

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Public Works and 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 **Tuesday, May 4, 2004**.

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MEMBERS PRESENT:

Legislator Peter O'Leary- Chairman
Legislator Dan Losquadro - Vice-Chairman
Legislator Angie Carpenter
Legislator Andrew Crecca
Legislator Brian Foley
Legislator Bill Lindsay
Legislator Ricardo Montano

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ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature.
Charles Bartha - Commissioner - DPW.
Rich LaValle - Chief Deputy Commissioner - DPW
Leslie Mitchel - Deputy Commissioner - DPW
Alexandra Sullivan - Chief Deputy Clerk - Legislature
Bill Faulk - Aide to P.O. Caracappa.
Tim Motz - County Exec's Office
Bob Shinnick - Division of Transportation
Julie Ben-Susan
Bridgford Hunt
All Other Interested Parties

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MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 3:05 P.M. *)

CHAIRMAN O'LEARY:

Will all members of the Public Works and Transportation Committee please report to the horseshoe. If we could all rise, I'll call the meeting to order and ask Legislator Montano to lead us in the Pledge of Allegiance.

SALUTATION

CHAIRMAN O'LEARY:

I would ask you to please remain standing for a moment of silence for all our military personnel who have given their lives over in Iraq in the fight for freedom.

MOMENT OF SILENCE

CHAIRMAN O'LEARY:

Thank you very much. Okay. I have a couple of cards here. I'll ask Mr. Bridgford Hunt of the North Ferry Company to come up please, Mr. Bridgford Hunt.

MR. HUNT:

Thank you. Julie Ben-Susan and I are here to answer any questions that you might have about our application one more time when the time is appropriate for your support. We're are track with the shipyard, the design issues and the bank. And we understand the public hearing is still open and no action can be taken today. Out of respect for your time, I'll say no more, but Julie and I eager to answer your questions. Thank you for your attention.

CHAIRMAN O'LEARY:

Thank you, sir. The public hearing, as you know, has been recessed to May 11th at the General Meeting at 2:30. At that time hopefully we'll close the public hearing and move on the issue.

MR. HUNT:

Thank you.

CHAIRMAN O'LEARY:

The next speaker is Julie Ben-Susan, also from North Ferry.

MS. BEN-SUSAN:

Ditto.

CHAIRMAN O'LEARY:

Thank you. There was not a concern for the three minute rule, that's good, I like that. Is there anyone else who wishes to address the committee.

MS. SULLIVAN:

Mr. Hurley is filling out a card right now.

CHAIRMAN O'LEARY:

Mr. Hurley. You do have a card that's filled out? I think we have a photocopy up here. Can you present the card up here, please. Just give it to my aide.

MR. HURLEY:

I'm just here to talk about this ferry license. Last time I was here, I guess the -- the game had sort of been changed a little bit in that I was told that I was not allowed to do a time charter. So I'm now trying to get an answer of am I allowed to do just a straight lease of a boat? So is there some way to get opinion on that?

CHAIRMAN O'LEARY:

Let me just perhaps clarify the situation. I've had some conversation with Mr. Kevin Duffy from BRO, and he has indicated to me that he has had a conversation with you concerning submitting a charter, a new charter.

MR. HURLEY:

I would be honored to submit a charter agreement -- a lease agreement, whatever it is. I just want to know if I can do it. I'm not going to get one and then have you guys say it's not proper. So I need someone to say it's proper, then I will give it to you.

CHAIRMAN O'LEARY:

All right. It's the opinion of Mr. Kevin Duffy, whose opinion I rely on with respect to these applications, he's quite knowledgeable concerning it, that if the language in the charter includes the fact that you will be using your own crew, staff and collecting the fees, the appropriate fees, and have full control over that, that there will be no problem with leasing a vessel.

MR. HURLEY:

I will have that document to you. So due to the fact that the season sorts of starts sooner than later, where do I go? Do I hand this thing to Mr. Duffy perhaps in a day or two?

CHAIRMAN O'LEARY:

Well, it was hoped that you would bring it today, but there was --

MR. HURLEY:

Well, it's so difficult, because no one ever -- now, I'm getting the opinion finally. I asked Mr Duffy, and he couldn't give me this opinion, so now I'm getting it, first time. And I can now do this so. So I'm going to do it. My question to you is when I give you this document where it's a straight out vehicle, boat, leased, I run the crew, they're my payroll, I collect the tickets, I pay for the fuel, I do the insurance, everything, that is acceptable; is that correct?

