

**PUBLIC WORKS & TRANSPORTATION COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Public Works & Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **September 3, 2003**.

Members Present:

Legislator Joseph Caracappa - Chairman
Legislator Brian Foley - Vice-Chair
Legislator Andrew Crecca
Legislator George Guldi
Legislator William Lindsay
Legislator Peter O'Leary

Also in Attendance:

Kellianne Sacchitello - Aide to Legislator Caracappa
Tim Laube - Aide to Legislator Lindsay
Brian Galgano - Aide to Presiding Officer Postal
Jim Spero - Deputy Director/Budget Review Office
Kevin Duffy - Budget Review Office
John Ortiz - Budget Review Office
Catherine Stark - Intergovernmental Relations/County Executive Office
Charles Bartha - Commissioner/Department of Public Works
Richard LaValle - Chief Deputy Commissioner/Department of Public Works
Leslie Mitchell - Deputy Commissioner/Department of Public Works
Tedd Godek - Suffolk County Architect/Department of Public Works
Bob Shinnick - Director-Transportation Div/Department of Public Works
Bill Shannon - Director-Highway Division/Department of Public Works
Ned Hurley - Bay Shore Ferry
Don J. Liloia - Vice-President/New York Waterway
Judy Stein - Principal/Sayville Ferry
Jack Kennedy - Nassau-Suffolk Building Trades
Peter Cardona - United States Green Building Council
Gordian Raacke - Citizens Advisory Panel
Cliff Hymowitz -
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

CHAIRMAN CARACAPPA:

I would like to start the meeting of the Public Works & Transportation Committee with a salute to the flag led by Legislator Lindsay.

Salutation

Good afternoon, everybody. We're going straight to the cards. Well, actually what we'll do first is there is a resolution before us today that appoints a number of people to the Suffolk County Transportation Advisory Board. I'd ask Legislator Foley to call up their names and ask them to come forward, it was one group, to see if there are any questions by members of the committee.

LEG. FOLEY:

Thank you, Mr. Chairman. A number of the appointees are here today and I'd ask them to step forward; Michael Klein is here, Louise Stalzer, Vincent Taldone. Those are -- if there are others, I didn't see others who are present but we have three of those who we had a resolution drafted, if committee members have any questions for them.

I would still like to move the bill out today, Mr. Chairman. And for those who could not attend today, we'll be sure to have them available at the General Meeting on the 16th. But I think it's important that we move today on the resolution because we need to -- we all know how important transportation issues are and this board needs to be put in place to start addressing some of the issues outlined in the enabling legislation. So I don't have any questions per se, if you want to hear from them directly or just give a brief background on each, that's your pleasure, Mr. Chairman.

CHAIRMAN CARACAPPA:

Sure. I know the members, the candidates have traveled a far distance to be before us, so we'll give them an opportunity to say a few words.

LEG. FOLEY:

Thank you, Mr. Chairman.

CHAIRMAN CARACAPPA:

Louise, why don't you go first.

(*Legislator Fisher entered the meeting at 3:04 P.M.*)

MS. STALZER:

Thank you. Louise Stalzer, Executive Director of Peconic Community Council and Chairman of Peconic Connections. Transportation is a critical area for us on the east end and all over Suffolk County. We got involved on our end because of the inability of people to reach human service agencies, medical care and employment, so we've pretty much spent over four years trying to address this situation.

We are very pleased with this legislation. My background personally, I have a Master's in Policy Analysis and Management from the {Harriman} Institution and I have been working, as I said, over four years in transportation. We have done some medical transportation,

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currently operating an employee shuttle and have been involved in numerous committees from the Federal, State, County and local level. I'm a member of SEEDS, I'm a member of the New York Metropolitan Transportation Council Steering Committee and I've been involved in the Suffolk County Executive Legislative Task Force.

Again, we welcome this effort to try to work together with the County and working with the Legislature and the County Exec to try to move some important issues forward that can make a difference for people who have no other means of getting to work, to medical care and other critical services. Thank you.

CHAIRMAN CARACAPPA:
Thank you.

LEG. FOLEY:
Thank you.

MR. TALDONE:
My name is Vince Taldone, I'm a resident of Riverhead. I have a Master's Degree in City Planning from New York University and 15 years of experience working for the City of New York as a City Planner. I consider myself a transportation advocate. I've done volunteer work for the Town of Riverhead in terms of getting some bus shelters constructed, the first of which should be up and running in about two weeks. I'm very excited about this advisory board being constituted and hopefully we can provide the Legislators with really meaningful information so that you can make better decisions in the future.

CHAIRMAN CARACAPPA:
Thank you very much.

MR. KLEIN:
Hello. I'm Michael Klein, I'm from Stony Brook University. I'm honored to be asked to the Transportation Advisory Board. At Stony Brook we're a tremendous demand generator for both employees, hospital visitors and patients as well as certainly the student body; somewhat of a small city on to its own. I've been working in the transportation field since '79, I guess I'm a practitioner and actually provide service to our customers, our constituencies in the community and I look forward to being on the board.

LEG. LINDSAY:

There's another guy there.

LEG. FOLEY:

Mr. Chairman, we have another arrival, I believe this is Dr. Scott Carlin representing the south fork area. We won't say that he's late because of the transportation system, but --

DR. CARLIN:

I got lost following directions.

CHAIRMAN CARACAPPA:

We're just giving everyone an opportunity to say 30 seconds or so of information, background.

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DR. CARLIN:

My name again is Professor Scott Carlin, I teach at Southampton College of Long Island University. I'm also Co-Director there of Long Island University's Institute for Sustainable Development. And I've been working for the past few months on the SEED stakeholder process on the east end which is working on both transportation land use issues looking at that from a long-range planning perspective.

CHAIRMAN CARACAPPA:

Very good. Are there any questions from committee members at this point in time? Okay, I'd like to take the time to thank you all for coming down and for wanting to participate in what is an ever growing demand and, in our eyes, somewhat of a problem to meet that demand with relation to public transportation.

So before we go on to the other speakers and the agenda, I'm going to make a motion to take 1757 out of order.

LEG. GULDI:

Second. Cosponsor.

CHAIRMAN CARACAPPA:

Second by Legislator Guldi. All in favor? Opposed? Abstention?
1757 is now before us.

1757-03 - Appointing members to the Suffolk County Transportation Advisory Board (Foley).

LEG. FOLEY:

Motion, Mr. Chairman.

LEG. GULDI:
Second.

CHAIRMAN CARACAPPA:
Motion by Legislator Foley, second by Legislator Guldi to approve appointing members to have to the Suffolk County Transportation Advisory Board, 1757. All in favor? Opposed? Abstentions? 1757 is approved (VOTE: 4-0-0-2 Not Present: Legislators Crecca & O'Leary). **NOTE: See Change in Vote on Page 46**

LEG. FOLEY:
Thank you, Mr. Chairman.

CHAIRMAN CARACAPPA:
Thank you.

LEG. FOLEY:
And just to let the future members know, September 16 is our next General Meeting and that's when this resolution will be before the full Legislature here in Hauppauge at 9:30. Okay? Thank you very much.

CHAIRMAN CARACAPPA:
Let me add to Legislator Foley's comments. You really -- if you come to the committee, you really don't --

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LEG. FOLEY:
That's true, too.

CHAIRMAN CARACAPPA:
You don't have to make the trip out to Hauppauge, seeing that most of you are coming from the east end. So you've fulfilled our requirements as a committee and then some. I don't foresee a problem with the passage of this resolution, so don't feel compelled if you don't really feel it necessary to drive out that morning.

LEG. GULDI:
Mr. Chairman, should we consider putting the resolution on the consent calendar?

CHAIRMAN CARACAPPA:
No because two members in the resolution have not showed up and I want to give those people the opportunity to come before the full Legislature to speak --

LEG. GULDI:
Okay.

CHAIRMAN CARACAPPA:

-- and have it before us on the agenda. Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN CARACAPPA:

Going back to the cards, first speaker, Jack Kennedy.

MR. KENNEDY:

Good afternoon, Mr. Chairman. My name is John M. Kennedy, for the record, I represent the Nassau-Suffolk Building Trades. Good afternoon.

I have diligently reviewed the materials provided us by Legislator Vilorio-Fisher along with the proposed legislation to adopt a LEED Program for Suffolk County government. The notion of applying both of Governor Pataki's recommendations for resource conservation as outlined in Executive Order 111 and those of the United States Green Building Council is not particularly objectionable. However, in reading the tool kit issued by the U.S. Green Building Council, I believe the proposed legislation as introduced is premature and has reversed the process for developing, adopting and implementing a LEED policy and program recommended by this national group.

It is the position of the Trades Council that we approach this process in a more pragmatic step-by-step fashion using the experience of the United States Green Building Council as our guide. Therefore, we should start with the creation of the context of our future policy and practices. Green Building should be realized as a part of the continuum of concern known as sustainable development which encompasses areas such as smart growth, infrastructure development, community health, waste management and use of recycled materials, materials reuse, local and regional economies, responsible energy

policies, public open space and transportation policies. The internal Suffolk County and external champions and stakeholders of each area need to be identified and brought into the process of policy and program creation.

Secondly, we need to assess both the opportunities and the barriers to adopting and implementing of the LEED Program. New York City has a working group devoted to just determining how the benefits were to be measured. Their mechanism appears to differ from that, for example, set by the city of Seattle. We need to examine current regulations and policies to see if there are existing barriers. We need to speak with those responsible for County procurement to determine if there

are any barriers to purchase innovative materials and equipment that do not have a proven track record. The payback periods need to be determined and deemed accessible. Next, we need to set up a working group that is diverse and well represented of Suffolk County's staff. Their charge would be to develop an action plan to establish a Green Building Policy and Program. Policy should be developed within the context of overlapping agency jurisdictions throughout the County, for example, the Department of Public Works, Parks & Recreation, Public Health and Public Safety. The working group should include procurement experts, budget analysis and other oversight agencies that they will pave the way for actual policy implementation.

