

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, Vioria-Fisher,
Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Horsley,
Mystal, Stern, D'Amaro 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'Amaro, 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: August 21, 2007

SUBJECT: MINUTES OF THE SEWER AGENCY MEETING OF AUGUST 20, 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 AUGUST 20, 2007

The meeting was called to order at 11:05 am by Gil 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; Ron Cohen, representing Legislator Louis D'Amato; Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay; Vito Minei, P.E., representing the Commissioner of the Department of Health Services and Catherine Stark representing Legislator Schneiderman, Chairman of the Legislative Public Works and Transportation Committee

Also present were Patricia Jordan, Esq. of the Department of Law and Ben Wright, PE, John Donovan, PE 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 July 18, 2007, were discussed. A motion to accept the minutes was made by Ron Cohen and Catherine Stark seconded it. Motion passed with all in favor.

Public Participation

There were no requests to make statements.

NEW BUSINESS

FORMAL APPROVAL

HOLIDAY MID-RISE TOWER

IS 1451

Ben mentioned that a Formal Approval is being requested for this project, which is a proposed 150 unit condominium tower situated on slightly over 5-acres located on the north side of the Vanderbilt Motor Parkway in Hauppauge, in the vicinity of the existing Wyndam Windwatch Hotel area. This project received Conceptual Certification at the Sewer Agency meeting of May of 2004. The estimated flow from this project is 54,000 GPD, for which the developer requests Formal Approval to connect to SCSD No. 13 – Windwatch, after the facility has been expanded to process the additional expected flows from the area. The developer presently owns 6,500 GPD, so the need is for 47, 500 GPD.

The expansion of the treatment plant is to be done under a third party agreement between Holiday Organization and Motor Parkway Associates. The SEQRA is complete, so as stated in the resolution, once the NYS DEC increases the permit, the tower will be able to connect to the District's sewers.

Staff recommended granting Formal Approval to this project.

The Commissioner asked who represented the project and Howard Stein, Esq. said that he did and he was in agreement with everything except some minor problems which Gene Wishod dealt with in his letter of August 13th. Mr. Eugene Wishod, Esq. then stated that he was counsel for the Motor Parkway Associates who are expanding the plant and that the minor changes had been incorporated into the revised resolution. Further, the project is costing 16 million dollars and will probably be signing the construction contracts within the next couple of weeks. There are at present a total of 5 connections, so Holiday is a very important connection and he recommended that it be approved to connect.

Tom Isles then asked about the location and the problems that it has had regarding a high groundwater level and asked if this would be a problem to the discharge of the sewage treatment plant. Ben answered that the plant discharges to pools and these are in satisfactory condition. Rich Spirio then acknowledged the difficulty that they had during the original construction at the site but then stated that the Town had installed major drainage structures and systems so that the area is properly drained, even Townline Road. Ben then stated that the sewers all go to a pumping station and the sewage is pumped to the sewage treatment plant, which is on higher ground than the surrounding area, so there are no drainage problems.

Catherine Stark then asked about affordable housing and Richard Spirio said that this issue had been negotiated with the Town and that a substantial contribution had been made toward the housing issue, rather than placing those units in the tower development.

Vito then posed a question on Resolved No. 7 and whether Holiday would be able to complete their construction of the Condominiums in light of the status of the expansion construction. Richard Spirio mentioned that they had hoped to use the existing 6,500 gpd to cover the initial needs of the building until the expanded plant would be ready to accept the all of the expected flow. Tom Lembo, PE of Nelson & Pope reiterated the idea of the use of the 6,500 gallons of capacity that they already own and which is available from the original construction. Eugene Wishod, Esq. stated that he expected the expansion to be finished in time to accept all of the flow from the condominium tower when it is completed.

After some discussion by the Agency members, Ron Cohen made a motion to approve the application and Jeff Szabo seconded it. Motion passed unanimously.

