
RUNNING THENCE South 83 degrees 40 minutes 45 seconds West for a distance of 481.01 feet to a point;  
RUNNING THENCE South 83 degrees 03 minutes 58 seconds West for a distance of 407.79 feet to a point;  
RUNNING THENCE South 84 degrees 04 minutes 09 seconds West for a distance of 210.14 feet to a point;  
RUNNING THENCE South 84 degrees 05 minutes 48 seconds West for a distance of 400.14 feet to a point;  
RUNNING THENCE South 89 degrees 53 minutes 18 seconds West for a distance of 28.94 feet to a point;  
RUNNING THENCE South 84 degrees 30 minutes 06 seconds West for a distance of 37.44 feet to an arc which bears to the right having a Radius of 1500.00 feet;  
RUNNING THENCE along the arc which bears to the right having a Radius of 1500.00 feet and a chord of North 77 degrees 43 minutes 11 seconds West 880.30 feet, a distance of 893.45 feet to a point;  
RUNNING THENCE North 03 degrees 20 minutes 40 seconds East for a distance of 596.71 feet to a point;  
RUNNING THENCE North 02 degrees 53 minutes 50 seconds East for a distance of 37.85 feet to a point;  
RUNNING THENCE North 02 degrees 49 minutes 35 seconds East for a distance of 828.90 feet to a point;  
RUNNING THENCE North 06 degrees 43 minutes 53 seconds East for a distance of 1052.39 feet to a point;  
RUNNING THENCE North 87 degrees 09 minutes 44 seconds West for a distance of 50.12 feet to a point;

RUNNING THENCE North 02 degrees 33 minutes 28 seconds East for a distance of 461.63 feet to a point;  
RUNNING THENCE North 76 degrees 26 minutes 24 seconds West for a distance of 218.18 feet to a point;  
RUNNING THENCE North 03 degrees 11 minutes 38 seconds West for a distance of 436.09 feet to a point;  
RUNNING THENCE North 84 degrees 30 minutes 56 seconds East for a distance of 79.34 feet to a point;  
RUNNING THENCE North 02 degrees 10 minutes 34 seconds East for a distance of 49.91 feet to a point;  
RUNNING THENCE North 05 degrees 33 minutes 57 seconds West for a distance of 210.00 feet to a point;  
RUNNING THENCE North 45 degrees 13 minutes 59 seconds West for a distance of 287.38 feet to a point;  
RUNNING THENCE North 83 degrees 28 minutes 20 seconds West for a distance of 77.00 feet to a point;  
RUNNING THENCE North 00 degrees 00 minutes 32 seconds West for a distance of 55.35 feet to a point;  
RUNNING THENCE South 85 degrees 51 minutes 58 seconds East for a distance of 759.00 feet to an arc which bears to the left having a Radius of 3626.04 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 3626.04 feet and a chord North 87 degrees 14 minutes 56 seconds East, 869.33 feet, a distance of 871.43 feet to an arc which bears to the left having a Radius of 1981.86 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 1981.86 feet and a chord of North 68 degrees 07 minutes 25 seconds East, 840.38 feet, a distance of 846.81 feet to a point;  
RUNNING THENCE South 34 degrees 03 minutes 02 seconds East for a distance of 93.90 feet to a point;  
RUNNING THENCE North 38 degrees 41 minutes 59 seconds East for a distance of 382.97 feet to an arc which bears to the left having a Radius of 3054.95 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 3054.95 feet and a chord of North 43 degrees 39 minutes 08 seconds East, 566.76 feet, a distance of 567.58 feet to a point;  
RUNNING THENCE North 38 degrees 16 minutes 14 seconds East for a distance of 1392.42 feet to an arc which bears to the right having a Radius of 1837.86 feet;  
RUNNING THENCE along the arc which bears to the right having a Radius of 1837.86 feet and a chord of North 76 degrees 32 minutes 29 seconds East, 1531.21 feet, a distance of 1579.36 feet to a point;  
RUNNING THENCE South 76 degrees 00 minutes 39 seconds East for a distance of 161.23 feet to a point;  
RUNNING THENCE South 76 degrees 54 minutes 28 seconds East for a distance of 796.42 feet to a point;  
RUNNING THENCE South 76 degrees 31 minutes 30 seconds East for a distance of 218.72 feet to an arc which bears to the left having a Radius of 2363.83 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 2363.83 feet and a chord of South 79 degrees 09 minutes 55 seconds East, 217.76 feet, a distance of 217.84 feet to a point;  
RUNNING THENCE South 76 degrees 22 minutes 35 seconds East for a distance of 411.16 feet to a point;  
RUNNING THENCE North 76 degrees 33 minutes 05 seconds East for a distance of 300.17 feet to a point;  
RUNNING THENCE North 68 degrees 28 minutes 45 seconds East for a distance of 251.49 feet to a point;  
RUNNING THENCE North 82 degrees 12 minutes 35 seconds East for a distance of 351.67 feet to a point;

RUNNING THENCE North 87 degrees 03 minutes 55 seconds East for a distance of 232.34 feet to a point;  
RUNNING THENCE South 03 degrees 25 minutes 55 seconds East for a distance of 367.98 feet to a point;  
RUNNING THENCE South 12 degrees 40 minutes 51 seconds East for a distance of 1145.02 feet to a point;  
RUNNING THENCE South 80 degrees 28 minutes 54 seconds East for a distance of 296.25 feet to a point;  
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RUNNING THENCE South 82 degrees 45 minutes 48 seconds West for a distance of 435.92 feet to a point;

RUNNING THENCE South 82 degrees 52 minutes 58 seconds West for a distance of 827.95 feet to the point and place of BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 85,361,629.47 sq. ft.; 1339.798 acres more or less.

A copy of the map, plan, and estimate of costs relating to said proposed increase, improvement, and extension of facilities is on file in the Office of the Clerk of said County Legislature and the office of the Hauppauge Industrial Association, 225 Wireless Blvd, Hauppauge, where the same may be examined during regular business hours.

Section 3. This resolution shall take effect immediately.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION  
OFFICE OF THE COUNTY EXECUTIVE  
County of Suffolk

- (1) Please limit this suggestion form to ONE proposal.
- (2) Describe in detail
- (3) Attach all pertinent backup material.

Submitting Department (Dept. Name & Location):  Department of Public Works 335 Yaphank Avenue Yaphank, NY 11980	Department Contact Person (Name & Phone No.):  Ben Wright, P.E., Chief Engineer, Sanitation 852-4204
--	--

Suggestion Involves:

Technical Amendment _____	New Program _____ <u>X</u>
Grant Award _____	Contract _____
	New _____
	Rev. _____

Summary of Problem: (Explanation of why this legislation is needed.)

Due to an improper public hearing advertisement in 2007 a new public hearing is required. The project will improve the facilities and allow an expansion into the remainder of the Hauppauge Industrial Park.

Proposed Changes in Present Statute: (Please specify section when possible.)

A resolution calling a public hearing to increase and improve Sewer District No.18 and repeal Resolutions 598-05 and 1041-07.

PLEASE FILL IN REVERSE SIDE OF FORM

SCIN Form 175a (10/95) Prior editions of this form are obsolete.

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation Calling a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 18 – Hauppauge Industrial (CP 8126) and repealing the terms of inconsistent Resolution Nos. 598- 2005 and 1041-2007		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No _____		
5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)		
<b>County</b>	<b>Town</b>	<b>Economic Impact</b>
<b>Village</b>	<b>School District</b>	<b>Other (Specify):</b>
<b>Library District</b>	<b>Fire District</b>	<b>Sewer District</b>
6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact This resolution calls for a public hearing. The attached report details the project costs and impact on the parcel owners.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. The project is \$70 million in serial bonds and the ASRF will continue to stabilize rates at an annual increase of 3%.		
8. Proposed Source of Funding                      Serial Bonds		
9. Timing of Impact                      2008-2029		
10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer Sanitation	11. Signature of Preparer	12. Date

M E M O R A N D U M

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: Calling a Public Hearing for the Purpose of Considering the Proposed Increase and Improvement of Facilities for Sewer District No. 18 – Hauppauge Industrial (CP 8126) and Repealing the Terms of Inconsistent Resolution Nos. 598-2005 and 1041-2007

DATE: March 17, 2008

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP8126 – SD 18 – Hauppauge Industrial Improvement Hearing 3-17-08 and backup filed as Reso-Backup DPW-bw CP8126 – SD 18 – Hauppauge Industrial Improvement Hearing 3-17-08. The resolution calls for a public hearing to improve and expand the facilities of the existing sewer district into the remainder of the Hauppauge Industrial Park. It also repeals the terms of Resolutions 598-05 and 1041-07 that were improperly published. Due to the need to proceed with the project as soon as possible and considering the delay caused by the improper advertisement the resolution is the subject of a Certificate of Necessity.

TL:BW:ni  
Attachment

cc: Jim Morgo, Chief Deputy County Executive  
Gil Anderson, P.E., Commissioner  
Brendan Chamberlain, County Executive Assistant  
Laura Conway, CPA, Chief Accountant  
Ben Wright, P.E., Chief Engineer, Sanitation  
CE RESO REVIEW

ResoBackup DPW-bw CP8126- SD 18 - Hauppauge Industrial Improvement Hearing memo 3-17-08

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION  
OF INTRODUCTORY RESOLUTION NO. - 2008**

**WHEREAS, INTRODUCTORY RESOLUTION NO. 1307- 2008**

**RESOLUTION NO. -2008, CALLING A PUBLIC HEARING  
FOR THE PURPOSE OF CONSIDERING THE PROPOSED  
EXTENSION OF SEWER DISTRCT NO. 18 – HAUPPAUGE  
INDUSTRIAL (CP 8126) AND REPEALING THE TERMS OF  
INCONSISTENT RESOLUTION NO. 1040-2007**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY  
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE  
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,  
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A  
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY  
RESOLUTION NO. – 2008, BECAUSE THE ADVERTISEMENT FOR A PUBLIC  
HEARING REGARDING THE PROPOSED EXTENSION OF SEWER DISTRICT 18 –  
HAUPPAUGE INDUSTRIAL (CAPITAL PROJECT 8126), FILED BY THE COUNTY  
CLERK AS ESTABLISHED BY RESOLUTION 1040-2007, WAS DEEMED  
INEFFECTIVE BY THE NEW YORK COMPTROLLER’S OFFICE. BOTH THE  
REPEAL OF RESOLUTION 1040-2007 AND THE SCHEDULING OF A NEW  
PUBLIC HEARING ARE NECESSARY FOR WORK TO BEGIN.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND  
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS  
18<sup>th</sup> OF MARCH, 2008.**



**BENJAMIN ZWIRN  
DEPUTY SUFFOLK COUNTY EXECUTIVE**

RECEIVED  
MARCH 18 2008  
55  
SUFFOLK COUNTY CLERK'S OFFICE

Introduced by the Presiding Officer, on the request of the County Executive

**RESOLUTION NO. \_\_\_\_\_, 2008 CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED EXTENSION OF SEWER DISTRICT NO. 18 – HAUPPAUGE INDUSTRIAL (CP 8126) AND REPEALING THE TERMS OF INCONSISTENT RESOLUTION NO. 1040-2007**

**WHEREAS**, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York, has established a county sewer district designated and known as Suffolk County Sewer District No. 18 - Hauppauge Industrial; and

**WHEREAS**, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 274 of New York County Law in relation to the proposed extension of said sewer district; and

**WHEREAS**, this action is in conformity with Resolution 716-2004 which satisfies the State Environmental Quality Review Act; and

**WHEREAS**, pursuant to Section 254 of New York County Law the Suffolk County Legislature desired to call a public hearing regarding the proposed extension of Suffolk County Sewer District No. 18 - Hauppauge Industrial; and

**WHEREAS**, the Suffolk County Legislature enacted Resolution No. 1040-2007 to call this hearing; and

**WHEREAS**, the Notice of Public Hearing required by Resolution No. 1040-2007 was improperly published; and

**WHEREAS**, by this resolution, it is the intent of the Suffolk County Legislature to correct improper publication by repealing Resolution No. 1040-2007 in its entirety and to enact a new resolution in conformity with the legal requirements of Article 5-A of the New York County Law and language mandated by the Rules of the New York State Comptroller; and now, therefore, be it

1<sup>st</sup> **RESOLVED**, that Resolution No. 1040-2007 is repealed in its entirety.

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

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29 day of April 2008, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York, will meet at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29<sup>th</sup> day of April, 2008 at 2:30 p.m., Prevailing Time, for the purpose to provide information to the parcel owners and users within the Hauppauge Industrial Park with respect to the extension of Suffolk County Sewer District 18 - Hauppauge Industrial.

The project is to eliminate current problems with the aging infrastructure of two sewage treatment plants which comprise the existing Sewer District and detail the proposed expansion which will allow growth and environmental benefits in the existing and proposed service area. The environmental benefits associated with the project include the elimination of on-site systems and the implementation of reliable and efficient sewage treatment systems. An engineering report has been prepared and the cost opinion approaches a total cost of \$70 million, approximately \$35 million of which will be for the extension of the district. Copies of the engineering report, the public hearing report and the project summaries are available in the Hauppauge Industrial Association's office at 225 Wireless Blvd, the Office of the Department of Public Works, located in Yaphank and the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday. We encourage all interested parties to appear. Any questions should be forwarded to Ben Wright at 631-852-4204 at the Suffolk County Department of Public Works.

The public hearing report incorporates a map indicating the boundaries of the existing and proposed extension of the sewer district. The existing district is billed based on water consumption, \$13.11 per 1,000 gallons during 2008 (for example, a consumption of 1,000 gallons per day is a base bill of \$4,785 per year). This bill includes debt service and operation and maintenance costs. Pursuant to the requirements of participation in the Suffolk County Assessment Stabilization Reserve Fund, which was established by Suffolk County Charter, bills are increased by 3% per year in order for participating districts to be eligible to access the Reserve Fund. Funding from the Suffolk County Assessment Stabilization Reserve Fund then permits these participating districts to stabilize annual costs. The existing district parcels have experienced the 3% increase for approximately the last ten (10) years with the typical parcels bill being \$4,236 during 2008. The cost to the typical parcel is reached by determining the median annual parcel cost when each individual parcel cost is listed in increasing value. The 2009 rate would be \$13.50 per 1,000 gallons would result in an increase from 2008 of approximately \$127.08 for the typical parcel, as described above. The project schedule is to have construction initiated during 2009 and all parcels in the district as extended will pay on a benefit (water consumption) basis. The estimated expense of said extension will be approximately thirty-five (35) million dollars.

It is proposed that such County Sewer district shall comprise an area lying entirely within the Town of Smithtown, known as the Hamlet of Hauppauge, such area being more particularly bounded and described as follows:

Beginning at a point on the northerly line of Vanderbilt Motor Parkway said point being 30.00 feet westerly of an arc having a Radius of 40.00 feet and Length of 62.83 feet which connects the northerly line of Vanderbilt Motor Parkway with the westerly line of Kennedy Drive;

RUNNING THENCE South 84 degrees 52 minutes 36 seconds West for a distance of 965.75 feet to a point;

RUNNING THENCE South 89 degrees 53 minutes 16 seconds West for a distance of 42.68 feet to a point;

RUNNING THENCE South 84 degrees 27 minutes 36 seconds West for a distance of 824.02 feet to a point;

RUNNING THENCE South 83 degrees 20 minutes 16 seconds West for a distance of 183.37 feet to a point;  
RUNNING THENCE South 83 degrees 22 minutes 37 seconds West for a distance of 1101.79 feet to a point;  
RUNNING THENCE South 84 degrees 04 minutes 48 seconds West for a distance of 1236.94 feet to a point;  
RUNNING THENCE South 83 degrees 48 minutes 09 seconds West for a distance of 1301.75 feet to a point;  
RUNNING THENCE South 83 degrees 31 minutes 18 seconds West for a distance of 1029.09 feet to a point;  
RUNNING THENCE South 84 degrees 15 minutes 00 seconds West for a distance of 317.04 feet to a point;  
RUNNING THENCE South 84 degrees 21 minutes 39 seconds West for a distance of 858.90 feet to a point;  
RUNNING THENCE South 83 degrees 40 minutes 06 seconds West for a distance of 400.16 feet to a point;  
RUNNING THENCE South 83 degrees 40 minutes 45 seconds West for a distance of 481.01 feet to a point;  
RUNNING THENCE South 83 degrees 03 minutes 58 seconds West for a distance of 407.79 feet to a point;  
RUNNING THENCE South 84 degrees 04 minutes 09 seconds West for a distance of 210.14 feet to a point;  
RUNNING THENCE South 84 degrees 05 minutes 48 seconds West for a distance of 400.14 feet to a point;  
RUNNING THENCE South 89 degrees 53 minutes 18 seconds West for a distance of 28.94 feet to a point;  
RUNNING THENCE South 84 degrees 30 minutes 06 seconds West for a distance of 37.44 feet to an arc which bears to the right having a Radius of 1500.00 feet;  
RUNNING THENCE along the arc which bears to the right having a Radius of 1500.00 feet and a chord of North 77 degrees 43 minutes 11 seconds West 880.30 feet, a distance of 893.45 feet to a point;  
RUNNING THENCE North 03 degrees 20 minutes 40 seconds East for a distance of 596.71 feet to a point;  
RUNNING THENCE North 02 degrees 53 minutes 50 seconds East for a distance of 37.85 feet to a point;  
RUNNING THENCE North 02 degrees 49 minutes 35 seconds East for a distance of 828.90 feet to a point;  
RUNNING THENCE North 06 degrees 43 minutes 53 seconds East for a distance of 1052.39 feet to a point;  
RUNNING THENCE North 87 degrees 09 minutes 44 seconds West for a distance of 50.12 feet to a point;  
RUNNING THENCE North 02 degrees 33 minutes 28 seconds East for a distance of 461.63 feet to a point;  
RUNNING THENCE North 76 degrees 26 minutes 24 seconds West for a distance of 218.18 feet to a point;  
RUNNING THENCE North 03 degrees 11 minutes 38 seconds West for a distance of 436.09 feet to a point;  
RUNNING THENCE North 84 degrees 30 minutes 56 seconds East for a distance of 79.34 feet to a point;  
RUNNING THENCE North 02 degrees 10 minutes 34 seconds East for a distance of 49.91 feet to a point;  
RUNNING THENCE North 05 degrees 33 minutes 57 seconds West for a distance of 210.00 feet to a point;  
RUNNING THENCE North 45 degrees 13 minutes 59 seconds West for a distance of 287.38 feet to a point;

RUNNING THENCE North 83 degrees 28 minutes 20 seconds West for a distance of 77.00 feet to a point;  
RUNNING THENCE North 00 degrees 00 minutes 32 seconds West for a distance of 55.35 feet to a point;  
RUNNING THENCE South 85 degrees 51 minutes 58 seconds East for a distance of 759.00 feet to an arc which bears to the left having a Radius of 3626.04 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 3626.04 feet and a chord North 87 degrees 14 minutes 56 seconds East, 869.33 feet, a distance of 871.43 feet to an arc which bears to the left having a Radius of 1981.86 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 1981.86 feet and a chord of North 68 degrees 07 minutes 25 seconds East, 840.38 feet, a distance of 846.81 feet to a point;  
RUNNING THENCE South 34 degrees 03 minutes 02 seconds East for a distance of 93.90 feet to a point;  
RUNNING THENCE North 38 degrees 41 minutes 59 seconds East for a distance of 382.97 feet to an arc which bears to the left having a Radius of 3054.95 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 3054.95 feet and a chord of North 43 degrees 39 minutes 08 seconds East, 566.76 feet, a distance of 567.58 feet to a point;  
RUNNING THENCE North 38 degrees 16 minutes 14 seconds East for a distance of 1392.42 feet to an arc which bears to the right having a Radius of 1837.86 feet;  
RUNNING THENCE along the arc which bears to the right having a Radius of 1837.86 feet and a chord of North 76 degrees 32 minutes 29 seconds East, 1531.21 feet, a distance of 1579.36 feet to a point;  
RUNNING THENCE South 76 degrees 00 minutes 39 seconds East for a distance of 161.23 feet to a point;  
RUNNING THENCE South 76 degrees 54 minutes 28 seconds East for a distance of 796.42 feet to a point;  
RUNNING THENCE South 76 degrees 31 minutes 30 seconds East for a distance of 218.72 feet to an arc which bears to the left having a Radius of 2363.83 feet;  
RUNNING THENCE along the arc which bears to the left having a Radius of 2363.83 feet and a chord of South 79 degrees 09 minutes 55 seconds East, 217.76 feet, a distance of 217.84 feet to a point;  
RUNNING THENCE South 76 degrees 22 minutes 35 seconds East for a distance of 411.16 feet to a point;  
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Together with and subject to covenants, easements, and restrictions of record.

Said property contains 85,361,629.47 sq. ft.; 1339.798 acres more or less.

#### Extension

It is proposed that such extended district shall comprise an area lying entirely within the Town of Smithtown, known as the Hamlet of Hauppauge, such area being more particularly bounded and described in the map and plan and generally described herein as the County of Suffolk Real Property Tax Service Agency, Section 0800, Section 179, Block 1, Lots 13.8, 18, and 19, and Section and Block

179.01-1  
180-1 and 2  
181-1, 2, and 3  
181.01-1  
181.02-1  
182-1, and  
185-1 and 2

A copy of the map, plan, and estimate of costs relating to said proposed increase, improvement, and extension of facilities is on file in the Office of the Clerk of said County Legislature and the office of the Hauppauge Industrial Association, 225 Wireless Blvd, Hauppauge, where the same may be examined during regular business hours.

Section 3. This resolution shall take effect immediately.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

<p>1. Type of Legislation</p> <p>Resolution <u>  X  </u>                      Local Law <u>                    </u>                      Charter Law <u>                    </u></p>											
<p>2. Title of Proposed Legislation</p> <p>Calling a public hearing for the purpose of considering the proposed extension of Sewer District No. 18 – Hauppauge Industrial (CP 8126) and repealing the terms of inconsistent Resolution No. 1040-2007</p>											
<p>3. Purpose of Proposed Legislation</p> <p>See No. 2 above</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <u>  X  </u>      No <u>                    </u></p>											
<p>5. If the answer to Item 4 is "yes," on what will it impact?    (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>County</b></td> <td style="width: 33%;"><b>Town</b></td> <td style="width: 33%;"><b>Economic Impact</b></td> </tr> <tr> <td><b>Village</b></td> <td><b>School District</b></td> <td><b>Other (Specify):</b></td> </tr> <tr> <td><b>Library District</b></td> <td><b>Fire District</b></td> <td style="text-align: center;"><b>Sewer District</b></td> </tr> </table>			<b>County</b>	<b>Town</b>	<b>Economic Impact</b>	<b>Village</b>	<b>School District</b>	<b>Other (Specify):</b>	<b>Library District</b>	<b>Fire District</b>	<b>Sewer District</b>
<b>County</b>	<b>Town</b>	<b>Economic Impact</b>									
<b>Village</b>	<b>School District</b>	<b>Other (Specify):</b>									
<b>Library District</b>	<b>Fire District</b>	<b>Sewer District</b>									
<p>6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</p> <p>This resolution calls for a public hearing. The attached report details the project costs and impact on the parcel owners and the extended area.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>The project is \$70 million in serial bonds and the ASRF will continue to stabilize rates at an annual increase of 3%.</p>											
<p>8. Proposed Source of Funding      Serial Bonds</p>											
<p>9. Timing of Impact      2008-2029</p>											
<p>10. Typed Name &amp; Title of Preparer</p> <p>Ben Wright, P.E. Chief Engineer Sanitation</p>	<p>11. Signature of Preparer</p>	<p>12. Date</p>									

M E M O R A N D U M

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: Calling a Public Hearing for the Purpose of Considering the Proposed Extension of Sewer District No. 18 – Hauppauge Industrial (CP 8126) and Repealing the Terms of Inconsistent Resolution No; 1040-2007

DATE: March 17, 2008

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP8126 – SD 18 – Hauppauge Industrial Extension Hearing 3-17-08 and backup filed as Reso-Backup DPW-bw CP8126 – SD 18 – Hauppauge Industrial Extension Hearing 3-17-08. The resolution calls for a public hearing to extend the existing sewer district into the remainder of the Hauppauge Industrial Park. It also repeals the terms of Resolution 1040-07 that was improperly published. Due to the need to proceed with the project as soon as possible and considering the delay caused by the improper advertisement the resolution is the subject of a Certificate of Necessity.

TL:BW:ni  
Attachment

cc: Jim Morgo, Chief Deputy County Executive  
Gil Anderson, P.E., Commissioner  
Brendan Chamberlain, County Executive Assistant  
Laura Conway, CPA, Chief Accountant  
Ben Wright, P.E., Chief Engineer, Sanitation  
CE RESO REVIEW

ResoBackup DPW-bw CP8126- SD 18 - Hauppauge Industrial Extension Hearing memo 2-8-08