Intro. Res. No. 1761-2009 Laid on Table 8/18/2009
Introduced by Presiding Officer, on request of the County Executive and Legislator Montano

**RESOLUTION NO. 828 -2009, APPROVING A CONSTRUCTION AGREEMENT BETWEEN SUFFOLK COUNTY SEWER DISTRICT NO. 13 – WINDWATCH AND MOTOR PARKWAY ASSOCIATES FOR THE EXPANSION OF THE SEWAGE TREATMENT PLANT BY 155,000 GPD**

**WHEREAS**, the Motor Parkway Associates is the owner of a proposed development known as Islandia Hotel, located in the vicinity of Suffolk County Sewer District No. 13 – Windwatch, has proposed to connect to the District's sewage treatment plant; and

**WHEREAS**, the Suffolk County Agency has previously approved the expansion of the WWTP facilities of Suffolk County Sewer District No. 13 - Windwatch (the "District") to meet the then known needs of projects in the vicinity (Sewer Agency Resolution No. 41-2005); and

**WHEREAS**, on May 19, 2008, the Suffolk County Agency adopted Resolution No. 9-2008, authorizing the expansion of the WWTP by MPA to a treatment capacity of Seven Hundred Fifty Thousand (750,000) GPD, subsequently on September 26, 2008, Legislative Resolution No. 763-2008 was signed, authorizing the said expansion; and

**WHEREAS**, due to the New York State Department of Environmental Conservation approval of additional capacity at the WWTP, the needs of the projects in the vicinity have changed. MPA is therefore requesting that the previously approved expansion of the WWTP to Seven Hundred Fifty Thousand (750,000) GPD be amended to the current need, expansion of the WWTP from the treatment capacity of Four Hundred Thousand (400,000) GPD to a treatment capacity of Five Hundred Fifty-Five Thousand (555,000) GPD; and

**WHEREAS**, Motor Parkway Associates has offered to enter upon the sewage treatment plant site and enlarge the plant by 155,000 gallons per day at its own expense and therefore, at no cost to the ratepayers of the district; and

**WHEREAS**, the proposed work at the District's sewage treatment plant will accommodate the flow needs for proposed projects in the vicinity; and

**WHEREAS**, all work is to be performed through Motor Parkway Associates with the understanding that permission is granted to perform this work on District property; and

**WHEREAS**, the proposed construction has been approved by the Suffolk County Sewer Agency (Resolution No. 24-2009); now, therefore be it

**1st** **RESOLVED**, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into a contract with Motor Parkway Associates to construct the necessary improvements to the Suffolk County Sewer District No. 13 – Windwatch Sewage Treatment Plant and that Motor Parkway Associates be required to post letters of credit, or other securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED: September 17, 2009

APPROVED BY:

County Executive of Suffolk County

Date: 9/25/09

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

*This is to Certify That I,* TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on September 17, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I* have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1761 Res. No. 828 September 17, 2009

**Motion:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|---|---|---|---|---|---|---|
| 1 | Edward P. ROMAINE | ✓ | | | | |
| 2 | Jay H. SCHNEIDERMAN | ✓ | | | | |
| 3 | Kate M. BROWNING | ✓ | | | | |
| 4 | Brian BEEDENBENDER | ✓ | | | | |
| 6 | Daniel P. LOSQUADRO | ✓ | | | | |
| 7 | Jack EDDINGTON | ✓ | | | | |
| 9 | Ricardo MONTANO | ✓ | | | | |
| 10 | Cameron ALDEN | ✓ | | | | |
| 11 | Thomas F. BARRAGA | ✓ | | | | |
| 12 | John M. KENNEDY, JR. | ✓ | | | | |
| 13 | Lynne C. NOWICK | ✓ | | | | |
| 14 | Wayne R. HORSLEY | ✓ | | | | |
| 15 | DuWayne GREGORY | ✓ | | | | |
| 16 | Steven H. STERN | ✓ | | | | |
| 17 | Lou D'AMARO | ✓ | | | | |
| 18 | Jon COOPER | ✓ | | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | ✓ | | | | |
| 8 | William J. LINDSAY, P.O. | ✓ | | | | |
| | Totals | 18 | | | | |

**MOTION**

X Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess

APPROVED X FAILED ___
No Motion ___ No Second ___

**RESOLUTION DECLARED**

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Renee L. Ortiz
Tim Laube, Clerk of the Legislature