(SC Sewer Agency Reso 16-2007)

EASTPORT MEADOWS

BR 1340

Ben mentioned that this project is a proposed 62 unit planned retirement community situated on nearly 7 acres located on the east side of Seatuck Avenue, south of Montauk Highway in Eastport. The estimated flow from this project is 8,100 GPD, for which the developer requests **Formal Approval** to build an on-site STP. There is no county sewer district in the vicinity of this project. It should be noted that an STP of this size is not one that the DPW would want to assume the responsibility for its operation and maintenance.

Similar projects have received approval with the requirement to include what DPW feels would be the present cost of operation with an inflation factor in the project's offering plan/prospectus. This would ensure that all purchasers, present and future, would be aware of what annual sewer fees might be should DPW operate the facility before they purchase a unit.

This project received Conceptual Certification at the April 17, 2002 Sewer Agency meeting (SA Reso No. 9-2002)

Staff recommended approval.

The Chairman asked who represented the project and Thomas Lembo, PE of Nelson and Pope said that he did and introduced James Tsunis and Nick Poulus, partners in the project, and stated that the size of the project had been reduced to 50 units and 5 of them would be affordable housing.

Tom Isles then asked Ben whether this would be a Cromaglass type of facility and Ben said that it would. Tom then asked if the County would take it over, how much would it cost to operate the system and Ben said that the recent figures had been in the range of \$1,000 to \$1,500 per unit per year.

Mike Cavanagh then asked why this was so expensive and Ben answered that it was mostly labor and from the recent estimates, if the facility is to treat 100,000 gallons per day or less the labor is similar but with the smaller number of units connected, the costs rise to those of the estimates. When Mike Cavanagh asked if these were legitimate estimates, Ben stated that these were legitimate estimates of the cost to operate the systems based on existing costs to operate other Districts.

Jeff Szabo made a motion to approve the application and Ron Cohen seconded it. Motion passed unanimously.

(SC Sewer Agency Reso 17-2007)

FLYNN SUBDIVISION

SM-1594

Ben mentioned that this project is a proposed development of a 2-parcel subdivision which is applying for permission to connect to the facilities of SC Sewer District No. 6- Kings Park. It is expected that this development will generate a sanitary discharge of 600 gallons per day of waste and the District's STP has sufficient excess treatment capacity to process the 600 gpd expected from this subdivision. This project is situated at the southern end of Heather Drive in Kings Park and is located near one of the Sewer District's sewers, so that it can be connected to the Sewer District.

It is noted that due to County Resolution 38-2007, the connection fee has been raised to \$30.00 per gallon per day. This would amount to a total of \$18,000 for the connection fees.

Staff recommended granting the Formal Approval to this project.

The Commissioner then asked who represented the project and Mr. Lawrence Smith said that he did and that he was the applicant and he was in agreement with the description given.

When asked if he knew that the connection fee would be as high as it was, he stated that he had been told it was a possibility and he would have to work with it.

Mike Cavanagh made a motion to approve the application and Vito Minei seconded it. Motion passed unanimously. **(SC Sewer Agency Reso 18-2007)**

245 OLD COUNTRY RD.

HU-1551

Ben mentioned that this project was previously approved, but did not complete the Connection Agreement within the 1-year time period. Consequently, this resolution is to extend the time to complete the Agreement

This project is an existing office building that has a total of slightly over 112 thousand square feet of office space and cafeteria situated on a approximately 8-acre parcel located between Northern State Parkway and Old Country Road, approximately 400 feet west of New York Avenue in the Town of Huntington. Total flow from the building is expected to be 7,730 GPD. The site is presently in operation with the sanitary wastes being handled by a septic system for on-site disposal.

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 recommends granting approval to this project.

The Commissioner asked who represented the project and Mark Hamer said that he did and introduced Kevin Walsh. He went on to say that part of the delay in completing the Connection Agreement was the delay in the Legislature in approving the connection until March of this year. Since then there had been work with the Law Department in completing the Agreement, but that all is in place at this time.

