

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, 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 *Darnell Tyson*

DATE: March 5, 2019

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

DT/JD/br – Attachments

cc: Peter Scully, Deputy County Executive
Amy Keyes, Director of Intergovernmental Relations
Eric Hofmeister, 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 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 February 11, 2019

The meeting was called to order at 12:45 PM by Acting Commissioner Darnell Tyson, P.E. In attendance were Legislator Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Tanima 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.

Robert Calarco, the Sewer Agency Legislator-At-Large; was unable to be in attendance.

Also present were Ben Wright, P.E, Suffolk County Department of Public Works; Catherine Stark, Aide to Legislator Krupski; 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 February 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 December 17, 2018 were discussed. A motion to accept the minutes as written was made by Legislator Krupski and seconded by Ms. Broughton. The motion was approved with one abstention from Ms. Lansdale, due to the fact that she was not in attendance at the December 17, 2018 meeting.

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

V. New Business

A. Formal Approval – Connection/Construction Agreement

MEDFORD BRANCH LLC

BR-0880.3

Mr. Rukovets mentioned that this project is an existing industrial building consisting of a warehouse area and an office space located in Medford, NY. This property was part of the subdivision known as the South Silver Industrial Park (BR-0880) connected as a contractee to SCSD No. 7 – Woodside that had a Sewer Agency agreement that expired in December 2014.

The property, already connected to the District, has an allocation of 805 gallons per day (GPD) and the applicant, who is currently in the process of buying the property from its current owner, is requesting an additional 120 GPD, for a total of 925 GPD required for proposed building expansion. The developer will also need to execute a new connection agreement for the project property directly with Suffolk County.

The District's treatment plant has sufficient excess treatment capacity to accommodate the additional flow and the staff recommends granting the Formal Approval.

Acting Commissioner Tyson asked if there was a representative present and Robert Gruber, the project architect, mentioned that he was. He clarified that the additional flow was caused the additional office space within the existing footprint of the building.

Legislator Krupski asked whether this was a 25-year agreement that expired in December 2014. Mr. Rukovets said that it was probably close to that timeframe. Legislator Krupski asked what happens if the agreement expires and the owner never comes back to renew the agreement. Mr. Braun said that when the staff becomes aware that there are properties whose agreement have expired, they sent notices to the owner to come and apply for the new agreement. He noted that this case was more complicated, since there was one agreement with the entity that owned all five of these lots and as he sold them off, the new owners did not know about the fact that they needed their own relationship with the Agency and the Districts. He added that as the staff becomes aware of this, they send the appropriate notices and ask these individual owners to come before the Agency for their own separate approval.

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: 1 - 2019

AUTHORIZING THE CONNECTION OF MEDFORD BRANCH LLC (BR-0880.3) TO SUFFOLK COUNTY SEWER DISTRICT NO. 7 – WOODSIDE

WHEREAS, Medford Branch LLC is an existing industrial building consisting of a warehouse area and an office space located on a 1.54± acre parcel in Medford, New York on property identified on the Suffolk County Tax Map as District 0200, Section 775.00, Block 05.00, Lot 002.001, and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 7 – Woodside (the “District”), or within the boundaries of any other municipal sewer district, and

WHEREAS, the said property has an allocated discharge capacity of Eight Hundred Five gallons per day (805 GPD) and was part of the South Silver Industrial Park subdivision (BR-0880) connected as a contractee to SCSD No. 7 – Woodside that had a Sewer Agency agreement that expired in December 2014, and

WHEREAS, Medford Branch LLC is in the process of acquiring this property from its current owner and needs to execute a new connection agreement for the project property with Suffolk County, and

WHEREAS, due to the proposed building renovation, Medford Branch LLC requires a total of Nine Hundred Twenty-Five gallons per day (925 GPD) of discharge capacity and, accordingly, is requesting an additional One Hundred Twenty gallons per day (120 GPD) of capacity in the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the additional One Hundred Twenty gallons per day (120 GPD), for a total of Nine Hundred Twenty-Five gallons per day (925 GPD) expected to emanate from Medford Branch LLC, and

