

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, **July 15, 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
Jim Spero • Budget Review Office
Kevin Duffy • Budget Review Office
Charles Bartha • Commissioner • DPW
Alexandra Sullivan • Chief Deputy Clerk • Legislature
Bill Faulk • Aide to P.O. Caracappa
Ben Zwirn • County Exec's Office
Lynne Bizzarro • County Attorney's Office
Susan Harder • Dark Sky Society
Eugene Wishod • Talmadge STP Association
Lisa Grenchi • Montauk Citizen's Advisory Council

Mark Stang • Bayard Marine Corporation
Tom Esposito • Tony's Freight Service
Vincent Taldone • Transportation Advisory Board
All Other Interested Parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 3:38 P.M.*)

CHAIRMAN O'LEARY:

Okay. We have a quorum. I'm going to call the meeting to order, and we will begin by the Pledge of Allegiance by Legislator Losquadro.

SALUTATION

CHAIRMAN O'LEARY:

We have a public hearing scheduled today. Sandy, could you read the notice for the record.

MS. SULLIVAN:

The affidavit of publication, everything is in order.

CHAIRMAN O'LEARY:

It is. The public hearing is **Resolution 1574, adopting a Local Law to reduce light pollution from County-owned buildings.**

Anyone here wishes to speak on this issue, on Resolution 1574? I want to take note of the fact that there are a couple of cards that are filled out under the public portion for 1574, perhaps you can take the opportunity to speak during the public hearing portion. Can you identify yourself, please.

MS. GRENCI:

Good afternoon. Thank you Chairman O'Leary and the members of the Suffolk County Legislature's Public Works and Transportation Committee for the opportunity to address you. My name is Lisa Greci, and I'm on one of those cards. I'm the Chairwoman of the Montauk Citizens Advisory Committee for the last eight years, as well as the past president and current Board of Director of the Concerned Citizens of Montauk, a thousand plus member environmental organization established in 1970.

I'm here to voice our approval and show our support for the passage of Resolution 1574, which calls for the reduction of light pollution emanating from County-owned buildings by requiring that fully shielded fixtures be used when installing new or replacement light fixtures. As unlikely as it may seem, even out east at the extreme end of Long Island, we are suffering from the many detrimental effects of irresponsible lighting. Over the last decade we have seen a disproportionate increase in bright useless lighting as a result of both private and governmental development. The further west, the worse it gets. Out east a dark starry night sky is something our residents insist upon and something our visitors and tourists alike expect to enjoy when visiting our area.

Bad lighting in general negatively impacts both the environment and the quality of life for all of us who live on Long Island. Fortunately, new technology has provided a means to accomplish night time security and safety needs without polluting the sky by focusing the light downward instead of upward. The passage of this resolution will aid Suffolk residents in their continuing efforts to conserve and use energy wisely reducing the waste of energy and the additional toxic emissions from fossil fuel burning facilities needed to produce this energy.

To date, over 33 organization have endorsed the light pollution control legislation bill in the State Assembly and the State Senate; A6950 and S3003, including the Concerned Citizens of Montauk, the Group for the South Fork and the Nature Conservancy to name a few. The State Assembly had already passed its bill and hopefully the Senate Rules Committee will soon be sending it's bill onto the Senate floor for passage. The Suffolk County Legislature has already passed a Sense Resolution Number 28 of 2003 requesting the State of New York to enact both these bills for the purpose of enacting a healthy, safe and energy efficient outdoor lighting act. It is imperative now that Suffolk County practices what it preaches. As the New York Times editorial yesterday stated, quote, the night sky belongs to all of us no matter how infrequently

or how casually we look its way. Light pollution is the easiest kind of pollution to control. It may take a few years, but it will seem as though we turned up the stars without any loss of light here on earth, unquote.

Resolution 1574 is a good opportunity for the Suffolk County Legislature to do something about light pollution while giving its residents the opportunity to see the night sky in all of its glory. It is our hope that the Public Works and Transportation Committee will endorse this law before the full County Legislature next Tuesday. Thank you for your time and consideration.

CHAIRMAN O'LEARY:

Thank you very much. There was also another card filled out under the public portion by Susan Harder on this issue. Ms. Harder, you opt to speak under the public hearing portion, not the public portion?

MS. HARDER:

Yes, thank you. I didn't know the procedures. I am Susan Harder, I'm from East Hampton. I'd like to tell you all that the Suffolk County Police are doing a fantastic job at the US Open, because I just zipped right here. I got here an hour early. So they are definitely doing a wonderful job out there.

CHAIRMAN O'LEARY:

I'm happy to hear that because I'm going out there the next couple of days.

MS. HARDER:

Well, you shouldn't have too much trouble coming back anyway. I do have some handouts. Since I only have the three minutes to speak, if I could give this to you.

CHAIRMAN O'LEARY:

You don't have three minutes, this is a public hearing. A public hearing •• while we appreciate brevity, you're not limited to the three minutes in a public hearing, just the public portion.

MS. HARDER:

I can do this quickly. I am a founder of Long Island's Dark Sky Society. I'm a members the International Dark Sky Association and the New York State affiliate _SALIEN_ that is working

on legislation that Lisa just mentioned, which, of course, got quite a boost yesterday with the editorial on the New York Times, which I've included a copy in this information. And although this legislation, it echos your bill, it's caught up in the Albany log jam of bills. So conceivably your piece of legislation could get their first.

I worked on the Citizen Energy Plan for Long Island with the Sustainable Energy Alliance. And there was a terrific recommendation in that plan that also dovetails with the legislation you're proposing. And I'm an advisor on the East Hampton Town Energy and Light Committee, and we have sent the brochure that I've included in the handout to 19,000 of our residents, and it's been very well received giving common sense and money saving solutions to outdoor night lighting pollution. The Dark Sky Society supports all efforts to control light pollution through education, public awareness and through legislation. Many people refer to this type of legislation as a no-brainer because it's based entirely on common sense, but because the contractors and the electricians need to have this specification, otherwise they won't specify a full cut off or a fully shielded fixture. And I'll show you the difference between the two.

This is the ubiquitous wall pack which is chosen for, you know, just about any application, but as you can see, the lens throws as much as light up and out as it would down. New technology, there's a shielded fixture and you can see up inside •• the bulb is up inside with a lot of reflectors and refractors. And it throws the light forward and down. This also uses less energy. So there's a money saving component in many cases for using a fully shielded fixture. We also need to use the correct amount of light. There are guidelines about lighting. This one here is from the Illuminating Engineer Society of North America, and it specifies light levels. So we don't really ever want to use too much light either. And we also want to get as much as glare out of the field of view, because glare inhibits our ability to see. When you have the light source straight in your eye and it's not shielded, your pupil closes down and doesn't allow as much as light in so it's more difficult to see. You actually have a rather perfect example right outside the door here where you have the bulb straight in your face at the entrance to the building. And it would be much more beneficial to have a shielded fixture in order to see better.

LIPA and the Suffolk County Water Authority are retrofitting all their own facilities with fully shielded fixtures. And I have a before and after photograph from the Bridgehampton plant, and I can tell you there's more light on the ground, they can see better, the sky glow has been dramatically reduced, the towers have also been •• there are not lit any more. And although

they didn't provide for lower energy, they could have. The Suffolk County Water Authority, in fact, at Exit 63 in their big facility, they even have a down lit •• a down lit flag light, which is even more conservative. And I know the County has quite a few very important and large projects coming up that could benefit with better shielded lighting, including the airport. And airports usually take greater care to shield their lights, because it's harder for the pilots to see when they've got glare.

The jail, I understand is going to be undergoing some renovations, and right now they've got a tremendous amount of off premises lighting. The Third House Nature Center in Montauk wants to have sky •• dark sky parties and star viewings and shielded fixtures would benefit there. And of course, all the •• any park renovations for new and replacement fixtures would be addressed. And as Lisa listed and as I've included in the packet, there's a great many Long Island Suffolk County based organizations that are in favor of controlling light pollution through using shielded fixtures.

So there's a great many reasons to pay attention to this important issue. And like I've said, there's quite a few guidelines that are including shielded fixtures as one the criteria for good lighting. And we even have a children's book that talks about, you know, better lighting in order to save our view of the starry night sky. And I also would like to pledge my •• not just my by support, but if anybody would like to speak about anything about lighting, I'm trained as a lighting designer. So I'd be very interested in working with anyone about some installations in the County. Thank you.

CHAIRMAN O'LEARY:

Thank you. Any questions from the committee? Yes. Commissioner Bartha, would you care to comment on this proposed resolution? We are still in the public hearing portion.

COMMISSIONER BARTHA:

We support this bill in principal. However, we would like the opportunity to work with the sponsor before its voted upon. There are a couple of issues; namely, the title of the resolution as reducing light pollution in County•owned buildings, but some of the language refers to County roadways. And our County roadways, the lighting is typically provided by the towns maintained by the towns. We also have some concerns with respect to the time frame. If this is •• the intention is for replacement lighting, the cost is not as significant of an issue, but if

there is a time frame such as replacing the lighting by the end of the year or the end of next year, that becomes more of a cost issue. So, you know, in summary we would just like to work with the sponsor.

CHAIRMAN O'LEARY:

Am I to assume then, Commission, that the sponsor has not discussed this with you at all?

COMMISSIONER BARTHA:

Not yet, but we will reach out to him over the next few days.

CHAIRMAN O'LEARY:

All right. But then the status of the hearing, I would imagine, would have to be recessed rather than closed?

COMMISSIONER BARTHA:

That would be our request.

CHAIRMAN O'LEARY:

Okay. That's what I thought. Any other questions of the Commissioner regarding this proposed resolution? Okay. This is something that is rather new and innovative at least with respect to the County, and there has to be some dialog between the sponsor and the Commissioner of DPW. I understand the support and advocates who came forward with respect to this. It seems like •• as the Commissioner stated, it seems like a idea for the County to look into. I'm going to entertain a motion to recess.

LEG. CARPENTER:

Second.

CHAIRMAN O'LEARY:

I'll make that motion, seconded by Legislator Montano. On the question of the recess motion? Hearing none, all those in favor? Opposed? Abstentions? The hearing is **RECESSED. (VOTE:7 •0•0•0)**

We have some cards that have been filled out. I also want to ••

LEG. CARPENTER:

Question.

CHAIRMAN O'LEARY:

Yes. Legislator Carpenter.

LEG. CARPENTER:

Just on process, with this being recessed in committee, does it stay recessed in committee or does it now go to the full floor?

CHAIRMAN O'LEARY:

No. I believe it stays recessed in committee, does it not?

MS. KNAPP:

Yes.

LEG. CARPENTER:

Okay.

CHAIRMAN O'LEARY:

Okay. Under the public portion now, I have a couple of cards, but two of the individuals who filled out the cards are scheduled speakers before us. Would you want to come up for the public portion and limit yourself to the three minutes or would you rather come up to table and discuss your issues in front of the committee? I would think that you would want to •• not you. Mr. Vincent Taldone and Mr. Mark Stang. Do you want to come up now during the public portion or wait for discussion at the table for purposes of discussion with the committee on your issue.

MR. TALDONE:

Wait for discussion.

CHAIRMAN O'LEARY:

You want more than three minutes. And you, sir, you want more than three minutes?

MR. STANG:

Same.

CHAIRMAN O'LEARY:

That leaves us with Mr. Eugene Wishod speaking on IR 1584.

MR. WISHOD:

I represent the owner and operator of the subject sewer treatment plant. I appeared at the public hearing and made a brief statement there in support of the formation of the district. I had also previously distributed a memorandum to all the Legislators detailing the background and the formation of the sewer district.

I'm here today only to answer any questions that the •• any individual Legislator may have as to the formation of the district. I'll only add as I did at the public hearing that the plant that is proposed to be a sewer district has won a very distinguished award from a distinguished body as a state of the art sewage treatment plant. Thank you.

