

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
Hon. Legislators: Beedenbender, Romaine, Schneiderman,
Browning, Vioria-Fisher, Losquadro, Eddington, Montano, Alden,
Barraga, Kennedy, Nowick, Horsley, Gregory, 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, Michael Cavanagh, representing Presiding Officer
Lindsay

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

DATE: April 27, 2009

SUBJECT: Minutes of the Suffolk County Sewer Agency - April 20, 2009

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

GA/BW/cp –
Attachments

cc: Chris Kent, Chief Deputy County Executive
Thomas LaGuardia, P.E., Chief Deputy Commissioner
Louis Calderone, Deputy Commissioner
Ben Wright, P.E., Chief Engineer, Division of Sanitation
John Donovan, P.E., Principal Civil Engineer
Laura Conway, C.P.A., 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
William Spitz, NYSDEC
Patrick Heaney, Commissioner Economic Dev. and Workforce Housing
Adam Santiago, Aide to Legislator Brian Beedenbender
Justin Littell, Aide to Legislator Louis D'Amaro
Karen Klafter, Aide to Legislator Louis D'Amaro
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency

Meeting Agenda

April 20, 2009

The meeting was called to order at 11:11 am by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance were Jeff Szabo, Deputy County Executive & Chief of Staff, representing County Executive Levy, Legislator Lou D'Amaro the Sewer Agency Legislator-At-Large, Tom Isles, the Suffolk County Director of Planning, Walter Dawydiak, P.E., representing the Commissioner of the Department of Health Services, and Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay.

Also present were Ben Wright, P.E., Chief Engineer of the Suffolk County DPW Sanitation Division, John Donovan, P.E., Suffolk County DPW Sanitation Division, Linda Spahr, Esq. of the Department of Law, Laura Conway, Suffolk County DPW Finance Division, Justin Littell, Legislative Aide to Legislator Lou D'Amaro, and Craig Platt, Secretary to the Sewer Agency.

Note: 11:25 - Legislator Kennedy arrived as the meeting was in process.

Welcome by Commissioner Anderson, to the April 20, 2009, meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

I. **Roll Call:** See above for members in attendance

II. **Minutes of Previous Meeting**

Minutes from SCSA for the February 23, 2008, were discussed. A motion to accept the minutes was made by Commissioner Anderson and seconded by Legislator D'Amaro. Motion was approved unanimously.

III. **Public Portion** – Mr. Martinez, representing Town House Villages South, stated that he would like to reserve his comments for the SCSD No. 13 – Windwatch - Spring Meadow and Town House Village South discussion. Ms. Berkowitz, representing Spring Meadows, stated that she would like to see the issue resolved in a timely and affordable manner.

V. **New Business**

A. **Formal Approval**

V. New Business

A. Formal Approval

44 WARREN AVENUE - RONKONKOMA

BR 1615

Ben mentioned that this project is a single family home just outside of the boundary of SCSD #12 – Birchwood/Holbrook. The project is located on Warren Avenue, between CR 16 Horseblock Road and the Long Island Expressway in Ronkonkoma. Homeowner requests connection for 300 GPD. The sewer main runs along Warren Avenue directly in front of the parcel. The 300 GPD of capacity is available in SCSD #12 – Birchwood-Holbrook.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and there was none.

Note: Mr. & Mrs. Argyris arrived as the next item on the agenda was announced by Commissioner Anderson.

Commissioner Anderson asked if there were any questions or comments, and Mr. Isles asked if the home was outside the district, and Legislator D’Amaro asked about the district boundary lines, to which Ben replied yes, and that the district boundary lines were drawn up in the 1960s. Mr. Isles asked if other parcels could apply to connect, to which Ben replied that they could, but connecting was based on available district capacity.