WHEREAS, the connection of the additional flow from Medford Branch LLC to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County, and

WHEREAS, pursuant to Title 6 NYCRR Part 617.5(c) (11) and (20), this project is as a Type II Action as it 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,

NOW, THEREFORE, IT IS

1st RESOLVED, that that the SEQRA requirements for this project have been met, and requires no further action, now, therefore, be it further

2nd RESOLVED, that Medford Branch LLC 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

3rd RESOLVED, that One Hundred Twenty gallons per day (120 GPD), of additional capacity in the District's sewage treatment plant shall be allocated to Medford Branch LLC, and it is further

4th 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

5th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of Medford Branch LLC, 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

6th RESOLVED, that the connection fee to be paid for Medford Branch LLC, shall be paid at the rate of \$30.00 per gallon of sewage per day for a total of Three Thousand Six Hundred Dollars (\$3,600.00) and it is further

7th RESOLVED, that no Certificate of Occupancy shall be issued for any additional portion of Medford Branch LLC until the Connection Agreement has been completed and the connection fee paid, all to the satisfaction of DPW, and it is further

8th 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 Medford Branch LLC 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 11, 2019)

Mr. Rukovets mentioned that this project is a proposed dialysis center facility located in the existing building in Smithtown, New York. The project site is a former Sewer Agency project known as Kindercare (SM-1204) and connected to Smithtown Galleria sewage treatment plant (STP).

When the formation of the SCSD No. 4 – Smithtown Galleria was fully completed in January 2018, the existing Kindercare building along with the adjacent vacant land for the proposed professional office building were included in the District and allocated the total combined flow of Three Thousand Three Hundred Twenty-Five gallons per day (3,325 GPD).

The developer of DaVita Dialysis Center is proposing to use this combined flow allocation of 3,325 GPD to convert the Kindercare building into a dialysis center facility and requires an additional 5,045 GPD of capacity in the District for this project, for a total flow of 8,370 GPD.

Mr. Rukovets noted that Galleria IV Corp., the owner of the parcel, also has an additional flow allocation of 1,500 GPD for the future office building proposed on the southern end of the parcel but the developer has requested that this allocation be kept separately for the needs of the future office building and not to be applied towards the dialysis center allocation.

The requested additional capacity of 5,045 GPD is available in the District and the Staff recommends granting the request for formal approval.

Acting Commissioner Tyson asked if there was a representative present and Vincent DiCanio, the project developer, mentioned that he was. He said that Mr. Rukovets' summary was accurate.

Legislator Krupski asked about the requirements to install the effluent flow meter along with the requirement to test the effluent and possibly pretreat it, both mentioned in the project description and the proposed resolution. Mr. Rukovets said that the flow from dialysis center is fairly unique and added that the potential effluent has been evaluated by the SCDPW Industrial Waste Unit and that review led to the effluent requirements mentioned in the proposed resolution. The effluent flow meter would be needed to keep track of how much flow is coming from the dialysis center and the sampling port would be required to know if the effluent concentrations exceed what is normally expected, which may result in the installation of a pretreatment system. The developer has been informed about these requirements and has agreed with them.

Legislator Krupski asked if these recommendations would be also the requirements for any dialysis center where the flow might be different. Mr. Rukovets said that SCDPW has a uniform approach to dialysis centers overall but noted that in addition to the effluent concentrations from dialysis center, the Department is also looking at the overall capacity of the treatment plant to determine what percentage of the flow and loadings would the dialysis center contribute. He said that Galleria STP was a smaller plant so the addition of the requested amount of flow would represent a more significant portion of the flow and loadings.

He noted that this application had also been reviewed by the SCDPW staff member who is a technology expert.

