

# COUNTY OF SUFFOLK



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

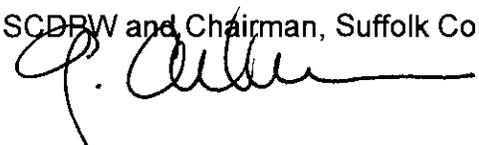
## DEPARTMENT OF PUBLIC WORKS

**GILBERT ANDERSON, P.E.**  
COMMISSIONER

**JAMES PETERMAN, P.E.**  
CHIEF DEPUTY COMMISSIONER

### MEMORANDUM

**TO:** Honorable William J. Lindsay, Presiding Officer of the Suffolk County Legislature, Honorable Legislators: Romaine, Schneiderman, Browning, Muratore, Vilorio-Fisher, Anker, Eddington, Montano, Cilmi, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper, Ed Dumas, Chief Deputy County Executive for Policy and Communications, Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services, Sarah Lansdale, Director, Suffolk County Planning Department, Michael Cavanagh, representing Presiding Officer Lindsay, Lisa Broughton, representing County Executive Steve Levy

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

**DATE:** June 24, 2011

**SUBJECT:** Suffolk County Sewer Agency Meeting Minutes – June 20, 2011

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

GA/JD/cap – Attachments

cc: James Peterman, P.E., Chief Deputy Commissioner, SCDPW  
John Donovan, P.E., Acting Chief Engineer, SCDPW  
Ben Wright, P.E., Principal Civil Engineer, Division of Sanitation, SCDPW  
Robert A. Braun, Esq. SC Department of Law  
Walter Dawydiak, P.E., SC Department of Health  
James Meyers, P.E. SC Department of Health  
Tanima Adhya, P.E. SC Department of Health  
Kathy Negri, SC Department of Health  
Tim Laube, Clerk of the SC Legislature  
William Spitz, NYSDEC  
Yves R. Michel, SC Commissioner Economic Dev. and Workforce Housing  
Dan Gulizio, SC Planning Department  
Kathy Laguardia, Executive Director for Finance & Administration, SCDPW  
Adam Santiago, Aide to Presiding Officer Lindsay  
Justin Littell, Aide to Legislator Louis D'Amaro  
Karen Klaffer, Aide to Legislator Louis D'Amaro  
Catherine Stark, Aide to Legislator Schneiderman  
Chrissy Einemann, SC Planning Department  
Craig A. Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**Suffolk County Sewer Agency  
Meeting Minutes  
June 20, 2011**

The meeting was called to order at 11:07 AM by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance was Justin Littell, representing Legislator Lou D'Amaro, the Sewer Agency Legislator-At-Large, Dan Gulizio, representing Sarah Lansdale, the Suffolk County Director of Planning, Michael Cavanaugh, representing Presiding Officer Lindsay, and Walter Hilbert, P.E., representing the Commissioner of the Department of Health Services

Also present were John Donovan, P.E., Sanitation Division, Suffolk County DPW, Robert A 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.

*(11:16 - Lisa Broughton, representing County Executive Steve Levy, arrived as the meeting was in progress)*

Welcome by Commissioner Anderson, to the June, 2011, 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 meeting for March 21, 2011, were discussed.

A motion to approve the minutes as written was made by Commissioner Anderson and seconded by Mr. Cavanaugh. The motion was approved 4-0-1, with Mr. Gulizio abstaining.

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

#### **IV. Old Business**

##### **ERANTA, LLC SUBDIVISION**

**BR-1581**

John mentioned that this project is a proposed development of 36 residential houses which is applying for permission to connect to the facilities of SC Sewer District No. 11- Selden. It is expected that this development will generate a sanitary discharge of 10,800 gallons per day of wastewater. The project received Conceptual Certification as part of the District 11 Venture's Expansion of SCSD #11 – Selden. The capacity continues to be available.

Staff recommended granting Formal Approval.

