

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: Beedenbender, Romaine, Schneiderman, Browning, 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
Legislator Louis D'Amaro, SCSA Legislator-at-Large
Michael Cavanagh, representing Presiding Officer Lindsay
Adam Santiago, representing Legislator Brian Beedenbender, Chairman of the Public Works and Transportation Committee

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

DATE: March 27, 2008

SUBJECT: **Minutes of the Sewer Agency Meeting of March 17, 2008**

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

GA/BW/cp
Attachments

cc: Thomas LaGuardia, P.E., Chief Deputy Commissioner
Louis Calderone, Deputy Commissioner
Ben Wright, P.E., Chief Engineer, Division of Sanitation
John Donovan, P.E., Sr. Civil Engineer
Laura Conway, C.P.A., Director of DPW Administrative Services
Linda Spahr, 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
Justin Littell, representing Legislator Louis D'Amaro
Daniel Gulizio, representing Tom Isles
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Minutes of the Suffolk County Sewer Agency
Meeting Of March 17, 2008

The meeting was called to order at 11:07 am by Gil Anderson, P.E., Commissioner of DPW and Chairman of the Suffolk County Sewer Agency. In attendance were Jeff Szabo, the Deputy County Executive representing County Executive Steve Levy, Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay, Walter Hilbert, P.E., representing the Commissioner of the Department of Health Services, Legislator D'Amaro, and Adam Santiago, representing Legislator Beedenbender, Chairman of the Legislative Public Works and Transportation Committee, Daniel Gulizio, representing Tom Isles, the Suffolk County Director of Planning arrived as the meeting was in progress.

Also present were Linda Spahr, Esq. of the Department of Law, Ben Wright, P.E., Chief Engineer of the Sanitation Division, John Donovan, P.E., and Craig Platt, Secretary to the Sewer Agency.

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

Welcome by Commissioner Anderson to the January 28th meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

Roll Call: All members (or representatives) present, with the exception of a representative of the Suffolk County Director of Planning

Minutes from SCSA for January 28, 2008, were discussed. A motion to accept the minutes was made by Commissioner Anderson and Adam Santiago seconded it. Motion passed unanimously.

Public Portion: *There were no requests to make statements.*

See the attached sign-in sheet for additional attendees

IV. Old Business

A. Formal Approval

THE WOODS AT HAMPTON BAYS

SH-1527

Ben mentioned that this project was granted Formal Approval on July 16, 2007 (SA 14-2007) and the application is for an extension. He further mentioned that this is a proposed 27 single family unit subdivision, situated on 16.3 acres located north of Sunrise Highway, south of Riverhead Canoe Place Road (Old Riverhead Road) and east of Jackson Avenue in Hampton Bays. An HOA will be a part of the subdivision to handle the community expenses, such as the operation of the proposed sewage treatment plant. The estimated flow from this project is 8,100 GPD for which the developer requests Formal Approval to construct an on-site Cromaglass type wastewater treatment facility. 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. Consequently, the developer shall disclose, in the project's Offering Plan/Prospectus, in language to be approved by the Sewer 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 should the Agency and DPW be asked to create a sewer district based on this development and type of plant. There is no Suffolk County Sewer District in the vicinity of this project or any private STP in reasonable proximity.

Commissioner Anderson asked who represented the project and Tom Lembo said that he did and that the information given by the staff was accurate. David Sloane, Esq. mentioned that he was working on the Connection Agreement, had a draft of the offering prospectus and hoped to get that resolved shortly.

Discussion ensued as to the status of the offering prospectus, the creation of it and final review by the Agency. Legislator D'Amaro questioned the review by the Agency and Mr. Sloane stated that he had dealt with the Agency in the past and he was sure the offering prospectus would be reviewed thoroughly and found acceptable prior to signing off on it.

Jeff Szabo made a motion to approve the application and Adam Santiago seconded it. The motion passes unanimously.

