

Suffolk County Sewer Agency

Meeting Minutes

June 21, 2010

The meeting was called to order at 11:00 AM by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance were Michael Cavanaugh, representing Presiding Officer Lindsay, Legislator Louis D'Amaro, the Sewer Agency Legislator At Large, Tom Isles, Suffolk County Director of Planning, Walter Dawydiak 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 Ben Wright, P.E., Chief Engineer of the Suffolk County DPW Sanitation Division, John Donovan, P.E., Suffolk County DPW Sanitation Division, Robert Braun, Esq. of the Suffolk County Department of Law, and Geneen Fogarty, Suffolk County DPW Sanitation Division.

Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the Public Works and Transportation Committee arrived as the meeting was in progress.

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

Welcome by Commissioner Anderson, to the June 21, 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 May 17, 2010 meeting were discussed. A motion to accept the minutes as written was made by Commissioner Anderson and seconded by Legislator D'Amaro. The motion was approved unanimously.

III. Public Portion – Ben mentioned that there were two requests to address the Agency, the first, Regina Seltzer from the Pine Barrens Society. Richard Amper asked if the Agency wanted to discuss the issue now or the particular subject reached the agenda, to which Commissioner Anderson replied, now, please. Ms. Seltzer mentioned that the various legal requirements that would prohibit the Agency from approving the project. Ms. Seltzer asked that the Agency take into account that there are any number of laws and regulations that prevent you (the Agency) from granting this permit at this time, thank you. Commissioner Anderson thanked Ms. Seltzer.

Ben mentioned that the second card was Richard Amper of the Long Island Pine Barren Society. Mr. Amper identified himself and mentioned he wanted the Agency to understand that the Sandy Hills project is in litigation at this time, and that the applicant has entered in to an stipulation with the Town of Brookhaven for the reconsideration of the zoning change, and there were covenants provided by the Suffolk County Planning Department that were not met and a majority plus one approval was not obtained. Mr. Amper closed by saying that the Agency should not make things worse until we can sort things out.

Ben added that Legislator Romaine wanted to speak at the appropriate time. Legislator Romaine expressed his concern about the Sandy Hills project and Sewer Agency standards and criteria for granting extensions. Mr. Romaine mentioned that another thing that concerned him as a county official and legislator for twenty-five years is the proliferation of sewage treatment plants. Mr. Romaine suggested the Sewer Agency table the matter of Sandy Hills, investigate the litigation, and speak with the Town of Brookhaven. Finally, Mr. Romaine stated that the Sewer Agency should establish a standard for extensions. Mr. Romaine stated that in his opinion that the Agency has no standard to extend an approval. He continued that when a project comes in for an extension the Agency asks no questions. Mr. Romaine mentioned that he had reviewed the minutes and the Agency has never rejected an extension, the Beechwood project has had seven extensions. Commissioner Anderson thanked Legislator Romaine and asked if there was anyone else desiring to address the Agency. Mr. Stu Sklar stated he did.

Mr. Sklar mentioned that he was there to speak about the sewage treatment plant on Blydenburgh Road, SD #13. Currently has a capacity of 400,000 GPD and it is reintroducing the water into the ground. Mr. Sklar expressed his concern about the groundwater levels in the area and the proposed expansion of the plant.. Commissioner Anderson thanked Mr. Sklar and asked if anyone else wanted to address the Agency and Ken Rubino said he did.

Mr. Rubino identified himself as a member of the North Fork Environmental Council and mentioned that the residents of Middle Island asked the North Fork Environmental Council to review the Sandy Hills Development sewer system as well as comment on the Town's planning in the Carman's River watershed area. Mr. Rubino expressed the Town of Brookhaven's lack of a complete study of the Carman's River watershed area and approving the project anyway. Commissioner Anderson thanked Mr. Rubino and asked if anyone else wanted to address the Agency and Mike Domino, who resides in Southhold, and is a member of the Board of Directors of the North Fork Environmental Council and a member of the Pine Barrens Advisory Committee, identified himself.

