

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

DARNELL TYSON, P.E.
DEPUTY COMMISSIONER

MEMORANDUM

TO: Dennis Cohen, Chief Deputy County Executive, Honorable DuWayne Gregory, Presiding Officer of the Suffolk County Legislature, Honorable Legislators; Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee, Louis D'Amaro, the Sewer Agency Legislator-At-Large; Schneiderman, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy, Trotta, McCaffrey, Stern, Spencer; Presiding Officer Gregory; Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services; Sarah Lansdale, AICP, Director, Suffolk County Planning Department; Lisa Broughton, representing County Executive Steven Bellone

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

DATE: May 11, 2016

SUBJECT: Please see the attached Suffolk County Sewer Agency minutes for the meeting of April 18, 2016.

GA/JD/br – Attachments

cc: Jon Schneider, Deputy County Executive
Philip A. Berdolt, Deputy Commissioner SCDPW
Darnell Tyson, P.E., Deputy Commissioner SCDPW
John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW
Janice McGovern, 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 Services
Christina DeLisi, Aide to Presiding Officer DuWayne Gregory
Catherine Stark, Aide to Legislator Al Krupski
Justin Littell, Aide to Legislator Louis D'Amaro
Ted Klein, SC Planning Department
Tony Leung, P.E., NYSDEC
Boris Rukovets, P.E., Secretary, SC Sewer Agency

*The Suffolk County Sewer Agency meets at 11:00 AM at the offices of the
Suffolk County Department of Public Works - 335 Yaphank Avenue - Yaphank, NY*

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency Meeting Minutes

April 18, 2016

The meeting was called to order at 11:00 AM by Commissioner Gilbert Anderson, P.E. In attendance were Legislator Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Justin Littell, representing Legislator Lou D'Amaro, the Sewer Agency Legislator-At-Large; Tanima Adhya, P.E., representing the Commissioner of the Department of Health Services; Lisa Broughton, representing County Executive Steven Bellone.

Note: Sarah Lansdale, AICP, Director, Suffolk County Planning Department, telephoned previously that she was unable to be in attendance.

Also present was Legislator Steve Stern; John Donovan, P.E, Chief Engineer, Suffolk County Department of Public Works, Division of Sanitation; Catherine Stark, Aide to Legislator Krupski; Janice McGovern, P.E., Suffolk County Department of Public Works; Mr. Robert A. Braun, Esq., Suffolk County Department of Law; Boris Rukovets, P.E., Secretary, Suffolk County Sewer Agency.

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

Commissioner Anderson welcomed attendees to the meeting of the April 18, 2016, Suffolk County Sewer Agency. A roll call was then taken.

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

II. **Minutes of Previous Meeting**

The minutes from SCSA meeting of March 21, 2016, were discussed. A motion to accept the minutes as written was made by Legislator Krupski, seconded by Ms. Broughton; and approved unanimously.

Commissioner Anderson said that at the request of the attorney for the Greens at Half Hollow, the County Attorney agreed to extend the submission date for written testimonies until April 11, 2016 and postpone the decision on rate petition until May 16, 2016.

Legislator Krupski asked at what point the Agency members will get a determination on the rates petition from the staff. Mr. Braun responded that such a determination will be provided a week in advance.

Mr. Littell asked to confirm for the record that the request to postpone was made by the operator of the plant, the Greens at Half Hollow LLC, the petitioner, who initially claimed that the rates would automatically go into effect without a decision in writing, and they have now agreed to an extension. Mr. Braun confirmed that that was accurate.

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

Commissioner Anderson made a motion to take the next item out of order. The motion was seconded by Mr. Littell and approved unanimously.

Commissioner Anderson said that the agency would take Formal Approval – Connection/Construction Agreement – Time Extension for Wyandanch Public Library as the next item.

B. Formal Approval – Connection/Construction Agreement – Time Extension

WYANDANCH PUBLIC LIBRARY

BA-1477.1-001

Mr. Donovan mentioned that this project is an existing public library situated on 0.82± acres on Straight Path in Wyandanch. It's part of the Wyandanch Rising revitalization area. The Library representatives requested a Time Extension to complete the connection agreement and as per the agreement with the Wyandanch Rising, there is no connection fee in the first five years for the project to connect.

The capacity continues to be available in the sewer district and Staff recommends granting the Time Extension to complete the connection agreement. The project representative was not required to be in attendance.

Commissioner Anderson asked if there were any questions or comments. Mr. Littell clarified for the record that the project was in Legislative District 15 and not 16. Seeing no further comments, Ms. Broughton made a motion to approve the resolution; the motion was seconded by Mr. Littell and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 14 - 2016 AUTHORIZING AN EXTENSION OF TIME FOR THE CONNECTION OF WYANDANCH PUBLIC LIBRARY (BA-1477.1-001) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on February 25, 2013, this Agency adopted Resolution No. 2-2013, authorizing the connection of the Wyandanch Public Library to SCSD No. 3 - Southwest, and

WHEREAS, on November 17, 2014, this Agency adopted Resolution No. 45-2014, authorizing a one-year time extension for the connection of the Wyandanch Public Library to SCSD No. 3 - Southwest, and