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 2 -2008
AUTHORIZING AN EXTENSION OF TIME FOR THE
EXECUTION OF THE CONSTRUCTION AGREEMENT OF AN
ON-SITE SEWAGE TREATMENT PLANT FOR THE WOODS AT
HAMPTON BAYS-(SH-1527)
SUFFOLK COUNTY SEWER AGENCY

WHEREAS, on July 16, 2007, this Agency adopted Resolution No. 14-2007, authorizing the construction of sanitary facilities by **The Woods at Hampton Bays**, and

WHEREAS, Resolution 14-2007, 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 **The Woods at Hampton Bays** has requested an extension of the authorization granted in Resolution No. 14-2007,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 14-2007, adopted by this Agency on July 16, 2007 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.

Ferrante Industrial Building.**HU-1523**

Ben mentioned that this project is in SCSD # 3, and this application is for an extension. He further mentioned that this project was granted Formal Approval on April 17, 2006 (SA 4-2006). And that this project is a proposed industrial building that is to be constructed with a total of 13,337 SF of space, situated on a 0.96-acre parcel located on the east side of Republic (New Highway) Road, 444 feet south of the intersection with Marcus Drive in the Town of Huntington and a small portion of the lot in the Town of Babylon. Total flow from the building is expected to be 566 GPD, 16 gallons over that requested in the Conceptual Certification. Any industrial wastewater will be pretreated and meet discharge limits prior to discharge. 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.

Commissioner Anderson asked who represented the project and Tom Lembo said that he did and that the information given by the staff was accurate. He was working on the resubmission of the Connection Agreement.

Discussion ensued as to that this Formal Approval is sixteen (16) gallons over the Conceptual Certification approval. Ben was asked if there is room for a little deviation between the Formal Approval and the Conceptual Certification approval. Ben mentioned that things happen between the Conceptual Certification approval and the Formal Approval and that sixteen gallons is really inconsequential. Even if it had been more, that there have been changes in the past that would be evaluated on the basis of the SEQRA.

Legislator D'Amaro made a motion to approve the application and Walter Hilbert seconded it. The motion passes unanimously.

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 3 -2008
AUTHORIZING AN EXTENSION OF TIME FOR THE EXECUTION
OF THE CONSTRUCTION AGREEMENT OF FERRANTE
INDUSTRIAL BUILDING (HU-1523) TO SUFFOLK COUNTY
SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on April 17, 2006, this Agency adopted Resolution No. 4-2006, authorizing the construction of sanitary facilities by **Ferrante Industrial Building**, and

WHEREAS, Resolution 4-2006, 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 **Ferrante Industrial Building** has requested an extension of the authorization granted in Resolution No. 4-2006,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 4-2006, adopted by this Agency on April 17, 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 meeting 3/17/08)

Ben mentioned that this project was granted Formal Approval on October 17, 2005 (SA 38-2005), and that this application is for an extension. He further mentioned that this project is a proposed 280-unit PRC development with pool, tennis courts and Community Center situated on 57.84 acres located south of Mill Rd, between Locust and Bellport Avenues and running south to extend beyond Country Rd. 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. Additionally, there is no Suffolk County Sewer District in the vicinity of this project or any private STP in reasonable proximity.

Commissioner Anderson asked who represented the project and Michael Chiarelli P.E. and David Sloane Esq. responded that they did. Mr. Sloane mentioned that it was a little complicated because the golf course had already been transferred to the town of Brookhaven. The Town had to be a part of the Construction Agreement and that made it a little convoluted. He and Linda Spahr are working to resolve the issue.

The question was asked by Legislator D'Amaro as to why it takes so long to complete the process and what assurances do we have that it will be completed within the year extension? Discussion ensued as to the transfer of the Clubhouse and Golf Course to the Town of Brookhaven. The property has already been transferred to the Town. According to the attorney for the project, the Town must be part of the Connection Agreement. So it is possible the project may be delayed while the details are worked out. Additionally, it is possible that there may be some difficulty working with getting the easements from the Town. Other responses were that this is the process, numerous other projects have requested and been granted time extension and that typically it takes the County Attorney's office a couple of weeks to draft the connection agreement. It was further mentioned that this is not uncommon in the process but rather part of the normal process.

Commissioner Anderson made a motion to approve the application and Jeff Szabo seconded it. The motion passes unanimously.