Mr. Domino stated that he agreed with the previous speakers and mentioned that the Agency mission statement is to look at standards of water availability and sewage treatment, the long term effects of the product of sewage treatment and the coordination of different agencies. Mr. Domino mentioned that the agencies should look at the long term consequences or impacts of approving a project like Sandy Hills. Commissioner Anderson thanked Mr. Domino and asked if anyone else wanted to address the Agency, seeing none closed the public portion and moved on to the next item on the agenda; Old Business.

IV. Old Business C. Miscellaneous
DISCUSSION ITEM:

1. Private Easement Sayville Greens (IS-1452)

Ben mentioned that this item was discussed sometime ago (February 2010). At issue is a request from the developer to have the Agency provide a mechanism to expedite their project and have an easement that would not necessitate the local school district from providing that easement to the developer. The County Attorney's office was going to look into the applicability of the Agency acting on such an easement. Ben continued that maybe Bob (Robert Braun of the County Attorney's office) would like to explain. Mr. Braun mentioned that looking at this; this would be an easement that would be granted to the Agency and stand alone in between a source of private wastewater and a private sewage treatment plan so that the agencies responsibility would be only for that portion of the pipe that crossed over school district property. The Agency would be granted the easement rather than the developer being granted the easement; the school district is permitted to give an easement to the Sewer Agency without a public referendum but not permitted to give the similar easement to a private developer without the referendum. The Agency once it was granted the easement would thereafter grant a sub-easement to the same developer across the same school district property. Mr. Braun mentioned that he could not find anything in the law prohibiting the Agency from doing so. However, this will lead to potential liability for the Agency; firstly it is not within a district, so the easement would be granted directly to the Agency, secondly, the potential for liability for the Agency, issues of maintenance of the pipe, lengthen the financial ability. Mr. Braun continued, despite any arrangement with the developer or with the subsequent Homeowners Association, there is always a possibility for a lack of financial ability to fulfill their obligation and then the Agency winds up maintaining a small piece of pipe between the private source of wastewater and a private sewage treatment plant. Mr. Braun mentioned that while the law doesn't prohibit the Agency from acquiring the easement it does not sound like a good idea. Mr. Braun added that if anyone had any questions concerning the legal aspects, he would be happy to try to provide an answer. Discussion ensued as to the merits of the County acquiring the easement and the Town allowing the developer to install the force main in the roadway. It was suggested that the dialogue continue between the County, Town of Islip, and the developer. Commissioner Anderson seeing no further discussion moved on to New Business.

V. New Business A. Formal Approval

COUNTRY VIEW ESTATES @ HOLTSVILLE

BR-1621

Ben mentioned that this project is a proposed 58 unit Homeowner's Association subdivision situated on 7.6± acres located on the south side of the Long Island Expressway, west of exit 63 – North Ocean Avenue, and there is no County Sewer District in the vicinity. The only other facility in the area is at the Crowne Plaza Hotel which does not have room for expansion of capacity for this development. The developer is applying to construct an On-Site Sewage Treatment System capable of treating the 14,400 GPD of wastewater generated. Ben continued; that the Agency staff has prepared a Findings Statement and a recommendation to adopt the Findings Statement and then approve the project. Ben added that the proposed project will be 25%-27% affordable housing.

Commissioner Anderson asked if a project representative was present and Eugene L Wishod, Esq. stated he was and introduced David Scro, the current owner's representative, Tom Lembo, of Nelson & Pope, and Bill Carman, the representative of the contract vendee, Don Eversoll of Timberidge Homes. Mr. Wishod said as outlined by Ben this project consists of twenty-seven percent workforce or affordable housing, there are thirty market units, sixteen affordable units, and twelve age restricted units. Mr. Wishod mentioned that most importantly, this project is ready to go, once the contract is signed and do what we have to do for the construction agreement. In these days of deep dark recession there is not much building is going on and they should be encouraged; responsible developers, workforce housing, and asked the Agency to approve the project. Discussion ensued as to the possibility of connection to another STP and the vicinity and it was determined that there was no capacity available and to the County Attorney's offices opinion that the Agency could not force a developer to connect to a private STP. Discussion ensued as to the change of zoning approval and as to the name and type of wastewater treatment system and the department's opinion on the effectiveness of the STP. Ben mentioned that the county operated a plant of this type and the SCDHS had approved a number of them.