CHAIRMAN O'LEARY:

I'm going to defer to Counsel.

MR. HURLEY:

I'm not negotiating with people. I'm just saying if that's fine, I will give you that, then I will proceed. I'm not going to get it and be told, oh, there's a new hurdle you have to go over, which seems to be -- I mean, look at the number here, it's Introductory Resolution of '03. I mean, this has been -- this is 11 months now.

CHAIRMAN O'LEARY:

I'm well aware of that. I'm also aware of the fact, Mr. Hurley, that there was a question of legality concerning the assignment of license.

MR. HURLEY:

But that legality, as you came up with a change of the legal counsel, that's not my issue. I'm just saying I just need to know what is wanted, and I will give to you.

CHAIRMAN O'LEARY:

I'm under the impression that if those matters that I just addressed to you are addressed in the Charter, your crew, your staff, you in full control of collecting the fees, that's included in the verbiage of the contract for charter, if you will, and also the name of the company that you will be leasing the vessel from, then that will be sufficient.

MR. HURLEY:

Okay. Great. I appreciate that. Thank you. Any other questions you have for me?

CHAIRMAN O'LEARY:

Kevin, do you have anything.

MR. DUFFY:

The point I wanted to make is that we've been speaking in theory as to what's necessary, but we would still have to look at the documentation that Ned submits.

CHAIRMAN O'LEARY:

Certainly.

MR. HURLEY:

No problem. No problem. I understand the parameters that he set will be what I give.

MR. DUFFY:

And we had had discussions when, I guess it was after the last meeting, that Ned came with Jim Spero and myself, and we discussed the idea of our concern with whether or not this was an assignment of his license. And what we had indicated to him at that time was that if the points that you had made, which we discussed today, are addressed, and that is how the Charter reads, that as far as Budget Review Office was concerned, it would no longer be an

issue as to whether or not this was an assignment of his license.

CHAIRMAN O'LEARY:

Which was important in my mind, because that was an issue that had to be addressed and resolved. I'm going to defer to Counsel with respect to the provisions I just put forth.

MS. KNAPP:

I just want to add, Mr. Duffy has clarified, the legal question was was it an assignment of license, and it appeared the structure that was presented to me was an assignment. Then the next question was was it legal to lease a boat, and the answer was, in my opinion, it was legal to lease a boat, that simple question. However, you should understand that it's also -- it's also my impression, the Legislature has never approved in the past a lease unless it was with a subsidiary or related corporation. That's not -- that's simply a statement of fact. And you should also understand that it's not the function of this committee or any administrative personnel to provide you with either legal or business. You submit the application to the Legislature, and then each individual Legislator makes a determination as to whether or not the license is appropriate and should be issued, taking into account all those factors that they take into account.

CHAIRMAN O'LEARY:

Does that answer your question or address your concerns, Mr. Hurley?

MR. HURLEY:

Well, it's just -- does it answer my question? I will provide a document, a straight lease, I will provide crew, I will provide fuel, I will provide insurance, I will operate that vessel. I just hope that when I get to that part of the goal line, that the goal line once again doesn't shift, okay? That's my only thing on the record for all the people here. I feel that sometimes in my application, there has been a Catch-22. I have flown a certain number of missions. As soon as I get to that number or one off, for some odd reason, the missions change now. The number goes up just a few more so that if I get a couple more, I'm almost there. And you know what? They move again. So I will provide this document, and I'm hoping that one again the goals do not change. Thank you.

CHAIRMAN O'LEARY:

Thank you. Is there anyone else who wishes to address the committee? Okay. We have a scheduled discussion today from Bob Shinnick, Director of Transportation, but I've been informed that due to a family emergency, he couldn't make it here today. But I'm going to ask Commissioner Bartha to come up to perhaps respond to the issue at point, which is the Suffolk County Transit, particularly Route S-92 basically Riverhead-East End.

COMMISSIONER BARTHA:

Correct. The S-92 is the route that was experiencing very high usage, apparently a lot of it is seasonal labor. What we have done is add a shadow bus, which -- in the morning, which picks up everyone who can't get on the first bus. That appears to have addressed the problem for the morning. We're evaluating the need for that in the afternoon at this time.