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq, identified himself and introduced Michael P Chiarelli, P.E. Mr Wishod mentioned that he just wanted to add that the capacity was part of the DEC approved capacity. Commissioner Anderson mentioned that the SCDHS only received the application on Friday afternoon. Mr. Hilbert mentioned that two applications were logged in on Friday, June 17<sup>th</sup> and was not sure if that was an issue with the Agency. Commissioner Anderson replied that he did not think that was an issue and asked if that was enough time to review the application to which Mr. Hilbert replied that normally having the application submitted prior to the Agency meeting was sufficient. Mr. Wishod mentioned that the \$7,200 application fee had been submitted this morning and in his time representing his clients at the Agency meetings the application and fee were all that was necessary. Commissioner Anderson asked Mr. Hilbert if the application and fee was sufficient, to which Mr. Hilbert replied, yes. Mr. Wishod added that any other issues could be resolved once the Agency approved the request.

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

# SUFFOLK COUNTY SEWER AGENCY

## RESOLUTION NO: 10 - 2011

### AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF ERANTA, LLC (BR-1581) TO SUFFOLK COUNTY SEWER DISTRICT No. 11 - SELDEN

WHEREAS, Eranta, LLC is a proposed subdivision consisting of 36 residential lots from previously filed subdivision(s) in Coram, New York, on property identified on various Suffolk County Tax Maps as assorted lots of the Norton Park subdivision, 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 Eranta, LLC, Inc. will generate a sewage flow of Ten Thousand Eight Hundred gallons per day (10,800 GPD), and

WHEREAS, the owner of Eranta, LLC, Inc. has applied to this Agency for permission to connect Eranta, LLC, Inc. to the sanitary sewerage facilities of the District, and

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

WHEREAS, Sewer Agency Resolution 6-2006 (4/17/06), 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 Eranta, LLC to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

WHEREAS, pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is listed as a Type II Action, and requires no further action, and

NOW, THEREFORE, IT IS

<sup>1st</sup> RESOLVED, that pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is a Type II Action, and requires no further action, now, therefore, be it further

<sup>2nd</sup> RESOLVED, that Eranta, LLC, 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

3<sup>rd</sup> RESOLVED, that Ten Thousand Eight Hundred gallons per day (10,800 GPD), of capacity in the District's sewage treatment plant be allocated to Eranta, LLC, and it is further

4<sup>th</sup> 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

5<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of Eranta, LLC, 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

6<sup>th</sup> RESOLVED, that the connection fee to be paid to the District for Eranta, LLC, shall be paid upon the execution of the Connection Agreement at the rate of \$7.94 per gallon of sewage per day for a total of \$85,752.00, and the rate of \$7.06 per gallon of sewage per day for a total of \$76,248.00 shall be paid to the District 11 Venture, and it is further

7<sup>th</sup> RESOLVED, that Eranta, LLC, Inc. shall, at its sole cost, expense and effort, construct a sewage collection facility for Eranta, LLC, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

8<sup>th</sup> RESOLVED, that no Certificate of Occupancy shall be issued for any additional portion of Eranta, LLC, Inc. until the sewage collection facility for Eranta, LLC has been completed and the Premises have been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

9<sup>th</sup> RESOLVED, that the developer of Eranta, LLC, 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 Eranta, as well as for all of the developer's obligations under the Connection Agreement, and it is further

10<sup>th</sup> 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 Eranta, LLC 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 June 20, 2011)

**V. New Business – A. Formal Approval**

**McKEON STEEL ROLLING DOOR COMPANY**

**BR-0799.10**

John mentioned that this project is a proposed building consisting of a warehouse and office space situated on 2± acres located on Sawgrass Drive in Bellport. The company proposes to construct a 30,034 Sqft. building. The property had an allocation of 920 GPD from Brookhaven Industrial Park (BIP) and BIP has agreed to sell an additional 80 GPD from BIP's remaining allocation. However, an additional capacity of 201 GPD is required. This amount of capacity is available in the District

Staff recommends approving the request for additional capacity.

Commissioner Anderson asked if a project representative was present and Thomas Walsh, P.E. stated he was and that he had nothing to add.

Commissioner Anderson asked if there were any additional questions or comments, seeing none, made a motion to approve the resolution; the motion was seconded by Ms. Broughton and approved unanimously.

