

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

DARNELL TYSON, P.E.
DEPUTY COMMISSIONER

MEMORANDUM

TO: Dennis Cohen, Chief Deputy County Executive, Honorable DuWayne Gregory, Presiding Officer of the Suffolk County Legislature, Honorable Legislators; Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee, Louis D'Amaro, the Sewer Agency Legislator-At-Large; Schneiderman, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy, Trotta, McCaffrey, Stern, Spencer; Michael Cavanaugh, representing Presiding Officer Gregory; Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services; Sarah Lansdale, AICP, Director, Suffolk County Planning Department; Lisa Broughton, representing County Executive Steven Bellone

FROM: Gilbert Anderson, P.E., Commissioner, SCDPW and Chairman, Suffolk County Sewer Agency

DATE: May 23, 2014

SUBJECT: Suffolk County Sewer Agency Meeting Minutes – May 19, 2014

Attached for your information please find a copy of the Minutes of the above referenced meeting.

GA/JD/cap – Attachments

cc: Jon Schneider, Deputy County Executive
Philip A. Berdolt, Deputy Commissioner SCDPW
Darnell Tyson, P.E., Deputy Commissioner SCDPW
John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW
Janice McGovern, P.E., Principal Civil Engineer, Division of Sanitation, SCDPW
Robert A. Braun, Esq., SC Department of Law
Walter Dawydiak, P.E., SC Department of Health
James Meyers, P.E. SC Department of Health
Kathy Negri, SC Department of Health
Catherine Stark, Aide to Legislator Al Krupski
Ted Klein, SC Planning Department
Tim Laube, Clerk of the SC Legislature
Justin Littell, Aide to Legislator Louis D'Amaro
Karen Klaffer, Aide to Legislator Louis D'Amaro
Debbie Colonna, County Executive's Office
William Spitz, NYSDEC
Craig A. Platt, Secretary, SC Sewer Agency

The Suffolk County Sewer Agency meets at 11:00 AM at the offices of the Suffolk County Department of Public Works - 335 Yaphank Avenue - Yaphank, NY

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency

Meeting Minutes

May 19, 2014

The meeting was called to order at 11:06 AM by Commissioner Gilbert Anderson, P.E. In attendance were Legislator Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Lisa Broughton, representing County Executive Steven Bellone; Michael Cavanagh, representing Presiding Officer Gregory; Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services.

Notes:

Ted Klein, representing Sarah Lansdale, AICP, Director, Suffolk County Planning Department; telephoned prior to the meeting to explain that he would not be in attendance; and Justin Littell, representing Legislator Lou D'Amaro, the Sewer Agency Legislator-At-Large; arrived at 11:08 as the meeting was in process.

Also present were John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW; Marisa Schifano, Esq., Suffolk County Department of Law; Catherine Stark, Aide to Legislator Krupski; Doreen Carlson, SCDPW; and Craig A. Platt, Secretary, Suffolk County Sewer Agency.

(See the attached sign-in sheet for others in attendance.)

Commissioner Anderson welcomed attendees to the meeting of the Suffolk County Sewer Agency. A Roll Call was then taken.

I. **Roll Call** - (see above)

II. **Minutes of Previous Meeting**

Minutes from SCSA meeting of April 14, 2014, were discussed. A motion to accept the minutes as written was made by Commissioner Anderson; seconded by Ms. Broughton and approved with Mr. Cavanagh recusing himself.

III. **Public Portion** – There were no requests to address the Agency.

IV. **Old Business** – N/A

V. **New Business**

A. **Formal Approval** – N/A

V. New Business - A. Formal Approval – Connection/Construction Agreement

DEERA HOMES

BR-0854.1

John mentioned that this project is a proposed two (2) lot subdivision situated in Farmingville. The single family homes are expected to generate Six Hundred (600 GPD) gallons per day of wastewater and the developer requests Formal Approval for connection to the Sewer District No. 12 – Birchwood/Holbrook. John explained that the developer would be responsible to facilitate the connection by installing the necessary lines to connect to the District. The capacity is available in the District.

