

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, Vilorio-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: June 19, 2009

SUBJECT: Minutes of the Suffolk County Sewer Agency – June 15, 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 Minutes June 15, 2009

The meeting was called to order at 11: 06 am by Gilbert Anderson, P.E., Commissioner, SCDPW and Chairman, Suffolk County Sewer Agency. In attendance were Jeff Szabo, Deputy County Executive and Chief of Staff, representing County Executive Levy, Legislator Lou D'Amaro the Sewer Agency Legislator-At-Large, Adam Santiago, representing Legislator Beedenbender, Daniel J. Gulizio, representing Tom Isles, the Suffolk County Director of Planning, Vito Minei, 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, Justin Littell, Legislative Aide to Legislator Lou D'Amaro, and Craig Platt, Secretary to the Sewer Agency.

Welcome by Commissioner Anderson, to the June 15, 2009, meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

Note: Legislator John Kennedy arrived at 11:10.

I. Roll Call - See above

II Minutes of Previous Meeting

Minutes from SCSA for the April 20, 2009 meeting were discussed. A motion to accept the minutes was made by Commissioner Anderson and seconded by Mr. Minei. The motion was approved with Mr. Szabo and Mr. Gulizio abstaining.

III. Public Portion – No requests to address the Agency

IV. Old Business

C. Miscellaneous - Discussion item

1. Private Sewage Treatment Plants and dedication to County

Ben mentioned that was an informational item concerning the cost of operating and maintaining private sewage treatment plants. Staff wanted the Agency members to be aware that it was requiring builders to inform prospective buyers that the cost of the county operating and maintaining on-site sewage treatment plants could be as much as four times greater than a private company. Furthermore, this figure was consistent with other departmental reports with regard to O&M. Ms. Spahr mentioned that after consultation with DPW staff, the language in future Construction Agreements would and had been amended to reflect the notification to prospective buyers and owners. Commissioner Anderson asked if any of the members had questions or comments, seeing none, closed the discussion.

V. New Business
A. Formal Approval

SD#13 WINDWATCH –EXPANSION

IS-0201.1

Ben mentioned that this project and the next three items on the agenda concerned SCSD #13 – Windwatch. Ben continued that this project is a proposal to expand the existing WWTP by Motor Parkway Associates (MPA). SA Resolution 9-2008 granted Formal Approval to expand SCSD #13 – Windwatch to 750,000 GPD from the existing treatment capacity of 400,000 GPD. However, since Towne House Village (North) (aka Spring Meadows) and Towne House Village (South) were permitted to connect outside of the agreement with MPA, the additional 350,000 GPD is no longer necessary and the request is to expand the WWTP to 555,000 GPD.

Staff recommended approval of this project.

Commissioner Anderson asked if a project representative was present and Vincent Pizzulli, Esq., stated he was and introduced Stephen Hayduk, P.E. and Eugene Wishod, Esq. Mr. Pizzulli continued that the Agency resolution was consistent with the ongoing dialogue and asked that the resolution be approved. Dr. Ed Scher, identified himself as the Vice President of Arcadia Management, and stated that his company was the owner of the Islandia Center for Seniors which owns and operates the pump station on Blydenburgh Road which pumps the wastewater from his facility and Hauppauge Greens to SCSD #13. Dr. Scher continued that his company had questions concerning the pump station and the future expansion of the pump station, Commissioner Anderson mentioned that the item on the agenda concerned the expansion of the WWTP and asked that the questions be asked privately. Commissioner Anderson asked if anyone had any questions or comments, seeing none, Mr. Szabo made a motion to approve the resolution as amended, the motion was seconded by Commissioner Anderson, and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 24 - 2009

AUTHORIZING AN AMENDMENT TO AGENCY RESOLUTION 9-2008, THE CONSTRUCTION AGREEMENT FOR THE EXPANSION OF SCSD NO. 13 - WINDWATCH – WWTP BY MOTOR PARKWAY ASSOCIATES (MPA)

WHEREAS, this Agency has previously approved the expansion of the WWTP facilities of Suffolk County Sewer District No. 13 - Windwatch (the "District") to meet the then known needs of projects in the vicinity (Agency Resolution No. 41-2005), and