# **SUFFOLK COUNTY SEWER AGENCY**

**RESOLUTION NO: 11 - 2011**

## **AUTHORIZING THE CONNECTION OF MCKEON ROLLING STEEL DOOR COMPANY (BR-0799.10) TO SUFFOLK COUNTY SEWER DISTRICT NO. 7 – TWELVE PINES**

WHEREAS, McKeon Rolling Steel Door Company is a proposed building in Bellport, New York, on property identified on the Suffolk County Tax Map as District 0200, Section 813.00, Block 01.00, Lots 008.014, and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 7 – Twelve Pines (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, McKeon Rolling Steel Door Company purchased real property which was part of the Brookhaven Industrial Park subdivision (BR-0799) with a discharge capacity of Nine Hundred Twenty gallons per day (920 GPD), and

WHEREAS, McKeon Rolling Steel Door Company has an agreement with said Brookhaven Industrial Park to purchase an additional Eighty gallons per day (80 GPD) from the remaining allocation of Brookhaven Industrial Park, said purchase is subject to Agency Staff review and approval prior to the completion of the agreement and would bring the total discharge capacity of the parcel to One Thousand gallons per day (1000 GPD), and

WHEREAS, McKeon Rolling Steel Door Company, due to standards requires a total of One Thousand Two Hundred One Gallons per day (1,201 GPD) of discharge capacity, requiring an additional Two Hundred Eighty-One gallons per day of capacity, and

WHEREAS, the owner of McKeon Rolling Steel Door Company has applied to this Agency for permission to connect the proposed building to the sanitary sewerage facilities of the District, and purchase the additional Two Hundred Eighty-One gallons per day of flow required, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the additional flow which is expected to emanate from McKeon Rolling Steel Door Company, and

WHEREAS, the connection of the additional flow of McKeon Rolling Steel Door Company to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

WHEREAS, pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is listed as a Type II Action, and requires no further action, and

**NOW, THEREFORE, IT IS**

1<sup>st</sup> RESOLVED, that pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is a Type II Action, and requires no further action, now, therefore, be it further

2<sup>nd</sup> RESOLVED, that McKeon Rolling Steel Door Company 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

3<sup>rd</sup> RESOLVED, that McKeon Rolling Steel Door Company shall submit the property deed listing the Nine Hundred Twenty gallons per day of capacity, the documentation of the approved transfer of the Eighty gallons per day, and the Two Hundred One gallons per day (201 GPD), of additional capacity in the District's sewage treatment plant shall be allocated to McKeon Rolling Steel Door Company, and it is further

4<sup>th</sup> 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

5<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of McKeon Rolling Steel Door Company, 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

6<sup>th</sup> RESOLVED, that the connection fee to be paid for McKeon Rolling Steel Door Company, shall be paid at the rate of \$30.00 per gallon of sewage per day for a total of Six Thousand Thirty Dollars (\$6,030.00) and it is further

7<sup>th</sup> RESOLVED, that no Certificate of Occupancy shall be issued for any additional portion of McKeon Rolling Steel Door Company until the Connection Agreement has been completed and the connection fee paid, all to the satisfaction of DPW, and it is further

8<sup>th</sup> 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 McKeon Rolling Steel Door Company 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 June 20, 2011)

John mentioned that this project is a proposal to expand the existing Wastewater Treatment Plant in SCSD #13 - Windwatch. Motor Parkway Associates (MPA) requests a one year time extension to complete the Construction Agreement to expand the WWTP to 555,000 GPD from the exist treatment capacity of 400,000 GPD. John added that he thought that with the issues with this agenda item and the next item on the agenda that both should be tabled until the next Agency meeting.

However, Staff recommended granting the request for a time extension to complete the Construction Agreement.

Commissioner Anderson asked if a project representative was present and Vincent Pizzulli, Esq. stated that he was and introduced Steve Hayduk, P.E., the project engineer. Mr. Pizzulli mentioned that he only found out about the issue with the Windwatch Tower (WWT) project on Friday, June 17<sup>th</sup>, and added that he agreed with John's recommendation to table the items to allow the parties to discuss the issue. Mr. Hayduk mentioned that the Agency application had been submitted in a timely manner in March and since the last two Agency meeting had been cancelled he was concerned about the approval expiring. It was mentioned that Mr. Hayduk had been sent correspondence that his project's expiration would be extended without prejudice until the application had been discussed at the Agency meeting. Mr. Richard Spirio, the representative of the WWT mentioned that he agreed with John's recommendation but was concerned that the time frame of the expansion and whether or not the WWT project could proceed. Mr. Elliot Monter stated that he agreed with Mr. Spirio and that if MPA and WWT could not work out the issue then Agency staff should be involved. Mr. Cavanaugh asked if the extension would continue until the next Agency meeting and Commissioner Anderson replied, yes. It was suggested that the two parties attempt to resolve their differences, if not the Agency staff would be a part of the discussion.

Commissioner Anderson asked if there were any additional questions or comments, seeing none, made a motion to table; the motion was seconded by Mr. Hilbert and approved unanimously.

**HOLIDAY MID-RISE TOWER**

**(IS-1451)**

Commissioner Anderson mentioned that after the discussion of the previous agenda item he would make a motion to table this agenda item; the motion was seconded by Ms. Broughton and approved unanimously.

John mentioned that this project is a proposed 58 unit Homeowner's Association subdivision in Holtsville. The developer proposes to construct an On-Site Sewage Treatment System capable of treating the 14,400 GPD of wastewater generated. John mentioned that construction had already commenced on density and that the plans on the STP and collection were almost complete.

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

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq. stated that he was and introduced Bill Carman from the Timber Ridge organization. Mr. Wishod added that the Construction Agreement was almost complete.

Commissioner Anderson asked if there were any additional 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. 12 - 2011**

### **AUTHORIZING THE EXTENSION OF TIME FOR THE CONSTRUCTION ON-SITE SEWAGE TREATMENT PLANT FOR COUNTRY VIEW @ HOLTSVILLE (BR-1621)**

WHEREAS, on June 21, 2010, this Agency adopted Resolution No. 11-2010, authorizing the construction and operation and maintenance of a sewage treatment system for the Country View @ Holtsville, and

WHEREAS, Resolution 11-2010, granting one year to complete the Construction Agreement, by its terms, will expired on June 21, 2011, 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 Country View @ Holtsville has requested an extension of the authorization granted in Resolutions No. 11-2010, and

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 11-2010, adopted by this Agency on June 21, 2010, is hereby renewed, and it is further

2<sup>nd</sup> 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 20, 2011)

John mentioned that this project is a proposed 475 unit planned retirement community in Mastic and that negotiations were on-going to purchase the property for open space. Staff was informed that the purchase was imminent and the sale would be completed sometime during July or August. The Construction Agreement was not completed within the last 1-year time period. Consequently, this resolution is to extend the time to complete the Agreement.

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

Commissioner Anderson asked if a project representative was present and David Sloane, Esq. stated that he was and that the purchase agreement (between the Town of Brookhaven and the Beechwood Organization) had been executed and closing would probably be in the fall. One issue was the property in the area that had to be condemned. Mr. Gulizio asked if the condemnation process had begun to which Mr. Sloane replied that to the best of his understanding that he thought so.

Commissioner Anderson asked if there were any additional questions or comments, seeing none, made a motion to table, the motion was seconded by Mr. Hilbert and approved unanimously .

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 13 - 2011**

### **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, 10-2009, and 15-2010 extending the time a year each for the completion of the required documents, and

WHEREAS, Resolution 15-2010, granting a one year time extension, by its terms, will expire on June 21, 2011, 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 Resolution No. 17-2003, and

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 17-2003, adopted by this Agency on June 25, 2003, is hereby renewed, and it is further

2<sup>nd</sup> 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 20, 2011)

Commissioner Anderson seeing no further business made a motion to adjourn. The motion was seconded by Mr. Gulizio and approved unanimously at 11:32.

Respectfully submitted,

Craig A Platt  
Secretary, SC Sewer Agency