

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: Romaine, Schneiderman, Browning, Muratore,
Viloria-Fisher, Losquadro, Eddington, Montano, Cilmi, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, and Cooper,
Ed Dumas, Chief Deputy County Executive for Policy and
Communications, 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: March 8, 2010

SUBJECT: **Minutes of the Suffolk County Sewer Agency – February 22, 2010**

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

GA/BW/cp – Attachments

cc: Thomas LaGuardia, P.E., Chief Deputy Commissioner, SCDPW
Louis Calderone, Deputy Commissioner, SCDPW
Ben Wright, P.E., Chief Engineer, Division of Sanitation, SCDPW
John Donovan, P.E., Principal Civil Engineer, SCDPW
Laura Conway, C.P.A., Administrative Services, SCDPW
Linda Spahr, Esq., SC Department of Law
Robert Braun, Esq. SC Department of Law
Walter Hilbert, P.E., SC Dept. of Health
Walter Dawydiak, P.E., SC Dept. of Health
Tim Laube, Clerk of the Legislature
William Spitz, NYSDEC
Yves R. Michel, Commissioner Economic Dev. and Workforce Housing
Adam Santiago, Aide to Presiding Officer Lindsay
Justin Littell, Aide to Legislator Louis D'Amaro
Karen Klafter, Aide to Legislator Louis D'Amaro
Lisa Broughton, Office Economic Development
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency

Meeting Minutes

February 22, 2010

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 Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the Public Works and Transportation Committee, Michael Cavanaugh, representing Presiding Officer Lindsay, Justin Littell, representing Legislator D'Amaro, Tom Isles, Suffolk County Director of Planning, Walter Hilbert P.E., representing the Commissioner of the Department of Health Services, and Lisa Broughton, Office of Economic Development, representing County Executive Levy

Also present were Robert Braun, Esq. of the Suffolk County Department of Law and Craig A Platt, Secretary, Suffolk County Sewer Agency.

See the attached sign-in sheet for others in attendance.

Welcome by Commissioner Anderson, to the February 22, 2010, meeting of the Suffolk County Sewer Agency, and introduction by Roll Call.

I. **Roll Call** - (see above)

II **Minutes of Previous Meeting**

Minutes from SCSA for the January 25, 2010 meeting were discussed. A motion to accept the minutes as written was made by Commissioner Anderson and seconded by Ms. Broughton. The motion was approved with Ms. Stark abstaining.

III. **Public Portion** – There were No requests to address the Agency

A. Formal Approval

ROYAL HEALTH & RACQUET CLUB

BR 1565

Craig mentioned that this project is an existing sport complex situated on 5.65 acres, on the north side of Middle Country Road (NYS Rt. 25), west of Cleveland Avenue in Coram, NY. The project is currently using a septic system for disposal of its sanitary wastes. This project received Conceptual Certification as part of the District 11 Venture's Expansion of SCSD #11 – Selden, and subsequently was granted Formal Approval to connect for 8,009 gallons per day.

Staff recommended granting the request for a time extension to complete the Connection Agreement.

Commissioner Anderson asked if a project representative was present and Ms. Lisa Perry stated that she was and mentioned that additional time was necessary to complete the Connection Agreement. Mr. Isles mentioned that the time extension would allow an additional year to complete the agreement. Commissioner Anderson asked if there were any questions or comments, seeing none, made a motion to approve, the motion was seconded by Mr. Cavanaugh and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 4 - 2010

**AUTHORIZING AN EXTENSION OF TIME FOR THE
COMPLETION OF THE CONNECTION AGREEMENT
BY ROYAL HEALTH & RACQUET CLUB, INC. (BR-1565)
TO SUFFOLK COUNTY SEWER DISTRICT No. 11 - SELDEN**

WHEREAS, on January 26, 2009, this Agency adopted Resolution No. 2-2009, authorizing the connection of Royal Health & Racquet Club, Inc. to the Suffolk County Sewer District No. 11 - Selden, and

WHEREAS, Resolution 2-2009, granted a one year time for completion of the Agreement, but the year has passed without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are incomplete, and a proposed agreement is being prepared, and