WHEREAS, on May 19, 2008, this Agency adopted Resolution No. 9-2008, authorizing the expansion of the WWTP by MPA to a treatment capacity of Seven Hundred Fifty Thousand (750,000) GPD, and

WHEREAS, recently the New York State Department of Environmental Conservation has approved additional capacity at the WWTP, allowing sufficient gallonage to meet the needs of two projects previously committed to the expansion project , and

WHEREAS, since the needs of the projects in the vicinity has changed, MPA is requesting to amend the previously approved expansion of Seven Hundred Fifty Thousand (750,000) GPD to Five Hundred Fifty-Five Thousand (555,000) GPD, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 9-2008, adopted by this Agency on May 19, 2008, is amended to authorize the expansion of the WWTP by MPA to a treatment capacity of Five Hundred Fifty-Five Thousand (555,000) GPD, and, and it is further

2nd RESOLVED, that the Suffolk County Legislature, being the lead agency under the State Environmental Quality Review Act, NY Environmental Conservation Law Art. 8 (SEQRA) and Suffolk County Code Chapter 279, determined that SA resolution 9-2008 constituted an unlisted action, pursuant to 6 NYCRR §617.2 (ak), and be it 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 6/15/09)

HOLIDAY MID-RISE TOWER

(IS-1451)

Ben mentioned that this project is a proposed 150 unit condominium tower situated on 5.32 acres located on the north side of the Vanderbilt Motor Parkway in Hauppauge, in the vicinity of the existing Wyndam Windwatch Hotel. The estimated flow from this project is 54,000 GPD. The developer presently owns 6,500 GPD, so the need is for 47, 500 GPD. This request is for an additional one year extension of time to complete the Connection Agreement. Additionally, this project is contingent upon the proposed expansion of SCSD #13 – Windwatch by Motor Parkway Associates.

Staff recommended granting the time extension of the Formal Approval to this project.

Commissioner Anderson asked if a project representative was present and Tom Lembo, P.E. stated he was and mentioned that Herb Balin, Esq. was also representing the project. Mr. Balin stated that Ben had stated correctly and requested the application be approved and that hopefully the agreement would be completed within the next year. Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to approve the resolution, the motion was seconded by Mr. Minei, and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 25 - 2009

AUTHORIZING THE EXTENSION OF TIME FOR THE CONNECTION OF HOLIDAY MID-RISE TOWER (IS-1451) TO SUFFOLK COUNTY SEWER DISTRICT No. 13 - WINDWATCH)

WHEREAS, on August 20, 2007, this Agency adopted Resolution No. 16-2007, authorizing connection of Holiday Mid-Rise Tower (IS-1451) to Suffolk County Sewer District No. 13 - Windwatch) and on August 16, 2008, granted a one year time extension of that authorization to complete the Agreement, and

WHEREAS, Resolution No. 12-2008, granted a one year time extension for completion of the Agreement, will expire on June 16, 2009, without the completion of the Agreement, and

WHEREAS, this project and resolution are tied to the proposed expansion of the District by Motor Parkway Associates (MPA), said expansion is not at this time underway and negotiations concerning such an agreement are on going, and

WHEREAS, the developer of Holiday Mid-Rise Tower has requested an extension of the authorization granted in Resolution No. 16-2007,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 16-2007, adopted by this Agency on August 20, 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.

(Suffolk County Sewer Agency Meeting 6/15/09)

Ben mentioned that this project is an existing 151 unit Homeowner's Association subdivision located on the southeast corner of Blydenburgh Road and the LIE North Service Road in Islandia. The development is presently served by a failing on-site STP, with an existing order on Consent to either upgrade the community's STP or connect to the county sewer district. The flow from the development is expected to be 35,000 GPD, for which the HOA has submitted an application to connect to SCSD # 13 – Windwatch.

Originally, this project was part of the proposed Motor Parkway Associates (MPA) expansion of Suffolk County Sewer District No. 13 – Windwatch. The project is not within the boundary of the District. An application has been made to the Sewer Agency for connection, outside of the MPA expansion. It has been determined by the NYSDEC that the requested 35,000 GPD of capacity is available in the Windwatch plant.