CHAIRMAN O'LEARY:

Any questions? Ms. Barbara Weltsek. This is the public portion.

MS. WELTSEK:

Good afternoon, committee members. My name is Barbara Weltsek, and I represent Tony's Barge Service. I'm here to give you some further information on the application or petition of Bayard Marine Corporation. At the last public hearing that was held June 8th, the petitioners principal admitted that the Pearl Graham had, in fact, been operating without the necessary Suffolk County license. And when asked why he was doing that, my recollection is that he said he had contracts. I think a piece of the information that you are entitled to is the fact that one of the contracts that Stang Landscaping Corp. Who will be using, my understanding is, Bayard Marine Corporation for transportation.

One of those contracts is the refuse removal contract with the Village of Ocean Beach. That contract was the subject •• that contract bit was the subject of having a court ordered monitor assigned to it to ensure that all bidders did in fact have all their licenses and permits in place before they qualify to bid on the contract. One day before the bid, Stang did not have a Suffolk

County Freight License I and would have been deemed ineligible to bid on that contract. One day before the bid, he secured a contract from Fire Island Ferries who does, in fact, have a valid license and, and therefore was able, qualified to bid on that contract. But for that contract with Fire Island Ferries, he would not have been able to bid on a municipal refuse contract.

The moment his boat was ready, he disavowed that probably less profitable but legal method of waste removal and simply started to operate his boat. I think that getting the contract under false pretenses like that and simply abandoning a lawful method of waste removal water borne transportation for an illegal one is something that this committee should truly consider.

Another issue that was raised was whether or not garbage is freight, which is subject to a license. For at least 20 years in Suffolk County, garbage has been deemed freight, which is subject to •• necessary for a Suffolk County license. One of the most common sense reasons about that is that the contractor who is collecting the garbage does not own it. It's owned by the municipality. And the moment it is put in the •• for hire carriers and come over, it is deemed freight or cargo or goods or merchandise, and therefore, a license is necessary.

And that's how Suffolk County has treated it for 20 years. If Suffolk County is going to change its policy and municipal refuse contracts will be exempted from the freight license, I would like to know that because I have clients who would benefit from that reduction in cost and expense, as it costs between 8000 and \$15,000 a year to have a full accounting done on a business in order to renew your license for five years. That's an expense we'd surely like to get rid of. In order for the Suffolk County Legislature to go forward immediately with this petition and approve it ••

CHAIRMAN O'LEARY:

Sum up, please. Under the public portion, you have three minutes.

MS. WELTSEK:

•• you would have to overlook the fact that Bayard has been operating without •• with a waiver for which it no longer is applicable. It should have to put in a full financial review. It also should overlook the fact that Bayard has been operating ostensibly under a misdemeanor. It would also have to overlook the fact that as of my last knowledge the consents where the Bayard is landing have not been proper or thorough enough. And finally, it would have to overlook the fact that he got a contract under false pretenses and simply abandoned a lawful

method and undertook an illegal one. Thank you.

CHAIRMAN O'LEARY:

Thank you. Mr. Tom Esposito, you have three minutes, sir.

MR. ESPOSITO:

Hi. I'd like to introduce myself to the Legislature. My name is Tom Esposito. I'm the owner •operator of Tony's Barge Service. We are currently licensed by Suffolk County until 2006. We have had our license since 1983. But the license that's before the Legislature right now, I'd just like to come out and say we would like a level playing field. And this is the first time I've spoken in opposition against any license. The reason for this is that in 1983 when we applied for a license, we were forced under a tremendous amount of legal pressure by a current license holder to get our license. It took two years.

During that time, we expended over \$250,000 to stay in the freight game. The granting of a license without a full blown investigation of a boat that is running now goes against what I consider financial principals since Bayard does have books right now. And everyday they operate on the Great South Bay, which they operated the day after the public hearing. They continue to keep an accounting record. I'd like to see the accounting record put into the evaluation of the license in order for the Legislature to make a very intelligent decision based on its rates, because from my understanding of 25 years in this freight business, I have seen that these rates that are proposed now are just rehashes of old rates. They are not based in any type of reality. So I beg you to take a step back and check out the petitioner's budget papers. Thank you.

CHAIRMAN O'LEARY:

Thank you.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN O'LEARY:

That ends the public portion. Is there anyone else wishes to speak before the committee on the public portion of the agenda? Okay. For discussion purposes, we have two speakers; Mr. Vincent Taldone, who is the Chairman of Transportation Advisory Board. Would you come

up, please, Vincent? Would you care to sit down?

MR. TALDONE:

No. I'm fine. Thank you. Vince Taldone, Chairman of the Suffolk County Transportation Advisory Board. I'm here today to present a brief overview of the activities of the TAB and to an overall progress toward meeting the objectives set for us by the Suffolk County Legislature's Resolution 947•2002. Since the TAB's from monthly meeting in February of this year, we have identified and begun working on key issues affecting public transit in the County. I will touch on each of those issues, take your questions and receive direction on strategy and priorities from you.

Before you should be three attachments for your reference. Current roster and TAB member biographies, a brief summary on each of us, I encourage all of you to take a quick look at it and see that you have quite a group of professionals ready to assist you, copies of the authorizing resolution, again, for reference and photos of my very favorite bus shelter, which was recently installed in Riverhead and there's also a photograph of a newer unit coming in along Route 24 in Riverside in Southampton. And the reason I attached that is I like to use the bus shelter as an example of how enhancements can be put in to place when working with communities.

Several years back, most East End Towns did not have any shelters, because the towns simply didn't have what the County was offering. Advocates went to work, came up with a model working with the Town of Southampton and the Town of Riverhead Engineering Departments that the local architectural review boards found more appealing, acceptable. We worked out an agreement with the County to avoid advertising. And as the East End is very dependent on tourism, a lot of interests out there were concerned that bus shelters would turn into advertising kiosks. And that was a hard obstacle to get over. And the last obstacle was maintenance. The County did not have a great reputation for maintaining their shelters or even picking up the garbage they collected at them. So we went ahead and negotiated third party arrangements with adjoining businesses including the Central Suffolk Hospital, which would go out an pick up the garbage and make sure the shelters are clean.

So we found a way to make it happen. These were paid for with federal grant money, some town money, and I understand there will be some more federal transit money available for these type units on the East End. So I would just like that to be circulated so that you are

aware that there's always a way to manage to provide the enhancements that we need while dealing with the community's concerns.

The TAB itself had created four committees to focus on key issues of concern. I will outline the four of them quickly for you. One is the data committee, and strictly it's to develop a data base of information so that we can manage to do realistic projections of demand, cost and whatever issues may rise in the future. We have the State University of Stony Brook •• of New York at Stony Brook as well as Long Island University, Southampton, willing to assist us and provide students and, of course, computer facilities at no charge which is really terrific.

We also have the SCAT paratransit review committee, which due to the new contract, actually had less to do than it originally planned. The new contractor was selected by a competitive RFP process to provide improved •• and it will be providing improved reservation, dispatch and customer service. The new contractor has established its own customer service quality management team, which includes two Transportation Advisory Board members who are also paratransit consumers. So we feel we have a very close tie now with the services being provided to the folks who are dependent on the paratransit system. And we've been getting back lots of very, very positive feedback even in the initial weeks during the time of transition.

Another key committee is the Medicaid and related transportation service committee. We've been meeting with DSS and investigating methods in other counties of providing Medicaid financed transportation services. And, of course, the key issue there for us is that the County's share of transportation costs for Medicaid clients, while not a huge portion of its overall Medicaid budget is still an enormous amount of money. So we want to look into any other way that we can provide the service or the services can be provided at less cost.

Last and certainly not least, my favorite, the fixed route bus review committee, which will determine key reasons for system management problems, inadequate services in some areas, mismatching of resources to needs and explore enhancement review such as improved signage, some of which has actually already occurred under Suffolk County Transit's efforts, new shelters, additional shelters, raising public awareness of the system and trying to direct local towns' attention and accessibility issues, because often we have found that the County will do a great job installing a new bus shelter or stop on a County Road and the town will approve a site plan for a shopping center that is inaccessible to the bus stop.

And we have one that just went up in Riverhead where you get off the bus in your wheelchair, and there are boulders that were placed in the path to the stores. So it's just incomprehensible. I don't know what they are expecting, but, of course, it's not the County's role typically to guide land use practices of towns. But we have to work something out to benefit the system and, of course, the passengers. Okay.

Going back quickly to future focuses, because this is taking longer than I thought. We have a elephants in the room I'd like to point out. One is the pending litigation against the County by the bus contractors. That's been around for a very long time. It keeps rearing its ugly head, because each time one of us comes up with a bright idea, someone else realizes, well, we probably can't do that because of the pending litigation. And it's been impossible to find out exactly what's going on there and what the expectations are of a settlement. So I just want to make you aware that that's just out there and a major obstacle for any kind of major progress in the future.

Staffing is an issue. Suffolk County Transit, I guess, through DPW had at one time a route analysts line, someone whose job it was a figure out how to make the bus more useful, to extend routes, adjusted routes, to make them just more useful for people and thereby generate more revenue. That line was vacant for years and eliminated, I think this last budget round. So that person is apparently no longer necessary, but there isn't anyone else on staff that could do this work. So whether that line is addressed or through a consulting contract, the Transportation Advisory Board has no opinion on that, but we do need the service. And we believe it's an ongoing service that has to be conducted.

One of the last issues that I think I want to draw your attention to is funding inequities. Nassau County through the MTA has a much larger system in terms of the hours of operation and frequency, much more expensive than what Suffolk County runs, but the local share of the cost is much, much smaller than what Suffolk County is paying. I don't know how they've done it, good for Nassau, not so good for us. We have been talking with some elected officials, our Congressman Bishop on the East End, other elected officials on the state level about getting additional resources committed for start up and new sort of pilot projects, and we've gotten some positive responses initially. But that again, talking about elephants, there's millions of dollars that Nassau gets that we don't get, and we just don't understand how that happens. So I think that's an important issue for you to be aware of. And we are going to be continuing

to try to understand it. But we haven't gotten all that far.

Lastly, in our effort to identify some routes that need immediate enhancements, we have come up with a list, a preliminary list, which is also a list that Suffolk County Transit has produced and other planning bodies have identified in the past as routes where demand is clearly moving in the direction of enhanced services, whether increased frequencies or later service. I mean, each area is probably different. But we would like to approach those routes, come up with some costs and come back to you first, get your feedback on those specific changes, talk about how we can finance it, and then take it to public hearings to get feedback from the public as to whether they think these particular increases or improvements are what's needed. So that's the best I can do at summing up what we're doing and where we think we're going. And I hope you'll now give me some guidance, maybe some questions and tell me ••

CHAIRMAN O'LEARY:

Thanks for that update. We appreciate it. Most recently, there was a pressing issue on the S•92, has that issue been addressed and resolved to your satisfaction?

MR. TALDONE:

I understand it will be. There's a proposal to increase service beginning some time around July 1st on the S•92. I did come to you two months ago, and I had gone to the County Executive a month before that to inform him and to inform you all about the crisis, which was occurring on the S•92 where people waiting in the early morning go to work were being left behind because the bus was just too full. That was happening not just one day or two days, but it was •• it was a regular occurrence heading into Southampton every morning of the week. So that was a nightmare happening week after week. It started in February, it's still occurring now from time to time, although there's now a shadow bus, I understand, that's picking up the ••

CHAIRMAN O'LEARY:

Yeah, that was my next question. I understand that there has been a shadow bus and that the schedule has been revised, the S•92 schedule has been revised to address some of the concerns that you had eluded to previously.

MR. TALDONE:

Right. For July.

CHAIRMAN O'LEARY:

Just for July?