WHEREAS, Agency Resolution No. 45-2014, granted one year for completion of the Agreement, however, the resolution expired on November 17, 2015, without the completion of the Agreement, and

WHEREAS, the Trustees of the Wyandanch Public Library have requested an extension of the authorization granted in Resolution No. 2-2013, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 2-2013, adopted by this Agency on February 25, 2013, 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 – April 18, 2016)

VI. New Business

A. Formal Approval – Connection/Construction Agreement

LIE WELCOME CENTER BETWEEN EXITS 51 & 52

HU-1430

Mr. Donovan mentioned that this project is proposed by the NYS Department of Transportation Welcome Center to be built on a 7.0± acres on the south side of the Long Island Expressway between exits 51 & 52 Eastbound in the Town of Huntington. The Welcome Center is proposed to be on NYS property and is expected to generate sixty thousand gallons per day (60,000 gpd) of wastewater proposed to be connected to the County Sewer District No. 3 – Southwest. The project will require construction of a pump station and associated force main for the Welcome Center.

Mr. Donovan said that both SEQR and National Environmental Policy Act (NEPA) reviews had been completed in 2007 and the project received approval. In 2003, the Agency granted Conceptual Certification for this project. Since the application for Conceptual Certification was submitted in 2003, the Agency can allow charging the connection fee of \$15.00/gpd which was the connection fee at the time of Conceptual Certification.

The capacity continues to be available in the sewer district and the staff recommends granting Formal Approval.

Commissioner Anderson asked if there was a representative present and Erik Koester, the representative for the NYS DOT, mentioned that he was. He said that Mr. Donovan had pretty much covered everything and added that the force main was 2.5 miles long going down the South Service Rd., to Commack Rd., to Fish Path, to the Pilgrim Facility.

Commissioner Anderson asked if Mr. Koester spoke with Suffolk County DPW about the force main going down the Commack Rd. and Mr. Koester confirmed that NYS DOT had had preliminary discussion of that subject.

Commissioner Anderson said that he had received a request from Legislator Stern, who had just received the notice of this project, to postpone the discussion of it for one cycle.

Commissioner Anderson agreed with that request and made a motion to table the discussion of the project for one cycle to give the Legislator time to get further understanding of the project. Legislator Stern said that the project has been proposed for a long time and tabling it for a month would not have an impact on it; if, anything, having additional input from the community would probably be a good thing.

The motion was seconded by Mr. Littell and approved unanimously.

E. Miscellaneous

1. Flow Allocation to Former Entenmann's Site/Bimbo Bakeries

Mr. Donovan mentioned that this project is a proposed purchase of the Entenmann's site in Bay Shore by Suffolk County Industrial Development, LLC with the goal to subsequently rent it out to other occupants. Based on the information provided by the developer, Bimbo Bakeries, the successor to Entenmann's, intends to lease back 50,000 square feet of space and the entire building is approximately 450,000 square feet of space.

The developer has not determined how much flow will be required by Bimbo Bakeries and has asked the staff what flow capacity is allocated to the Entenmann's building based on the previous Sewer Agency agreement with Entenmann's. For historical purposes, this was one of the first contractees to the Southwest Sewer District right after the Sewer District was completed. The old contract was executed in 1983 and having a 25-year life, it had expired. The flow in that contract reserved by the Agency for the Entenmann's site was up to 500,000 gpd.

Entenmann's was not charged any sewer connection fee and over the years used a maximum of 270,000 gpd. Since the contract expired, any new agreement would have to be signed by the new owners with the Sewer Agency.

Mr. Donovan said that the question for the Sewer Agency's review was what allocation should be given to the site -- the 270,000 gpd that had been used, the 500,000 gpd that had been allocated or should the building be treated as a totally new connection and allocated 0 gpd of flow and charged the connection fees as any new connection.

Mr. Donovan added that based on the total building square footage for the site of 450,000 sq. ft, applying the 270,000 gpd of actual flow used by Entenmann's, it would come out to the flow rate of 0.6 gpd/sq. ft. Bimbo Bakeries, using 50,000 sq. ft, would be allocated 30,000 gpd and the remaining portion of the building would be 240,000 gpd. The question before the Agency is what option for the allocation should be used. Another method to calculate the gpd would be to use the 0.04 gallons/sq. ft flow rate used for distribution facilities, and multiplying by Bimbo's 50,000 square foot operation, determine that 2,000 gpd would be in use now.

Commissioner Anderson asked if there was a representative present and Mark Fischl, developer with Suffolk County Industrial, LLC mentioned that he was. He said that his firm was in the process of purchasing the property. One of the key factors in the acquisition is the sewer capacity and Mr. Fischl was at the meeting to get a clarification on it.

Legislator Krupski asked Mr. Fischl to provide a general description of the site. Mr. Fischl said that the site is approximately 32 acres, 450,000 sq. ft. It has one three-story section which is an office space and was used for manufacturing and distribution of the product for about 50 years. In response to the question from Legislator Krupski, Mr. Fischl confirmed that there is no more bakery there.

Mr. Donovan mentioned that there was one pump station that Entenmann's built to connect to Sewer District No. 3 – Southwest.