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. Lansdale and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 2 - 2019

GRANTING FORMAL APPROVAL FOR THE CONNECTION OF THE

DAVITA DIALYSIS CENTER (SM-1728)

TO SUFFOLK COUNTY SEWER DISTRICT NO. 4 – SMITHTOWN GALLERIA

WHEREAS, DaVita Dialysis Center is a proposed dialysis center facility located in the existing building in Smithtown, New York, on property identified on the Suffolk County Tax Maps as District 08.00, Section 106.00, Block 05.00, Lot 017.020, and

WHEREAS, the project site is a former Sewer Agency project (SM-1204) known as Kindercare and connected to Smithtown Galleria STP, and

WHEREAS, when the Sewer District No. 4 – Smithtown Galleria (the “District”) was created, the existing Kindercare building along with the adjacent vacant land for the proposed professional office building, both of which are part of a single parcel owned by Galleria IV Corp., were included in the District and allocated the total combined flow of 3,325 gallons per day (GPD), plus an additional 1,500 GPD of flow for the future use of an office building not yet built on this parcel, and not allocated to the Kindercare building, and

WHEREAS, the developer of DaVita Dialysis Center is proposing to use the said combined allocation of Three Thousand Three Hundred Twenty-Five gallons per day (3,325 GPD) to convert the Kindercare building into a dialysis center facility and, since this project requires an additional flow, has applied to this Agency for an additional Five Thousand Forty-Five gallons per day (5,045 GPD) of capacity in the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the proposed additional wastewater flow of Five Thousand Forty-Five gallons per day (5,045 GPD) for the total proposed project flow of Eight Thousand Three Hundred Seventy gallons per day (8,370 GPD) expected to emanate from the DaVita Dialysis Center facility, and

WHEREAS, the connection of DaVita Dialysis Center to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County, 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,

NOW, THEREFORE, IT IS

1st RESOLVED, that SEQRA requirements for this project have been met, and requires no further action, now, therefore, be it further

2nd RESOLVED, that DaVita Dialysis Center 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

3rd RESOLVED, that Five Thousand Forty-Five gallons per day (5,045 GPD) of additional capacity in the District's sewage treatment plant be allocated to DaVita Dialysis Center, with One Thousand Five Hundred gallons per day (1,500 GPD) of capacity still reserved for the future use of an office building to be built on the Galleria IV Corp. parcel, and it is further

4th RESOLVED, that the effluent from this dialysis center project is not typical sewage normally connected to the District and, as such, pretreatment may be needed, if determined by the Suffolk County Department of Public Works, and it is further

5th 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

6th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of DaVita Dialysis Center, 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

7th RESOLVED, that the connection fee to be paid by the developer of DaVita Dialysis Center for the additional Five Thousand Forty-Five gallons per day (5,045 GPD) of capacity in the District's sewage treatment plant 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 One Hundred Fifty-One Thousand Three Hundred Fifty Dollars (\$151,350.00), and it is further

8th RESOLVED, that the developer of DaVita Dialysis Center shall, at his sole cost, expense and effort, construct a sewage collection facility for DaVita Dialysis Center and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

9th RESOLVED, that the developer of DaVita Dialysis Center 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 DaVita Dialysis Center, as well as for all of the developer's obligations under the Connection Agreement, and it is further

10th 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 (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 11, 2019)

Acting Commissioner Tyson proposed to discuss the Heartland Town Square project at the end of the Agenda to allow more time for that discussion. Accordingly, he made a motion to move on to the next item of the Agenda and discuss Heartland Town Square at the end of the Agenda. The motion was seconded by Ms. Lansdale and approved unanimously.

C. Conceptual Certification – Connection/Construction Agreement

WATERMILL

SM-1727

Mr. Rukovets mentioned that this project is an existing catering hall with 588 seats and a proposed 130 room hotel with cafeteria and a bar located at the intersection of Nesconset Highway and Terry Road in Smithtown outside the boundary of the SCSD No. 4 – Smithtown Galleria.

The owner is requesting conceptual certification for the estimated flow of Twenty-One Thousand Four Hundred Seventy-Eight gallons per day (21,478 GPD) proposed to be connected to the SCSD No. 4 – Smithtown Galleria.

The aforementioned capacity is available in the district and the staff recommends granting the request for conceptual certification, provided that as part of the future connection, the project installs a pretreatment system as required by the County and an equalization tank to normalize the strength of the effluent coming from these two facilities – one existing and one proposed.