MR. TALDONE:

No. Starting in July.

CHAIRMAN O'LEARY:

July 1st, right?

MR. TALDONE:

Yes.

CHAIRMAN O'LEARY:

Yes. Okay. All right. So there's progress.

MR. TALDONE:

There's absolute progress. There are many good things that Suffolk County Transit is doing. I'm sure they're here, and they'll be happy to tell you about them. I didn't want to use up my time doing that.

CHAIRMAN O'LEARY:

That's all right. Legislator Losquadro, Legislator Montano, Legislator Carpenter, Legislator Foley all have questions.

LEG. LOSQUADRO:

I'll begin. First, I heard you speak to a data committee within the Transportation Advisory Board, and I had heard mentioned, I believe, by Mr. Shinnick at one time earlier that a comprehensive ridership study was going to be undertaken next year if I remember correctly, what sort of time line do you have? It seems incomprehensible to me that this data has not been collected up to this point, that we don't know these ridership numbers so we can properly allocate the resources we do have. I mean, for all we know, we have the resources already on other routes to provide better coverage for the S•92 Route. So what sort of time frame are we looking at to get these ridership numbers to know how we can properly allocate the resources we currently have in place?

MR. TALDONE:

Honestly, I couldn't address that, that would be for Bob Shinnick to address. I don't know. I know the older passenger counts were manually taken. In the last year, it's now done automatically. But I don't believe that it's gone any further than that. So there are numbers on a chart or in a box, and that's where it is. Now Stony Brook is willing to crank this out for us in the next couple of months in identifying specific hot spots. We're not looking to duplicate a large scale study that may occur next year. And, you know, we'll work with Suffolk County Transit to ensure that we're not doing what they're about to start doing. I mean, we are all working together on that. I don't think they'd let us go off and do that.

LEG. LOSQUADRO:

Okay. I think it's important •• unfortunately nowhere in my paperwork do I have the route number, but I have one particular route in my district, I believe, that needs a long hard look, because the ridership numbers don't seem to warrant the number of routes that we're running and we're running through some residential neighborhoods that are generating a large number of complaints. So I think that this would be a good first step in examining routes such as this to see what our ridership numbers even are. You know, I have received a number of complaints that these buses are running empty on a regular basis. So I think this is a step in the right direction. Thank you.

MR. TALDONE:

Just a follow up point to that, on the S•92 that I'm more familiar with because I live out there, it would pull and it was jammed to the rafters. I mean, it was a horrible condition, and then right next to it was the S•90 with no one on it. Also there are local circulator buses that run empty most the day and really annoy residents who don't use the bus and feel the public's money is being wasted. We want to look at those routes and see if we can't reduce our expenditures in those areas where the per•ride cost exceed \$13 I think out in Westhampton. We could get them cabs and they would have individuals vehicles, that would be a better option. But we do have people who are very, very dependent on the public systems. So even though the ridership numbers are not high, those folks need to get around. And we need to address that, but not necessarily with huge buses running on a fixed route.

LEG. LOSQUADRO:

Absolutely. I heard you had also mentioned the fix route committee. Obviously, that will be

looking at that also. I think a comprehensive review of the ridership, as I said earlier, to properly allocate the resources. We can even see if some of these routes that if it's just morning and evening, those who are dependent on it for going to and from work, you know, perhaps during the day we could better use those resources. Thank you.

MR. TALDONE:

And there is something called a deviated demand response system or a deviated fixed route, there's all sorts of names in different parts of the country where smaller vehicles vary to a limited extent from an existing route in an existing time. But they are far more useful to residents, particularly elderly people who, you know, ten block isn't too much for me, but it certainly would be for lots of other folks. And those services do run, and they run in other places already and replace these big empty buses. So we will be looking at that and reporting to you on what we think they cost of doing something like that would be.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

Thank you. I just have a couple of very brief questions. Sir, I was just looking at this shelter that you put up, rather attractive, cost factor on something like that? Just give me an idea of what we're looking at in terms of cost to beautify an area for shelter.

MR. TALDONE:

Roughly four times what the County has been paying for its existing shelters.

LEG. MONTANO:

Four times what it's been paying?

MR. TALDONE:

About \$12,000 per unit, uninstalled, just the unit. And I guess Bob Shinnick and the others can tell you exactly what the County is paying. It's substantially more. But I do want to point out that even with the County's purchases, it's 90% federally funded.

LEG. MONTANO:

I was going to ask that. Who bears the burden for the cost on these shelters?

MR. TALDONE:

It's overwhelmingly the Federal Government.

LEG. MONTANO:

Do you have •• is there a plan in place in terms of specifying targeted areas where you'd like to begin? Because I gather what you are looking to do is implement or place these shelters in various communities throughout Suffolk County, replacing existing shelters or places where there are no shelters, is that accurate?

MR. TALDONE:

That's accurate. To the extent that they're appropriate in those areas. I mean, there are some areas where that sort of shelter would be sort of out of place.

LEG. MONTANO:

When you say appropriate, what do you mean by that? Just give me an idea. What would appropriate?

MR. TALDONE:

Architecturally appropriate.

LEG. MONTANO:

Excuse me?

MR. TALDONE:

Architecturally appropriate. We are looking at the County Center in Riverhead, one of those units in front of a very modern building may or may not be desirable. I mean, I personally like the simple units that the County is putting up now. But when I showed that to my town board out in Riverhead, they just all balked about the scenic East End views along the main road and people coming out and picking corn. We have to deal with these issue. And if they say no, I don't get a bus shelter and people stand out in the rain. Our decision here was to go with something we knew was a lot more expensive than was being used anywhere else, but it's what the towns would accept. And that's how we got to provide the convenience to passengers.

LEG. MONTANO:

Okay. The question I have is that is there a plan or some kind of preliminary study indicating where you would like to •• where you think that these shelter would be appropriate per community or per district? Have you gotten that far?

MR. TALDONE:

Has the TAB? No. I believe that DPW has a list of, you know, very active sites and they have requests from towns for shelters. So they would have to address what the priority list •• I know I have six or seven sites in Riverhead waiting for federal funding so that we can get our shelters put in place.

LEG. MONTANO:

You'll have to forgive me, because I'm relatively new Legislator. I just want to get the process down. So what I'm understanding is that this process is somehow initiated through the town to the Department of Public Works in terms of what the town deems •• what areas the town deems important for purposes of, you know, providing shelters, beautifying the area, anything of that nature with respect to the bus routes, is that accurate?

MR. TALDONE:

Somewhat. It's a very ••

LEG. MONTANO:

Could you clarify the somewhat part then?

MR. TALDONE:

It's a somewhat odd process, because, of course, the County wants to put in bus shelters in many places, but has to deal with towns that are more or less receptive. My understanding is that if a town is not receptive, then the resources go elsewhere. So it really depends on the towns needs. And if I'm working with a town that says we don't•• we think this one is just oversized and we don't want the simple one that the County has, then we'll come up with another model for that town that that town would like to have.

LEG. MONTANO:

So if I wanted to find out in my district what was on the drawing board right now, I would direct that to the Department of Public Works in terms of what has been initiated or requested by the

town?

MR. TALDONE:

Right. Or particular sites that they are interested in just because they know the numbers and, you know, they would like to see one in your town.

LEG. MONTANO:

Mr. Chair, I would like to somehow request, and I'm sure it's in a public document that I haven't seen, so I know last time you took the prerogative of the Chair to request I go through the committee, so I'll make the same request that with respect to my district, those sites that are in my district there either are on the drawing board or not on the drawing board that may be in Public Works, I'd like to see that list. Or I'll just take a direction from the Commissioner's Office as to where to go to find it.

CHAIRMAN O'LEARY:

With respect to that request, let me direct my question to Commissioner Bartha or his representative from Transportation, Mr. Shinnick.

LEG. FOLEY:

Then I have some questions, Mr. Chair.

CHAIRMAN O'LEARY:

Legislator Carpenter comes before you, Legislator Foley. There's a pecking order here. I'm writing down •• I don't want to ignore Legislator Montano based on his complaint at the last meeting. Okay. Commissioner, there's been a request made or a question brought forth, is there is current list that's been established for purposes of the installation of bus shelters throughout the County, what is the process that DPW has with respect to the construction of these shelters, and is it true what Mr. Taldone inferred or stated that it's the towns that request of the County the placement of the shelters throughout the County or throughout their township?

COMMISSIONER BARTHA:

The towns do not drive the process. The towns do request installation of shelters from time to time. But we identify the locations for shelters based on ridership, where people are getting on and off, where shelters are necessary, where property is available for that installation. We have

been doing about 20 each year, I believe, with federal funds that are available, 90% paid by federal funds. We work with •• certainly if the towns have a request for a particular location, that's something we would give priority as we do with requests from Legislators. I am familiar with the shelter that Mr. Taldone is referring to in Riverhead, and it's a very nice shelter. It's also about twice the cost of other shelters we have installed. And in this case, the town has installed it. So it's •• I mean, that's a summary answer to your questions.

CHAIRMAN O'LEARY:

Is there a list established, a priority list?

MR. SHINNICK:

Good afternoon. Yes, we have a list of all existing shelter sites that we have. We have a current project to install 22 shelters, which obviously we have a list for. Those shelters should be installed within the next •• hopefully within the next four weeks. And we have another list of shelters for the upcoming project of about 30 some odd shelter sites that would be feasible for the next round of shelter installations.

CHAIRMAN O'LEARY:

Would you be so kind enough to supply the current locations of shelters, the 22 that are about to be installed and others that are on the drawing board for future installment. Would you be so kind to supply that to members of the committee?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

Thank you. Any other questions? Are you finished, Legislator Montano? I don't want to ignore you.

LEG. MONTANO:

No. You're not ignoring me. I'm finished.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. Did you guys sees these photographs of the shelter in Riverhead?

COMMISSIONER BARTHA:

We haven't seen that package, but we both have seen the shelter.

LEG. CARPENTER:

So now, who put this shelter up?

COMMISSIONER BARTHA:

The Town of Riverhead.

LEG. CARPENTER:

Okay. Do they have to adhere to our requirements for putting information on •• the department's phone number for calling for information? I don't see that. Obviously, they can't illustrate every side of the shelter, but it doesn't look like the phone number is on there as it is on the other shelters.

COMMISSIONER BARTHA:

We certainly would look to install signs there, but as far as the number on it, that is something that is not evident here, are we will follow up on that.

LEG. CARPENTER:

Can you, please? Because I just passed one the other day on Montauk Highway, and it was very tastefully put on the side of the, you know, the roof there.

MR. TALDONE:

May I just add that the design, the architectural plans, the specifications for these units were reviewed by the DPW before the town went out and purchased them •• actually, the State DOT purchased two also after the DPW review of the specs. The signs that were installed do have the phone numbers. But if they need to be on the shelter units, then that's •• we just need to know that.

LEG. CARPENTER:

That was a part of the resolution that was passed quite a number of years ago to put that information on the shelter where the bus rider is going to be and on the buses.

MR. TALDONE:

Right.

LEG. CARPENTER:

Thank you.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. And Mr. Taldone, I'd like to thank you for our overview. When this Legislature had created this board, and as I as the lead sponsor of the bill, what we have happening today is exactly what we had intended at the time that we approved the resolution, which was to have a systemic approach to addressing issues of public transportation through an informed advisory board that would come back to us on a timely basis to give us update. And today, we're seeing the, let's say, first fruits of the labor of this Transportation Advisory Board, and, Vince, you have done an outstanding job, and I want to thank you for your contribution so far. We know much more will follow.