The final step should be the enactment of Green Building legislation that is appropriate for Suffolk County government. We need to be mindful that what works in New York City, Buffalo, Seattle, San Mateo and elsewhere may not be the best fit for us. What we develop, adopt and implement in future years needs to be reflective of our particular environment and our projections for sustainable growth. It must have an identity of its own but one that is simulated not only the spirit of the United States Green Building Council but its intent. Additionally, a Green Building Policy and Program needs to be able to adopt future practices that the United States Green Building Council may develop and offer as guidance.

(*Legislator O'Leary entered the meeting at 3:16 P.M.*)

In conclusion, Building Trades Council believes it is best at this time to set the proposed legislation aside and begin the step-by-step process recommended by the U.S. Green Building Council. Thank you.

CHAIRMAN CARACAPPA:

Thank you. Next speaker is Peter Caradonna.

MR. CARADONNA:

Good afternoon, Mr. Chairman. My name is Peter Caradonna, I am right now the organizer and founder of the U.S. Green Building Council's Long Island organizing group. We're working to start education programs to both the professions here on Long Island and to, in fact, the trades which we plan on commencing sometime after the new year. So I'm sure Jack is pleased to hear that, so we can educate the building industry at large as to what LEED is about, what Green Buildings are about and what the integrated design process is about.

We have been working with, or I have been working Legislator Fisher since January trying to put this thing together, put this legislation together. We have reviewed the resolution that we first commented on back in June, we have taken out any use of this in terms of going back

to projects that were previously in the programming process that would have been very costly to the taxpayers of Suffolk County. But in essence, what this says is that we're going to follow LEED as a guideline. It means that we're not going to sit here and ignore the fact that your constituency also includes my children and everybody else's children in Suffolk County. And that the future, as you build buildings here -- for instance, your jail -- and that that building is not sustainable is going to impact those generations. When I was a young boy, my father supplied the precast concrete on the Riverhead Jail, on the original building; I stood on that building, that was 40 years ago. You all -- we're using that building today and we're planning on using it into the future.

If I was to extrapolate that now to something being built today, let's look 40 years into the future. Forty years in the future, fossil fuels at \$2 a gallon today will be far more expensive and that's what you're leaving to future generations. And we can delay this legislation all we want, but as projects continue to move through the process here, we're then passing the buck to those future generations who live here in Suffolk County and that is to me travesty of intergenerational levels.

If this is a political issue, Governor Pataki, as Jack mentioned, through Executive Order 111, is using LEED as a guideline. Under it, all projects will follow LEED, some of them will be registered with U.S. GBC as the DEC Building was in Albany, others will not be, but the guideline will be followed on all project. In the State of Pennsylvania, Tom Ridge built two LEED certified buildings while he was Governor there. It's being used throughout California, Arizona, Texas, Pennsylvania, why shouldn't we be using it here? Suffolk County used to be a leader when I was growing up. We came up with the first recycling laws; what happened to that? What happened to that kind of leadership?

I understand that we have to assess payback, and in fact, my office is working on two LEED projects right now. We're going through some of the early pains of learning how to use this guideline and I'm a LEED accredited profession. I've taken the examination, the U.S.GBC certified me under it's use of the program. We've invented new tools in our office to design these buildings; it's a new way of looking at them. We've decided not to do the traditional way which I was trained to do in the development of construction and development of buildings but rather to look at it in terms of how I integrate systems and how I over designed buildings in the past and now I'm not going to do that any longer.

The time has come for transition. National security, which has become a tremendous issue in the last couple of years, is all going to be based solely it seems on energy; although if you argued with me, I would tell you that water is going to be a tremendous issue for the

next hundred years. We need to take a look at how we use energy. We've seen the articles in Newsday, we've seen the hydrogen future,

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it's not here yet, but we need to prepare our buildings for that and buildings which last 20, 30 and 40 years have to be prepared in that manner.

There was something else I'd like to bring up also which between the last meeting and some subsequent meetings I've had, and that is the amount of misinformation. I've been listening to a number of Legislators and other people within the building community on what LEED is, what LEED does. As the Chairman right now of the Long Island organizing group, we are offering education programs, our first education program will start in October and we will continue then throughout the year. We will extend other programs to certain constituencies who need to be directly educated; we will extend that to DPW, to any of the Legislators who need to know or find out about LEED. But frankly, what I'm tired of hearing is misinformation from sources that I don't understand where it comes from. Obviously I stand here in strong support of Suffolk County and it's move to make this resolution a law within the county. Thank you very much.

CHAIRMAN CARACAPPA:
Thank you.

LEG. FOLEY:
Thank you.

CHAIRMAN CARACAPPA:
I actually have one question for you quickly. The organization that you said certified you?

MR. CARADONNA:
Yes.

CHAIRMAN CARACAPPA:
It's not a governmental agency, is it?

MR. CARADONNA:
No, it's the US --

CHAIRMAN CARACAPPA:
It's a not-for-profit agency?

MR. CARADONNA:
It's the U.S. Green Building Council, we're a collection of architects, engineers, developers, State and local governments which I

would encourage the County of Suffolk not only to adopt LEED but actually to join the Council so that you can network with the 90 or so State and local municipalities as well as all the other groups that are involved so you can actually see that this road has already been paved for you.

CHAIRMAN CARACAPPA:

Okay, thanks. Gordian Raacke.

MR. RAACKE:

Mr. Chairman, good afternoon. My name is Gordian Raacke, Citizens Advisory Panel. And I had a conversation earlier over the telephone

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with a lady from San Matteo County, I wanted to find out what the experience with LEED requirements is in other counties. So I checked out a few bits of information and had a conversation with Jill Boon, the Program Manager for the LEED Program in the County of San Matteo, California. I printed out something from their website that I thought you might be interested in having.

Ms. Boom told me a couple of interesting things that I think may be of interest to you today. One was that she said regarding cost, that was my first question, I said what are the additional environmental costs you have experienced with making sure that your buildings are LEED compliant and she said, "You know, actually it's interesting that the learning curve initially leads to somewhat higher costs," she said people are just not used to designing and building that way and so initially they have found that they would have somewhat higher costs. But as people, as the architects and engineers became more used to the requirements, they learned to actually design buildings or apparently are still learning to design buildings that are very comparable in initial up-front costs.

She also told me about, and this is what I was -- what I printed out for you -- a bit of information that they have on the County's website. If you turn to the second page of what was just handed out, you'll see a comparison of the cost of a typical building over a 30 year period, this comes from a Sustainable Building Technical Manual by David Godfreid and it points out that over a 30 year period initial building costs account for approximately only 2% of the total while operations and maintenance costs equal 6% and personnel costs equal 92%. I thought this may be helpful in putting this issue in perspective when we talk about the incremental -- potentially incremental costs of a LEED certified building because, of course, you're looking at that relatively small bar graph, bar on the left, and an incremental cost of three or five or even 10% over the lifetime of the building of course puts that in quite a different light I

thought.

As I said last time, I look at all of this from a taxpayer's perspective as well as from an energy perspective. I hate to see the County spend hard earned tax dollars and our money on wasteful energy use, whether it's sending our money to LIPA or to oil suppliers or natural gas suppliers, I think we could make that money -- we could make much better use of that money here within the County and I think we should.

Lastly, I wanted to say the idea of a working group, to discuss this issue further that Jack Kennedy brought up, I think is a good idea and I would recommend that you consider that as one of the next steps to be taken. Thank you.

CHAIRMAN CARACAPPA:
Thank you, Gordian.

LEG. FOLEY:
Thank you, Gordian.

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CHAIRMAN CARACAPPA:
There's no name on this card, the next card, it just says Sayville Ferry; is there anyone here from Sayville Ferry to speak?

MS. STEIN:
Mr. Chairman and members of the committee. My name is Judy Stein and I am the principal of Sayville Ferry. I am here before you on behalf of Sayville Ferry. This is my first time in being a part of this agenda. Our last presence was in 1996, I believe, and that was when we had our last application in. I would like to thank the Budget Review for their time and for our meetings together and look forward to that. We feel that the recommendations are quite in order for us. I guess it's an emotional time for me as well and I would like to thank you all again.

CHAIRMAN CARACAPPA:
Ms. Stein, I have a question or two. In the report it states that Sayville Ferry disregarded the authorization rates put forward by the Legislature with relation to certain rates in the rate structure and I'm talking about the senior citizen rate. You went forward and charged an extra 50 cents without authorization of this body; why did you do that?

MS. STEIN:
At that point in time we had put in a new system and somehow it had totally been an oversight. And actually it was not even -- it was

just picked up when we applied for our application, a new one.

CHAIRMAN CARACAPPA:

Kevin, how long was the over charging going on?

MR. DUFFY:

The Legislature had granted a rate increase in 1998. At that point in time, Sayville Ferry had requested a 50 cent increase in the senior citizen; the Legislature did not grant that portion of the increase. So it occurred from 1999. The amount of money is not material. Over the -- from 1998 to the present it was approximately \$2,000 that had been overcharged. What we had recommended in our report is that the senior citizen rate be kept at \$4.50 cents, rolled back to that amount and that will give the senior citizens relief.

CHAIRMAN CARACAPPA:

Okay. Do you have any time charter agreements with any other ferry companies?

MS. STEIN:

I'm sorry?

CHAIRMAN CARACAPPA:

Time charter, do you lease your vessels out to any other --

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MS. STEIN:

No.

CHAIRMAN CARACAPPA:

Okay. Any other questions? None? Thank you.

MS. STEIN:

Thank you.

CHAIRMAN CARACAPPA:

We have no other cards. Is Cliff here? Oh, Cliff, you made it; come on up. Also keep in mind, members of the committee, Mr. Hymowitz, though he's on for presentation with relation to a transportation update on the status of the development of policy for bus routes, he's also being considered as a member of the Transportation Advisory Board, so he sits before us in two roles today.

MR. HYMOWITZ:

Thank you very much. Just a point of information, I recent -- I came from the Board of Supervisors meeting this morning in Mattituck. Unfortunately the only Supervisors there were from the east end but they agreed to create a Sense Resolution, as long as everybody else

agrees, to look at coordination for senior transportation so that seniors all over Suffolk County can be assured access to emergency medical care, no matter what town they live in. So I'm hoping that you follow up on that and I'll certainly keep you abreast of what comes out of that. Thank you very much. Kelli, thank you very much.