WHEREAS, the developer of Royal Health & Racquet Club, Inc. has requested an extension of the authorization granted in Resolution No. 2-2009,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 2-2009, adopted by this Agency on January 26, 2009, 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 February 22, 2010)

Craig mentioned that this project is a proposed 155 unit subdivision consisting of 77 condominiums, 78 apartments, and a community center situated on 14.574 acres located on the northwest corner of Pulaski Road and Elwood Road in East Northport. The developer requested approval to construct an on-site STP for the estimated flow of 37,500 GPD. An engineering report and site plan dated 2/8/10 was submitted last week and the project is currently on the list for review. The project has the support of the Suffolk County Dept. of Economic Development And Workforce Housing.

There is no County sewer district in the vicinity of this project. The Huntington Town Planning Board issued a positive declaration for the FEIS submitted by the developer, and staff reviewed the DEIS and FEIS submitted to the Huntington Town Planning Board and created a Findings Statement, which must be reviewed and adopted prior to proceeding to Formal approval of the project.

Staffed recommended adopting the Findings Statement and granting approval to construct an On-Site STP.

Commissioner Anderson asked if a project representative was present and Michael P Chiarelli, P.E. stated that she was and introduced Susan Lagville, the Executive Director of Housing Help Inc. Commissioner Anderson asked if Ms. Lagville would like to make a statement for the record and Ms. Lagville mentioned that the property was 14.5 Acres and the whole development is a condominium complex. Commissioner Anderson asked if the site plan and report had to be reviewed, to which Craig replied, that the site plan and report was received from the engineer last week and the submittal had not been reviewed. Commissioner Anderson asked if the best course of action was to table the motion pending review, to which Craig replied that the Agency could approve the project subject to departmental review. Mr. Chiarelli mentioned that this was the second submittal in response to departmental comments and would like Formal Approval. Mr. Hilbert mentioned that the DHS had done an extensive review of the project. Commissioner Anderson asked Mr. Hilbert if he would be comfortable if the Agency approved the project, to which Mr. Hilbert replied, yes. Mr. Isles asked if there were any substantive issues that the Agency should be aware of, to which Craig replied, not that he was aware of. Mr. Littell asked if any of the units were affordable to which Ms. Lagville replied, they all were affordable. Mr. Isles asked if that the proposed STP was a regular treatment plant and not a cromaglass type to which the reply was yes. For the sake of clarity, Commissioner Anderson asked if the site would require a variance, to which Mr. Hilbert replied that a variance of the setback would be required the way the site is laid out. Mr. Hilbert continued that they do not have 200' setback so they would have to go before the Board of Review.

Commissioner Anderson seeing no more questions or comments, made a motion to approve, the motion was seconded by Mr. Littell, Mr. Braun mentioned that first motion should be to approve the Findings Statement and the second to approve the resolution.

Commissioner Anderson made a motion to approve the Findings Statement; the motion was seconded by Mr. Littell, and approved unanimously. Commissioner Anderson then made a motion to approve the resolution, Mr. Littell seconded the motion, the motion was approved unanimously.

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Sewer Agency Memorandum

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

CC: Suffolk County Sewer Agency

From: Ben Wright, P.E.

Date: February 19, 2010

Subject: **Sewer Agency SEQRA Evaluation – Matinecock Court (HU-1398)
Construction of an On-Site Sewage Treatment Plant**

Having reviewed the environmental record for the above-referenced project requiring a SEQRA finding at the February 22, 2010, Sewer Agency meeting, consideration should be given to the following:

The Huntington Town Planning Board was declared the Lead Agency with respect to the development of the entire Matinecock Court project of which the proposed project is part and has completed the environmental review process during which a Final Environmental Impact Statement (FEIS) was prepared and a Findings Statement issued. Having received the FEIS on the Matinecock Court project, the Sewer Agency should issue its own Findings Statement regarding the project, stating that the Agency has reviewed the FEIS and the project before them is in conformance with the FEIS and the Huntington Town Planning Board's findings. Once the Sewer Agency has adopted their own Findings Statement, they can proceed with final approval of the project.