Patricia Jordan, Esq. of the S. C. Department of Law stated that there are still some documents outstanding and Mr. Hamer said that these are being finalized to be sent to her. He said that he hoped this would all be completed shortly.

Jeff Szabo made a motion to approve the application and Ron Cohen seconded it. Motion passed unanimously. **(SC Sewer Agency Reso 19-2007)**

Ron Cohen made a motion adjourn the meeting and Jeff Szabo seconded it. Motion passed unanimously at 11:22 AM.

SIGN-IN SHEET

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

Date - August 20, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	Peter & Diana	The Holiday Organization	Wind Water Tower
2	EUGENE WISHER	HANBURGER, MAXSON, ESTER	" " "
3	THOMAS LEMBO	NELSON'S POPE	EASTPORT MEADOWS
4	Howard Stein	Certina - Bala	Windwater Tower
5	Juan Tsunis	The Northwind Group	Eastport Meadows
6	KENAL WALSH	BARRETT, BARBER & WILSON	NAS at Country Rd
7	MATT LAMOTEN	LAZZI, ANTHONI	245 Old Country Rd
8	MARK HAMER	HALVEST REAL ESTATE	245 Old Country Rd
9	Nick Paulos	Northwind Group	EASTPORT MEADOWS
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO: 16-2007
AUTHORIZING THE CONNECTION OF
HOLIDAY MID-RISE TOWER (IS-1451) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 13 - WINDWATCH

WHEREAS, Holiday Mid-Rise Tower is a proposed 150 unit condominium located within the boundary of SC Sewer District No. 13- Windwatch in Islandia, situated on property identified on the Suffolk County Tax Map as District 0500, Section 028.00, Block 01.00, Lots 028.002, and

WHEREAS, the sewage flow from the Holiday Mid-Rise Tower is expected to be fifty-four thousand gallons per day (54,000 gpd) of which it already owns six thousand five hundred gallons per day (6,500 gpd) so there is a need to acquire the balance of forty seven thousand five hundred gallons per day (47,500 gpd), and

WHEREAS, Holiday Mid-Rise Tower is located within the boundaries of Suffolk County Sewer District No. 13 - Windwatch (the "District"), and

WHEREAS, Holiday Mid-Rise Tower has applied to this Agency for permission to connect its fifty-four thousand gallons per day (54,000 gpd) flow to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant is expected to have sufficient capacity to accept the sewage which is expected to emanate from Holiday Mid-Rise Tower once the expansion is complete, and

WHEREAS, the connection of Holiday Mid-Rise Tower to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Holiday Mid-Rise Tower be permitted to connect to the sanitary sewerage facilities of the District once the sewage treatment plant expansion is complete and the NYSDEC has increased the plant's SPDES permit , 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 fifty-four thousand gallons per day (54,000 gpd) of capacity in the District's sewage treatment plant be allocated to Holiday Mid-Rise Tower, 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 owner of Holiday Mid-Rise Tower, 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 Holiday Mid-Rise Tower shall be paid to Motor Parkway, LLC with a receipt of same being presented upon the execution of the Connection Agreement at the rate of \$15.00 per gallon of sewage per day for a total of \$712,500 (6,500 gpd already owned so the need is for 47,500 gpd) and it is further

6th RESOLVED, that Holiday Mid-Rise Tower shall, at its sole cost, expense and effort, construct a sewage collection facility for Holiday Mid-Rise Tower, 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 Holiday Mid-Rise Tower until the sewage collection facility for Holiday Mid-Rise Tower has been completed and Holiday Mid-Rise Tower 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 Holiday Mid-Rise Tower 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 Holiday Mid-Rise Tower, 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 Holiday Mid-Rise Tower 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 8/20/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 17-2007
AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT
FOR EASTPORT MEADOWS – (BR-1340)