Ben continued that since the project had received Conceptual Certification, the \$15.00 per gallon per day rate would apply. Ben mentioned that many issues would have to be resolved which included inter alia the negotiations with Motor Parkway Associates, the possibility of forming a county sewer district, EFC funding, the costs associated with constructing the appurtenances necessary to effect the connection to the WWTP, and the costs of the operating and maintenance of the possibly newly formed district or existing district (SD #13 residential users currently paying \$498.00 annually). Mr. Minei mentioned that the Order on Consent could be revisited and would be modified to only connect to the county sewer district. Mr. Minei asked if funding was available, to which Ben replied that EFC funding could only be available if a county sewer district was formed. Commissioner Anderson mentioned that at the next meeting of the Suffolk County Legislature, legislation directing the Agency to prepare documents regarding forming a new sewer district would be introduced.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and Gary Hisiger, Esq. stated he was and that Ben had stated correctly that the connection fee rate should be at the \$15.00 GPD. Legislator Kennedy mentioned that he was supportive of the resolution and the \$498.00 use fee. Legislator Kennedy asked if the project would be responsible to pay the construction costs for the project, to which Commissioner Anderson replied that the issue at hand was approving the connection to SCSD #13. Dr. Scher asked if the pump station at the Islandia Center for Seniors was adequate to handle the additional wastewater, to which Commissioner Anderson replied that the issue at hand was approving the connection to SCSD #13. Mr. Cavanaugh asked if it was usual to create a sewer district, and Commissioner Anderson replied that the first step in the process was to submit a proposal to the Legislature. Legislator Kennedy asked if funding would be available, to which Commissioner Anderson replied, that if a sewer district is formed an application to EFC could lead to a low interest loan or a partial grant. Mr. Cavanaugh asked if the facility was going to connect to SCSD #13 – Windwatch, to which Commissioner Anderson replied, yes. Ms. Spahr pointed out that a county sewer district must be self supporting, and there will be the debt service to consider. Commissioner Anderson mentioned that the rates would have to be reviewed by the NYS Comptroller's Office. Mr. Hisiger asked to which debt service Ms. Spahr and Commissioner Anderson were referring. Commissioner Anderson replied, the design and cost of construction as well as the connection fee. Ms. Spahr added that these costs would be an issue whether or not a new sewer district was formed. Legislator Kennedy asked if capacity was available for the communities to connect to SCSD #13 – Windwatch without the expansion, to which Commissioner Anderson replied, that the NYS DEC had approved the additional capacity.

Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to approve the resolution, the motion was seconded by Mr. Cavanaugh, and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 26 - 2009

AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF TOWNE HOUSE VILLAGE CONDOMINIUMS (IS-1278) TO SUFFOLK COUNTY SEWER DISTRICT NO. 13 - WINDWATCH

WHEREAS, Towne House Village Condominiums is an existing 151 unit condominium complex in Islandia, New York, on property identified on the Suffolk County Tax Map as District 0504, Section 007.00, Block 03.00, Lots 15400, and others, and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 13 – Windwatch (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, it is anticipated that Towne House Village Condominiums, Inc. will generate a sewage flow of Thirty-five thousand gallons per day (35,000 GPD), and

WHEREAS, the owners of Towne House Village Condominiums, Inc. has applied to this Agency for permission to connect Towne House Village Condominiums 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 Towne House Village Condominiums, and

WHEREAS, the connection of Towne House Village Condominiums to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Towne House Village Condominiums, Inc. 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 Thirty-five thousand gallons per day (35,000 GPD), of capacity in the District's sewage treatment plant be allocated to Towne House Village Condominiums, 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 Board of Towne House Village Condominiums, 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 Towne House Village Condominiums, shall be paid upon the execution of the Connection Agreement at the rate of \$15.00 per gallon of sewage per day for a total of \$525,000.00 and it is further

