

Introduced by Presiding Officer, on request of the County Executive and Legislator Anker

RESOLUTION NO. 951 -2019, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AN ORDER FOR THE INCREASE OF THE MAXIMUM AMOUNT TO BE EXPENDED ON CERTAIN IMPROVEMENTS FOR SUFFOLK COUNTY SEWER DISTRICT NO. 23 – COVENTRY MANOR (CP 8149)

WHEREAS, Suffolk County Resolution Nos. 783-2006,1022-2012 and 590-2017 found and determined that it was in the public interest to increase and improve the facilities of Sewer District No. 23 – Coventry Manor; and

WHEREAS, such increases and improvements included, among other things, improving the wastewater treatment facility, including replacement of concrete tanks; and

WHEREAS, by Suffolk County Resolution No. 888-2017, based on a revised estimate of costs, the Suffolk County Legislature determined that it was in the public interest to increase the maximum amount to be expended on these improvements to the facilities for Suffolk County Sewer District No. 23 - Coventry Manor to \$6.5 million; and

WHEREAS, the cost of the increase and improvement to the facilities of Sewer District No. 23 – Coventry Manor has risen from a cost in 2017 of \$6.5 million to an estimated cost of \$8.5 million, as set forth in the amended maps, plans, recommendations; and

WHEREAS, additional funds are necessary to complete the work necessary for finishing these increases and improvements; and

WHEREAS, the Suffolk County Sewer Agency has prepared and submitted to the Legislature of the County of Suffolk, New York, amended maps, plans, recommendations and revised cost estimates pertaining to an increase in the maximum amount to be expended for the increase and improvement to facilities at Suffolk County Sewer District No. 23 – Coventry Manor; and

WHEREAS, these maps, plans, recommendations and revised cost estimates accompanied Suffolk County Resolution No. 774-2019, which called for a public hearing on the increased costs, and are attached to this Resolution and Order as Exhibit “A”; and

WHEREAS, this revised cost will be financed utilizing sewer district serial bonds, but there will continue to be no fiscal impact caused to the benefited properties in said District as a direct result of the original increases and improvements or the increase to the costs of the increases and improvements inasmuch as pursuant, to the Suffolk County Assessment Stabilization Reserve Fund (“ASRF”), property owners within the District experience a 3% annual increase regardless of the cost of any increases or improvements performed; and

WHEREAS, in the case of the property owners in Suffolk County Sewer District No. 23 – Coventry Manor, the annual 3% ASRF increase will result in an increase of approximately \$17 per year to the typical property (mode) within the District, regardless of the additional funds necessary to complete the increases and improvements; and

WHEREAS, pursuant to Suffolk County Resolution No. 774-2019 and New York County Law Section 254, the Clerk of the Legislature did duly cause a Notice of Public Hearing regarding the amended maps, plans, recommendations and revised cost estimates pertaining to an increase in the maximum amount to be expended for the increase and improvement to facilities at Suffolk County Sewer District No. 23 – Coventry Manor 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 September 4, 2019 at 2:00 p.m., Prevailing Time; and

WHEREAS, since there are electors residing in Suffolk County Sewer District No. 23 – Coventry Manor, Article 5-A of the New York County Law requires that the increases in the maximum amount to be expended on increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor shall be subject to permissive referendum; and

WHEREAS, by this Resolution, it is the intent of the Suffolk County Legislature to submit the findings and order regarding the increase in the maximum amount to be expended for the increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor to subject such findings and order to permissive referendum; and

WHEREAS, said County Legislature has duly considered the amended map, plan, recommendations, and revised estimate of cost for the increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor, as well as evidence given at the public hearing held on September 4, 2019; now, therefore be it

1st **RESOLVED**, by the County 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 amended maps, plans, reports, recommendations, and revised 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 the revised total cost for the increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor shall be set at a maximum of \$8.5 million, which shall be financed using Sewer District Serial Bonds.

Section 2. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid amended maps, plans, reports, recommendations and revised estimate of costs it is hereby found and determined that the increase to the costs of the increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor, as set forth in such amended maps, plans, reports, recommendations and revised estimate of costs, is necessary, convenient, and desirable.

Section 3. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid amended maps, plans, reports, recommendations and revised 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. 23 – Coventry Manor is adequate and appropriate and the cost thereof will not constitute an undue burden on the properties in said District and that no properties in said District will be excluded from the benefit of the increases and improvements.

Section 4. Upon evidence presented at the aforesaid public hearing and after due consideration of the aforesaid amended maps, plans, reports, recommendations, and revised cost estimates, it is further found and determined that it is in the public interest to expend a maximum amount of \$8.5 million on the increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor, as set forth in such amended maps, plans, reports, recommendations and revised estimate of costs.

and be it further

2nd **RESOLVED**, IT IS HEREBY ORDERED, by the County Legislature of the County of Suffolk, New York as follows:

Section 1. The increase to the amount to be expended on the increases and improvements to Suffolk County Sewer District No. 23 – Coventry Manor, as more particularly described in the amended maps, plans, reports, recommendations, and revised 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. 23 – Coventry Manor are hereby authorized and directed to carry out the increases and improvements to said District as more particularly described in the amended maps, plans, reports, recommendations and revised estimate of costs attached as Exhibit “A”.

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 Sections 253-b and 259.

and be it further

3rd **RESOLVED**, that this Resolution and Order authorizing the increase to the maximum amount to be expended on the increases and improvements for Suffolk County Sewer District No. 23 – Coventry Manor, shall not take effect until at least forty-five (45) days after its adoption, or until approved by the affirmative vote of the majority of the qualified electors who are resident within Suffolk County Sewer District No. 23 – Coventry Manor voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against the passage of this Resolution and Order in conformity with the provisions of Section 257 of the New York County Law; and be it further

4th **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 Section 617.5(c)(26), (27) and (33) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures and legislative decisions in connection continuing agency administration, management and information collection, and the Suffolk County Council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination on non-applicability or non-significance in accordance with this resolution.

DATED: October 2, 2019

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: October 09, 2019