

**CAPITAL BUDGET PUBLIC WORKS COMMITTEE MEETING
of the
Suffolk County Legislature**

Minutes

A Capital Budget Meeting of the Public Works Committee was held in the Rose Y. Caracappa Auditorium in the William Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York on **May 30, 2002** at 2:00 P.M.

MEMBERS PRESENT:

Legislator Joseph Caracappa, Chairman
Legislator Brian Foley, Vice Chair
Legislator Andrew Crecca
Legislator Angie Carpenter

EXCUSED ABSENCE:

Legislator David Bishop

ALSO IN ATTENDANCE:

Alan Oshrin, Administrative Judge, Suffolk County Courts
Legislator Michael Caracciolo
Ken Weiss, County Executive's Budget Office
Ben Wright, S. C. Department of Public Works
Tedd Godek, S.C. Department of Public Works
Bill Shannon, S.C. Department of Public Works
Tom LaGuardia, S.C. Department of Public Works
Laura Conway, S.C. Department of Public Works
Linda Brandolf, S.C. Department of Public Works
James Burt, S.C. Department of Public Works
Chuck Nauss, S.C. Department of Public Works
Bob Shinnick, S.C. Department of Public Works
Richard LaValle, S.C. Department of Public Works
Leslie Mitchell, S.C. Department of Public Works
Nicole DeAngelo, County Executive's Office, I.R.
Theresa Lollo, County Executive's Budget Office
Kathy LaGuardia, County Executive's Budget Office
Bob Bortzfeld, County Executive's Budget Office
John Ortiz, Budget Review Office
Lance Reinheimer, Budget Review Office
Gail Vizzini, Budget Review Office
B. J. McCartan, Presiding Officer Paul Tonna's Office
Fred Pollert, Director of Budget Review
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary
(The meeting came to order at 2:15 P.M.)

CHAIRMAN CARACAPPA:

Ladies and gentlemen, we're going to start the Public Works Public Hearing on the Capital Budget with a salute to the flag by Legislator Caracciolo.

SALUTATION

CHAIRMAN CARACAPPA:

We have one card. We'll address the cards first before we have the department come up. That's Judge Alan Oshrin, Administrative Judge, Suffolk County.

JUDGE OSHRIN:

Good afternoon Mr. Chairman, members of the committee. You and -- sir and Legislator Carpenter heard my presentation yesterday. I've never appeared before this committee. But yesterday, Legislator Carpenter asked if we had written remarks, which I would like to introduce into the record. I said no. If that's your pleasure, I have prepared a written copy of my presentation. I have copies for all the members. Would you like it sir?

CHAIRMAN CARACAPPA:

B. J. can you just grab them from the Judge? And just -- you can provide us with your testimony as well.

JUDGE OSHRIN:

Okay. To you sir and Legislator Carpenter, I apologize because you have heard these remarks yesterday. But I think it's important and necessary that Legislator's Caracciolo and Foley hear them because I speak here today in support of the addition to the Riverhead Court Facility.

And I first want to, on behalf of the 82 Judges and almost 1100; we grew by 100 from yesterday, when I checked the statistics. Non-Judicial Employees in Suffolk County Court System and on behalf of Chief Judge Kaye, Chief Administrative Judge Lippman and the entire Office of Court Administration, I would like to express our thanks and my personal thanks for being afforded this opportunity to appear before you.

My appearance today, I hope will underscore the importance of the Riverhead construction to the entire Judicial System. The total of eight new courtrooms, I know nine are contemplated but we will be losing one from the existing facility, will greatly enhance the ability of the courts, the third branch of government to provide quality service to the people in the County.

As I said yesterday, statistics do not tell the whole story, however, we provide an opportunity for dispute resolution to people involved in more than 181,000 cases in the District Court; 48,000 matters in the Family Court; 30,000 in the Supreme Court and 2,900 felony cases.

I would like to extend personally, as I did yesterday, an invitation to you and any other member of the Legislature, who wishes to visit with me the Riverhead Facility or for that matter the Central Islip Facility. A visit to Riverhead, I think, will show the need for improvement. It was truly a grand building when it was originally constructed and it served as a central location for the Administration of Justice in our County for many years. However, it is now in need of desperate repair in addition.

With the need to provide court services on both the East and West Ends of the County, it is important that the Riverhead Facility be able to handle the vast influx of litigation.

Right now we have four Supreme Court Justices working in rented facilities at the United States Federal Court in Islip. We have one Acting Supreme Court Justice, who is working down the road in Hauppauge. We have two Supreme Court Justices and one Acting Judge working in the District

Court Section of Central Islip. There is no courtroom available permanently for me, although some people have said that's a good idea. And I am forced, when I need to try a case, to look for an empty courtroom. With the addition, we'll be afforded the opportunity to continue to utilize the Central Islip Facility and properly provide services in Riverhead.

I would like to point out with the present compliment for Justices, even with the addition when it is completed; we will be operating at near capacity. In addition to the Judges who sit, we have seven Hearing Examiners working in Family Court. There were no Hearing Examiners at the time the Central Islip Facility was being planned and therefore, these Quasi-Judicial Officers work in the most cramped facilities. This poses a difficulty for them and more importantly provides less than satisfactory accommodations for the vast number of people who come into the Family Court involved in matters of support and who are forced to have these disputes, which are very important to them, resolved in these unsatisfactory accommodations. We also have four Judicial Hearing Officers, former Judges working each and every day for the County, who must conduct conferences and hearings in less than adequate space.

As our society continues to change, the Courts under the direction of Judge Kaye and my predecessor now, Presiding Justice of the Appellate Division, the Honorable A. Gail Prudenti, have sought to have the courts deal with problems in the individual, on a more comprehensive basis. We call them "Problem Solving" Courts. We have already established Drug Courts in both the District and County Court on one hand and the Family Court on the other. So persons with drug problems who are able to have help receive help on an ongoing basis from the Judicial System working in concert with other branches of government.

We are about to embark upon another exciting project, an Integrated Domestic Violence Part, which will provide, again, working with other branches of government and private agencies, help to a person who is the subject of spousal abuse. That help will enable a person who has been abused to understand she or he is not alone in the world that there are other agencies and people willing to help. And when dealing with the person, who has committed the abuse, the court system will be able to act quickly and effectively.

These programs are labor and space intensive. They will require additional personnel, which the Office of Court Administration has been and continues to be committed to providing and additional facilities, so the people who experience these difficult problems will be able to receive the assistance they need.

I thank you for your attention. I hope for a favorable determination. And if there are any questions, I would be pleased to answer them.

LEGISLATOR CARACCILO:

Good afternoon your honor. Nice to see you again, Alan.

JUDGE OSHRIN:

My pleasure.

LEGISLATOR CARACCILO:

Maybe this question would be better posed to the Department of Public Works. But what is your understanding, with respect to the parking facilities that would be necessitated by the addition of these eight new courtrooms?

JUDGE OSHRIN:

There is a substantial need for additional parking. I saw a survey that was done. I'm not sure if

it was part of what we call the Bishop Report. But my understanding is that the Town of Riverhead has committed to providing the parking and that we will work with the County people and the Town of Riverhead to provide the necessary parking.

LEGISLATOR CARACCIOLO:

Okay. That's also my understanding that perhaps when DPW comes up Mr. Chairman, we can just pose that question to them to make sure that there needs to be fine coordination between the construction of these new facilities and the parking availability to the patrons and citizens that will be using the facilities, as well as the court staff so -- and I know one of the things that is mentioned in this Capital Budget is the {demolishment} of the old Cornell Cooperative Extension Building for some additional space as well, which is right across the street from Supreme.

JUDGE OSHRIN:

Right. You're absolutely correct, we will need parking. Not only when the project is finished but as it goes on, part of the present parking lot to the rear of the court facility will be taken away from us because of the construction process. So we'll need substitute parking. You're absolutely correct sir.

LEGISLATOR CARACCIOLO:

Thank you.

CHAIRMAN CARACAPPA:

Okay.

JUDGE OSHRIN:

Thank you very much.

CHAIRMAN CARACAPPA:

Okay. I'd like to ask members of the department to come up. Mr. LaValle, Mr. Godek, Mr. Wright, Mr. Shannon. First before we start, let me, for the record state that Legislator Bishop had a serious conflict and has an excused absence from the hearing this afternoon. And also Commissioner Bartha cannot be with us today because of a death in the family and I alone with the entire committee send our condolences to him.

Mr. LaValle, thank you for being here and addressing the committee. I'm sure you've read parts of the Budget Review Report relating to not only the Department of Public Works but also the larger problems we're facing with Capital Budget, Capital Project backlogs. We have a number of almost a quarter of a billion dollars in backlogs according to the report. A majority of those, of course, go to the Department of Public Works. Before we get into specific projects that are important to the department and you feel are priorities, which is another area we'll speak about as well. Priorities and rankings and how you deal with priorities. Why don't you give us your feelings or your comments on the report as you've read it?

MR LAVALLE:

Well, certainly we have -- we've looked at the report and we do have obviously, comments with regard to projects that appear to be sitting there without any active participation by the department. And obviously that is not the case. We are actively progressing with most, if not all, of those projects at this time, both with DPW staff as well as with consultants. I mean, in a

perfect world, we'd have all the projects moving exactly on schedule and many of them are on schedule. But there are a number of factors, which contribute to the backlog or you consider backlog, I'm not sure we consider them backlog. Basically, many of the factors are unforeseen that occur. Each project is individual. Quite often, we hear the Legislature say well, how many positions do we need? Well, we can't tell you how many positions we need, unless we can eliminate many of the factors that prevent us from moving these projects possibly more quickly or more timely than you would like us to move them.

For example, in the highway area, there are a number of projects that are backed up as a result of right away acquisition. And I know this committee is very familiar with that because you deal with our projects on almost a daily basis. We project as best we can the acquisition of right away, the timing for that and so we ask for the funding based on what we think is a reasonable schedule and quite often that hasn't happened. I know that the real estate area is undergoing changes now and we've met with them and we think things are going to turn around in the near future. But in fact, a lot of the projects, not a lot of them but many of the projects that involve right of way acquisition are being held up for that reason.

We have a number of federal aided projects in the highway area. The federal aid projects tend to be more intensive than many of the other projects or County projects. These projects, there are vastly more requirements involved, intensive requirements involved in the Federal and State process that we don't normally get involved in with County projects. We're 100 percent funded County projects. In addition, these same projects, as well as County projects, community outreach has become far more critical in recent years than in the past. So that these projects take more time through the planning process to move them into construction, in order to address the needs of the community. And that's an important part of the whole process. But you have to understand that that is a part of the process and that process can take an extraordinary period of time, depending upon the -- how controversial or how complex a particular project may be.

In addition, there are projects that we pursue in highways that are joint venture projects with the Towns. For example, we're pursuing two projects in the Town of Southampton that are basically, joint venture projects where the Town is obligated to do certain things. And then we're obligated to do certain things and with appropriated funds and those haven't moved on as timely a basis, as we felt they should move.

Shifting priorities, legislative initiatives also tend to take or present a significant impact on the movement of projects through the system. Daily unanticipated requests from the district offices. Not that we're saying there's anything wrong with that but you have to understand that our response to those requests for us to investigate certain matters takes time. Because the very people that are working on projects, are also the same people that are going in the field to review these, to determine what the problems are, so that we can make a timely response back to the Legislature.