WHEREAS, application has been made for Eastport Meadows which is a proposed 50 unit condominium PRC with a pool complex and clubhouse located in Eastport, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 686.00, Block 04.00, Lot 019.002 and Lot 020.000; District 0200, Section 723.00, Block 04.00, Lot 011.000 and Lot 011.002, and District 0200, Section 723.00, Block 02.00, Lot 029.000 and

WHEREAS, this Agency has determined that the eight thousand one hundred gallons per day (8,100 gpd) of sanitary sewage generated by the said project shall be treated at an on-site sewage treatment plant to be constructed by the developer, and

WHEREAS, this Agency believes that prospective purchasers of the units should be apprised of the annual cost of the operation and maintenance of the proposed sewage treatment plant, not only while the plant is privately owned, but also if and when the County, or another municipality, assumes ownership of the plant,

NOW, THEREFORE, BE IT

1st RESOLVED, that the said application be approved subject to the execution of an agreement between the developer, the Suffolk County Department of Public Works, the Suffolk County Department of Health Services, the County of Suffolk and this Agency, on such terms as the Chairman of this Agency shall determine, including, but not limited to, the following:

1. The developer shall, at its sole cost, expense and effort, construct a complete sewage collection, treatment and disposal facility for the project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency at no charge;

2. The developer and/or the Home Owners Association (HOA) shall operate and maintain the said facility until such time, if ever, as a Suffolk County, or other municipal sewer district is formed encompassing the premises within its boundaries;

3. No Certificate of Occupancy shall be issued for any of the units in the project until the sewage treatment plant has been completed, and is operating, to the satisfaction of this Agency's staff;

4. The developer shall post a Letter of Credit, in form, wording and amount as determined by this Agency's staff, as security for the performance of all of the developer's obligations under the said agreement;

5. 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.

And be it 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 of EASTPORT MEADOWS 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 (08/20/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO: 18-2007
AUTHORIZING THE CONNECTION OF
FLYNN SUBDIVISION (HU-1594) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 6 – KINGS PARK

WHEREAS, Flynn Subdivision is a proposed 2-lot residential subdivision located in the Hamlet of Kings Park, New York, situated on property identified on the Suffolk County Tax Map as District 0800, Section 015.00, Block 04.00, Lots 013.000 and 004.001, and

WHEREAS, the sewage flow from the Flynn Subdivision is expected to be six hundred gallons per day (600 gpd), and

WHEREAS, Flynn Subdivision is not located within the boundaries of Suffolk County Sewer District No. 6 - Kings Park (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, Flynn Subdivision has applied to this Agency for permission to connect its six hundred gallons per day (600 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 Flynn Subdivision, and

WHEREAS, the connection of Flynn Subdivision to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Flynn Subdivision 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 six hundred gallons per day (600 gpd) of capacity in the District's sewage treatment plant be allocated to Flynn Subdivision, 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 owner of Flynn Subdivision, 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 Flynn Subdivision shall be paid upon the execution of the Connection Agreement at the rate of \$30.00 per gallon of sewage per day for a total of \$18,000.00 and it is further

6th RESOLVED, that Flynn Subdivision shall, at its sole cost, expense and effort, construct a sewage collection facility for Flynn Subdivision, 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 Flynn Subdivision until the sewage collection facility for Flynn Subdivision has been completed and Flynn Subdivision 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 Flynn Subdivision 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 Flynn Subdivision, 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 Flynn Subdivision 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 08/20/07)

SUFFOLK COUNTY SEWER AGENCY

**RESOLUTION NO. 19-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY
245 OLD COUNTRY ROAD (HU-1551)
TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST**

WHEREAS, on August 21, 2006, this Agency adopted Resolution No. 26-2006, authorizing the connection of 245 Old Country Road to the S. C. Sewer District No. 3 - Southwest, and

WHEREAS, Resolution 26-2006, 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 245 Old Country Road has requested an extension of the authorization granted in Resolution No. 26-2006,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 26-2006, adopted by this Agency on August 21, 2006 is hereby renewed, and it is further

2nd 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

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, 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 8/21/07)