BW/cap

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: February 22, 2010

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: Construction of an On-Site Sewage Treatment Plant for Matinecock Court (HU-1398).

Description of Action: This project is a proposed residential development consisting of 155 condominium type units, of which 78 will be rental and 77 privately owned, with a community building. The proposal is for the construction of an on-site sewage treatment plant capable of treating the proposed Thirty Seven Thousand Five Hundred Gallons per Day (37,500 GPD) of wastewater. The project is not within the boundary of any Suffolk County Sewer District or within close proximity to any Sewer Agency project with available capacity. An application has been made to the Sewer Agency to construct an on-site sewage treatment plant.

Location: N/W/C Pulaski Road (CR-11) an Elwood Road (CR-10) in East Northport.

Agency Jurisdiction: Suffolk County Sewer Agency project HU-1398 – On-Site STP

Date FEIS filed: October 2006

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

1. The proposal for the Matinecock Court has been subject of a DEIS and FEIS and the Huntington Town Planning Board declared the project a Type I action and after review issued a Positive Declaration, subsequent to the review the concerns of the Huntington Town Planning Board were mitigated by Matinecock Court and a Findings Statement was issued by the Huntington Town Planning Board.
2. The DEIS and FEIS adequately addressed impacts to the groundwater resources.
3. The impacts relevant to the Sewer Agency identified within the SEQR process have been shown to be insignificant.

4. The Sewer Agency has reviewed the proposed action as submitted by Matinecock Court and determined that it is consistent with the final project as identified within the DEIS and FEIS and the Huntington Town Planning Board SEQR Findings Statement.
5. By constructing on On-Site Sewage Treatment Plant, the project's impact on the groundwater is minimized.

Sewer Agency Findings/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.

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

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. 5 -2010

AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT AT MATINECOCK COURT (HU-1398)

WHEREAS, Matinecock Court is a proposed development of 77 condominiums, 78 apartments, and a community center, located on the northeast corner of the intersection of Pulaski Road and Elwood Road, in East Northport, Town of Huntington, New York, situated on property identified on the Suffolk County Tax Map as District 0400, Section 114.00, Block 04.00, Lot 007.000, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Matinecock Court with available capacity to treat the proposed Thirty Seven Thousand Five Hundred (37,500) Gallons Per Day of wastewater, and

WHEREAS, Matinecock Court has applied to this Agency for permission to construct an on-site sewage treatment plant to treat such wastewater for Matinecock Court, and

WHEREAS, this Agency has determined that the Thirty Seven Thousand Five Hundred (37,500 GPD) gallons per day of sanitary sewage generated by the said project shall be treated at an on-site sewage treatment plant to be constructed by the developer, and

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

NOW, THEREFORE, BE IT

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

The Suffolk County Sewer Agency hereby finds and determines:

- (a) The Action is a Type I Action pursuant to SEQR.
- (b) The Agency's jurisdiction over the Facility is the construction of an On-Site Sewage treatment plant.
- (c) Based upon an independent review by the Issuer of the DEIS, FEIS, and the Huntington Town Planning Board's Statement of Findings, the Issuer hereby concurs in the Huntington Town Planning 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 SEQR.

(d) Having considered the DEIS, FEIS, the Huntington Town Planning Board's Statement of Findings and such other documents as may be necessary or appropriate, the Sewer Agency certifies 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.

(e) 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 SEQR have been complied with.

2nd 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 irrevocably 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 condominiums 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

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 of Matinecock Court 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 February 22, 2010)

VI. Miscellaneous

1. Discussion

a. Resolution Expiration Dates

Craig explained that the purpose of the discussion concerned the Affordable Housing law and Formal Approvals which have expired. The issue before the Agency is if a project received Formal Approval prior to the effective date of the law and the approval expires; is the project then subject to the Affordable Housing Local Law. Commissioner Anderson asked Mr. Braun for an opinion to which Mr. Braun replied, that it is within the authority of the Agency to adopt a rule to address the issue. Mr. Braun continued that without a rule to address this the Agency would have leeway to address each project on its merits. It may be possible that the expiration is due to administrative delay or something beyond the control of the submitter. However, if the project's approval expired without cause for a considerable amount of time, the Agency may consider the application as a new application.