Commissioner Anderson asked if there were any additional questions or comments, seeing none, Commissioner Anderson made a motion to approve, seconded by Mr. Cavanagh. Motion was approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 8 - 2009

AUTHORIZING THE CONNECTION OF 44 WARREN AVENUE – RONKONKOMA (BR-1615) TO SUFFOLK COUNTY SEWER DISTRICT NO. 12 – BIRCHWOOD-HOLBROOK

WHEREAS, 44 Warren Avenue – Ronkonkoma is a single family home located in Ronkonkoma, New York, on property identified on the Suffolk County Tax Map as District 0200, Section 651.00, Block 03.00, Lot 018.000, and

WHEREAS, 44 Warren Avenue – Ronkonkoma is not located within the boundaries of any County sewer district, or within the boundaries of any other municipal sewer district, and

WHEREAS, it is anticipated that 44 Warren Avenue – Ronkonkoma will generate a sewage flow of three hundred gallons per day (300 GPD), and

WHEREAS, there is a sewage treatment plant at SCSD No. 12 – Birchwood-Holbrook, which is sufficiently close to 44 Warren Avenue – Ronkonkoma to permit the connection of the 44 Warren Avenue – Ronkonkoma thereto, and

WHEREAS, this Agency has been advised that SCSD No. 12 – Birchwood-Holbrook (the “District”) has sufficient capacity to accept the sewage which is expected to emanate from 44 Warren Avenue – Ronkonkoma, and

WHEREAS, the owner of 44 Warren Avenue – Ronkonkoma has applied to this Agency for permission to connect 44 Warren Avenue – Ronkonkoma to the District, and

WHEREAS, the connection of 44 Warren Avenue – Ronkonkoma to the District will be financially beneficial to the District and environmentally beneficial as well,

NOW, THEREFORE, IT IS

1st RESOLVED, that 44 Warren Avenue – Ronkonkoma be permitted to connect to the sanitary sewerage facilities of SCSD No. 12 – Birchwood-Holbrook as aforesaid, 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 the connection fee to be paid for 44 Warren Avenue – Ronkonkoma 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 \$9,000.00 and it is further

4th RESOLVED, that the connection authorized herein shall be subject to the execution of an agreement (the "Connection Agreement") between the owner of 44 Warren Avenue – Ronkonkoma and the owner of SCSD No. 12 – Birchwood-Holbrook, which agreement shall contain terms and provisions, to be provided by this Agency's staff, including:

1. Dedication of all sewerage facilities with common usage/sewer extensions;
2. Title insurance; and
3. The connection of additional entities, and it is further

5th RESOLVED, that the owner of 44 Warren Avenue – Ronkonkoma shall, at its sole cost, expense and effort, construct a sewage collection facility for 44 Warren Avenue – Ronkonkoma, and shall offer to dedicate portions of the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

6th RESOLVED, that the owner of 44 Warren Avenue – Ronkonkoma 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 obligations of the owner to the Agency, or this Agency's nominee, under the Connection Agreement, and it is further

7th 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 owner 44 Warren Avenue – Ronkonkoma, 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 this Agency's staff, has not been negotiated between the owner of 44 Warren Avenue – Ronkonkoma and the owner of SCSD No. 12 – Birchwood-Holbrook and fully executed by all parties thereto.

(Suffolk County Sewer Agency meeting – 4/20/09)

Ben mentioned that this project was previously approved and received five one-year extensions of the approval. According to the renewal application, the State of New York, the County of Suffolk and the Town of Brookhaven, have agreed to purchase the property and are in the process of procuring the funds to do so. The Construction, Operation, and Maintenance Agreement could not be completed within the last 1-year time period. Consequently, this resolution is to again extend the time to complete the Agreement.

This project is a proposed 475 unit planned retirement community situated on 143.17 acres located between Moriches-Middle Island Road and NYS Route 27 west of Weeks Avenue in Mastic.

