

# COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

## DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.  
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.  
COMMISSIONER

LOUIS CALDERONE  
DEPUTY COMMISSIONER

### MEMORANDUM

**TO:** Hon. William J. Lindsay, Presiding Officer of the SC Legislature  
Hon. Legislators: Romaine, Schneiderman, Browning, Muratore, Vilorio-Fisher, Losquadro, Eddington, Montano, Cilmi, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, and Cooper, Ed Dumas, Chief Deputy County Executive for Policy and Communications, Walter Dawydiak, P.E., Chief Engineer, Environmental Quality, S.C. Health Services, Thomas Isles, Director, Suffolk County Planning Department, Michael Cavanagh, representing Presiding Officer Lindsay, Lisa Broughton, representing County Executive Levy

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

**DATE:** August 19, 2010

**SUBJECT:** Minutes of the Suffolk County Sewer Agency – August 16, 2010

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

GA/BW/cp – Attachments

cc: Thomas LaGuardia, P.E., Chief Deputy Commissioner, SCDPW  
Louis Calderone, Deputy Commissioner, SCDPW  
Ben Wright, P.E., Chief Engineer, Division of Sanitation, SCDPW  
John Donovan, P.E., Principal Civil Engineer, SCDPW  
Laura Conway, C.P.A., Administrative Services, SCDPW  
Linda Spahr, Esq., SC Department of Law  
Robert Braun, Esq. SC Department of Law  
Walter Hilbert, P.E., SC Dept. of Health  
Tim Laube, Clerk of the Legislature  
William Spitz, NYSDEC  
Yves R. Michel, Commissioner Economic Dev. and Workforce Housing  
Adam Santiago, Aide to Presiding Officer Lindsay  
Justin Littell, Aide to Legislator Louis D'Amaro  
Karen Klafter, Aide to Legislator Louis D'Amaro  
Catherine Stark, Aide to Legislator Schneiderman  
Craig Knepper, P.E., SC Dept. of Health  
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

# Suffolk County Sewer Agency Meeting Minutes

August 16, 2010

The meeting was called to order at 11:06 AM by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance were Legislator Louis D'Amaro, the Sewer Agency Legislator At Large, Michael Cavanaugh, representing Presiding Officer Lindsay, Tom Isles, Suffolk County Director of Planning, Lisa Broughton, Office of Economic Development, representing County Executive Levy, and Craig Knepper P.E., representing the Commissioner of the Department of Health Services.

Also present were Ben Wright, P.E., Chief Engineer of the Suffolk County DPW Sanitation Division, Linda A Spahr, Esq. of the Suffolk County Department of Law, Justin Littell, Aide to Legislator D'Amaro, and Craig Platt, Suffolk County DPW Sanitation Division.

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

Welcome by Commissioner Anderson, to the August 16, 2010, meeting of the Suffolk County Sewer Agency, and introduction by Roll Call.

Please note; Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the Public Works and Transportation Committee, arrived as the meeting was in process.

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

II **Minutes of Previous Meeting**

Minutes from SCSA for the June 21, 2010 meeting were discussed. A motion to accept the minutes as written was made by Commissioner Anderson and seconded by Ms. Broughton. The motion was approved unanimously.

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

IV. **Old Business**  
None

**V. New Business      A.      Formal Approval**

**CANON USA INC.**

**HU 1604**

Ben mentioned that the Canon USA Inc. project is a proposed commercial development consisting of a five story building with 900,000 sq. ft. of office space and two three story parking garages with a parking capacity of 2,878. The project is in Melville, New York, situated on 52.17 acres, bounded by Old Walt Whitman Road on the east and the South Service Road of the Long Island Expressway at Exit 49. The project is expected to generate 45,381 gallons per day of wastewater for which the company requests connection to SCSD #3 – Southwest. Capacity is available in the District, and the project has received NYS DEC approval.

Staff recommended granting Formal Approval the request.

