

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

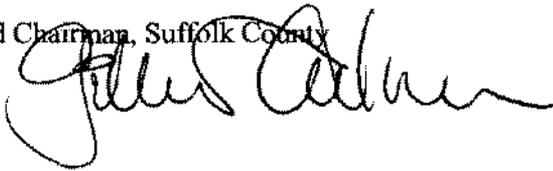
THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

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: June 11, 2007

SUBJECT: MINUTES OF THE SEWER AGENCY MEETING OF MAY 21, 2007

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

GA/BW/bc: sg

Attachments

cc: Louis Calderone, Deputy Commissioner
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 MAY 21, 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; Tom Isles, the Suffolk County Director of Planning; Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay; Ron Cohen, representing Legislator Louis D'Amaro, Sewer Agency Legislator at Large and Vito Minei, P.E., representing the Commissioner of the Department of Health Services, Dr. Ron Harper

Also present were Patricia Jordan, Esq. of the Department of Law and Ben Wright, PE, Chief Engineer- Sanitation 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 April 16, 2007, were discussed. A motion to accept the minutes was made by Ron Cohen and Commissioner Anderson seconded it. Motion passed with all in favor.

Public Participation

There were no requests to make statements.

OLD BUSINESS

FORMAL APPROVAL

455 COMMACK ROAD

BA-1456

Commissioner Anderson mentioned that this project was discussed extensively at the last meeting and eventually tabled due to information required by the Law Department. The Commissioner then asked Assistant County Attorney Patricia Jordan if the matters had been resolved and she said that they had been resolved.

Michael Cavanagh then made a motion to approve and it was seconded by Ron Cohen. Motion passed unanimously. (SA Resolution No. 8-2007)

NEW BUSINESS

FORMAL APPROVAL

1860 WALT WHITMAN RD. BUILDING.

HU-1534

Ben mentioned that this project is an existing 41,640 square foot office building that is located in Melville on a 4.1 -acre parcel. Total flow from the building is expected to be 2,500 GPD. The site is presently using a septic system for the discharge of the wastes. The owner of the facility has previously received Formal Approval to connect to the Suffolk County Sewer District No.3 – Southwest from the Sewer Agency as stated above and approval from the Suffolk County Legislature by Resolution 760-2006.

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.

Ben further mentioned that this application is for a time extension to a previously approved connection application that was granted on September 2005 (Resolution No. 32-2005) and the 1-year provision had run out without the Connection Agreement being completed.

Staff recommended granting approval to this project.

Commissioner Anderson asked who represented the project and Keith Archer of Harras, Bloom & Archer said that he did and he introduced Thomas Lembo as the project Engineer. He further stated that the information given was correct and that that the signing of the Agreement was imminent.

Ron Cohen made a motion to approve the application and Jeff Szabo seconded it. Motion passed unanimously. **(SA Resolution No. 9-2007)**

RETAIL PROPERTY TRUST – WALT WHITMAN MALL

HU-1002

Ben mentioned that this application is for a time extension to a previously granted time extension (5-2006) to an approved connection application that was granted on March 21, 2005 as Resolution No. 3-2005.

This facility, known as SCSD # 17- Walt Whitman, was built by the mall and dedicated to the District. It pumps the sanitary wastes from the mall to gravity sewers that eventually transport the flow to the Bergen Point sewage treatment plant. This property previously purchased a sewage allocation of 62,000 gallons per day from the SCSD No. 3 Southwest and this request is for an additional 39,134 gallons per day due to a plan at the mall to convert a substantial amount of the retail area to restaurant services. Consequently, the mall is in need of additional sewage allocation to service the additional flow from the restaurants. The total additional flow requested

is 39,134 gallons per day, which at the present charge of \$15.00 per gallon per day connection fee, amounts to \$587,010.

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.

Staff recommended granting this second time extension to Sewer Agency Resolution No. 3-2005 for this project.

Commissioner Anderson asked who represented the project and JeanMarie Killeen said that she did and that the project's Engineer, Thomas Lembo was also there. She went on to state that the Connection Agreement is ready to be signed and that the connection fee check had already been forwarded to the County. The granting of the time extension is critical to the project.

Ron Cohen made a motion to approve and Vito Minei seconded it. Motion Passed unanimously.
(SA Resolution No. 10-2007)

CONCEPTUAL CERTIFICATION

EASTPORT MIXED USE DEVELOPMENT

BR 1586

Ben mentioned that the Eastport Mixed Use Development is a proposed development consisting of 200 various residential and commercial units, in Eastport, in an area bounded by Montauk Highway on the south and Eastport Manor Road on the east. The estimated flow from this project is 60,000 GPD for which the developer requests *Conceptual Certification* to build an on-site STP. The request is for the Conceptual Certification, as the SEQRA has not been completed for the site.

There is no existing Suffolk County Sewer District in the vicinity of this project. In addition, the private treatment plants in the Eastport area do not have excess capacity to accept this amount of flow.

