

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

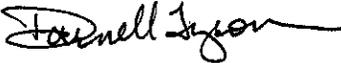
DEPARTMENT OF PUBLIC WORKS

DARNELL TYSON, P.E.
ACTING COMMISSIONER

ERIC M. HOFMEISTER
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, Public Works, Transportation & Energy Committee; Robert Calarco, the Sewer Agency Legislator-At-Large; Fleming, Sunderman, Muratore, Hahn, Anker, Lindsay, Gonzales, Cilmi, Flotteron, Kennedy, Trotta, McCaffrey, Berland, Donnelly, Spencer; Tanima Adhya, P.E., Associate Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services; Sarah Lansdale, AICP, Director of Planning, Suffolk County Dept. of Economic Development and Planning; Lisa Broughton, representing County Executive Steven Bellone

FROM: Darnell Tyson, P.E., Acting Commissioner, SCDPW and Acting Chairman, Suffolk County Sewer Agency 

DATE: April 10, 2019

SUBJECT: Please see the attached Suffolk County Sewer Agency minutes for the meeting of March 11, 2019.

DT/JM/br – Attachments

cc: Peter Scully, Deputy County Executive
Amy Keyes, Assistant Deputy County Executive for Intergovernmental Relations
Eric Hofmeister, Deputy Commissioner, SCDPW
Janice McGovern, P.E., Acting Chief Engineer, Division of Sanitation, SCDPW
Robert A. Braun, Esq., SC Department of Law
Walter Dawydiak, P.E., SC Department of Health Services
Christina DeLisi, Aide to Presiding Officer DuWayne Gregory
Dan Dubois, Aide to Legislator Robert Calarco
Catherine Stark, Aide to Legislator Al Krupski
Tony Leung, P.E., NYSDEC
Boris Rukovets, P.E., Secretary, SC Sewer Agency

*The Suffolk County Sewer Agency meets at 12:30 PM 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 March 11, 2019

The meeting was called to order at 12:34 PM by Acting Commissioner Darnell Tyson, P.E. In attendance were Legislator Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Robert Calarco, the Sewer Agency Legislator-At-Large; Tanim Adhya, P.E., representing the Commissioner of the Department of Health Services; Christina DeLisi, representing Presiding Officer DuWayne Gregory; Sarah Lansdale, AICP, Director of Planning; Lisa Broughton, representing County Executive Steven Bellone.

Also present were Robert A. Braun, Esq., Suffolk County Department of Law; Boris Rukovets, P.E., Secretary, Suffolk County Sewer Agency.

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

Acting Commissioner Tyson welcomed attendees to the meeting of the March 11, 2019, Suffolk County Sewer Agency. A roll call was then taken.

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

II. **Minutes of Previous Meeting**

The minutes from SCSA meeting of February 11, 2019 were discussed. A motion to accept the minutes as written was made by Ms. Lansdale, seconded by Legislator Krupski; and approved unanimously.

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

V. New Business

A. Formal Approval – Connection/Construction Agreement

MERCURY INTERNATIONAL STP

IS-1718

Mr. Rukovets mentioned that this project is an existing privately owned sewage treatment plant (STP) previously owned by Dowling College and located in Oakdale, New York. The treatment plan currently services the buildings that formerly were part of the Dowling College campus as well as two privately owned single family homes.

Since the subject STP had been originally constructed to serve a single connectee (Dowling College), the STP was subject to the jurisdiction of the Suffolk County Department of Health Services and not the Sewer Agency. Accordingly, the Sewer Agency construction agreement was not required to be executed at the time of the construction of the STP.

The new owner of the STP, Mercury International, who recently acquired the campus of Dowling College, sold two single family homes to private owners and, accordingly, has applied to this Agency for permission to continue operate and maintain its on-site sewage treatment plant based on the STP design flow of Seventy Thousand gallons per day (70,000 GPD) and to also execute a construction, operation and maintenance agreement with Suffolk County.

Mr. Rukovets noted that the staff had discussed with the Town of Islip the SEQRA requirements and, according to the Town, continued operation of the subject STP represents Type II Action under SEQRA and no further action is required.

Staff recommends granting Formal Approval for the continued operation and maintenance of the STP.

Mr. Rukovets said that, as an additional note, the staff had identified a contradiction in the Suffolk County tax map records that the applicant will be required to resolve with the title company prior to the completion of the Agreement.

Acting Commissioner Tyson asked if there was a representative present and Don Cook, the Director of Operations for Mercury International, mentioned that he was. He said that he had nothing to add to Mr. Rukovets' narrative as this application was pretty straightforward,

Legislator Krupski asked why the applicant had to come before the Agency, given that it was an existing plant. Mr. Braun responded that when the privately owned plant serves one entity, the owner of the plant only needs the SC Health Department approval, but not the Sewer Agency approval. Here apparently the current owner of the private treatment plant that acquired most of the campus of Dowling College, sold two single family houses that were connected to this plant and are no longer in common ownership with the STP. As the result, the Agency requires the STP owner to get a permission to serve customers other than themselves. So the applicant has come for the Sewer Agency agreement with respect to continued operation of the STP and also, after entering into separate

connection agreements between the owners of the STP and the individual single family houses (which would also be subject to the Sewer Agency requirements), execute a Sewer Agency rider on their private connection agreement. Legislator Krupski asked if the current legal framework demands that and Mr. Braun said “yes”.