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 4 -2008
AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE
CONSTRUCTION AGREEMENT 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 Meeting 3/17/08)

**SD# 13 Windwatch – STP Expansion (IS-0201.1) -
Request to amend Connection Agreement**

Ben mentioned that this application is a request to amend the January 22, 2001, Connection Agreement authorizing the expansion of SD #13, Windwatch from 400,000 GPD to 500,000 GPD. The Sewer Agency and Legislature had approved the expansion of an additional of 150,000 GPD bringing the total to 650,000 GPD. On November 11, 2005, (41-2005) the agency approved the request to further expand the plant to 750,000 GPD. The expansion project will allow the connection of two nearby failing wastewater treatment plants and eliminate the need for two additional plants. However, no further Legislative action was taken with respect to the existing agreement. Ben further stated that approving this application and getting Legislative and County Executive approval would put the documents in place to bring the capacity to 750,000 GPD.

Commissioner Anderson asked who represented the project, Eugene L. Wishod and Stephen Hayduk, P.E. responded that they did.

Mr. Wishod stated that the project is at a standstill. He further spoke referencing the history of the project's applications before the Sewer Agency, the Connection Agreement of January 22, 2001, the attempts at furthering the process through the County Attorney's office, and the time and effort spent to do so. Additionally, there are a number (5) of projects requiring connection to the expanded plant. Mr. Wishod mentioned that this matter of increasing the gallonage to 750,000 GPD should be an administrative change. He continued that in SD#11 the gallonage was increased by 160,000 GPD without an amendment or a new Connection Agreement. He further mentioned that the contractor had all the bids in order and ready to start the expansion project.

Once Mr. Wishod finished his remarks, Commissioner Anderson requested an executive session to consider the history mentioned by Mr. Wishod since some of it was new to the members of the Agency.

Once the meeting resumed, Mr. John Kennedy, the Legislator of Legislative District 12, addressed the Agency. He expressed his reservations about the expansion of the sewer district. Mr. Kennedy mentioned his concern about the ground water table accommodating an expansion of this size. He further mentioned that he had concerns at whether or not if it was legal to privatize county assets, or if the Sewer Agency had the authority to increase the additional gallonage administratively asking to table the item for a month and also to ask the County Attorney's office if it is legitimate under county law.

Commissioner Anderson suggested that the County Attorney's office review the issues raised by Legislator Kennedy. Discussion ensued with reference to an Article 78 hearing...

Mr. Wishod added that the litigation had nothing to do with this issue and that it had been resolved with the Holiday Organization. Mr. Wishod added that the department had orders not to have a preconstruction meeting concerning the project expansion until the issue at

hand has been resolved. The contractor had planned to start the expansion on April 1, 2008.

Discussion continued concerning the Connection Agreement signed in 2001 being the only signed agreement and allows expansion to 500,000 GPD. The Sewer Agency and Legislature approved the increase to 650,000 GPD and the Sewer Agency approved the increase to 750,000 GPD. No further action was taken.

Commissioner Anderson mentioned that he would like input from the County Attorney's office.

Michael Cavanaugh made a motion to table the application and Adam Santiago seconded it. The motion passes unanimously.

Ben mentioned that this project is a proposed condominium complex with 48 units, a clubhouse and a pool with an expected flow of 15,000 GPD, which is situated on 8 acres on the north side of Montauk Highway and east of Depot Road in the incorporated village of Westhampton Beach.

The project is requesting CONCEPTUAL CERTIFICATION for the construction of a small sewage treatment plant to process the wastes from this development.

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 has no excess capacity to treat the 15,000 GPD expected to be discharged from this development.

Additionally, similar projects in the past have received formal 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.

Commissioner Anderson asked who represented the project and Tom Lembo said that he did and that the information given by the staff was accurate. Mr. Lembo mentioned that he requested this item be tabled at the SA January 28, 2008 meeting.

Discussion ensued with Walter Hilbert mentioning that the SCDHS had received the application and was in the process of reviewing it.

Commissioner Anderson made a motion to approve the application and Walter Hilbert seconded it. The motion passes unanimously.

