

**TOWN OF RIVERHEAD  
Resolution 2021-101**

**AUTHORIZES NOTICE OF PUBLIC HEARING TO ESTABLISH FAIR AND  
REASONABLE SEWER RENT FOR OUT OF TOWN FACILITIES FOR CALENDAR  
YEARS 2020 AND 2021 AND RATIFY AND CONFIRM FAIR AND REASONABLE  
SEWER RENT FOR OUT OF TOWN FACILITIES FOR CALENDAR YEARS 2018  
AND 2019**

Councilwoman Kent offered the following resolution, which was seconded by  
Councilman Beyrodt Jr.

**WHEREAS**, the Riverhead Sewer District was established under the laws of the state of New York in 1937 to serve the residents and properties of the Town of Riverhead (the "District"), and

**WHEREAS**, the District is a special district pursuant to the Town Law of the State of New York which is authorized as a benefit derived district, and

**WHEREAS**, the Riverhead Town Board is the governing body of the Riverhead Sewer District with the authority to authorize and levy real property taxes and sewer rents upon the parcels of property within the Town of Riverhead which have been determined to be benefited by the District through such proceedings held from time to time, and

**WHEREAS**, properties within the District are charged by tax bill for sewer services pursuant to two entries on the warrant and tax bill; one for sewer rent based upon water consumption and the other for a benefit derived levy based upon the valuation of the parcel served, collectively comprising the annual charge for sewer service, and

**WHEREAS**, the Riverhead Town Board has no authority or right to levy a tax for the annual charge for sewer services benefiting properties outside of the geographic boundary of the taxing jurisdiction of the Town of Riverhead, and therefore in recognition of the fact that out of District users do not pay the District wide tax levy and the uncertain nature of out of District connections the appropriate multiplier for such out of District connections is 1.75, and

**WHEREAS**, pursuant to Town Law the District may contract with the owners of real property located outside of the District's taxing jurisdiction on a short-term basis to provide for the treatment of sewage generated and flowing from property outside of the District in the event that the District has treatment capacity not immediately required for the treatment of sewage generated and flowing from parcels within the taxing jurisdiction of the District, and

**WHEREAS**, pursuant to such authority the District entered into an agreement with the County of Suffolk to accept and treat sewage generated and flowing from the Riverhead County Center which is located outside of the taxing jurisdiction of the District in the Town of Southampton. This contract terminated by its terms on December 31, 2017, and

**WHEREAS**, the County of Suffolk has not agreed to a new contract setting the terms, including cost, for treatment of sewage generated and flowing from its facilities located outside of the District and the Town of Riverhead for the calendar years of 2018, 2019, 2020 and 2021, and

**WHEREAS**, no payments whatsoever have been made by the County of Suffolk for treatment of sewage from the County Center for 2018, 2019 and 2020, and

**WHEREAS**, due to the Covid Pandemic a prior resolution to adopt the out of District rate for 2020 in March of 2020 was not acted upon, and

**WHEREAS**, the District has continued to provide service due to properly treat and dispose of the sewage generated at the County Center and Jail, and the County has continued to accept such service, and

**WHEREAS**, the District is forbidden by law to make a gift of sewer services to the County of Suffolk, and

**WHEREAS**, by resolution adopted 2018-953 the Riverhead Town Board as governing body of the Riverhead Sewer District adopted a resolution entitled "ESTABLISHES FAIR AND REASONABLE SEWER RENT FOR OUT OF TOWN FACILITIES FOR CALENDAR YEAR 2018 AND 2019", and

**WHEREAS**, the County of Suffolk has failed to pay the fair and reasonable rate so established for 2018 and 2019 or to enter into an agreement which has created an extreme hardship upon the residents and rate payers of the Riverhead Sewer District, and