Staff recommended granting Formal Approval of the connection to the District.

Commissioner Anderson asked if a project representative was present and none were in attendance. Commissioner Anderson asked if there were any questions or comments and Legislator Krupski asked about the language in the 2nd *Resolved* clause in the resolution; and John explained that [since the parcels were outside of the sewer district], the developer was responsible to install the sewer lines or whatever was necessary to connect to the sewers. Commissioner Anderson asked if there were any additional questions or comments; seeing none; Legislator Krupski made a motion to approve the request; the motion was seconded by Mr. Hilbert and approved unanimously.

Note: Justin Littell, representing Legislator Lou D’Amaro, the Sewer Agency Legislator-At-Large; arrived at 11:08 as the meeting was in process.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 19 - 2014 AUTHORIZING THE CONNECTION OF DEERA HOMES (BR-0854.1) TO SUFFOLK COUNTY SEWER DISTRICT NO. 12 – BIRCHWOOD/HOLBROOK

WHEREAS, application has been made for Deera Homes which is a two (2) lot subdivision, located in Farmingville, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 624.00, Block 04.00, Lots 027.001 and 027.010, and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 12 – Birchwood/Holbrook (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, the owner of the Deera Homes has applied to this Agency for permission to connect Deera Homes to the sanitary sewerage facilities of the District, and

WHEREAS, it is anticipated that Deera Homes Meadows will generate a wastewater flow of Six Hundred gallons per day (600 GPD), and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage which is expected to emanate from Deera Homes, and

WHEREAS, the connection of Deera Homes to Suffolk County Sewer District No. 12 – Birchwood/Holbrook will be financially beneficial for the sewer district and environmentally beneficial to Suffolk County, and

WHEREAS, this Agency has determined that the Six Hundred gallons per day (600 GPD) of sanitary sewage generated by the said project shall be treated at the facilities of the District, and

WHEREAS, pursuant to Title 6 NYCRR Part 617.5(c) (11) and (20), this project involves the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list; and routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. No further action under SEQRA should be taken by the Sewer Agency, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the SEQRA requirements for this project have been met, and requires no further action, now, therefore, be it further

2nd RESOLVED, that the connection authorized herein is subject to the approval of the Suffolk County Legislature and the New York State Department of Environmental Conservation, and it is further

3rd RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developers of Deera Homes, the District, the Suffolk County Department of Public Works ("DPW"), the Suffolk County Department of Health Services, the County of Suffolk, and this Agency, which agreement shall contain such terms and conditions as the Administrative Head of the District shall determine, and it is further

4th RESOLVED, that the connection fee to be paid for the Deera Homes shall be paid upon the execution of the Connection Agreement at the rate of \$30.00 per gallon per day for a total of Eighteen Thousand Dollars (\$18,000.00), prior to execution of the Connection Agreement, and it is further

5th RESOLVED, that the developer of Deera Homes shall, at its sole cost, expense and effort, construct a sewage collection facility for the Deera Homes and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

6th RESOLVED, that the developer of Deera Homes shall furnish a Letter of Credit, in form, wording and amount, and on such terms and conditions, as determined by this Agency's staff, as security for the construction of the sewage collection facility Deera Homes, as well as for all of the developer's obligations under the Connection Agreement, and it is further

7th RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the Deera Homes if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein (the Connection Agreement), in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

(Suffolk County Sewer Agency Meeting May 19, 2014)

John mentioned that this project is an existing eight (8) unit garden apartment building situated in Wyandanch. The parcel is within the Town of Babylon, revitalization project area and requests to connect to Sewer District No. 3 – Southwest through the Wyandanch Commercial Corridor (WCC) sewer system. The anticipated discharge is Thirteen Hundred gallons per day (1,300) GPD of wastewater. The capacity is available in the sewer district. As per the connection agreement, the connection fee is waived for the parcels included in the agreement for a period of five (5) years from the activation of the sewer system (September 25, 2013).