At the April meeting of the Public Works & Transportation Committee, Commissioner Charlie Bartha stated that he would seek my input and that of the Legislature and Presiding Officer Maxine Postal regarding a written policy for Introductory Resolution 1223, Adopting Mass Transportation Public Information Policy for Displaying Bus Route Information for Suffolk County. On July 8th, I received a copy of a fax sent to Ms. Postal from the Department of Public Works informing her that the latest version of the systemwide map is now available for distribution. However, I am not aware of any Mass Transportation Public Information Policy for Displaying Bus Routes Information for Suffolk County's that's been adopted.

I recently met with Leslie Mitchel, Bob Shinnick and Renee Ortiz of the Presiding Officer Postal's Office. I am providing each of you with a summary of that meeting, which I hope you got, which identifies the areas we discussed along with action items associated with them. The four of us have agreed to meet again in October to address the resolution of these issues. The meeting was productive and I want to thank Leslie and Bob for their time and efforts.

Nevertheless, one issue that was not able to come to consensus on was whether or not there was a need for a formal policy on bus stops, bus signage and the systemwide bus map. I come here today to bring to your attention what I believe to be a compelling case on why there is a need, especially at this present time, when there will be a new administration after next November. In preparation for this opportunity, I knew that I needed to bring to you more of a case than I know is necessary. I contacted various representatives from

Nationwide Transportation Planning Organizations, New York State DOT and the Department of Transportation of Westchester County's Planning and Program Services. I just want to point out that to this day I'm still getting information from the gentleman I'm going to talk about. It was interesting that when I spoke with the Chair of the American Planning Association Transportation Planning Division, {Witt Blanton}, he's the Vice President of the Renaissance Planning Group, he stated, "You've touched on a subject that is of keen interest in the planning profession often overlooked by local governments."

Initially I thought that this policy should be the responsibility of the Transportation Division since it is this division as well as the

Department of Public Works that administers the transit services an building and maintaining the transportation infrastructure. Upon further examination, I better understood that the reality -- this isn't the County's sole responsibility because the majority of the passenger facilities are actually located at stops that were not on County roads. This became clear when the Director of Westchester County's Transportation Planning Department shared with me how this policy issue was being dealt with in their County.

It was pointed out to me that they are awaiting for the final sign-off on their policy document which will be distributed to all of the local municipalities. It was going to be offered as a guidance explaining what the County's criteria are for bus stops and its passenger facilities. I was able to find other areas that had in place such a document. When I spoke with them I questioned how are they able to ensure that the policies were adhered to? All had the same response; there was a partnership with local jurisdictions from each focus area whose scope of the transit needs and groups to be included in the process provided. An overview of transit trends an existing transit service and pedestrian use, a summary of local jurisdictional transit system plan goals or action items and a potential target populations and possible areas for capital projects, marketing programs and service changes and a timeline for planning process. And I guess that was the key thing, the time line for a planning process was what they felt was the key to their programs, that they each had enough time to react and to come up with a process because they worked together with communication.

It was the partnership's purpose to provide a convenient, comfortable and safe access to the bus system, locate bus stops and provide efficient services so as to meet the demands of customers. This information would also serve to identify possible service enhancements. After reviewing this information, I respectfully request that the Suffolk County Legislature adopt a bus stop and passenger facility standard policy. Having such a policy will ensure all bus stops in the fixed route system are accessible and will establish standards for the location of bus stops as well as the installation of passenger amenities at each location. This will ensure that all ten towns in Suffolk County are working with the same standard policy. And I went on -- you each have a copy, I went on to give you examples and different information about this and I guess that's really what I'm here for. Does anybody have any questions?

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CHAIRMAN CARACAPPA:
Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. And before I ask a question, just an observation; I think we'd all agree with the presentation that Mr. Hymowitz has given today, it's indicative of why he'll be such a positive force, if you will, on the Transportation Advisory Board because we need his expertise and experience and, lets say, passion for public transportation issues. And today's talking points that you've given us, Cliff, certainly indicates the great promise that you hold as a member, potentially as a member of that committee.

The comments that I really have, Mr. Chairman, questions are for DPW. Well, why don't I just ask Cliff this question; the other counties that you've spoken with, Westchester and the like, have they adopted a formal policy or do they just allow, you know, the things to happen on an ad hoc basis?

MR. HYMOWITZ:

No, they -- there's always guidelines, they're not statutes, they're guidelines. And the key that they'd like to bring out is that at least everybody is on the same page so they have a common focus.

LEG. FOLEY:

And these guidelines aren't overly restrictive where if something happens during the year where the Division Director of Transportation needs to have some flexibility to change something or a sign or a post, the guidelines certainly wouldn't prohibit that from happening.

MR. HYMOWITZ:

No, it's not a forever kind of binding agreement. Its just, like I said, merely to give so everybody is on the same page and that there are minimum standards for access. And I know Vince is here today and after you hear what he has to say, I think it will give a better example of what I'm talking about.

LEG. FOLEY:

You gave everybody an example. Thank you, Mr. Chairman.

CHAIRMAN CARACAPPA:

Any other questions? Thanks, Cliff, we appreciate it. Congratulations for being appointed to the board.

We have no more speakers. Anyone else wishing to be heard on any other matter? Oh yeah, I thought you had put it in for your appointment. Come on up. Sorry about that.

MR. TALDONE:

My name is Vince Taldone. I'm here basically just to follow up on Cliff's comments, particularly relating to Riverhead, an area where I live that is experiencing enormous growth. I brought with me some letters that I've written to the Town Board regarding planning for public transportation, access to new facilities, etcetera, etcetera.

The reason I brought this with me is because my feeling is that if the

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County doesn't set standards, the towns may or may not do what's needed to support the County system.

In Riverhead we have Riverhead Center, Target, the largest shopping center east of the Smithhaven Mall basically almost nearing completion without any accommodation for a public bus. No one is exactly certain where it's going to stop, and when the bus stops -- and this is on a County Road -- when the bus does stop the sidewalk ends where the County's jurisdiction ends, there's no sidewalk going from the bus stop up to the shopping center, so people are forced to walk in the street in a moving lane which I believe is an ADA violation. But one of the comments I got from the planning department in the town was that they have guidelines from the County as to what they're supposed to be doing in terms of land use planning for public transportation, they say, "Well, it's a County system so the County should tell us what it is that we need to do." The County doesn't tell the township what it needs to do and, as a result, this gigantic shopping center, brand new, has absolutely no accommodation. There's three public bus lines that meet at the intersection with no place to stop. It really didn't have to happen to way.

There was one discussion after construction had already started about routing one of the buses back behind the shopping center so that all three could meet in the front at the same location, but the design of the parking lot didn't permit the bus to get around behind the shopping center in a reasonable amount of time; that would delay the bus, slow down the route, not a great thing. All of that could have been resolved if the County had set a standard and said if you're going to build a shopping center with 1,500 employees and 10,000 visitors a day with three bus lines running by it, these are the accommodations that we believe a minimum, at a minimum need to be provided. Now, I'm not sure how specific it needs to be because the east end is not the west end, there are different requirements, I don't know how that standard can be achieved, but there has to be some minimal level of accommodation so that passengers who use the bus can actually access these new centers. And they're not old, you know, it's not rehabbing old construction, it's new centers. It could have been done right the first time and it wasn't, and it's really a gigantic loss.

And Riverhead in particular, and I don't mean to pick on my own town, does not have transportation planners, it has volunteers such as myself. It's not a big town in terms of government, there isn't a division that can do this kind of analysis, they rely on the County to tell them what needs to be done. So that's why I'm really very

supportive of some level of minimal standards, particularly for any development that is along a County bus route. Thank you. I'll leave this for anyone who wants them.

CHAIRMAN CARACAPPA:

Thanks, Vince. I appreciate it. Anyone else wishing to be heard on any other matter for this committee? I'd ask the representatives of Public Works to come forward and we'll go through the resolutions one at a time, as we always do, and if there is anything you'd like to say on any matter, Commissioner, feel free.

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Prior to going to the agenda, any of the members of the committee wish to speak about any Public Works or Transportation issues within their district, feel free to bring that up now; if not, you can always pull the Commissioner aside after the meeting or call him at his office.

LEG. FOLEY:

Mr. Chairman?

CHAIRMAN CARACAPPA:

Go ahead.

LEG. FOLEY:

Thank you, Mr. Chairman. At our last meeting I had spoken with Chief Deputy Commissioner LaValle about a problem at the 6th District Court grounds where there was no sprinkler system activated for the whole summer, and within a week's time it's now on and it's working both in the rain as well as in the sunshine, but it is working. So I want to thank you for your quick response to that, Commissioner, good job by your office. Thank you.

CHAIRMAN CARACAPPA:

I always knew you were a rainmaker, Brian.

Tabled Resolutions

1207-03 - Authorizing of alteration of rates for Sayville Ferry Service, Inc., for Cross Bay Service between Sayville, New York and the Fire Island Communities of Fire Island Pines, Cherry Grove & Water Island (Presiding Officer Postal).

LEG. FOLEY:

I'll make the motion to approve for the purposes of discussion because I have several questions.

LEG. GULDI:

Second.

CHAIRMAN CARACAPPA:

There's a motion to approve by Legislator Foley, second by Legislator Guldi. On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Mr. Duffy, when you look at the resolution, has it been amended to reflect the recommendations of the BRO; for instance, the senior citizen fare being rolled back?

MR. DUFFY:

No, it has not yet been amended.

LEG. FOLEY:

All right. So what do we need to do --

CHAIRMAN CARACAPPA:

There is a corrected copy being --

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MR. DUFFY:

Yes, yes.

CHAIRMAN CARACAPPA:

-- done by Counsel I believe being filed, so it would be eligible for the floor. But Kevin, go ahead.

MR. DUFFY:

Yes, that's what I was going to say, that it is being worked on now and the corrections that will be made will be the corrections that we have suggested and the rates will increase starting January 1st, 2004.

LEG. LINDSAY:

Would it be appropriate to make a resolution to approve based on the corrected copy?

CHAIRMAN CARACAPPA:

You can make a motion to discharge without recommendation based on the corrected copy coming forward and we can put it on the record here what those changes are and it would be your decision as an individual Legislator to approve it or not.

LEG. GULDI:

I'll make that motion to discharge without recommendation as an alternative.

CHAIRMAN CARACAPPA:

That takes precedence.

LEG. FOLEY:

I'll second the motion.

CHAIRMAN CARACAPPA:

There's a motion and a second to discharge without recommendation. On the motion, anybody? The changes will be made --

LEG. FOLEY:

They have to be made by five o'clock next Monday.

CHAIRMAN CARACAPPA:

Yes, which they have been made, the corrected copy is being done. I had a chat with Counsel's office, so that's in the works, and it will fit under the time frame. There's a motion and a second to discharge without recommendation. All in favor? Opposed? Abstentions? Mark me as an opposed, please. 1207 is Discharged without recommendation (VOTE: 5-1-0-0 Opposed: Legislator Caracappa).

1296-03 - A Local Law to establish policy for connection by premises outside Southside Sewer District No. 3 (Presiding Officer Postal).
Is there a motion?

LEG. FOLEY:

Motion to table.

LEG. GULDI:

Second.

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CHAIRMAN CARACAPPA:

Motion to table by Legislator Foley, second by Legislator Guldi. All in favor? Opposed? Abstentions? 1296 is tabled (VOTE: 6-0-0-0).

1531-03 - Approving amended Cross Bay Ferry License for Bay Shore Ferry, Inc. (Presiding Officer Postal).

LEG. CRECCA:

I have a question on this, sir.

CHAIRMAN CARACAPPA:

Okay, I'll make a motion to approve for the sake of discussion.

LEG. FOLEY:

I'll second.

CHAIRMAN CARACAPPA:

Second by Legislator Foley. On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah. Isn't this moot at this point anyway, because wasn't this -- this was for the summer he wanted to run this program with the other ferries; isn't this the same bill that's been on our agenda?

CHAIRMAN CARACAPPA:

Kevin, I think he extended it, right?

MR. DUFFY:

Yes, it's been extended. Paul amended the license, the draft would carry through for next season and the season after.

LEG. CRECCA:

To allow him to use these other ferries?

MR. DUFFY:

Correct.

LEG. CRECCA:

You know --

MR. DUFFY:

It would have to be done under the same schedule that's listed in the resolution and with the same vessels described in the resolution, and if there were a change to that then he would have to come back again to amend his authority.

LEG. O'LEARY:

On the question.

CHAIRMAN CARACAPPA:

Andrew?

LEG. CRECCA:

That's okay, I'll yield to Legislator O'Leary.

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CHAIRMAN CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Does the resolution extend this, Kevin, to the year 2008?

MR. DUFFY:

Yes, that's my recollection of what occurred. That originally the applicant had come in for a -- to amend the authority of his license and he's incorporated certain changes and that license would be for five years.

LEG. O'LEARY:

So this schedule would stay in place till 2008, is that what the affect of this is?

MR. DUFFY:

Correct, unless he chose to come in and amend it.

LEG. O'LEARY:

Okay, fine. Thank you,

CHAIRMAN CARACAPPA:

Kevin, has the applicant, the amended application by the applicant met the muster of the Budget Review Office?

MR. DUFFY:

Well, it's my understanding that this is a legal question, the amendment of the license. I have had discussions with Paul Sabatino and he has indicated to me that the applicant has met the requirements that he has asked for.

CHAIRMAN CARACAPPA:

He has met the requirements based on your conversations with Counsel.

MR. DUFFY:

Yes.

LEG. CRECCA:

Who, I might add, is not here due to his ongoing health problem, which hopefully he'll be better soon. Any other questions? Legislator Foley and then Legislator Crecca.

LEG. FOLEY:

Yeah, thank you. I just want to make sure the record reflects that my seconding motion was for purposes of discussion, because I still have some open questions. Whether they can be fully addressed today, Mr. Chairman, or at a subsequent committee meeting, but the whole issue of assignment of a license, the transparent and comprehensive review that our Budget Review Office does with every applicant with the understanding that it's the applicant who owns and operates the ferry boats and has the personnel let's say assigned to -- or personnel are employed by the applicant. This is a very different kind of application with another company that has done an excellent -- seems to have done a very competent job in New York City. But I think there's a lot of issues that we need to discuss, I don't know whether

today or vote on it today, but I really don't have it settled in my mind the issue of an assignment of a license. Because clearly, as has been stated in the past, that the boats -- and this was a surprise to me, the boats that will be utilized are boats that are coming from another County and another region that would be coming here on Fridays and through the weekends.

So this is just a series of questions like that that I think we need to discuss in more detail before we make any final judgments, yea or ney on the application.

CHAIRMAN CARACAPPA:

Well, the principal of that company is here, if you would like him to step forward and ask him questions, you're more than welcome to, we can do that. Legislator Crecca.

LEG. CRECCA:

Yeah, I tend to agree with Legislator Foley. And I guess my question is why would we extend the license to 2008 on boats and employees that aren't part of the company that we're approving the license for?

My understanding, and I understood it for the summer and I know we didn't act on that, but was that this was an experiment for him to see the volume without having to invest in the boats. You know, I could certainly understand if this application was being submitted for next summer for one year to try to do that, but why would I give somebody, you know, a license for a number of years to operate when all the profits are going to a different company and a different operator and that operator I assume has not been under the same investigation and diligence of Budget Review than as the licensee has.

So I have a problem conceptually with this agency authorization, so to speak, under this license agreement, and especially on more than a one year basis. So if there's going to be an amendment, I would argue to the committee why would you amend and allow someone else to run boats under someone else's license? I don't even know if I agree with it on an experimental basis, but certainly I would only want to see it amended on an experimental basis and not extended for that many years. So I won't support this today and I'll make a motion to table.

CHAIRMAN CARACAPPA:

There's a motion to table by Legislator Crecca which takes precedence. Is there a second?

LEG. O'LEARY:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator O'Leary. I'll give the opportunity for any Legislators who want to discuss this now to discuss it with Mr. Hurley

who is present.

LEG. CRECCA:

Yeah, I don't have a problem.

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CHAIRMAN CARACAPPA:

If you have questions, you know, why -- come on up.

LEG. CRECCA:

Yeah, I'm not trying -- I just want to say something on the record, Mr. Chairman. I wasn't trying to bring Mr. Hurley down here six more times either, we can discuss this all day.

MR. HURLEY:

I'd rather never come back.

LEG. GULDI:

You sound like an incumbent.

CHAIRMAN CARACAPPA:

We feel your pain.

MR. HURLEY:

This is really -- I actually brought New York Waterway here, so after I speak I would like them to come up. It doesn't seem -- it seems that you're -- I don't have to do this agreement with them, I don't have an agreement right now. The agreement -- this is the right to lease boats from them, this doesn't mean that I have to lease boats from them, okay; it's very important for you all to understand that. This is that I -- this is a methodical forward process here. By constantly tabling me and pushing me off and not letting me come to the table to eat, you are allowing sort of -- you're pushing my company towards its demise. I don't quite understand why you aren't for competition. I mean, you're not saying that I have -- I mean that I have to lease these boats, you're just saying I can if I can come to an agreement with this company to lease it.

It's important to understand that this deal, in a sense, this time charter arrangement was structured specifically keeping in mind that Fire Island ferries had time chartered their boats to New York Waterway for in excess of \$1 million into the Suffolk County coffers here. So it's nice to say, okay, you can -- you know, we allow you to lease your boats to them but they can't lease your boats to someone in this area, that makes no sense, you have to be equal. You know, if Fire Island Ferries is able to make over a million dollars in revenue by time chartering their vessels in the exact same style that I have, the only difference in the time charter that I believe I have with

this company that I was going to have which was foiled was that they were to pay for the fuel and the payment scheme was a little different in that I was allowing them to keep the revenue for this one year. I'm not going to -- I mean, I'm not crazy, I'm not giving all my money away, I'd be broke if I gave the money all away.

LEG. CRECCA:

Well, that's what I -- and again, if you don't mind sort of cut to the chase --

MR. HURLEY:

But you see, you're allowing me to negotiate with this company. Instead of constantly pushing me off and saying no competition, you're saying it gives me an option to try to work out something with them;

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I'm not saying that I'm going to but I'm going to say that I could try and maybe I will be able to do it.

We have one -- there's one company called Fire Island Ferries that's in my area and there was one water taxi, the water taxi has been gobbled up by the ferry company, there is nothing left, it's me and/or goliath, or whatever you -- so it doesn't make sense to constantly table me, push me out of the lake and say no competition, that's not what you want.

CHAIRMAN CARACAPPA:

Mr. Hurley, there are some questions. Legislator Crecca.

LEG. CRECCA:

I don't disagree with you, but just some questions for you.

MR. HURLEY:

No problem.

LEG. CRECCA:

Number one is I guess one of the problems I have with this is it's not -- I think you should be able to lease boats from whoever, and I like the idea of your amended application in the sense that you'll be providing more service and larger boats. I think that's good for our constituents and we talked about that, meaning the constituents of Long Island and the tourists that are here. The problem I have is that basically under the way you've set it up is you turn over your operation from Friday to Sunday to New York Waterways in the sense that yes, you're right, it's the gas, it's the employees, it's not just leasing a boat. You're basically saying -- just hear me out -- is that from Friday to Sunday, okay, while less you're the licensee and ultimately you have to answer to us and you're responsible, the

entire operation for the weekend which is the heaviest use time is being taken over by New York Waterways. If you said to me, "We're leasing the boat and as part of that arrangement they're going to get" -- and it doesn't matter -- "80% of the gross proceeds, but its my employees, my gas, my captain will be on that boat or my crew chief," whatever, I don't know your business inside out, then it's not. But you're saying -- what you're really saying to us is allow -- we should be granting a license from Friday to Sunday to New York Waterways is what we should be doing because they're the ones running it, and that's conceptually the problem I have.

The other problem I have is that you're talking about running this until 2000 -- the amendment until 2008.

MR. HURLEY:

Can I answer that one question first and then I'll go on from there?

LEG. CRECCA:

Sure, absolutely.

MR. HURLEY:

Remember, this is the right for me to negotiate with them in the future. Who says that I'm going to have them running this summer?

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Maybe I'm going to do something else. You see, you're already saying the old stuff, you know. I'm --

LEG. CRECCA:

But --

MR. HURLEY:

No, no, no.

LEG. CRECCA:

I understand that, but once I give you the authority you can do what I just said, and the whole idea of licensing is --

MR. HURLEY:

But I have the license, I'm the one who's in -- I'm going to let the fellow from New York Waterway come up here and he can talk to you about time chartering and stuff. I mean, when you time charter boats, Fire Island Ferries came and time chartered their boats to New York Waterway; do you think for one second that New York -- that Fire Island Ferries was running their own service in New York? No, New York Waterway was directing the service, just like I would be directing New York Waterway if they were working for me, okay.

LEG. CRECCA:

Let me ask you this, though. If it was -- why not then just grant it for the year so you can see how it works? You came to us and said, "I want to see how it works for the summer. If it works out then, you know, we can go from there," but now you're saying you want that authority to be able to completely renegotiate it from now until 2008 and I think that's different than what you had come to us originally, which is fine but that's a little bit of the problem I have.

MR. HURLEY:

It's very difficult to try to plan when you have to keep constantly coming back like a beggar with a hat out and getting permission from you guys. I can't do long-term with you guys saying, "Okay, you've got a year." I'm a long-term player, in a sense, I look at everything from a perspective of not tomorrow, I look at it from a perspective of ten years from now. I'm way beyond this next year, I wish I could get by this year. I mean, I really had a year just taken from me in the ferry business; I mean, you guys did it. So -- I mean, not you guys specifically but this Legislature stopped me from going towards what I want. And ultimately, the people who really didn't benefit from this are the constituents, my ferries are less expensive to ride. I don't know, you know -- I'm just asking for the rights to compete and less restrictions, I'm not asking for free rides here, I'm not asking for anybody to pay for anything, I'm paying for it. I'm asking to lower -- I'm asking to provide a service at a less cost. If I want to raise my price, I have to come back to you for Budget Review.

LEG. CRECCA:

Well, let me ask you this, a question for Budget Review while we're on it because I don't want to beat a dead horse here.

MR. HURLEY:

(Inaudible).

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LEG. CRECCA:

No, while you're here --

MR. HURLEY:

Okay.

LEG. CRECCA:

With Budget Review. Under this agreement, on this weekend schedule it would allow them -- obviously we've set the rates, but they can still use New York Waterways employees and they don't have to have their own employee on board or anything else like that?

MR. DUFFY:

That's what the amendment does. The one thing that has to be considered in the amendment is that it will require the operator to provide service in accordance with this new schedule and this schedule is greatly expanded from what originally Mr. Hurley and Bay Shore Ferry had under the license that had been approved.

LEG. CRECCA:

Well, that's a benefit, that's an absolute benefit.

MR. DUFFY:

That's a benefit. But with -- he would have to have the resources because he's agreeing to provide that service, and if he is unable to provide that service with the vessels that he currently owns because I believe he owns one boat at the current time, and if this amendment is approved he would have to provide that service whether or not he's able to agree with the charter agreement with New York Waterways because that what his -- that gives him the option to do it, but he's indicating to the Legislature that this is the service that he will provide from now until 2008 unless he comes in and changes it.

LEG. CRECCA:

Did we ever in the past approve a license or a license amendment that involved a --

MR. DUFFY:

We've had nothing similar to this. The only thing that's even slightly similar is that some of the ferries such as Sayville Ferry, they have a separate corporation which they control and own which owns the boats, that's more or less done for liability. But we have never, and Jim could correct me if I'm wrong --

LEG. CRECCA:

That's what I was trying to get, is --

MR. DUFFY:

I have never --

LEG. CRECCA:

Mr. Hurley said that the other companies do the same thing, but they have their own employees on those boats and all, don't they?

MR. DUFFY:

Sayville ferry does and Fire Island Ferry the boats are owned by the same company that has the license.

LEG. CRECCA:

Would you -- do you feel it's necessary, and I'm asking -- you do the

background checks and the audits and the investigations at all, whatever, I may not be using the right terminology, but would you feel you would need to do that on the sub here which would be New York Waterways?

MR. DUFFY:

Well, my understanding is that Counsel determined that this is an amendment of the license and that our review was not required, that it would be a decision of the Legislature whether they wanted us to do it.

LEG. CRECCA:

What the normal procedure is is that you do --

MR. DUFFY:

If this, however, were a new license or an assignment, Jim could correct me if I'm wrong, but under our understanding of the Charter, we would be required to do a review if it's an assignment of the license

LEG. CRECCA:

Mr. Hurley, would it still be your employees and your company collecting the fares?

MR. HURLEY:

My employees would sell the tickets. When their boat would be operating it would be their employees who would collect the ticket.

LEG. CRECCA:

Okay.

MR. HURLEY:

That was in the past arrangement. You know, if there's some stipulation you want my guys -- a guy on their boat to walk around collecting tickets that's fine, but it's sort of a pointless kind of thing.

LEG. CRECCA:

The tickets are being sold at the dock.

MR. HURLEY:

I sell them at a ticket booth --

LEG. CRECCA:

Right.

MR. HURLEY:

-- by my employee.

LEG. CRECCA:

Okay.

MR. HURLEY:

And then it's their employee, I guess their employee would collect it on board the boat when they get on and then they would give me back the tickets. But the old lease that I had, you know, it's out the window in a sense because it expired and I'm not going to do the same deal next year.

LEG. CRECCA:

Same deal with New York Waterways, you mean?

MR. HURLEY:

Yeah, I'm not giving away a hundred percent. This year I said if I ran the service this summer, you know, I see what's out there, I see --

LEG. CRECCA:

Okay, that was one of my questions, because I couldn't understand why you would --

MR. HURLEY:

No, there's definitely demand, definitely. Absolutely, there's definitely a need for more service. I mean, the more competitors the better in this world, I think we all can agree to that.

LEG. CRECCA:

Okay, I'm done for now.

LEG. LINDSAY:

So how are you going to operate next year? You're going to change the arrangement with New York Waterway, you're going to lease another boat, you're going to buy another boat; what are you going to do?

MR. HURLEY:

Well, this gives me the option to lease boats from them, it also gives me the option to go up there and see if I can find a boat that can do the route that is affordable; it gives me a lot of options. How about this? I could lease the boats next year from them and then buy my own boat the year after or, you know, and never do -- I might never do business with this company. You see, everybody always seems you're going to but, you know --

LEG. LINDSAY:

So you don't know what you're doing next year at this point.

MR. HURLEY:

No, no, I don't know specifically the arrangement that I will have

with New York. I know New York Waterway will lease me a boat if I want to use it, and I suspect that I will be doing that. I actually would be assured but I can't guarantee it because they may say, "Well, we're not going to run at that price," and then I would have to find another boat. And then I have to come to you again and say, "I'd like to lease another boat from somebody else or we're buying a boat."

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LEG. CRECCA:

But You would have to do the schedule that's before -- I don't mean to jump in.

MR. HURLEY:

Oh, absolutely, absolutely, so they would know that. I could run it with my boat right now all out, 100%.

CHAIRMAN CARACAPPA:

I have a question.

MR. HURLEY:

Sure.

CHAIRMAN CARACAPPA:

Mr. Hurley, in the resolution it states the boats that are to be used by name.

MR. HURLEY:

That's right, there's five boats in the class. I would -- in a sense, they have -- I think they have 46 vessels of this -- you know, I'm talking from the hip here. Can I actually have Don Liloia from New York Waterway come up here and talk to you about the boat and the lease and stuff?

LEG. GULDI:

He just left, he heard that you're not going to do business with them next year.

CHAIRMAN CARACAPPA:

Charlie, just slide over one --

MR. HURLEY:

No, I didn't say that.

CHAIRMAN CARACAPPA:

-- and have the gentleman come forward. It's my understanding that based on the resolution and the contents of it, I just want to be clear here even from my -- and maybe Budget Review can answer this for me. It states the Verrazano and the Sinatra, the Columbus, the Yogi

Bera and Lag boats.

MR. DUFFY:

My understanding, based on the conversation with Paul, those would be the boats that would have to be used.

CHAIRMAN CARACAPPA:

Right, those would have to be the boats. So you would be, Mr. Hurley, tied into using these boats as a part of your license amendment.

MR. HURLEY:

No, no, I believe that I would have the right to use these boats. I could also come back to you and say that I wish to -- I could also use the {Resolute} running full out for the time.

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CHAIRMAN CARACAPPA:

But you would have to come back to us.

MR. HURLEY:

Oh yeah, I have to -- oh no, I always -- I'm coming back, you guys know that; I've been back all the time.

CHAIRMAN CARACAPPA:

But if we were to authorize this resolution, you would be able to do this, and if you had decided not to do this you would be coming back to tell us what you were doing.

MR. HURLEY:

I'd have to. If I can't run it because I can't work a deal out with them, I'm coming back to you. If I can't run the service because -- for some odd reason, let's say where I'm going they don't want the service like that, I would come back to you. If I can't provide this service, these times, I would be back here in a second. The first thing I would be doing is, "Hey guys, I got a problem, I can't do the service because of," how knows, the price of fuel may have gone up so much that you can't even run a boat anymore.

CHAIRMAN CARACAPPA:

I'm just trying to make it clear to my colleagues that if we approve this, it's this and anything other than this will have to come back to us and go through the process that is our process.

MR. HURLEY:

That's correct.

CHAIRMAN CARACAPPA:

Sir, why don't you introduce yourself and tell us where you're from.

MR. LILOIA:

Thank you. My name is Donald Liloia, I'm Vice-President of Business Development for New York Waterway, and thank you for giving me the opportunity to speak this afternoon.

Let me address first I think the five vessel issue. Five boats were identified because they're all of a specific class and type of boat that are interchangeable, they all have the same draft, they all have the same operating characteristics, they were chosen because they would allow Mr. Hurley to maintain his schedule with respect to arrivals and departures at the points on the main land and the island.

Just briefly about charters so we understand what we're talking about. There are a number of charter agreements that one can enter into, there's a bare boat charter where someone may simply lease a boat, provide their own crew, provide their own staffing, assume full responsibility for the maintenance. Typically you have an operation where you have crew available, they're trained to operate that boat in where you have the facilities to maintain that boat. The boats that were proposed for this service or high speed catamarans value is approximately \$2 million a piece, they take us nearly a year to build, they have been in operation in New York City now for two or three years, there's not a lot of people out here that know how to operate

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those boats. So the agreement that we were talking about was actually a time charter agreement where the vessel would be provided with a captain and crew, any supplemental crew that would be needed could be provided by Mr. Hurley, additional ticket collection, additional deck hands if necessary for crowd control, but we do have a staffing requirement that we meet.

All of our crew is sent to the Seafair International Union Training Center down in Maryland. Our people are professional. We have a staff of 600 people that work in the ferry company, we have our own maintenance facility, we have 36 vessels that we own. We have entered into a number of charter agreements, we both charter vessels for our own use and we charter our vessels to other operators. We have entered into charter agreements with our boats for use by other ferry companies, those companies include Sea Street, New York Fast Ferry. We have entered into agreements with Fire Island Ferry. In fact, we had a long-term time charter agreement with them following 9/11, that was actually the second time we entered into a charter agreement with them and we did yet another charter agreement with them for the MTA strike. So it's not an unusual occurrence where people charter boats back and forth.

I can't speak to the particular license issue; I don't think I was getting a license, I was simply entering into a charter agreement to provide a service for Mr. Hurley.

CHAIRMAN CARACAPPA:
Any questions?

LEG. GULDI:
Not for New York Waterways but a question for anyone, either to answer and that is -- Kevin, why don't you answer it for Budget Review. Is there a distinction or difference between a licensee, ferry licensee providing services through employees or subcontractors; is there any difference for licensing purposes that you're aware of?

MR. DUFFY:
That's really a legal question.

MR. SPERO:
This is a -- we've never had this situation before.

LEG. GULDI:
You can pretend to be a lawyer once in a while, Kevin, come on.

MR. SPERO:
Mr. Hurley has broken new ground with his application because this is the first time an operator has chosen to run a service without his own boats and crews.

LEG. GULDI:
Well, you know, let me rephrase that and let me ask the question a different way. I'll ask it more proactively and that is I don't see a difference; the licensee is still the licensee of the County, it's still responsible to the County, he's still responsible under -- for the acts of any of the employees or subcontractors or liability for

departures from schedule, for service, for torts, for anything that happens. I don't see any difference, do you?

MR. SPERO:
The question we were wondering about -- and we're not sure what the answer is, quite frankly -- is that in the particular licensing agreement Mr. Hurley was contemplating with New York Waterways, New York Waterways is really the operator, a de facto operator. So operating under his license they were actually providing the service, the crews, they were keeping all the fares, so it was as if -- we were wondering if this was as if we were really licensing New York Waterways.

LEG. GULDI:
Well, let me ask --

MR. SPERO:
It's a question I can't answer.

LEG. GULDI:
Okay.

MR. SPERO:
The Counsel has taken the position that it was agreeable under the license.

LEG. GULDI:
Well, let me ask a different question.

LEG. LINDSAY:
Counsel is the lawyer.

LEG. GULDI:
Right, I know that.

MR. SPERO:
We're not the lawyer, right.

LEG. GULDI:
I understand that. Let me ask --

MR. SPERO:
We're just the number crunchers.

LEG. GULDI:
Are you? Just number crunchers, okay. The question I have for you really, to put it a different way, just because an individual or his company is the licensee, that individual isn't required to provide all of the work, labor and services to perform the ferry service. We don't require the licensee for the Shelter Island Ferries to be conducted by personal services to permit them to hire employees. What's the difference between hiring employees and independent contractors for the work, labor and services? Let's deal with that question alone.

MR. SPERO:
Because technically they're working directly for the ferry company, north and south ferry, each ferry company owns their own boats and employs their own people.

LEG. GULDI:

Correct.

MR. SPERO:

They don't -- the service is not contracted out, the people are not subcontractors under the ferry license.

LEG. GULDI:

I understand that. But is there -- I don't see an operative difference; I'm asking you if I could show me one.

MR. SPERO:

The operative difference in our mind was the fact that it wasn't the licensee that was directly providing the service with his own equipment and crews, that was the difference. If you don't see a difference, I can't --

LEG. GULDI:

It's a distinction --

MR. SPERO:

It's a distinction, yes.

LEG. GULDI:

-- but not a difference is what I see, and I'm asking you to show me a difference rather than the distinction.

MR. SPERO:

That was the distinction we had in our minds.

LEG. O'LEARY:

Question, Mr. Chair?

LEG. O'LEARY:

Legislator O'Leary.

LEG. O'LEARY:

Mr. Hurley, have some patience with me, I'm new at this.

MR. HURLEY:

Oh, me, too.

LEG. O'LEARY:

And this is all very --

LEG. GULDI:

You have to start over at the beginning.

LEG. O'LEARY:

No, please don't. I'm interested in knowing, in effect, what you're

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attempting to do is to subcontract your business to New York Waterways?

MR. HURLEY:

No, that's -- I'm -- that's not the right term. I'm having someone who's providing part of the -- I have an agreement, a schedule that I have to keep and to keep that schedule I have to use someone else's equipment. It's like I'm the one who's in charge of it, I'm overseeing it. I mean, it's very common for, you know, you to hire someone, you know. I don't know, maybe you hire someone to clean your house and then she hires someone else to come and clean your house; you don't care that your house is cleaned and ultimately when there's something wrong, you scream at the woman you hired, not the subcontract; this is just very -- so it's not subcontracting, it's a time charter specific agreement where they work to fill out my gaps that I can't do. Does that answer your question?

LEG. O'LEARY:

Okay. Did this all come about as a result of you expanding the schedule? I mean, what did you do prior to this; how long have you been in the business of running the Bay Shore Ferry?

MR. HURLEY:

This is the third -- two years, right? This is our second year.

LEG. O'LEARY:

So you're fairly new at this then, I mean, as far as --

MR. HURLEY:

I feel well seasoned.

LEG. O'LEARY:

Okay. But what did the previous owner do with respect to --

MR. HURLEY:

Previous owner? There is no previous owner, I'm him, I'm it; I'm the guy who started the ferry company and brought on the competition.

LEG. O'LEARY:

Oh, okay.

CHAIRMAN CARACAPPA:

He's expanding, he wants to expand service, that's why he needs to bring on --

LEG. O'LEARY:

Okay.

CHAIRMAN CARACAPPA:

He used an analogy earlier, Pete, of having someone you hire bring on help to finish the job; I'd almost equate it to hiring a contractor who needs to go out and rent a tool from a rental place to get the job done because he needs the right tool. He wants to expand service, his new application lays that all out, to get that service accomplished he needs to go out and rent the extra equipment to make the service

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available to the residents, and in this instance nonresidents of Suffolk County. That's how I see it.

LEG. O'LEARY:

Is that fairly accurate then, the assessment that Legislator Caracciolo (sic) just gave?

CHAIRMAN CARACAPPA:

Caracciolo? Oh, what are you trying to do to me.

LEG. GULDI:

Ooh.

LEG. O'LEARY:

And that was not a Freudian slip.

CHAIRMAN CARACAPPA:

That hurt.

LEG. O'LEARY:

Joe, you know, I'm only kidding with you.

MR. LILOIA:

Sir, if I may just add something. We have been in the transportation business for 55 years. It's not unusual that providers charter in equipment, lease in additional trucks, lease in additional buses, lease in additional boats to meet peak demand, and I think that was the plan for Mr. Hurley. Realizing that the weekends had additional demand, his inability to deliver it, a \$2 million vessel suitable to meet the schedule, he contacted me at Waterway. We have capacity on the weekends, our service is a weekday peak period commuter service, we have excess capacity on the weekends, our boats are available to meet the demand.

CHAIRMAN CARACAPPA:

Okay. Any other questions? I'll leave it with this. I feel that if

we as a Legislature are comfortable with another one of our ferry companies time chartering in the opposite direction in an effort for them to boost their business, survive and maintain their business, why isn't it okay for us? As long as the applicant follows all the rules, has met all of the obligations of Budget Review Office and us as a mini-PSC, why can't it be reversed? As long as everything is in order, I firmly believe that what should be good for one company should be good for another, and that's the basic -- basically getting to the heart of competition and providing competition and better services for passengers who use ferries in the bays of our great County.

LEG. FOLEY:
Mr. Chairman?

CHAIRMAN CARACAPPA:
Legislator Foley.

LEG. FOLEY:
You mentioned about time charters; could you just explain again, sir,

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what kind of time charter it is that you developed with Fire Island Ferries that was --

MR. LILOIA:
Fire Island Ferry, they brought the boat, they delivered their employees, they had the captain, we put up their crews, we provided the fuel, we provided some maintenance for them as well. They collected --

LEG. FOLEY:
And this was time chartered going into New York City, correct?

MR. LILOIA:
These boats were chartered operating in New York City.

LEG. FOLEY:
Right, it wasn't time chartered for your ferries to come to the Great South Bay.

MR. LILOIA:
No, I was clear that it was post 9/11.

LEG. FOLEY:
It was post 9/11.

MR. LILOIA:

To meet a peak demand in New York City, four vessels.

LEG. FOLEY:

For a peak demand for a confined period of time or was it open-ended; was it for a --

MR. LILOIA:

It was open-ended, unfortunately their boats aren't heated so they weren't appropriate for the winter use.

LEG. FOLEY:

So the time charter that you had --

MR. LILOIA:

Lasted about three months.

LEG. FOLEY:

Three months.

MR. LILOIA:

I think the total value was in excess of a million dollars.

LEG. FOLEY:

So it was a three month charter. Is there an agreement or a contract to continue that in the future?

MR. LILOIA:

There's nothing in place today but we have subsequently entered into agreements with them for, again, peak demand service as a function of the MTA strike.

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LEG. FOLEY:

As a function of the MTA -- all right.

MR. LILOIA:

The potential MTA strike, yeah.

LEG. FOLEY:

When there was a potential strike, that's what would trigger the charter, correct?

MR. LILOIA:

Demand triggered the charter, yes.

LEG. FOLEY:

Okay. So it wasn't as if it would be every weakened as what is being contemplated here. It was a function of whether or not a strike was

going to occur.

MR. LILOIA:

It was a function of demand.

LEG. FOLEY:

But the demand was being driven by whether there would be a strike or not, correct?

MR. LILOIA:

The demand was driven by a number of events, I mean, we've chartered them on three occasions.

LEG. FOLEY:

I understand that.

MR. LILOIA:

One was a potential strike --

LEG. FOLEY:

But you mentioned about the MTA strike, but that's one of the triggering points would have been the strike.

MR. LILOIA:

Well, they were chartered and on-site in preparation, whether or not the strike occurred they had the charter agreement.

LEG. FOLEY:

They had the agreement, but in order to --

MR. LILOIA:

No, they were there, they were paid, they carried no one.

LEG. FOLEY:

But the purpose of it, though, part of the purpose was because of what you had anticipated could have been a need for those services because of a particular strike by the MTA.

MR. LILOIA:

The anticipated demand for ferries based on increased ridership.

LEG. FOLEY:

Because of the strike that would have occurred in other modes of transportation.

MR. LILOIA:

Yes.

LEG. FOLEY:

Thank you.

CHAIRMAN CARACAPPA:

Okay. I believe there's a motion to table and a second; the tabling takes precedence.

LEG. FOLEY:

Mr. Chairman, the person that made the motion isn't in the room.

CHAIRMAN CARACAPPA:

Well, you made the second, right?

LEG. O'LEARY:

I withdraw my second.

CHAIRMAN CARACAPPA:

The second to table has been withdrawn.

LEG. FOLEY:

I'll second the motion to table.

CHAIRMAN CARACAPPA:

There's a new second to table. All in favor?

LEG. GULDI:

Opposed.

CHAIRMAN CARACAPPA:

Opposed? Mark me as opposed.

LEG. O'LEARY:

Opposed.

CHAIRMAN CARACAPPA:

3-3, tabling fails (VOTE: 3-3-0-0 Opposed: Legislators Caracappa, Guldi & O'Leary).

LEG. GULDI:

Motion to approve.

CHAIRMAN CARACAPPA:

I'm going to make -- first the motion I'm going to make is a motion to discharge without recommendation.

LEG. GULDI:

Second.

CHAIRMAN CARACAPPA:

Let's get it out of committee and to the floor, second by Legislator Guldi. All in favor? Opposed?

LEG. FOLEY:

Opposed.

CHAIRMAN CARACAPPA:

Mark Legislator Foley as opposed. Abstentions?

LEG. CRECCA:

I think it should get to the -- just so the record is clear, too. I voted for the discharge and I think it has a right to get to the floor and let's get it over and done with it once and for all, for Mr. Hurley's sake.

MR. HURLEY:

Let's see how it goes.

CHAIRMAN CARACAPPA:

It is discharged without recommendation (VOTE: 5-1-0-0 Opposed: Legislator Foley).

MR. HURLEY:

Thank you.

CHAIRMAN CARACAPPA:

Gentlemen, thank you for coming down and answering questions.

Moving on, 1543-03 - Implementing Leadership in Energy and Environment Design (LEED) Program for future County construction projects (Viloria-Fisher). Commissioner, why don't you come on back up. Thank you. Is there a motion?

LEG. GULDI:

Motion to table. The sponsor asked me to make the motion to table in light of today's comments.

CHAIRMAN CARACAPPA:

There's a motion to table by Legislator Guldi, second by Legislator Foley. All in favor? Opposed? Mark me as an opposition. It's tabled (VOTE: 5-1-0-0 Opposed: Legislator Caracappa).

Introductory Resolutions

1744-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the dredging of Moriches Inlet for Smith Point Park Beach Replenishment (CP 5370) (County Executive).

LEG. GULDI:
Motion.

LEG. FOLEY:
Second.

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CHAIRMAN CARACAPPA:
Motion by Legislator Guldi, second by Legislator Foley. On the motion?

LEG. FOLEY:
On the motion, Mr. Chairman.

CHAIRMAN CARACAPPA:
I have a question first to Budget Review. Well, first, Commissioner, go ahead.

COMMISSIONER BARTHA:
I have some concerns about the offsets that are being utilized in this resolution. There's some work that I would suggest is a higher priority than this project and that is million dollars to repair winter damage to the County roads; the cost for the design and construction of the September 11th Memorial; traffic signal improvements, 650,000 we have asked for; and the Quartermaster area at the Police Headquarters. We have recently put out to bid the new Quartermaster Building and received bids, we'll be proceeding with that work. It's essential to relieving the space problems for the Police Department to renovate the existing Quartermaster space at headquarters, that's critical I believe when it comes time to open the 7th Precinct, that much of that staff that is presently at the 7th Precinct can be relocated back to Police Headquarters.

LEG. LINDSAY:
Could I --

CHAIRMAN CARACAPPA:
Okay, hold on. Commissioner, why did the County Executive use these offsets if you're disagreeing with them?

COMMISSIONER BARTHA:
I gave them a memo that says exactly what I'm telling you now.

CHAIRMAN CARACAPPA:
And their response was?

COMMISSIONER BARTHA:
They submitted this resolution.

LEG. CRECCA:

Is anybody here from the Budget -- nobody's here from the County Executive's Budget Office.

LEG. FOLEY:

Do you have a copy of your correspondence?

COMMISSIONER BARTHA:

Yes. I might point out also that the Corps of Engineers received bids on that work and the cost which the Corps of Engineers had estimated to be about \$700,000 for the extra cost to move the sand from their intended point of disposal to Smith Point was 700,000 and the bid came in at \$4 million.

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CHAIRMAN CARACAPPA:

Keep in mind, Legislators, that the Federal government is doing the work at the inlet and we're paying, this money is to shift the sand, the spoils which would usually be dumped on the western side of the dredge project -- correct me if I'm wrong, Charlie.

COMMISSIONER BARTHA:

Correct.

CHAIRMAN CARACAPPA:

We're bringing those dredge spoils down to Smith Point Park to be deposited in front of the TWA Memorial.

LEG. FOLEY:

And the pavilion.

CHAIRMAN CARACAPPA:

Well, and the pavilion but more so to protect the monument at this point in time.

LEG. O'LEARY:

I mean, I -- Mr. Chair?

CHAIRMAN CARACAPPA:

Legislator O'Leary, then Legislator Crecca.

LEG. O'LEARY:

Commissioner, the concern I have with respect to your position regarding offsets is that if we don't address this particular problem now, even now be it's a short term solution, if we have a bad winter going into the season and this dredging is not done, there's a very good possibility that the pavilion and the memorial will disappear

into the ocean after a couple of bad noreasters. I mean, isn't that a consideration for prioritizing this for the purpose of getting it done?

COMMISSIONER BARTHA:

Well, certainly, but this is not enough sand to have a significant difference. This is like the minimum -- we did a master plan for Smith Point, this is the absolute minimum amount of sand. This sand is projected to be sufficient for a one to two year half-life, and this work would not be accomplished before the winter. So, you know, I have concerns about the priority of this work. You know, we're all concerned about protecting the beach erosion, but I thought there were some other priorities that should be considered as well and there may be other offsets available. I'm not saying this work should not be done, I'm saying that I think these other projects are pretty important.

LEG. O'LEARY:

But if this work is not done we face the distinct possibility of losing the memorial and the pavilion.

COMMISSIONER BARTHA:

I think you've got to take a look at how much this is going to

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increase the chance of protecting that; this is only minimal protection and it's very short-term, it's one to two years.

LEG. O'LEARY:

Well, I acknowledge it's short term.

COMMISSIONER BARTHA:

And it's not for this winter.

LEG. O'LEARY:

But if we do nothing at all, then that increases the possibility of the memorial and the pavilion going into the ocean, does it not, in a very short order?

COMMISSIONER BARTHA:

Some.

LEG. O'LEARY:

Perhaps with a bad winter?

COMMISSIONER BARTHA:

Some small percentage, yes.

LEG. CRECCA:

If I may?

CHAIRMAN CARACAPPA:

Legislator O'Leary, are you finished?

LEG. O'LEARY:

Yes.

CHAIRMAN CARACAPPA:

Legislator Crecca, then Legislator Lindsay.

LEG. CRECCA:

I would make a recommendation to both the Commissioner as well as my colleagues that what we do is, because we're two weeks before the meeting, that we discharge this without recommendation at this point so it's on the floor -- because we have such a lag in time between the two meetings, September 16th, our next meeting, regular meeting is not until November -- and allow the Commissioner -- the Commissioner has some very valid points, I think Legislator O'Leary has some very valid points, just allow the Commissioner the opportunity to go back to the County Executive's budget people on two counts, Charlie. Number one is on their cost estimate of \$1.4 million as opposed to what I'm hearing you say is 700,000 -- correct me if I'm wrong -- and also allow you to look for a different offset, possibly. We can always table it at the meeting if need be or we can approve it at the meeting if we come to some sort of solution on this.

COMMISSIONER BARTHA:

Well, I --

LEG. CRECCA:

Are you comfortable with that, Commissioner?

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COMMISSIONER BARTHA:

If I could clarify something, it's \$4 million is what it would be to move the total amount of sand.

LEG. FOLEY:

Why does the backup then have 1.4?

COMMISSIONER BARTHA:

It's not my resolution, it's the Parks Department.

LEG. CRECCA:

I'm sorry, I apologize, you're saying it's going to cost four million to do what they're saying is going to cost 1.4.

COMMISSIONER BARTHA:

That is correct.

LEG. FOLEY:

That's a serious --

COMMISSIONER BARTHA:

There are -- there's other ways that are being considered to do the work now, to move the sand down by truck instead of having Corps of Engineers pump it, at which point we would wind up being involved with the project.

CHAIRMAN CARACAPPA:

Charlie -- Legislator Lindsay, I'm sorry. Wait, wait. Andrew?

LEG. CRECCA:

I understand what the Commissioner is saying, but it sounds like we need the Commissioner of Parks here, too, to answer some questions, if I'm wrong, but then I'll defer to the Chairman.

LEG. LINDSAY:

Charlie, is it cheaper to move it by truck?

COMMISSIONER BARTHA:

It might be.

LEG. LINDSAY:

It sounds like an awful lot of money for a short period of time solution.

COMMISSIONER BARTHA:

It is.

LEG. LINDSAY:

What can be done in a more permanent fashion?