There is no County sewer district in the vicinity of this project.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and David Sloane, Esq. stated that he was. Commissioner Anderson asked if there were any questions or comments and Legislator D'Amaro asked if the purchase was nearing completion and how the county was funding the county portion of the purchase, to which Mr. Sloane replied yes, from the 1% drinking water program. Legislator D'Amaro asked if the offer to purchase made by the county was accepted by Mr. Sloane's client, to which Mr. Sloane replied, that it was. Legislator D'Amaro asked what was holding up the transaction, and Mr. Sloane replied that the State of New York as well as the Town of Brookhaven were working on the funding. Legislator D'Amaro asked if Mr. Sloane's client was prepared to build the project if the property was not purchased for open space and Mr. Sloane replied, that he was. Mr. Richard Rosenberg, the project owner representative identified himself and stated that the State and Town portion had been committed for purchasing the property. Legislator D'Amaro asked with whom had Mr. Rosenberg been dealing with on the state level, to which Mr. Rosenberg replied, the General Counsel for the Senate, Senators Smith and LaValle. Mr. Rosenberg continued that the State funding had been committed and that the company would make a contribution also. Legislator D'Amaro asked if this purchase would be completed within a year, and Mr. Rosenberg replied that it would. Ms. Spahr mentioned that for the sake of accuracy, the 3rd WHEREAS clause of the Agency resolution concerning negotiations was inaccurate, as there were no ongoing negotiations. Mr. Rosenberg replied that since the State, County, and Town were attempting to purchase the property, it did not seem prudent to waste the County Attorney's time with negotiations. Mr. Isles asked the status of the outparcels and Mr. Sloane replied that the Town was working on acquiring parcels and condemning others. Mr. Isles asked if there was a limit on Time Extensions to which Ben replied, that so far there had been no limits on extensions. Mr. Isles mentioned that the project name was Beechwood at Yaphank, and asked if the project was in fact in Yaphank, to which Mr. Sloane replied that it was actually in Manor Park, and that the plans always were titled Yaphank. Mr. Dawydiak mentioned that according to his research, the Town SEQR was in place, the project was in the Forge River area and that the TMDL nitrogen limits were not applicable.

Commissioner Anderson asked if there were any additional questions or comments, seeing none, Commissioner Anderson made a motion to approve, the motion was seconded by Legislator D'Amaro. Motion was approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 9 - 2009

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONTRACT TO CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE TREATMENT PLANT FOR BEECHWOOD AT YAPHANK PRC (BR-1351)

WHEREAS, on June 25, 2003, this Agency adopted Resolution No. 17-2003, authorizing the construction and operation and maintenance of a sewage treatment system for the Beechwood at Yaphank PRC and Resolutions No. 25-2004, 23-2005, 22-2006, 15-2007, and 7-2008, extending the time a year each for the completion of the required documents, and

WHEREAS, Resolution 7-2008, granting a one year time extension, by its terms, will become null and void on April 21, 2009, since an agreement in furtherance of the authorization granted therein will not be executed within one year from the adoption thereof, and

WHEREAS, the developer of Beechwood at Yaphank PRC has requested an extension of the authorization granted in Resolutions No. 17-2003, 25-2004, 23-2005, 22-2006, 15-2007, and 7-2008.

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 17-2003, adopted by this Agency on June 25, 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 4/20/09)

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 approval 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.

This project was tabled at the Agency meeting on September 15, 2008, due to an incomplete SEQR. The Village of Westhampton Beach on November 13, 2008, issued a Conditional Negative Declaration for the project. The project is requesting Formal Approval for an On-site Wastewater Treatment System.

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.

Ben continued that the last item on the agenda dealt with the cost of the county operating and maintaining such treatment plants and offering plans/prospectus, and mentioned that the item could be addressed along with this project, to which Commissioner Anderson replied that he thought that they should stick with the agenda.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and Tom Lembo stated that he was, and that the staff report was accurate. Mr. Lembo added that the SEQR issue with the Village, were not sanitary issues but concerned traffic issues. Legislator D'Amaro asked if the county was planning to take over the WWTP and what the fees would be, to which Ben replied, that in all of the Construction Agreements is an offer of dedication, and that it may cost three to four times more for the county to operate and maintain.

Commissioner Anderson asked if there were any questions or comments, seeing none, made a motion to approve, seconded by Legislator D'Amaro. Motion to approve was unanimous.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 10 - 2009

AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT FOR PATIO GARDENS III, LLC – (BR-1600)

WHEREAS, Patio Gardens III, LLC is a proposed condominium 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- lots 22.1, 23, 26.3, 28 & 30.1 in an area of the northeast intersection of Depot Road and Montauk Highway, and

WHEREAS, this Agency has determined that the fifteen thousand gallons per day (15,000 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,

WHEREAS, the SEQR process for Patio Gardens III is complete and a *Conditional Negative Declaration has been issue by the Lead Agency, and

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 Patio Gardens III, LLC 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 4/20/09)

*** 617: State Environmental Quality Review**

§617.2 Definitions

(h) Conditioned negative declaration (CND) means a negative declaration issued by a lead agency for an Unlisted action, involving an applicant, in which the action as initially proposed may result in one or more significant adverse environmental impacts; however, mitigation measures identified and required by the lead agency, pursuant to the procedures in subdivision 617.7(d) of this Part, will modify the proposed action so that no significant adverse environmental impacts will result.