Commissioner Anderson mentioned by not adopting a rule, the Agency had more flexibility, to which Mr. Braun replied that either way the Agency had the flexibility. Mr. Braun mentioned that the Agency should have a policy to address the issue. Ms. Broughton mentioned that part of the policy should be whether or not the project had any changes, such as the approved request was for a different number of units. Mr. Braun replied that it is within the authority of the Agency to do so. Commissioner Anderson asked if the best way to have a policy in place was have staff draft a resolution, to which Mr. Braun replied, that one option is for the Agency to consider the issue and make a decision at a later date. Commissioner Anderson asked how many projects fit into the category, to which Craig replied, that he would have review the files to determine how many would fit in the category. Mr. Braun suggested that maybe Agency staff could keep a log of expiration dates and notify the projects of pending expiration dates. Mr. Braun continued that this was not the Agency's obligation but might be helpful. Mr. Cavanaugh mentioned that he thought most projects apply for the renewal but maybe there are projects with approval without an extension that have been sitting there for a number of years. Mr. Braun mentioned that there maybe projects which fit that description, but if a project is exempt from the Affordable Housing legislation and the resolution expired a month ago, would the Agency then want to subject the project to the legislation because the approval expired a month ago; that is the question. Mr. Cavanaugh mentioned that usually a project submits a renew application prior to the approval expiration, there should be a way to make sure every project is current, by setting a time frame for granting extensions. Mr. Cavanaugh continued, that way if the extension is not granted within that time frame it would be treated as a new application and subject to current legislation. Mr. Littell asked if currently the onus is on the applicant to file before the approval expires, to which Mr. Braun replied, yes, we do not give them any notice. Mr. Cavanaugh asked if the Agency could have a list of projects in this category, Ms. Broughton mentioned that in light of the economy it was possible that financing may be an issue and thought it might not be proper to change the rules because of financing issues, although projects do have a responsibility to apply for extensions. Mr. Lembo mentioned that the next agenda item was a perfect example, (Village Green at Sayville) the project applied in October of 2006,

and does not meet the requirements of the 20% (Affordable Housing), although there is an aspect of Affordable Housing in the project.

Mr. Lembo continued that the economy is a perfect example over the past four years of why some of the projects have not moved forward. The economy should be considered and the Agency may want to consider the projects on a case by case basis. Mr. Isles mentioned that he agreed with this, however, if a project has failed to renew the approval and it has been four years, it is time look at the project fresh again. Ms. Broughton suggested tabling the item until staff provides the information on the affected projects. Mr. Isles suggest including the projects legislative resolution. Commissioner Anderson made a motion to table the discussion pending staff supplying the information; the motion was seconded by Ms. Broughton and passed unanimously.

b. Village Green at Sayville (IS-1452) – Sayville School District Easement

Commissioner Anderson mentioned that the project is before the Agency at the request of the Town of Islip. The situation is such that the Village Green would like to run a force main which would take a circuitous route. The best alternative would be to go through the school property. However, the School Board refused to allow a private entity to have an easement on school property, and to obtain permission from the district would take a referendum which the School Board refuses to approve. Tom Lembo identified himself as the engineer for the applicant. Mr. Lembo introduced Dave Janover, the Town of Islip Engineer, Tom Dixon of Nelson & Pope, and Lou Petrizzo, the project attorney. Mr. Lembo mentioned that in October 06 the original application to the Agency was made, in November 06, the application was submitted to New York State DOT. The original plan was to go westbound along the south Sunrise Highway service road from Lincoln Avenue to Johnson Avenue, the STP is located on Johnson Avenue and has capacity available. Mr. Lembo continued, that in his estimation this was the best route, and connecting to an existing STP conformed to the Agency's policy of non-proliferating sewage treatment plants. A stumbling block was encountered with the DOT. The project went through an extensive review by the DOT, the outcome was that the use and occupancy fees could cost around \$15,000-\$20,000 per month and the State had the right to disconnect the line at any time. Subsequently, four alternate routes were explored. (At this time Mr. Lembo approached the Agency members with maps showing the location of the alternatives). Mr. Lembo explained the four routes and the problems encountered with each.