COMMISSIONER BARTHA:

Well, a dredge could be used to pump the material from directly off shore or someplace closer. It's a very long pump from the inlet, it's about five miles which is where the cost is involved and drives it up so high.

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CHAIRMAN CARACAPPA:

Just so the committee knows, Bill, in last -- in the Capital Budget, in fact we've already authorized in this year's Capital Budget planning monies for a long-term solution for what you're asking for. In next year's Capital Program, Capital Budget, there's I believe a

million dollars to do a wall within the budget, so that was the long-term solution. Some people -- you know, there's debate as to if that's a solution or not.

LEG. LINDSAY:

Charlie, is there -- I mean, you don't necessarily disagree with the project as much as you disagree with the offsets; am I characterizing that correctly?

COMMISSIONER BARTHA:

I would -- I'm interested in seeing those offsets used for projects that Public Works is involved in.

LEG. LINDSAY:

Do you have alternative offsets that are more doable?

COMMISSIONER BARTHA:

No, not in the Public Works portion of the budget, possibly the Budget Office might have some ideas. You know, something -- let me just say that the September 11th Memorial, the County has been moving ahead with that, there was a committee established, the committee selected a design concept and we have just been told that the construction cost estimate for that is \$2 million and the design estimate is \$300,000; there's no funding for that in the Capital Program.

LEG. GULDI:

And there are no offsets left anywhere.

CHAIRMAN CARACAPPA:

Legislator Foley, did you have questions at this point?

LEG. FOLEY:

Yeah, I think we need to hear from the Parks Commissioner at Friday's Parks Committee meeting.

LEG. LINDSAY:

I make a motion to table.

LEG. FOLEY:

Notwithstanding the fact that we don't have another regular committee meeting until some time in November, I just don't think this is right to be reported out of committee as of yet. If we get some answers we can discharge it on Tuesday on the 16th, but I would like to get a copy of the letter that the Commissioner had sent to the County Executive's Office objecting to the offsets. And then in the meanwhile they can see -- they, the sponsors of the bill -- the County Exec's Office, the Budget Office can see if there's other more suitable offsets that can be used.

CHAIRMAN CARACAPPA:

Commissioner, when is the Corps going to do this, this winter?

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COMMISSIONER BARTHA:

They'll be doing the work this winter. And as far as trucking material, we would need permits to truck that material along the beach.

CHAIRMAN CARACAPPA:

That was my second question; we would be doing along the beach which creates a whole nother (sic) set of problems.

COMMISSIONER BARTHA:

That's correct. They would be off-road trucks, they're kind of very big trucks.

CHAIRMAN CARACAPPA:

And we couldn't do it over the bridge at this point in time because of the problems we're facing with the bridge.

COMMISSIONER BARTHA:

Correct.

CHAIRMAN CARACAPPA:

Okay. And lastly, it's my understanding -- and correct me if I'm wrong -- the Federal government's basically saying if you don't help us and put up the dollars we're basically not going to do the dredging.

COMMISSIONER BARTHA:

They'll do the dredging, they'll just leave the material immediately to the west of the inlet as they had planned.

CHAIRMAN CARACAPPA:

Okay. George, did you have something?

LEG. GULDI:

No.

CHAIRMAN CARACAPPA:

No, okay. Is there a motion? There was a motion to approve.

LEG. CRECCA:

I'm going to make -- still make my motion to discharge without recommendation with the understanding that we can always recommit it back.

LEG. FOLEY:

That sounds reasonable.

LEG. CRECCA:

I just think that -- you know, to me it puts the onus then on the parties to try to work it out, Parks, Public Works and the County Exec's Office.

CHAIRMAN CARACAPPA:

It's --

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LEG. CRECCA:

I could be wrong, no, you don't have to do it, I'm just throwing it out.

CHAIRMAN CARACAPPA:

Any other motions?

LEG. CRECCA:

I have no second to that.

LEG. GULDI:

I'll second the motion to discharge.

CHAIRMAN CARACAPPA:

Okay. There's a motion and a second to discharge without recommendation. All in favor? Opposed? Any abstentions? I'm going to oppose based on the unknown certainty of the offsets. Discharged without recommendation (VOTE: 5-1-0-0 Opposed: Legislator Caracappa).

1745-03 - Amending the 2003 Operating Budget and the 2003 Capital Budget and Program and transferring and appropriating funds in connection with the purchase of equipment for the fare collection system for Suffolk County Transit (CP 5648) (County Executive).

LEG. FOLEY:

Motion to approve.

CHAIRMAN CARACAPPA:

There's a motion by Legislator Foley to approve. Is there a second?

LEG. LINDSAY:

I will second.

CHAIRMAN CARACAPPA:

Second by Legislator Lindsay. On the motion. Is this a budgeted item, Jim, or is this going to require -- or John -- a three-quarter vote on the floor?

COMMISSIONER BARTHA:
It's an amendment, 90% aid.

LEG. GULDI:
So it doesn't need an offset.

MR. SPERO:
It doesn't need an offset. There is no offset required on this resolution.

CHAIRMAN CARACAPPA:
Okay, very good. All in favor? Opposed? Abstentions?
Approved (VOTE: 6-0-0-0).

1746-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase and installation of bus shelters (CP 5651)(County Executive).

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LEG. FOLEY:
Motion.

LEG. GULDI:
Second.

CHAIRMAN CARACAPPA:
Motion by Legislator Foley, second by Legislator Guldi. All in favor? Opposed? Abstentions? 1746 is approved (VOTE: 6-0-0-0).

LEG. FOLEY:
Can we have Mr. Shinnick come forward, Mr. Chairman.

CHAIRMAN CARACAPPA:
For the purpose of?

LEG. FOLEY:
Questions.

CHAIRMAN CARACAPPA:
We're past the resolution, Brian.

LEG. FOLEY:
All right. Well, still stay there in case there are questions.

CHAIRMAN CARACAPPA:
1747-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of the bridge on CR 83, North

Ocean Avenue over the Long Island Expressway, Town of Brookhaven (CP 5849) (County Executive). Motion by myself, second by Legislator Foley. Before we do that, is this a three-quarter vote?

MR. SPERO:

This will require 12 votes.

CHAIRMAN CARACAPPA:

Twelve votes, okay, so it's good. There's a motion and a second. All in favor? Opposed? Abstentions? It's approved (VOTE: 6-0-0-0).

1755-03 - Amending the 2003 Capital Budget and Program and appropriating funds for Woodside Avenue Corridor Study, CR 99, Town of Brookhaven (CP 5175.110) (Foley).

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? 1755 is approved (VOTE: 6-0-0-0).

LEG. FOLEY:

Thank you.

CHAIRMAN CARACAPPA:

1757 has been approved.

1770-03 - Implementing the provisions of Chapter 910 of the Laws of 1982 in connection with the lease of the facilities of the Southwest Sewer District to the Suffolk County Industrial Development Agency, authorizing the County Executive of said County to execute amendments to a lease, a service agreement, an operation and maintenance agreement and other agreements and documents in connection therewith and providing for other matters in relation thereto (County Executive). This is a reauthorization of bonds, right, this is their refinancing, Jim? I believe it is, reading the resolution. It actually saves us I think two or \$3 million.

MR. SPERO:

This appears to be authorizing a refunding.

CHAIRMAN CARACAPPA:

Right. Refunding the bonds could be going from 4.82% to 2.44%, saving 1.71 million in gross debt services over the next six years. So I'll make a motion to approve, second by Legislator Guldi. All in favor? Opposed? Abstentions? 1770 is approved (VOTE: 6-0-0-0).

1772-02 - Authorizing public hearing for authorization of approval of lateral license for South Ferry, inc. (Caracciolo). This is a public hearing, so --

LEG. GULDI:
Motion to table.

CHAIRMAN CARACAPPA:
No, you can't -- it's authorizing -- no, you approve.

LEG. GULDI:
I'm sorry.

CHAIRMAN CARACAPPA:
Motion by Legislator Guldi, second by Legislator O'Leary.
All in favor? Opposed? Abstentions? 1772 is approved
(VOTE: 6-0-0-0).

1773-03 - Approving extension of license for the South Ferry Company, Inc. (Caracciolo). Motion to table pending a public hearing. Motion by Legislator Foley, second by Legislator Guldi. All in favor? Opposed? Abstentions? Tabled (VOTE: 6-0-0-0).

1778-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the County share for participation in the West of Shinnecock Inlet Interim Storm Damage Protection Project (CP 5361) (County Executive).

LEG. FOLEY:
Explanation.

CHAIRMAN CARACAPPA:
Counsel?

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LEG. GULDI:
I'm reading Counsel's notes. The Capital Budget would be increased from zero to 1.1 million and an equivalent amount of serial bonds would be appropriated. The County share of West Shinnecock Inlet Interim Storm Water Damage Protection Project for which there is a 65% Federal share of \$6.8 million, a 24.5% State share of \$2.56 million which leaves the County's share of 10.5% to be funded by this resolution with a priority ranking of 75. The fiscal impact statement shows the 1.7 million over 30 years at 4.02%, and this is the ongoing storm damage saga which was before I was born. Okay?

CHAIRMAN CARACAPPA:

Motion?

LEG. GULDI:

Motion to approve by myself.

LEG. FOLEY:

Second.

LEG. CRECCA:

Mr. Chairman, can I -- I'm sorry.

CHAIRMAN CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

No, not on that motion.

CHAIRMAN CARACAPPA:

There is a motion by Legislator Guldi, second by Legislator Foley.

On the resolution, all in favor? Opposed? Abstentions?

It's approved (VOTE: 6-0-0-0).

LEG. CRECCA:

Before you adjourn?

CHAIRMAN CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Just on the motion to reconsider 1757, I was outside the room.

CHAIRMAN CARACAPPA:

Motion to reconsider 1757 by Legislator -- by myself, second by

Legislator Foley. All in favor? Opposed? Abstained?

It's before us again.

1757-03 - Appointing members to the Suffolk County Transportation Advisory Board (Foley). Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions? It's approved (VOTE: 6-0-0-0).

Any other business to come before the committee? We're adjourned.

(*The meeting was adjourned at 4:37 P.M.*)

{ } - Denotes Spelled Phonetically