

PROPOSED RESOLUTION NO. 143– 2020

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO AN INTERMUNICIPAL AGREEMENT WITH THE INCORPORATED VILLAGE OF CEDARHURST PURSUANT TO THE NEW YORK STATE CONSTITUTION AND THE GENERAL MUNICIPAL LAW

WHEREAS, the County of Nassau (the “County”) and the Incorporated Village of Cedarhurst (the “Village”) are authorized, pursuant to Article 9, Section 1 of the New York State Constitution and Article 5-G of the General Municipal Law, to enter into intergovernmental agreements; and

WHEREAS, the County and the Village have previously entered into an intermunicipal agreement for the purpose of consolidating sewer resources (the “Original Agreement”); and

WHEREAS, the County and the Village previously amended the Original Agreement as of July 1, 2009 to provide for alternate financing, as well certain other terms and conditions (the “Amendment No. 1,” and together with the Original Agreement, as so amended, the “Agreement”); and

WHEREAS, in accordance with the terms of a settlement agreement that will be simultaneously entered into with this proposed amendment, the County and the Village now desire to further amend the Agreement to provide for the (i) potential refunding by the County of the outstanding Village sewer debt as listed in the restated debt statement attached to the proposed amendment; and (ii) consolidation of real property within the Village into the collection and disposal zone of assessment in the Nassau County Sewer and Storm Water Resources District (the “Amendment No. 2”); and

WHEREAS, in accordance with Section 1611 of the Nassau County Charter and acting in an advisory capacity to the Nassau County Legislature, the Nassau County Planning Commission has previously reviewed the consolidation of the sewer treatment resources and services of the Village with that of the County (the “Action”) and determined that it is an “Unlisted Action” pursuant to the New York State Environmental Quality Review Act (“SEQRA”), and has further reviewed the Environmental Assessment Form (“EAF”) for the Action and recommended that the Legislature, upon its review of the EAF and any supporting documentation, if any, determine that the evidence before it indicates that the Action will have no significant environmental impact and does not require further environmental review; and

WHEREAS, the Nassau County Planning Commission, acting in an advisory capacity to the Nassau County Legislature, passed a resolution regarding the Action recommending that the Legislature conclude that no further environmental review or action is required on such Action; and

WHEREAS, the County and the Village believe it to be in the best interest of the taxpayers of their respective municipalities to authorize intermunicipal cooperation with respect to the mutual covenants set forth in the Amendment No. 2, on file with the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Nassau County Legislature authorizes the County Executive to execute the said Amendment No. 2, and any additional documentation in furtherance of the terms of such Amendment No. 2, with the Village in connection with the consolidation of sewer treatment resources and services; and be it further

RESOLVED that pursuant to the provisions of the State Environmental Quality Review Act (“SEQRA”), 8 N.Y.E.C.L. section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, the proposed action has been determined not to have a significant effect on the environment and no further review is required.