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 5 -2008,
GRANTING CONCEPTUAL CERTIFICATION
FOR AN ON-SITE SEWAGE TREATMENT PLANT AT
PATIO GARDENS III – SH-1600

WHEREAS, Patio Gardens III is a proposed townhouse project consisting of 48 units with a club house and pool, in Westhampton Beach, New York, situated on property identified on the Suffolk County Tax Map as District 0905-04-01-22.1, 23, 26.3, 28 & 30.1 in an area on the north side of Montauk Highway and east of Depot Road, and

WHEREAS, the sewage flow from Patio Gardens III 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 Patio Gardens III with available capacity to serve Patio Gardens III, and

WHEREAS, Patio Gardens III has applied to this Agency for permission to construct an on-site sewage treatment plant for Patio Gardens III, and

WHEREAS, inasmuch as the SEQRA process for Patio Gardens III 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 Patio Gardens III 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 Patio Gardens III in Westhampton Beach, as aforesaid, 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 of Patio

Gardens III, 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.

3rd **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.

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 3/17/08)

V. New Business

C. Other

Suffolk County Sewer Agency Meeting – March 17, 2008 Sewer District Improvement Projects – Public Hearings

Ben mentioned that Sewer Districts #3, Southwest, #9 College Park, #18 Hauppauge Industrial, and #23, Coventry Manor are in need of improvements and that Public hearings were held for each of these districts and due to a clerical error, the most recent notices of publication called for in the public hearing resolutions, was improperly published. As such, the legislature will be enacting new public hearing resolutions and hold public hearings for each of the districts. The Sewer Agency should be advised this process is taking place. It is possible that once reports are updated, Certificates of Necessity will be requested. The following is a summary of the improvement projects:

- SD#3, Southwest – The capital projects involved with this facility are numerous and cover 2008-2011. The capital projects include 8108 (Outfall), 8110 (Fans-Deer Lake), 8132 (ultraviolet disinfection), 8170 (infrastructure improvements), 8180 (sludge management plan), 8181 (infiltration and inflow), and 8183 (expansion). Decisions will be made whether or not it is beneficial to have more than one hearing due to the number of projects and the time span associated with those projects.
- SD#9, College Park – The project is to improve the effluent quality through the construction of an effluent filtration system. The SEQRA process has been complete and the funding is available only after the State Comptroller approves of the project financing.
- SD#18, Hauppauge Industrial – This project will expand the service area from the current 150 parcels by 250 parcels which is the remainder of the Industrial Park in Hauppauge in the Town of Smithtown. The \$70 million project will allow growth and economic benefits within the industrial area which have approximately 1,300 businesses and 55,000 employees. The design is nearly complete and extensive discussions have been held with the State Comptroller's Office prior to the recognition that the public hearing was improperly advertised.
- SD#23, Coventry Manor – The project is to replace the existing biological system with a more up-to-date energy efficient technology. The current process for this smallest County sewer district of 35,000 gallons per day is no longer efficient and the type of equipment on the site has experienced severe difficulties in other facilities causing emergency replacement and repair. The SEQRA process is complete and funds are available once the State Comptroller approves the financing of the project.

Mr. Szabo asked for more explanation of the clerical error. Ben indicated the Legislative Clerk's staff summarized the hearing notice which must be advertised in total.

Commissioner Anderson made a motion to adjourn and Walter Hilbert seconded it. The motion passes unanimously.

Meeting adjourned at 12:22

SIGN-IN SHEET

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

March 17, 2008

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	EUGENE L. WISHOO	HANBURGER, MAXSON, ET. AL.	MOTOR PARKWAY ASS - WINDMILL ST
2	MICHAEL CHIARELLI	CHIARELLI ENG.	BREATHWOOD MILL ROAD
3	Stephen Hayduk	Hayduk Engng.	MOTOR PKY. ASSOC. ^{WWSTP}
4	MIKE ADLER	THE BREATHWOOD ONE	BREATHWOOD MILL ROAD
5	TOM LEMSO	NELSON'S A&E	SH 1527, 13A - 1527 SH-1600
6	DAVID STONE	CERTIFIED PMIN	WALTON - BREATHWOOD
7	John King	legislator 12 th	S.D. 13
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			