There are projects, which are put on the -- put in the Capital Program during the year by individual Legislators, sidewalk projects, roads, traffic signals. More recently, building projects. These also are expected to be done in a timely manner and as such, we have to revise the workloads for our various engineers and take time from other projects to pursue these projects. These are things, which you may not be aware of but I think it's important to understand that they do take time. They do take time away from projects that are currently funded and we have to adjust our schedules accordingly.

In the buildings area, we get involved in space lease problems. The Department of Public Works

Chairs the Space Management Steering Committee. And all the space that the County leases requires investigations by our staff and involves not only the field investigations and those administrative matters; but our engineers and architects have to prepare the plans for these leased building spaces. So there's an area there that requires individuals and personnel to be pulled away from their normal Capital Program functions to respond to these needs.

Some other general issues, which have just come up in the last couple of years, the prevailing wage rate issues, living wages, apprenticeship training program. These are all programs, which are well intentioned and which are good programs. But again, they're types of programs, which the department has to allocate engineers. Now, in the prevailing wage rate area, we did receive additional personnel to address those, which has been very, very helpful, all right! But that area is a rather wide and extensive area and requires considerable amount of effort on the part of the department.

There's always the building maintenance issues, which you may not be aware of. Just things that may come up in this building, problems but it's the engineers that are working on Capital Projects are the same engineers that have to address the issues in our buildings. So that's an area too that needs to be understood, as to what our priorities are. We have to address those priorities. I have a problem in the building; people expect that to be addressed immediately, which means somebody has to be pulled off a project to look at those types of things.

Other departments, we do a lot of work for other departments. Other departments submit BSR's to us, our Building Service Request for various improvements within their confines. We have to address those needs on a daily basis. In addition, those same other departments that have Capital Programs also expect those Capital Programs to be performed in a timely manner. Now where we, based on workload, may want to put a project say in the third year of the three-year cycle. They want it done in the first year of the three-year cycle. So we have this competing priority with the departments, who are our clients and quite often, in order to respect their needs, we'll do that. But it does impact our progress with schedules.

And budget issues is another major issue. And I think this is an area that definitely has to be addressed. And there are some suggestions in the BRO Report with regard to that. We, in the past, we've always requested funding with the understanding that the funds would be borrowed when we needed them. So in our minds, authorization of funding only allowed us to borrow when we need it. So we don't feel that that's a problem. I guess there is a problem with Wall Street in this backup of funding, which they think if we bonded it all at once could mean some major problems and we understand that. But that's something that we generally don't deal with on a department basis. It's more of a higher budget issue of how that has to be done and maybe there has to be a determination of how that has to be done.

Contractually, when we get involved, especially in construction projects, we have to do that with the understanding that all the monies are going to be there when we need them. So it's almost, in essence, like first instance funding every project, similar to federal aid. We first instance fund them in hopes of getting reimbursement at a later date. But in County projects, we have to first instant fund them all the time. We enter into a contract; it's very difficult to phase a construction contract to the point where you might just fund portions of it as you go along. I don't think that's possible because of the way projects are constructed. So that's an area that we have to look at very carefully.

And many of our construction projects take a number of years, even through the planning

phases. If you look and I know some of you Legislators have been involved in the planning process on some of the federal aid jobs and you know how long we've carried some of these jobs through the process. So if a consultant contract is a million dollars for this process and we get that money up front and it takes us four years to carry this project before we have used up the consultant money or five years, it could take that long on some of these major projects. And that has to be taken into account.

Consultant type projects; there may be possibilities of phasing some of that. It's a lot easier to phase that, then a construction project, depending upon the situation. But certainly, we have to know that up front because we'd have to structure our contracts accordingly. So the consultant knows that we might have to renegotiate fees as we hit different phases. And we have done that in certain instances.

There was also some comments in the BRO Report with regard to consultants. There was a statement in one section of the report that indicated that it was cheaper to use in-house staff and consultant. And we'd like to see the backup for that statement because we've done a multiplier for our staff. We did it probably ten years ago. We brought it up to date maybe a year ago. And our multiplier is right in the mix with the consultants. I mean, our multiplier for different divisions may run over three point 0 down to two point something. And our average runs around two point eight six. If you look at the multiplier for consultants, they probably run in the same neighborhood. So I don't see where all this savings is in funding. Could there be savings? Yes. If the County has to run particular jobs, let's say, inspect a job and it's more important that we have quality inspection on specialty type jobs like bridge work, where you have people there all the time. We don't always have that luxury. Because there's a case, does it pay to add more staff? It's difficult to say. Because I think the important thing in dealing with the consultant issue is to understand that there are valleys and peaks in the Capital Program process. And the idea of using consultants is to cut those off and make it more uniform. And we think we do have a fairly decent balance there. But I think it's important to understand that there are only so much that we can do, as a department, in terms of addressing the engineering architectural needs ourselves.

Consultants offer a wide diversity of expertise, which we may not have on staff. They provide to us generally, most projects have a number of consultants that usually team up and form teams. And those teams make that engineering process a lot more effective than the County trying to do it with the staff we have. Because there's only so much expertise you really can keep on staff. And to avail ourselves of the wide array of expertise that are brought from the outside is extremely important in ensuring that we have quality jobs.

Getting back to construction inspection, yes, we can probably handle jobs. And we can save money for the County on our jobs because we could put one man on the job. Maybe if we're lucky, we can make him full time or if not, he'd be part time. So yes, we can save money, because theoretically that job may take three people to realistically handle quality control during construction. By putting one man on, I can save money. Is that realistic? No, I don't think so. I think what we want to do out there is to provide the public with a quality product. Because if we don't and the road breaks down or the bridge breaks down, now we're paying money out of maintenance. Of course, that's an operating expense. But again, that's going to affect our Operating Budget. So it's important that we really look at the total picture here. I don't think you can just make general statements. And I'm not sure where the statement came from but it does disturb us because I don't believe that's the way to handle that issue.

Another issue is increase in staff. Is an increase in staff really needed? Well, a lot of the things

I've just talked about really impacts our ability to determine how much staff do we really need. As I said if it was a perfect world, we may be able to come up with a staffing that realistically could address everything. But it's not. And so, unless we eliminate a lot of these impacts, very difficult to come up with a number, it really depends upon the issues. Every project is different. Generally, you talk about new personnel, new personnel who are inexperienced. Very unusual when we can get somebody who is experienced. So you're dealing with inexperienced people, who generally aren't going to be productive for three or four years. And generally, during that three to four year period, we're losing other people that have to be replaced. So it's not that simple. These same people, we add new people. Well, in the Public Works Building in Yaphank, we are pretty much tight with personnel.

Recently, the Legislature was looking at legislation to add positions, in order to address the new Clean Water Program, six new positions. We have to find a place for those six people. It's going to be very difficult, which means we have to add on to our building. So if we add staff, we have to add space. Space means additional dollars in Capital Program. Space means an additional cost to maintain the facility. Space means you have custodial services, which have to be increased. Space means you have accounting and personnel services that may have to be expanded. So it's not a simple solution to say, let's just add staff because there's a lot of cost in dollars associated with adding staff that really isn't evident up front.

The last issue, I wanted to talk about dealt with the briefly, just the Incentive Program, which we don't think is a bad program. But you should understand too that program does impact the experience of our staff. Because generally, people that we -- pursuant to the Incentive Program are your most experienced people who have the most institutional knowledge and that's where we get hurt the most. Again, to replace those people, we're talking about inexperienced people, which in time, which takes time to train them.

Essentially, that's my brief remarks with regard to the program. And we'll be happy to answer any questions or provide any information we can, with any of the issues or projects that are in the program. We do have some comments on specific projects and I'll make those whenever the Chairman wishes to do that.

CHAIRMAN CARACAPPA:

We appreciate your comments. And first, let state before we go to questions and there's many by, I think by all the committee members -- is going through this Capital Budget process and in light of the things that are being, I don't want to use the word uncovered, it sounds like there's something being covered up but there really isn't. I think, it's a majority of us feel that it's not the Department of Public Works that is the problem. I think it's an over ambitious, speaking personally, it's an over ambitious Capital Program with a whole bunch of factors that basically leave you holding the bag. Whether it be the County Attorneys and I'll use the term in the report, the glacial pace of the County Attorney's Office.

The aggressiveness for which resolutions come out of this horseshoe and this auditorium and the things that you've mentioned in your comments. It's not so much the Department of Public Work's fault but the bottom line is it does end up on your plate to process all of these projects. And what we're going to be looking at through this budget process is ways to streamline that, ways to make it easier for you to complete projects and get them to fruition, so to speak. And to maybe just have more input from the rest of the County Departments helping you along in your efforts to get projects done that we, as a Legislature and the County Executive mandate upon you, as a department. So we'll go to Legislator Foley for questions first.

LEGISLATOR FOLEY:

Thank you Mr. Chairman. Is it this phase of the committee meeting will first speak of some generalities and some points and then others of us will then have particular questions about projects within our districts in other parts of the County?

But getting back to the overall tone of the Budget Review Office document, I know Mr. LaValle, you take exception to the descriptive term of backlogs. You'd give it a different definition or description. Part of what we're dealing with and those Legislators among us here, who have been among the most supportive of the department and most supportive of moving projects along. When we look at the fact that there are 340 Capital Projects as the way that -- this number that's given to us. And when we see that number and then there are more projects that are continuing coming through this committee and we, as a committee, have done our bit, our part rather by approving a number of Capital Projects.

When we have this magnitude, this number of 340 and then yet, projects take a number of years to flow through the process, the reason that some of us view it -- we don't want to call, is a backlog, are taking longer than it should. We say to ourselves, are we in a position where we want to see some projects moved more quickly? And our concern is that if we approve more projects, put more on the plates of the engineers in-house, put more on the plates of those consultants that are used for multiple projects, then are we then not, in effect, going to cause further delays in projects that have already been approved? I think that's one of the fundamental points that we're trying to come to grips with. Because you do have a mix of in-house staff and consultants but we also know those of us who do our homework on this side of the horseshoe, we know that a number of the consultants are doing multiple projects.

So is it not the case then, that if we approve even more projects over the next year and there are quite a few here to the tune of eighty three million, it doesn't mean that they're all going to be done by consultants. Our concern is that by putting more through the system and having more than the 340 Capital Projects, are we then not putting more on the desks of the consultants and your own staff? And would that not then, in turn cause, I'll say delays, you can use a word in a language that you want to use, would cause a longer process to occur for projects that have already been approved? And if it doesn't, why would it not?

MR. LAVALLE:

Not necessarily. Don't forget we are bidding projects as we go along. For example, during the next, I guess by the end of this year or into January, we'll have bid some in the neighborhood of seventy-two and a half million dollars worth of work. That certainly makes up for a lot of the new projects that are being brought on board. And understand that there's a lot of -- there's a number of massive projects in the buildings area that will be coming on board in 2004, 2005, being the Civil Court, as well as the Riverhead County Center. You're talking about projects in excess of thirty million dollars, which are already under design. Again, large consultant contracts, obviously because their complexity is far more than we can handle.

LEGISLATOR FOLEY:

Then if you look at -- I don't mean interrupt but then if you look at Roman Numeral three, in the BRO Report and the concluding paragraph? Where it says that the backlogs in progressing Capital Projects will continue to increase if the increased pace of appropriating Capital funds continues. You disagree with that assertion?

MR. LAVALLE:

Well, I can't really --

LEGISLATOR FOLEY:

Because it gets to the point where I'm talking about --

MR. LAVALLE:

Until I really review thoroughly the projects that we have currently in the program or the ones that are considered backlog. I mean, we keep a listing in the office and we need some time to look at those to see if really -- I'm really not in a position to tell you right now, can we keep up or not. Because until I look at that list and see when all of those projects, most of those projects may be flushing out in the future.