CHAIRMAN O'LEARY:

Just for the record, Commissioner, I want to put on the record the fact that I received several letters from East End Supervisors concerning this particular that they find themselves in with respect to transporting some of their constituents to and from work and school as well. They don't cite the fact that the particular problem is in the morning rush hour or the evening rush hour, they tend to take a position that it's continuous all day, that it's a rather busy route that is oftentimes overcrowded. And perhaps there should be more buses utilized for that particular route during the peak season, which of course is for them, Memorial Day to Labor Day, I would think. Is there any consideration with respect to that.

COMMISSIONER BARTHA:

Bob -- and I regret Bob isn't here because of a family medical emergency, but he has developed a cost for different scenarios of providing increased service, which we will be able to provide to the committee within a few days and be able to discuss it with you at the following meeting.

CHAIRMAN O'LEARY:

So it is being addressed, it is being discussed on your level for the purposes of addressing the overcrowded situation. What did you call it, the shadow bus?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

What's that, just a second bus?

COMMISSIONER BARTHA:

Just a second bus following the earlier bus.

CHAIRMAN O'LEARY:

So there will be two buses pulling up at the same time going through the entire route?

COMMISSIONER BARTHA:

Correct.

CHAIRMAN O'LEARY:

Any other members of the committee have any questions regarding this matter? Is there anyone in the audience that wishes to address this situation? Okay. All right. Let's move on then. Are there any Capital Projects that any of the committee members wish to discuss with the Commissioner before we go to the agenda? Anything of interest to them? No? Okay. Let's go to the tabled resolutions.

1531-03. Approving amended cross bay ferry license for Bay Shore Ferry, Inc. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

Based on the conversation and discussions today, I'm going to make a motion to table, seconded by Legislator Foley. On the question of the motion to table? There being none, all in favor? Opposed? Abstain? Motion to table is approved. **TABLED. (VOTE:7-0-0-0)**

1211-04. Authorizing of authorization of rates for North Ferry Co., Inc. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

Public hearing has been recessed to 5/11. I'll entertain a motion to table by myself, seconded by Legislator Foley. On the question of the motion? There being none, all in favor? Opposed? Abstain? Motion passes. **TABLED (VOTE:7-0-0-0)**

1236-04. Approving rates established for Davis Park Ferry Company. (PRESIDING OFFICER)

LEG. FOLEY:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Foley, seconded by Legislator Carpenter. This has been recessed to 5/11. On the question of the motion? There being none, all those in favor? Opposed? Abstain. Motion to table passes. **TABLED (VOTE:7-0-0-0)**

1240-04. Adopt a County Shoreline Program. (COOPER)

CHAIRMAN O'LEARY:

The sponsor has asked me to table this motion, seconded by Legislator Foley. On the question of the motion? There being none, all those in favor? Opposed? Abstain? 1240 is **TABLED. (VOTE:7-0-0-0)**

1281-04. Establish a land development policy to promote affordable housing in Suffolk County. (CARACAPPA)

CHAIRMAN O'LEARY:

Motion to approve by myself, second by Legislator Losquadro. On the question of the motion? There being none, all those in favor? Opposed? Abstain?

LEG. CRECCA:

Abstain.

CHAIRMAN O'LEARY:

One abstention.

LEG. MONTANO:

Abstain.

CHAIRMAN O'LEARY:

Two abstentions. Motion still passes. **APPROVED. (VOTE:5-0-2-0) (Abstention; Legis. Crecca and Montano)**

1303-03. Approving funds in connection with the construction of improvements at County marinas. (COUNTY EXEC)

LEG. FOLEY:

Motion to approve.

LEG. CARPENTER:

Second.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Foley, seconded by Legislator Carpenter. On the question of the motion? There being none, all those in favor? Opposed? Abstain? **APPROVED. (VOTE:7-0-0-0)**

1312-04. Amending Resolution No. 179-2003, a resolution making certain findings and determinations upon a proposal to form Suffolk county Sewer District No. 4 - Smithtown Galleria in the Town of Smithtown. (COUNTY EXEC)

LEG. CRECCA:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Crecca, seconded by myself. On the question of the motion?

LEG. CRECCA:

Everything is in order for this, Commissioner.

COMMISSIONER BARTHA:

Yes.

LEG. CRECCA:

Okay. Thanks.

CHAIRMAN O'LEARY:

Okay. 1312, on the motion, all those in favor? Opposed? Abstain. 1312 is **APPROVED**.

(VOTE: 7-0-0-0)

1317-04. Approving the purchase of vehicles for the Department of Economic Development, Aviation Division. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Give us explanation on that, Commissioner.

COMMISSIONER BARTHA:

This is replacement vehicles for the Department of Economic Development that they use out at the airport. The vehicles that they are proposing to replace, we agree should be replaced.

They're in bad condition.

CHAIRMAN O'LEARY:

Is it two trucks that they're replacing?

COMMISSIONER BARTHA:

It's a dump truck and a utility truck -- pick up with a utility body.

CHAIRMAN O'LEARY:

Motion by Legislator Lindsay, seconded by Legislator Carpenter to approve. On the question of the motion? There being none, all those in favor? Opposed? Abstain. 1317 passes.

APPROVED. (VOTE: 7-0-0-0)

1321-04. Authorizing the Resolution No. 892-2003 be rescinded which appropriated funds in connection with the dredging of Moriches Inlet Smith Point Park beach replenishment. (COUNTY EXEC)

MR. SPERO:

Mr. Chairman, that motion should be tabled because IR 1282 transfers that appropriation to the generic dredging project.

LEG. FOLEY:

Motion to table.

LEG. CARPENTER:

Motion to skip over.

CHAIRMAN O'LEARY:

At some point in time -- if 1372 is passed, can we go back to 1321 and approve rescission of that?

MR. SPERO:

No, because it's -- 1321 rescinds the appropriation, 1382 transfers the same appropriation to another dredging project.

CHAIRMAN O'LEARY:

Okay. So there's a motion to table 1321 by Legislator Carpenter, seconded by Legislator Foley. On the question of the motion? There being none, all those in favor? Opposed? Abstentions? 1321 is **TABLED. (VOTE:7-0-0-0)**

1339-04. A local law amending Chapter 424 of the Suffolk County Code in connection with revisions to sewer use rules and regulations. (COUNTY EXEC)

CHAIRMAN O'LEARY:

What's this about, Commissioner?

COMMISSIONER BARTHA:

This is in order to bring the Suffolk County Code into conformance with the latest EPA requirements. It's mainly technical revisions to changes, some definitions. It is the not something that will have an added cost to any of the County sewer district or change any of the

discharge standards.

LEG. FOLEY:

Motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN O'LEARY:

1339, there's a motion to approve by Legislator Foley, seconded by Legislator Crecca. On the question of the motion? Hearing non, all those in favor? Opposed? Abstentions? 1339 is

APPROVED. (VOTE:7-0-0-0)

1361-04. Authorizing public hearing for approval of an on-demand cross bay freight ferry license for Bayard Marine Corporation.

(PRESIDING OFFICER)

CHAIRMAN O'LEARY:

This is scheduled for public hearing on June 8th. Motion to table by myself, seconded by Legislator Carpenter.

LEG. CARPENTER:

Don't we have to approve this to authorize the public hearing?

CHAIRMAN O'LEARY:

To authorize it, yes.

LEG. CARPENTER:

Motion to approve.

CHAIRMAN O'LEARY:

Motion to approve by Legislator carpenter, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1361 is **APPROVED.**

(VOTE:7-0-0-0)

1362-02. Approving cross bay license for Bayard Marine Corporation. (PRESIDING

OFFICER)

LEG. CARPENTER:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Carpenter, seconded by myself. On the question of that motion?

LEG. LINDSAY:

It needs to be tabled for the public hearing?

LEG. CARPENTER:

Right. And the BRO report, correct, which is completed, I believe.

CHAIRMAN O'LEARY:

But it needs to be tabled anyway because of public hearing. On the question of the tabling motion for 1362? Hearing none, all those in favor? Opposed? Abstentions? 1362 for tabling is approved.

TABLED. (VOTE:7-0-0-0)

1363-04. Authorizing public hearing for approval of rates for Bayard Marine Corporation. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by Legislator Lindsay to approve. On the question of the motion, all those in favor? Opposed? Abstentions? 1363 is **Approved. (VOTE:7-0-0-0)**

1364-04. Authorization of rates for Bayard Marine Corporation for cross bay license within the County of Suffolk. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

Motion to table by Legislator Foley, seconded by Legislator Carpenter. On the question of the motion, all those in favor? Opposed? Abstentions? 1364 is **Tabled. (VOTE:7-0-0-0)**

1378-04. Appropriating funds in connection with a feasibility study for noise abatement structures on cr 67, Motor Parkway, from Harned Road to Shinbone Lane. (CRECCA)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Crecca.

LEG. CRECCA:

On the motion.

CHAIRMAN O'LEARY:

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

LEG. CRECCA:

The original resolution originally had a \$300,000 appropriation. From my discussions with Public Works, it is estimated that it will cost closer to around 90,000. So we've lowered the appropriation to \$100,000 in this resolution.

CHAIRMAN O'LEARY:

The appropriation has been lowered from 300 to 100; is that correct? Is that right?

LEG. CRECCA:

Yes.

CHAIRMAN O'LEARY:

There's a motion to approve 1378. On the question of the motion? Hearing non, all those in favor? Opposed? Abstentions? 1378 is **approved. (VOTE:7-0-0-0)**

1382-04. Transferring funds appropriated in connection with the dredging of Moriches Inlet for Smith Point Park Beach replenishment to dredging of County waters. (CARPENTER)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by myself to approve. This is -- Legislator Carpenter, do you want to explain this?

LEG. CARPENTER:

No. Actually, Budget Review is probably more able to do that, but I also see someone from the County Executive's Budget Office coming forward who has something he would like to share. Why don't we let Carmine speak first.

CHAIRMAN O'LEARY:

Yes, Carmine. Please identify yourself for the record.

MR. CHIUSANO:

My name is Carmine Chiusano. I'm the principle financial analysis in the County Exec's Budget Office. On resolution 1382, of '04 the resolution transfers \$1.4 million from a specific project, dredging Moriches Inlet at Smith Point -- dredging Moriches Inlet for Smith Point Park beach replenishment. This is a bonded project, so -- and it's a prior year. There's a question about whether or not you can actually transfer these appropriations to what really is a new project. And I just wanted to bring that to your attention. Also, one other thing is there is in 2004 Capital Budget \$1.2 million for dredging projects for this year that I believe will eventually be appropriated at the request of DPW.

CHAIRMAN O'LEARY:

Jim, can you respond to that?

MR. SPERO:

Yeah. A companion bonding resolution will be on the agenda for next Tuesday, which rescinds the previous bond authorization and sets up a new bond authorization for this project. So we had that prepared by the County's Bond Counsel in conjunction with the resolution that actually transfers the appropriation.

CHAIRMAN O'LEARY:

So the issue raised by the County Executive's Office --

MR. SPERO:

The new bond resolution should cover the concern raised by the County Exec's Office.

MR. CHIUSANO:

you would have to also rescind the prior bond authorization.

MR. SPERO:

It does that.

MR. CHIUSANO:

You would also have to -- the other resolution, 1321, which also rescinds the appropriating resolution could create a problem.

LEG. FOLEY:

As far as what?

CHAIRMAN O'LEARY:

What's the problem that's created?

MR. CHIUSANO:

Well, you're rescinding really a prior appropriation. So once you rescind that, it lapses, it's gone.

CHAIRMAN O'LEARY:

Correct me if I'm wrong, but that prior appropriation was not expended, was it not?

MR. CHIUSANO:

To my knowledge, no it was not.

CHAIRMAN O'LEARY:

It was 1.4 million?

MR. CHIUSANO:

Yes, that's correct.

CHAIRMAN O'LEARY:

Where is that 1.4? If it hasn't been expended, where is it currently?

MR. CHIUSANO:

It's just sitting in appropriation, but it's in appropriation for a specific purpose. It's not really an offset. It's a prior appropriation that you transferring. It is not an offset though.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you. Just for some clarification. Carmine, you heard from Mr. Spero that he spoke with Bond Counsel. And if you can repeat, Mr. Spero, Bond Counsel says this permissible.

MR. SPERO:

A new bond resolution.

LEG. FOLEY:

Let me just finish the point. It's a legally permissible proposal that we're voting as we will vote also on the rescinding resolution next Tuesday as in conformance with all bonding requirements?

MR. SPERO:

That's correct.

LEG. FOLEY:

All right. Now, Mr. Chiusano, since you heard that from Mr. Spero, you want to speak with Bond Counsel prior to next Tuesday to get some clarifications for your office?

MR. CHIUSANO:

Yes. I'll talk to Bond Counsel and I'll talk to Mr. Spero.

LEG. FOLEY:

It's a good point you raise. And if not -- we don't have the rescinding resolution here for us today, so it's a point well taken. However, we hear from BRO that Bond Counsel says we can move forward with a slightly different rescinding resolution next Tuesday, and then we can move forward and transfer these monies. So you need to get back to us as to why you still may have problems.

MR. CHIUSANO:

From a just a general policy, it's sets somewhat of a bad precedent.

LEG. FOLEY:

If I may speak for the prime sponsor, speaking as one who supports this, it is an unusual situation. It's unusual because there are other avenues of monies that became available to do the very same thing that this project would have done. And because these other avenues of revenues became available, then these monies became available for what we consider other important dredging projects within the County.

CHAIRMAN O'LEARY:

Mr. Spero, you care to comment?

MR. SPERO:

Just a technical point. In checking the appropriation in the IFMS System, we see that the appropriation was created, the 1.4 million, for the Moriches dredging project, and then, at least on the IFMS System, has been rescinded even though no resolution was approved that would have rescinded that appropriation. So that 1.4 -- this should be corrected to put back the \$1.4 million that was approved by Resolution 892 of '03.

LEG. FOLEY:

Someone hit the wrong key.

MR. SPERO:

It was entered twice in the same day, one to set it up one to rescind it on the same day.

CHAIRMAN O'LEARY:

Okay. Legislator Carpenter.

LEG. CARPENTER:

I just want to make one comment to Carmine's reference to policy. I think that even though on appearance it seems to be out of -- I forget what word you used, but certainly as policy makers I think that we had originally committed this amount of money to dredging, and certainly no one will disagree that given the geography of Suffolk County that we shouldn't continue to

make the commitment to dredging. And we've had this ongoing problem year after year with running out of funds and not having enough money to do all the dredging projects we need to do that this is really kind of fortuitous that this opportunity has presented itself so that we can, in fact, keep our waters navigable.

CHAIRMAN O'LEARY:

I think his characterization of it was it was precedent setting. Since January 1st, there's been a lot of precedent set.

LEG. CARPENTER:

Yes.

CHAIRMAN O'LEARY:

Anything else, sir?

MR. CHIUSANO:

No. Again, just to reiterate that there is \$1.2 million authorized in the 2004 Capital Budget for dredging projects.

CHAIRMAN O'LEARY:

Let me ask you this then is it your opinion that if this was approved there will be 2.6 million?

MR. CHIUSANO:

Yes.

CHAIRMAN O'LEARY:

That's a good thing, that's not bad. Okay. There's a motion to approve 1382.

LEG. CARPENTER:

Just one thing, I do recall, if I could just state, lest anyone think we're being, you know, frivolous in allowing or authorizing more than is necessary, just remember that a project like Stony Brook in itself has cost us a million dollars in the past. So I don't think two million is really being spent where we need to do this. Thank you.

CHAIRMAN O'LEARY:

Thank you, sir. There is a motion to approve 1382 by Legislator Carpenter, seconded by myself -- by Legislator Foley. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstain.

CHAIRMAN O'LEARY:

One abstention. 1382 is **APPROVED. (VOTE:6-0-1-0).**

(Abstention; Legis. Montano).

Legislator Montano abstained. He is landlocked in his district. I believe Legislator Montano is landlocked.

LEG. CARPENTER:

It wasn't always that way. They didn't do dredging, that's why.

CHAIRMAN O'LEARY:

All right. Let's move on now.

1412-04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the owner of 515 Restaurant Corp. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Commissioner.

COMMISSIONER BARTHA:

This is an existing office building that they want to convert a portion of it to a restaurant. There's a total of approximately 13,000 gallons would come from this property and be connected into the Southwest Sewer District. In addition to the annual tax or users fees that the district will receive, there will be a connection fee of \$205,000 approximately.

CHAIRMAN O'LEARY:

Does satisfy your question, Bill?

LEG. LINDSAY:

No. One other question.

CHAIRMAN O'LEARY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Mr. Bartha, is the office building connected now?

COMMISSIONER BARTHA:

No. It's on septic tanks.

LEG. LINDSAY:

Is this within the Southwest Sewer District?

COMMISSIONER BARTHA:

No.

LEG. LINDSAY:

It's outside. How far outside?

COMMISSIONER BARTHA:

It's up Route 110 closer to the Expressway than it is to the Southwest Sewer District. But there have been a number of connectees that are even further north. So they would be connecting into the collection system of piping that's been built by other connectees, contractees.

CHAIRMAN O'LEARY:

What is the available capacity of the Southwest Sewer District?

