

**RESOLUTION NO. 1023-2012, CALLING A PUBLIC HEARING  
FOR THE PURPOSE OF CONSIDERING THE PROPOSED  
ESTABLISHMENT OF SUFFOLK COUNTY SEWER DISTRICT  
NO. 16 - YAPHANK MUNICIPAL (CP 8158)**

**WHEREAS**, the Suffolk County Sewer Agency has submitted maps and plans prepared for the establishment of Suffolk County Sewer District No. 16 - Yaphank Municipal together with an estimate of cost thereof, attached as Exhibit A to this Resolution; and

**WHEREAS**, pursuant to Section 256 of the New York County Law, upon receipt of the report and the maps and plans, the Legislature must call a public hearing upon the proposal to establish a district as set forth in the maps and plans submitted by the Suffolk County Sewer Agency; and

**WHEREAS**, it is now desired to call a public hearing pursuant to Section 254 of the New York County Law upon the proposal to form said County sewer district, to comprise the area described and defined in said maps and plans;

**NOW, THEREFORE** be it and it hereby is

**1<sup>st</sup>** **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk, New York shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 4<sup>th</sup> day of December 2012, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the establishment of Suffolk County Sewer District No. 16 - Yaphank Municipal and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York, will meet at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 4<sup>th</sup> day of December, 2012 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal for the formation of a County sewer district in and for said County, substantially in accordance with certain maps, plans, reports and recommendations transmitted to said County Legislature by the Suffolk County Sewer Agency, at which time and place the Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

Copies of the maps and plans for the establishment of the proposed district are available in the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday. The proposed district encompasses an additional ten acres to allow for future expansion. There are currently no property owners other than Suffolk County within the boundaries of the proposed district. There is no expectation of receipt of Federal or State funds for the formation of the proposed district. The operation and maintenance budget for the facilities comprising the proposed district was approximately \$320,000 in 2011, which included costs of labor, equipment, materials, supplies, utilities, laboratory services, sludge, billing and objectionable/hazardous waste fee. In addition, the indirect expenses (e.g., overhead, employee benefits, use of building costs, etc.) attributed to this service area were approximately \$318,000 for 2011. Such costs were paid directly by Suffolk County. No capital costs will be incurred in connection with the formation of this proposed sewer district; and, therefore, there will be no bond issue.

We encourage all interested parties to appear. Any questions should be forwarded to Ben Wright at 631-852-4204 at the Suffolk County Department of Public Works.

It is proposed that such County Sewer District shall comprise an area situated in the south central portion of the Town of Brookhaven in the hamlet of Yaphank and is bounded on the north, west, and south by vacant land, and on the east by Suffolk County owned buildings, such area being more particularly bounded and described as follows:

ALL that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on a Map prepared for Suffolk County and on file in the Office of the Commissioner and described as follows:

COMMENCING at a point on the southerly boundary of Suffolk Avenue at its intersection with the westerly boundary of Yaphank Avenue CR 21;

THENCE, S 84° 36' 50" W along said southerly boundary of Suffolk Avenue, a distance of 669.88 feet to the intersection of the southerly boundary of Suffolk Avenue and the easterly boundary of East Avenue;

THENCE, S 05° 22' 40" E along said easterly boundary of East Avenue, a distance of 905.62 feet to the intersection of the easterly boundary of East Avenue and the southerly boundary of Pine Street;

THENCE, westerly along said southerly boundary of Pine Street the following three (3) courses and distances:

1. S 84° 35' 18" W, a distance of 686.69 feet to a point;
2. S 83° 05' 22" W, a distance of 320.04 feet to a Point of Curvature;
3. Along the arc of a curve to the left having a radius of 703.53 feet a distance of 53.12 feet to the Point of Beginning;

THENCE from said Point of Beginning the following ten (10) courses and distances:

1. S 05° 20' 52" E, a distance of 850.37 feet to a point;
2. S 84° 27' 40" W, a distance of 546.56 feet to a point;
3. N 05° 20' 52" W, a distance of 335.21 feet to a point;

4. S 84° 39' 08" W, a distance of 425.00 feet to a point;
5. N 05° 20' 52" W, a distance of 610.00 feet to a point;
6. N 84° 39' 08" E, a distance of 425.00 feet to a point;
7. S 05° 20' 52" E, a distance of 109.00 feet to a point;
8. N 84° 39' 08" E, a distance of 400.00 feet to a Point of Curvature;
9. Along the arc of a curve to the left having a radius of 733.53 feet a distance of 102.42 feet, said curve being subtended by a chord with a bearing of N 79° 05' 19" E and a distance of 102.34 to a Point of Curvature;
10. Along the arc of a curve to the right having a radius of 703.53 feet a distance of 45.12 feet, said curve being subtended by a chord with a bearing of N 76° 55' 33" E and a distance of 45.11 to the Point Of Beginning, being 716,756 ± square feet or 16.45 ± acres MORE OR LESS.

