

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

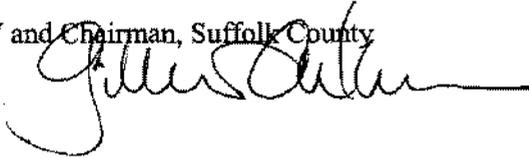
DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Hon. William J. Lindsay, Presiding Officer of the SC Legislature
Legislators: Romaine, Schneiderman, Browning, Caracappa, Vilorio-Fisher,
Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Horsley,
Mystal, Stern, D'Amato and Cooper.
Jeffrey Szabo, Deputy County Executive / Chief of Staff
Vito Minei, P.E., Director, Environmental Quality, S.C. Health Services
Thomas Isles, Director, Suffolk County Planning Department
Ron Cohen, representing Legislator Louis D'Amato, SCSA Legislator-at-Large,
Michael Cavanagh, representing Presiding Officer Lindsay
Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the
Public Works and Transportation Committee

FROM: Gilbert Anderson, P.E., Commissioner, SCDPW and Chairman, Suffolk County
Sewer Agency 

DATE: February 28, 2007

SUBJECT: **MINUTES OF THE SEWER AGENCY MEETING OF FEBRUARY 26, 2007**

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

GA/BW/ bc;sg

Attachments

cc: Ben Wright, P.E., Chief Engineer, Division of Sanitation
Bob Carballeira, P.E., Associate Civil Engineer
John Donovan, P.E., Sr. Civil Engineer
Laura Conway, C.P.A., Director of DPW Administrative Services
Patricia Jordan, Esq., Dept. of Law
Walter Hilbert, P.E., S.C. Dept. of Health
Walter Dawydiak, P.E., S.C. Dept. of Health
Tim Laube, Clerk of the Legislature
James Morgo, Commissioner of Economic Development and Workforce Housing
William Spitz, NYSDEC

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

MINUTES OF THE SUFFOLK COUNTY SEWER AGENCY

MEETING OF FEBRUARY 26, 2007

The meeting was called to order at 11:00 am by Ben Wright, PE, Chief Engineer of the Sanitation Division, representing Gilbert Anderson, Commissioner of DPW and Chairman of the Suffolk County Sewer Agency. In attendance were Jeff Szabo, Deputy County Executive representing County Executive Steve Levy; Ron Cohen, representing Legislator Louis D'Amato, Sewer Agency Legislator at Large; Catherine Stark representing Legislator Schneiderman and Dan Gulizio, representing Tom Isles, the Suffolk County Director of Planning. Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay and Vito Minei, P.E., representing the Commissioner of the Department of Health Services, Dr. Ron Harper arrived shortly after the meeting had started.

Also present were Patricia Jordan, Esq. of the Department of Law and Bob Carballeira, PE, part of the DPW staff.

Project representatives are shown on the copy of the sign-in sheet attached at the end.

Minutes from SCSA for January 22, 2007, were discussed. Catherine Stark made a motion to accept the minutes and Dan Gulizio seconded it. Motion passed with all in favor except Ron Cohen, who abstained due to not being present at the January meeting.

Public Participation

There were no requests to make statements.

OLD BUSINESS

FORMAL APPROVALS

35 MELVILLE PARK RD.

HU-1583

Bob mentioned that this project is an existing office building that has approximately 100,000 SF of office, industrial and storage space situated on a 6-acre parcel located between Route 110 and Maxess Rd and north of Melville Park Road in the Town of Huntington. Total flow from the building is expected to be 4,309 GPD. The site is presently in operation with the sanitary wastes being handled by a septic system.

This application is for Formal Approval to connect to the SC Sewer District No. 3 – Southwest.

The District's Bergen Point STP has sufficient treatment capacity in excess of the needs of the District and its contractees to accommodate the additional flow. At present the available extra capacity is 1,350,688 gpd for outside contractees.

Staff recommended granting approval to this project.

Ben mentioned that this project had been tabled at the last meeting and then asked who represented the project. Gregg Schiavone said that he did and then said that the situation was as described and that the draft resolution had been reviewed and there was no problem with it.

Ron Cohen then made a motion to approve the application and Ben Wright seconded it. Motion passed unanimously. **(SCSA Resolution No. 2-2007)**

NEW BUSINESS

FORMAL APPROVAL

MILL POND ESTATES

BR 1387

Bob mentioned that this application is to extend the time granted in Sewer Agency Formal Resolution number 38-2005 by a year to complete the Construction and Operations and Maintenance agreement for this project.