The question I have for Mr. Shinnick and for the edification of the board •• rather of the committee, we see the shelter that the town had purchased, you mentioned how expensive it is, you had last year given us copies of new bus shelters that will be installed in the County, which are more architecturally interesting than the utilitarian design that we have had heretofore. So not today, our next committee meeting, Mr. Chairman, isn't until early August, but if you could send to each member of the committee the new design of the new shelters that will be going up, while not as •• as detailed as the ones that we have here before us today, it is still a much better design than currently is the case, Mr. Chairman. And I think you are going to be very pleased when we see them starting to be installed throughout the County.

I want to thank Mr. Shinnick for those •• for the improved design work on that. Just one

question for •• we can have a lot of questions, but we'll do it as a follow up, but just •• let's say a problem or an issue going back sometime, and it's something that Mr. Taldone had mentioned is the maintenance of the bus shelters. How are you able, Vince, just briefly, if you can tell the committee, to do something that many of us have been unable to do and the department has great difficulty in doing, not to their fault, but convincing local governments to maintain these shelters? How were you able to persuade them to do that?

MR. TALDONE:

So far, perhaps I've been very lucky. But in most cases what we found is because the units are so much nicer, they're more desirable to start with. So we're not getting instant opposition from adjoining property owners. They are looked at as an amenity enhancement to the property, not an eyesore. We are dealing mostly at this point with commercial properties, large shopping centers, community hospitals. The Tanger Outlet Center is one of your more agreeable business entities, and they're looking at it from business perspective. Their workers arrive by bus, their shoppers come by bus, and they like the look of the new shelters. So they've been agreeable so far. And we're not asking them to pick up the biggest ticket items. If a truck backs up into the shelter, that's the town responsibility. Or if it's a County shelter, in some towns, it's the County's responsibility to come out and fix. They pick up the garbage, they clean it, remove graffiti that can be removed by scrubbing or scrapping. So it's really part of their normal grounds maintenance, and we try to present it that way.

LEG. FOLEY:

Just quickly, Mr. Chairman to Mr. Shinnick for a moment. We heard the explanation from Mr. Taldone for some of the larger, let's say more institutional commercial interests that are taking care of the bus shelters, how are we addressing this issue with all the other places where maintenance is not occurring?

MR. SHINNICK:

Well, right now, we're fortunate enough to have a maintenance agreement with the Town of Riverhead and Southampton for the maintenance of the shelters that are constructed there.

LEG. FOLEY:

With that said, have you taken that agreement, sent copies of it under your letterhead to the West End, up•County townships to say that we have had worked out this arrangement with Townships to the east, we'd like to do something similar with you and the townships to the

west? Have you undertaken that effort?

MR. SHINNICK:

We have, but not recently. In the past, only a few towns were willing to sign the agreements. And when they lapsed ••

LEG. FOLEY:

I understand that. If I may make this suggestion through the Chair, to update that request, to copy all the committee members so we can then follow up in our respective towns to respectfully request that the towns take up the •• this effort. I would also send to •• if I may, if you will, the Transportation Advisory Board, because as we know, the board has representation from the different townships, so they in turn could also, I want to say challenge the towns to be of help in this area. And as you know, I know well from where I speak where we have problems in our Town of Brookhaven in maintaining some •• some shelters. So that would be helpful, Mr. Chairman, if that kind of renewed request could be sent out .

COMMISSIONER BARTHA:

We will follow up on that suggestion. Absolutely.

LEG. FOLEY:

Great. Thank you.

CHAIRMAN O'LEARY:

Okay. Thank you. I think, Legislator Losquadro, you have a question.

LEG. LOSQUADRO:

Yeah. Just a quick question to follow up with Mr. Shinnick. According to Mr. Taldone, some of the numbers are already in place from the data Committee for a ridership study. I know when we had spoken last, we talked about a time line of some time next year. Obviously that would be for a more comprehensive ridership study you're looking to undertake. Can you just comment on that?

MR. SHINNICK:

Yes. It's actually different data that we're talking about. What Vince Taldone was referring to

is the data that we routinely collect on our buses, actually the fare collection equipment, knows what people got on by the number of people, the actual fare that they paid, and then we can deduce what the trip was and what bus line that they we on to develop overall ridership information. The ridership study you are referring to that I mentioned recently is a passenger count study that's directed at knowing exactly where people are getting on and off for the purpose of determination which bus stops have more activity than others, and among them, which ones would requires shelters in theory over other locations because they have more people using them or people using them more frequently.

LEG. LOSQUADRO:

Okay. Thank you for clarifying that. The raw numbers that you have right now just based on ridership of a single route, not necessarily based on, you know, exactly where people are getting on and off the bus, are those raw numbers available? And if I sent you a particular route number, could you provide me with those numbers?

MR. SHINNICK:

Yes, we can.

LEG. LOSQUADRO:

Okay. Thank you. I appreciate it.

MR. TALDONE:

And if I can, we'd love to know that route number, because it's probably going to be one of the ones we're looking at.

CHAIRMAN O'LEARY:

Any other questions? Thank you very much, Mr. Taldone. Commissioner, Mr. Shinnick, thank you very much as well. The next speaker is Mr. Mark Stang, President of the Bayard Marine Corporation. Mr. Stang, you had requested to come before the committee for purposes of discussion regarding the Resolution 1362 and 1364?

MR. STANG:

Yes.

CHAIRMAN O'LEARY:

Okay. You have the mike.

MR. STANG:

Before you, you have amended resolutions. We're now asking for a shorter period of time when we will be back to renew the license and go for extensions and stuff. We have dropped a couple of the questionable landing sites until the wording on those can be reworded so they're acceptable. We're ready to go. We would like to go public as soon as you can issue a license and allow competition out there. So I'm just here to answer any questions you might have.

CHAIRMAN O'LEARY:

Okay. I thought you had a presentation to make to us.

MR. STANG:

No. I'm not a public speaker.

CHAIRMAN O'LEARY:

Neither are a whole bunch of us. We're learning that slowly, but surely. I have a question. As you are well aware of the fact at the last General Meeting during the public hearing portion, I believe it was, there was a statement made by a person that you were basically operating without a license, and you were performing functions that were clearly beyond the scope of your authority to do so with respect to cross bay freight and transport. Could you comment on that as to that particular issue itself? And I'm going to follow that up with a question to Mr. Duffy, but I'd like to hear your statement regarding the allegation, if you want to characterize it as that, that you were operating without a license performing, I think the word illegal functions was used. Would you care to comment on that?

MR. STANG:

Sure. We have been directed by the Federal Fire Island National Sea Shore that nobody is supposed to be driving, you have to be waterborne with our occupation.

CHAIRMAN O'LEARY:

I want to caution you too, before you go on any further, this is a matter of public record. And you do have •• you do have an absolute right of the 5th Amendment as to not make statements that may be held against you.

LEG. CRECCA:

He should really •• if you have an attorney for the corporation and stuff, you are better off really consulting him before making public comments.

CHAIRMAN O'LEARY:

I'm ruling myself out of order. Perhaps it was an inappropriate question.

MR. STANG:

I can answer the question.

CHAIRMAN O'LEARY:

I asked the question, then Counsel whispered in my ear. As long as you are aware of the fact that there had been allegations made concerning the operation of your service on the bay. My question now is to Mr. Duffy, concerning the application submitted by Mr. Stang for purposes of providing a service; freight or whatever it is, what is the status of that, and is he in full compliance with respect to our policy and guidelines?

MR. DUFFY:

With regard to the •• we issued our report on April 30th, 2004. In that report, we raised three main issues. One was a problem with consents. I've seen the amended resolution, and what the petitioner has done is he has deleted those landing sites, which we felt there was a problem with the consents. We also raised the question about the language used for the rates. He had used terms such as big, little, small. The resolution that he has submitted addressed those issues, that type of language has been cleared up. The third recommendation we made is that we had suggested that the license be no longer than a year.

I have seen that in his petition •• I'm sorry, in his amended resolution, he has his license now expiring December 31st, 2005. The issues that we had raised in our report have been addressed. We also had indicated in our reports speaking to the matter of operation that •• I guess it's in the fourth paragraph, starting a ferry business is not a simple task. In addition to purchasing boats and securing landing rights, it requires a number of approvals on both the federal and local level as well as County licensing. All of these should be in place prior to beginning operations. When we had dealt with Mr. Stang back early on April 6, Jim Spero, the director had issued a letter indicating that we were waiving the requirement that audited

certified financials be submitted, because the business had just been incorporated and had not begun operations. That has been a tradition in our office. It was felt that •• it was started under Fred Pollert eight, nine years ago, that if a business had not operated, it seemed kind of counterproductive to require them to do audited financial statements. But at the moment, all of our concerns have been addressed.

CHAIRMAN O'LEARY:

Questions? Legislator Losquadro.

LEG. LOSQUADRO:

Yes. First of all, and I'll direct it to both Budget Review and to the speaker, as was raised earlier, there was a contract with Fire Island Ferries in place, and while I understand that may have been more financially advantageous for you to begin to use your own equipment once it became available to you, I don't know if it's necessarily •• it certainly doesn't appear to be correct to do that without a license in this case. And to Budget Review, do we have any sort of teeth for lack of a better word here? Would this necessarily preclude someone from getting a license from us? Or if someone engages in an activity that is not allowable or is not licensed by us ••

MR. DUFFY:

I would defer to Counsel, but Chapter 287 does have a section whereby if someone violates the license or operates without a license, that after a public hearing, they could be subject to a \$1500 fine.

MS. KNAPP:

That is an operator who already does have a license. The only remedy •• there is no remedy for operating without a license in our own code. As Counsel for the •• for the other operator has pointed out, there is a misdemeanor penalty in New York State Law.

LEG. LOSQUADRO:

And would a conviction of said misdemeanor, would that factor into us granting a license to an operator? I hate to put this on the record, but what is to stop someone from operating outside of our control if we really have no say over it?

MS. KNAPP:

There is ••

LEG. LOSQUADRO:

And then applying to us when it's expedient for them to do so? I'm just wondering what the process is here. And what's to stop •• I mean, I know these are just allegations at the moment, but what's to stop someone from engaging in these activities in the future and then filing with us when it's expedient for them to do so? I really don't like the way this is moving forward, and I'm just wondering if this •• if these type of activities, if they were proven to be true, wouldn't necessarily preclude someone from obtaining a license from us, as I think should rightfully be the case.

MS. KNAPP:

It certainly is a simpler matter when you are talking about granting a ferry license for passenger service. It is much clearer. It's much less clear when you are talking about freight particularly when you are dealing with a company that may have several different businesses, some of which should have a ferry license and some should not •• or may not have to. When you get into those issues, it becomes a little bit less clear than when you are dealing with a passenger ferry. But certainly you can take into account in your decision whether or not to grant a license, whatever you have before you about the particular applicant.

LEG. LOSQUADRO:

Thank you. It just seems like we spend an awful lot of time on ferries in this committee as I'm sure the Chairman is painfully aware. And it just seems as though we should be taking outside factors into account when making these decision. Thank you.

LEG. CRECCA:

Mr. Chairman, can I make a request? I apologize, but I have a family obligation. If we can go to the agenda so I can at least be here for as many votes as possible. I was supposed to be home by a quarter to five. I apologize to my fellow Legislators. But if there's anything we can go through quickly on the agenda, I would appreciate if that's possible.

CHAIRMAN O'LEARY:

All right. There's no objection from the committee.

LEG. LINDSAY:

What are we going to do with this, are we going to hold this?

CHAIRMAN O'LEARY:

We're going to hold this. Mr. Stang, take a seat, please. The Public Safety Committee Meeting was held over by over an hour or so, half hour. Maybe we'll just go the tabled resolutions.

TABLED RESOLUTIONS

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

LEG. FOLEY:

Motion to table.

LEG. CARPENTER:

Second.