Acting Commissioner Tyson asked if there were any 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. 3 - 2019, GRANTING CONCEPTUAL CERTIFICATION FOR THE CONNECTION OF WATERMILL (SM-1727) TO SUFFOLK SEWER DISTRICT NO. 4 – SMITHTOWN GALLERIA

WHEREAS, Watermill is an existing catering hall with 588 seats and a proposed 130 room hotel with cafeteria and a bar located in Smithtown, New York, on 7.16± Acre property identified on the Suffolk County Tax Map as District 0800, Section 106.00, Block 0500, Lots 033.000, 032.002, 032.001 and Section 134.00, Block 0500, Lots 004.003, 005.000, 006.000, 007.000, 008.000 and

WHEREAS, the sewage flow from Watermill is expected to be Twenty-One Thousand Four Hundred Seventy-Eight gallons per day (21,478 GPD), and

WHEREAS, Watermill is not located within the boundaries of Suffolk County Sewer District No. 4 – Smithtown Galleria (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, the developer has applied to this Agency for conceptual certification for connection of Twenty-One Thousand Four Hundred Seventy-Eight gallons per day (21,478 GPD) of wastewater flow from Watermill to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the proposed flow of Twenty-One Thousand Four Hundred Seventy-Eight gallons per day (21,478 GPD), which is expected to emanate from Watermill, and

WHEREAS, the connection of Watermill to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County, 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 connection of Watermill to SCSD No. 4– Smithtown Galleria, as aforesaid, and it is further

2nd RESOLVED, that as part of the future connection, the project must install a pretreatment system as required by the County and an equalization tank to normalize the effluent strength, and it is 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 Watermill, 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.

4th 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 February 11, 2019)

E. Miscellaneous

Capital Project (CP 8144) – Proposed Extension No. 2 (Business District) of SCSD No. 6 – Kings Park

Mr. Wright mentioned that this capital project was to extend the boundary of the Sewer District No. 6 – Kings Park. The proposed extension area for Extension No. 2 is to serve the Kings Park Business District located in the vicinity of the intersection of NYS Route 25A and Indian Head Road, with about 120 business parcels, a small number of residential parcels along Church St. and also Kings Wood residential development with about 144 units with poorly operating on-site system.

Mr. Wright said that the Engineering Report that SCDPW prepared in 2010 indicated that the cost without subsidy would be difficult to afford by the business community, so the report was put on a shelf for a while. In 2017, the NYS Governor announced that \$20 Million would become available for this project as part of the NYS Transformative Investment Program grant. That amount of funds is sufficient to pay for the construction estimate that SCDPW already has in the Engineering Report approved by NYS DEC. Mr. Wight noted that in 2014, the SCDPW secured SEQRA resolution for this project.

Mr. Wright added that what remained to be done to extend the District boundary was to prepare the Engineering Report and that requires a Public Hearing and the direction from the Agency to prepare that report. If the Agency grants that direction, the Map and Plan is expected to be prepared and go through public hearing earlier this year so the construction could start by the end of the year.

Acting Commissioner Tyson asked if there were any questions or comments and, hearing none, he made a motion to approve the Resolution. Legislator Kruski asked a clarifying question regarding the motion – if the Agency approves the Resolution, would it be accurate that the SCDPW then prepares the Map and Plan, with the individual tax map parcels and boundary? Mr. Wright responded that SCDPW would have to establish the cost of a typical property and because this project is fully funded, all SCDPW would have to do with the State Comptroller is to give him a notice rather an application. He added that the wastewater from this area would go to the Kings Park STP which has the capacity to treat that flow and thus no expansion of the plant was needed.

Legislator Kruski asked whether when the District is formed or extended, there would be a vote by the parcels in the District. Mr. Wright said that the voters would have to be resident electors so the people that are in the service area of the proposed extension that live there and are the registered voters can go and vote. Mr. Braun clarified that the voters would have an opportunity to object to the extension of the District but it would not be a mandatory referendum, it would be a permissive referendum on a petition of the residents of the expanded District.