This project is a proposed 280-unit PRC development with pool, tennis courts and Community Center situated on approximately 60 acres located south of Mill Road in Medford. This project also includes an 18-hole golf course, a 13,100 SF clubhouse, with a 250 seat-catering hall and a 50 seat restaurant. The golf course and related structures are to be dedicated to the Town of Brookhaven but the sanitary wastes are included in the proposed flow to the sewage treatment plant. The estimated flow from this project is 50,000GPD for which the developer received **Formal Approval** in 2005 for constructing an on-site wastewater treatment facility.

There is no Suffolk County Sewer District in the vicinity of this project or any private STP in reasonable proximity.

Staff recommended granting the year's extension on this project.

Ben asked who represented the project and David Sloane said that he did and that the developer had just closed with the Town of Brookhaven on the golf course and the related buildings. Since they are co-signers with the developer, it was necessary to have the contacts with the Town completed prior to signing the County's Agreement, which is expected to be completed within 90 days.

Ron Cohen made a motion to approve the application and Vito Minei seconded it. Motion passed with six in favor and one abstention. **(SCSA Resolution No. 3-2007)**

SC SEWER DISTRICT NO. 2 TALLMADGE WOODS

UPDATE

Bob mentioned that the Budget Office had approved the budget created by the Finance Section of the Department at a rate of \$503 per year per typical household. This rate also appears to be satisfactory to the majority of the homeowners and to the developers. There has been one information meeting already and another was scheduled for this evening. However, since the schools are closed due to the storm, this meeting will need to be re-scheduled.

The resolution attached was intended to approve the updated original creation report and to authorize the request of the County Legislature to hold the required Public Hearing on the new proposed rate of \$503 per year.

Once this is accomplished and the Findings Resolution is adopted, we will then proceed with asking the NYS Comptroller for approval of the new rate and this then clears the way for the transfer of assets to the District and the beginning of the operation and maintenance of the facilities by the SCDPW personnel.

Ben mentioned that the \$503 rate is close to that being paid at present by the residents- some are billed at \$450 plus tax (\$485) and others at \$600 plus tax (\$650). The recommendations of the report are in line with the original intent of the contracts with the various developments which comprise the District and they also include the provision of the Commissioner of DPW becoming the Administrator of the District..

Ron Cohen then asked how stable would the rates be and Ben replied that these are calculated based on existing County Sewer District expenses, so they are reliable. In addition, there is a limit on how much a sewer district rate can climb because of programs that are in place, which limit any increases to a maximum of 3%.

Mike Cavanagh made a motion to approve the resolution and Jeff Szabo seconded it. Motion passed unanimously.
(SCSA Resolution No. 4-2007)

CONCEPTUAL CERTIFICATION

WESTHAMPTON BEACH TOWNHOUSES SH-1488

Bob mentioned that this project was presented and tabled by the Agency numerous times during 2004 and 2005, while it was requesting approval to connect to the Gabreski airport's sanitary system.. The project has been modified in size and is now requesting approval to construct an on-site treatment plant for the sanitary wastes.

This project is a proposed townhouse condominium project with 39 units, a clubhouse and a pool complex with an expected flow of 15,000 gpd, which is situated on 6.6 acres on the west side of Old Riverhead Road, 1,500 feet north of Montauk Highway in the incorporated village of Westhampton Beach.

The project is requesting conceptual certification for the construction of a small sewage treatment facility.

There is no Suffolk County Sewer District in the vicinity of this project. There is a treatment plant at the Suffolk County Gabreski airport, but this facility has not become a Sewer District and so cannot enter into connection agreements with an outside party, such as this development. There is no present timetable as to when the Gabreski sewers and treatment plant would become a Suffolk County Sewer District

Staff recommends granting the Conceptual Certification to this project.

Ben asked who represented the project and Robert Muchnick said that he did and that what was stated was correct. He further mentioned that they had tried for a long time to connect to Gabreski and this had not worked out and that was why they were now asking for permission to build a sewage treatment plant.

Ben mentioned that this resolution contained the 2-year sunset provision that the Agency approved at the last meeting and Robert Muchnick said that he understood that.

Jeff Szabo made a motion to grant Conceptual Certification to the project and Catherine Stark seconded the motion. Motion passed unanimously.
(SCSA Resolution No. 5-2007)

CONCEPTUAL CERTIFICATION DISCUSSION

Bob mentioned that the discussion on the Conceptual Certification had arisen due to considerations of a previously approved project entitled Eranta, LLC, which received Conceptual Certification and the issues regarding the Certification, revolved initially around the labeling of random lots as being a subdivision. Later the discussion included the reluctance of the staff to formally assign gallonage to this project since the gallonage had not been approved by the NYSDEC and had yet not resulted in an increase in the plant discharge permit. Consequently, the random lots could have been formally approved but the approval given was for Conceptual Certification due to internal concerns, not the SEQRA status.

Bob mentioned that as a follow up to the discussion, requests had been made for a definition of the Conceptual Certification and typical Sewer Agency resolutions for the connection to an existing sewer District and one for the construction and O&M of a sewer system and treatment plant. The packages that had been forwarded to all of the Agency members contained those items.

Ben mentioned that the definition was based on parameters found in previous resolutions and then the 2 year sunset provision was added to each of the resolutions.

A motion was made by Jeff Szabo to approve the new procedures and Ron Cohen seconded the motion. Motion on the new procedures passed unanimously.

Dan Gulizio asked how the notifications were to be handled and Bob said that the plan was to send letters to all those who had Conceptual Certifications that were over two years old and those that would be 2 years old shortly and inform them that the resolutions now require a two year sunset clause and to also inform them that the rates for the connections to sewer districts had doubled to \$30.00 per gallon per day. The letter would give the certification holders six (6) months to either reapply for conceptual certification or for formal approval to maintain their "grandfather" claim to the \$15.00 per gallon per day connection fee rate.

Jeff Szabo asked that the process be tracked and reported back to the Agency members and Bob said that he would keep all apprised of the status of the notifications and the total of gallons that would change. Further discussion ensued regarding the status of any capacity given up by a project that was no longer viable and Bob said that this would return to the total available capacity of the Districts from which they been originally assigned.

Ron Cohen asked what would happen in Huntington with the Huntington Town House now becoming a Lowes store and Bob said that with the property involved and the fact that it was a "dry store" would mean that it probably could be approved for septic systems at density by the SC Department of Health Services. This would free up capacity designed into the pumping station at SC Sewer District 17-Walt Whitman Mall for the gallons anticipated to be required by the Huntington Town House. Since the Mall paid for the additional capacity in the pumping station, this would be available to it after the revised Connection Agreement between the Mall and SC Sewer District No. 3 -- Southwest was signed and the \$15.00 per additional gallon requested was paid for.

Ben mentioned that Vito had asked about the status of the law changing the connection fees. Since it has not been forwarded to the Secretary of State of NYS, Ben said he presumed that the rate is still \$15.00. Once the Secretary of State is notified, the rate will increase to \$30.00.

A motion was then made to adjourn the meeting at 11:18 am and it passed unanimously.

SIGN-IN SHEET

**Suffolk County Sewer Agency
SCDPW - Sanitation -Engineering**

Date - February 26, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	GREG SCHIAVONE	RMS ENGR	35 MELVILLE PARK RD.
2	Rita Rosenbly	Beachwood org	M.V. Paul Estate
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 2-2007
AUTHORIZING THE CONNECTION OF
35 MELVILLE PARK RD. (HU-1583) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, 35 Melville Park Rd. is an existing 99,963 square feet office, industrial and storage building, located in Melville, New York, situated on property identified on the Suffolk County Tax Map as District 0400, Section 268, Block 01.00, Lots 005.000, and

WHEREAS, the sewage flow from the 35 Melville Park Rd. is expected to be four thousand three hundred nine gallons per day (4,309 gpd) when the 35 Melville Park Rd. is fully developed, and

WHEREAS, 35 Melville Park Rd. is not located within the boundaries of Suffolk County Sewer District No. 3 - Southwest (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, 35 Melville Park Rd. has applied to this Agency for permission to connect its four thousand three hundred nine gallons per day (4,309 gpd) flow to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage which is expected to emanate from for 35 Melville Park Rd., and

WHEREAS, the connection of 35 Melville Park Rd. to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that 35 Melville Park Rd. 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 four thousand three hundred nine gallons per day (4,309 gpd) of capacity in the District's sewage treatment plant be allocated to 35 Melville Park Rd., 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 developer of 35 Melville Park Rd., 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 35 Melville Park Rd. shall be paid upon the execution of the Connection Agreement at the rate of \$15.00 (or the existing rate at the time of connection agreement signing) per gallon of sewage per day for four thousand three hundred nine gallons per day (4,309 gpd) for a total of \$64,635, and it is further

6th RESOLVED, that 35 Melville Park Rd. shall, at its sole cost, expense and effort, construct a sewage collection facility for 35 Melville Park Rd., including a mainline sewer extension, if required, 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 35 Melville Park Rd. until the sewage collection facility for 35 Melville Park Rd. has been completed and 35 Melville Park Rd. 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 35 Melville Park Rd. 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 35 Melville Park Rd., 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 35 Melville Park Rd. 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 02/26/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 3-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE
CONSTRUCTION AND OPERATION & MAINTENANCE AGREEMENT BY
MILL POND ESTATES (BR-1387)

WHEREAS, on October 17, 2005, this Agency adopted Resolution No. 38-2005, authorizing the construction of sanitary facilities by **Mill Pond Estates**, and

WHEREAS, Resolution 38-2005, granted a one year time for completion of the Agreement, but the year has passed without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are complete, and a proposed agreement has been prepared and is in final form, and

WHEREAS, the developer of **Mill Pond Estates** has requested an extension of the authorization granted in Resolution No. 38-2005,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 38-2005, adopted by this Agency on October 17, 2005 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
RESOLUTION NO 4-2007, DIRECTING SEWER AGENCY STAFF
TO UPDATE THE CREATION REPORT OF PROPOSED
SEWER DISTRICT NO. 2 - TALLMADGE WOODS

WHEREAS, the proposed Sewer District No. 2 - Tallmadge Woods has been created and approved by the office of the New York State Comptroller, and

WHEREAS, during the compilation of the budget for the proposed Sewer District No. 2 the Budget Office of Suffolk County requested a reasonably higher annual payment for the treatment of the sewage of each connected parcel than the amount discussed in the creation report, the Public Hearings and the documentation submitted to the Office of the NYS Comptroller, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the update of the original creation report, which shall include the revised budget prepared in accordance to the Suffolk County Budget Office,

And be it further

2nd RESOLVED, that, upon completion of the updated report, the Suffolk County Sewer Agency staff shall:

1. Hold such information meeting(s) as necessary to discuss the rate increase
2. Submit a request for a legislative resolution to establish a Public Hearing
3. Prepare the Findings Resolution for the public hearing

3rd RESOLVED, that the Suffolk County Sewer Agency staff shall keep the Agency members apprised, on an ongoing basis, of all developments regarding this issue.

(Suffolk County Sewer Agency Meeting 02/26/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO 5- 2007, GRANTING CONCEPTUAL CERTIFICATION
FOR AN ON-SITE SEWAGE TREATMENT PLANT AT
WESTHAMPTON BEACH TOWNHOUSES – SH-1488

WHEREAS, Westhampton Beach Townhouses is a proposed townhouse project consisting of 39 units with a club house and pool, in Westhampton Beach, New York, situated on property identified on the Suffolk County Tax Map as District 0905-02-01-14, 15, 16, 17 &18 and 0905-04-01-06 in an area on the west side of Old Riverhead Road approximately 1500 feet north of Montauk highway, and

WHEREAS, the sewage flow from Westhampton Beach Townhouses is expected to be fifteen thousand gallons per day (15,000 gpd) when fully developed, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Westhampton Beach Townhouses with available capacity to serve Westhampton Beach Townhouses, and

WHEREAS, Westhampton Beach Townhouses has applied to this Agency for permission to construct an on-site sewage treatment plant for Westhampton Beach Townhouses, and

WHEREAS, inasmuch as the SEQRA process for Westhampton Beach Townhouses has not been completed, this Agency cannot, at this time, approve the said application, 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

WHEREAS, in furtherance of such policy, this Agency is desirous of giving Westhampton Beach Townhouses an indication of the action that this Agency might take regarding the proposed sewage treatment plant if the SEQRA process had been completed and this Agency were to pass upon the matter at this time,

NOW, THEREFORE, IT IS

1st **RESOLVED**, that this Agency hereby grants "Conceptual Certification" for an on-site sewage treatment plant for Westhampton Beach Townhouses in Westhampton Beach, as aforesaid, and it is further

2nd **RESOLVED**, that the developer shall disclose, in the project's Offering Plan/Prospectus, in language to be approved by this Agency's staff, the annual cost of operation and maintenance of the proposed sewage treatment plant, in order to ensure that prospective purchasers of the condominium are apprised of said cost. The developer shall include in said notice the projected annual cost of operation and maintenance of the proposed sewage treatment plant for the ensuing years, based on an inflation factor, in order to ensure that all future owners of the condominium units are apprised of said cost, not only while the plant is privately owned, but also if and when the County, or another municipality, assumes ownership of the plant.

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 Westhampton Beach Townhouses, 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.

And be it further

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 project 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 02/26/07)