CHAIRMAN O'LEARY:

Continue to table. The public hearing has been recessed. **TABLED (VOTE:7•0•0•0)**

1240•04. Approving Adopt•A•County•Shoreline Program. (COOPER)

LEG. CARPENTER:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Carpenter, seconded by myself. On the question of the motion? All those in favor? Opposed? Abstentions. Motion is approved. It is **TABLED. (VOTE:7•0•0•0)**

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

LEG. CARPENTER:

Motion to table subject to call.

LEG. FOLEY:

Second on the subject to call.

CHAIRMAN O'LEARY:

There's a motion by Legislator Carpenter to table subject to call, seconded by Legislator Foley. On the question of the motion? All those in favor? Opposed? Abstentions? Motion passes.

TABLED SUBJECT TO CALL. (VOTE:7•0•0•0)

We'll skip over 1362 and 64.

1510•04. Appropriating funds for the demolition of the Old Cooperative Extension Building and parking facilities, Town of Riverhead. (CARACCIOLO)

LEG. CRECCA:

Motion to table subject to call.

CHAIRMAN O'LEARY:

Wasn't that included in the ••

LEG. LINDSAY:

Capital Budget.

CHAIRMAN O'LEARY:

It was?

LEG. FOLEY:

Second the motion.

CHAIRMAN O'LEARY:

Motion to table subject to call by Legislator Crecca, seconded by Legislator Foley. On the question of that motion, all those in favor? Opposed? Abstention? 1510 is **TABLED SUBJECT**

TO CALL. (VOTE:7•0•0•0)

1523•04. Establishing a County cost containment policy for replacement of jail facility at Yaphank. (COUNTY EXEC)

CHAIRMAN O'LEARY:

This is the resolution with DASNY. The County Executive has requested the utilization of the services of DASNY. There is an amended copy of 1523.

LEG. CRECCA:

Is this the ••

CHAIRMAN O'LEARY:

This is 1418.

LEG. CARPENTER:

We need 1523. We just got 1418.

LEG. FOLEY:

1523 was already distributed, Mr. Chairman. I have a copy of it.

CHAIRMAN O'LEARY:

Does everyone have a copy of 1523?

LEG. FOLEY:

It was distributed to us.

CHAIRMAN O'LEARY:

Okay.

LEG. CRECCA:

Motion to approve.

LEG. FOLEY:

Second the motion.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Crecca, seconded by Legislator Foley. On the question of the motion?

LEG. CARPENTER:

I'd just ask Counsel to indicate what the changes were on this resolution.

CHAIRMAN O'LEARY:

For the record.

MS. KNAPP:

The first resolved clause now has the subsection G added, which states that DASNY shall contract with the successful proposer chosen pursuant to the procurement process conducted by the DPW on such terms and conditions as shall be acceptable to DASNY.

LEG. CARPENTER:

So when we had the joint meeting between Public Safety and Public Works and the representatives from DASNY were there, they indicated an extraordinary comfort level with the process that had taken place, the procurement process, I believe, what they said exactly, that DPW undertook and were very, very comfortable with that. So it would be my understanding and I would ask Counsel to corroborate that the inclusion of the Section G would indicate that they as part of this approval process to go forward with DASNY would be going forward with the vendor selected by DPW.

MS. KNAPP:

Given the statements made by DASNY, I would agree with that. The only comment I would add to it was that it does say on such terms and conditions as are acceptable to DASNY in the resolution. You should be aware of that.

LEG. CARPENTER:

But again, they stated on the record that the process was acceptable to them, that they had, I guess, conversations with the firm that had been selected as part of the process and were very, very comfortable with that.

MS. KNAPP:

They did say that.

LEG. CARPENTER:

Okay.

CHAIRMAN O'LEARY:

Any other questions on the motion?

LEG. CRECCA:

The only thing I would ask is if language isn't satisfactory, we can discharge without recommendation, then if there's any changes, it can be done by CN?

LEG. CARPENTER:

Well, it's not our bill, it's the County Executive's bill.

CHAIRMAN O'LEARY:

We have a motion to approve. We do have some time constraints here with respect to the deadline.

LEG. CRECCA:

Let's do that, yeah, because we don't want to wait for the break. You're right.

LEG. CARPENTER:

And also too, I think that by moving forward with this resolution, it certainly clearly indicates to Commissioner of Corrections that this County Legislature is serious about moving forward with the process, that we're in fact as part of this resolution directing them to go forward with what has been done to date, which hopefully will jump start the process a little bit.

CHAIRMAN O'LEARY:

On the question of the motion, Commissioner, do you want to have some comments regarding 1523?

COMMISSIONER BARTHA:

I believe that E, N, F have also been added. And "F" is the Local Preference Law, which certainly is a good thing. "E" talks about project labor agreements, which are a good thing. However, it says DASNY shall enter into project labor agreements. And I can •• having been involved with these from the very beginning in New York State, I can play attorney a little bit and tell you the court decisions are such that you cannot say shall be a project labor agreement until you do a feasibility analysis.

LEG. FOLEY:

Which on the •• just through the Chair, at the last joint committee meeting that •• it's a fine point the Commissioner's is making. DASNY had mentioned that they would go through all the requirements under law to do that review before coming up with a determination. They did say that.

CHAIRMAN O'LEARY:

Counsel.

MS. KNAPP:

The Commissioner is absolutely right. You cannot mandate that anyone enter into a project labor agreement.

LEG. FOLEY:

Why don't we report it out as an approval motion, because we do agree with this approach? If there are some slight changes that need to be made, then the sponsor of the bill, the County Executive's Office, can make those changes. I'm sure there will be more than •• there will be more than 12 votes anyway for this on Tuesday. So if a CN is required, I'm sure there will be at least 12 that would ••

LEG. CRECCA:

I think it might be better just for this reason to send it out as a discharge without recommendation.

LEG. FOLEY:

No. I think we should do an approval motion, because we're not talking about a substantive change to the, let's say, philosophy of the resolution. It's just really some technical changes

with certain language. That being the case, I think we send a stronger message by an approval motion then by a discharge motion.

CHAIRMAN O'LEARY:

I tend to agree with Legislator Foley. Counsel, you have a comment?

MS. KNAPP:

I actually was looking at the language of the first resolved to see if the approval was conditioned upon these things, which might, in fact, have gotten us out of the concern that the Commissioner raises. But the language is not absolutely clear. It says it's to negotiate an agreement with DASNY to act as project manager in order to free up DPW staff for other projects. Then it says including, but not limited to follow. If it were clear to me that the approval was conditioned on these things and in the event these things didn't happen, then the approval was null and void, then we might have been able to get away with that mandatory language. But it's not clear, he is right.

LEG. FOLEY:

Mr. Chairman, there must be someone •• a representative from the Executive's Office here •• I mean, there is the Commissioner's, but directly from the Exec's Office.

LEG. CRECCA:

Let the Commission work it out. If there's any further concerns from anybody from Public Safety or this committee ask them to address them with the Commissioner or the Chairman of one of the two committees.

CHAIRMAN O'LEARY:

Just one comment with respect to Subdivision G, the new addition. I mean, that language in my mind is clear that DASNY shall contract with the successful proposer chosen pursuant to the procurement process conducted by the DPW. Has not that process been concluded?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

And there has been ••

COMMISSIONER BARTHA:

A firm has been selected.

CHAIRMAN O'LEARY:

Right. Just so it's clear in my understanding of what G •• the impact of G is, DPW selected a firm, as per this, DASNY shall honor the contract that the County will enter into with respect to that particular firm.

COMMISSIONER BARTHA:

Right. My understanding of this is that we'll negotiate an agreement with DASNY and then will then enter into a contract with the firm that we had previously selected, and they will negotiate •• DASNY will negotiate with that firm the terms, meaning the payment and time frame.

CHAIRMAN O'LEARY:

Okay. Fine. Any questions on that from the committee? All right. There's a motion to approve and a second. On the question of the motion? Hearing none, all those in favor? Legislator Lindsay, you have something? Legislator Montano.

LEG. MONTANO:

Yes. I have a question, just so I'm clear, and I apologize for listening better. Legislator Foley, what you are proposing is that we approve this and then allow the Commissioner time to change the language that •• as needed and then come in with a CN?

LEG. FOLEY:

Yes. There's some •• the County Executive •• there may be some minor changes that need to be made with the substitution of certain words. There's not any need for any outright, wholesale change to the resolution. That being the case, we can approve it today, and those minor changes can be made. With a CN on Tuesday, we can move on.

CHAIRMAN O'LEARY:

I mean, specifically, we're talking about Subdivision E, the word shall be substituted with may.

LEG. MONTANO:

And there may be some other minor technical ••

CHAIRMAN O'LEARY:

All right. There being no other questions then on it motion to approve 1523, all in favor? Opposed? Abstentions? Motion is unanimous. **APPROVED (VOTE:7•0•0•0).**

Let's finish the tabled resolution agenda.

1536•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the County share for participation in the construction of the Port Jefferson•Wading River rails to trails bicycle and pedestrian path. (COUNTY EXEC)

LEG. CRECCA:

Motion to table subject to call. It's already included in the Omnibus.

CHAIRMAN O'LEARY:

It's already included in the Omnibus. There's a motion to table subject to call by Legislator Crecca, seconded by Legislator Losquadro. On the question of the motion to table subject to call? Hearing none, all those in favor? Opposed? Abstentions? 1536 is **TABLED SUBJECT TO CALL. (VOTE:7•0•0•0).**

Mr. Stang, I apologize for the inconvenience. We will call you back up. Mr. Crecca, you are excused.

LEG. CRECCA:

With the thanks of the Court.

LEG. FOLEY:

Mr. Chairman, we do have all the Introductory Resolutions to do that Mr. Crecca has to •• I think wants to vote on. You want to vote on Introductory Bills or just the tabled bills?

LEG. CRECCA:

I have to get out of here.

LEG. FOLEY:

Okay.

CHAIRMAN O'LEARY:

He's pressed for time. We're going to rely on the bipartisan effort of this particular committee to move the IRs.

LEG. MONTANO:

You sure you don't want to stay?

CHAIRMAN O'LEARY:

Okay. Mr. Stang, again, I apologize for the interruption, but we had some business we had to attend to before we lost our majority. Okay. With respect to the issues and questions that have been raised here regarding •• you heard BRO, you have an amended application that's before them. Do you have anything else to add to the committee with respect to your application?

MR. STANG:

We're doing only what we have been advised by Counsel here that we could do. As in the condition we are in now, I would like to go public and be available for everybody, anybody that needed our services. To date we have been turning down people that have wanted our services, waiting on this group's action.

CHAIRMAN O'LEARY:

Okay. As you are well aware, this particular resolution has been recessed in public hearing, so we have no other choice at this particular point in time to table this. Okay. Mr. Lindsay would like to ask you some questions.

LEG. LINDSAY:

No, not really. I would like to ask Budget Review some questions. Bayard Marine has an affiliate company, Stang Carting, right?

MR. DUFFY:

That's correct.

LEG. LINDSAY:

And Bayard Marine is transporting Stang Carting's trucks.

MR. DUFFY:

That is correct.

LEG. LINDSAY:

Would we require a license under our current rules and regs for that type of situation?

MR. DUFFY:

My understanding and Counsel can correct me if she disagrees, but I had spoken to •• when this originally came in, Paul Sabatino was Counsel, I had spoken to him at that time. And if it's totally •• it was his opinion •• and in law you won't know until you get to the court of last guess, but what had he had said at that point was that he felt if it was an affiliated company and was not being offered to the general public, then our license would not be required. I believe I had also spoken to Legislative Counsel and she agreed with that opinion.

LEG. LINDSAY:

Ms. Knapp, you agree with that?

MS. KNAPP:

To the extent that he is transporting his own business, he's not for hire, I think is state law.

LEG. LINDSAY:

So our license comes in if we're in a situation for hire.

LEG. LOSQUADRO:

Question for Counsel on that, if you don't mind, Legislator Lindsay.