Staff recommended granting Conceptual Certification for the project. (In accordance with the policy adopted at the February 2007 Sewer Agency meeting, this will have the 2-year provision)

Commissioner Anderson asked who represented the project and Thomas Lembo said that he did. Tom further stated that there were no facilities in the area that would be able to process 60 thousand gallons per day. While the project is in its infancy, they have done some preliminary review of STP sites in the area and none could handle this large a flow without major expansion, most going beyond the 100 expansion capability.

Tom Isles said that he had checked the existing facilities but would like further investigation as this is a developing area. He suggested that Tom Lembo contact the Town of Brookhaven to

inquire about any future projects which might be tied in to this one or to anticipate future developments that the Town may be aware of.

Vito mentioned that the crosshatched area shown on the map near this project was the Eastend Resources property and this may have possibilities. Discussion turned to the Eastport Meadows project and Tom mentioned that this was in the neighborhood of 10 thousand gallons per day and was designed around a Cromaglass type treatment plant. Further, the plant is considerably behind schedule but that there had been no discussion between the two project owners.

Vito mentioned that this was the problem with not being able to force any two parties to work together on an issue such as sanitary waste disposal. Vito asked Tom as a courtesy to check out other options for this project.

Tom mentioned that Heritage Square (BR-1370) has a significant footprint but it was presented with an Article 78, so that is delaying that project and Encore Atlantic Shores (a/k/a Bristol Estates, BR-1350), which is a 50 K gpd plant would need a Board of Review approval to add the additional 60 thousand gallons per day because that would be 10 thousand beyond the 100 % expansion. Tom further stated that what the developer is looking to receive is a non-binding resolution because a 60,000 gallon per day sewage treatment plant is a costly proposition, but the Developer is looking to move ahead with the project.

Tom Isles said that he would like to have the County Planning Department invited to the meeting with the Planning Department of the Town of Brookhaven to discuss this issue and non-proliferation of sewage treatment plants in general.

Tom Lembo then mentioned that a one month delay would not be a serious problem to the developer.

A motion was made by Vito Minei to table the application and Jeff Szabo seconded it. Motion passed unanimously.

Commissioner Anderson made a motion to adjourn the meeting and Ron Cohen seconded it. Motion passed unanimously 11:16 AM.

SIGN-IN SHEET

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

Date - May 21, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	Gene Marie Kilgus	Farnell Fostz	Walt Whitman Hall
2	Keith Arduky	HARRAS through ARDU	1860 WALT WHITMAN RI
3	Steve Kretz	Donohue, Kretz, Granekot	455 Comank Rd Deer Park TANGER
4	Steven Hart	H2M	841456 455 Comank Rd Deer Park Tenger
5	TOM LEMBO	NELSON, POAE	WALT WHITMAN EASTOET - 1860 WALT WHITMAN
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 8-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY
455 COMMACK ROAD (TANGER) (BA-1456)
TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on March 20, 2006, this Agency adopted Resolution No. 3-2006, authorizing the connection of the sanitary facilities of **455 Commack Road (Tanger)** to the sewers of the Suffolk County Sewer District No. 3 - Southwest , and

WHEREAS, Resolution 3-2006, 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 **455 Commack Road (Tanger)** has requested an extension of the authorization granted in Resolution No. 3-2006,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 3-2006, adopted by this Agency on March 20, 2006 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. 9-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY
1860 WALT WHITMAN ROAD BUILDING (HU-1534)
TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on September 19 2005, this Agency adopted Resolution No. 32-2005, authorizing the connection of **1860 Walt Whitman Road Building** to the S. C. Sewer District No. 3 - Southwest, and

WHEREAS, Resolution 32-2005, 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 is being prepared, and

WHEREAS, the developer of **1860 Walt Whitman Road Building** has requested an extension of the authorization granted in Resolution No. 32-2005,

NOW, THEREFORE, IT IS

RESOLVED, that Resolution No. 32-2005, adopted by this Agency on September 19, 2005 is hereby renewed, and it is further

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 05/21/07)

SUFFOLK COUNTY SEWER AGENCY

**RESOLUTION NO. 10-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY
WALT WHITMAN MALL - THE RETAIL PROPERTY TRUST (HU-1002)
TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST**

WHEREAS, on March 21, 2005, this Agency adopted Resolution No. 3-2005, authorizing the connection of **Walt Whitman Mall - The Retail Property Trust** to the S. C. Sewer District No. 3 - Southwest, and on April 17, 2006 this Agency granted a 1-year extension to the above by passing Resolution 5-2006, and

WHEREAS, Resolution 5-2006, 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 **Walt Whitman Mall - The Retail Property Trust** has requested an extension of the authorization granted in Resolution No. 5-2006,

NOW, THEREFORE, IT IS

RESOLVED, that Resolution No. 3-2005, adopted by this Agency on March 21, 2005 is hereby renewed, and it is further

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.