LEGISLATOR FOLEY:

Well, that's the kind of information, I know the Chair and also the first time that we're asking you but within the Executive Branch. That's something that we've been asking for during this whole Capital Budget process for this year to get that kind of information. Because again, it gets to the point of again, there are some colleagues, some of them are around the horseshoe right now but are asking the question, you know, only -- I say somewhat seriously, why do we need to approve any projects this year when, in fact, there's so many that are already in the pipeline to begin with that need to move along. So you have that kind of mindset among some. And so what we're trying to do, as members of this committee, is come to grips with that thought. I don't say attitude but with that belief among some Legislators.

MR. LAVALLE:

You know --

LEGISLATOR FOLEY:

And what we've tried to do in the past, as the former Chair and what this committee has tried to do is to get more timely information, such as timeline charts, so that when we do approve a resolution, we have some idea of what the timeline is going to be and how that's important. That issue has to be revisited. But also to get to the other point that you raised. And I just have a couple more questions at this phase Mr. Chairman and there are some specifics. But you raised a very good point, where if you have some in-house engineers working on projects are then called out to do other things. Well, the question that I would raise is whether or not within your staffing, you have staff that would be devoted to projects. They do projects. And then you have other staff that if they need to go out to a building or to respond to some request that's made by another department or by another Legislator; that you have staff that can handle that, as opposed to having a person, who is working on projects, they have to take time away from the project to do other things. I think the point that some of us have made is that you have staff to work on projects, so they can progress those projects and these other requests could be handled by other staff.

MR. LAVALLE:

But generally, you don't know what the extent of those unanticipated requests are. I mean, they can be low or high and what do you do with those people. You can convert them. So essentially, those people may be one of the same people that start out as a separate staff. They may end up just being on the construction projects or the normal Capital Program Projects. And then again, being used when they're needed. That's essentially what happens. It's difficult to say how. We might not have anything for a few days and then we might have a lot for them to do. As I had indicated, in my original comments, there's a lot of unanticipated items or functions that impact

our ability to approach the program and it's not any one item alone that impacts that. The accumulation of all of those items that are a problem.

LEGISLATOR FOLEY:

Let me ask the question this way. If you look at the history of the department over the last 30 years, where there have been a number of projects, there was -- I would call it a certain ratio of staff to a project, okay! Whether it be engineers or engineering aides. When you look at the number of projects that we've approved and more that are in the pipeline, historically speaking, is there a very low ratio of staff to projects? Is there a higher ratio? And I'd ask the same of Budget Review, if you can answer it today. Because the point that I'm making is that we all know there was a time when, for instance, you may have had more engineers in the Highway Department than you do now. Is that the case? Or not the case?

MR. LAVALLE:

Many years ago, yes.

LEGISLATOR FOLEY:

All right, many years ago. And then, in more recent years, there has been a number of -- through retirements, attrition, fewer engineers. But over the last number of years, we have put money in, so you could hire more engineers. But where things stand now, when you look at the projects that are in the pipeline, the projects that are proposed in this three-year plan? Would you agree with the idea that if there were more engineers, particularly in highway, then we'll get to the buildings in a second. That they can progress some of these projects more quickly, if you had more engineers in that particular area.

MR. LAVALLE:

If we had more engineers?

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

We could but maybe in two years from now, we won't need those engineers. So why not, as I indicated before, why we rely on consultants.

LEGISLATOR FOLEY:

That's why you rely on consultants.

MR. LAVALLE:

I mean, it doesn't make any sense to retain, to hire additional staff, if you're talking about, as it is cutting back on the program. So when we catch up, what do we do with these engineers? So it would be better to retain consultants to handle that peak. It doesn't make any sense to --

LEGISLATOR FOLEY:

Are you comfortable though with the fact, do you have enough engineers to oversee the consultant's work? Because I know, I'm past the Capital Budgets that that's been an issue of whether or not you had enough.

MR. LAVALLE:

Well, that's always -- one of the areas we're looking --

LEGISLATOR FOLEY:

So if your going to rely on consultants, which is what you're telling us because of the ups and downs of projects, the key then is to have on, in-house, a staff that can oversee the consultants progress.

MR. LAVALLE:

But one of the problems we have right now is that the staff is more -- for example, in highways, we have a staff that's basically inexperienced because of attrition and those that have retired; that pursuant to the Incentive Programs in the past.

LEGISLATOR FOLEY:

But you've had to --

MR. LAVALLE:

That hurts us more than anything else.

LEGISLATOR FOLEY:

You've hired some new staff though.

MR. LAVALLE:

Because we don't have the experienced staff to identify and administer the process or an up staff to administer the process.

LEGISLATOR FOLEY:

When there have been retirements you -- when you've had retirements, you've had people hired, have you not?

MR. LAVALLE:

We've hired some staff, yes. Basically, in several of the divisions, the staff levels over the last number of years has basically, remained level. We've hired people but people keep leaving.

LEGISLATOR FOLEY:

We've hired people through new staff, new budget lines that have been --

MR. LAVALLE:

About engineering or architectural staff.

LEGISLATOR FOLEY:

New budget lines that we put into the budget, where you can hire new staff. But then again, a current staff, there's a retirement. You have the ability to fill those positions. Are there currently vacant budgeted -- ?

MR. LAVALLE:

Not all. The incentives in the past required 50 percent savings.

LEGISLATOR FOLEY:

That was for the first two years and then after that you can hire the people. Are there currently --

MR. LAVALLE:

Well, for the positions we have in the program, we've been hiring people, yes.

LEGISLATOR FOLEY:

Let me just ask Budget Review. Thank you Mr. Chairman. Are there a number of budgeted but unfilled positions within highway and construction that you believe would help to progress projects?

MR. POLLERT:

That would really be in determination of the department what staffing levels would be required. Prior to issuing the report, I discussed the findings and report with Charlie Bartha to get his viewpoint. His comment to me was that clearly there are some problems with the process, likewise some additional resources could help the department. However, he was not specific with respect to what specific resources he would like to see to improve the process.

LEGISLATOR FOLEY:

All right. Mr. LaValle, as the Deputy Commissioner, has the Commissioner shared with you what additional resources he would need visavis what you just heard from Mr. Pollert?

MR. LAVALLE:

We're looking at positions obviously, now with regard to the future operating budget.

LEGISLATOR FOLEY:

Are there vacant positions right now that are unfilled? Are the vacant positions --?

MR. LAVALLE:

There are vacant positions at the present time.

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

We've lost a number of positions in the highway area more recently. In fact, young engineers leave, which we haven't filled as yet.

LEGISLATOR FOLEY:

And why have they left? You do an exist interview to find out why their leaving?

MR. LAVALLE:

Why they left more recently had to do with failing the Civil Service test.

LEGISLATOR FOLEY:

Okay. All right. So back to the issue of recruiting new engineers. Let me move on to another issue. In the Parks Department, they have a number of projects that they interface with Public Works. Do you think that it would help to move along their Parks projects if, in fact, they had some building staff within their department about architectural staff or engineering staff within Parks Department?

MR. LAVALLE:

Why would we want to disjoint the process with additional two functions? We're doing staff work

and they're doing it also?

LEGISLATOR FOLEY:

I'm asking the question somewhat rhetorically because we're being -- we're looking at the impression that one of the reasons why the Parks Department projects aren't moving ahead more quickly is because of how many projects, whether it's people on your staff or the consultants that are hired by the Parks Department or by you to do the Parks Department are "overwhelmed" with projects?

MR. LAVALLE:

I don't know if that's the case that we're overwhelmed. Obviously, with any types of projects there are always problems in communicating what needs to really be done and thought processing. And quite often on Parks Department projects, the environmental concerns become more critical because of the types of property you're dealing with. So those projects don't take a lot more work and effort to move along than normal projects. We had had problems in the past; however, we've developed an excellent working relationship with Commissioner Scully. And we think we have a lot of those problems resolved and I don't foresee that we should have other than normal problems we have. I think we should be able to handle that workload.

LEGISLATOR FOLEY:

My final question has to do with right of way acquisitions with roadways. You mentioned before that there are some "problems" relating thereto. Could you and I think it's important for the committee and for the record to reflect exactly what are the problems with the right of way acquisitions? Why does it take as much as two years? It's my understanding that, in the past, it could take far less. And that there are -- in fact, there are problems, not only in real estate. And I'd like to hear from you what you consider some of the problems in real estate or what they relayed to you are the problems. And I also understand there are problems in the County Attorney's Office, as far as trying to move projects along because of the amount of work that the County Attorney's Office has in this particular area. So I'd like to hear from the department as to what you see are the causes for both real estate and for the County Attorney's Office to take upwards of two years with what I would call, some rather straightforward right of way acquisition?

MR. LAVALLE:

That's really issues that should be addressed by --

LEGISLATOR FOLEY:

Respectfully so.

MR. LAVALLE:

I don't know --

LEGISLATOR FOLEY:

You have to take it up but I would think that --

MR. LAVALLE:

I don't know what issues transpired between real estate and law. They work together as part of the land acquisition process.

LEGISLATOR FOLEY:

With your department -- if your department is intimately involved in that process though, you must have some kind of opinion about it. You have to because its --

MR. LAVALLE:

Well, our opinion is that the process hasn't been moving along.

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

And in the past, our understanding or major problem there was really staff and being able to control it.

LEGISLATOR FOLEY:

Okay staff. Commissioner, staff where, in which department? Where was the staffing problem?

MR. LAVALLE:

I can't speak for the Law Department. I'm speaking in terms of real estate.

LEGISLATOR FOLEY:

All right real estate had a problem? Where was staff in real estate?

MR. LAVALLE:

I don't understand. I'm saying that's our understanding that the reason they couldn't move ahead with some of these projects in a more timely manner was they didn't have the personnel to do that.

LEGISLATOR FOLEY:

Now, the County Attorney's Office. Are there County Attorneys that are dedicated solely to projects for the Department of Public Works?

MR. LAVALLE:

I can't address what the County Attorney does and who they have addressing land acquisitions.

LEGISLATOR FOLEY:

We don't deal with them during land acquisition. They deal with real estate. During the land acquisition process, we prepare the plans; we prepare the maps of the properties to be acquired.

LEGISLATOR FOLEY:

Yes.

MR. LAVALLE:

We submit them to real estate. At that point, that's where our involvement is. We do the SEQRA process associated with that but once we submit the maps to real estate, then they start the process of the land acquisition. And other than us making a presentation at the public hearing and answering questions thereafter that those persons from which we're acquiring land have, we'll respond to those questions. But other than that, we're not really directly involved in the land acquisition process. So I don't think we're in a position to tell you what they need or don't need, other than the fact we meet with them on a regular or have met with them on a regular basis. And that seems to be our feeling, in terms of them progressing these projects. It's our concern is that we'll be moving ahead now with some very large complex federal aid type projects, which involve significant amount of land acquisition, strip takings. And I know that you

and Legislator Caracappa are familiar with those. It takes a number of people to go through that process.

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

And we've met with them and that seems to be the problem.

LEGISLATOR FOLEY:

Well, I would know that -- I mean, I would note that whether it's highway directly but yet you have these ongoing discussions with the County Attorney's Office and with real estate, as to where projects are, correct? I mean, you ask on an ongoing basis where do things stand?

MR. LAVALLE:

Well, we deal with -- we don't deal with the County Attorney's Office. We deal with just with the Division of Real Estate. Our Division of Real Estate, Department of Planning. That's all we deal with. If we want to know what the schedule is for a project, we contact them directly.

LEGISLATOR FOLEY:

Have they said to you what their problems were with some of the projects, as far as moving them along?

MR. LAVALLE:

Personally -- I mean, obviously --

LEGISLATOR FOLEY:

Right, well is anyone else on staff? I'm sure they could lend some kind of light on this.

MR. SHANNON:

I think primarily, Legislator Foley that the problem with the Real Estate Division is workload. They are, you know, I think both staffs -- staffs are working on open space acquisition and the multitude of takings of that nature. And they are also working on our right of way acquisitions as well, and I would tend to think that not knowing any more of the details. But generally, it's a good staff of people there. They're hard working. So if things are falling behind, you know if it's to -- probably to prioritize their workload and conduct it accordingly.

LEGISLATOR FOLEY:

Is there any interaction with between your division and the County Attorney's Office directly on projects?

MR. SHANNON:

Not with regard to right of way acquisition. We deal directly with the Real Estate Division. And I know there's an internal exchange of documents between real estate and the Department of Law but not where we are involved in.

LEGISLATOR FOLEY:

How are you involved with the County Attorney's Office, the Highway Division? What other way?

MR. SHANNON:

Well, typically the highway, in the Highway Division if we, for example, working out agreements on joint venture type missions, for example, in Southampton, working out the agreement with the Shinnecock Fishing Dock that type of thing. We're also in contact with them in solidifying and finalizing agreements with New York State DEC and DOS for clean water that type of --

LEGISLATOR FOLEY:

So it's your belief then that if there's any delays in their Right of Way Program, it's more in the area of the workload in real estate?

MR. SHANNON:

I would believe so, yes.

LEGISLATOR FOLEY:

Okay Mr. Chairman, thank you.

LEGISLATOR CARACAPPA:

Legislator Caracciolo.

LEGISLATOR CARACCIOLO:

Thank you Mr. Chairman. Mr. LaValle, I can appreciate your opening statement in many respects. One of the things you -- that was a central theme throughout that statement was that there are many external factors beyond the departments control that leads to this impression that there's a backlog of Capital Projects. Would that be a fair characterization? Are there any internal factors?

MR. LAVALLE:

Internal?

LEGISLATOR CARACCIOLO:

Departmental factors, staffing, lack of clarity as to where we want to go? How we're going to get there? When we're going to get there? Identifying projects that have higher priority?

MR. LAVALLE:

Well, priority yes. Ultimately, we have to make determinations with regard to priorities during the process, if we have projects, competing projects. And some of them we have to get out more quickly. The other depending upon what we judge to be a more critical project.

LEGISLATOR CARACCIOLO:

Could you just walk us through that internal process that takes place?

MR. LAVALLE:

Internal process, it's just one that evolves during the course of a project. We meet constantly; division heads meet with their staff. We meet with division heads, discuss projects, make determinations during those discussions. It's not any specific set meeting or what have you. But there is --

LEGISLATOR CARACCIOLO:

Again, I want to be specific. I'm not referring to the external factors. I can understand though when you have external factors, you have to do that. I'm more concerned and you mentioned one thing. The recent additional requirement for six personnel to oversee the new Water Quality Protection Program. You call it the Clean Water Act. You meant Water Quality Protection

Program, right?

MR. LAVALLE:

Yes.

LEGISLATOR CARACCILO:

Okay. That was not a legislative requirement. That was a voter referendum requirement that we have two year, since it was approved by the voters have finally come to implement. Aside from that, it took a long time to identify what department, what personnel is going to carry on that function. The fact of the matter is it's now been approved. It is a requirement. There was plenty of lead-time since your department wound up overseeing this program to plan and put in place the space and the personnel to carry out this program. And I think it's position, the department's position was because I never -- I recall raising this issue why DPW and not some other department and Mr. Shannon was here and he very eloquently, you know, justified from his perspective why DPW should oversee this new project. So that said, that wasn't something you were blindsided with. That's something that's been a work in progress for 18 months in identifying where, who and when this new program requirements are.

MR. LAVALLE:

That might have been identified 18 months ago. But it was only recently that those personnel were approved. We have no way of knowing when those personnel are going to be approved. We don't know what the reaction of the Legislature is going to be. Maybe they don't approve six people that we need for the program. Maybe they'll only approve two.

LEGISLATOR CARACCILO:

You have to have it approved, my question is --

MR. LAVALLE:

Now it's approved.

LEGISLATOR CARACCILO:

Right, now that it's been approved --

MR. LAVALLE:

It's not that we had a --

LEGISLATOR CARACCILO:

How long will it take to get that program up and running?

MR. LAVALLE:

We'll have it running very quickly. We know what our responsibilities are and we'll assure that the program moves along. It's an important program I know to most of the Legislators, if not all of the Legislators that are involved in the program and it's important to us. And we stress that right along. I think Mr. Shannon stressed that in the program. We believe we can handle it, we believe with the personnel that we'll add to our staff. And again, we have to add personnel to our staff. I have no control over how long that process can take. Only because are there those people out there that we can get on board right away. That remains to be seen.

LEGISLATOR CARACCILO:

Speaking to the Civil Service process and --

MR. LAVALLE:

Yes. We had to go to the interviewing, the whole Civil Service process presuming there'll be the pool of personnel available to us that we can bring on board and even start that whole process.

LEGISLATOR CARACCILO:

Right and we understand that. In terms of the early retirement incentive and the effects it may have on the department. The word is out. The State has passed the legislation. There's been legislation introduced in this chamber to consider that and may come up before the end of June for a vote, if not sooner. That said, has the department conducted any kind of a survey that see who among eligible employees would be leaving?

MR. LAVALLE:

I don't believe so. I mean, we might have that. I'm not aware of that as yet. There hasn't been any formal survey.

LEGISLATOR CARACCILO:

Okay, how many people based on the payroll that's carried under department would be eligible just by virtue of meeting the requirements of State Legislation? Because I know I heard you say there would be a significant impact. So obviously, somebody knows to some extent what that impact might be.

MR. LAVALLE:

No, it could be a significant impact. I said one of comments were the major impact is the loss of experienced people. I didn't say how many people.

LEGISLATOR CARACCILO:

No, I know you didn't give a number. I'm trying to get a number and the Chairman just --

MR. LAVALLE:

I don't have a number.

LEGISLATOR CARACCILO:

He believes it may comprise a third of the department. What's the current T.O. for the department?

MR. LAVALLE:

We have approximately -- a little over nine hundred people on staff.

LEGISLATOR CARACCILO:

Okay, so are we saying --?

MR. LAVALLE:

That includes blue and white-collar workers.

LEGISLATOR CARACCILO:

Okay. So a fairly significant number of senior employees would be eligible. We don't know to what extent they may or may not take advantage of the retirement.

MR. LAVALLE:

We don't know.

LEGISLATOR CARACCILO:

Okay, are we aware of any senior staff members who are contemplating retirement, if the Legislature approves this? There are some in the audience --

MR. LAVALLE:

I do not know. I think it could be -- how soon? I mean, you say senior.

LEGISLATOR CARACCILO:

Well, I'm not sure whether -- Fred, what is the window in the State Legislation? Is it August?

MR. LAVALLE:

Yes, end of August, I believe.

LEGISLATOR CARACCILO:

So we don't know -- rather soon what we're talking about. Rich, I bring these point up because in terms of, you know, staffing and managing a department, the department heads have to look at these issues on a daily basis. If there is a presumption that there's a backlog, I think your statement very clearly states why. I mean there are a lot of factors beyond your control. I understand that. Maybe some other Legislators are not unfortunately not many others are here besides the four that sit here now that have raised these issues and they don't really understand that there a lot of factors beyond your control. But I'm really addressing internally. What is it the department doing, should be doing, or could do better to negate this perception? Because we can't always point the finger somewhere else if there are some internal issues that also have to be addressed and redressed. In terms of the BRO report and their contention and this isn't the first time they've cited this but they believe the hiring and use of outside consultants could be reduced or minimized by permanent in-house staff.

You seem to take issue as other Commissioners and Deputy Commissioners in the past. I can remember going back to when Charlie was Deputy Commissioner and these issues would come up that well, we don't have enough year in, year round and out, I should say. You know, on a continuous basis need for some of the "consultants" that BRO thinks should be County employees. Now, I'm just thinking about what we've done here in the County in the last five, six years, in terms of the Capital Program and Budget, the Dennison Building, this building. And there's probably scores of other projects large and small that escape me right now. But it seems that when I look at this program for the next three years and the amount of funding included or proposed that at least for some seven or eight years continuously there was probably good justification to hire and retain more engineers, more architects and other in-house staff to carry out some of these larger scale projects. Cornell would have been another one. I should have thrown it in there. Is that right? Or is that correct, or incorrect?

MR. LAVALLE:

Well, certainly we could use additional staffing in certain areas, no question about that. But certainly we also want to maintain a reasonable balance between in-house and private work.

LEGISLATOR CARACCILO:

Okay, explain to me that a multiplier factor that you recited in your statement?

MR. LAVALLE:

Well, it's a method of determining what a cost of a project could be. The multiplier factor basically involves direct and indirect cost and includes overhead costs, profit cost, those kinds of things that's factored together. It involves some of the overhead cost and insurance, use as building space, you know, utilities, all those kinds of things, insurance's and we're able to determine what it is that it cost the consultant or the County to do work on an hourly basis.

LEGISLATOR CARACCILO:

Is it your opinion --?

MR. LAVALLE:

And in fact when you multiply it by direct salary wage of the --

LEGISLATOR CARACCILO:

It's your opinion that there would be a wash between --

MR. LAVALLE:

Well, what we're saying is basically, it's in that area, depending upon. You could have a consultant contractor that could we hire. The cost, the last time we did the study, the multiplier in the highway it was much larger because the highway staff had a great deal more space than many other divisions in the department. Some of the other divisions were much lower. But the balance was the, in fact, or I indicated, which is in line with, in most cases with the consultant multipliers.

LEGISLATOR CARACCILO:

Well, I'm in agreement with you that if the Budget Review Office believes it would be more cost effective to have in-house staffing that they prepare some type of summary analysis to share with you and others, as well as the Legislature, so that we can make a judgment as to whether or not that's real and you know and that's the way to go. To keep talking about it, year in and year out and not acting on it if it's in fact the way we should go is not appropriate. Let me ask you in terms of cost escalation. A number of projects and again, given the size and the amount of money for some of the major projects that are included in the budget, the program rather, we're talking tens of millions of dollars.

Whether we're talking about the new courts in Riverhead or the Southampton County Center renovation project, which has been done in pieces. I know we did the Health Center and we did part of that wing of the building but we still have an escalator that hasn't operated there in some 20, 25 years and we still have a major portion of that building that's in need of major disrepair renovation. I know who you -- there's no disagreement. The question is, in terms of getting back now to the central theme, Mr. Chairman of prioritizing these projects, so that the Legislature, when it acts, does so in a timely but more important meaningful way. How could you assist this committee and the Legislature as a whole in identifying -- you know, what would be your top five Capital projects?

MR. LAVALLE:

I'd have to look at that.

LEGISLATOR CARACCILO:

Well, I know at the top of your head, a couple would come to mind.

MR. LAVALLE:

No, I'd have to look at them all. Either that or get but --

LEGISLATOR CARACCIOLO:

Well, let me do it by category. In terms of the building --

MR. LAVALLE:

They each could give me five of their top ones.

LEGISLATOR CARACCIOLO:

Okay. But let's --

MR. LAVALLE:

We could do that. I mean, we obviously -- we do prioritize projects and we have done that in the past is from first to last.

LEGISLATOR CARACCIOLO:

And we have a right --

MR. LAVALLE:

It's very, very -- well, you have a ranking but quite often, how do you determine, you know, a lot of these projects they have the same ranking but in reality they don't.

LEGISLATOR CARACCIOLO:

Oh, so the ranking --

MR. LAVALLE:

You'd have to identify projects that have the same --

LEGISLATOR CARACCIOLO:

I'm being facetious because I've never believed in this particular ranking methodology. You know there was a means to justifying ends and it really doesn't work. But getting back to my question. There are 38 Capital Program proposals for buildings. What would be your top five? I mean, I'm cutting it down from 341, so I mean this isn't difficult.

MR. LAVALLE:

I don't think we -- we should have the ability to look at these things.

LEGISLATOR CARACCIOLO:

Can we expect something like that from you?

CHAIRMAN CARACAPPA:

Legislator Caracciolo, just if I can cut in here. The working group, the Omnibus Committee has requested this already in yesterday's meeting with the County Executive's top staff officials. They are putting together a list and they're going to be reaching out with Public Works and other departments and we've asked for a very strict priority list for the Capital Budget. That's for 2003 as well as the Capital Program. I know exactly where you're going because we need to prioritize in the highest order what we're going to deal with in our budget amendment that we're going to bring forward. So we are -- we have requested that. We're meeting again in -- it's supposed to

start in 10 minutes and we're going to continue to work on the prioritization of the projects included in this program. So we should have a list compiled or at least working towards a list in the next hopefully, 48 hours or so. I know Budget Review is also planning to be part in helping us put this together as well.

LEGISLATOR CARACCILO:

And just to reiterate. That request will be met and will be met timely, so that we can before next well, two weeks on the 11th, understand what it is that are our top priorities in each of these categories.

MR. LAVALLE:

I wasn't aware of what was agreed to at the meeting yesterday. But I'm sure that's going to come down to us very shortly, so we will --

LEGISLATOR CARACCILO:

I've heard about that earlier today and that's why specifically I brought this up because I think it's important for us like that are made that they be met, so that the Legislature in its deliberations can, you know, cut to chase here and find out what it is that we must do rather than a wish list of what, you know, we should do. In terms of this quarter of a billion dollars backlog, no one as yet explained that to me in its totality but I understand there are reasons for that. I think we covered that ground already. But in terms of that two hundred and fifty million dollars in projects that some call a backlog, many of which are in this program, right? They're in these 341 projects? Fred?

MR. POLLERT:

Yes. Most of these are included within the scope of the current Capital Program.

LEGISLATOR CARACCILO:

Okay. The other concern I have is that when we defer making a decision on moving forward with a project like the Southampton County Center, we add unnecessarily, besides the inconvenience and the possible safety issues, health and safety of not only County employees but those who visit our facilities and liability issues, we add cost. Correct? Am I correct about that? And if one goes back to when I first arrived here in 1990, I can remember this Capital Program and Project being in the Program for planning and design. And here we are, you know, with the exception of the Health Center weighing in some other portions of that building; it's still there. At what point do we make a decision that this has to be done and this has to be done now? At what point?

MR. LAVALLE:

Well, we have a plan now where we have a consultant on board. We have just gone through a feasibility study with regard to the progress of that project and how it would be handled. And we've moved ahead with the actual final design. We should expect to go to construction in 2004.

LEGISLATOR CARACCILO:

So we go to construction 2004, unless there's an attempt to put off construction funding to subsequent years.

MR. LAVALLE:

Well, right now there is funding in the -- there's been an authorization of funding. I take that back. There's funding in the Capital Program, all right? The Legislature last year took out eight point, eight something million, close to nine million dollars. This year we're asking for that money to be put back in the program.

LEGISLATOR CARACCIOLO:

And in terms of a priority, where would that -- on a scale of one --

MR. LAVALLE:

We're going to have to -- that we'll deal with when we submit the list with regard to that project.

LEGISLATOR CARACCIOLO:

Let me switch across the river to Riverhead proper and to the court proposal. There was an Ad Hoc Court Utilization Committee. They made recommendations. The Legislature approved those recommendations. We're now at the point of actually planning and design is done?

MR. LAVALLE:

No, no, no. We're -- we just finished, I think, the feasibility study -- why don't you comment on it?

MR. GODEK:

Okay, at this stage of the game, we've completed the programming phase of the project. Basically, what we've done is we've investigated what's at the existing structure now. What the needs are as set by the recommendation committee and we've come up with a program for development of the building. We know the direction we're going in. We have not yet, however, started architectural design. That is a phase that we will be starting within the next month.

LEGISLATOR CARACCIOLO:

Are we under any timelines, deadlines by State, OCA or any other traditional body to have these courtrooms up and running by a certain date?

MR. GODEK:

To my knowledge, no. I think they're just happy that we've started the project at all. That was expressed to my by Judge Prudenti at the time that we had a kick off meeting.

LEGISLATOR CARACCIOLO:

But if there was --

MR. GODEK:

I'm not aware of any deadlines.

LEGISLATOR CARACCIOLO:

Right. How would the court or the State react if this project were delayed?

MR. GODEK:

I think you'd find Judge Oshrin here again, real soon.

LEGISLATOR CARACCIOLO:

Along with Judge Prudenti or down from the Appellate Court.

MR. GODEK:

Yes.

LEGISLATOR CARACCIOLO:

Okay. On that Capital Project, what is the latest, in terms of meeting the parking needs during

the construction phase, as well as the operational phase?

MR. GODEK:

Well, we're working in conjunction with the Town of Riverhead, who is committed six hundred additional parking spaces, ultimately. We're also looking at it utilizing, as somebody pointed out earlier, the site of the old Cooperative Extension across the street. We're looking at demolition of raising that building and we are paving to provide additional parking.

LEGISLATOR CARACCILO:

That's in this proposal?

MR. GODEK:

It's actually a -- well, which proposal are you referring to?

LEGISLATOR CARACCILO:

The demolition of the Cornell Building?

MR. GODEK:

Yes, it's part of the Capital Program.

LEGISLATOR CARACCILO:

That's what I thought.

MR. GODEK:

That will provide us additional space or additional spaces by nature of the fact that the building will be gone. It's also providing us -- we're providing the court additional spaces by nature of the fact that Cooperative Extension is now parking up the street. They won't be using that lot any longer. We're also looking at taking a piece of property that adjoins our existing parking in the back of the court building for a tax deed, I believe. So we're progressing on that. We'll be developing that into parking space. So between the judicial use of existing parking areas, parking areas that will provide -- will be provided to us by the Town and our own lot across the way, we hope to alleviate as much of the problem as we possibly can.

LEGISLATOR CARACCILO:

Based on that timetable, when will construction actually commence?

MR. GODEK:

Construction will be commencing in 04. Then that's a factor of the funding and how that's becoming available.

LEGISLATOR CARACCILO:

Okay, so at this point, we put shovels in the ground in approximately 18 months or thereabouts?

MR. GODEK:

That's correct.

LEGISLATOR CARACCILO:

Okay. Final and this is a specific project. This is a traffic safety improvement project that I know both Rich and Bill Shannon are very familiar with. I believe Bill you have prepared a proposal for Riverside and County Road 105, as a result of three recent fatalities at that intersection. It is your position; the department's position that that project should go forward. It was not

recommended. Budget Review, I spoke to Fred Pollert earlier this afternoon. He was not aware of the fatalities at that location and he would support a request of moving up funding from 2004 to 2003. Do you have any objection to that?

MR. GODEK:

Well that's the way the budget was originally submitted. So it would not.

LEGISLATOR CARACCIOLO:

Right, you originally submitted it for 2003, correct?

MR. GODEK:

Yes.

LEGISLATOR CARACCIOLO:

And I think once I made you further aware that there were three fatalities there. He realizes the importance and the priority of moving ahead sooner rather than later with that. And that's going to be worked -- that plan and design will be done in-house, correct?

MR. GODEK:

Right.

LEGISLATOR CARACCIOLO:

I think you already have a plan.

MR. GODEK:

We have a plan; not a formal construction plan but we have a plan to proceed with.

LEGISLATOR CARACCIOLO:

Four hundred thousand dollars, okay. Thank you very much. Thank you Mr. Chairman.

CHAIRMAN CARACAPPA:

Okay, I had a list -- you have a question Legislator Carpenter?

LEGISLATOR CARPENTER:

Well, I know that we're pressed for time. We're supposed to be meeting at 3:30. I just wanted to ask the department if there are any comments or recommendations in BRO's report that are problematic for you that you would like to raise with us now?

MR. LAVALLE:

Only comments I made originally.

LEGISLATOR CARPENTER:

But any projects specific was what I was getting to.

MR. LAVALLE:

Yes. Well, we obviously, we have a number of new projects in the program that we've submitted and we also have a number of projects, which are in the program currently but require additional funding. And I just wanted to focus on those for a minute with you. In the highway area, we have projects on Commack Road, which is a three and a half million-dollar project. County Road 51 is Moriches Riverhead Road, which is a six million-dollar project over three years. Long Lane

in East Hampton, which we'll be working with the Town of East Hampton maybe maintaining the roads out there. We have a small project for six hundred and fifty thousand dollars.

I have a project on Roanoke Avenue in Riverhead, one point two million-dollar project in the latter part of the three-year cycle. And a project on County Road 83, Patchogue Mount Sinai Road from the expressway to Canal Road, which is a three point two five million dollar project over three years. In the buildings area, we have a number of large-scale projects that need to be considered. We have a Day Care Center in Yaphank, which we're proposing in the 2003, in order even though the commitment the Legislature made in providing Day Care Centers at Hauppauge, Yaphank and Riverhead. And so we're dealing with the Yaphank Center of the stand-alone building to handle that particular situation. And also in Yaphank, we're also proposing an extremely large-scale program, in terms of approximately thirty seven million dollars to deal with the replacement of living quarters and upgrading the minimum-security facility there at the jail.

We have a smaller project in Riverhead involving Criminal Court Building and providing additional administrative space for the Sheriff's Enforcement Division, which is approximately one point seven million dollars. And then in Riverhead also, at the jail, we need to expand the jail ten thousand square feet of additional space for administrative offices. They're fairly crowded at the jail, which is approximately five point one five point two million dollars.

We did have -- we do have a project in the program involving an expansion of the Vector Control Building in Yaphank, which is a ten thousand square foot building to provide additional space for our Vector personnel. It's rather cramped quarters and also to provide for the Arthropod Lab. You know I understand that obviously, through some miscommunication with the Health Department, they indicate they weren't really on board with that project. We'll talk with them in the future. What you think is a good project, the Arthropod Lab people work directly with our people. They're in the building now. They're definitely under-spaced. They need more space. It certainly makes a lot of sense to us but the Health Department might have a different view on that situation, so we will talk with them and if they prevail in their thought process, which we'll find out, then we'll withdraw the project.

There are a number of cost increases in existing programs in the highway area. The major cost increases are really with regard to LIPA. As you know, that's an issue that came up in the recent past. LIPA feels they're an authority and that they shouldn't have to pay for any relocation of facilities within their -- within the County right of way and they are --

CHAIRMAN CARACAPPA:

Just to stop you there. They haven't gone to Nassau, Queens County or any other municipality in the region asking for the same thing, right?

MR. LAVALLE:

We're originally asking Nassau County for that same thing. And I'm presuming that they approached the other Counties buildings. Do you have more information on it?

MR. SHANNON:

That's correct.

CHAIRMAN CARACAPPA:

Where does it stand with Nassau County?

MR. SHANNON:

There's less of an issue in Nassau County at this time due to the fact that the Nassau is not progressing with much of a Capital Program, in terms of -- as compared to ours. So there's been no real negotiations going on with them. Our need was pressing and we -- they came to us and said we're looking for you to pay for these relocations and I know there's been subsequent negotiations and legal -- the County Attorney has been involved with their attorney. But there is no -- at this point, there's no ongoing negotiations with Nassau to my knowledge.

MR. LAVALLE:

We've recently, in fact within the last day, set up a meeting with LIPA to discuss this issue further. But they're very adamant and they've reached a point where they're not going to progress with any relocations on any of our projects until this issue is resolved.

CHAIRMAN CARACAPPA:

I can honestly say I think I speak for a lot of Legislators that know about this and were adamantly opposed to start paying for the relocation of LIPA poles and road projects. I personally feel its a price they need to pay to do business in the County of Suffolk and I think it's ridiculous that they're coming to us asking us to pay for half of their replacement of their poles and other pieces of equipment on Long Island on our roadways. Exactly. But that's something, I guess, we'll talk about in the future. I can guarantee this Legislature will not be supportive of that.

MR. LAVALLE:

That's the major increases in the highway area. Moving on briefly with -- in the buildings area, there are two main project increases. One is the Civil Court addition, which was touched upon by Judge Oshrin and I won't pursue that any further. I think he kind of addressed that eloquently. The second project was the Riverhead County Center. We're requesting an additional nine point seven million dollars to move ahead with that project, the increases in cost there.

LEGISLATOR CARACCILO:

Mr. LaValle, what is the justification for the additional cost? But what is the need for the additional cost? I'm sorry?

MR. LAVALLE:

That's what I was going to get to.

LEGISLATOR CARACCILO:

Okay.

MR. LAVALLE:

Give me a chance.

LEGISLATOR CARACCILO:

This is the County Center in Southampton?

MR. LAVALLE:

Riverhead County Center in Southampton.

LEGISLATOR CARACCILO:

Along with the jail in Southampton.

MR. LAVALLE:

The one with the jail and the Criminal Courts Building next door. The nine point seven million dollars, two point seven million dollars is to construct a record storage area for the County Clerk. The records are crammed in a very small space and need to be addressed. The remaining seven million dollars involves a Day Care Center. We're able to build the Day Care Center into that building. We haven't been able to identify an area, which isn't environmentally sensitive or where there's enough space on County property to build a Day Care Center, however, with our consultants in concert with our architectural staff, have been able to develop a plan, which incorporates the Day Care Center into the building itself. We are also adding fire's pressure system to the building. We're doing the exterior curtain walls. We're expanding the legislative meeting room and we're renovating the south wing of the building. These are all items of work, which were not considered when we originally estimated the cost of the project.

But since we've had the consultant on board, we've identified these as areas that need to be addressed during the process. One of the major -- this sounds like a significant increase but there are other factors that weigh into this being an appropriate way to move ahead with this project and it ties in with the improvement to the old infirmary. The Legislature has funded the work to renovate the old infirmary and the original intent was to use that building as swing space during the renovations to the Riverhead County Center by adding on to the building with the record storage area and where appropriate, we're requesting that the funding that record storage area be moved into the allocated in 2003, which means we'd start that portion of the project earlier, such that when we in 2004, when we move ahead with the major portion of the project, we'll have an open space where the record storage is.

We'll be able to move those records into the new area and we can use the area where the record storage is as one area of swing space within the building itself. So that area ultimately, when the project is completed, would also end up being an area that would be improved to provide for the Day Care Center. By making those improvements, we are able to continue to have the Clerk's Office stay in Riverhead. One of the proposals during the feasibility study was to move them from Riverhead to Yaphank during the time the building was renovated and use their space as swing space. But by taking the steps we're taking, we're able to eliminate that move. What it allows us to do in Yaphank, we can save approximately one million dollars in renovation money because now we can improve the old infirmary initially on a permanent basis rather than do it temporarily after it chooses swing space would have to come back and then renovate it on a permanent basis for those departments that would be utilizing space. So there's a one million-dollar savings there.

The Sheriff's Civil Bureau was originally -- is going into this -- the old infirmary also and there was six hundred thousand dollars allocated for him to lease space until the old infirmary was ready to be utilized on a permanent basis. But since we're able to utilize it on a permanent basis a lot sooner, we won't have to use that money to lease space for the Sheriff. We will be able to move him in as soon as the renovation of that building is completed. The savings, by not moving the County Clerk is approximately five hundred thousand dollars. So there are associated savings involved in this entire process. So in essence, looking at the nine point seven million dollars, it's a lot less a figure when we figure the savings that are resulting from the other changes that we're making in the process. So that's a project that we strongly endorse the additional funding, in order for us to move ahead with the overall program.

In addition, we have finally in the sanitation area; we have three projects that involve increases in cost that are presently in the program. One is at the SUNY plant. We had made estimates

when we put the project in the program since that time. We obtained consultants who had prepared engineering reports and one of the problems at that particular location that we're not able to discharge all the effluent from that plant into Port Jeff Harbor. We're restricted by how much we can discharge which means we have to provide additional storage space on site for the effluence. So there's a three million-dollar increase in that project. The Port Jefferson Plant itself, there's a six and a half million-dollar increase in that project. Again, a similar thing, we made estimates ourselves. When the engineering report was completed because of the terrain and the problems with making improvements at Port Jeff, the estimated cost of the work substantially increased. And the last item --

LEGISLATOR CARACCIOLO:

Aside but while you were speaking about the STP operations, it came to mind, in terms of security at Bergen Point, which is a -- you know, very substantial facility. Have we taken all steps to guard against a possible intrusion and sabotage of that facility?

MR. WRIGHT:

We've -- actually preparing an RFP that will take care of that. We're looking at limited access cards, gates and security cameras. We're implement the sump steps but we need somebody with more expertise in that area to insure that we've covered everything. Our major concern there is that it is along the shoreline. There's substantial quantities of some chemicals that could be used for some illegal activity. So that's the areas that we're concentrating on. But we should have an RFP out for some assistance sometime in June.

LEGISLATOR CARACCIOLO:

In the interim, are you satisfied that sufficient steps have been taken to prevent any type of intrusion? You know legal intrusion?

MR. WRIGHT:

Well, we're more aware of what the problems could be and people are on the lookout more or less. But we haven't installed the cameras and we don't have a card system engaged yet. You know, so until that happens, you know, I wouldn't feel comfortable in saying yes, we have taken all the steps necessary.

LEGISLATOR CARACCIOLO:

Should we be taking additional steps now while we wait for this RFP and the implementation of those recommendations?

MR. WRIGHT:

No, I guess we should.

LEGISLATOR CARACCIOLO:

I'd like somebody to look into that and let me know what we intend to do and how quickly. Because clearly, in terms, you know, we unfortunately have to think about these things and we never thought about before were possible. And clearly, based on what we hear from federal officials, on a daily basis now, we can't overlook the possibility of something like this taking place right here in our own backyard. Because there would be tremendous significant environmental repercussions, as well as some possible low life and human life consequences. Am I right about that?

MR. WRIGHT:

Yes, you know, the cameras we have are all internal. So we probably could expand that in the near future to include some on the outside. And we have, you know, a station that is manned twenty-four hours a day that could view the various areas.

LEGISLATOR CARACCILO:

If we can bring that to the Commissioner's attention? And get back to me as to what, you know, we will do as an interim measure to preclude even the remote possibility of an illegal entry and sabotage, if you will. I'd appreciate it.

MR. LAVALLE:

The last project, I want to touch on happens to be at Southwest, which is a sludge project, which is increasing the program, approximately two million dollars. Again, it's an increase based on more inclusive information from an engineering report. And that's it.

LEGISLATOR CARACAPPA:

I had a question relating back to first instance funding. Commissioner, how good is the federal government been with reimbursing the County of Suffolk in the first instance funding that we've had to lay out, if any?

MR. LAVALLE:

Well, we're in the process now of improving the whole tracking system with federal aid. And all kinds of aid, actually. It's something that we're looking at, not only ourselves but we're working with -- there was a committee established when? Right here -- last year, do you know? That consists of ourselves the BRO, the Treasurer's Office, Audit and Control was involved in it. And they're looking at this whole system of tracking projects and getting a better handle and insuring that we're more timely with regard to requesting reimbursement. Our staff does a real good job at that in Public Works. In fact, we just had an audit done and it was very positive. But we're looking at an overall picture. And that we're working with this County Committee to improve that process. Because we all understand it's important that these funds come back to us as soon as possible.

LEGISLATOR CARACAPPA:

The reason I ask obviously, I'll say it just for the record. That the road projects, highway projects that we're undertaking within the program are significant to say the least. And having to up front all of the money that would be usually given to us up front through, I guess, T21 projects aren't there now. It's a concern to the Legislature, just how we're going to handle that first instance funding. And even if we have to take from one area to pay for this first instance funding, how fast do we get that money back from the federal government. Budget Review said during our meetings that they've been pretty good. I just wanted to have that codified by the department. And make sure that your department is doing everything they possibly can to ease the burden on the County of Suffolk, with relation to this first instance funding. Before that, itself gets out of control.

MR. LAVALLE:

We have personnel in actually, in Bill's area. The highway area that basically, spend a lot of time just tracking federal aid projects and requesting the funding. As soon as we make a payment to the contractor, we'll be requesting reimbursement for those funds. I mean, we won't be able to do it much faster than that. Because we have to provide them with the certified payments and what have you. We call in and request the funding. But certainly, we are appreciative of what the consequences are if we don't get that funding back. So it is an area that we have looked at

in the past and we'll continue to follow in the future.

CHAIRMAN CARACAPPA:

Legislator Foley would like to follow up on that before my final questioning.

LEGISLATOR FOLEY:

Just to follow-up on that point. When you look at Roman Numeral Five in the report, it goes right to the heart of the matter. What I'd like to hear is, the State said there are still unresolved policy and procedure issues involving the requirement to advance cash for high cost Capital Projects.

MR. LAVALLE:

Which item is that?

LEGISLATOR FOLEY:

Roman Numeral Five. The very bottom, first instance funding of Capital Projects, okay! The only reason -- although we have another meeting to go to but what are the unresolved policy and procedure issues? How is the County intending to fund almost first instance fund, almost two hundred million dollars that would come? Has a game plan been put together for that? But let's go to the first. What are the unresolved policy procedure issues?

MR. LAVALLE:

Well, I'll have to defer to those that attended the meeting. Gail, have you been part of that project?

LEGISLATOR FOLEY:

While the department -- I mean, this is also a department issue too, is it not?

MR. LAVALLE:

Well, we sit on the same committee.

LEGISLATOR FOLEY:

I understand that. And to just further complicate it because it ties into everything. Is that according to the Budget Review, there needs to be a Capital Project funding to be established because of the number of projects that will be coming on line in the next couple of years. Where over two hundred million dollars worth of -- monies will have to be up fronted, will have to be first instance funded by the County?

MR. LAVALLE:

Well, I'll have to look into what those issues are.

LEGISLATOR FOLEY:

Understood. All right.

MR. LAVALLE:

I'm not familiar with what issues are outstanding. I presumed it was --

LEGISLATOR FOLEY:

And because of the size -- and through the Chair, because of the size and magnitude of this money, has there been any thought given, if this is a State policy? Has there been any thought given to try to receive some kind of -- you know, exception or dispensation from this kind of up

front obligation by a local municipality? I doubt there's any other County, perhaps cities, I don't know how cities fit into all this? But to have a County up front two hundred million dollars over the next several years has there been any thought given to appealing to -- it's the State that's requiring this? Is that not correct?

MR. LAVALLE:

Generally, it's the State because they're the agent for the federal government and so that everything, all the money runs through the DOT.

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

We've had extensive conversations and meetings with the State with regard to the issue. Because the issue was, originally when we started the Federal Aid Program, the State was going to be responsible for, let's just picture just the construction and responsible for construction. And so at that point, we only needed to provide the County share of the project. But once they made the decision, they no longer wanted to be -- no longer wanted to directly participate in the actual projects.

LEGISLATOR FOLEY:

You're talking about State DOT?

MR. LAVALLE:

The State DOT.

LEGISLATOR FOLEY:

All right.

MR. LAVALLE:

That they were going to allow us to certify the inspection and the quality of the project. Then they no longer would be involved in the process. A direct process and as such, we would be responsible for retaining the contractors, the consultants and whoever might be involved. And paying all those associated costs and then ultimately, be reimbursed for those costs. I don't think it's anything that we're going to be able to change dealing with the State. I'm not sure if it ever got to the federal level. Did it Bill?

MR. SHANNON:

No.

LEGISLATOR FOLEY:

It never got to the federal level. It was strictly a State decision.

MR. LAVALLE:

I'm not sure. It's the State -- it was a State decision and basically, the State runs the program.

LEGISLATOR FOLEY:

Now have you -- do you attend conferences in the State of New York with their counterparts in other Counties?

MR. LAVALLE:

We have in the past. I mean, I haven't recently. But and I'm not sure but certainly, we can check with Westchester. Basically, the downstate agencies are the ones that would be most effective that have the largest programs. Westchester, I'm guessing. Nassau County hasn't really done a whole lot recently, I don't believe.

LEGISLATOR FOLEY:

I was stating all the other responsibilities that you have. I think the fact is it would be very, I think, very worthwhile to reach out to other Counties. And again, I don't know how the city governments are handling this. But if there's enough of a critical mass of local governments that can demonstrate collectively, there could be over a billion dollars worth of first instance funding, or at least half a billion. It's two hundred million alone in this County. Erie County upstate, Albany, Westchester, other Counties that are experiencing urban sprawl where they have to upgrade their road system.

Are we talking about close to half a billion dollars worth of projects out there over the next five years. And I'm sure that if you reach out, again, I know with everything else you're doing but it has to be done. Not just have Legislators do it but the Executive Branch to reach out to our counterparts in other Counties to try to -- not only try but to come up with a figure and then go to the State and make it a legislative, as well as a gubernatorial imperative that something be done with this. Because this is -- if we're at a point now, where we still don't know how we're going to fund these projects up front, which is what I'm hearing -- when I read this report is what I glean from this report. We're two years away from having to make decisions about over two hundred million dollars worth of projects, at least. So not only and it's not in your area.

But not only are there increases now in Medicaid cost that we in the County have to shoulder but now we're going to have to shoulder over two to three, I would say, probably when all said and done, closer to three hundred million dollars. And the State is asking us to do too much. So I would plead with you to speak. We'll speak to our counterparts, legislatively speaking. But you know the departments need to do the same.

MR. LAVALLE:

And we will.

LEGISLATOR FOLEY:

Because that -- it's not -- it's just too burdensome of a number to have to shoulder. All right, Mr. Chairman thank you.

LEGISLATOR CARACAPPA:

Okay. I have a request of Budget Review going back to the authorized un-issued debt problem. I'd ask if maybe, if at all possible, you could reach out to other Counties, Nassau, Westchester, if you haven't already and figure out what they're authorized on un-issued debt load is at this point in time. So we can start doing some comparisons to see if Suffolk County is way out front or if there is -- this is a tremendous problem, as we're being led to believe. I do believe it is. But how are the other Counties of equal size and population are dealing with it and how they're moving forward with their Capital Programs and the authorization of Capital Projects. That will help us in our deliberations, as we craft amendments to the proposed Capital Budget. I'd appreciate that. And you know, as soon as possible, whenever you can do that, I'd appreciate it. And I guess, just to wrap up the debate on the Capital Budget. Not so much the projects

involved but the policy problems and the policy issues we'll be dealing with over the next week and a half, as we move forward to the June 11th, approval.

Commissioner, I'm going to put you on the spot and I want you to be brutally honest and up front with relation to your answer. I'm sorry for doing this to you. But I think it's time that we continue what we start to be brutally honest with relation to the workload for the Department of Public Works and our Capital Program, as it currently exists before us. And what we'll be, again, debating over the next week and a half. Are we, as a County, as a Legislature, as an Administrative Branch, as well the Executive Branch, are we being too aggressive with our Capital Programs? Are we, as a Legislature, being too ambitious with legislative initiatives with relation to Capital Projects? And do we seriously need to curb those projects in our Budget and our Program in the upcoming years, in an effort to catch up with past projects?

And also to lighten the load or give you a chance, as a department, who again, as I started saying in the beginning of this committee, I believe, you're -- it's all landing on your plate. And you're really not so much to blame, as opposed to maybe the other levels that it goes through before landing on your plate. Do you believe that we need to cut back and start being very, very prudent in what we agree on moving forward with and what we do not move forward with?

MR. LAVALLE:

Well, I think you have to have some level of aggressiveness. You know it's a question of degree. Year's ago, I recall when we first got involved in the Federal Aid Program, we were besieged with those who wanted us to aggressively pursue as much aid, as we possibly could to offset costs and we did that. We did it to the point now, where we have so much on our table that we're saying that we've got to -- we have problems with it. We can't afford it. There has to be a point where these outside forces have to back off and that's not going to happen. There's a lot of pressure on the department. And I'm sure on the Legislature from those forces on the outside, the contractors, the labor unions. Because it means a lot of work to them. Your constituent is exactly right. Can you really back off from that? It's difficult to say. I think we need to be somewhat aggressive but maybe we became too aggressive. And we do have a lot on our plate. There's no question about it. And there's no question that we need assistance in Public Works to address this. It's -- I mean, we don't like to say that but we do. Because there's so much there.

But and then maybe -- there may be projects in this mix that really aren't a high priority, as high as we would think. But every year, the pressure is on to get projects in the program. And we're prepared to do that because there's always work that can be done. But we certainly have to be very careful that we don't drop into some of this as we're trying to cut back everything. Because then, we can get ourselves into a long-term problem. Once you start tailing off and every year you start cutting back projects to the point now, maybe where we're hurting our infrastructure. So I mean, if we do something, I think we have to be very careful as to what we do. And I don't think we can make any of these quick, quick fix type things. I think we really have to think through this. Unfortunately, I don't think we're talking about a lot of time to do that. And you're talking about trying to take action within the next two weeks and I think that's -- there's a lot on the table.

When you go through this report, there's a lot of recommendations. You know we have to sit down and really take this in. And we started only reviewing this report last week when we got it. So we haven't had an awful lot of time to really review it and understand what some of the major problems are. What we perceive as not being a problem is a problem. We never realized until this that there is a problem, is backlog is a problem. We're saying well, we haven't used

any of the money. It's not bonded. So to us, why is there a problem? But on a grand scale there is a problem. And that's something we'll have to deal with now and we have to look at these a lot more closer. But it's difficult to set aside those external forces that are pushing you to do as much as you possibly can. And when we start talking about cutting back on projects, realistically those same forces are going to start pounding on us and saying you can't do that. We've got to have this work out. We've got to keep our people employed and it's not realistic.

CHAIRMAN CARACAPPA:

You use the word realistic. Wouldn't it be unrealistic to say that if we don't -- if we would to -- and let me back up a bit? Legislator Foley said earlier, in his questioning that some of his colleagues have said, half jokingly that we could just abolish this year's Capital Program or Capital Budget and scale back the two year program and not have a problem with work. Wouldn't it be -- would that not be a realistic statement that even if we took this 2003 Budget and just put it aside and we put forward an amendment with a big zero across it? Wouldn't it be realistic to say that the work will continue for at least three years, if not two years, on Capital Projects moving forward in the County of Suffolk?

MR. LAVALLE:

Our work would continue but there are projects, in that --

CHAIRMAN CARACAPPA:

Adding no new projects.

MR. LAVALLE:

There are certain --

CHAIRMAN CARACAPPA:

Without adding new projects? Continuing the ones that are in the cycle or they're coming back for a final phase or --

MR. LAVALLE:

Increases that were requested.

CHAIRMAN CARACAPPA:

All new projects in here. We could basically, throw them out the window and there would still be work for sometime to come. Not only for your department but for those doing the work. Whether it be consulting work, whether it be outside agencies coming in to do road projects or, you know, HVAC work, you name it. Top to bottom. Soup to nuts, capital work.

MR. LAVALLE:

Well, there would be work. For how long? We would have to look at it a lot more closely to see where that is. I mean, as I indicated earlier, we're talking about -- when was it, coming out with over seventy two million, almost seventy three million dollars worth of work by the end of the year. Or certainly into the first month or two of next year, which certainly eats up some of the cost increases we're talking about this year. So it's not like things aren't happening. And some of those large numbers that we're talking about putting in the program, some of the large building projects, they're single projects. This is a mass amount of money where you're only talking about one consultant or two new consultants or whatever it may be. Does it give us a chance to catch our breath? Yes, it does but I'm not sure what that time interval is. You know I think we'd have to look at very carefully to see how that would work, if you just tossed it out.

There could be problems with that.

Certainly, there are items in here we'd like to see move along. As I had indicated, we're going to need that money early on. So I don't think you can really just take the whole document and throw it out. I think you have to really look at it carefully and maybe some of the lower priority projects might have to be eliminated. There may be projects in the program now that are very low priority that could be eliminated. You'd have to carefully look at that to see if it's possible to put those off for a couple of years.

CHAIRMAN CARACAPPA:

Of course, I was exaggerating when I'm saying throw the whole program out but --

MR. LAVALLE:

I understand.

CHAIRMAN CARACAPPA:

I'm trying to make the point that we are at a stage now that the Capital Projects and the Capital Budget and Program where we really need to prioritize. We need to reform our ranking system. We need to live by that ranking system because obviously, we're dying by it, at this point in time.

MR. LAVALLE:

I think it takes a lot of discipline on everybody's part.

CHAIRMAN CARACAPPA:

You're exactly right.

MR. LAVALLE:

It tends to happen when the program is approved and we get into the year and now we're spending the money. That discipline kind of takes a back seat in some instances, for all of us.

CHAIRMAN CARACAPPA:

Without question. Every year, when we sit around this horseshoe --

MR. LAVALLE:

Put any blame on the Legislature, solely.

CHAIRMAN CARACAPPA:

No and I'm certainly not putting the -- my comments are not aimed towards the Department of Public Works and I can guarantee you that. And I can tell you the discipline around this horseshoe needs to be tightened as well and I wholeheartedly agree with that. And every year, when we pass out Capital Budget here in the Legislature, it's two people that always say it's a blueprint. It's a plan. And we need to show restraint throughout the year with relation to what we appropriated within that plan. And it's the two people sitting at this horseshoe right now and Legislator Foley and myself. That has not happened unfortunately. We need to -- I'm sure we're going to -- as collectively as a legislative body being much more disciplined -- or at least some of us will try and instill that discipline in our colleagues over the next year or so.

But in closing, I'd just like to say I think the department, with the workload that you've been given, you're doing a fantastic job. The policy decisions that are going to be made, most likely, will not be made in a week and a half's time. They're going to be down the road. Or we're going to work towards some policy changes that will streamline the process and not, you know, point

fingers. We're doing it in a way this year, as we did with the Operating Budget and the by-partisan effort in an intergovernmental effort, as well working again with the County Executive's people, which is happening across the hallway, as we speak, in an effort to, again and I use this term in meeting yesterday, tie up a lot of loose ends with relation to Capital Projects.

We appreciate your candor today and we appreciate your willingness to speak on the report by Budget Review Office. And if there's anybody else that would like to speak in this committee, then step forward or any -- Legislator Foley would like to add a few more comments.

LEGISLATOR FOLEY:

Thank you Mr. Chairman. I know where they got the Omnibus. But I did want to get to some particular projects, if you don't mind and then we could head over to the Omnibus Committee. But Commissioner, just to underline the issue. If you look at page 370, this has to do with the Bus Shelter Program, which I want to talk about in a few moments. I can't let Mr. Shinnick off the hook really today.

But when we look at, for instance, it states that the engineering design for the footprint of the shelter were formally done in-house. Here's the point. Due to competing priorities, this design work will now be contracted. Transportation Division is reviewing the request for proposal for consultant design services. Why are we -- what are the competing priorities? Why are we taking this away from in-house to a consultant when, in fact, this is one of those instances where there's work every year? This isn't a spike in the valley. The Bus Shelter Program is constant allotted money for every year. So why would we contract that out?

MR. LAVALLE:

It's not just establishing the footprint. There's a lot more involved in the Shelter Program. You actually have to go out and look at each site. Each site could be very well different. Sites require land acquisition.

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

There's a review of each site and that takes time. If we're talking about twenty shelters, somebody has to go out and do that.

LEGISLATOR FOLEY:

But the engineering design, this is just a design, the footprint.

MR. LAVALLE:

No, no it's more. This is to do the whole thing. This is to do all facets of that design. You're talking about the footprint. They're talking about everything involved on that site. It's time consuming.

LEGISLATOR FOLEY:

How much staff then are we talking about that would be -- if they're not going to do this, what will staff then be doing? That was formally doing this work?

MR. LAVALLE:

Working and devote more time to these other projects. Because it's the same people that are

working on some of these larger projects that are also doing this. It's not anybody different. There's no one person that just does bus shelters.

LEGISLATOR FOLEY:

This is within the transportation. We're talking about within the Transportation Division, are we not?

MR. LAVALLE:

Generally, it's the Highway Division works with the Transportation Division with regard to this particular program.

LEGISLATOR FOLEY:

Okay.

MR. LAVALLE:

It has in the past. They have originally, most of it was being done in highways but because of the highway workload, transportation agreed to do some of the fieldwork and what have you. But they had their staff -- is also overloaded with work. And so, it's a lot simpler for us for something like this to have a consultant to that work.

LEGISLATOR FOLEY:

Is it more expensive to have a consultant do it over a period of time?

MR. LAVALLE:

Over a period of time?

LEGISLATOR FOLEY:

Is it more expensive to go to a consultant?

MR. LAVALLE:

Well, if you want to get it out in a timely manner. I mean, if we're going to do it, it's going to take a lot longer to do it and it's going to take --

LEGISLATOR FOLEY:

Unless, to get back to the point of two hours ago. Unless you had the requisite staff to do the work on a timely basis.

MR. LAVALLE:

It's a totally -- you can't just assign somebody to this project because what's going to happen is, is this project may take a certain amount of time. Maybe six months, maybe less. I'm not sure exactly. That person is going to be doing something else. He's going to be working on highway projects or whatever he's doing, transportation.

LEGISLATOR FOLEY:

I noticed that it said in 2000, that approximately 20 bus shelters were bid and installed. What was installed last year and what's the track record? Let Mr. Shinnick approach? And then the question also becomes -- since this is such a generous reimbursement, probably the best reimbursement we have. It's ninety to eighty, ten, ten. I'll ask the question. Instead of installing 20, I've installed 40. If, in fact, the local share within the budget is only fifteen

thousand dollars, why not go to thirty thousand?

MR. SHINNICK:

We, each year, we're constantly collecting lists of perspective sites for shelter locations. And it turns out, it's about 20 a year that we can site, determine that we have the property for it that makes sense. We have maintenance arrangements and can acquire the shelters and have them installed. The lists are usually much larger than 20 but when it comes down to the time that we actually bid the project and we know we have sites that we can secure and have these shelters located, it's about 20.

LEGISLATOR FOLEY:

If you wanted to increase the number of shelters installed per year, what would you need to make that happen? If you wanted to go to 30 year, 40 year?

MR. SHINNICK:

There would probably have to be more staff time spent on researching the individual locations.

LEGISLATOR FOLEY:

How many requests do you get in a given year, would you say?

MR. SHINNICK:

Probably 50 percent more than we actually do. But of the 50 percent that we don't do, most of those locations turn out to have a problem and probably won't have a shelter installed. Sometimes there's no passenger activity that would warrant that kind of expenditure.

LEGISLATOR FOLEY:

But would you agree that if you could do more than 20 a year that there's a need?

MR. SHINNICK:

Ah, yes but at what level, I don't know. We're comfortable with 20. But 25 or some number higher than that could be appropriate as well.

LEGISLATOR FOLEY:

All right. Mr. Chairman, just one other area, if I may? Commissioner, the -- there's a long -- I'll use the word delay because it was delayed in past. Budget Review analysis has stated so and there was an agreement from the department. The North Ocean Avenue Bridge over at the Long Island Expressway, County Road 83 bridge, I would say in the report, where does that stand as far as doing? When will the project actually get under way? Actual construction? Because people now to go north are waiting, you know, late in the day that a line of cars can back up right up to the expressway.

MR. LAVALLE:

The State is doing some work there now, which is one phase of it.

LEGISLATOR FOLEY:

Yes.

MR. LAVALLE:

They're widening the service roads.

LEGISLATOR FOLEY:

Yes.

MR. LAVALLE:

And doing that work. And then we'll -- as a matter of fact, as part of their project, they're also going to install some of the piers in center median so that --

LEGISLATOR FOLEY:

There's a picture in --

MR. LAVALLE:

Back in there when we move ahead with our project. So they are working in concert with us on that particular project. Do you have it?

MR. SHANNON:

Yes. We recently completed the draft EPP for that project and design report is progressing. We've circulated that within the department and it's also going over to DOT. I would expect that process to be completed this year and be ready to start construction later in 03.

LEGISLATOR FOLEY:

Okay.

MR. SHANNON:

That's why it looks like right now we're --

LEGISLATOR FOLEY:

Okay.

MR. LAVALLE:

Which would work out for us. Because the State project would probably be complete by then and so we can just move right in.

LEGISLATOR FOLEY:

Any new news with Nicolls Road about -- that's a long, long term project. Nicolls Road from Sunrise Highway off of 25A.

MR. SHANNON:

The consultant has been in contact with us. We've had several meetings with Dunn Associates on that. Our alternatives have been solidified. We're moving forward now with the modeling. And we have all the data, the origin. The destination study is all complete. They're just reviewing the impacts for the various models. And they will be able to go to public information meetings to discuss those different alternatives with the public.

LEGISLATOR FOLEY:

We had our Education Committee Meeting yesterday and we asked the question about the Community College, Nicolls Road entrances, making sure that the administration was speaking with Public Works. It's my understanding they are?

MR. SHANNON:

That's correct. We've had numerous conversations back and forth, so that they'll be on board with us and vice versa.

LEGISLATOR FOLEY:

Okay. Can we just change the topic for a moment? Earlier today was the Health Committee Meeting and the Evans K. Griffing Building came up for discussion. The question that I had asked is with -- was a question that was raised to me by the Health Center Advisory Board in Riverhead about the need -- like many other County Services, does it need to expand the Health Center in Riverhead, in order to meet the growing demand?

I had asked AnnMarie Carbonetto from the Health Department for a copy of the space allocation request. It's my understanding one was sent over in the spring but we were told that there has not been an official response from the department or from the architect Ehasz on the SAR request by the Health Department for the Health Center. Where does that stand? When can they receive some information about their request? And I would hope that now's the time, since you said earlier that you're moving forward with this phase of it. That as much as space they need for the Health Center will be part of the plan.

MR. LAVALLE:

I'll let Ted address most of that. What I will say is, as part of the project involving the renovation of the Center, we are moving the environmental section out of that south wing, which houses the Health Department with the intent of consolidating Health Department Services. Because they're not all located together in that building.

LEGISLATOR FOLEY:

Right.

MR. LAVALLE:

The idea is to consolidate them into that one area.

LEGISLATOR FOLEY:

In the --

MR. LAVALLE:

We are in the south wing. So that basically, that whole south wing can be closed off, which helps us security wise too for the building.

LEGISLATOR FOLEY:

Does consolidation then --

MR. LAVALLE:

Strictly to all the Health Services that are essential to that area. But Ted will speak to that issue.

LEGISLATOR FOLEY:

I understand that. By consolidating other Health Services in the south end of the building, then a concern becomes; will that be taking space away from expanding the Health Center to any extent?

MR. GODEK:

Well, there is a finite amount of space in that building.

LEGISLATOR FOLEY:

Right.

MR. GODEK:

And needless to say, everybody is competing for their share of it.

LEGISLATOR FOLEY:

Um-um.

MR. GODEK:

I would like to see that SAR from Ms. Carbonetto. I requested it a couple weeks ago. I haven't seen it yet.

LEGISLATOR FOLEY:

You haven't seen --

MR. GODEK:

We are at that stage of the game, where we can still give it attention and see how we can accommodate it to whatever extent we can. The fact is though we -- although we're asking for additional funds, we are trying to keep the budget or the project costs on this job to a minimum, so to speak. We're not anticipating any other additions to the building.

LEGISLATOR FOLEY:

Not additions. This is within the current footprint.

MR. GODEK:

Well, yes it's within the current footprint. But if I accommodate her request for and I think, at some point she mentioned four thousand square feet. Somebody else has got to go. And that's why we have to, you know, sit down and talk about it and weight one factor against another.

LEGISLATOR FOLEY:

How much time is there left to make those kinds of decisions?

MR. GODEK:

There is time. We're still in the -- we're at the tail end of the programming phase. We're beginning to start architectural design documents. But we can still accommodate a request, yes. And we will give it attention.

LEGISLATOR FOLEY:

Okay. Where do we stand with the old infirmary building? How is that coming along?

MR. GODEK:

The old infirmary building is very near its programming phase, very near the end of its programming phase. We have been in touch with the Health Department a number of times regarding their space, which is, I guess the last of the spaces to be considered in that building. And we're working out their layout to, hopefully, everybody's satisfaction.

LEGISLATOR FOLEY:

As far as landscaping, the need for additional parking. I know CEQ is reviewing that. What was

the final -- has there been a final agreement on parking?

MR. GODEK:

Well, CEQ has reviewed the project and they asked that we come back with the landscaping plan and additional details on the window replacements.

LEGISLATOR FOLEY:

One of my concerns and some others -- that there's some significant amount of trees and the like, you need landscaping in that area. And to be most careful with putting forward a parking plan that tries to keep as much of the mature growth that's there now.

MR. GODEK:

Those are my concerns as well and we're striving to be sensitive to that situation.

LEGISLATOR FOLEY:

Okay, thank you Mr. Chairman.

CHAIRMAN CARACAPPA:

Anybody else wish to address the Public Works Committee on the Capital Budget? Okay, thank you all for coming. We're adjourned.

(The meeting was adjourned at 4:20 P.M.)

{ } Denotes spelled phonetically