Commissioner Anderson asked if a project representative was present and Ed Ambrosino, Esq., stated he was and introduced Joseph Deal, P.E., of Bohler Engineering. Mr. Ambrosino mentioned that negotiations were ongoing between Canon and the County Executives' office concerning the connection fee. Canon was seeking a waiver in the increase of the connection fee from \$15.00 GPD to \$30.00, since the prior property owner sold the property to Canon with the (Agency's) Formal Approval of capacity and the economic benefit brought to the area by the relocation of Canon to Melville. Mr. Ambrosino mentioned that the law provided for such a waiver. Discussion ensued as to process of changing Local Law 424 and the necessity of Canon returning to the Agency to amend the Agency resolution to \$15.00 GPD once the Legislative approval was obtained.

Commissioner Anderson made a motion to approve; the motion was seconded by Legislator D'Amaro and approved unanimously .

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO: 16 - 2010**

### **AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF CANON USA, INC. (HU-1604) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST**

WHEREAS, Canon USA, Inc. is a proposed commercial development in Melville, New York, on property identified on the Suffolk County Tax Maps as District 0400, Section 254.00, Block 01.00, Lots 004.000, 009000, and Section 254.00, Block 02.00, Lots 004000, 049000, and

WHEREAS, the Premises are 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, and

WHEREAS, it is anticipated that Canon USA, Inc. will generate a wastewater flow of Forty Five Thousand Three Hundred Eighty-One gallons per day (45,381 GPD), and

WHEREAS, Canon USA, Inc. has applied to this Agency for permission to connect Canon USA, Inc. 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 Canon USA, Inc., and

WHEREAS, the connection of Canon USA, Inc. to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County, 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**

**1<sup>st</sup> RESOLVED**, that pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is a Type II Action, and requires no further action, now, therefore, be it further

**2<sup>nd</sup> RESOLVED**, that Canon USA, Inc. 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

**3<sup>rd</sup> RESOLVED**, that Forty Five Thousand Three Hundred Eighty-One gallons per day (45,381 GPD), of capacity in the District's sewage treatment plant be allocated to Canon USA Inc., and it is further

4<sup>th</sup> 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

5<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between Canon USA, Inc., 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

6<sup>th</sup> RESOLVED, that the connection fee to be paid for Canon USA, Inc. shall be paid upon the execution of the Connection Agreement at the rate of \$30.00 per gallon of flow per day for a total of \$1,361,430.00, and it is further

7<sup>th</sup> RESOLVED, that Canon USA, Inc. shall, at its sole cost, expense and effort, construct a sewage collection facility for the Canon USA Inc. project and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

8<sup>th</sup> RESOLVED, that Canon USA, Inc. 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 Canon USA, Inc., as well as for all of the developer's obligations under the Connection Agreement, and it is further

9<sup>th</sup> 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 Canon USA, Inc. 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 August 16, 2010)

Ben mentioned that this project is an existing 271 unit garden apartment complex and a single house. The project is situated on a 16.8-acre parcel located on the east side of August Road, adjacent to Belmont Lake State Park. The project currently is serviced by an existing WWTP. This application is for an additional one year extension to complete the Connection Agreement to connect to Sewer District No. 3- Southwest, which continues to have the reserved capacity available.

Ben continued that the new language in the Connection Agreement should address the concerns expressed at the July 2008 Agency meeting. Staff recommended granting the time extension to complete the Connection Agreement.

Commissioner Anderson asked if a project representative was present and Eugene L Wishod, Esq. stated he was and introduced Len Abrams and David Osterland. Mr. Wishod expressed his client's concern with the language in the Connection Agreement, and mentioned the feasibility study of the area and the possibility of connecting to the sewers without the \$919,125.00 connection fee. Ben mentioned that in the past the department had recommended against extending the boundary of a sewer district considering the legal issues involved. Ben added that the department would look at all options. Ben continued that the feasibility study may take eighteen months and did not know what the consultant would recommend. Legislator D'Amaro asked if the on-site WWTP was failing, to which Mr. Chiarelli replied, no, the plant was in good shape even though it only provides secondary treatment. Legislator D'Amaro asked if the intent of the new language, to which Ms. Spahr replied that a new paragraph "C" had been added to assuage the concerns in paragraph "A(i)". Discussion ensued as to the language in the new paragraph "C" and the SRF. Ben explained that the department had never applied the language in paragraph "A(i)" and the intent was to treat the users and contractees in the district equally, with the exception of the additional five percent administrative fee paid by district contractees. In the case of Somerset Woods project, the project would be subject to the same three percent increase as the users and contractees of the district once the project is connected. Mr. Isles mentioned that this was the project's fourth application for an extension to complete the Connection Agreement and asked if the project would move ahead or wait until the feasibility study was complete, to which Mr. Wishod replied, that the intent was to sign the agreement. Mr. Abrams mentioned that the language in Section 22 "A(i)" of the standard connection agreement was a concern and asked if the language could be removed, to which Ms. Spahr replied, no, that the new paragraph "C" should remove any concerns. Commissioner Anderson mentioned that the costs for any future expansion of the WWTP would be borne by the users and contractees alike. Mr. Chiarelli added that the Agency and Staff would not approve or recommend the project if the capacity was not available. Ms. Spahr added that the language was a policy decision by the Agency and that Mr. Abrams had to depend on the advice of his attorney and engineer as whether or not to proceed with the agreement.