New York State Environmental Facilities Corporation Financing

Ben mentioned that two DPW-Sanitation projects are included on the NYS EFC current year Intended Use Plan. The inclusion on that list allows them to be eligible for a subsidized interest rate or low interest loan and the possibility of a partial grant from the federal stimulus package that that agency administers. The two projects are Phase I of CP 8121 which is the improvements to SD #21 to meet Long Island Sound discharge requirements and a Phase II of the SD #3 - Southwest, Bergen Point Sludge Project which is to purchase sludge thickening and dewatering equipment.

Ben mentioned that he wanted the Agency to be aware and have resolutions in place should they be a necessary ingredient in the application process. Ben mentioned that the agenda packet included a last minute resolution for CP 8121, adding that funding in the form of low interest loans, subsidies, or grants may be available for CP 8121 and others.

Commissioner Anderson asked if there were any questions or comments, seeing none, made a motion to approve, seconded by Legislator D'Amaro. Motion to approve was unanimous.

SUFFOLK COUNTY SEWER AGENCY

**RESOLUTION NO. 11 - 2009
DIRECTING SEWER AGENCY STAFF TO
PREPARE A REPORT FOR IMPROVEMENTS TO
SUFFOLK COUNTY SEWER DISTRICT
NO. 21 – SUNY (CP 8121)**

WHEREAS, Suffolk County Sewer District No. 21 – SUNY requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 21 – SUNY.

(Suffolk County Sewer Agency Meeting 4/20/09)

SCSD #1 PORT JEFFERSON

Ben mentioned that the wastewater treatment facility was recently expanded to meet the limitations of discharge to the Long Island Sound. The expansion resulted in a permitted capacity of 1.15 MGD, 300,000 GPD above the prior permitted flow. Subtracting the NYSDEC required safety factor, 250,000 GPD of additional capacity is therefore available and meetings have been held with Village of Port Jefferson representatives on the need and priority of capacity use. The department has received calls from businesses and residents in and out of the district for connection and additional capacity. Ben mentioned that the representative from the Village was not in attendance. Mr. Dawydiak if denitrification credits were available from the DEC, to which Ben replied, that they were minimal. Commissioner Anderson asked if only contractees would be connecting, to which Ben replied, no. Mr. Isles asked if the entire village was connected, to which Ben replied, no, about half was. Mr. Isles asked if SUNY was connected to the recently expanded plant, and Ben replied, no, but they had a common outfall.

Commissioner Anderson made a motion to approve the capacity change and Mr. Szabo seconded the motion. The motion was approved unanimously.

SCSD # 8 – Strathmore Ridge/Dorade Wastewater Treatment Facility - Rate Increase

Ben mentioned that this item was on the January 26, 2009, agenda and that the agreement goes back to 1999 and references a rate increase after five years. To date there has not been a rate increase. Laura Conway mentioned that she worked with Mr. Perna on computing the rate increase, that she recommends an increase to \$110,859.00, for 2008 & 2009, with a three percent (3%) annual increase thereafter. Ms. Conway continued with at the January meeting, the Agency approved a payment of \$12,000.00 for 2008.

Commissioner Anderson asked if a project representative was present and Tom Perna stated that he was. Mr. Perna stated that he worked with Ms. Conway on the rate increase and that he did not get everything he was looking for but was satisfied. Commissioner Anderson asked if the increase could be tied into the CPI, and Ms. Conway replied, that the three percent increase was standard in the county sewer districts. Legislator D'Amaro asked what the figure would be if Mr. Perna was given a rate increase of three percent since 1999, Ms. Conway replied that she did not have the figure in front of her but would find out ($\$75,000 * 1.03^{10} = \$100,793.72$).

The rate paid for 2008 (\$ 75,000.00 + \$12,000.00 (SA 1/29) + \$23,859.00 (SA 4/09)) and 2009 would be \$110859.00, beginning 2010 the annual rate increase would be the typical district rate increase of three percent:

2008	\$110,859.00 (\$ 75,000.00 + \$12,000.00 (SA 1/29) + \$23,859.00 (SA 4/09))
2009	\$110,859.00
2010	\$ 114,184.77
2011	\$ 117,610.31
2012	\$ 121,138.62
2013	\$ 124,772.78
2014	\$ 128,515.96
2015	\$ 132,371.44
2016	\$ 136,342.59
2017	\$ 140,432.86
2018	\$ 144,645.85
2019	\$ 148,985.23
2020	\$ 153,454.78
2021	\$ 158,058.43

Commissioner Anderson asked if there were any questions or comments, seeing none, made a motion to approve the rate increase retroactively to 2008, seconded by Legislator D'Amaro. Motion to approve was unanimous.