1. South Service Rd. to Sunrise Village to Johnson Ave. – Above-referenced DOT Issues.
2. Through School District parking lot - School District refused the request.
3. Through a School District ball field - School District refused the request.
4. Through a private easement along 540 Marseille Path - Town would not approve a Road Opening Permit due to disruption of the community.

The School District intimated to the developer that the Board would approve a county request for an easement, and that once the county had the easement the county could permit the developer to access the easement. Commissioner Anderson asked if the county was planning to take over the district, to which Mr. Lembo replied, that three developments were or would be serviced by the treatment plant; Sayville Villas, the extension of Kemi Lane project (Winmar Homes), and Sayville Greens. Mr. Lembo continued that the big issue for the Town of Islip was the disruption to the community. Commissioner Anderson mentioned that the route included in the packet he received from the Town traversed along Maria Court to Johnson Avenue, across Laurel Lane to Marseille Path to the STP. Mr. Lembo mentioned that this was one of the original options; Mr. Janover mentioned that the Town of Islip wanted an alternate route. Mr. Cavanaugh asked which route was amenable to the School District to which Mr. Lembo replied that the most direct would be through the school parking lot. Commissioner Anderson asked if the force main would become the county's responsibility since it would be in a county easement, to which Mr. Lembo replied, that was correct. Commissioner Anderson mentioned that this seemed like the only option, to which Mr. Lembo replied, yes, they had looked into a cromaglass system that the Town did not like the idea and Commissioner Anderson added that most likely the Health Department felt the

same way. Ms. Broughton asked how many units were in the development to which Mr. Lembo replied, 38 units, Mr. Petrizzo added, four are which are affordable. Commissioner Anderson mentioned that the options were proliferating a cromaglass system or supporting the proposal for the easement. Mr. Braun mentioned that he was trying to understand what was happening and asked if he understood correctly that the proposal was the county would be the party with the easement and would allow the developer to install the pipe in the easement? Or is it going to be that developer is going to dedicate the pump station and force main to the county right away, to which Mr. Lembo replied, no, the pump station and force main remain in private hands and the county allows the developer to access the force main through the county's easement. Mr. Lembo continued that the force main would be the developer's responsibility, and if the developer did not address a problem within a reasonable amount of time, the county could step in, fix the issue, and back charge the developer. Commissioner Anderson asked if the intent was to dedicate the system to the county, to which Mr. Lembo replied, that every agreement contains the language for dedicating the facility to the county. Mr. Lembo continued that unfortunately, the cost for the county to operate a plant can be two to three times more than a private developer. Mr. Cavanaugh mentioned that the presiding Officer is favorable to the request. Mr. Littell asked if the county law department had seen the proposal and had the opportunity to scrutinize the details, to which Mr. Braun said he had not seen the proposal and was not sure if Ms. Spahr had, Commissioner Anderson added that he thought Ms. Spahr had not because only recently had he seen the proposal. For clarity, Mr. Isles asked for the details of the project and STP. Mr. Lembo mentioned that the capacity of the plant was 100,000 GPD, 75,000 was dedicated and assigned, Mr. Lembo added that he did not know the actual flow at that time. In Mr. Lembo's calculations approximately 23,000 GPD was available and Sayville Greens required around 12,000 GPD, so capacity was available. Mr. Braun asked if this would be a three party agreement, which would include the county, the developer, and the owner of the STP (Sayville Villas), to which Mr. Lembo replied, yes, and that the developer was currently in contract with Sayville Villas for the capacity. Mr. Braun asked if the reason the developer wanted the county to get the easement was to avoid a district referendum, to which Mr. Lembo replied, yes. Mr. Braun continued mentioning that they were willing to give the easement to the county for the same purpose to which Mr. Lembo replied, yes. Commissioner Anderson mentioned that according to the information he had been provided, either the issue had to have the district referendum or the School Board could address the issue by giving the county the easement. Mr. Isles asked what the developer would do if the County denied the request, would they pursue a district referendum to allow the private easement, to which Mr. Lembo replied, that it probably was impossible to get the district to do a referendum, that it is the school board that puts the referendum before the public and on two occasions the board has denied the developer's request to do so. Mr. Braun asked if the school district was contemplating a payment of some sort from anyone, to which Mr. Lembo replied, no that issue had not been part of the discussion. Commissioner Anderson mentioned that at this point the Agency was considering the possibility of moving in the direction of the county getting the easement and that the other legal issues had to be worked out; such as county responsibility and protecting the county. Mr. Lembo mentioned that the Agreement covered that aspect of the developer's responsibility for the force main and the issue would be working out the details of accessing the force main should that be necessary. Commissioner Anderson mentioned that the issue before the Agency was to conceptually support the easement, and other options would include the Town of Islip reconsidering its decision, the School Board allowing a District referendum, or the project would have to go