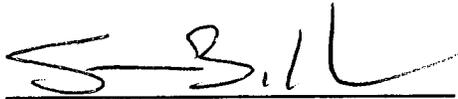
Section 3. This Resolution shall take effect immediately.

and be it further

**2<sup>nd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to Title 6 NYCRR Part 617.5(c)(20) and (27) as the proposal involves the adoption of regulations, policies, procedures and local legislative decisions in connection with routine or continuing agency administration and management.

DATED: November 20, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 12-3-2012



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**COUNTY OF SUFFOLK  
DEPARTMENT OF PUBLIC WORKS**

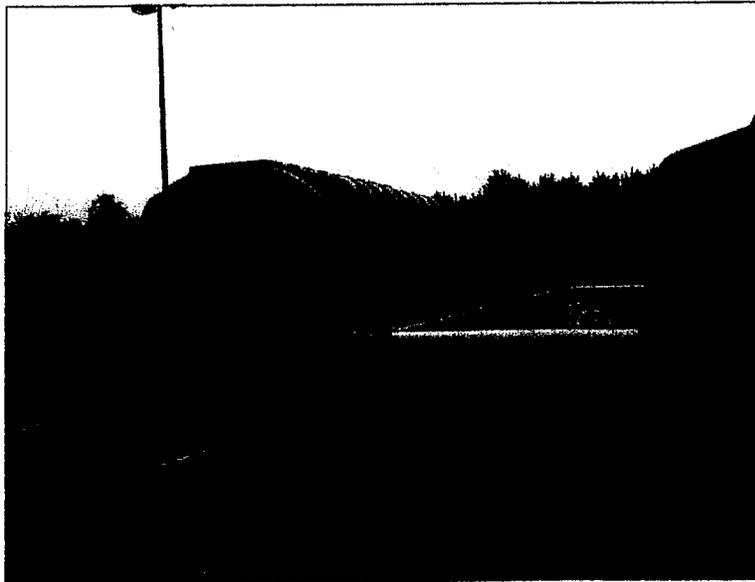
**SUFFOLK COUNTY SEWER AGENCY**

**Report, Map and Recommendations  
for the Proposed Formation of**

**SUFFOLK COUNTY**

**SEWER DISTRICT NO. 16 – YAPHANK-MUNICIPAL**

**GILBERT ANDERSON, P.E.  
COMMISSIONER**



**November 2011**

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**INDEX OF EXHIBIT**

- A - Estimated Operations and Maintenance Costs
- B - Legal Description of Proposed District
- C - Map of Proposed District
- D – Sewer Agency Resolution 14-2011

## **INTRODUCTION**

In accordance with Chapter 254 of the County Law and by Resolutions No. 494-1965 and No. 518-1965, the Suffolk County Board of Supervisors formed the Suffolk County Sewer Agency in September 1965. The County Legislature, as the successors to the Board of Supervisors, by Resolution No. 407-1970, authorized the Chairman of the Agency to execute agreements with subdividers and developers. Thereafter, by Resolution No. 212-1973, the County Legislature again directed the Agency, with the assistance of the Department of Environmental Control acting as its staff, to prepare the necessary maps, plans, specifications and other relevant material for the formation, extension or improvement of County sewer districts.

Therefore, in accordance with those resolutions and pursuant to Article 5A of the County Law, the Agency has caused the Department of Public Works, as the successors to the Department of Environmental Control, to prepare and herewith respectfully submit the necessary information and data relating to the formation of Suffolk County Sewer District No. 16 – Yaphank-Municipal.

At the September 19, 2011 Agency Meeting, the Agency recommended that a district, encompassing the present Yaphank County Center Sewage Treatment Plant, which serves the existing county buildings and facilities located on the east and west sides of Yaphank Avenue, be formed.

