

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

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: April 23, 2007

SUBJECT: MINUTES OF THE SEWER AGENCY MEETING OF APRIL 16, 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 APRIL 16, 2007

The meeting was called to order at 11:05 am by 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; Legislator Schneiderman, Chairman of the Legislative Public Works Committee; Tom Isles, the Suffolk County Director of Planning; Ron Cohen, representing Legislator Louis D'Amato, Sewer Agency Legislator at Large; Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay and Walter Hilbert, P.E., representing the Commissioner of the Department of Health Services, Dr. Ron Harper

Also present were Catherine Stark, aide to Legislator Schneiderman, Patricia Jordan, Esq. of the Department of Law and Ben Wright, PE, Chief Engineer and Bob Carballeira, PE, Secretary to the Sewer Agency.

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

Minutes from SCSA for February 26, 2007, were discussed. A motion to accept the minutes was made and Mike Cavanagh seconded it. Motion passed with all in favor and the Commissioner abstaining because he was not present at the meeting.

Public Participation

There were no requests to make statements.

NEW BUSINESS

FORMAL APPROVAL

OAKCREEK COMMONS CONDOMINIUMS

IS-1422

Ben mentioned that this project is a proposed 32-unit planned retirement community (PRC) condominium subdivision, situated on 4.8 acres and located in Bohemia. The estimated flow from this project is 4,800 GPD for which the developer received approval to construct an on-site Cromaglass type treatment plant at the Agency's meeting of December 17, 2003 and this application is for a 1-year extension to complete the Construction Agreement.

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

Staff recommended granting the 1-year extension for the completion of the required paperwork.

Commissioner Anderson asked who represented the project and Mike Chiarelli said that he was the Engineer of the project and that he represented the Oakcreek Partners.

Ben mentioned that he likes to remind everyone that on a project that is to have an on-site treatment plant he likes to mention that the prospectus needs to list the cost of the County operating the system at a future

time so that everyone knows what the cost would be. Since this is an extension of time, it is not mentioned but it is a part of the approved resolution for the project.

A question was raised about the new fee rate and whether it applied here and Ben said that the rate was only for connections to Sewer Districts.

A motion was made to approve the application and Jeff Szabo seconded it. Motion passed unanimously.
(SA Resolution No. 6-2007)

455 COMMACK ROAD

BA-1456

Ben Mentioned that this application is for the project called Tanger Mall or the Arches and it is for a 1-year extension of Formal Approval for the connection to the Suffolk County Sewer District No. 3 – Southwest granted by the Sewer Agency Resolution No. 3-2006. In addition, the Suffolk County Legislature approved this connection by Resolution 1312-2006 but the project did not meet the 1-year timeline for completion of the connection agreement.

The project is situated on an 81.1-acre parcel located in Deer Park. Total flow from the complex is expected to be 82,901 GPD going to the Southwest Sewer District and the District's STP has sufficient excess treatment capacity to accommodate this project.

Commissioner Anderson asked who represented the project and Christopher Robinson said that he did and that the Connection Agreement should be ready to be signed in 2-3 weeks after some minor title and easement issues are ironed out.

A question was posed from the Agency members about when the formal resolution was expiring and Steve Kretz, one of the representatives of the project said that it expired on March 20th, so that is why they have applied to the Agency for the extension of time.

One of the Agency members asked what had taken the time to get the documents signed and Christopher Robinson said that since nothing could be done until the Legislative resolution was passed, the year should be considered from when the Legislature passes their resolution and so they had until December of this year to complete the paperwork.

Mike Cavanagh mentioned that the delay in the Legislature caused this delay and if the Agency doesn't extend the time, it would cause a problem and the applicant would be stuck.

Commissioner Anderson asked if anything else was still missing other than just the actual connection agreement and Steve Kretz said that he had just received the revised title insurance and would forward it to the Law Department as soon as he could.

Jeff Szabo made a motion requesting the tabling of the application because Marisa Schifano (Marletti) was not available to respond to questions regarding this project.

Chris Robinson objected to this proposed tabling of the application saying that in his opinion the 1-year timing should only start once the Legislative resolution is passed because without their approval the negotiations could not start.

Legislator Schneiderman then stated that by giving the extension of time, they would be given the opportunity to negotiate the details of the connection agreement. Steve Kretz added that the items being discussed are arcane legal issues related to telephone easements and the like. There are no engineering issues and all should be resolved shortly.

Chris Robinson said that the project is continuing, the buildings are being demolished and he is ready to have the preconstruction meeting and start to place piping in the ground. The one month delay is ridiculous. He repeated that what he would like to see done is the completion of the negotiations, the contract signed and the check for the connection fees of over a million dollars given to the Department and what is needed is for the Resolution to get a one year extension. The one month tabling accomplishes nothing at this time.

Commissioner Anderson stated that there appears to be some questions on the connection agreement and Chris Robinson said that the negotiations are standard practice with the Law Department for all easements, titles and title insurance and in his opinion the delay by the Legislature through December penalized the negotiations process.

Jeff Szabo asked if the delay of one month to iron out the issues would pose a problem and then the Assistant County Attorney could be contacted and the issues resolved. Chris Robinson stated that it would be ridiculous to table this project and it would not accomplish anything since the agreement is nearly completed. David Kaplan of the Blumenfeld Development Group (Tanger) added that what are under discussion are easement and title issues and they are in need of closing on construction loan financing within 2 weeks, so the 4 week delay will have serious affect on the project. The signing of the one year extension merely keeps everything moving forward.

Patricia Jordan then responded that she would be more comfortable if she had time to confer with Marisa Schifano and then Tom Isles stated that he would prefer to take the advice of the County Attorney so he seconded the motion to table. He went on further to say that he took exception to their characterization of the Legislature as a delaying mechanism, where really the Legislators are entitled to time to review the Resolutions that come to them. This matter of the Tanger Mall connection to the Southwest Sewer District is a significant connection and so he could not vote against tabling the application. Motion to table passed with a vote of 4 in favor and 3 opposed.

DURYEA RESIDENTIAL DEVELOPMENT

HU-1521

Ben mentioned that this project is a proposed 36-unit PRC with a clubhouse situated on 5.6 acres located in Melville. The estimated flow from this project is 5,463 GPD for which the developer requests Formal Approval to connect to the SCSD No. 3 – Southwest. The project has already received Conceptual Certification at the May 2005 Sewer Agency meeting

The District's Bergen Point STP has sufficient treatment capacity in excess of the needs of the District and its contractees to accommodate this additional flow and the staff recommended granting approval of this project to connect to the SWSD No. 3 - Southwest.

Commissioner Anderson asked who represented the project and Gregg Schiavone of RMS Engineering said that he represented the applicant and was ready to answer any questions the Agency members had.

Minutes of the Suffolk County Sewer Agency
Meeting of April 16, 2007
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Tom Isles asked what percentage of the development would be affordable housing and Gregg said 10%, which would be 4 units, and the whole development would be connected to the Southwest Sewer District. A motion was made to approve the application and Jeff Szabo seconded it. Motion passed unanimously.
(SA Resolution No. 7-2007)

A motion was then made to adjourn the meeting at 11:21 am and it passed unanimously.

SIGN-IN SHEET

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

Date - April 16, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	Mike Church	Church Eng	Oakwood Commons
2	GREGG SCHIAVONE	RMS ENGR	DURYEA RES.
3	CHRIS ROBINSON	RMS ENGINEERING	455 Commack Rd.
4	Michael DeJoseph	PJDC	455 Commack Rd.
5	Stephen W. Kretz, Esq.	Douglas, Kretz & Associates	TANGER " "
6	David Kaplan	Blumenfeld Development Group	455 Commack Rd.
7	TOM LEMBO	NELSON/AOAE	ISLAND GOLF
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 6-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE
CONSTRUCTION AND OPERATION & MAINTENANCE AGREEMENT BY
OAKCREEK COMMONS CONDOMINIUMS (IS-1422)

WHEREAS, on December 17, 2003, this Agency adopted Resolution No. 29-2003, authorizing the construction of sanitary facilities by **Oakcreek Commons Condominiums**, and

WHEREAS, Resolution 29-2003, 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 **Oakcreek Commons Condominiums** has requested an extension of the authorization granted in Resolution No. 29-2003,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 29-2003, adopted by this Agency on December 17, 2003 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 04/16/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 7-2007
AUTHORIZING THE CONNECTION OF
DURYEA RESIDENTIAL DEVELOPMENT (HU-1521) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, Duryea Residential Development is a proposed 36-unit PRC with a clubhouse, located in Melville, New York, situated on property identified on the Suffolk County Tax Map as District 0400, Section 268, Block 01.00, Lots 024.000 and 0025.000, and

WHEREAS, the sewage flow from the Duryea Residential Development is expected to be five thousand four hundred sixty three gallons per day (5,463 gpd) when the Duryea Residential Development is fully developed, and

WHEREAS, Duryea Residential Development 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, Duryea Residential Development has applied to this Agency for permission to connect its five thousand four hundred sixty three gallons per day (5,463 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 the Duryea Residential Development, and

WHEREAS, the connection of the Duryea Residential Development to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Duryea Residential Development 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 five thousand four hundred sixty three gallons per day (5,463 gpd) of capacity in the District's sewage treatment plant be allocated to Duryea Residential Development, 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 Duryea Residential Development, 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 Duryea Residential Development 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 five thousand four hundred sixty three gallons per day (5,463 gpd) for a total of \$81,945, and it is further

6th RESOLVED, that Duryea Residential Development shall, at its sole cost, expense and effort, construct a sewage collection facility for Duryea Residential Development, 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 Duryea Residential Development until the sewage collection facility for Duryea Residential Development has been completed and Duryea Residential Development 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 Duryea Residential Development 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 Duryea Residential Development, 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 Duryea Residential Development 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 04/16/07)