

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 Cavanagh, 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: June 20, 2014

SUBJECT: **Suffolk County Sewer Agency Meeting Minutes – June 16, 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
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

June 16, 2014

The meeting was called to order at 11:07 AM by Commissioner Gilbert Anderson, P.E. In attendance were Legislator Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Justin Littell, representing Legislator Lou D’Amaro, the Sewer Agency Legislator-At-Large; Michael Cavanagh, representing Presiding Officer DuWayne Gregory; Walter Hilbert, P.E., representing the Commissioner of the Department of Health Services; Lisa Broughton, representing County Executive Steven Bellone; Ted Klein, representing Sarah Lansdale, AICP, Director, Suffolk County Planning Department.

Also present were John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW; Robert A. Braun, Esq., Suffolk County Department of Law; Catherine Stark, Aide to Legislator Krupski; 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 May 19, 2014, were discussed. A motion to accept the minutes as written was made by Commissioner Anderson; seconded by Ms. Broughton and approved unanimously.

III. Public Portion – There was one (1) request to address the Agency: Mr Richard Hamburger, Esq. - Mr. Hamburger commented on the Greens at Half Hollow, LLC’s (G@HH) notification to abandon the sewage treatment plant which services his client; the Greens at Half Hollow Homeowners Association (HOA). Mr. Hamburger gave a brief history of the STP and mentioned that eighty (80%) present of the flow to the STP was from the Greens at Half Hollow development and that the G@HH had made a significant profit by constructing the STP, thereby building over fourteen hundred units instead of the two hundred previously proposed. The balance of flow comes from the other connectees. Mr. Hamburger added that DPW reviewed the records and files furnished by the G@HH and established a rate Fifty-Three percent (53%) lower than that which had been charged by the G@HH. Mr. Hamburger stated that the HOA, a year and a half ago had filed a lawsuit against G@HH and have been attempting to obtain the books and records for the G@HH STP. Now the G@HH, rather than provide justification for a rate increase has decided to abandon the STP. Mr. Hamburger thought that the County should push back in the situation and mentioned that the HOA has considered taking over the STP but are resistant to do so and even if the HOA decided to do so, they would never accomplish this by the July 18, 2014, deadline imposed by the G@HH. Seeing no other comments, Commissioner Anderson thanked Mr. Hamburger.

IV. Old Business – N/A

V. New Business

A. Formal Approval – Connection/Construction Agreement

BAYPORT MEADOW ESTATES

IS-1636

Mr. Donovan mentioned that the developer contacted the Agency and requested that the project be adjourned for a month. Mr. Cavanagh made a motion to table the project; the motion was seconded by Mr. Klein and approved unanimously.

Legislator Krupski asked if there was a mechanism in the County law that permitted a payment option; to which Mr. Braun stated in the Town of Islip, yes, in the County, no. Mr. Braun explained that County law required twenty percent (20%) affordable housing and that the Town considered the project a single project with two phases. The Bayport location would not contain affordable housing and the Islip location would be only affordable housing. Legislator Krupski asked what guarantees the County had that the affordable housing would be constructed and when? Mr. Braun replied that the Town enforces affordable housing in Town projects but there is no enforcement mechanism in place for the County. Ms. Broughton mentioned that the resolution may include a timetable. Mr. Donovan mentioned that the previous project of discussion (G@HH) constructed the affordable units in the final phase. Commissioner Anderson reiterated that the resolution might contain a timetable. Mr. Littell asked if the affordable housing site would be connected to a County sewer, to which Michael Marinas replied that he was familiar with the project and no, a cromaglass plant was proposed. Commissioner Anderson asked if the affordable phase of the project would come before the Agency and the reply was, no, STP for rental apartments fall within the SCDHS' jurisdiction.

Seeing no further comments or questions; Commissioner Anderson ended the discussion.

**B. Formal Approval – Connection/Construction Agreement - Time Extension
1.**

MATINECOCK COURT

HU-1398

Mr. Donovan mentioned that this project is a proposed 146 unit affordable housing subdivision in East Northport. The developer requests a Time Extension to complete the construction agreement for an On-Site STP. Staff recommends granting the request for a Time Extension to complete the Construction Agreement.

Commissioner Anderson asked if a project representative was present and Chris Weiss, Esq. mentioned he was and introduced Susan Lagville. Mr. Weiss mentioned that the engineering report was almost completed. Mr. Littell asked if the agreement would be completed within the year and Mr. Weiss mentioned that he expected that it would be. Mr. Donovan mentioned that the engineering report may be nearly complete but the Construction Agreement was not. Discussions ensued as to the particulars of the project and the reasons for delay.

