

**THE MINUTES  
FOR THE MAY 31, 2013 - 4:00 P.M.  
MEETING OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NORTHPORT  
SPECIAL MEETING**

Present: Mayor Doll, Trustees, McMullen, and Tobin, Village Clerk Donna Koch, Village Attorney James Matthews.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

**RESOLUTION 2013 - 77 AUTHORIZING FILING OF APPLICATION WITH COUNTY OF SUFFOLK FOR SEWER INFRASTRUCTURE FUNDING FROM THE COUNTY SEWER ASSESSMENT RESERVE FOR WASTE WATER TREATMENT PLANT (WWTP) AND COLLECTION SYSTEM IMPROVEMENTS FOR THE VILLAGE OF NORTHPORT SEWER DISTRICT FOR SEWER RATE STABILIZATION PURPOSES**

**WHEREAS, Section 12-2 (D) of the SUFFOLK COUNTY CHARTER**, adopted via countywide public referendum as part of the ¼% Drinking Water Protection Program (DWPP), provides for the allocation of 25% of the total revenues generated each year by the ¼% DWPP for sewer district tax rate stabilization in those instances in which a sewer district will experience an increase in rates of at least 3% in the aggregate for user charges, operations and maintenance charges, per parcel charges, and ad valorem assessments in any year in which these sewer district tax stabilization revenues are being allocated through the year 2030; and

**WHEREAS, Section 12-2 (D) of the SUFFOLK COUNTY CHARTER** was amended by Suffolk County Local Law 44-2011, without the benefit of a public referendum, to change the funding formula for sewers by diverting a portion of the ¼% sewer funds to county general fund Retirement Contribution purposes, diverting a portion of ¼% sewer funds for county general fund Debt Service purposes, and diverting a portion of the ¼% sewer funds to sewer infrastructure, at least \$ 2 million per year of which is diverted to the installation of residential and commercial enhanced nitrogen removal septic systems for the period of 2011 through 2021; and

**WHEREAS,** a total of \$ 34,893,945.00 has been advanced from the 1/4% sewer funds in 2011 and 2012 for sewer infrastructure purposes and has been so budgeted in the adopted 2012 Suffolk County Operating Budget; and

**WHEREAS,** the projected amount of additional sewer infrastructure funding for 2013 is another \$ 15,525,000.00 under Suffolk County Local Law 44-2011,

with at least \$ 6 million diverted to the enhanced nitrogen removal septic systems; and

**WHEREAS**, the New York State Department of Environmental Conservation (DEC) has imposed conditions on the Village of Northport Sewer District that will require the Village of Northport Sewer District to incur expenses for sewer infrastructure and sewage treatment and collection system improvement projects at an estimated cost of \$ 9,320,000.00; and

**WHEREAS**, the Village of Northport has obtained two grants from the New York State Department of Environmental Conservation (Contract No. C304409 and Contract No. C303756) that together provide total reimbursements for expenses up to \$1,784,000.00, leaving unfunded expenses at an estimated cost of \$ 7,536,000.00; and

**WHEREAS**, this state mandated cost threatens the fiscal stability/solvency of the Village of Northport as well as the financial security and economic well being of all Northport Village Taxpayers; and

**WHEREAS**, the amount of revenues from the ¼% DWPP allocated to the Northport Sewer District for sewer district tax rate stabilization in the Adopted Suffolk County Operating Budget for 2012, i.e., \$126,851.00, is insufficient to mitigate the rate shock to Northport taxpayers that will arise out of paying for this state mandated cost; now, therefore be it

### **FUNDING REQUEST**

**1st RESOLVED**, that the Village of Northport hereby requests the Suffolk County Legislature to appropriate \$ 7,536,000.00 to the Village of Northport Sewer District from Fund 404-ASSESSMENT STABILIZATION RESERVE-Reserved for Sewers (62.5% over \$ 140 Million) in the Adopted Suffolk County 2012 Operating Budget, pursuant to Section 2-12 (D) (1) of THE SUFFOLK COUNTY CHARTER, for Northport Village Sewer District expenses incurred for sewer infrastructure, sewage treatment, and sewage collection system improvement projects including, but not limited to installation, operation, and maintenance costs incurred by the Northport Village Sewer District in connection with the implementation of the DEC imposed plan and requirements for such projects; and be it further

**2nd RESOLVED**, that expenses not reimbursed by the two NYSDEC grants referred to above and not reimbursed by any Suffolk County grant applied for in accordance with this resolution or by any other grant to be obtained shall be borne by the taxpayers of the Incorporated Village of Northport as described in the application authorized by this resolution; and be it further

## **APPLICATION**

**3rd**               **RESOLVED**, that Mayor and/or Deputy Mayor of this Village are hereby authorized and empowered to file such applications and such documents as shall be necessary to support the request for such funding from Suffolk County identified in this Resolution and the Mayor and/or Deputy Mayor of this Village are hereby authorized and empowered to execute such documents and agreements as shall be necessary and proper to secure the funding from Suffolk County identified in this Resolution, in any such amounts as may be approved and appropriated by the County of Suffolk ; and be it further

## **COOPERATION**

**4th**               **RESOLVED**, this Board hereby agrees to submit such additional information, and execute such pro forma documents, as may be deemed necessary and proper for the timely processing of the application for funding from Suffolk County identified in this Resolution and for the timely payment of same, as may be requested by the Suffolk County Legislature; the office of the County Executive; the Suffolk County Department of Finance and Taxation, pursuant to Section 15-2 (A) of the SUFFOLK COUNTY CHARTER; and/or the Suffolk County Department of Audit and Control pursuant to Section 5-2 (C),(D), (E), & (G) of the SUFFOLK COUNTY CHARTER; and be it further

## **IMPLEMENTATION**

**5th**               **RESOLVED**, that the Clerk of this Village is hereby authorized, empowered, and directed to immediately forward a certified copy of this Resolution to each member of the Suffolk County Legislature and to file a certified copy of this Resolution with the Clerk of the Suffolk County Legislature (Timothy Laube), with Suffolk County Comptroller Joseph Sawicki, Jr., and with the Office of Suffolk County Executive Steve Bellone for the purposes of county implementation via a duly enacted Resolution of the County of Suffolk; and be it further

## **SEQRA**

**6th**               **RESOLVED**, that this Board, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this Resolution is a Type II action pursuant to Title 6 NYCRR Section 617.5(c)(20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering

of priorities that may affect the environment. As a Type II action, this Legislature has no further responsibilities under SEQRA; and be it further

**APPLICABILITY**

**6th**                    **RESOLVED**, that this Resolution shall take effect immediately and shall apply to all actions and activities occurring on or after said Effective Date.

The next regular meeting of the Board of Trustees will be on June 4, 2013 at 6:00 P.M

**A RESOLUTION FOR AN EXECUTIVE SESSION:** if necessary, for personnel and/or litigation matters.

Meeting Adjourned: 4:25 PM.  
Respectfully submitted,

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Donna M. Koch  
Village Clerk