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

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 11 - 2010

AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT FOR COUNTRY VIEW @ HOLTSVILLE (BR-1621)

WHEREAS, application has been made for Country View @ Holtsville which is a proposed 58 Unit Homeowner's Association subdivision, which includes a sewage treatment plant, located in Holtsville, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 696.00, Block 07.00, Lot 012.000, District 0200, Section 732.00, Block 0700, Lot 012000, & District 0200 Section 732.00, Block 0600, Lot 024.001, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Country View @ Holtsville to serve the development's sanitary needs, and

WHEREAS, Country View @ Holtsville has applied to this Agency for permission to construct an on-site sewage treatment plant for Country View @ Holtsville, and

WHEREAS, the construction of an on-site sewage treatment plant for Country View @ Holtsville will be environmentally beneficial to Suffolk County,

WHEREAS, this Agency has determined that the Fourteen Thousand Four Hundred gallons per day (14,400 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, and

WHEREAS, pursuant to Section 617.11, of the SEQRA regulations, the Suffolk County Sewer Agency has issued a Findings Statement, and requires no further action, and

NOW, THEREFORE, BE IT

1st RESOLVED, that pursuant to Section 617.11, of the SEQRA regulations, the Suffolk County Sewer Agency has issued a Findings Statement, that the project's environmental impact will be minimal, since it is routine or continuing agency administration and management involving the construction of an on-site sewage treatment plant to render service in an approved subdivision, and requires no further action, and is 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, now, therefore, be it further

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 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 Country View @ Holtsville 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 (June 21, 2010)

TOWNE HOUSE VILLAGE (SOUTH)**IS 1278**

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. The flow from the development is expected to be 35,000 GPD to SCSD # 13 – Windwatch. The connection has been approved by the DEC and capacity is available. An application has been made to the Sewer Agency for a time extension to complete the Connection Agreement.

Commissioner Anderson asked if a project representative was present and Gary Hisiger, Esq. stated he was. Mr. Hisiger said that since the Formal Approval was received they had worked on the agreement with Motor Parkway Associates and were working on the agreement with the Carematrix facility to access the pump station. Mr. Hisiger continued that the Carematrix facility has been barely cooperating, that a while ago the facility had been in bankruptcy and the new owners had taken the position that the easement agreement transferred from Motor Parkway Associates to Towne House Village void. Mr. Hisiger further explained the difficulties of negotiating with Carematrix. Legislator D'Amaro asked if the request was for an extension and if this was the first request for an extension from this project, to which Mr. Hisiger replied, yes. Legislator D'Amaro explained he had a few questions based on the standards that apply to granting an extension. Legislator D'Amaro asked if there had been any changes since the project was granted Formal Approval, to which Mr. Hisiger replied, that nothing has changed and that the existing STP continues to deteriorate, and that they were doing everything in the power to move the project forward. Legislator D'Amaro mentioned that the second standard which would apply is to ask whether or not the capacity was still available in the receiving district, to which Ben replied, yes, we do. Legislator D'Amaro mentioned that the third standard which would apply is to ask whether or not this was in the County's best interest to extend; from what he understood the project had a failing on-site sewage treatment facility, to which the reply was, yes. Legislator D'Amaro continued, and that the project was going to connect to an existing County system which was the policy that has been in place for several years to promote that. Legislator D'Amaro stated that he would have no objection to granting the extension. Discussion ensued as to the groundwater level in the area and the county determination that the expansion of the plant by 150,000 GPD a day will not have a significant impact on the groundwater.

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

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 12 - 2010

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

WHEREAS, on June 15, 2009, this Agency adopted Resolution No. 26-2009, authorizing the direct connection of Towne House Village Condominiums (IS-1278) to Suffolk County Sewer District No. 13 - Windwatch, and

WHEREAS, Resolution No. 26-2009, granted a one year time for completion of the Agreement, will expire on June 15, 2010, without the completion of the Agreement, and

WHEREAS, the Board of Towne House Village Condominiums has requested an extension of the authorization granted in Resolution No. 26-2009,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 26-2009, adopted by this Agency on June 15, 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 June 21, 2010)

TOWNE HOUSE VILLAGE NORTH (SPRING MEADOW)

(IS 1123)

Ben mentioned that this project is an existing 166 unit Homeowner's Association subdivision 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 HOA received permission to connect to SCSD # 13 - Windwatch. The connection has been approved by the DEC and capacity is available. An application has been made to the Sewer Agency for a time extension to complete the Connection Agreement.