Legislator Krupski asked if this was a groundwater discharge and Mr. Rukovets responded affirmatively. Legislator Krupski asked whether when the plant was operating at full capacity there was an excess flow. Mr. Rukovets said that the design flow was 70,000 GPD and noted that Ms. Adhya may be able provide additional information related to the past operation of the plant. Ms. Adhya said that while she did not have the exact numbers with her, she could confirm that the plant was operating within 70,000 GPD of flow. Legislator Krupski noted that he was just trying to understand the need for the legal framework that seemed to be very complicated. Mr. Rukovets clarified that in multiple connectee situation, the Agency staff needed to make sure that there was an agreement governing connection of each connectee in place, which was very similar to a permit, to ensure that if there were any operational problems the responsibility of the connected parties were clearly spelled out.

Legislator Calarco asked how old the STP was. Mr. Rukovets said that while he did not have the original construction date, he knew that the plant was rebuilt in early 1990s. Ms. Adhya added that this was an existing treatment plant but then it was upgraded for new technology around 1990. She said that the plant had a groundwater discharge through the recharge basins. Legislator Calarco asked if those recharge basins were around the parking lot and Ms. Adhya responded affirmatively. Legislator Calarco asked whether, given the Governor’s proposal to sewer the area, could the potential proposal to abandon the plant and connect the campus along with the private homes to the SCSD No. 3 – Southwest be justified. Mr. Rukovets said that that would be something to evaluate as part of the sewer design for the Oakdale area. Legislator Calarco asked if the homes for students and faculty had been sold yet and Mr. Cook said that those homes had been sold separately by Dowling College prior to Mercury International’s acquisition of the campus. He added that from the private homes that were connected to the sewer system and recently sold were the only two single family homes mentioned in the project description. He then described the location of those two homes.

Acting Commissioner Tyson asked if there were any additional questions or comments and, seeing none, he made a motion to approve the resolution; the motion was seconded by Legislator Krupski and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 6 - 2019

AUTHORIZING THE OPERATION AND MAINTENANCE OF MERCURY INTERNATIONAL SEWAGE TREATMENT PLANT (IS-1718)

WHEREAS, Mercury International Sewage Treatment Plant (STP) is an existing privately owned STP, in Oakdale, New York, situated on a property identified on the Suffolk County Tax Map as District 0500, Section 351.00, Block 01.00, Lot 092.003; Section 324.00 Block 05.00, Lot 017.003; Section 350.00, Block 0200, Lot 003.000; Section 325.00 , Block 03.00, Lots 057.002, 057.003 and 058.000, and

WHEREAS, Mercury International STP currently services the buildings that formerly were part of the Dowling College campus as well as two privately owned single family homes, and

WHEREAS, the owner of Mercury International STP has applied to this Agency for permission to continue operate and maintain its on-site sewage treatment plant based on the STP design flow of Seventy Thousand gallons per day (70,000 GPD) and to execute a construction, operation and maintenance agreement with Suffolk County; and

WHEREAS, the operation and maintenance of the Mercury International STP will be environmentally beneficial to Suffolk County, and

WHEREAS, pursuant to Title 6 NYCRR Part 617.5(c) (13) and (26), 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 SEQRA requirements for this project have been met, and the Town of Islip Planning Department has informed the Sewer Agency staff that continued operation and maintenance of the Mercury International STP should be classified as a Type II action under SEQRA, and requires no further action, now, therefore, be it further

2nd RESOLVED, that the Mercury International STP application be approved subject to the execution of an agreement between the STP owner, 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 STP owner shall, at his sole cost, expense and effort, continue to operate and maintain and upgrade, as appropriate, a complete sewage treatment, collection and disposal facility for the project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency, or to this Agency's nominee, at no charge;

2. The STP owner shall operate and maintain the said facility until such time, if ever, as a Suffolk County, or other municipal, sewer district is formed encompassing the premises within its boundaries;

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 the Mercury International STP if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein (the Construction 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 March 11, 2019)

B. Formal Approval – Connection/Construction Agreement – Time Extension

40 MELVILLE PARK ROAD

HU-1703

Mr. Rukovets mentioned that this project is an existing building with recreational, office, warehousing and manufacturing uses located in Melville. The project is expected to generate Two Thousand Eight Hundred Sixty-Five gallons per day (2,865 GPD) of flow proposed to be connected to the County Sewer District No. 3 - Southwest. The project owner is requesting a time extension to complete the connection agreement, since the project previously received formal approval.