**WHEREAS**, absent an agreement with the County it is therefore necessary that the Riverhead Town Board establish a sewer rent for the sewer treatment provided by the District to the County of Suffolk for the calendar years 2020 and 2021 and confirm the sewer rent for calendar years 2018 and 2019.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post a complete copy of this Resolution as notice of this public hearing to be held on the 2nd day of March, 2021 at 2:05 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the establishment of fair and reasonable sewer rent for out of town facilities for calendar years 2020 and 2021 and the ratification and confirmation of fair and reasonable sewer rent for out of town facilities for calendar years 2018 and 2019, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the February 11, 2021 edition of The News Review; and

**BE IT FURTHER RESOLVED**, that the subject matter of the public hearing will be the confirmation by the Riverhead Town Board as the governing body of the Riverhead Sewer District that the sewer rent for sewer service for the out of town facilities located at the County Center for the calendar year 2018 is the district rate as established for in district connections by the 2017/2018 tax warrant of \$6.657 per one thousand gallons of annual flow based upon the water consumption for the County

Center facilities as determined by application of the waste water usage set and determined by the Suffolk County Department of Health Services Division of Environmental Quality entitled STANDARDS FOR APPROVAL OF PLANS AND CONSTRUCTION FOR SEWAGE DISPOSAL SYSTEMS FOR OTHER THAN SINGLE-FAMILY RESIDENCES and STANDARDS FOR APPROVAL OF PLANS AND CONSTRUCTION FOR SEWAGE DISPOSAL SYSTEMS FOR SINGLE-FAMILY RESIDENCES which has been calculated by the District Engineer to be 169,399 gallons per day resulting in an annual flow of 61,830,635 gallons utilizing an out of town user rate multiplier of 1.75. This results in a fair and reasonable charge to the County of Suffolk for the treatment of sewage generated at the County Center for the calendar year of 2018 of \$720,311.44. Using the same methodology and the 2018/2019 resident Sewer District rent of \$6.433 per one thousand gallons of annual flow the charge for 2019 is confirmed as \$696,073.83. Using the same methodology and the 2019/2020 resident Sewer District rent of \$6.323 per one thousand gallons of annual flow the charge for 2020 is hereby set at \$684,171.43. Using the same methodology and the 2020/2021 resident Sewer District rent of \$6.990 per one thousand gallons of annual flow the charge for 2021 is hereby set at \$756,343.24, and

**BE IT FURTHER RESOLVED**, that payment of the full 2018 rent in the amount of \$720,311.44 was due and owing February 1, 2019. Payment of the 2019 rent was to be made in four (4) installments of \$174,018.46 due March 1, 2019, \$174,018.46 due June 1, 2019, \$174,018.46 due September 1, 2019 and \$174,018.45 due December 1, 2019. Payment of the 2020 rent shall be due and owing in one installment of \$684,171.43 due April 1, 2021. Payment of the 2021 rent shall be due and owing in one installment of \$756,343.24 due May 1, 2021. The Town Supervisor is authorized to prepare and file all necessary Suffolk County payment vouchers with the County of Suffolk. Payments not made timely shall accrue interest and penalties in the same amount as unpaid property taxes as is the same case as all in district Riverhead resident taxpayers, and that if payments are not timely made the District shall discontinue service pursuant to law.

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized and directed to send certified copy of this resolution to The Honorable Steven Bellone, Suffolk County Executive, [county.executive@suffolkcountyny.gov](mailto:county.executive@suffolkcountyny.gov), and The Honorable Judith A. Pascale, Suffolk County Clerk, [Judith.pascale@suffolkcountyny.gov](mailto:Judith.pascale@suffolkcountyny.gov), and

**BE IT FURTHER RESOLVED** that the sewer charge for calendar year 2022 and subsequent years shall be determined and provided by future resolution of the Riverhead Town Board, and

**BE IT FURTHER RESOLVED**, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE:** Aquiar, yes; Hubbard, yes; Kent, yes; Beyrodt, yes; Rothwell, yes