**SANITATION DIVISION CAPITAL PROJECTS
ADOPTED 2009 CAPITAL BUDGET**

Ben mentioned that there were a number of capital projects that will be the subject of public hearings for improvements during the coming months. It is possible that future EFC financing opportunities will be available and Sewer Agency concurrence is desirable. The projects which should receive the adoption of the Sewer Agency include the following:

CP 8115 – SD # 5 – Strathmore @ Huntington

CP 8121 SD #21 – SUNY Stony Brook

CP 8122 – SD #1 – Port Jefferson

CP 8129 – SD #7 – Medford

CP 8132 – SD #3 - Southwest

CP 8147 – The SD #20 East - Ridgehaven Estates

CP 8149 – SD #23 - Coventry Manor

CP 8163 - SD #9 – College Park

CP 8158 – Yaphank County Center Wastewater Treatment Facility

CP 8170 – SD #3 - Southwest

CP 8180 - SD #3 - Southwest

CP 8181 - SD #3 - Southwest

Ben mentioned that if the project is not on the EFC list that it will be and all bases should be covered to obtain funding. Ben wanted the Agency to be aware of this and that all the resolutions are generic. Commissioner Anderson asked if the resolutions called for public hearings, to which Ben replied, yes. Commissioner Anderson asked if an application for EFC funding had been submitted for each project, to which Ben replied that there was a possibility of low interest loans or grants. Legislator Kennedy asked if anything in SD #6 or SD #13 was on the list, to which Ben replied, that the list was not definitive. Legislator Kennedy asked why only the projects on the list, to which Commissioner Anderson replied, that these projects were straight forward and ready.

Commissioner Anderson asked if there were any questions or comments, seeing none, made a motion to approve the request, was seconded by Legislator D’Amaro. Motion to approve was unanimous.

SUFFOLK COUNTY SEWER AGENCY

**RESOLUTION NO. 12 - 2009
DIRECTING SEWER AGENCY STAFF TO
PREPARE A REPORT FOR IMPROVEMENTS TO
SUFFOLK COUNTY SEWER DISTRICT
NO. 5 – STRATHMORE @ HUNTINGTON (CP 8115)**

WHEREAS, Suffolk County Sewer District No. 5 – Strathmore @ Huntington requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 5 – Strathmore @ Huntington.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

**RESOLUTION NO. 13 - 2009
DIRECTING SEWER AGENCY STAFF TO
PREPARE A REPORT FOR IMPROVEMENTS TO
SUFFOLK COUNTY SEWER DISTRICT
NO. 21 – SUNY (CP 8121)**

WHEREAS, Suffolk County Sewer District No. 21 – SUNY requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 21 – SUNY.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 14 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 1 – PORT JEFFERSON (CP 8122)

WHEREAS, Suffolk County Sewer District No. 1 – Port Jefferson requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 1 – Port Jefferson.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 15 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 7 – MEDFORD (CP 8129)

WHEREAS, Suffolk County Sewer District No. 7 – Medford requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 7 – Medford.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 16 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST (CP 8132)

WHEREAS, Suffolk County Sewer District No. 3 – Southwest requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 3 – Southwest.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

**RESOLUTION NO. 17 - 2009
DIRECTING SEWER AGENCY STAFF TO
PREPARE A REPORT FOR IMPROVEMENTS TO
SUFFOLK COUNTY SEWER DISTRICT
NO. 20 - EAST - RIDGEHAVEN ESTATES (CP 8147)**

WHEREAS, Suffolk County Sewer District No. 20 - East - Ridgehaven Estates requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 20 - East - Ridgehaven Estates.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 18 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 23 – COVENTRY MANOR (CP 8149)

WHEREAS, Suffolk County Sewer District No. 23 – Coventry Manor requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 23 – Coventry Manor.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 19 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 9 – COLLEGE PARK (CP 8163)