COMMISSIONER BARTHA:

A little other two million gallons.

CHAIRMAN O'LEARY:

So there's two million gallons that could be utilized there, what's the current usage?

COMMISSIONER BARTHA:

Current usage is approximately 22 million gallons per day. And there's a capacity of almost 28 million gallons. That difference is for the connection of the less than 10% of the properties that are not connected yet as well as other commitments that have been made by the Sewer District and increased possibility for increased development in the district.

CHAIRMAN O'LEARY:

In answer to my question, there's another seven or eight million gallons worth of capacity -- seven or eight million gallons of capacity available in the Southwest Sewer District?

COMMISSIONER BARTHA:

We are seven million gallons below our permitted capacity right now. However, because of other commitments, what we consider available for contracting out is approximately two million gallons.

LEG. LINDSAY:

I do have another question.

LEG. CARPENTER:

I do too.

CHAIRMAN O'LEARY:

We'll stay with Legislator Lindsay, then Legislator Carpenter.

LEG. LINDSAY:

Is part of the commitment -- what about the {Walkoff}? Do we have a commitment to connect them, and are they in the district?

COMMISSIONER BARTHA:

They are not in the district. There's a small portion of the total flow that they require that they have rights to connect as a result of old agreement we had with the state, several hundred thousands gallons they have a right to connect. But they are looking for a total commitment of over approximately 2.6 million gallons.

LEG. LINDSAY:

If we were to grant that permission that would kill the excess capacity altogether.

COMMISSIONER BARTHA:

That's correct. It would exceed the available capacity at Bergen point. So we could not make a commitment to them for their current proposal without an expansion of the treatment plant.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

I too was going to ask about the Pilgrim, so I appreciate that. I was looking at the back up on this resolution and see that the -- I think I read somewhere that the owner of the building encouraged the conversion to the restaurant of the office space. And if it stayed an office building, and they didn't go into a restaurant, would the need be there?

COMMISSIONER BARTHA:

No. They are not -- they are not connected now, and they are operating. Although the Health Department was encouraging them to connect to the Southwest Sewer District.

LEG. CARPENTER:

I would just ask that we table this one cycle. I want to do a little research on this.

CHAIRMAN O'LEARY:

There's a motion to table by Legislator Carpenter. Is there a second?

LEG. MONTANO:

I'll second.

CHAIRMAN O'LEARY:

Seconded by Legislator Montano on the question of the tabling motion? Hearing none, all those in favor? Opposed? Abstentions? 1412 is **tabled. (VOTE:7-0-0-0)**.

1413-04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 - Medford with the owner of Interpharm. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Foley, second by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? Motion **APPROVED. (VOTE:7-0-0-0)**

1415-04. Appropriating funds in connection with replacement clean up of fossil fuel, toxic and hazardous material storage tanks. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by myself.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN O'LEARY:

On the question of the motion, Legislator Losquadro.

LEG. LOSQUADRO:

If I can just get some clarification. It says -- first of all, it may just be in the wording, it says with replacement. You know, is this a previous clean up project? Is it replacement of the tanks? Is it remediation of contaminated soil?

COMMISSIONER BARTHA:

That's the title the Capital Program, which has been in the Capital Budget for years. What we're doing with the funds in this instance we're going to be upgrading the fuel facility at Bergen Point Sewage treatment Plant, which services any County vehicles including the vehicles

for the Southwest Sewer District, as well as the Indian Island fuel facility in Riverhead.

LEG. LOSQUADRO:

That was my next question was where. So you answered both of them, so thank you.

CHAIRMAN O'LEARY:

Any other question on 1415? Hearing none, all those in favor? Opposed? Abstentions?

APPROVED. (VOTE:7-0-0-0)

1416-04. Appropriating funds in connection with the installation of emergency systems for major County owned building/NYS Fire standards. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Explanation on that, Commissioner. Is that the sprinkler systems?

COMMISSIONER BARTHA:

That's sprinkler systems, fire detections systems and security systems. In this case, we are evaluating a number of buildings as to the need and to prioritize. We're looking at the Department of Labor, some vehicles garages, as well as police headquarters in Yaphank.

CHAIRMAN O'LEARY:

And what are the amount of funds appropriated for that?

COMMISSIONER BARTHA:

Four hundred and twenty thousand dollars.

CHAIRMAN O'LEARY:

Four hundred and twenty thousand.