Staff recommended granting Formal Approval of the connection to the Southwest Sewer District.

Commissioner Anderson asked if a project representative was present and none were in attendance. Commissioner Anderson asked if there were any questions or comments and Legislator Krupski asked for information regarding the connection fee waiver and the basis for the proposed flow; Commissioner Anderson mentioned that the project was included in the Wyandanch sewer project and it had been approved (by the County Legislature) that the connection fees would be waived for parcels within the designated area. Discussion ensued as to the SCDHS standards and the basis for flow by unit size. Commissioner Anderson asked if there were any additional questions or comments and seeing none; made a motion to approve the request; the motion was seconded by Legislator Krupski and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 20 - 2014 AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF 1471 STRAIGHT PATH (BA-1477.1-007) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, 1471 Straight Path is an existing garden apartment building situated on Straight Path in Wyandanch, New York, on property identified on the Suffolk County Tax Map as District 0100, Section 055.00, Block 03.00, Lot 005.000, and

WHEREAS, the Premises is not located within the boundaries of Suffolk County Sewer District No. 3 – Southwest (the "District"), or within the boundaries of any other municipal sewer district, but is located within the Agency project “Wyandanch Commercial Corridor” (WCC), and

WHEREAS, Pursuant to the agreement for the construction and connection of the main in the Wyandanch Commercial Corridor, connections made from designated parcels to the main during the first five years after its completion would be charged no connection fee, and the subject parcel is one of the designated parcels, and

WHEREAS, it is anticipated that 1471 Straight Path will generate a wastewater flow of Thirteen Hundred gallons per day (1,300 GPD), and

WHEREAS, the property owner has applied to this Agency for permission to connect 1471 Straight Path to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the flow which is expected to emanate from 1471 Straight Path, and

WHEREAS, the connection of 1471 Straight Path to the District will be environmentally beneficial to Suffolk County, and

WHEREAS, Pursuant to Title 6 NYCRR Part 617.5(c) (11) and (20), this project involved the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list; and routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. No further action under SEQRA should be taken by the Sewer Agency, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the SEQRA requirements for this project have been met, and requires no further action, now, therefore, be it further

2nd RESOLVED, that 1471 Straight Path be permitted to connect to the sanitary sewerage facilities of the District, upon such terms and conditions as the Administrative Head of the District may impose, subject to the terms and conditions hereof, and it is further

3rd RESOLVED, that Thirteen Hundred gallons per day (1,300 GPD), of capacity in the District's sewage treatment plant be allocated to 1471 Straight Path, and it is further

4th RESOLVED, that the connection authorized herein is subject to the approval of the Suffolk County Legislature and the New York State Department of Environmental Conservation, and it is further

5th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of 1471 Straight Path, the District, the Suffolk County Department of Public Works ("DPW"), the Suffolk County Department of Health Services, the County of Suffolk, and this Agency, which agreement shall contain such terms and conditions as the Administrative Head of the District shall determine, and it is further

6th RESOLVED, that as per the Pursuant to the agreement for the construction and connection of the main in the Wyandanch Commercial Corridor, connections made from designated parcels to the collection system during the first five years after its completion would be charged no connection fee, and the subject parcel is one of the designated parcels, and it is further

7th RESOLVED, that the owner of 1471 Straight Path shall, at its sole cost, expense and effort, construct a sewage collection facility for 1471 Straight Path and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

8th RESOLVED, that the owner of 1471 Straight Path shall furnish a Letter of Credit, in form, wording and amount, and on such terms and conditions, as determined by this Agency's staff, as security for the construction of the sewage collection facility for 1471 Straight Path, as well as for all of the developer's obligations under the Connection Agreement, and it is further

9th RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the owner of 1471 Straight Path if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein (the Connection Agreement), in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

(Suffolk County Sewer Agency Meeting – May 19, 2014)

C. Formal Approval – Connection Agreement Renewal

DAMIANOS PINELAWN LLC / 41 PINE LAWN DR LLC

HU-1007.1

John mentioned that this project was originally known as the Swiss Air, and explained that the connection agreement expires on December 31, 2015. The new property owners request to extend the connection agreement.