## **DISTRICT POPULATION**

Since the district, as proposed, will only contain the existing treatment plant within its boundary, there will be no residents in the district.

## **GENERAL BOUNDARY DESCRIPTION**

The proposed district is situated in the south central portion of the Town of Brookhaven in the hamlet of Yaphank. It is bounded on the north, west and south by vacant land, and on the east by county buildings.

A metes and bounds description of the proposed district is included in this report as Exhibit B, and the map of the proposed district is appended hereto as Exhibit C.

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## WASTEWATER TREATMENT FACILITIES

The wastewater treatment plant, which has been operated and maintained by DPW since it was built in 1974 and has a twelve month peak flow of 160,000 gpd, was designed and constructed to accommodate 250,000 gpd. The 16.5± acre site is sufficient to accommodate a future flow of 1.0 MGD. An additional 10 Acres is included for future expansion.

## CAPITAL COSTS

No capital costs will be incurred in connection with the formation of this proposed sewer district; and, therefore, there will be no bond issue.

## PROPOSED FINANCIAL PLAN AND COSTS TO USERS

### A. Federal and State Aid

There is no expectation of receipt of Federal or State funds for the formation of this district.

### B. Preliminary User Charges

- 1 Present Charges: Operation and Maintenance is paid directly by the County General Fund
2. District Charges: The Environmental Protection Agency regulations require that any sewer district formed in Suffolk County after December 27, 1977 must charge the users based upon actual use, and not ad valorem. Therefore, the district will be formed pursuant to Section 266 of the County Law of the State of New York, and thus make a flat annual sewage charge to the users for the calendar year 1999, or fraction thereof. This will result in no change from what is presently charged.

### C. Annual Operation and Maintenance Costs and Charges

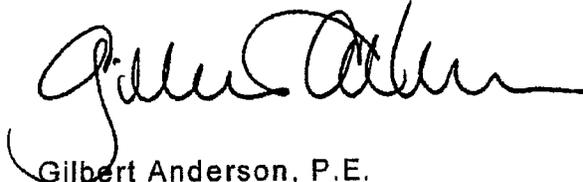
The operation and maintenance budget for 2011 is estimated to be \$422,739 (see Exhibit A).

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**RECOMMENDATIONS, COMMENTS AND FINDINGS**

- A. The formed district will result in the ability of the Suffolk County Sewer Agency to authorize the connection of nearby proposed projects, subject to the approval of the Legislature and the New York Department of Environmental Conservation, which will result in a non-proliferation of sewage treatment plants.
- B. It is recommended that the formation of the district be accomplished pursuant to the provisions of Article 5A of County Law and that the cost be assessed, levied and collected in accordance with the provisions of Section 266 thereof.
- C. It is recommended that the Commissioner of the Suffolk County Department of Public Works be appointed the Administrative Head of Sewer District No. 16 - Yaphank-Municipal in compliance with Article VIII, Section 801, of the Suffolk County Charter.
- D. Finally, it is recommended that this report be made the subject of a public hearing on the question at the earliest possible date.

Respectfully submitted,



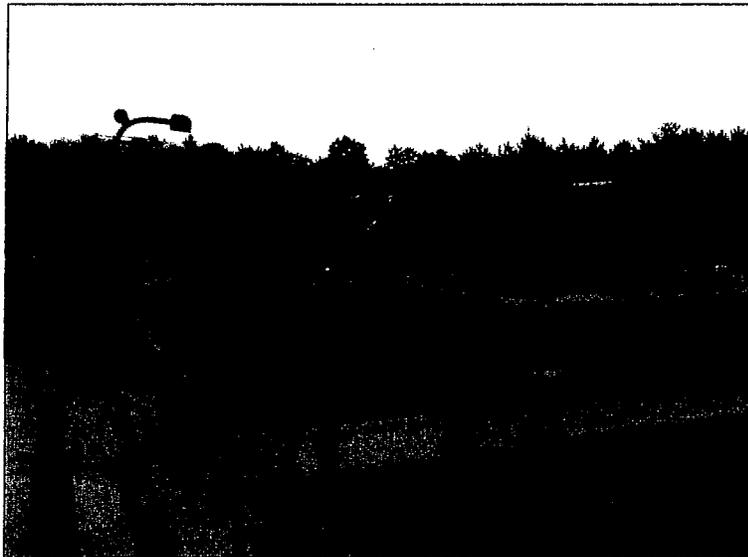
Gilbert Anderson, P.E.  
Commissioner of the Suffolk County  
Department of Public Works, Chairman of  
the Suffolk County Sewer Agency and  
Administrative Head of All Suffolk County  
Sewer Districts