Commissioner Anderson asked if anyone had any questions or comments, seeing none Commissioner Anderson made a motion to approve; the motion was seconded by Legislator D'Amaro and approved unanimously.

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 17 -2010**

### **AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY SOMERSET WOODS, LLC (BA-1459) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST**

WHEREAS, on August 21, 2006, this Agency adopted Resolution No. 25-2006, authorizing the connection of Somerset Woods, LLC to the Suffolk County Sewer District No. 3 - Southwest, and

WHEREAS, on July 17, 2007 this Agency adopted Resolution No. 13-2007, on July 21, 2008, adopted Resolution No. 16-2008, and on August 17, 2009, resolution 31-2009, each extending the time a year for the completion of the Connection Agreement, and

WHEREAS, Resolution 31-2009, granted a one year time for completion of the Agreement, but the year has passed without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are incomplete, and a draft proposed agreement has been prepared, and

WHEREAS, the developer of Somerset Woods, LLC has requested an extension of the authorization granted in Resolution No. 26-2006,

**NOW, THEREFORE, IT IS**

1<sup>st</sup> RESOLVED, that Resolution No. 25-2006, adopted by this Agency on August 21, 2006 is hereby renewed, and it is further

2<sup>nd</sup> 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 August 16, 2010)

Ben mentioned that this project is a proposed 36-unit PRC situated on 5.6± acres located on Duryea Road east of Maxess Road in Melville. The estimated flow from this project is 5,400 GPD for which the developer requests an extension of the Formal Approval previously granted to connect to the SCSD No. 3 – Southwest. The original Formal Approval was for 5,463 GPD. Subsequently, developer eliminated the community building from the project, thereby requiring 63 GPD less. The capacity is available capacity in excess of the needs of the District and its contractees to accommodate this additional flow.

Staff recommended granting the time extension to complete the Connection Agreement.

Commissioner Anderson asked if a project representative was present and Eugene L Wishod, Esq. stated he was and introduced Don Eversoll and Bill Carman of Timber Ridge @ Melville, LLC. Mr. Wishod added that he did not have much to add except that due to extenuating circumstances which included the untimely death of Larry Feldman, the previous attorney and the assignment of the property the time extension was necessary. Mr. Wishod mentioned that the project has designated ten percent of the units as affordable.

Commissioner Anderson asked if anyone had any questions or comments, seeing none made a motion to approve; the motion was seconded by Legislator D'Amaro and approved unanimously.

# SUFFOLK COUNTY SEWER AGENCY

## RESOLUTION NO. 18 - 2010

### AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONNECTION AGREEMENT TO SCSD #3 – SOUTHWEST FOR DURYEA RESIDENTIAL DEVELOPMENT (HU-1521)

WHEREAS, on April 16, 2007, this Agency adopted Resolution No. 7-2007, authorizing the connection to SCDS #3 - Southwest by Duryea Residential Development to discharge Five Thousand Four Hundred Sixty-Three GPD (5,463) of wastewater, and

WHEREAS, on May 19, 2008, this Agency adopted Resolution adopted Resolution No. 11-2008, extending the time one year for the completion of the Connection Agreement, and

WHEREAS, Resolution 11-2008, granted a one year time for completion of the Agreement, but the year has passed without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are incomplete, and a draft proposed agreement had been prepared, and

WHEREAS, the developer of Duryea Residential Development has requested an extension of the authorization granted in Resolution No. 7-2007, and to amend the approval to Five Thousand Four Hundred GPD (5,400) of capacity,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 7-2007, adopted by this Agency on April 16, 2007 is hereby renewed and amended to Five Thousand Four Hundred GPD (5,400) of capacity, and it is further

2<sup>nd</sup> 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, and it is further

(Suffolk County Sewer Agency Meeting August 16, 2010)

Ben mentioned that the applicant had asked that the project be withdrawn from the agenda.

Ben mentioned that the applicant had asked that the project be withdrawn from the agenda.

Christopher Robinson, P.E. stated that he was the project representative and asked that the application be withdrawn.

**C. Miscellaneous - Designating the location of Public Notice postings for Sewer Agency meetings.**

Ben mentioned that in accordance with New York Public Officers Law § 104 and - Local Law 21-2010: Open Meetings Law for Advisory Boards, the Agency must designate a conspicuous location for the posting of Public Notices for Sewer Agency meetings and after consultation with the County Attorney's Office, staff recommended the main entrance lobby at the Suffolk County Department of Public Works – 335 Yaphank Avenue – Yaphank, NY, for such postings.

Commissioner Anderson asked if anyone had any questions or comments, seeing none made a motion to approve; the motion was seconded by Mr. Cavanaugh and approved unanimously.

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 19 - 2010**

### **DESIGNATING THE LOCATION OF PUBLIC NOTICES POSTING FOR SEWER AGENCY MEETINGS**

WHEREAS, According to New York Public Officers Law § 104 and – Suffolk County Local Law 21-2010: Open Meetings Law for Advisory Boards, the Suffolk County Agency must designate a conspicuous location for the posting of Public Notices for Suffolk County Sewer Agency meetings, and

WHEREAS, the main entrance lobby at the Suffolk County Department of Public Works – 335 Yaphank Avenue – Yaphank, NY, is deemed to be suitable location to conspicuously post such Public Notices in compliance of the above-referenced laws, and

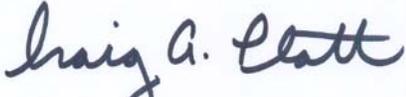
NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that the main entrance lobby at the Suffolk County Department of Public Works – 335 Yaphank Avenue – Yaphank, NY, is designated as the location to conspicuously post such Public Notices.

(Suffolk County Sewer Agency Meeting August 16, 2010)

Commissioner Anderson seeing no further business \_made a motion to adjourn; the motion was seconded by Ms. Broughton\_ and approved unanimously at 11:45.

Respectfully submitted,

A handwritten signature in blue ink that reads "Craig A. Platt". The signature is written in a cursive style with a large initial 'C'.

Craig A Platt

No.	Name	Firm/Company	Project	Email Address (copy of minutes)
1	M. CHIARELLI	CHIARELLI ENG.	SOMERSET WOODS	MCHIARELLI@MPCENGINEERS.COM
2	E. LI. WISITCO	EGAN + GOLDEN LLP	SOMERSET WOODS DURTEA DEVELOPMENT CORP.	E.WISITCO@EGANGOLDEN.COM
3	Len Abrams	SOMERSET Woods Assoc	SOMERSET Woods	
4	DAVID OSTERLAND	SOMERSET Woods Assoc	SOMERSET Woods.	
5	GREG SCHIAVONE, PE	RMS ENGINEERING	TIMBER RIDGE HOME	gjs@rmsengineering.com
6	CHRIS ROBINSON, PE	RMS ENGINEERING	3500 SURPRISE	CRW@RMSENGINEERING.COM
7	JOE DEAL	BOHLER ENGINEERING	CANON	JDEAL@BOHLERENG.COM
8	T. GILHOOLEY	EW. HOWELL Co.	CANON	TGILHOOLEY@EWHOWELL.COM
9	E. AMBROSI	RMF	CANON	EAMBROSI@RMFPC.COM
10	Don Eversoll	Timber Ridge @ Melville	Duryea Residential	
11	Bill Carman	Timber Ridge @ Melville	Duryea Residential	
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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.