

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**(REMOTELY)
MONDAY, APRIL 27, 2020
3:30 P.M.**

PRESENT: Barry J. Cheney, Chairman
Leigh J. Benton, Katie Bonelli, James M. Kulisek, Joseph J. Minuta,
Michael D. Paduch, Paul Ruskiewicz, Peter V. Tuohy

ALSO

PRESENT: L. Stephen Brescia, Chairman
Thomas J. Faggione, Legislator
Kevin W. Hines, Legislator
Janet Sutherland, Legislator
John S. Vero, Legislator
Antoinette Reed, Legislative Counsel
Harry Porr, Deputy County Executive
Langdon Chapman, County Attorney
Joseph F. Mahoney, ESQ., Senior Assistant County Attorney
Stacy Butler, Senior Assistant County Attorney
Erik Denega, Commissioner, Dept. of Public Works
Travis Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Div.
Robert Gray, Deputy Commissioner, Dept. of Public Works/
Environmental Facilities & Services
James S. Brooks, Commissioner of Parks, Recreation & Conservation
Brian Titsworth, Deputy Commissioner of Infrastructure Services
(Buildings and Grounds), Dept. of Public Works
Edward Magryta, Director, Airport
Deborah Slesinski, Budget Director
Deanna Crawford, Budget Analyst
Mary Beth Biaccone, Delaware Engineering

Chairman Cheney opened the committee meeting at 3:33 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present.

Mr. Cheney stated the first agenda item is departmental updates from the Department of Public Works, EF&S, Parks and the Orange County Airport. In order to efficiently use our time, he asked that everyone refer to the document emailed (see original minutes) and if anyone has questions or comments, they can reach out to the department chairs.

Mr. Tuohy moved to approve SEQRA: To declare the Intent to Assume Lead Agency status with respect to the proposed longevity improvements and three (3) million gallon per day capacity expansion of the Harriman Wastewater Treatment Plant serving the Orange County Sewer District No. 1 and several out of district communities

located in the Town of Woodbury, and preliminarily classifying the action as Type 1. The action is technically an Unlisted Action but is proposed to be categorized as Type 1 to give the project maximum eligibility to be considered for low interest funding or receipt of grants, seconded by Mr. Minuta.

Mr. Denega stated this request is to begin the SEQRA process. The plan designed by Delaware Engineering includes longevity improvements which need to be done regardless of any additional capacity needed as well as a certain number of scenarios and options for increasing capacity in the Sewer District. He referred to the document (see original minutes) which points out all the improvements and what is the most favorable option of expansion which is 3 million gallons per day. Furthermore, time is of the essence, so he is asking this be approved.

Motion carried. All in favor.

Mrs. Bonelli moved to adopt a resolution of the Orange County Legislature Assuming Lead Agency status under State Environmental Quality Review Act (SEQRA) with respect to Local Law Introductory No. 10 of 2020, "A Local Law establishing a limited reservation of treatment capacity at the Harriman Treatment Plant," classifying the action as a Type II action pursuant to 6 NYCRR 617.5 (33) and determining that the action of adopting said local law will not have a significant adverse effect on the environment, seconded by Mr. Benton.

Mr. Tuohy explained that over the past year Orange County Sewer District No. 1 Advisory Committee has met and presented to the legislature as a whole, a review of options for longevity improvements and expanded capacity at the Harriman Wastewater Treatment Plant. In order to continue to move forward, the advisory committee will be presenting the legislature with a request for lead agency status with respect to both the longevity improvements and capacity **expansion at the Harriman Wastewater Treatment Plant.** In addition, he and the committee are asking for consideration on Local Law Introductory No. 10 of 2020, "A Local Law Establishing a limited reservation of treatment capacity at the Harriman Wastewater Treatment Plant." **This local law would encourage developers to construct and/or replace existing infrastructure and provide priority over other developers. Under this agreement there will be no financial impact to ratepayers of Orange County Sewer District No. 1, Moodna ratepayers or residents of Orange County.** He stated this legislative request was presented to the Rules Committee on Wednesday, April 22, 2020 and passed by a vote of 7-0 with one abstention.

Mr. Chapman stated this is just the SEQRA aspect of it in order to take an action. The only "actor" for the local law is the Orange County Legislature who declares lead agency and states this is not subject to any further environmental review.

Motion carried. All in favor.

Mr. Tuohy moved to adopt Local Law Introductory No. 10 of 2020, "A Local Law Establishing a limited reservation of treatment capacity at the Harriman Wastewater Treatment Plant," seconded by Mr. Benton.

Mr. Chapman explained this local law would establish the protocol of the County Sewer Administrator, Erik Denega who contracts with potential developers who want to pay for infrastructure that their development would utilize. It does not reserve capacity at the treatment plant, but merely says if someone contracts privately with the county to build, the developer will get to use the infrastructure first before others to effectuate their project.

Mr. Kulisek asked how the development came to be without limits.

Mr. Chapman replied when a municipality deals with subdivision approval, they would look to see if the sewer is adequate as well as the water, so they can condition the issuance of a building permit by making sure all is adequate. The county does not do subdivisions, it is done by the Planning Board of the municipality where the project is located.

Mr. Kulisek clarified that the county had no oversight regarding development that was going to use the Harriman Wastewater Treatment Plant.

Mr. Chapman stated we do not have SEQRA oversight. There is one entity doing the process and that is the Planning Board.

Discussion ensued with committee members and Mr. Chapman regarding enlarging the north inceptor.

Mr. Kulisek commented he sees this as litigation waiting to happen.

Mr. Cheney asked Mr. Kulisek if he means litigation from another developer.

Mr. Kulisek replied yes.

Mr. Chapman stated that historically the ways sewer problems have been resolved in Orange County Sewer No. 1, is by judges. He is trying to not have a dispute and come with a rational process.

Mr. Kulisek expressed that this should have been dealt with in a different way. He sees this as a short-term resolution for a long-term problem.

Mr. Chapman pointed out this has been worked on for several months by the County Law Department and they are trying to avoid unnecessary litigation.

Mr. Minuta clarified this is "first come, first serve" and this plant will be serving more than one municipality.

Mr. Chapman stated this has to do with infrastructure that a private developer will pay for, so that the sewer from that development can go through a wide enough pipe. It has nothing to do with the capacity at the Harriman Wastewater Treatment Plant.

Mr. Vero clarified that the committee cannot apply for a sewer permit until the north line has been completed.

Mr. Chapman stated there are a lot of sewer permits being applied for that the county is holding because of the lack of conveyancing capacity. It is an ongoing issue in Kiryas Joel.

Motion carried 7-1 with legislators Benton, Bonelli, Paduch, Ruszkiewicz, Tuohy, Minuta, and Cheney voting in favor and Legislator Kulisek abstaining.

The meeting adjourned at 4:01 p.m.