The capacity continues to be available in the District and the staff recommends granting the request for a time extension.

Acting Commissioner Tyson asked if there was a representative present and Matt Scheiner, P.E., the project engineer, mentioned that he was. He said that he had nothing to add to Mr. Rukovets' summary and he was available to answer questions.

Ms. Broughton asked to clarify how the recreational uses were going together with warehousing in one building. Mr. Scheiner said that the recreational part included a rock climbing gym and the warehouse space is the remainder of the building.

Acting Commissioner Tyson asked if there were any additional questions or comments and, seeing none, he made a motion to approve the resolution; the motion was seconded by Ms. Broughton and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 7 - 2019

AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE CONNECTION AGREEMENT FOR 40 MELVILLE PARK RD. (HU-1703)

TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST

WHEREAS, on September 19, 2016, this Agency adopted Resolution No. 32-2016, authorizing the connection of 40 Melville Park Rd. to Suffolk County Sewer District No. 3 – Southwest, and

WHEREAS, on October 16, 2017, this Agency adopted Resolution 44-2017, granting a one-year time extension for the completion of the Connection Agreement, and

WHEREAS, Resolution No. 44-2017 expired on October 16, 2018, without the completion of the Connection Agreement, and

WHEREAS, negotiations concerning such an agreement are incomplete, and

WHEREAS, 40 Melville Park Rd. has requested an extension of the authorization granted in Resolution No. 32-2016,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 32-2016, adopted by this Agency on September 19, 2016, 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 March 11, 2019)

Mr. Rukovets said that this project is an existing public library situated on Straight Path in Wyandanch. The proposed project is within the Town of Babylon, revitalization project area and requests a Time Extension to complete the connection agreement to connect to Sewer District No. 3 – Southwest through the Wyandanch Commercial Corridor (WCC) sewer system. Given that the project was part of the Wyandanch Rising area and the formal approval was granted several years ago, the connection fee was waived.

The capacity continues to be available in the sewer district and Staff recommends granting the time Extension to complete the connection agreement.

Acting Commissioner Tyson asked if there was a representative present and Mr. Rukovets said that the Library representatives could not be in attendance.

Legislator Calarco asked what was the reason for the delay with the connection agreement. Mr. Braun explained that the building is owned by the Wyandanch School District and is operated by the Public Library and as the result, it took a good amount of time to get all the parties involved to approve the appropriate resolution between two municipal entities and while the agreement was close to completion and execution, the parties just realized that the formal approval had expired and needed to be renewed.

Acting Commissioner Tyson asked if there were any additional questions or comments and, seeing none, he made a motion to approve the resolution; the motion was seconded by Ms. Broughton and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 8 - 2019 AUTHORIZING AN EXTENSION OF TIME FOR THE CONNECTION OF WYANDANCH PUBLIC LIBRARY (BA-1477.1-001) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on February 25, 2013, this Agency adopted Resolution No. 2-2013, authorizing the connection of the Wyandanch Public Library to SCSD No. 3 - Southwest, and

WHEREAS, on November 17, 2014, this Agency adopted Resolution No. 45-2014, and on April 18, 2016 adopted Resolution 14-2016, each authorizing a one-year time extension for the completion of the Connection Agreement, and

WHEREAS, Resolution No. 14-2016 expired on April 18, 2017, without the completion of the Connection Agreement, and

WHEREAS, negotiations concerning such an agreement are incomplete, and

WHEREAS, the Trustees of the Wyandanch Public Library have requested an extension of the authorization granted in Resolution No. 2-2013, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 2-2013, adopted by this Agency on February 25, 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 – March 11, 2019)

Seeing no further business, Acting Commissioner Tyson made a motion to adjourn the meeting; the motion was seconded by Ms. Broughton and approved unanimously at 12:50 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Boris Rukovets", written in a cursive style.

Boris Rukovets. P.E.
Secretary, SC Sewer Agency

Note: These minutes represent the recorder's understanding of the issues discussed. Please report any discrepancies to the recorder within seven days of distribution for discussion at the next available Agency meeting or move to amend the meeting's minutes at the next meeting.

Sign-in

March 11, 2019

Suffolk County Sewer Agency
SCDPW - Sanitation - Engineering

No.	Name	Firm/Company	Project	Email Address
1	MAURICE O SACHS	Clear Flo	-	darcted02@aol.com
2	DON COOK	MERCURY INTL	STP	DON.COOK@MERCURYINTL.COM.HK
3	MATTHEW SCHEINER	R&M ENGINEERING	40 MAVILLE PARK RD	mscheinert@rmengineering.com
4	Thomas Gallagher	Sewer Stewards Inc.	-	thomas@sewerstewards.com
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

If you are not a project representative but would like to address the Sewer Agency, please fill out an index card.