Staff recommended granting Formal Approval to extend the connection agreement to the Southwest Sewer District.

Ms. Schifano explained that NYS County Law precluded the County from executing agreements for more than twenty-five (25) years and that extending the connection agreements gave the County the latitude of including updated language and specifications in the new connection agreements. Mr. Christopher Kent introduced himself as the attorney representing the project owners and explained that he had submitted a request to the Sewer Agency to extend the connection agreement and amend the connection agreement to reflect the new ownership. Discussion ensued as to expiration dates of connection agreements, the purposes for requesting extensions, and the ownership and financing issues of the previous owners. Commissioner Anderson asked if there were any questions or comments; seeing none; Mr. Cavanagh made a motion to approve the request [to extend the connection agreement, reflecting the new ownership]; the motion was seconded by Ms. Broughton and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 21 - 2014 AUTHORIZING FORMAL APPROVAL TO EXECUTE AN AMENDED AND RENEWED AGREEMENT FOR CONNECTION TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST BY DAMIANOS PINELAWN LLC / 41 PINE LAWN DR LLC (HU-1007.1)

WHEREAS, Damianos Pinelawn LLC / 41 Pine Lawn DR LLC (formerly known as Swiss Air/SwissAir Transport) is an existing parcel in Melville, New York, on property identified on the Suffolk County Tax Maps as District 0400, Section 255.00, Block 01.00, Lot 017.000, and

WHEREAS, the parcel is not located within the boundaries of Suffolk County Sewer District No. 3 – Southwest (the "District"), however, said parcel is connected to the District since the original connection agreement was executed on May 14, 1993, and

WHEREAS, the connection agreement will expire on December 31, 2015, the new property owners request to amend and renew said agreement, and

WHEREAS, pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is listed as a Type II Action, and requires no further action, and

NOW, THEREFORE, IT IS

1st RESOLVED, that pursuant to Section 617.5(c) (20), of the SEQRA regulations, this project is a Type II Action, and requires no further action, now, therefore, be it further

2nd RESOLVED, that said connection agreement be amended to reflect the new property owners and extended for a term allowable under the law, and be it further

3rd RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to Damianos Pinelawn LLC / 41 Pine Lawn DR LLC if, within one (1) year from the date of the adoption hereof, an amended agreement in furtherance of the authorization granted herein (the Connection Agreement), in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

(Suffolk County Sewer Agency Meeting – May 19, 2014)

F. Miscellaneous

SEWER CONNECTION FEES

John explained the connection fee history and added that there had been previous discussion regarding certain projects which had locked in the connection fee rate of \$15.00 per gallon per day. The current connection fee of \$30.00 per gallon per day was established in June of 2007. Prior to 2008, projects with Conceptual Certification did not have an expiration date and the then current connection fee rate when the Agency granted approval was “grandfathered-in”. Projects with Formal Approval had the rate ‘grandfathered-in” providing the project received time-extensions on an annual basis. Agency policy, beginning in 2008, is that projects receiving Conceptual Certification had two years to obtain SEQRA and could request a time-extension(s) as necessary and that the connection fee when the original approval was granted is “grandfathered-in”, providing the project has been actively pursuing SEQRA and/or the approvals necessary to connect to the sewer system. John mentioned that the projects on the list provided with the agenda with the exception of the Heartland Town Square project had current Agency approval. Mr. Cavanagh explained that it had been argued in the past that some projects were getting approvals based on the connection fee rate; that changing the rate may cost twice as much and it might be unfair to the developers, who for a number of reasons (litigation, finance) experienced delays. It was mentioned that changing the connection fee rate might involve legislation.

Seeing no further business; Commissioner Anderson made a motion to adjourn the meeting. The motion was seconded by Mr. Hilbert and approved unanimously at 11:26 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Platt", with a stylized flourish at the end.

Craig A Platt
Secretary, SCSA