Commissioner Anderson asked if there were any questions or comments; seeing none; Mr. Hilbert made a motion to approve the request; the motion was seconded by Ms. Broughton and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 22 - 2014

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONTRACT TO CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE TREATMENT PLANT FOR MATINECOCK COURT (HU-1398)

WHEREAS, on February 22, 2010, this Agency adopted Resolution No. 5-2010, authorizing the construction and operation and maintenance of a sewage treatment system for Matinecock Court, and on March 21, 2011, adopted Resolution No. 7-2011 granting a one year time extension to complete the construction agreement, and on May 21, 2012, adopted Resolution 15-2012, granting an additional one year time extension to complete the construction agreement, and

WHEREAS, on June 17, 2013, this Agency adopted Resolution No. 17-2013, granting an amendment to the requested capacity, said Resolution, by its terms, will expire on June 17, 2014, since an agreement in furtherance of the authorization granted therein had not been executed within one year from the adoption thereof, and

WHEREAS, the developer of Matinecock Court has requested an extension of the authorization granted in Resolution No. 17-2013, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 17-2013, adopted by this Agency on June 17, 2013, is hereby renewed, and it is further

2nd 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 developer, if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein, 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 June 16, 2014)

2.

270 SOUTH SERVICE ROAD

HU-1470.1

Mr. Donovan mentioned that this project is an existing building consisting of office and warehouse in Melville. The developer proposes to demolish the existing building and construct a 6 story commercial office building with a restaurant. The new construction proposes to discharge an additional 13,920 GPD to the facilities of the district. This request is for an additional Time Extension to complete the amended Connection Agreement. The District's STP continues to have sufficient excess treatment capacity to accommodate this project. Staff recommended approval of the request.

Commissioner Anderson asked if a project representative was present and Kathleen Deegan Dixon, Esq. mentioned she was and that they had been working with the Town of Huntington and hopefully, the issues will be resolved by the summer.

Commissioner Anderson asked if there were any questions or comments, seeing none; made a motion to approve the request; the motion was seconded by Mr. Littell and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 23 - 2014 AUTHORIZING A TIME EXTENSION TO COMPLETE THE CONNECTION AGREEMENT FOR ADDITIONAL CAPACITY FOR 270 SOUTH SERVICE ROAD (HU-1470) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on July 16, 2012, this Agency adopted Resolution No. 20-2012, authorizing additional capacity for the connection of 270 South Service Road to the Suffolk County Sewer District No. 3 - Southwest, and on July 15, 2013, adopted Resolution No. 22-2013, granting an additional one year term to complete the amended connection agreement, and

WHEREAS, Resolution No. 22-2013, granted a one year time extension for completion of the Agreement, but the approval will expire on July 16, 2013, without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are under way, and a proposed agreement is being prepared, and

WHEREAS, the developer of 270 South Service Road has requested an extension of the authorization granted in Resolution No. 20-2012,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 20-2012, adopted by this Agency on July 16, 2012, is hereby renewed, and it is further

2nd 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 developer, if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein, 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 June 16, 2014)

D. Conceptual Certification

BENCHMARK AT HUNTINGTON

HU-1662

Mr. Donovan mentioned that Benchmark at Huntington is a proposed One Hundred Four (104) bed assisted living facility in Huntington. The developer proposed to construct an on-site wastewater treatment plant (12,000 GPD) to service the facility and two (2) adjacent parcels. Staff recommended granting Conceptual Certification to the construction of the on-site STP.

Commissioner Anderson asked if a project representative was present and Matt Scheiner, P.E. mentioned he was and mentioned that the lots had been sub-divided prior to 1981 and his client was required to offer sewer connections to the owners of the parcels. Ms. Broughton inquired as to the reason the project was before the Agency and Mr. Donovan replied, that the Agency was involved when more than one owner was connected to an STP. Mr. Klein asked if capacity would be available and the reply was; 600 GPD if the additional parcels did not connect.

Commissioner Anderson asked if there were any questions or comments; seeing none; made a motion to approve the request; the motion was seconded by Mr. Krupski and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 24 - 2014

AUTHORIZING THE CONCEPTUAL CERTIFICATION FOR THE CONSTRUCTION OF A NEW SEWAGE TREATMENT PLANT (STP) FOR BENCHMARK AT HUNTINGTON (HU-1662)

WHEREAS, application has been made for the construction of a new STP at Benchmark at Huntington which is a proposed One Hundred Four (104) bed assisted living facility located in Huntington, New York, situated on property identified on the Suffolk County Tax Maps as District 0400, Section 077.00, Block 01.00, Lots 015.007 and 015.009, and

WHEREAS, there is no Suffolk County Sewer District, or other municipal sewer district in the vicinity of Benchmark at Huntington to serve the proposed facility's sanitary needs, and

WHEREAS, the developer proposes to construct a STP to service the assisted living facility and a number of homes in the vicinity, and

WHEREAS, inasmuch as the SEQRA process for the aforesaid connection has not been completed, this Agency cannot, at this time, approve the said connection, and

WHEREAS, in the interest of good planning, and in order to minimize potential hardship on applicants, it is the policy of this Agency, upon review of an application prior to the completion of the SEQRA process, to give applicants an indication of what method of wastewater disposal this Agency would like to see for a particular project, thereby giving applicants an indication of the action that this Agency might take if it were to pass upon the application at the time of such review, and

NOW, THEREFORE, IT IS

1st RESOLVED, that this Agency hereby grants "Conceptual Certification" to the proposed construction of a new sewage treatment plant to service Benchmark At Huntington, and it is further

2nd 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 developer of Benchmark at Huntington, within two (2) years from the date of the adoption hereof if an application for Formal Approval in form and content satisfactory to the Chairman of this Agency, has not been submitted for consideration, and it is further

3rd RESOLVED, that

1. such conceptual certification is not, and is not to be construed as, final approval, which can only be granted by this Agency after the SEQRA process for the proposed connection has been completed;

2. the applicant shall return to this Agency for such final approval;
3. the granting of conceptual certification as set forth herein shall not be binding upon this Agency when final approval is sought; and
4. the granting of conceptual certification does not constitute a position by this Agency, favorable or otherwise, with respect to local land use, zoning and/or subdivision requirements.

Suffolk County Sewer Agency Meeting (June 16, 2014)

F. Miscellaneous

GREENS@ HALF HOLLOW

HU-1194

Mr. Donovan gave a brief history of the project and the State of New York STP and added that the Greens @ Half Hollow HOA (HOA) had requested a rate review as per the language in the construction agreement between the County and the developers. Subsequent to the review of the information provided by the Greens @ Half Hollow, LLC (G@HH), DPW estimated that the rate should have been less than half of the rate charged by the G@HH. It was mentioned that the G@HH had a number of entities as members and the abandonment notification was sent by one of them. Mr. Hamburger mentioned that they had made an effort to obtain justification for the rates from G@HH and noted that his client was aware that if the County operated the STP that the rates would be higher. Legislator Krupski asked why the Agency had jurisdiction over a privately owned and operated STP, to which Commissioner Anderson replied, to protect the public. Mr. Donovan added that also because when multiple connectees were involved, conflicts arose. Mr. Hilbert mentioned that the SCDHS was the NYS agent to issue SPDES permits and that he only issued permits to individuals and municipalities and that he had contacted the NYS DEC and was waiting for a return call to determine the next step in this process. Ms. Broughton asked if only one member could send an abandonment notification, to which Mr. Braun replied, that the notification was from the G@HH. Commissioner Anderson mentioned that in the past, a penalty had been issued when a STP was abandoned. Legislator Krupski asked if the County could transfer ownership of an STP to a private entity, to which Mr. Braun replied, no, although the County under certain circumstances could operate the plant. Mr. Klein asked if capacity was available and maybe the STP was an asset, to which Mr. Donovan replied that the SCDHS as the agent for the NYS DEC monitors the flow at the STP. Mr. Klein asked if everything (STP & sewer appurtenances) are privately owned, how do we avoid situations like this in the future, to which Mr. Braun mentioned that the rates charged by the G@HH were included in the offering plan filed with NYS, and the developer is not required to turn over the STP to the HOA. Mr. Hamburger mentioned that prior to the rate reduction the STP was profitable for SBJ (G@HH), and they had the option of requesting a rate increase at the Agency but instead has chosen to abandon the STP. Mr. Littell asked who reviewed the rate, to which Commissioner Anderson replied, DPW. Mr. Littell asked the basis for the established rate, to which Mr. Donovan replied, that records and information supplied by the G@HH were reviewed and DPW used a similarly sized district and STP (SCSD #2 – Tallmadge Woods) for comparison and that the rate was approximately half of the G@HH rate. Mr. Braun mentioned that if a District was to be established, the Map and Plan (for sewer district formation) would be reviewed by the Legislature and the rate would be established. Mr. Hamburger mentioned that the offering plan was not reviewed by the County and the G@HH established their own rate. Discussion ensued as to the legality of establishing the rate.

Seeing no further questions or comments; Commissioner Anderson ended the discussion

Seeing no further business, Commissioner Anderson made a motion to adjourn the meeting. The motion was seconded by Mr. Hilbert and approved unanimously at 11:43 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

Sign-in

June 16, 2014

Suffolk County Sewer Agency
SCDPW - Sanitation - Engineering

No.	Name	Firm/Company	Project	Email Address (copy of minutes)
1	Susan Laquille	Housing Help	Mattinecock Court	susanlaquille@optonline.net
2	MATTHEW SCHEINER	CHIARELLI ENG.	BENCHMARK	m.scheiner@mpcengineer.com
3	Michael MARINIS	BARRETT, BOSARCI & VADWELL	270 S. SERVICE RD.	MMARINIS@BBVPC.COM
4	Richard Hamburger	Hamburger Inerson	Greens STP	rhamburger@hmylaw.com
5	CHRIS WESS	HZM	MATTNECOCK CRT	cwess@hzm.com
6	Danielle Rizzo			DanielleLRizzo@gmail.com
7	Kathleen Deegan Dickson	Forchelli Curto Deegan	270 South Service Rd.	kdickson@forchellilaw.com
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If you are not a project representative but would like to address the Sewer Agency, please fill out an index card.