Ms. Broughton said that since there would not be manufacturing the way Entenmann's had it, the new owner would not need that much capacity. She asked if anyone had calculated distribution center needs. Mr. Fischl responded that when he becomes the owner, his future tenant Bimbo Bakeries would be using the space for a depot for which he would not need anything beyond the sanitary septic, but that said, Mr. Fischl was looking for flow capacity for potential future tenants to market it for reuse.

Mr. Braun and Ms. Broughton asked Mr. Fischl whether the property would be owned by the Suffolk County Industrial Development Agency (IDA) and Mr. Fischl clarified that his private company is called Suffolk County Industrial LLC which has nothing to do with the Suffolk County IDA.

Ms. Broughton said that the project description should be corrected accordingly and added that Islip IDA was involved and was concerned that this was a blighted property and that 200 Bimbo Bakeries jobs were very much needed and that Islip IDA was trying to help to put that piece in place. Mr. Fischl said that he was going to the market and had several potential interested tenants and one of the assets that attracted them were the sewers.

Legislator Krupski asked if there was a limit of physical capacity of pumping from the site and Mr. Donovan responded that while he did not have the exact number, the pump station could probably accept close to a million gallons per day of flow. He said that the question was what could the Agency allocate to the site.

Ms. Broughton noted that Entenmann's had built a pump station so even if they did not pay the connection fee, they invested into the infrastructure. Mr. Donovan responded that the construction of the pump station benefited Entenmann's own purpose and not the District.

Mr. Braun said that the nexus of John's question is that if someone had a contract with the Agency that expired and the Agency just renewed it in an ordinary course of the expiration; we would not charge a new connection fee. The fact whether Entenmann's was or was not charged in the past does not change anything, but we now have the expired contract and it is now intended for different uses. The question is does the Agency decide that no connection fee should be imposed for the first 270,000 gallons or 500,000 gallons the owner had been allocated previously or should the Agency decide that since the contract expired, this is a new connection and treat it as such.

Legislator Krupski asked what is the connection fee collected for. Mr. Donovan responded that it is collected to offset the cost of original construction of the treatment plant. Since the applicant was an out-of-district contractee, they did not pay for the plant, as did the people in the district.

Ms. Broughton asked Mr. Fischl about the timing. Mr. Fischl responded that Bimbo Bakeries need to construct a new office space for the operations for which they just got a permit from the Town of Islip the week before. He added that they plan to close the deal in the June/July timeframe. Mr. Braun asked if the facility was still generating flow and Mr. Fischl responded that it does, using the existing sanitary system and septic system.

Mr. Fischl pointed out that he would not be able to buy the building without the sewers and that he needed a clarification on the flow capacity to be in the position to go forward with the transaction. Mr. Donovan said that the other issue was that whoever owned the building at the time of the meeting had to come to the Sewer Agency to do a new contract since the original contract had expired. He added the issue would be for the owner to tell the Agency how much flow they needed which was required for a new contract. Mr. Fischl responded that he was trying to develop the blighted piece of property and that sewers were one of the main tools in his arsenal and therefore he wanted to find out what flow he had gotten. Mr. Krupski asked whether the pump station can pump one million gallons per day of flow. Mr. Donovan responded that the capacity at the pump station was available, somewhere between 500,000 gpd and one million gpd but that was not the issue, the issue was whether the owner of the property had to pay for that capacity.

Commissioner Anderson said that Bimbo Bakeries had to come back to the Agency and apply for a new agreement or renew the old one, since they were the owner. Mr. Braun said that even if it were a renewal without a gap of eight years, he would ask the owner to apply for a new agreement to reflect all the changes in the provisions of the standard connection agreement that took place. The new agreement would recite that the old agreement expired. The question would be whether the owner applies for a 2,000 gpd warehouse or 270,000 gpd or 500,000 gpd.

Commissioner Anderson said that he would ask the staff to make a determination based on the locations similar to the one at hand. Mr. Donovan responded that the staff would review the application further after receiving it but the grandfathered flow should not exceed 270,000 gpd because that was the flow that actually came from the site. Commissioner Anderson agreed.

Seeing no further business, Commissioner Anderson made a motion to adjourn the meeting. The motion was seconded by Ms. Broughton and approved unanimously at 11:48 AM.

Respectfully submitted,



Boris Rukovets, P.E.
Secretary, Sewer Agency

Sign-in

April 18, 2016

Suffolk County Sewer Agency
SCDPW - Sanitation - Engineering

No.	Name	Firm/Company	Project	Email Address (copy of minutes)
1	Erik Koester	NYS DOT	Welcome Center	erik.koester@dot.ny.gov
2	JAMES KIELIAN	STANTEC	" "	JAMES.KIELIAN@STANTEC.COM
3	JOSEPH ZACHARIA	NYS DOT	" "	joseph.zacharia@dot.ny.gov
4	Jason Pitingaro	KC Eng + LS	" "	jpitingaro@kcepc.com
5	Mark Fischl	Suffolk County	Entermann's	mfischl@yahoo.com
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If you are not a project representative but would like to address the Sewer Agency, please fill out an index card.