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Exhibit A

ESTIMATED OPERATION & MAINTENANCE

2011 Adopted Budget .....	\$207,090
2011 Chargeback.....	\$154,999
2011 Labor.....	\$ 60,650
Total.....	\$422,739 (1)
Peak month flow.....	160,000 GPD (2)
Cost per gallon: (1)/(2) .....	\$2.64



**DISTRICT BOUNDARY PROPOSED**  
**SCSD NO. 16 – YAPHANK-MUNICIPAL**

Tax Map No. 0200 -742.00 -01.00 –P/O 003.001

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3. N 05° 20' 52" W, a distance of 335.21 feet to a point;
4. S 84° 39' 08" W, a distance of 425.00 feet to a point;
5. N 05° 20' 52" W, a distance of 61 0.00 feet to a point;
6. N 84° 39' 08" E, a distance of 425.00 feet to a point;
7. S 05° 20' 52" E, a distance of 109.00 feet to a point;
8. N 84° 39' 08" E, a distance of 400.00 feet to a Point of Curvature;
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10. Along the arc of a curve to the right having a radius of 703.53 feet a distance of 45.12 feet, said curve being subtended by a chord with a bearing of N 76° 55' 33" E and a distance of 45.11 to the Point Of Beginning, being 716,756 ± square feet or 16.45 ± acres MORE OR LESS.

Excepting, also and reserving to any and all utilities the right of access at all times for the update, maintenance, and service of their utilities



# SUFFOLK COUNTY SEWER AGENCY

## RESOLUTION NO. 14 -2011

### AUTHORIZING THE PREPARATION OF DOCUMENTS AND PROCEDURES FOR THE CREATION OF SUFFOLK COUNTY SEWER DISTRICT NO. 16 – YAPHANK-MUNICIPAL

WHEREAS, the Yaphank-Municipal Sewage Treatment Plant (STP) was constructed to provide sewer service for the wastewater generated by the Suffolk County Office complex in Yaphank, and

WHEREAS, a non-municipal owned parcel cannot connect to a County owned STP that is not located in an established Suffolk County sewer district, and

WHEREAS, there is a proposal to sell a parcel of County owned property in the vicinity of the Yaphank-Municipal STP, and

WHEREAS, the creation of a County sewer district which is serviced by the Yaphank-Municipal STP will allow the purchaser of the proposed parcel access to the Yaphank-Municipal Sewage Treatment Plant (STP), and

WHEREAS, the creation of a County sewer district would be environmentally beneficial to the local community and financially beneficial to all of Suffolk County and prevent the proliferation of multiple future small treatment facilities in the area, and

WHEREAS, the Environmental Protection Agency regulations require that any sewer district formed in Suffolk County after December 27, 1977, must be self-supporting, and the cost for operation and maintenance of the proposed SD 16 - Yaphank-Municipal District, will be borne by the connectees of the proposed district,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that the Suffolk County Charter (Article VIII - §C8-1-B) establishes the Commissioner of the Suffolk County Department of Public Works as the Administrative Head of all of the Suffolk County Sewer Districts, and

2<sup>nd</sup> RESOLVED, that the Administrative Head of the District is hereby authorized to proceed with the preparation of a report for the creation of the proposed SD 16 - Yaphank-Municipal District, and

3<sup>rd</sup> RESOLVED, that the creation of a sewer district 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

4<sup>th</sup> RESOLVED, that the Administrative Head of the District is hereby further authorized to, in conjunction with the Department of Health Services and the Department of Law, to prepare and submit the application to the Office of the NYS Comptroller for the creation of the Suffolk County Sewer District No. 16 - Yaphank-Municipal.

(Suffolk County Sewer Agency Meeting September 19, 2011)

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I*, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 20, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I* have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

*Tim Laube*

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Clerk of the Legislature

Intro. Res. 1974

Res. No. 1023

November 20, 2012

**Motion:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

**MOTION**

Approve

Table: \_\_\_\_\_

Send To Committee

Table Subject To Call

Lay On The Table

Discharge

Take Out of Order

Reconsider

Waive Rule

Override Veto

Close

Recess

APPROVED  FAILED \_\_\_\_\_

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED

NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote