

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

JAMES PETERMAN, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER
MEMORANDUM

LOUIS CALDERONE
DEPUTY COMMISSIONER

TO: Honorable William J. Lindsay, Presiding Officer of the Suffolk County Legislature, Honorable Legislators: Romaine, Schneiderman, Browning, Muratore, Vioria-Fisher, Eddington, Montano, Cilmi, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, and Cooper, Ed Dumas, Chief Deputy County Executive for Policy and Communications, Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of 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: March 3, 2011

SUBJECT: **Suffolk County Sewer Agency Meeting Minutes – February 28, 2011**

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

GA/JD/cap – Attachments

cc: James Peterman, P.E., Chief Deputy Commissioner, SCDPW
Louis Calderone, Deputy Commissioner, SCDPW
John Donovan, P.E., Acting Chief Engineer, SCDPW
Ben Wright, 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
Tanima Adhya, P.E. SC Department of Health
Kathy Negri, SC Department of Health
Tim Laube, Clerk of the SC Legislature
William Spitz, NYSDEC
Yves R. Michel, SC Commissioner Economic Dev. and Workforce Housing
Dan Gulizio, SC Planning Department
Kathy Laguardia, Executive Director for Finance & Administration, SCDPW
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 A. Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency

Meeting Minutes

February 28, 2011

The meeting was called to order at 11:01 am by Gilbert Anderson, P.E., Commissioner, Suffolk County Department of Public Works and Chairman, Suffolk County Sewer Agency. In attendance were Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the Public Works and Transportation Committee, Justin Littell, representing Legislator Lou D'Amaro, the Sewer Agency Legislator-At-Large, Tom Isles, the Suffolk County Director of Planning, Michael Cavanaugh, representing Presiding Officer Lindsay, Tanima Adhya, P.E., representing the Commissioner of the Department of Health Services, and Lisa Broughton, representing County Executive Levy.

Also present were James Peterman, P.E., Chief Deputy Commissioner, Suffolk County Department of Public Works John Donovan, P.E., Acting Chief Engineer, Sanitation Division, Suffolk County Department of Public Works, Robert A Braun, Esq. of the Suffolk County Department of Law, and Craig A Platt, Secretary, Suffolk County Sewer Agency.

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

Welcome by Commissioner Anderson, to the February 28, 2011, meeting of the Suffolk County Sewer Agency, and introduction by Roll Call.

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

II **Minutes of Previous Meeting**

Minutes from SCSA for the December 20, 2010, meeting were discussed. A motion to accept the minutes as written was made by Commissioner Anderson and seconded by MsBroughton. The motion was approved, unanimously.

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

John mentioned that this project is an existing 175,000 square feet pharmaceutical manufacturing / office building complex situated on 12.8± acres on Baylis Avenue 700'± east of Route 110 in Melville. The expected flow from the project is 20,000 GPD. The original Formal Approval was for the 60 Baylis – Altana, Inc. project, which received Formal Approval to connect to SCSD #3 – Southwest in 2004. The Connection Agreement was never completed and an application for a time extension was never submitted. In keeping with established Agency policy, the application will be processed as a new application and the GPD connection fee rate will now be at the current rate of \$30.00 per gallon per day. The capacity continues to be available in the District.

Staff recommended granting Formal Approval to this project.

Commissioner Anderson asked if a project representative was present and Steve Heard, P.E. and Lee Rate, Esq. stated they were. Ms. Rate and Mr. Heard mentioned that they had nothing to add. Mr. Cavanaugh asked when the project received initial approval to which John replied, October 18, 2004. Mr. Littell asked if the project required the extension of the collection system to which John replied, no, there is an existing stub for connecting to the sewers.

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. The motion was approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 2 - 2011 AUTHORIZING THE CONNECTION OF 60 BAYLIS – NYCOMED (HU-1482) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, 60 Baylis – NYCOMED is an existing 175,000 Sq. Ft. Office/Manufacturing building, in Melville, New York, situated on property identified on the Suffolk County Tax Map as District 0400, Section 268.00, Block 01.00, Lot 023.001 (the "Premises"), and

WHEREAS, the sewage flow from the 60 Baylis – NYCOMED is expected to be Twenty Thousand gallons per day (20,000 GPD), and

WHEREAS, 60 Baylis – NYCOMED is not located within the boundaries of Suffolk County Sewer District No. 3 - Southwest (the "District"), and

WHEREAS, 60 Baylis – NYCOMED has applied to this Agency for permission to purchase and connect its Twenty Thousand gallons per day (20,000 GPD) of flow to the sanitary sewerage facilities of the District, and

WHEREAS, the connection of 60 Baylis – NYCOMED to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that 60 Baylis – NYCOMED 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

2nd RESOLVED, that Twenty Thousand gallons per day (20,000 GPD) of capacity in the District's sewage treatment plant be allocated to 60 Baylis – NYCOMED, and it is further

3rd 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

4th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of 60 Baylis – NYCOMED, 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

5th RESOLVED, that the connection fee to be paid for 60 Baylis – NYCOMED shall be paid upon the execution of the Connection Agreement at the rate of \$30.00 per gallon of capacity per day for a total of \$600,000.00, prior to execution of the Connection Agreement, and it is further, and it is further

6th RESOLVED, that 60 Baylis – NYCOMED shall, at its sole cost, expense and effort, construct a sewage collection facility for 60 Baylis – NYCOMED, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

7th RESOLVED, that no Certificate of Occupancy shall be issued for any portion of 60 Baylis – NYCOMED until the sewage collection facility for 60 Baylis – NYCOMED has been completed and 60 Baylis – NYCOMED has been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

8th RESOLVED, that the developer of 60 Baylis – NYCOMED 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 60 Baylis – NYCOMED, 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 developer of 60 Baylis – NYCOMED 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 February 28, 2011)

John mentioned that this project is a proposed Pump Station, forcemain, and collection system approximately 9,200±' long from the Town of Babylon's landfill located between Edison Street and Patton Avenue in West Babylon to the Southwest Sewer District. The Town is requesting a time extension to complete the Connection Agreement. The District's Bergen Point STP continues to have sufficient treatment capacity in excess of the needs of the District and its contractees to accommodate the additional flow.

Staff recommended granting the request for a time extension to complete the Connection Agreement.

Commissioner Anderson asked if a project representative was present and Steve Hearl, P.E. and Rich Groh stated they were. Mr. Groh mentioned that with the exception of a legal issue, the project was ready to move forward. Mr. Littell asked if the agreement would be completed within a year, to which Mr. Groh replied that he hope so. Mr. Groh added that the issue was the easement with the State of New York under the Southern State Parkway.

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. The motion was approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 3-2011

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY THE TOWN OF BABYLON LANDIFLL (BA 1477) TO SCSD NO. 3 – SOUTHWEST

WHEREAS, on September 21, 2009, this Agency adopted Resolution No. 36-2009, authorizing the connection of Town of Babylon Landfill to SCSD No. 3 – Southwest (the “District”), and

WHEREAS, Resolution No. 36-2009, by its terms, became null and void on September 21, 2010, since an agreement in furtherance of the authorization granted therein was not executed within one year, and

WHEREAS, the Town of Babylon has requested a one year extension of the authorization granted in Resolution No. 36-2009 to complete the Connection Agreement, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 36-2009, adopted by this Agency on September 21, 2009, 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 February 28, 2011)

John mentioned that this project is a proposed 140 unit Condominium subdivision with a clubhouse and pool situated on 25.4± acres located on the west side of NYS Route 112, 600'± south of Paul's Path in Coram. The developer proposes to connect the Forty Thousand Nine Hundred Fifty (40,950) GPD of wastewater generated to the Sewage Treatment Plant at the Bretton Woods project via a Pump Station and Forcemain.

In light of the Agency's policy for the non-proliferation of small on-site sewage treatment plants, Staff recommended granting the Formal Approval.

Staff recommended granting Formal Approval to this project.

Commissioner Anderson asked if a project representative was present and Thomas Lembo, P.E. stated he was and that he had nothing to add. Mr. Littell asked if the capacity was available if the STP had to be expanded, to which John replied, that the capacity was existing.

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

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 4 - 2011

AUTHORIZING THE CONNECTION OF WILLOW WOOD AT CORAM (BR-1629) TO THE BRETTON WOODS SEWAGE TREATMENT PLANT

WHEREAS, application has been made for Willow Wood at Coram which is a proposed 140 condominium subdivision, which includes a Clubhouse and a Pool, located in Coram, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 523.00, Block 01.00, Lot 001.002, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Willow Wood at Coram to serve the development's sanitary needs, and

WHEREAS, there is a Sewage Treatment Plant at Bretton Wood, which is sufficiently close to Willow Wood at Coram to permit the connection of the Willow Wood at Coram thereto, and

WHEREAS, this Agency has been advised that the Bretton Woods Sewage Treatment Plant (the "Plant") has sufficient capacity to accept the sewage which is expected to emanate from Willow Wood at Coram, and

WHEREAS, Willow Wood at Coram has applied to this Agency for permission to connect to the on-site sewage treatment plant at Bretton Woods, and

WHEREAS, this Agency has been advised that the owner of the Plant is receptive to the connection of the Willow Wood at Coram to the Plant, and

WHEREAS, the connection of Willow Wood at Coram to the Bretton Woods Sewage treatment Plant will be environmentally beneficial to Suffolk County, and

WHEREAS, this Agency has determined that the Forty Thousand Nine Hundred Fifty gallons per day (40,950 GPD) of sanitary sewage generated by the said project shall be treated at the Bretton Woods Sewage treatment Plant, 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 the Town of Brookhaven has issued a Negative Declaration after establishing the action as Type II, and requires no further action, now, therefore, be it further

2nd RESOLVED, that the said application be approved subject to the execution of an agreement between the developer, the Suffolk County Department of Public Works, the Suffolk County Department of Health Services, the County of Suffolk and this Agency, on such terms as the Chairman of this Agency shall determine, including, but not limited to, the following:

1. The developer shall, at its sole cost, expense and effort, construct a complete sewage collection system, Pump Station and Forcemain for the project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency at no charge;

2. No Certificate of Occupancy shall be issued for any of the units in the project until the Pump Station and Forcemain have been completed, and is operating, to the satisfaction of this Agency's staff;

3. The developer shall post a Letter of Credit, in form, wording and amount as determined by this Agency's staff, as security for the performance of all of the developer's obligations under the said agreement;

4. The developer shall furnish a copy of the agreement between Willow Wood at Coram and the owners of the Bretton Woods Sewage Treatment Plant for review and approval;

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 the developer of Willow Wood at Coram 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 (February 28, 2011)

VI. Miscellaneous

ST. CATHERINE OF SIENA

SM 1316

SCSD # 6

Kings Park

John mentioned that the project approval dates back to 1999 and since there have been recent requests for capacity in the district this item was on the Agency agenda for discussion. John added that the sewage treatment plant in the district was currently at capacity.

Commissioner Anderson asked if a project representative was present and Michael Chiarelli, P.E. stated he was and introduced James Drevas. Mr. Chiarelli mentioned that having the hospital in the community was an important benefit and that holding on to the capacity was important to the growth of the hospital. Commissioner Anderson asked if there was a plan in place to use the capacity, to which Mr. Drevas replied, a preliminary plan was in the works. Mr. Braun pointed out the 1999 approval was for Conceptual Certification and that Conceptual Certification did not lock in either party to an agreement. Mr. Braun continued that past policy was to hold in the capacity for a particular project. Commissioner Anderson asked if Mr. Drevas had a timeline to begin to use the capacity, to which Mr. Drevas replied, that hopefully within the next year one would be ready. Discussion ensued as to the timeliness of a submittal. Commissioner Anderson mentioned that possibly the Agency can be updated by the project representatives within the next six months to a year, to which the reply was, yes. Mr. Chiarelli asked if there was a way to purchase the capacity and end the debate, to which Mr. Braun replied, that he did not think so without SEQRA.

John mentioned that possibly the details could be worked out between the project and Agency Staff.

Commissioner Anderson asked if there were any questions or comments, seeing none, closed the discussion.

2. Proposed SCSD #24 Gabreski Municipal Report

John mentioned that the draft preliminary report was sent to each Agency member by email for review. John also mentioned that when and if the Agency wanted to proceed with the creation of the district next step was to approve the resolution included with the report and submit a resolution to the Legislature for a Public Hearing to establish the district. Mr. Braun added that subsequent to the Public Hearing an application would be sent to the New York State Comptroller for the creation of a new sewer district. Commissioner Anderson proposed that the Agency members take the time to review the report and the item could be scheduled for the Agency agenda at the next meeting.

Commissioner Anderson seeing no further comments or questions closed the discussion.

Commissioner Anderson seeing no further business and made a motion to adjourn. The motion was seconded by Ms. Stark and approved unanimously at 11:21.

Respectfully submitted,

Craig A Platt
Secretary, SC Sewer Agency