Staff recommended granting the extension to complete the connection agreement.

Commissioner Anderson asked if a project representative was present and Gary Hisiger, Esq. stated he was. Mr. Hisiger said that since the Formal Approval was received they had worked out the agreement with Motor Parkway Associates. Mr. Hisiger mentioned that they were working on the remaining requirements including the Connection Agreement.

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

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 13 - 2010

**AUTHORIZING THE EXTENSION OF TIME FOR
THE CONNECTION OF SPRING MEADOW (TOWNE HOUSE VILLAGE NORTH) (IS-1123)
TO SUFFOLK COUNTY SEWER DISTRICT NO. 13 - WINDWATCH**

WHEREAS, on June 15, 2009, this Agency adopted Resolution No. 27-2009, authorizing the direct connection of Spring Meadow (Towne House Village North) (IS-1123) to Suffolk County Sewer District No. 13 - Windwatch, and

WHEREAS, Resolution No. 27-2009, granted a one year time for completion of the Agreement, became null and void on June 15, 2010, without the completion of the Agreement, and

WHEREAS, the Board of Towne House Village North Owners has requested an extension of the authorization granted in Resolution No. 27-2009,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 27-2009, adopted by this Agency on June 15, 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 June 21, 2010)

Ben mentioned that Sandy Hills at Middle Island is a proposed development consisting of up to 135 various type units, 13,000 sqft. office space, club house, and pool, in Middle Island, New York, located near Bailey Road and Middle Country Road. The estimated flow from this project is 50,000 GPD to be treated at an on-site STP. The project received Agency approval in June of 2009, and the developer is looking for an extension to complete the Construction Agreement. Additionally, as part of the approval a Findings Statement was issued by the Agency indicating that the Agency concurs with the Town of Brookhaven's Findings and decision on the development of the site. There are some facilities in the location of this project, SCDSD #23 was mentioned, this fifty thousand gallons a day would more than double the size of that facility and there looks as if there are some waiver restrictions and buffer distances that would require consideration by the SCDHS Board of Review. When we consider that there is not much capacity at that site or any capacity at Artist Lake Condominiums or Spring Lake, staff recommended granting the time extension request.

Commissioner Anderson asked if a project representative was present and Eugene L Wishod, Esq. stated he was and introduced Gary Becker from Nelson & Pope, who was intimately involved in the comprehensive environmental review conducted by the Town of Brookhaven, and Frank Webber, one of the principles of Sandy Hills. Mr Wishod mentioned that first he wanted to address the comments by Legislator Romaine regarding Agency standards. The Agency does have a standard, a standard that is the sound discretion of the Agency. If Agency abuses that discretion then it is subject to review. Looking at the factual background of each project that asks for an extension, I do not know how you can formulate a standard other than sound discretion because they all vary tremendously. The Agency staff also takes into account the effort put into a project in the application process, and tells the Agency that this project is still viable; the Agency is sensitive to that, as every one should be in this economy. Mr Wishod mentioned, that he disagreed that there is no standard, that standard is sound discretion. Mr Wishod continued in as far as the suggestion that the project to another treatment plant, the suggestion is about a year or two late. The Town adopted SEQRA and the Agency made its own finding and rejected the idea of connecting to another plant. The Agency must understand what has happened here by Mr. Amper and Ms. Seltzer, this is a controversial project, and you must know by now why an extension is required. The Brookhaven made its decision whether the vote is 4-3 or 7-0, the project was approved. Mr Wishod added that this was a back door attempt to delay the project, the temporary stay and temporary restraining order have been lifted; nothing prevents any agency or the Town of Brookhaven from going forward whether there are going to be appeals, certainly the Sewer Agency is not the appellate division. If they want to appeal that let them go to the appellate division. This has been a back door attempt to do what was attempted and rejected by the Town of Brookhaven. This is our first request for an extension and it is obvious why we needed one. We have every intention of developing this project in accordance with the approval of the Agency, and the Agency's environmental findings, the Town of Brookhaven issued a positive declaration and the Agency adopt it and I think we ought to be allowed the one year extension at the sound discretion of the Agency. Commissioner Anderson asked if anyone had any questions or comments and Legislator D'Amaro thanked Mr. Wishod and mentioned that he agreed that the Agency is very conscientious on every single application. Legislator D'Amaro continued that several issues raised today, and he

agreed with Mr. Wishod that the opposition was a year late, Legislator D'Amaro added that this request is for an extension, not a full blown review of the project and all the issue that were raised. Some of the opposition here today is valid or maybe valid but it is late and puts the Agency in the awkward position of hearing it late, on a day when the Agency has a much lesser scope of review. Legislator D'Amaro mentioned that he agreed with Mr. Wishod on that. Legislator D'Amaro mentioned that he had a couple of questions on the statements made during the public portion of the meeting; The issue of litigation was raised by Mr. Amper, the Pine Barrens Commission in the Carman's River Corridor Protection Plan, is there any litigation pending that would or could adversely effect this project? Mr. Wishod mentioned that he did not have first hand knowledge and asked Mr. Weber to address the question. Mr. Weber mentioned that there was no litigation pending today and Mr. Amper and Ms. Selzer perhaps left out some of the facts of the legal issues. Mr. Weber stated that he agreed with Mr. Amper, we tried to get a judgment from the Town to clarify what was in the change of zone. Mr. Amper and Ms. Selzer left out that this issue has nothing to do with the density of the property; the issue is only the location of the units and the 15,000 square feet of office space. Sandy Hills still has approval for 135 units. Discussion ensued as to the technical aspects of the approval. Legislator D'Amaro asked what the effect would be if Sandy Hills did not prevail in the litigation, would it be kicked back to the Town, to which Mr. Weber replied, I do not think that is an option, the issue is only the location of some of the units and the site plan, the Town approved a certain site plan and the Pine Barrens Society doesn't want any development in this area. Discussion ensued as to conversation as to groundwater protection and technical issue as it pertains to the Town Board. There is a Suffolk County Water report that has to do with the Carman's River, the report states that with the technology available today that the plant is at least a half mile to a mile to the north of the headwaters of the Carman's River and in fact our groundwater flows away from that to the east, as far as Suffolk County is concerned it is not an issue. Legislator D'Amaro mentioned that if there was pending litigation the issue would be between the Pine Barrens Society, the Town, and Mr. Weber's company, this issue doesn't really impact the decisions of the Agency. If the company does not prevail in the litigation, then whether the Agency approves or disapproves the request it is irrelevant. Legislator D'Amaro for the record asked Mr. Braun whether or not the County was a party to the litigation, to which Mr. Braun replied, not to his knowledge. Legislator D'Amaro mentioned that the claims may or may not be valid and the Agency was not there to pass judgment. The courts will eventually decide, the question before the Agency was to whether or not to grant an extension of a project that was fully vetted in the past at this level, applying our discretion and looking at the status of the project, and looking at whether or not the capacity is still available, and it is since this is an on-site STP, other than litigation there has been no change that would impact my decision. Ms. Broughton asked for clarification as to who was a party to the litigation, and it was stated that it was the Pine Barrens Society and not the Pine Barrens Commission. Discussion ensued as to role the Pine Barrens Commission and the Pine Barrens Society. Commissioner Anderson mentioned that the request was not for Formal Approval but an extension to the Formal Approval. Mr. Cavanaugh asked if the litigation caused a delay, to which Mr. Wishod replied, that it has caused a delay in signing the Construction Agreement. Discussion ensued as to the delay caused by litigation. Legislator D'Amaro asked if the original Formal Approval from the Agency was challenged, to which Mr. Wishod replied, no neither the SEQRA, which could have been challenged or Formal Approval were challenged. Legislator D'Amaro asked that in granting the approval a

question, has there been any changes to the site condition, which maybe the Agency had considered would not have approved originally, to which Mr. Becker responded, that the only change is moving the leaching fields further away from the Bailey Road, this was reviewed approved by the SCDHS. Mr Isles mentioned the Special Groundwater Protection Area (SGPA) and Carman's River, consideration had been given to the location of the STP and all the alternatives were exhausted. Mr Isles continued that the Planning Department of Suffolk County was a participant in the Carman's River Protection Plan and as far as the Planning Department was aware, there was no moratorium, a environmental review was done and SEQRA completed. Mr. Dawydiak mentioned the SCDHS had received two additional items over the past year relating to the STP location in relation to the Carman's River study area, first that the groundwater was moving away from the Carman's River and the second, the Town of Brookhaven used the SCDHS groundwater map which was obtained by using the latest technology and the historical data available, both items support the extension of the approval.

Commissioner Anderson asked if there were any questions or comments, seeing none made a motion to approve, the motion was seconded by Legislator D'Amaro, and approved with one abstention (Ms. Broughton).

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 14 - 2010

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONTRACT TO CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE TREATMENT PLANT FOR SANDY HILLS AT MIDDLE ISLAND (BR 1578)

WHEREAS, on June 15, 2009, this Agency adopted Resolution No. 30-2009, authorizing the construction and operation and maintenance of a sewage treatment system for Sandy Hill at Middle Island, and

WHEREAS, Resolution No. 30-2009, granted a one year time for completion of the Agreement, expired on June 15, 2010, without the completion of the Agreement, and

WHEREAS, the developer of Sandy Hills at Middle Island has requested an extension of the authorization granted in Resolutions No. 30-2009, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 30-2009, adopted by this Agency on June 15, 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.

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Ben mentioned that this project is a proposed 475 unit planned retirement community situated on 143.17 acres located between Moriches-Middle Island Road and Sunrise Highway. The project has been on the Agency agenda for a number of years having been granted five 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. This application is to again extend the time to complete the Agreement.

Commissioner Anderson asked if a project representative was present and Richard Rosenberg, Esq. stated he was the attorney for the project as well as an officer in the company that owns the property. Mr. Rosenberg continued that he could not agree with Mr. Wishod's comments more, regarding the Agency renewal standards, having been before the Agency a number of times, the standards could not be more appropriate. Mr. Rosenberg discussed the SEQRA process and mentioned that they had the approval from the Town of Brookhaven. Mr. Rosenberg mentioned that one of the reason for the delay is that the Town of Brookhaven in 2005 for over a year and a half looked into the feasibility of forming a sewer district. Mr. Rosenberg mentioned that while obtaining the permits and approvals necessary to move forward with the project the subject of the Town of Brookhaven acquiring the property for open space was proposed. Mr. Rosenberg explained the issues involved with the project, the concerns of the treatment plant being in the vicinity of the Forge River, and the proposed sale of the property to the State of New York, the County of Suffolk and the Town of Brookhaven. Mr. Rosenberg mentioned that he could explain each extension request, the issues involved, and why the request was granted and added that all the proper approvals have been received and all the issues have been resolved. Mr. Rosenberg explained that there is a lawsuit pending with the Town of Brookhaven concerning condemnation and elaborated on the issue. Commissioner Anderson asked if anyone had any questions or comments and Ms. Broughton asked for a clarification on the name of the project and Mr. Rosenberg said that the project name had changed from Beechwood at Yaphank to Beechwood at Mastic. Commissioner Anderson asked if the name change impacted the Agency, to which Mr. Braun replied, no. Ben added that the resolve clause in the resolution refers to the previous resolutions and approvals. Legislator D'Amaro mentioned that to he wanted assure Mr. Rosenberg that he not being singled out and that it is not he first time that all the facts are being considered or comments put on a public record, it has happened before and will probably happen again. Legislator D'Amaro added that he appreciated Mr. Rosenberg's client's cooperation in working with the County in the possible acquisition, and they way it sounds like there are a few formal approval steps left, which would then render the extension moot, to which Mr. Rosenberg replied, I believe so, we are here to get the extension in case the acquisition does not go through.

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

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 15 - 2010

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, 7-2008, and 10-2009, extending the time a year each for the completion of the required documents, and

WHEREAS, Resolution 10-2009, granting a one year time extension, by its terms, expired on April 21, 2010, since an agreement in furtherance of the authorization granted therein had not been 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, 7-2008, and 10-2009, and

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 June 21, 2010)

Commissioner Anderson asked if there were any questions or comments, seeing none made a motion to approve, the motion was seconded by Legislator D'Amaro, and approved unanimously at 12:55.

Respectfully submitted,

Craig A Platt