with a cromaglass plant. Mr. Isles mentioned that if the Agency decided not to go with the easement and the school district disapproved the easement, would the Town would have to reconsider its decision. Mr. Isles continued, that regularly the roadways are torn up to install utilities, to which Mr. Janover replied, that the Town would have to allow it and require full depth restoration of the roadway which could be quite costly. Mr. Isles asked if the main would go in the middle of the roadway or on the shoulder to which Mr. Lembo replied, that it depends on the location of the water main, but thought it would be in the middle of the roadway. Mr. Petrizzo mentioned that the restoration of the roadway may be cost prohibitive and that an on-site STP would be more cost effective. It was mentioned that from the Town's perspective they were trying find the best way to move forward for the residents. Mr. Lembo clarified the project's position in that they were asking the Agency to obtain the easement to allow the developer to install the force main and that the developer would maintain the force main. Commissioner Anderson mentioned that effectively it would be that the easement is granted to the county, and Mr. Lembo mentioned that the Agency then would grant access to the easement to the developer. Commissioner Anderson mentioned that tabling the issue would allow the County Attorney's office to make a determination. Mr. Isles mentioned that the Agency in trying to assist the developer had certainly looked into a number of alternatives and that it may be a legal question worth pursuing. Mr. Braun asked if there had been any opposition in the community, to which Mr. Lembo replied, that he did not know. Discussion ensued as to why the School Board was reluctant to put the issue up for a vote. In answer to Mr. Braun's question of why the School Board would allow the county and not a private entity an easement, Mr. Petrizzo mentioned that he thought that the School Board did not want to be seen an impediment to allowing the property to connect to the sewers and that they did not want to set a precedent by allowing a private entity an easement to school district property. Mr. Lembo asked if the Agency had any idea when the item would be back on the agenda, Commissioner Anderson replied that the County Attorney's office needed time to look into the issue and the developer would be notified prior to the meeting. Mr. Cavanaugh mentioned that the main issue would be protecting the county and that it seemed like a reasonable request.

Commissioner Anderson closed the discussion and seeing no further business, made a motion to adjourn. The motion was seconded by Ms. Broughton and approved unanimously at 11:51.

Respectfully submitted,

Craig A Platt
Secretary, SC Sewer Agency

Sign-in

February 22, 2010

No.	Name	Firm/Company	Project
1	MIKE CHIARELLI	CHIARELLI ENGINEERING	MATINECOCK COURT
2	EUSAN LAQUILLE	Housing Help Inc	matinecock Court
3	Louis J. Petrizzo	Louis J. Petrizzo ASSO	Village Green @ Sayville
4	DAVID JAVOVAR, P.E.	TOWN OF ISLIP	Village Green @ Sayville
5	LISA PERRY	ROYAL HEALTH + RACQUET	SEWER CONNECTION
6	TOM LEMBO	NELSON'S POPE	VILLAGE GREEN
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If you are not a project representative but would like to address the Sewer A