LEG. LOSQUADRO:

Once he goes over to the other side and picks up refuse under a contract with that municipality, isn't he then performing a business with an outside entity, then it would fall under the guidelines that he would need a contract from Suffolk County?

MS. KNAPP:

Again, when the question was posed to myself and probably to Paul, the question was if you have a company and you're doing business, can you bring your own goods back and forth. Now, if you add are you being paid under a contract for a municipality that does change it, is that the case, is that what you think the case is?

LEG. LOSQUADRO:

Yes. I mean, he's not going over there to pick up flowers. So, I mean, he's going over there to pick up refuse under contracts. So doesn't that, you know, change the terms of that a bit. I think under that, you're required to have a contract from Suffolk County to perform that, to bring those laden vehicles back.

MS. KNAPP:

Given that papers that were provided to us, it looked as though he was doing that with Fire Island Ferries for a while under •• you know, with their license, if indeed, he was doing that under contract with the municipality. And again, I'm not sure. The decisions that were provided to us, the last one in there was a summary judgment motion, it was not a final disposition of the lawsuit. I don't know how it ultimately ended, whether or not the municipality has contracted with it.

LEG. LOSQUADRO:

Mr. Stang.

LEG. LINDSAY:

I didn't yield my time.

LEG. LOSQUADRO:

I'm sorry. I apologize. I had a question of Counsel, and it just sort of expanded, Bill. My apologies.

LEG. LINDSAY:

The point that I'm trying to make is there's some confusion here of when do these operators need a license; if they are going out for hire or if they're using the boat for their own purposes, their own business purposes. And I really think that the solution •• if you look at the purpose of this body licensing cross bay companies for ferry service, it's to make sure that everybody is living by the same standard, to make sure that all the insurances are in place, all the landing rights are there, all the Coast Guard requirements are in place, that everybody play by the

same rules. And you know, what I think Mr. Stang is doing here is trying to get this license so he can play by the same rules as everybody else. I'll just leave it at that.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. We just went through a long exercise with another ferry company •• well, with a ferry company, and it was a very long process, it went through a number of refinements, principally because the process that was being followed by the applicant was one that left a lot to be desired. In this particular case, and it's more •• I'll ask the question of Mr. Duffy. You said that, you know, the requirements that you reviewed have been satisfied by the applicant. But we heard at the last meeting that, you know, that there's the transportation of propane gas tank, a truck, on a freight ferry •• on a ferry going over to Fire Island.

And what was alleged at that time was that since there's no license in place, how can you ferry that across the Great South Bay if there's no license, particularly when it's a product that's not being used so much by the company, but someone on the other side, okay, a business on the other side. That plus the issue of Ocean Beach, whichever beach it may be with the garbage pick up, with all these things said •• well, number one, have you determined whether or not what they are doing now is if not strictly illegal, is in violation of a County law since it seems as though that a license is required to do these things? You mentioned earlier that the license wasn't required. But in light of the presentation made at the last meeting, particularly with the photographs of propane gas and the like, does that trigger or does that cause in your mind to have a different opinion prior to the last General Meeting?

MR. DUFFY:

Well, what we've indicated in the report, which is ••

LEG. FOLEY:

But the report •• the report was issued prior to the presentation made.

MR. DUFFY:

But the report indicates ••

LEG. FOLEY:

Let me finish the point. Given the fact that there's new information •• I think you would agree there was new information brought to light at this last General Meeting. That being the case, how does that change the report that you had issued about a month and a half earlier?

MR. DUFFY:

I'd defer to Jim, but Jim just indicated to me what we indicate in our report is that all the level •
• all the approvals including the County license should be in place prior to the operations beginning.

LEG. FOLEY:

That's a good point. But if the operations are already underway, how does that impact our review of the application? We're looking for guidance both from Counsel as well as from BRO on this. You know, like Legislator Bishop said, we're like a mini Public Service Commission here, and we have to •• you know, how do we come to grips with that new information?

MR. DUFFY:

If the Legislature has determined that the violation had occurred, then ••

LEG. FOLEY:

We can't make that determination without a recommendation from the staff that reviews it. That's what we rely on you for.

MR. DUFFY:

We have no personal knowledge ••

LEG. FOLEY:

I'm not saying personal knowledge, but given the fact •• again, through the Chair •• at the last meeting information was presented to us, photographs and the like, of propane gas being transported across the Great South Bay to Fire Island, whether or not that makes a material difference in what you had recommended back in April. If so, then what's your recommendations on how we proceed with this?

MR. DUFFY:

I would defer to Jim.

LEG. FOLEY:

All right. Can we hear from him, please. And sir, we're not trying to give you a difficult time. What it's really about is a process to follow similar to the last applicant who came in with let's say an affirmed application, we just want to make sure this is being done the right way, okay?

MR. SPERO:

We're prepare our report under the assumption that he's not operating a service.

LEG. FOLEY:

I know that, but we have no information from the last meeting.

MR. SPERO:

If he's hiring •• providing his service for hire, then he is doing it illegally under the state law. It's up to the Legislature to determine it. The facts of our report are the same regardless. I mean, this is a new company starting up. We assumed he'd never operated.

LEG. FOLEY:

If it had a contract with another company, which evidently is did, Fire Island Ferries, there was a contract at one time, so in essence ••

MR. SPERO:

It operated under that license.

LEG. FOLEY:

Right. But it's not a new company, it's a company that operated under a different license.

MR. SPERO:

It operated as Stang Carting, not as a ferry company. So the petitioner's decided •• he said, I'll get a license ••

LEG. FOLEY:

Not as a ferry company, as a carting •• are we mixing terms here? One is it's not so much a

ferry operation as it is a carting?

MR. SPERO:

Stang Carting was a separate entity, a corporate entity.

LEG. FOLEY:

And Bayard is?

MR. SPERO:

Bayard is a •• you can call it a separate company owned by the petitioner.

LEG. FOLEY:

And it's for carting and for what else?

MR. SPERO:

Bayard Marine is for transportation of freight.

LEG. FOLEY:

As well as for carting? Those are two distinct terms.

MR. SPERO:

Stang Carting does the carting, Bayard Marine will transport Stang trucks back and forth across the bay. The facts of our report are the same. The issue for the Legislature is do you want to grant the license even though the petitioner apparently has been operating without a license.

LEG. FOLEY:

So use the process to bring them into compliance, is that part of what we can? Do we look at the fact, again, this is unprecedented where there is a business going on, a carting business, a freight business without license? I haven't seen this happen since the '70s.

MR. SPERO:

Kevin reminded me that Bay Shore Ferry operated without a license, and Counsel at that time drafted a letter to them and told them to ••

LEG. FOLEY:

Cease and desist until they came into compliance, which they did I understand, correct?

MR. SPERO:

I believe so, yes.

LEG. FOLEY:

It's open to •• well, Mr. Chairman, the pledge of the Chair was to table this motion, was that •

CHAIRMAN O'LEARY:

It is tabled. The hearing is •• the public hearing is recessed.

LEG. FOLEY:

Is there anything else that the applicant needs to know in order to move forward with the application? Is Budget Review going to speak with the applicant again?

MR. SPERO:

We had met with him and went over his changes to his resolution. And as Kevin has pointed out that he •• the questions we raised, he has met those questions, and we believe the Legislature can grant the license.

LEG. FOLEY:

Just one last final •• I know it's getting late, but one more follow up. Because there was a new company as opposed to an established company, did we require a full financial order as we do with all freight or carting ferry companies for cross bay licenses?

MR. SPERO:

When we have a new company, we don't require the audited financial statement. If this is a new company, there cannot be any audited ••

LEG. FOLEY:

Well, it's a new branch of an established company; is that not correct?

MR. SPERO:

No. It's a separate corporation, so it would have separate financial statements. The operations

would be apart from that of the carting ••

LEG. FOLEY:

So Bayard is freight, it's a new company whereas the established company is Stang and Stang is for carting? Stang has not •• has not submitted an application for their operation?

MR. SPERO:

No, because Stang is not a •• it's a carting company, not a ferry company, not a ferry business.

LEG. FOLEY:

If you are carting across the bay you need a license for that; is that not correct?

MR. SPERO:

If you're operating the boat. But previously Stang had used services of Fire Island Ferries to transport its equipment across the bay.

LEG. FOLEY:

We're not talking about equipment.

CHAIRMAN O'LEARY:

If I may, Legislator Foley. There's obviously a lot of unanswered questions with respect to this application just based on the questions that Legislator Foley is raising and members of the committee. There are other Legislators who wish to be recognized. Legislator Carpenter.

LEG. CARPENTER:

We were given copies of a letter from Fire Island Ferries so •• that says that they would transport your garbage removal equipment and so forth from January through December 31st of 2004. So are you still covered by that? You know, pending what happens here with your license, do you still have another mechanism for getting your stuff across the bay?

MR. STANG:

We're not. The boat that they had been using was not in the water until a week and a half ago. And now they have eight days in a row committed to hauling a cesspool truck back and forth across the bay. So if I wanted to go on their deck now, okay.

LEG. CARPENTER:

I have •• you know, listening to all this discussion, I've had some conversation with Counsel and Legislator Losquadro raised some very good points about, you know, like, what do we do if there is activity out there that is inappropriate. So I've asked Counsel to begin the steps for us to have some legislation put in place that would clearly define what the process is for the public if there is some evidence of inappropriate transport across the bay with commensurate fines and penalties. So this in the future, you know, we have a clear mechanism in place for addressing this. And I'm not saying anything about you personally, I'm talking about this a little more globally. I think in the future we really have to look at it head on.

CHAIRMAN O'LEARY:

Legislator Montano first. You are yielding to Legislator Lindsay.

LEG. MONTANO:

Yes.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

Thank you. I would support your legislation, Legislator Carpenter. But also, I would ask Counsel to send a letter to Bayard, you know, and if they are in fact doing business for hire to cease and desist like we have in the past. But simultaneously, you know, for many, many years I was on the Electrical Licensing Board with the County, and this was an ongoing of unlicensed contractors working in the County. And our main emphasis was to get them into compliance, you know, to make sure that the proper assurances were in place, at that time, the proper testing was in place, to make sure that they met the same standards as everyone else in that industry. And I strongly recommend that we go along those two dual tracks.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes. I just want to •• I was going to ask the same question about ceasing and desisting that current activity that Legislator Lindsay just asked, because as was mentioned earlier, Mr. Stang

said that he was not doing anything Counsel had not advised him to do. And I was just wondering from Budget Review if you had advised the applicant that he could transport any other materials or that he could transport anything on his boats until such time as he was licensed by the County?

MR. DUFFY:

Well, as I said, as I indicated in our report, the fourth paragraph describes that operation should not begin until all approvals are in place.

LEG. LOSQUADRO:

Okay. That's what I thought. Thank you.

CHAIRMAN O'LEARY:

Any other questions of Mr. Stang or BRO with respect to 1362 or 1364? Mr. Stang, thank you very much. I would suspect that we're going to hear a lot more about this matter and this issue down the road as you can probably suspect as well.

1362•04. Approving cross bay license for Bayard Marine Corporation. (PRESIDING OFFICER).

CHAIRMAN O'LEARY:

Okay. 1362 under tabled resolutions. Presently recessed in public hearing. Motion to table by Legislator Foley, seconded by myself. On the question of the motion? All those in favor? Opposed? Abstentions? 1362 is **TABLED. (VOTE:6•0•0•1).**

(Not present; Legis. Crecca).

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 myself. On the question of the motion? All those in favor? Opposed? Abstentions? **TABLED. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

INTRODUCTORY RESOLUTIONS

CHAIRMAN O'LEARY:

We have the Commissioner before us. Does any member of the committee wish to ask the Commissioner of any particular projects prior to getting to the resolutions themselves, Introductory Resolutions themselves, any outstanding projects within their district? Hearing none, we're moving to the IRs.

1571•04. Amending the 2004 Capital Program and Budget and appropriating funds for rewiring historic structures at the Vanderbilt Museum. (COOPER)

LEG. CARPENTER:

On the motion.

CHAIRMAN O'LEARY:

On the motion •• is there a motion?

LEG. FOLEY:

Motion to approve for the purposes of discussion.

LEG. MONTANO:

I'll second.

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by Legislator Montano. On the motion, Legislator Carpenter.

LEG. CARPENTER:

I see that they are requesting an additional 110,000 on top of the already \$1.48 million. This offset •• I just want to get a clarification on the offset, if it's going to negatively affect any of the ••

CHAIRMAN O'LEARY:

I believe the offset is 1755.

MR. SPERO:

That's the infrastructure project we include in the Capital Program for this type of purpose. It's a good offset.

LEG. CARPENTER:

Was there any communication with them as to why the difference in price? Motion to table.

LEG. LOSQUADRO:

I'll second that motion.

CHAIRMAN O'LEARY:

Motion to table by Legislator Carpenter, seconded by Legislator Losquadro. On the question of the tabling motion? Hearing none, all in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. MONTANO:

Opposed.

CHAIRMAN O'LEARY:

Abstentions?

LEG. MONTANO:

Abstain.

CHAIRMAN O'LEARY:

One abstention. 1571 is **TABLED. (VOTE:4•1•1•1) (Opposed; Legis. Lindsay) (Abstention; Legis. Montano) (Not present; Legis. Crecca)**

1574•04. Adopting Local Law No •• 2004, A Local Law to reduce light pollution from County owned buildings. (SCHNEIDERMAN)

CHAIRMAN O'LEARY:

Motion to table •• the public hearing has been recessed, yes. There's a motion to table, public hearing as been recesses, by myself, seconded by Legislator Carpenter on 1574. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions?

Tabled. (VOTE: 6•0•0•1) (Not present; Legis. Crecca)

1583•04. Authorizing the execution of a contract with the New York State Energy Research and Development Authority for the study of the use of environmentally sensitive fuel for the County fleet.

(COUNTY EXEC)

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Losquadro, seconded by myself. On the motion?

LEG. FOLEY:

On the motion.

CHAIRMAN O'LEARY:

On the motion, Legislator Foley.

LEG. FOLEY:

Could we hear from the Commissioner on this resolution?

LEG. LOSQUADRO:

Legislator Foley, if I may.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

I have copies of two studies that have already been completed. So I don't see this as being necessary right now. I have some legislation currently in the works for this. I know the information already exists. I have one here, Suffolk County transit alternative fuel study and Suffolk County fleet natural gas conversion feasibility study, so.

LEG. FOLEY:

How many years ago?

LEG. LOSQUADRO:

There were March 2001, and they do discuss technologies that are currently available.

LEG. FOLEY:

Thank you, Legislator Losquadro. Mr. Chairman, if we could just hear from the Commissioner on this.

CHAIRMAN O'LEARY:

Yes. Commissioner, 1583.

COMMISSIONER BARTHA:

In 2002, the Legislature adopted a resolution for us to study use of environmentally sensitive fuel with •• and to seek funding through NYSERDA, which is a state agency, and we have done so. Photovoltaic cells were one part of this as well as electric powered vehicles. So that we did in reaction to a Legislative initiative.

CHAIRMAN O'LEARY:

Okay any other questions on 1583. There's a motion to table.

LEG. MONTANO:

I have a question.

CHAIRMAN O'LEARY:

On the motion to table, Legislator Montano.

LEG. MONTANO:

Right. With respect to • was it your motion, Legislator Losquadro?

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

All right. You said you have legislation that you're planning to introduce to deal with the same

subject matter?

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

How does that differ from what we're doing here, assuming we were to pass this resolution?

LEG. LOSQUADRO:

My legislation will not deal with another study, it will actually deal with an implementation of a policy. So there wouldn't be an additional cost incurred considering we already have studies in place that are collecting dust. So I think we should act on information we already have, implement some environmentally sensitive measures for our fleets, both on and off-road and move forward with those instead of spending more money to create more studies that will sit on more shelves.

LEG. MONTANO:

Could you be a little more specific with respect to exactly what it is you're proposing?

LEG. LOSQUADRO:

Considering my legislation hasn't been filed yet, I would prefer to not be more specific.

LEG. MONTANO:

I'll withdraw the question.

LEG. LOSQUADRO:

I apologize for not being able to be more forthcoming.

CHAIRMAN O'LEARY:

There's a motion to table. All those in favor? Opposed? Abstention?

LEG. FOLEY:

Opposed.

CHAIRMAN O'LEARY:

One opposed. Motion passes. 1583 is **TABLED (VOTE:5•1•0•1) (Opposed; Legis. Foley) (Not present; Legis. Crecca)**

1584•04. A Resolution making certain findings and determinations upon a proposal to form County Sewer District No. 2 • Tallmadge Woods in the Town of Brookhaven. (COUNTY EXEC).

CHAIRMAN O'LEARY:

Commissioner, care to comment on 84 before we move on it?

COMMISSIONER BARTHA:

I recommend you approve it. It establishes a new County sewer district. We had refused to accept this district earlier while more homes hooked up in order to make the rate more realistic for people to accept. So the rates have come down now because of more people connected to the plant, more flow is more efficient. And recommend you go ahead with it.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Losquadro, seconded by Legislator Montano. On the question of the motion? All in favor? Opposed? Abstentions? **Approved. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1585•04. Amending the Suffolk County Classification and Salary Plan and the 2004 Operating Budget in connection with a new position in the Department of Public Works (Industrial Waste Pretreatment Technician Trainee) (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Foley, seconded by myself. On the motion, Commissioner would you care to comment on 85?

COMMISSIONER BARTHA:

What this will do is improve our recruitment abilities. Sometimes •• we were having difficulty

recruiting industrial waist pretreatment technicians. So by having a trainee level with lower qualifications, we were able to get more people into the pooling that qualify and then get them into the career ladder so they can advance.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

I'm just wondering what the •• I'm sorry, Grade 18 it would be?

COMMISSIONER BARTHA:

That's correct.

LEG. LOSQUADRO:

Thank you.

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

There's a motion to approve 1585. On the question? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1589•04. Amending the 2004 Capital Budget and Program and authorizing the purchase of up to 21 transit buses and related equipment, accepting and appropriating County 10%, State 10% and Federal funds 80% for this acquisition. (COUNTY EXEC).

CHAIRMAN O'LEARY:

Motion to approve by Legislator Lindsay, second by Legislator Carpenter. On the question of the motion? All those in favor? Opposed? Abstain? 1589 is **approved. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1591•04. Authorizing execution of agreement by the Administration Head of Suffolk

**County Sewer District No. 3 • Southwest with the Owner of KFC/LJS Restaurant.
(COUNTY EXEC).**

CHAIRMAN O'LEARY:

Commissioner, this is the Broadhollow KFC?

COMMISSIONER BARTHA:

Right.

CHAIRMAN O'LEARY:

Kentucky Fried Chicken, is that what this is?

COMMISSIONER BARTHA:

Sixty seats and a drive•thru food service, one acre parcel. The sewer agency has approved this. The district has the capacity available for it, and they will be paying a connection fee.

CHAIRMAN O'LEARY:

Motion to approve by myself, seconded by Legislator Losquadro.

LEG. CARPENTER:

On the motion.

CHAIRMAN O'LEARY:

On the question of the motion, Legislator Carpenter.

LEG. CARPENTER:

Commissioner, I probably should have asked you this sooner, but this resolution triggered my memory. The Liquid waste haulers are having a real, in their terms, crisis situation with disposing of the grease from the various restaurants. And Bergen Point I understand does not accept it any longer. They were hauling it to Jersey, and they've been notified they are not accepting it any longer. And the various restaurants are really going to be in a sad state if they have no place to get rid of this grease. And what I'm afraid is going to happen is that we're going to have illegal dumping of this grease if the legitimate haulers are not able to pick it up and remove it. Then we're looking at hooking up another restaurant to the Southwest Sewer District. And absent a resolution to the dilemma that these, you know, haulers finds

themselves in, I don't see how morally we should be allowing anybody else to hook up.

COMMISSIONER BARTHA:

My turn?

CHAIRMAN O'LEARY:

Yes.

COMMISSIONER BARTHA:

The restaurants will not be discharging grease to the district, because they are required to have grease separators in, which is the problem that you bring up because they have to have haulers. So to follow through with that thinking, we shouldn't be allowing restaurants to open anywhere in the County. But what the •• we do a resolution •• there is a resolution before you, IR 1619, which also is a legislative initiative into the Capital Program to conduct a feasibility study for the construction of what we would consider a merchant grease and scavenger treatment facility in Yaphank. What •• that would consider the County providing a property, and after an RFP process, someone constructing and operating a grease separation facility there. Grease disposal is an issue, because it doesn't just simply go away. When it was being disposed of at Bergen Point, it had to be separated from the larger waste stream, and then •• it was a problem with incineration because it burns at a very high temperature, and land filling it is also problematic. The •• an answer may be a special incinerator some place to •• designed for those temperatures and that kind of product. I'm just throwing that out there. That's something as part of the feasibility study that we would consider.

LEG. CARPENTER:

We have trouble siting things like shelters. And I shutter to think of what would happen when you are trying to site an incinerator for grease. Unless you want to it take to that guy that's making fuel with the turkey grease and see if he wants a little bit more. I actually suggested it to him. But still, this is a study. Again, this is not any implementation. And they're facing this problem now, and in their terms, as I said, it is a crisis. And I fear for what it's going to do to us environmentally if this grease is dumped illegal, because the temptation is going to be there. You know that.

COMMISSIONER BARTHA:

We are meeting •• we have been meeting with representatives of the liquid waste industry, and we are meeting with them and the County Executive's Office on Monday on this very issue. But other than what's before you right now with respect to the grease facility, treatment facility, I mean, there are no instant solutions. For us to reverse our position and accept grease at Bergen Point will considerably increase our costs, jeopardize our ability to meet DEC permit requirements. It's a problem.

LEG. CARPENTER:

It is. And I thought that, you know, this had been raised last year some time. And the impression I had been given was that, you know, the department is working with them and trying to come up with a solution and ••

COMMISSIONER BARTHA:

And that's true. I certainly said that. Some of •• some merchants have been working with DEC to get approvals to do their own separation. The monkey wrench here is clearly in the fact that the one facility in the region that would accept grease is turning them away because of problems they're experiencing with the grease. I understand there may be a facility in Connecticut that accepts the grease.

LEG. FOLEY:

Mr. Chairman, I think we're getting far afield from the actual resolution. And certainly when we come up for discussion on 1619 that can be discussed in more detail, but we really have in front of us a restaurant connection to the Southwest Sewer District, 1591.

CHAIRMAN O'LEARY:

Point well taken, Legislator Foley. Legislator Carpenter, are you finished?

LEG. CARPENTER:

Motion to table.

CHAIRMAN O'LEARY:

Is there a second on the motion to table? Hearing none, motion to approve by myself, seconded by Legislator Losquadro. On the question of that motion? All those in favor? Opposed? Abstentions?

LEG. CARPENTER:

Abstain.

LEG. MONTANO:

Abstain.

CHAIRMAN O'LEARY:

Two abstentions. 1591 is **APPROVED. (VOTE:4•0•2•1) (Abstentions; Legis. Carpenter and Montano) (Not present; Legis. Crecca)**

1592•04. Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand Company. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Foley, seconded by myself. On the question of the motion?

LEG. MONTANO:

Question.

CHAIRMAN O'LEARY:

Question, Legislator Montano.

LEG. MONTANO:

Excuse me, Commissioner, does this deal with the same sort of issue that we're dealing with on the prior resolution, not necessarily with respect to the grease, but with respect to what's going into the sewer district?

COMMISSIONER BARTHA:

While it's going into the sewer district, certainly this is not grease, this is waste that's pretty

easy to treat. This is a leachate that passes through a construction debris landfill.

LEG. MONTANO:

If I may. At the last meeting there was a discussion which I caught part of, but it dealt with the issue of whether or not certain communities were hooked up or not hooked up to sewer districts and whether or not we're reaching a point where at some point we reach full capacity with these districts. Were you here at that conversation with Legislator Mystal and the Wyandanch community?

COMMISSIONER BARTHA:

I don't believe I was here for that, but I have been part of conversations with Legislator Mystal as well as the Exec's Office about capacity of the districts. I'm certainly familiar with it.

LEG. MONTANO:

Okay. I'm just trying to get some further information, because I'm not fully versed on these issues. Your recommendation is that the hookup be allowed and they're paying the same kind of fee that was proposed in the same •• in the other resolution?

COMMISSIONER BARTHA:

That's correct. In fact, this is already connected for 55,000 gallons and approved by the Legislature for 55. This is for an additional 15,000 gallons. And 15,000 gallons in the order of magnitude of what we're talking about at Bergen Point, of available capacity of approximately two million gallons is ••

LEG. MONTANO:

Okay. Thank you.

CHAIRMAN O'LEARY:

Yeah, I was going to comment on that. This is for an additional 15 to make it a total of 70,000 for 110 Sand.

There's motion to approve. Any other questions? Hearing none, all in favor? Opposed? Abstentions? 1592 is **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1594•04. Amending the 2004 Capital Budget and Program and appropriating funds

for the acquisition of land for intersection improvements to CR 58, Old County Road at Doctor's Path, Town of Riverhead. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter to approve, seconded by Legislator Lindsay. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 1594 is unanimous **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1595•04. Appropriating funds in connection with the County share for participation in the reconstruction of CR 16, Portion Road/Horseblock Road from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven. (COUNTY EXEC).

LEG. FOLEY:

Motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

Motion by Legislator Foley to approve, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? Motion is unanimous. 1595 is **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1613•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the installation of traffic signals on various County roads. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Carpenter, seconded by Legislator Lindsay. On the question of the motion? All those in favor? Opposed? Abstentions? 1613 is unanimous. **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

1619•04. Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and

Program and appropriating funds for a feasibility study of grease/scavenger waste treatment facility by the private sector. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

There's a motion by to approve by Legislator Foley, seconded by myself. On the question of the motion.

LEG. LINDSAY:

I have a question.

CHAIRMAN O'LEARY:

Question, Legislator Lindsay.

LEG. LINDSAY:

Commissioner, I'm fully supportive of this resolution, because I agree like Legislator Carpenter that we really have to try to solve this problem. And I don't think the solution is to shipping the problem out of state. The resolution is generic as far as, you know, the study, it doesn't mention Yaphank by •• is there any reason why we couldn't build this at Bergen Point?

COMMISSIONER BARTHA:

No, other than ••

LEG. LINDSAY:

I mean, because we have had a treatment facility there before. It's not like your siting something new.

COMMISSIONER BARTHA:

That's correct. There's more space in Yaphank, more property, you're further from neighbors, which is what would make Yaphank attractive. Yaphank is also a little more central to where a lot of the waste is coming from, it's more central in the County.

LEG. LINDSAY:

It would be a new site?

COMMISSIONER BARTHA:

Yes. I mean, Bergen Point has some pluses too, because that's where we have a large amount of staff, it's not a groundwater discharge.

LEG. LINDSAY:

I mean, we have had an incinerator on the Bergen Point site since it was opened.

COMMISSIONER BARTHA:

Right. You know, they have been problematic particularly recently, but we are designing new incinerators. And before the end of year we will be seeking funds to construct a new incinerator there.

LEG. CARPENTER:

It might help with the geese problem at the golf course.

CHAIRMAN O'LEARY:

Any other questions on 1619 on the motion to approve? Hearing none ••

LEG. LINDSAY:

You could spread the grease across the golf course.

CHAIRMAN O'LEARY:

You are both out of order. I'm looking to move the agenda here, you know? On 1619, all those in favor? Opposed? Abstentions? 1619 is unanimous. **APPROVED (VOTE:6•0•0•1) (Not present; Legis. Crecca).**

1620•04. Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 15 • Nob Hill. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by myself, seconded by Legislator Montano. On the question of the motion?

Hearing none, all in favor? Opposed? Abstentions? Motion is unanimous. **APPROVED.**
(VOTE:6•0•0•1) (Not present; Legis. Crecca)

1624•04. A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 3 • Southwest. (COUNTY EXEC)

LEG. CARPENTER:

On the motion. If we don't conduct this public hearing, we can't have the increase?

CHAIRMAN SCHNEIDERMAN:

The public hearing, I believe, is scheduled for August 10th.

LEG. CARPENTER:

Pending the approval of this resolution. And absent a public hearing, there can't be an increase, correct?

CHAIRMAN O'LEARY:

Yes. I believe so. So this is a motion to?

LEG. CARPENTER:

Table.

CHAIRMAN O'LEARY:

Table. Seconded by Legislator Foley. On the question?

LEG. FOLEY:

I'm not seconding that motion.

LEG. LINDSAY:

It's calling for a public hearing?

CHAIRMAN O'LEARY:

It's calling for a public hearing.

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

So the purpose of 1624 is to approve this resolution for the purposes of having a public hearing.

LEG. FOLEY:

That's correct. It's not making any determinations. If I could through the Chair.

CHAIRMAN O'LEARY:

I understand. I understand now. I understand. Okay. There's a motion to table by Legislator Carpenter, is there a second? Hearing none ••

LEG. LINDSAY:

I'm still confused. If we're going to have the public hearing, we have to approve this resolution, right?

CHAIRMAN O'LEARY:

Yes.

LEG. CARPENTER:

We cannot have the public hearing if we do not approve this resolution. And if we don't have the public hearing, then we can't increase the rates to the users of the Southwest Sewer District whom I represent and you represent, okay? So therefore, I am making a motion to table until I have more information on what kind of increases are being proposed and so forth, not to have a public hearing in the middle of summer when people are away on vacation and may not have enough time to, you know, get notice of the hearing.

CHAIRMAN O'LEARY:

In light of this explanation, is there a second to her tabling motion?

I'll second it for the purpose of moving the tabling motion.

LEG. FOLEY:

On the motion, Mr. Chairman.

CHAIRMAN O'LEARY:

On the motion, Legislator Foley.

LEG. FOLEY:

Can we hear from the Commissioner as to why there's •• why this resolution was put forward and the importance of holding the public hearing; what is it addressing, why at this time does the department want to move ahead with this proposal?

COMMISSIONER BARTHA:

This is for •• the largest component of this is to make improvements to the sludge disposal system at Bergen Point. The belt presses are getting old and at the end of their useful life. We are proposing to replace those with better and more efficient belt presses, which dry the sludge more before disposal, to construct an additional blend tank and to improve the mixing in the blend tanks, all of which assist in the watering of the sludge.

LEG. FOLEY:

So those improvements need a corresponding increase in ••

COMMISSIONER BARTHA:

Appropriating resolution.

LEG. FOLEY:

•• need a corresponding increase in the fees?

COMMISSIONER BARTHA:

The total increase is ••

LEG. FOLEY:

It says proposed increase, is it a proposed increase in fees or a proposed increase in flow, what is the proposed increase?

COMMISSIONER BARTHA:

Increase in fees.

LEG. FOLEY:

Okay. And those increases in fees will result in the improvements to the facilities, is that the connection between the two?

COMMISSIONER BARTHA:

That's correct.

LEG. FOLEY:

One cannot happen without the other, is that what you're telling us?

COMMISSIONER BARTHA:

Yes, sir.

LEG. FOLEY:

All right. Have we done this in the past this was?

COMMISSIONER BARTHA:

Yes.

LEG. FOLEY:

So there is precedent for this approach, is that •• is that not correct?

COMMISSIONER BARTHA:

A long time ago, but yes.

LEG. FOLEY:

But it has happened.

COMMISSIONER BARTHA:

Yes.

LEG. FOLEY:

Okay.

CHAIRMAN O'LEARY:

All right. We have a motion to table by Legislator Carpenter, seconded by myself. On the motion to table, all those in favor? Opposed?

LEG. MONTANO:

Opposed.

LEG. FOLEY:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRMAN O'LEARY:

Three opposed, three in favor. Motion to table fails.

LEG. CARPENTER:

On the motion.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

I would just ask that you reconsider that. The estimated expense of this increase is \$25.875 million. And I for one have a problem with having a hearing in August for an increase of this magnitude. I just ask my colleagues to considering tabling this so that we can •• I mean, I'm not going to block it forever an ever, but I'm going to say that it would be more appropriate to do this perhaps in September and not in August.

LEG. LINDSAY:

Could the Clerk change my vote to approval on the tabling motion.

CHAIRMAN O'LEARY:

Okay. On the tabling motion, it's four•three •• for•two, I believe.

LEG. FOLEY:

On the motion, Mr. Chairman. On the to table. If we can hear •• I understand Legislator Lindsay's point, and there's more than enough votes to table it, I would hope that in the meantime between now and the next committee meeting in early August that the department meet the Legislators from the area as well as be ready to speak with us at our next committee meeting about a new public hearing date. What would also be important is to give more information as to the importance of undertaking this project. So along those lines, Mr. Chairman, I'll agree for tabling it for one round also.

COMMISSIONER BARTHA:

We will certainly do that.

TABLED. (VOTE:6•0•0•1) (Not Present; Legis Crecca)

1625•04. Amending the 2004 Capital Budget and Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 3 • Southwest. (COUNTY EXEC)

1626•04. Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program and appropriating funds for Suffolk County Sewer District No. 3 • Southwest sludge treatment and disposal. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Then 1625 and 1626, are they interlocked with 24, Commissioner, or are they entirely separate?

COMMISSIONER BARTHA:

I would say they're interlocked.

CHAIRMAN O'LEARY:

I will entertain a motion to table 1625 and 1626. Motion by Legislator Carpenter, seconded by Legislator Losquadro. On the question of the motion?

LEG. LINDSAY:

Just a point. If you're transferring money from the Stabilization Fund to the Capital Fund, if we didn't do that, then the tax increase on the people in the Southwest Sewer District would be more. Am I correct in assuming that?

COMMISSIONER BARTHA:

That's correct.

LEG. LINDSAY:

It really doesn't make any difference. You can treat them all at once, but you're going to have to do that any way.

CHAIRMAN O'LEARY:

Okay. 1625 and 1626, there's one motion to table both. Hearing no objection to that, on the question of the motion? All those in favor? Opposed? Abstentions? **25 and 26 are TABLED. (VOTE:6•0•0•1) (Not present; Legis. Crecca)**

Thank you, Commissioner. Any other business before the committee?

COMMISSIONER BARTHA:

I would just like to point out that in addition for thanking the Police Department for their efforts in traffic control, the Sheriff's Office, the Southampton Police as well as the Department of Public Works have been heavily involved in making things go smoothly at the US Open.

CHAIRMAN O'LEARY:

Great.

LEG. CARPENTER:

And on that note, you really have done a good job. In fact, someone was here earlier who said the traffic wasn't as bad as the had anticipated, but when the Police Commissioner was here earlier today, he make a point of saying how much it was costing us. And I think it's important to put on the record how much revenue we as a County are generating because of the Open. Thank you.

CHAIRMAN O'LEARY:

Meeting is adjourned.

(* THE MEETING WAS ADJOURNED AT 5:40 P.M. *)

_ _ DENOTES BEING SPELLED PHONETICALLY