IR 2114-11

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "A LOCAL LAW TO LOWER THE SEWER CONNECTION FEE FOR CANON USA, INC." has been introduced in the Suffolk County Legislature.

This proposed law would reduce the sewer connection fee rate for Phase I of the Canon USA headquarters project from $30 per gallon per day to $15 per gallon per day.

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing in the Maxine S. Postal Auditorium of the Suffolk County Legislature, in the Riverhead County Center, Riverhead, New York, on the 6th day of December, 2011, at 2:30 P.M.

It is requested that speakers prepare a written statement to submit for the record.

Tim Laube
Clerk of the County Legislature

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2011

WHEREAS, INTRODUCTORY RESOLUTION NO. 2114– 2011

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

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

NOW, I, BRENDAN CHAMBERLAIN, DIRECTOR OF INTERGOVERNMENTAL RELATIONS, 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.2114 – 2011, BECAUSE THE COUNTY WOULD LIKE TO CLOSE THE PUBLIC HEARING AND VOTE ON THIS RESOLUTION, BEFORE THE NEXT SCHEDULED GENERAL MEETING.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 6TH DAY OF DECEMBER, 2011.

Brendan R. Chamberlain

BRENDAN CHAMBERLAIN
DIRECTOR OF INTERGOVERNMENTAL RELATIONS

RECEIVED
2011 DEC -5 P 4: 21
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
RAUPPAUGE

Intro. Res. No. 2114-2011 Laid on Table 12/6/2011
Introduced by Legislators D'Amaro and Horsley

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 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:

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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DATE: **December 5, 2011**

TO: **CLERK OF THE COUNTY LEGISLATURE**

RE: **MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28**

PROPOSED LOCAL LAW YEAR 2011

TITLE: **I.R. NO. 2114 -2011; A LOCAL LAW TO LOWER THE SEWER CONNECTION FEE FOR CANON USA, INC.**

SPONSOR: **LEGISLATOR D'AMARO**

DATE OF RECEIPT BY COUNSEL: 12/5/11 **PUBLIC HEARING:** 12/6/11

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

Canon USA, Inc. has entered into an agreement to connect with Suffolk County Sewer District No. 3 – Southwest at a connection fee of $30 per gallon per day, the standard rate for a connection to a sewer district. This proposed local law would reduce the sewer connection fee for Phase I of the Canon headquarters project to $15 per gallon per day, reducing the gross fee for Phase I from $1,361,430 to $680,715.

Pursuant to this law, the connection fee for Phase II of this project will be $30 per gallon per day and will be payable at the time Canon pays the connection fee associated with Phase I.

This law authorizes Sewer District #3 to enter into an agreement consistent with the terms of this local law.

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

GEORGE NOLAN
Counsel to the Legislature

GN:mjk

s:\rule28\28-canon sewer connection