Acting Commissioner Tyson asked if the people within the District that are not part of the proposed extension would be able to vote in permissive referendum and Mr. Braun responded negatively. He added that the extension should be virtually at no cost to them

since the construction is fully funded by the Governor's grant and the treatment plant already has the capacity to accept that flow so nothing is being expanded at the plant.

Acting Commissioner Tyson asked if there were any questions or comments and, seeing none, Ms. Broughton seconded the motion made by Acting Commissioner Tyson. The motion was approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 4 - 2019

AUTHORIZING CREATION OF MAP AND PLAN FOR THE PROPOSED EXTENSION No. 2 (BUSINESS DISTRICT) FOR THE SEWER DISTRICT No. 6 – KINGS PARK

WHEREAS, Extension No. 2 (Business District) of the Suffolk County Sewer District No. 6 – Kings Park (the “District”) is a proposed sewerage project to extend the service of the District by the construction and installation of a wastewater collection and conveyance system to serve the Business District of the Kings Park hamlet along with the Kings Wood residential complex and a small number of residential parcels along Church St., and

WHEREAS, the aforementioned Business District encompasses business establishments within a 65 acre area located primarily along NYS Route 25A and Indian Head Road within the Town of Smithtown, and

WHEREAS, a pump station and force main will be required to connect the Business District to the existing Kings Park sewage treatment plant, and

WHEREAS, the New York State Transformative Investment Program grant funds in the amount of up to a maximum of \$20 Million are available to cover all project related public infrastructure construction, and

WHEREAS, following creation and approval of a Map and Plan and Report, the project construction contracts can be bid in 2019, and

WHEREAS, Pursuant to Title 6 NYCRR Part 617.5(c) (11) and (20), this action 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;

NOW, THEREFORE, IT IS

1st RESOLVED, that the SEQRA requirements for this action have been met, and the SEQRA Resolution No. 692-2013 of the Suffolk County Legislature stipulated that this project is an Unlisted Action, and requires no further action, and it is further

2nd RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to take the steps necessary to seek the approvals needed for the proposed Extension No. 2 (Business District) of the Sewer District No. 6 – Kings Park, and it is further

3rd RESOLVED, that to facilitate the said extension of the County Sewer District No. 6 – Kings Park, the Sewer Agency staff proceed with the creation of a Map and Plan and Report for review and approval by the Sewer Agency.

(Suffolk County Sewer Agency Meeting – February 11, 2019)

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

HEARTLAND TOWN SQUARE

IS-1455

Acting Commissioner Tyson requested that the Agency Board go into an executive session to discuss this project. Mr. Braun said that the reason the executive session might be appropriate, for the record, was due to the fact that the County had been served with papers in a hybrid action – Article 78 along with a claim for damages by the applicant, and it seemed that it was appropriate for the Agency members to be aware of what was going on before they make a decision. He added that the Agency members were not going to take a vote in the executive session but it was just a matter of explaining the litigation a little, in Mr. Braun's capacity as the Agency's lawyer.

Acting Commissioner Tyson made a motion to go into the executive session. The motion was seconded by Legislator Krupski and approved unanimously.

After conclusion of the discussion at the execution session that took place in Acting Commissioner Tyson's office, the Agency members returned to the conference room and Acting Commissioner Tyson made a motion to come out of the executive session. The motion was seconded by Ms. Lansdale and approved unanimously.

Acting Commissioner Tyson then called on Mr. Rukovets to summarize the project application. Mr. Rukovets said that this project is the proposed mixed use planned redevelopment district consisting of three distinct phases located in the Town of Islip. The formal approval granted in February 2018 was for the connection of the estimated project flow of 2.5 MGD, based on the SCDHS Standards, to the SCSD No. 3 – Southwest, with the connection fee of \$15 per gpd for 1.6 MGD of flow requested by the applicant and for any future additional capacity between 1.6 MGD and 2.5 MGD – at the prevailing rate at the time of purchase of such additional capacity. Subsequently, in November 2018, Suffolk County Legislature declined to approve Introductory Resolution No. 1459-2018 seeking authorization for the Sewer District to execute connection agreement for this project.

The applicant is requesting time extension for the subject Sewer Agency's formal approval that expired after one year on February 5, 2019. The applicant has been advised that the execution of the sewer connection agreement is still subject to approval by the Suffolk County Legislature.

Mr. Rukovets said that, as an additional information, as mentioned by Mr. Braun, the developer for this project filed lawsuit documents against the County this past Friday, February 7th, representing a hybrid proceeding, including an Article 78 claim as part of it.

Acting Commissioner Tyson asked if there was a representative present and John Wagner, Esq., the project attorney, mentioned that he was. He said that Mr. Rukovets' summary of the status of the project was accurate. He added that the project team was available to provide any additional information required in connection with the application.

Legislator Krupski asked Mr. Braun how the Agency's decision would affect the lawsuit. Mr. Braun said that it was very hard to predict; he was not aware of any similar situation where the Agency and the County were in litigation with an applicant at the same time as the matter was before the Agency. He noted that while he had read the papers, they had not been analyzed from the point of view of how the County should defend against them. Therefore, the Agency should act in whatever way it feels is appropriate with respect to the application and use whatever criteria it feels is appropriate in making the decision – whether to grant the extension, not to grant the extension or perhaps put off the decision.

Legislator Krupski asked the applicant if in light of the lawsuit they would be objecting to tabling the resolution for a one-month cycle. Mr. Wagner said that the project team would prefer if the Agency act on the application right now and added that the lawsuit in question does not involve this Agency, who is not a party to the lawsuit. In response to questions from Legislator Krupski and Mr. Braun, Mr. Wagner clarified that it was not the Agency but the Department of Public Works that was named in the caption of the Action because there was some declaratory relief that involved the Department of Public Works. Mr. Braun said that he had just been informed that, as the Chair of the Public Works Committee, Legislator Krupski was also named in the lawsuit. Based on this, he recommended that Legislator Krupski recused himself from voting on the proposed resolution.

Acting Commissioner Tyson asked if there were any further questions or comments and, seeing none, he made a motion to approve the resolution; the motion was seconded by Ms. Broughton and approved, with Legislator Krupski recusing himself from voting.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 5 - 2019

AUTHORIZING AN EXTENSION OF TIME FOR CONNECTION OF HEARTLAND TOWN SQUARE (IS-1455) TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST

WHEREAS, on February 5, 2018, this Agency adopted Resolution No. 2-2018, authorizing the connection of Heartland Town Square to the Suffolk County Sewer District No. 3 - Southwest, and

WHEREAS, Resolution No. 2-2018 expired on February 5, 2019, without the completion of the Connection Agreement, and

WHEREAS, the developer of Heartland Town Square has requested an extension of the authorization granted in Resolution No. 2-2018, and

WHEREAS, the developer of Heartland Town Square has been advised that the execution of the sewer connection agreement is still subject to the approval by the Suffolk County Legislature,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 2-2018, adopted by this Agency on February 5, 2018, is hereby renewed, and it is further

2nd RESOLVED, that this resolution shall become null and void, in the event that no authorization to execute the connection agreement is obtained from the Suffolk County Legislature within one (1) year from the date of the adoption hereof, and it is 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, 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 11, 2019)

Seeing no further business, Acting Commissioner Tyson made a motion to adjourn the meeting. The motion was seconded by Legislator Krupski and approved unanimously at 1:32 PM.

Respectfully submitted,

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

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

Sign-in

February 11, 2019

Suffolk County Sewer Agency
SCDPW - Sanitation - Engineering

No.	Name	Firm/Company	Project	Email Address
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3	MAURICE OSMAN	CLEAR FLO TECH	—	clear_dusted02@aol.com
4	Thomas Callaghan	Sewer Stewards Inc.	—	thomas@sewerstewards.com
5	John Callahan	H O PENN. MEDFORD LLC	MEDFORD BRANCH	JCALLAHAN@HOPENN.COM
6	SCOTT NORMANDINI	BOHLER ENGINEERING	DAVITA	SNORMANDINI@BOHLERENG.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.