



APPENDIX B

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION No. - 9 2008

AUTHORIZING THE EXPANSION OF THE SUFFOLK COUNTY SEWER DISTRICT
NO. 13 - WINDWATCH SEWAGE TREATMENT PLANT BY MOTOR PARKWAY
ASSOCIATES

WHEREAS, this Agency has previously approved the expansion of the facilities of Suffolk County Sewer District No. 13 - Windwatch (the "District") by 350,000 gallons per day to meet the then known needs of projects in the vicinity (SC Sewer Agency Resolution No. 41-2005), and

WHEREAS, the District's sewage treatment plant (the "Plant") lacks sufficient capacity in excess of the needs of the District to accept the sewage which is expected to emanate from various projects, and

WHEREAS, Motor Parkway Associates, in contract with the various projects has offered to do so at its sole cost, expense and effort, and at no cost to the ratepayers of the District, to expand the Plant in order to provide sewage treatment capacity for the projects, and

WHEREAS, the agreement to expand the facility by 350,000 gallons per day was not executed within one year of the adoption of the Sewer Agency resolution 41-2005, and

WHEREAS, the connection of the various projects to the Plant will be financially beneficial to the District and environmentally beneficial to all of Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Motor Parkway Associates is hereby authorized to enter into and upon the site of the District's sewage treatment plant for the purpose of expanding the said plant by three hundred fifty thousand gallons per day (350,000 GPD) in order to provide sewage treatment capacity for the various projects, and it is further

2nd RESOLVED, that the said expansion of the Plant shall be performed by Motor Parkway Associates at no cost to the ratepayers of the District, and it is further

3rd RESOLVED, the said expansion to the Plant by Motor Parkway Associates shall be performed in accordance with the requirements, and to the satisfaction, of the Suffolk County Department of Public Works, and it is further

4th RESOLVED, that in consideration of the expansion of the Plant by Motor Parkway Associates, each of the various projects shall receive a credit against the connection fee payable to the District for the connection of each of the projects to the sanitary sewerage facilities of the District, and it is further

5th RESOLVED, that the Administrative Head of the District is hereby authorized to enter into an agreement with Motor Parkway Associates, the District, the Suffolk County Department of Public Works, the Suffolk County Department of Health Services the County of Suffolk and this Agency for the expansion of the District's sewage treatment plant in order to provide sewage treatment capacity for the various projects, said agreement to contain such terms as the Administrative Head of the District shall determine, and it is further

6th RESOLVED, that Motor Parkway Associates shall post a surety bond and deposit cash or security with the Suffolk County Treasurer as the Administrative Head deems necessary, as security for Motor Parkway Associates' expansion of the Plant as well as for all of Motor Parkway Associates' obligations under the aforesaid agreement and it is further

7th RESOLVED, that, upon the completion of the expansion of the Plant by Motor Parkway Associates, the connection of each of the projects to the sanitary sewerage facilities of the District shall be subject to the approval of this Agency the Suffolk County legislature and the New York State Department of Environmental Conservation and it is further

8th RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to Motor Parkway Associates if within one (1) year from the date of the adoption hereof an agreement in furtherance of the authorization granted herein (the Construction 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 5/19/08)

Intro Res No. 1627-2008

Laid on Table 6/24/008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2008, APPROVING A
CONSTRUCTION AGREEMENT BETWEEN SUFFOLK
COUNTY SEWER DISTRICT NO. 13 – WINDWATCH AND
MOTOR PARKWAY ASSOCIATES FOR THE EXPANSION OF
THE SEWAGE TREATMENT PLANT BY 350,000 GPD**

WHEREAS, the Motor Parkway Associates is the owner of a proposed development known as Islandia Hotel, located in the vicinity of Suffolk County Sewer District No. 13 – Windwatch, has proposed to connect to the District's sewage treatment plant; and

WHEREAS, Motor Parkway Associates has offered to enter upon the sewage treatment plant site and enlarge the plant by 350,000 gallons per day at its cost and therefore, at no expense to the ratepayers of the district, and

WHEREAS, the proposed work at the District's sewage treatment plant will accommodate the flow needs of Spring Meadow and Townhouse Village, two homeowners' associations whose existing sewage treatment plants are in need of costly improvements to bring their sewage treatment plants into compliance, and

WHEREAS, all work is to be performed through Motor Parkway Associates with the understanding that permission is granted to perform this work on District property, and

WHEREAS, the proposed construction has been approved by the Suffolk County Sewer Agency (Resolution No 9-2008), now, therefore be it

1st RESOLVED, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into a contract with Motor Parkway Associates to construct the necessary improvements to the Suffolk County Sewer District No. 13 – Windwatch Sewage Treatment Plant and that Motor Parkway Associates be required to post letters of credit, or other securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts

DATED.

APPROVED BY:

County Executive of Suffolk County

Date.