6th RESOLVED, that Towne House Village Condominiums shall, at its sole cost, expense and effort, construct a sewage collection facility for Towne House Village Condominiums, 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 the owners of Towne House Village Condominiums, Inc. 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 Towne House Village Condominiums, as well as for all of the developer's obligations under the Connection Agreement, and it is further

8th 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 Towne House Village Condominiums 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 6/15/09)

Ben mentioned that this project is similar to the previous project, in that it was also applying to connect to SCSD #13 – Windwatch. As well as other related issues (see *minutes of the previous agenda item, Towne House Village South IS-1278*) Ben added that it is an existing 166 unit Homeowner’s Association subdivision situated on 14.1 acres located on the west side of Blydenburgh Road south of Town Line Road in Hauppauge. The development is presently served by a failing on-site STP. The estimated flow from the development is 30,400 GPD, for which the Board has requested approval to connect to SCSD # 13 - Windwatch.

Originally, this project was part of the proposed Motor Parkway Associates (MPA) expansion of Suffolk County Sewer District No. 13 – Windwatch. The project is not within the boundary of the District. An application has been made to the Sewer Agency for connection, outside of the MPA expansion. It has been determined that the requested 30,400 GPD of capacity is available in the Windwatch plant. Ben continued that since the project had received Conceptual Certification, the \$15.00 per gallon per day rate also would apply plus the costs associated with constructing the appurtenances necessary to effect the connection to the WWTP, and the costs of the operating and maintenance of the possibly newly formed district or existing district (SD #13 residential users currently paying \$498.00 annually).

Commissioner Anderson mentioned that for this project as well as for the previous project that legislation directing the Agency to prepare documents regarding the formation of a new sewer district would be introduced at the next meeting of the Suffolk County Legislature.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and Gary Hisiger, Esq. stated he was and that Ben had stated correctly that the connection fee rate should be at the \$15.00 GPD.

Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to approve the resolution, the motion was seconded by Legislator D’Amaro, and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 27 - 2009

AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF TOWNE HOUSE VILLAGE (NORTH) (IS 1123) TO SUFFOLK COUNTY SEWER DISTRICT NO. 13 - WINDWATCH

WHEREAS, Towne House Village (North) is an existing 166 unit condominium complex in Islandia, New York, on property identified on the Suffolk County Tax Map as District 0504, Section 005.00, Block 02.00, Lots 022.001, and others, and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 13 – Windwatch (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, it is anticipated that Towne House Village (North), Inc. will generate a sewage flow of Thirty thousand Four hundred gallons per day (30,400 GPD), and

WHEREAS, the owners of Towne House Village (North), Inc. has applied to this Agency for permission to connect Towne House Village (North) 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 Towne House Village (North), and

WHEREAS, the connection of Towne House Village (North) to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Towne House Village (North), Inc. 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 Thirty thousand Four hundred gallons per day (30,400 GPD), of capacity in the District's sewage treatment plant be allocated to Towne House Village (North), 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 Board of Towne House Village (North), 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 Towne House Village (North), shall be paid upon the execution of the Connection Agreement at the rate of \$15.00 per gallon of sewage per day for a total of \$456,000.00 and it is further

6th RESOLVED, that Towne House Village (North) shall, at its sole cost, expense and effort, construct a sewage collection facility for Towne House Village (North), 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 the Board of Towne House Village (North), Inc. 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 Towne House Village (North), as well as for all of the developer's obligations under the Connection Agreement, and it is further

8th 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 Towne House Village (North) 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 6/15/09)

Ben mentioned that this project is a proposed 128 room hotel situated on 4.6 acres located on the west side of Horseblock Road, south of Sills Road in Bellport. The project received Formal Approval for 19,200 GPD on December 15, 2008, and is requesting an additional 130 GPD to meet the SCDHS standard. It has been determined that the District's sewage treatment plant will have sufficient capacity generated by Medford 7 Associates proposed expansion of the Twelve Pines STP to accept the additional sewage which is expected to emanate from Springhill Suites @ Bellport. Ben continued, according to the 10th Resolve clause in SA Resolution 23B-2008, a date was to be set to establish when Springhill Suites @ Bellport would pay the county the connection fee if M7A did not expand the plant, and that since the resolution was good for a year, suggested that the date would be one year from the approval date of the resolution. Additionally, Ben mentioned that the County Attorney's office had been working on the connection agreement with the principals.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and Kathleen Deegan Dickson, Esq. stated she was and that Ben had stated correctly, and that after review DPW had determined that an additional one hundred thirty GPD would be required.

Commissioner Anderson asked if anyone had any questions or comments, and Herb Balin, Esq., stated that he did. Mr. Balin continued that he strenuously objected to the additional capacity and any capacity at all that the project was supposed to receive from M7A. He further stated he had been ignored beyond endurance. At this point Ms. Dickson stated that ignoring Mr. Balin had not been the intention and apologized. Ms. Dickson further stated that during the negotiations with the county and the requirement with the additional gallonage the agreement with M7A had been on hold. Mr. Balin gave a brief history of the M7A expansion of Twelve Pines, asked where the additional capacity for Springhill Suites @ Bellport had come from, and suggested tabling the item. Ben explained that since the original expansion additional factors had come into play. Commissioner Anderson asked if the applicant would be harmed if the item were postponed, to which Ms. Dickson stated that construction was underway and as long as DPW or DHS did not object, she did not object. Legislator D'Amaro mentioned that the issue at hand was an additional 130 GPD and the fee would be paid either way and asked why the item should be postponed, to which Commissioner Anderson stated that he agreed.

Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to approve the resolution, the motion was seconded by Legislator D'Amaro, and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. **28 - 2009** AUTHORIZING THE CONNECTION OF **SPRINGHILL SUITES @ BELLPORT (BR 1608)** TO SUFFOLK COUNTY SEWER DISTRICT NO. 7 - MEDFORD

WHEREAS, Springhill Suites @ Bellport is a proposed 128 room hotel, in Bellport, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 813.00, Block 01.00, Lot 008.031 (the "Premises"), and

WHEREAS, Agency Resolution 23B-2008 authorized the sewage flow from the Springhill Suites @ Bellport for nineteen thousand two hundred gallons per day (19,200 GPD), and

WHEREAS, Springhill Suites @ Bellport has applied to this Agency for permission to purchase an additional one hundred thirty (130) GPD to conform to the Suffolk County Department of Health Standards and connect its nineteen thousand three hundred and thirty gallons per day (19,330 GPD) of flow to the sanitary sewerage facilities of the District, which volume is required by said Standards, and

WHEREAS, Springhill Suites @ Bellport is willing to participate in Medford 7 Associates (M7A), a consortium of developers who will construct a proposed Stage 3 expansion of SCSD #7 – Twelve Pines, at no cost to the District, and

WHEREAS, that in consideration of the expansion of the District's sewage treatment plant by M7A, Springhill Suites @ Bellport shall receive a credit against the connection fee payable to the District for the connection of Springhill Suites @ Bellport's property to the sanitary sewerage facilities of the District, and

WHEREAS, the proposed expansion of the District is currently under review and the construction is not expected to begin until sometime in 2009, and the District's sewage treatment plant has sufficient interim capacity to accept the additional sewage which is expected to emanate from Springhill Suites @ Bellport, and

WHEREAS, the connection of Springhill Suites @ Bellport to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Springhill Suites @ Bellport 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 nineteen thousand three hundred and thirty gallons per day (19,330 GPD) of interim capacity in the District's sewage treatment plant be allocated to Springhill Suites @ Bellport, 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 Springhill Suites @ Bellport, 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 Springhill Suites @ Bellport shall be paid to M7A in consideration of the expansion of the District's sewage treatment plant by M7A, and it is further

6th RESOLVED, that Springhill Suites @ Bellport shall, at its sole cost, expense and effort, construct a sewage collection facility for Springhill Suites @ Bellport, 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 Springhill Suites @ Bellport until the sewage collection facility for Springhill Suites @ Bellport has been completed and Springhill Suites @ Bellport 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 Springhill Suites @ Bellport 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 Springhill Suites @ Bellport, 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 Springhill Suites @ Bellport 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.

10th RESOLVED, that if M7A does not complete construction of the Stage 3 expansion by a date to be determined by the Agency staff, the connection fee of Thirty dollars (\$30.00) per gallon per day (\$579,900.00) shall be paid directly to the District by Springhill Suites @ Bellport, and the interim approval to connect directly to the District shall become final.

(Suffolk County Sewer Agency meeting 6/15/09)

Ben mentioned that this project is an existing shopping center situated on 6.844 acres located on the northeast corner of CR 83 - Patchogue – Mt. Sinai Road and NYS Route 25. The developer is requesting connection to SCSD #11 – Selden. The expansion of SCSD #11 resulted in an additional 47,000 GPD of capacity which was approved by NYSDEC. The connection fee rate for the 10,000 GPD requested by the developer is \$15.00 GPD, of which \$7.06 GPD will be paid to the District 11 venture and the balance of \$7.94 GPD will be paid to the district.

Staff recommended approval.

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq. stated he was and introduced John Berchtold, P.E. and a principal of the owner, Darius Farahzu. Mr. Wishod said that Ben had stated correctly, and that after consultation with DPW and DHS, it had been determined to install a pump station and force main to a manhole on Patchogue- Mt. Sinai Road and abandon the de-nite system currently used by the project. Mr. Minei stated the DHS had received the application for the project.

Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to approve the resolution, the motion was seconded by Mr. Santiago, and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 29 - 2009

AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF SELDEN COMMERCIAL CENTER (BR-1616) TO SUFFOLK COUNTY SEWER DISTRICT No. 11 - SELDEN

WHEREAS, Selden Commercial Center is an existing shopping center complex in Selden, New York, on property identified on the Suffolk County Tax Map as District 0200, Section 474.00, Block 02.00, Lot 001.000, and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 11 – Selden (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, it is anticipated that Selden Commercial Center will generate a sewage flow of Ten thousand gallons per day (10,000 GPD), and

WHEREAS, the owner of Selden Commercial Center has applied to this Agency for permission to connect Selden Commercial Center to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage (District 11 Venture plant expansion) which is expected to emanate from Selden Commercial Center, and

WHEREAS, Sewer Agency Resolution 6-2006 (April 17, 2006), stated that the connection fee was at the rate of \$15.00 GPD and established \$7.06 GPD as the amount the District 11 Venture could charge the connectees to cover the cost of construction. The District 11 Venture has a right to recover their costs as part of the agreement for expanding the District and the balance of the \$15.00 connection fee (\$7.94 GPD) is to be paid to the District, and

WHEREAS, the connection of Selden Commercial Center to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Selden Commercial Center 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 Ten thousand gallons per day (10,000 GPD), of capacity in the District's sewage treatment plant be allocated to Selden Commercial Center, and it is further

3rd RESOLVED, that the connection authorized herein is subject to the approval of the Suffolk County Legislature and the New York State Department of Environmental Conservation, and it is further

4th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of Selden Commercial Center, 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 to the District for Selden Commercial Center was paid on May 6, 2009, at the rate of \$7.94 per gallon of sewage per day for a total of \$79,400.00, and the rate of \$7.06 per gallon of sewage per day for a total of \$70,600.00 shall be paid to the District 11 Venture, and it is further

6th RESOLVED, that Selden Commercial Center, Inc. shall, at its sole cost, expense and effort, construct a sewage collection facility for Selden Commercial Center, 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 the developer of Selden Commercial Center 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 Selden Commercial Center, as well as for all of the developer's obligations under the Connection Agreement, and it is further

8th 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 Selden Commercial Center 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 6/15/09)

Ben mentioned that Sandy Hills at Middle Island is a proposed development consisting of 135 various type units, 13,000 sqft. of business space, club house, and pool, in Middle Island, New York, situated on 38.26 acres, bounded by Bailey Road on the north and Middle Country Road (NYS Route 25) on the south. The estimated flow from this project is 50,000 GPD for which the developer requests Formal Approval to build an on-site STP. Additionally, there is no existing Suffolk County Sewer District in the vicinity of this project. Additionally, the private plants in the area do not have excess capacity available in the amount required for this project. The Town of Brookhaven after review issued a Positive Declaration. Subsequently, after review of the DEIS, FESI, and FSEIS issued a Findings Statement. The agency must issue its own Findings Statement prior to approving the resolution.

Staff recommended adopting the Findings Statement and granting Formal Approval for the project.

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq. stated he was and introduced Gary Becker, P.E. and Frank Weber. Mr. Becker stated that Tom Lembo, P.E. was also involved in the project. Mr. Becker stated that he had nothing to add to Ben's narrative. Mr. Minei mentioned that the DHS had a difference of opinion with Brookhaven Town's location of the STP and direction of groundwater flow and that the DHS would issue its own Findings Statement. Mr. Gulizio asked the status of the project with the town of Brookhaven, to which Mr. Lembo replied, that the engineering design put the STP as south as possible. Mr. Minei asked if the wells were in the SCWA recharge area and Mr. Lembo stated that the engineering design put the STP as south as possible. Mr. Gulizio asked if the Town had accepted the location of the STP, to which Ben replied that the DHS would ultimately approve the STP location.

Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to adopt the Findings Statement, the motion was seconded by Legislator D'Amaro, and approved unanimously.

Commissioner Anderson asked if anyone had any questions or comments, seeing none, made a motion to approve the resolution, the motion was seconded by Mr. Szabo, and approved unanimously.

Suffolk County Sewer Agency

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

335 Yaphank Avenue
Yaphank, NY 11980
(631) 852-4010

Date adopted by the SCSA: June 15, 2009

Title 6 NYCRR Part 617.11 –
Decision-making and findings requirements
State Environmental Quality Review
Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Suffolk County Sewer Agency, as involved agency, makes the following findings

Name of Action: Sandy Hills Condominiums – Construction, Operation, and Maintenance of an On-Site Sewage Treatment Plant (BR 1578)

Description of Action: This project includes the construction, operation, and maintenance of an on-site sewage treatment plant to service the wastewater generated from 144 residential units and 13,000 sq. ft. Office space located on 38.26 acres.

Location: East side of CR 21 – Middle Island / Rocky Point Road between NYS Route 25 and Bailey Road.

Agency Jurisdiction: Construction, Operation, and Maintenance of an On-Site Sewage Treatment Plant

Date FEIS filed: February 16, 2009

Facts and conclusions in the environmental review record relied upon to support the decision:

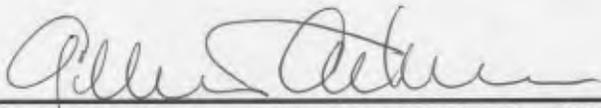
1. Sandy Hills Condominiums has been the subject of a review by the Brookhaven Town Board. The Town Board declared the project a Type I action and issued a Positive Declaration. Subsequently, a DEIS, FEIS, and FSEIS were submitted by the developer. After review, the Town Board issued a Findings Statement on April 16, 2009.
2. The DEIS, FEIS, and FSEIS adequately addressed impacts to the groundwater resources.
3. The impacts relevant to the Sewer Agency identified within the SEQRA process have been shown to be insignificant or adequately mitigated.
4. The Sewer Agency has reviewed the proposed action as submitted by Sandy Hills Condominiums and determined that it is consistent with the final project as identified within the DEIS, FEIS, and FSEIS and the Brookhaven Town Board SEQR Findings Statement.

Certification to Approve:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Suffolk County Sewer Agency



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

6/18/09
Date

Address of Agency:
Suffolk County Sewer Agency
335 Yaphank Avenue
Yaphank, NY 11980

cc: Other Involved Agencies
Applicant

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 30 - 2009

AUTHORIZING THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ON-SITE SEWAGE TREATMENT PLANT AT SANDY HILLS CONDOMINIUMS – BR-1578

WHEREAS, Sandy Hills Condominiums is a proposed development consisting of 144 various type residential units, with 13,000 sq. ft. office space, club house, and pool, in Middle Island, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 378.00, Block 02.00 and Lot 003.003 in an area bounded by Bailey Road on the north and Middle Country Road (NYS Route 25) on the south, and

WHEREAS, the sewage flow from Sandy Hills Condominiums is expected to be fifty thousand gallons per day (50,000 GPD) when fully developed, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Sandy Hills Condominiums with available capacity to serve the development's sanitary needs, and

WHEREAS, Sandy Hills Condominiums has applied to this Agency for permission to construct an on-site sewage treatment plant for Sandy Hills Condominiums, and

WHEREAS, the construction of an on-site sewage treatment plant for Sandy Hills Condominiums will be environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

^{1st} RESOLVED, by the Suffolk County Sewer Agency as follows:

The Issuer hereby finds and determines:

(a) The Agency's jurisdiction over the project is the Construction, Operation, and Maintenance of an On-Site Sewage Treatment Plant.

(b) Based upon an independent review by the Issuer of the DEIS, FEIS, and FSEIS, and the Brookhaven Town Board's Statement of Findings, the Issuer hereby concurs in the Brookhaven Town Board's findings and decisions contained in the Statement of Findings and hereby adopts the Statement of Findings attached hereto as Exhibit A as its own Statement of Findings under SEQRA.

(c) Having considered the DEIS, FEIS, and FSEIS, the Brookhaven Town Board's Statement of Findings and such other documents as may be necessary or appropriate, the Sewer Agency finds that:

(i) The requirements of 6 NYCRR Part 617 have been met;

(ii) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the environmental impact statement; and

(iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.

(d) The basis for this decision is set forth in the Statement of Findings attached as Exhibit A hereto and incorporated by reference herein, thus all of the provisions of SEQRA have been complied with.

2nd RESOLVED, that Sandy Hills Condominiums be permitted to construct, operate, and maintain of an On-Site Sewage Treatment Plant, 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

3rd RESOLVED, that the connection authorized herein is subject to the approval of 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 "Construction Agreement") between the owner of Sandy Hills Condominiums, 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 Sandy Hills Condominiums shall, at its sole cost, expense and effort, construct a sewage collection facility for Sandy Hills Condominiums, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

6th RESOLVED, that no Certificate of Occupancy shall be issued for any portion of Sandy Hills Condominiums until the sewage collection facility and sanitary sewerage facilities for Sandy Hills Condominiums has been completed, and Sandy Hills Condominiums has been connected to the sanitary sewerage facilities, all to the satisfaction of DPW, and it is further

7th RESOLVED, that the developer of Sandy Hills Condominiums 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 Sandy Hills Condominiums, as well as for all of the developer's obligations under the Connection Agreement, and it is further

8th 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 Sandy Hills Condominiums 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 6/15/09)

C. Miscellaneous - Discussion item

1. Connection of Jado's 2 Restaurants (SM-1427)

(Famous Dave's and Carrabba's Italian Restaurant to the Galleria WWTP)

Ben mentioned that this item was an issue with DPW, DHS, and the Town of Smithtown. An application for the connection could be made at a forthcoming Agency meeting depending on discussion at this meeting. Furthermore the connection of the two restaurants to the treatment plant would be a simple matter since the lines and sewers were already in place. The connections have been delayed as discussion on finalizing or dissolving the district continues. Ben mentioned that if the issue could be resolved, the restaurants could submit applications for connection at the next Agency meeting. Discussion ensued as to the connection fees and legal and engineering costs, Mr. Wishod stated that he did not have a problem with paying the engineering and legal fees from the connection fee. Ms. Spahr mentioned that she did not think it was appropriate for the county to collect the connection fees since the plant was privately owned and to reduce the connection fee by the "soft" costs was also inappropriate. Legislator Kennedy mentioned that the connections should be allowed since they would be environmentally beneficial. Mr. Wishod stated that a battle had been ongoing between the county and the owners of the Galleria STP, primarily over the O&M costs associated with county operation of the plant.

Seeing no further discussion, Commissioner Anderson closed the discussion and seeing no further business made a motion to adjourn the meeting, the motion was seconded by Legislator D'Amaro and approved unanimously at 12:00.

Respectfully submitted,

Craig A Platt
Secretary, SC Sewer Agency