WHEREAS, Suffolk County Sewer District NO. 9 – College Park requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District NO. 9 – College Park.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 20 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT THE YAPHANK COUNTY CENTER WWTF (CP 8158)

WHEREAS, The Yaphank County Center WWTF requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for The Yaphank County Center WWTF.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 21 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST - BERGEN POINT WWTF (CP 8170)

WHEREAS, Suffolk County Sewer District No. 3 – Southwest - Bergen Point WWTF requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 3 – Southwest - Bergen Point WWTF.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 22 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST (CP 8180)

WHEREAS, Suffolk County Sewer District No. 3 – Southwest requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 3 – Southwest.

(Suffolk County Sewer Agency Meeting 4/20/09)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 23 - 2009 DIRECTING SEWER AGENCY STAFF TO PREPARE A REPORT FOR IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST (CP 8181)

WHEREAS, Suffolk County Sewer District No. 3 – Southwest requires capital improvements to its facilities and said proposed improvements are included in the adopted Capital Budget, and

WHEREAS, a map and plan will be prepared and submitted to the Suffolk County Legislature, and

WHEREAS, Sewer District improvements require either a notification or application to the New York State Comptroller depending on the cost per typical property and the New York State Comptroller's annual threshold, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the Suffolk County Sewer Agency direct its attention and staff to the preparation of the referenced report, budget and recommendations and take the steps necessary to receive the approvals needed to proceed with the improvements for Suffolk County Sewer District No. 3 – Southwest.

(Suffolk County Sewer Agency Meeting 4/20/09)

C. Miscellaneous –

DISCUSSION ITEMS:

1. Suffolk County Sewer District No. 13 – Windwatch - Spring Meadow and Town House Village South

Ben mentioned that this discussion item is to advise and update the Agency on what has been evolving with respect to the expansion of SD # 13 and the contractees that are participating in that process.

Ben gave a brief history of the proposed expansion of Sewer District No. 13 – Windwatch by Motor Parkway Associates (MPA) and of the two communities in the area with failing sewage treatment plants, which are part of MPA proposed expansion of the SD #13 WWTP.

Ben continued mentioning that a request has been made by one of the communities, Spring Meadows, to connect to the WWTP as a contractee outside of the global agreement with Motor Parkway Associates. Ben mentioned that if MPA allowed the communities to withdraw from their agreements to be a part of the expansion of the WWTP, to directly connect would cost each community approximately \$2,000,000.00 for design and construction including the connection fee at the rate of \$30.00 per gallon per day. Additionally, the current annual cost per unit to operate their STP is around \$500.00, and the annual cost to each unit connecting to the district would be over \$1100.00, if the Agency approves the connections and MPA allows withdrawal from participating in the expansion.

Ben mentioned that creating a new sewer district and expanding the existing district had been considered and that creating a new sewer district might be a better choice since creating a new sewer district will not take as long. There is also the possibility that with the creation a new sewer district, the design and construction costs of the collection appurtenances necessary to connect to the WWTP may be eligible for EFC funding. Additionally, a resolution to create the new district would be required as well as public hearings.

Commissioner Anderson asked if a representative was present and Vincent Pizzulli, Esq. stated that he represented MPA and identified Mr. Hissiger, Esq. as the representative of the two communities. Mr. Pizzulli stated that MPA did not object to Spring Meadow and Town House Village South withdrawing from the agreements, and negotiations to cover the “soft” costs were necessary to return the deposits in escrow.

Ben mentioned that the NYSDEC had recently approved the additional capacity in the district. In the past they would not do so due to the flow characteristics and volume. Approving the capacity would allow the communities to connect directly to the WWTP without the expansion. Legislator D’Amaro asked if this would cover the discharge from both communities, to which Ben replied, yes. Legislator D’Amaro asked if it would be cheaper for the communities to do this, to which Ben replied, that they would still be contractees, and the possibility of EFC funding would make it cheaper. Legislator Kennedy mentioned that assuming they can withdraw from the MPA agreements, asked why is the possibility of EFC funding available only through becoming a sewer district, to which Ben replied, that the funding would be through a sewer district and expanding the district would take longer than creating a new district. Commissioner Anderson mentioned that EFC funding was for municipalities.

Legislator D'Amaro mentioned that a lot has been invested in the project and asked Mr. Pizzulli if MPA was willing to allow the communities to withdraw from the agreements, to which Mr. Pizzulli replied, yes, the expansion project would probably be scaled back. Legislator D'Amaro asked Mr. Pizzulli if this was an incentive to move forward, to which Mr. Pizzulli replied, yes, the funds are in escrow and they need to settle on the soft costs. Legislator D'Amaro asked Ben if it was okay to scale back the project, to which Ben replied that the department was aware of the possibility and that it was acceptable. Mr. Dawydiak commented that there were two issues at hand; the first was to withdraw from the agreements, which is straight forward and the second is to form a new sewer district or expand the existing district. Commissioner Anderson interjected that it would be quicker to form a new district and pointed out the possibility of the EFC funding in doing so.

Note: During the discussion, certain members of the Agency departed.

Ms. Spahr stated that she wanted the HOA representatives and everyone else to be aware of the process, the cost associated with connection, the Connection Agreements and the like will all costs borne by the communities. The representatives of the communities acknowledge that they were aware of this. Legislator Kennedy asked if the soft costs could be covered in the EFC funding should it be available, to which Ben replied, that the engineering and associated costs might be considered as part of the projects. Ben continued with in the past, up to fifty percent of other projects have been covered by the EFC funding. Legislator Kennedy asked if the communities would have to contribute toward MPA expansion, to which Commissioner Anderson and Legislator D'Amaro replied, no. Legislator Kennedy asked about the capacity allocated to Computer Associates, and Ben mentioned that CA had purchased 79,200 GPD and CA no longer had a claim to the 30,000 GPD set aside in 1998. Tom Lembo mentioned that the Holiday Mid-Rise Tower project had purchased capacity (6,500 GPD). Discussion ensued to the routing of the force mains and whether or not to go through the Carematrix Pump Station. Mr. Pizzulli mentioned that the Islandia Town Center was not going through the Carematrix Pump Station. It was mentioned that the project engineers had to compute whether it would be cheaper to use the Carematrix Pump Station or suggest another alternative. Steve Hayduk mentioned that designing the force main to the plant was difficult and questioned if there was enough room for another force main. Legislator Kennedy asked about the plan for Town House Village South. John Donovan mentioned that the engineer would have to research the issue and suggest a plan. Mr. Pizzulli questioned if it was necessary to upgrade the Carematrix Pump Station, to which Mr. Hayduk replied that they were obligated to do so. At this point in the discussion the representatives of the Town House Village South expressed their frustration at the lengthily process and questioned how much longer it would take. Commissioner Anderson mentioned that he was sympathetic to their frustration and hoped that the projects could move forward. It was mentioned that the County Legislature needed to direct the Agency to create a new sewer district. Ms. Spahr pointed out that since some Agency members had departed, a quorum was no longer present. Ben mentioned that maybe the last item on the agenda could be rescheduled for the May meeting of the Agency.

Commissioner Anderson adjourned the meeting at 1:42.

Respectfully submitted,
Craig A Platt

Sign-in Sheet

Suffolk County Sewer Agency
SCDPW - Sanitation -Engineering

April 20, 2009

	NAME	FIRM	PROJECT REPRESENTING
1	MIKE CHIARELLI	CHIARELLI ASSO	TOWN HOUSE VILGE & SPRING MEADOW
2	Stacy Berkowitz	SpringMeadow	Spring Meadow
3	Dan Collins	Spring Meadows	" "
4	Stephen Hayduk	Hayduk Enging.	Motor Pky Assoc W/STO
5	VINCENT PIZZULLI	DAVIDOFF MALITO LLP	MOTOR PARKWAY
6	Catherine Rodriguez	Towne House Village Condo	Towne House Village
7	Patricia Rave	Towne House Village Condo.	
8	Tom Martinez	" " "	" "
9	Rice Rosenberg	Rosen Rosenberg P.C.	Beechwood
10	STEVE O'HARA	Beechwood ORGANIZ	Beechwood
11	Laura Conway	DPO-Finance.	
12	David Swane	CENTILUNA BAIN	Beechwood
13	Gary Hisiger	Moritt Hark	Spring Meadow + Town House
14	Thomas F. J... ..	Dodson Inc	
15			
16			
17			
18			
19			
20			

~~1082~~