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

There's a motion by Legislator Carpenter, seconded by Legislator Losquadro to approve. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Approved.**

(VOTE:7-0-0-0)

1417-04. Appropriating funds in connection with the improvements to water supply systems. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Explanation on that, Commissioner.

COMMISSIONER BARTHA:

This is for the installation of RPZs, the back flow preventive devices that probably over the last ten years we've been converting to to conform with state law. In this instance, we'll be looking to do buildings in the Yaphank complex.

CHAIRMAN O'LEARY:

Oh, Yaphank. Happy to hear that. Any amount of funds appropriated for this? Millions, is it not.

COMMISSIONER BARTHA:

Two hundred and twenty thousand dollars.

CHAIRMAN O'LEARY:

Two hundred and twenty thousand. There's a motion by myself, seconded by Legislator Foley to approve 1417. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1417 is **APPROVED. (VOTE:7-0-0-0)**

1421-04. A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 1 - Port Jefferson. (COUNTY EXEC)

CHAIRMAN O'LEARY:

The public hearing is scheduled for June 8th on this.

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

There's a motion by Legislator Foley, seconded by Legislator Carpenter. On the question of the motion? All those in favor? Opposed? Abstentions? There's a question on the motion.

LEG. CRECCA:

No. Right after this I would like to be recognized.

CHAIRMAN O'LEARY:

1421, there was a motion to approve. All those in favor? Opposed? Abstentions? Hearing none, 1421 is **APPROVED. (VOTE:7-0-0-0)**

Legislator Crecca.

LEG. CRECCA:

There was a late starter at the last meeting of 1448, and I don't see it on the agenda. It's the Cohalan Court Complex. I have copies of it here.

CHAIRMAN O'LEARY:

I don't have it on my agenda either.

LEG. CRECCA:

It's certainly -- it's a Capital Project. I believe it's assigned here, Counsel.

CHAIRMAN O'LEARY:

Counsel, you have record of it?

LEG. CRECCA:

It might go to Budget and Finance. Can we just check it before we adjourn really quick? I apologize, Mr. Chairman. It might be in Budget and Finance because of the judicial facilities. So I apologize.

LEG. FOLEY:

Mr. Chairman, as he is looking.

CHAIRMAN O'LEARY:

As Counsel is looking for 1428. Legislator Foley.

LEG. FOLEY:

To fill the time between --

CHAIRMAN O'LEARY:

Which you do so well.

LEG. FOLEY:

Very good. Thank you. Being that it's the spring season, Commissioner, could you tell us what road projects will be underway with the strengthening and improving roadways? It's also my understanding that a resolution will be laid on the table next week to appropriate monies for -- for other road projects. But if you could tell us where all that stands at this point.

COMMISSIONER BARTHA:

Right now we are working on a project in East Hampton to do some road repair where there was a particularly difficult winter. And we have a major project going on, not under strengthening and improving County roads, but certainly related to County Road 51. I think, you know, Legislators are familiar with that.

LEG. FOLEY:

Didn't we appropriate monies last year for the strengthening and improving roads, and we were going to wait until after the winter time?

COMMISSIONER BARTHA:

Yes.

LEG. FOLEY:

So --

COMMISSIONER BARTHA:

I don't -- I mean, off the top of my head I can't --

LEG. FOLEY:

But those projects will be -- we don't need another resolution for those particular projects.

COMMISSIONER BARTHA:

No.

LEG. FOLEY:

All right. If you can have your office just distribute to us or send to us by next Tuesday a copy of those projects, it would be helpful.

COMMISSIONER BARTHA:

Sure. The projects that we're doing with the money already appropriated?

LEG. FOLEY:

Already appropriated. And there's also a new resolution being laid on the table next Tuesday, correct?

COMMISSIONER BARTHA:

Well, we've requested it. Hopefully it will be.

LEG. FOLEY:

It's my understanding it will be coming forward. Thank you, Mr. Chairman.

CHAIRMAN O'LEARY:

Thank you so much, Legislator Foley, for occupying that time.

LEG. CRECCA:

Motion to adjourn.

CHAIRMAN O'LEARY:

Motion to adjourn by Legislator Crecca because 1428 is not prime in this committee 1448 is not prime in this committee. Anyone else wish to address the committee before I adjourn? All right. Thank you, all. Meeting stands adjourned.

(* THE MEETING WAS ADJOURNED AT 3:45 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY