

**PUBLIC WORKS
AND
PUBLIC TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Public Works and Public 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, **August 17, 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
Bill Shannon • Highway Department • 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

Gail Clyma

All Other Interested Parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

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

CHAIRMAN O'LEARY:

Okay. I believe we do have a quorum here for the Public Works and Public Transportation Committee Meeting. I'll call the meeting to order and ask the meeting begin with the Salute to the Flag by Legislator Montano.

SALUTATION

CHAIRMAN O'LEARY:

Good afternoon, all. I understand we have a public hearing today on **1574, adopting a local law to reduce light pollution from County owned buildings. (SCHNEIDERMAN)**

And we have one card, a request to address the committee, Gail Clyma, C•l•y•m•a, Gail Clyma, who is representing SELENE. Who is SELENE, ma'am?

MS. CLYMA:

SELENE is an acronym standing for Sensible and Efficient Lighting to Enhance the Nighttime Environment. I didn't make up that name. One of the founding members was a classics professor and •• Selene is also the Greek word for moon, so this was his idea of a fine title. SELENE is the New York State affiliate of the International Dark Sky Association, which is leading the world wide battle to bring light pollution under control. That's what this bill is about. As you know, it's an effort to start with Suffolk County's own facilities to begin to put some limits on light pollution.

Why should we be doing this? Well, light pollution for one thing wastes energy, not a good thing for us to be doing at this moment in our country's history. In wasting energy, it's also wasting valuable resources and wasting money. One of the biggest components of light pollution is glare, which is not only ugly, but hazardous to both drivers and pedestrians because it reduces our ability to see at night. Light pollution also has been shown to be harmful to certain plants and animals and even to human beings. So it's definitely something that we need to begin to get under control.

I know that Susan Harder spoke to you on this legislation a couple of weeks ago, and I believe gave you a great deal of information about it, so •• about the issues, so I'm not going to go through all of that again. I do have some fliers that I will leave with you that just kind of quickly recap the problem and the solution. I'm delighted that Mr. Schneiderman has introduced this legislation, and I am hoping that it's in shape today that you will be inclined to forward it on to the full Legislature. Thank you.

CHAIRMAN O'LEARY:

Thank you. Is there anyone else wishing to address this issue, IR 1574? Any comments from DPW on this? I know at one point, Commissioner Bartha, you had requested some time to analyze the effects of the resolution.

COMMISSIONER BARTHA:

Thank you. That's correct. You were kind enough to give it to us, and we have worked it out with Legislator Schneiderman. So we are satisfied with that bill.

CHAIRMAN O'LEARY:

Okay. Is there anyone else wishing to address on this issue?

MS. SULLIVAN:

Mr. Chairman, I would just like to say the affidavit of notice of public hearing is in order.

CHAIRMAN O'LEARY:

Okay. I'll make a motion to close the public hearing, seconded by Legislator Lindsay. On the question of the motion to close? Hearing none, all those in favor? Opposed? Abstentions?

1574 is

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

Commissioner, as long as you are up here now, is there anything you wish to address to the committee with respect to any tabled resolutions or introductory resolutions that are before us today?

COMMISSIONER BARTHA:

No. I would like to take the opportunity to point out that one of the department's long term and particularly valued employee will be retiring. This is basically your last chance to beat up Bill Shannon. Bill started with the County in 1974 as a junior civil engineer trainee and reached the position of chief engineer. And we've had only five •• going back to the 1930s, there have been only five chief engineers in the Department of Public Works, the Charter chief engineer position in the highway area. And we're very sorry to loss Bill, but he is committed to leaving.

CHAIRMAN O'LEARY:

Yes. I can't agree any more. On behalf of my colleagues on the Public Works and Public Transportation Committee, we want to wish Bill the very best of health and success in his retirement. I think he will be sorely missed. The short period of time that I have known Bill in his capacity in Public Works, he's been very helpful and informative, and for that, I personally thank you. I do understand that they put together a little party for you. Maybe I shouldn't be saying that. Is it a surprise? No, it's not a surprise.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Yes, Legislator Lindsay. Is this on Bill Shannon?

LEG. LINDSAY:

Yes, it is. Bill Shannon, I'm very saddened to hear that Bill Shannon retiring for a couple of reasons. We're certainly going to miss his services, but besides that, he is a constituent of mine, and with all this extra time, I'm afraid he'll walking around looking for cracks in the sidewalk and intersection that aren't working properly.

CHAIRMAN O'LEARY:

Anyone else? I'm sure Legislator Foley has something to say, he always ••

LEG. FOLEY:

Absolutely.

CHAIRMAN O'LEARY:

Yes, I thought so.

LEG. FOLEY:

Speaking as a long standing member of the committee and former Chair of the Public Works Committee, it's been my happy experience to work with Bill Shannon over the years. And as others have said, his work was invaluable. He's going to be missed by this department, and it's going to be difficult to replace him. But I think on the record it certainly should be noted just how effective he was, how dedicated he was and is to his job. And it's through his professionalism that we have roads that have been able to safely carry our constituents and families across the County. And this County DPW is well respected throughout the state, and it's no small part due to people such as Bill Shannon who has done an outstanding job. And we just want to wish you and your family the best of luck in the future. If Bill •• Legislator Lindsay, if you call his office to often you can certainly also come over to mine and see if we can use your good services in our part of the County as well. Thank you, Mr. Chairman. Good luck to you, Bill.

LEG. CARPENTER:

Mr. Chairman, if I could.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

I know it's going to be redundant, but I really feel compelled to offer my sincere congratulation and appreciation to Bill Shannon. We have had number of instances when he represented the department in my Legislative District at meetings and hearings that could have been

contentious, and he always had a way of calming the waters. And you really will be sorely missed, but I'm sure that those who have had the opportunity to work with you, by your side and under you will hopefully carry on the tradition that you've established in the department. Thanks, Bill.

CHAIRMAN O'LEARY:

Anyone else? Obviously Legislator Montano and Losquadro could care less.

LEG. CRECCA:

What about me?

CHAIRMAN O'LEARY:

And Crecca.

LEG. CRECCA:

Bill, you've done a mediocre job in all these years. No. Bill had been great, beyond great.

CHAIRMAN O'LEARY:

Again, on behalf of all my colleagues, thank you, Bill for your efforts. They have not gone unnoticed. And we all wish you the very best in your retirement years. Okay. Commissioner Bartha, is there anything on the agenda you wish to discuss with the committee?

COMMISSIONER BARTHA:

No.

CHAIRMAN O'LEARY:

None whatsoever?

COMMISSIONER BARTHA:

No. Can I go home now?

CHAIRMAN O'LEARY:

Does any member of the committee wish to discuss anything with the Commissioner regarding and district initiatives or projects? Okay. Let's move to the agenda then.

TABLED RESOLUTIONS**1236•04. Approving rates established for Davis Park Ferry Company. (PRESIDING OFFICER).****CHAIRMAN O'LEARY:**

The public hearing was recessed on 8/10. My understanding •• my understanding is that the Six Month Rule is about to take affect with respect to this resolution. Kevin, can you explain to the committee the effect of that?

MR. DUFFY:

The petition was originally filed on February 24th. The application was lacking financial statements, which were not submitted until approximately three weeks ago. I have indicated to the petitioner's attorney, Mr. _Beck_ that on the 24th of August, that under the Rules of the Legislature that the Six Month Rule will come into effect and the proceeding will be stricken. He is aware of that. He has told me he is going do file new petition. They're going to do some adjustments to the rates that they had submitted, and he will be starting the process again with the financial statements that we have.

CHAIRMAN O'LEARY:

All right. So the party is aware of the fact that as of August 24th the resolution expires.

MR. DUFFY:

There was also some additional information that I felt was needed that I'm told him about, and he will be submitting along with his new petition.

CHAIRMAN O'LEARY:

Okay. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. As a follow up, did you also make him aware that after September 18th, the next chance for a new resolution won't be until the middle or end of November?

MR. DUFFY:

Yes.

LEG. FOLEY:

You did make him aware of that?

MR. DUFFY:

Yes.

LEG. FOLEY:

Now, is he intending to have a resolution submitted on September or November?

MR. DUFFY:

He expects to get it very shortly. I spoke to him last week, and he is working on that petition and then he is just finishing things up. I also indicated to him that this is also the time that we work on the Operating Budget, that, you know, resources are committed elsewhere.

LEG. FOLEY:

But it was impressed upon him to try to get something in time so a resolution could be submitted in September?

MR. DUFFY:

Yes.

LEG. FOLEY:

Thank you.

CHAIRMAN O'LEARY:

There's a motion to table 1236 and a second. On the motion to table, any questions? All those in favor? Opposed? Abstentions. Unanimous. **TABLED** (VOTE: 7•0•0•0)

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

CHAIRMAN O'LEARY:

The public hearing was closed on 8/10/04. Motion to approve by myself, seconded by Legislator Lindsay.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN O'LEARY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Mr. Duffy, did we get •• was everything finally cleared up with Bayard in respect to everything you needed from them.

MR. DUFFY:

You have before a resolution that you can vote on. He has amended his license resolution, and he has limited consents from the Village of Ocean Beach, the Town of Islip and the United States Department of Interior. The resolution has been conformed to those consents, and the applicant is aware of the effect of that. And it is in a condition where it can be voted on.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN O'LEARY:

Any questions on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1362 is unanimous. **APPROVED. (VOTE:7•0•0•0)** .

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

CHAIRMAN O'LEARY:

Motion by Legislator Lindsay to approve, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1364 is unanimous. **APPROVED (VOTE:7•0•0•0)**

1574•04. Adopting Local Law No •• 2004, a Local Law to reduce light pollution from

County•owned buildings. (SCHNEIDERMAN)

CHAIRMAN O'LEARY:

Public hearing closed today. I make a motion to approve. Is there a second? Legislator Losquadro. On the motion, any questions on the motion. On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah. Was there a fiscal impact done with this? And, Counsel, while •• if you can give a brief explanation of the Bill.

MS. KNAPP:

The bill, I suppose the first important thing to say about it is that it is perspective only, it does not require the Department of Public Works to retrofit any buildings. Instead, it requires that from •• going forward, whenever they replace or build brand new, that they build using a standard that's contained in some proposed state legislation that hasn't been finalized, that requires that the luminaire be shielded so that the light falls primarily downward.

LEG. CRECCA:

I thought luminaire was from Beauty and the Beast. Oh, no, it's Lumier. Charlie, have you had an opportunity to look at this bill?

COMMISSIONER BARTHA:

Yes, we have. We actually with worked for some time with Legislator Schneiderman on this. And it really has virtually no significant impact with respect to cost because of the fact that it is prospective, and it's just not a cost issue.

CHAIRMAN O'LEARY:

I know I don't have to do this, but I apologize for Legislator Crecca. This was •• this was asked and answered. Was this not asked and answered not five minutes ago?

COMMISSIONER BARTHA:

Do I have to answer that?

CHAIRMAN O'LEARY:

You can answer that.

COMMISSIONER BARTHA:

It does sound familiar to me.

CHAIRMAN O'LEARY:

He is history in a couple of months.

COMMISSIONER BARTHA:

You never know when you have to be before a judge.

CHAIRMAN O'LEARY:

There is a motion to approve 1574. Any other questions on the motion to approve? Hearing none ••

LEG. CRECCA:

Did you get the brochure?

CHAIRMAN O'LEARY:

Yes, I have the brochure. On the motion to approve, all those in favor? Opposed? Abstentions? 1574 is unanimous. **APPROVED (VOTE:7•0•0•0)**

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)

LEG. CRECCA:

Motion.

CHAIRMAN O'LEARY:

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

COMMISSIONER BARTHA:

I believe you have to table this until after the public hearing.

CHAIRMAN O'LEARY:

The public hearing has not been closed? I though it was closed on the 10th.

COMMISSIONER BARTHA:

If it was, that's good news for us.

MR. ZWIRN:

The hearing is on 24th.

CHAIRMAN O'LEARY:

Then we have to table it. Thank you, Ben. Motion to table by Legislator Crecca, seconded by Legislator Losquadro pending the hearing, public hearing. On the question of the motion to table? Hearing none, all in favor? Opposed? Abstentions? Tabling motion is unanimous.

TABLED. (VOTE:7•0•0•0)

1626•04. Transferring Assessment Stabilization Fund 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)

LEG. CARPENTER:

Same motion.

CHAIRMAN O'LEARY:

This is the same issue. Same motion, same second. On the question? Hearing none, all in favor? Opposed? 1626 is **TABLED (VOTE:7•0•0•0)** .

INTRODUCTORY RESOLUTIONS

1692•04. Amending the 2004 Capital Budget and Program and appropriating funds required to modernize the public restroom facility and the installation of cattle

fencing at the County Farm in Yaphank. (FOLEY)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Foley, seconded by myself. On the question of the motion? On the question, this is in my district as well, that's why I'm a cosponsor, absolutely. Any questions on the motion to approve 1692.

LEG. CRECCA:

Have we explored naming rights for these bathrooms?

CHAIRMAN O'LEARY:

Two sponsors. Cattle fencing will be called the O'Leary Fencing and the public restroom will be the Foley Restroom. All right. Let's move along. Motion to approve. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1692 is unanimous. **APPROVED.**
(VOTE:7•0•0•0)

1754•04. To institute a pilot project utilizing Leadership in Energy and Environmental Design. (LEED) (VILORIA•FISHER)

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

I'd like to hear the opinion of Commissioner Bartha about this.

LEG. CARPENTER:

Did we try this once before?

LEG. LINDSAY:

I think it's different. I don't think this is about a policy, I think it's about building an individual building using this concept.

COMMISSIONER BARTHA:

That's correct. This is very different from last year's resolution. Last year's resolution we did have problems with, as you might recall. This resolution calls for a pilot project, and it is much more modest in approach, and we support this one. We've worked with the sponsor on this.

CHAIRMAN O'LEARY:

DPW is in support of 1754. It's a rather lengthy document. Have all members of the committee reviewed the document and the effect of this pilot project.

LEG. CRECCA:

Jim, do you have a fiscal impact statement on this?

MR. SPERO:

I'm check the computer.

LEG. CRECCA:

Just so the committee is aware, and I understand what Charlie just said, but this was before the Legislature, I guess it was last year or maybe even the year before, and there were some concerns about the costs. I understand it's a pilot program, but we really should be concerned about the cost.

MR. SPERO:

I don't see the fiscal impact on our file.

LEG. CRECCA:

I make a motion to table until we have an opportunity to review that. I'd ask actually Budget Review, if need be, to go a little bit beyond the regular fiscal impact statement and tell us what the short term and long term costs of adopting this resolution would be for the County.

CHAIRMAN O'LEARY:

I don't believe we'll be able to have a cost impact statement done until we identify a building that would come under the pilot project.

LEG. LOSQUADRO:

Mr. Chairman, the way I'm reading it is until the pilot was completed, you would then be able to do an analysis of one cost versus the other. That's how I'm reading it.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Just a follow up on Legislator Losquadro's point. This is really, I think, to establish a benchmark as to what the cost might be •• what the cost would be involved in undertaking a project like this. So, you know, we're going to have a few more bites out of the apple, number one. And number two, it's really •• just answer Legislator Crecca's excellent question about the cost involved, well, this pilot project is going to give us an idea of the cost involved. We don't know that right until they undertake the pilot project, I would think.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

The material costs are known, they exist out there. So I think we could maybe have, you know, maybe a rough estimate of what the additional cost should be. I don't know if we necessarily need to move forward with the pilot to be able to say that's the only way we could get a cost. I mean, these are not costs that •• that we can't get without making the purchase. I'm sure these material costs are known, and if you were to do an analysis of what the additionals or the replacement materials would be, I'm sure you could come up with a rough cost estimate of what the additional cost involved would be with that construction using these guidelines.

LEG. CRECCA:

Question for Counsel.

CHAIRMAN O'LEARY:

Question for Counsel •• Legislator Lindsay first, then we'll have Legislator Crecca's question of Counsel.

LEG. LINDSAY:

Just to answer Legislator Losquadro's comments, and Commissioner Bartha, if you could jump in on this, the concept the LEEDS concept is to include environmental techniques throughout the building. So it's really broad and kind of vague. I mean, you can implement energy efficient lighting, which certainly has a definitive payback that you could track. You could •• a room like this would not •• correct me if I'm wrong •• fit into this concept, because it's an interior room. A LEEDS building would have skylights or windows to capture as much as natural light as possible. I mean, it so far as cooling effects, sometimes they will put a lawn on a roof to recapture rain water.

COMMISSIONER BARTHA:

There's different levels of LEEDS certification. This one is requiring us to achieve the minimum LEED certification level. And some of them pretty extreme, some of the components to get points under the LEEDS system; one would be not to pave the parking lot so that the water recharges directly. We certainly wouldn't propose all of the items. Some of the paybacks that I've seen in dealing with some of the LEEDS people are as long as 50 is to 70 years, other paybacks are in five years. So what this resolution does, which is different from last year, it gives the professionals within the department the ability to evaluate these different components of a building and take into account operating costs and make projections as to what is the most sensible was to go ahead. So it would be difficult for us to make •• for the Public Works to make an analysis of cost impact without a specific building being identified.

CHAIRMAN O'LEARY:

Legislator Montano, then Legislator Crecca.

LEG. MONTANO:

A quick question. I know it's difficult to •• it's impossible to do estimate without knowing what the building is, but is there, like, a certain percentage that you could say a project of meeting these minimum standards would increase a regular construction project, like 10%, fifteen •• what are we adding to the cost generally if you can answer that?

COMMISSIONER BARTHA:

I can't answer that offhand. And I assume the question is to achieve the lowest level of certification, that ••

LEG. MONTANO:

That's what we're talking about, the lowest level of certification.

COMMISSIONER BARTHA:

No, I couldn't. But certainly I believe from my knowledge of LEEDS that you would have a payback. For a lowest level of certification, you should be able to achieve a payback, I would think, in five or ten years of whatever additional costs that were involved. A lot of that is in the lighting items and HVAC equipment is where you get a real big payback.

LEG. MONTANO:

Okay. Thanks.

CHAIRMAN O'LEARY:

Legislator Crecca.

LEG. CRECCA:

Counsel, does this bill bring •• after the project has been identified, bring it back to the Legislature for the additional appropriations if needed of for the approval of the project? Actually, can you answer it Mia? If not, Brian I know is ••

MS. KNAPP:

In general, any project would have to be •• you know, that didn't receive approval for its appropriation comes back to the Legislature. However, I was going to say that the specific project doesn't have to come back to the Legislature for approval. This is the one you're going to build LEEDS. You know, you'll see it when you are doing the appropriation.

LEG. CRECCA:

Will we see it though in the appropriation? Because it wouldn't be in the Capital Budget •• the regular •• the 2005•2007 Capital Budget, when we worked on it, we didn't include any additional monies for a LEEDS project.

CHAIRMAN O'LEARY:

I believe that DPW has to identify the subject parcel of the project for purpose of LEEDS construction.

COMMISSIONER BARTHA:

That's the way I understand the first resolve. So when we came for the appropriations, we would identify this as the project we were planning to use as the LEED pilot project. And frankly, many of our projects since we use good design techniques probably meeting the minimum LEED certification version anyhow.

LEG. CRECCA:

I'm going to •• I'm sorry, Mr. Chairman.

CHAIRMAN O'LEARY:

There is a motion to table. Is there a second on the motion to table.

LEG. CARPENTER:

I'll second.

LEG. LINDSAY:

What I was going to suggest is we could tack it on to the restrooms and cattle fencing.

LEG. CRECCA:

Can we do that as the LEEDS project?

CHAIRMAN O'LEARY:

We'll table it for one cycle. There are sufficient questions to be addressed with respect to this particular proposal. So there's a motion to table by Legislator Crecca, seconded by Legislator Carpenter. On the question of the motion to table? Hearing none, all those in favor? Opposed?

LEG. FOLEY:

Opposed.

LEG. MONTANO:

Opposed.

CHAIRMAN O'LEARY:

Two opposed, Legislator Foley and Montano. Abstentions? Hearing none, motion passes, it's tabled. **TABLED. (VOTE:5•2•0•0) (Opposed; Legis. Foley and Montano)**

Yes, Legislator Crecca.

LEG. CRECCA:

I apologize. I just wanted to add one thing. If the sponsor would at least consider, once Public Works has picked the project, having it come back to the Legislature for approval of the project. I think that would be a wiser way to do it. It's a minimal change to the bill, and that would allow us to, A, look at the specific additional cost involved and allow Public Works the opportunity to come back and present to us why they think that's the right project to do it on. Thanks.

CHAIRMAN O'LEARY:

Moving on.

1762•04 Appropriating funds in connection with the renovation of the Shinnecock Commercial Dock, Town of Southampton. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Is there a motion?

LEG. FOLEY:

I make a motion.

CHAIRMAN O'LEARY:

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

LEG. FOLEY:

On the question, if I may.

CHAIRMAN O'LEARY:

On the question, Legislator Foley.

LEG. FOLEY:

Just to place on the record, in the minutes of the meeting, Mr. Chairman, it's a commercial dock in the Town of Southampton. All County residents can utilize this dock; is that correct?

COMMISSIONER BARTHA:

That's correct.

LEG. FOLEY:

Okay. Thank you.

CHAIRMAN O'LEARY:

Any other questions on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? Unanimous. **APPROVED. (VOTE:7•0•0•0)**

1770•04. Authorizing the Department of Public Works to transit three paratransit vans to the Town of Riverhead. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Explanation, Commissioner. It's kind of self explanatory, I would think.

COMMISSIONER BARTHA:

Well, this relates to the court addition and renovation we're doing out there, which is consuming a considerable amount of parking during construction and will require additional parking when it's completed. The Town of Riverhead had agreed several years ago to provide the additional parking. The additional parking right now is somewhat remote that they are providing on a temporary basis and is down by the Peconic River, actually. So what has been agreed is they will •• we'll transfer title to them of these three vehicles in order to hopefully preclude ourselves from being involved in any lawsuits and having any liability. The Court Officers will operate the vehicles in order to bring jurors and employs from the parking lots up to building. The town has also agreed to provide shelters for this purpose.

LEG. CARPENTER:

On the motion.

CHAIRMAN O'LEARY:

Like bus shelters?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

Really. Oh, very good. Okay. On 1770, is there a motion? Legislator Carpenter to approve, seconded by Legislator Foley. On the question of the motion, Legislator Crecca, then Carpenter.

LEG. CRECCA:

I'll defer.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

My first question is will these buses have some indication on them that they're funded through the County of Suffolk as was required, I believe it was in last year's budget process?

COMMISSIONER BARTHA:

We hadn't considered that. I'm not familiar with it, but we can certainly ••

LEG. CARPENTER:

Generally, it's been with vehicles that we provided to the towns for the Office of Aging. This will be the first time, this is a little different. That's why I'm raising that issue with you. Jim, can you give Charlie the specifics of why they are required to do that now? It was part of the budget process, was it not?

COMMISSIONER BARTHA:

If you would like that, the Legislature would like that, we'd be glad to do that.

LEG. CARPENTER:

Any of the vehicles, and I believe it was part of last year's budget process that we required any

vehicles we fund needs to clearly state on that vehicle that this vehicle is funded through, you know, the County of Suffolk, however you want to say it. Lest we see vehicles floating around the various towns that have the names of the elected officials on it and the town seal and everything and the County's paid for them.

COMMISSIONER BARTHA:

Okay.

LEG. CARPENTER:

And the second part of that is we have legislation, and I know I had received an e-mail from Mr. Shinnick about it, it was legislation I had sponsored quite a number of years ago, I believe it was 7 years ago that required that the buses have on the side the phone number for people to contact for information on the scheduling and all and that it would also be on the bus shelters. So with these shelters that are going up, it needs to say on there for information call 852•5200.

COMMISSIONER BARTHA:

We don't want them calling us. This is something that is really the Court Officers out in Riverhead.

LEG. CARPENTER:

This is true. This is different. Okay.

CHAIRMAN O'LEARY:

Legislator Crecca.

LEG. CRECCA:

My question is the ownership is actually being transferred to the Town of Riverhead?

COMMISSIONER BARTHA:

Yes. With the option that the County at the end of period of usage for this purpose, that they • it's the County option that they can either take it back •• take the vehicles back or not.

LEG. CRECCA:

The reason I ask is I'm just concerned about liability. Does the County remain liable or will they be insured by the Town?

COMMISSIONER BARTHA:

That's the purpose of transferring the title to the town. The County Attorney's Office is reviewing the agreement now to make sure that that's what it does.

LEG. CRECCA:

I guess if there's any •• I would ask the County Attorney and/or our own Counsel, if there's •• if we put our name on these vehicles, since the title's being transferred •• I don't think there would be, but if there are ••

LEG. CARPENTER:

Just funded. They're not our vehicles. There just going to say, "Funded by the County of Suffolk."

LEG. CRECCA:

That's fine. Okay. Never mind then.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

On the fiscal impact statement that was attached to the resolution, it says that the Town of Riverhead shall be required to return the vehicles, it doesn't look like it's an option.

COMMISSIONER BARTHA:

You are correct, that's what it says there, but the agreement itself does say it's the County's option .

CHAIRMAN O'LEARY:

Okay. Is there still a motion to approve?

LEG. CRECCA:

There is.

CHAIRMAN O'LEARY:

By Legislator Carpenter, seconded by Legislator Crecca. On the motion to approve, all those in favor? Opposed? Abstentions? 1770 is unanimous. **APPROVED. (VOTE:7•0•0•0)** .

1776•04 A resolution making certain findings and determinations in relation to a proposed improvement of facilities of Sewer District No. 1 • Port Jefferson. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Any changes?

LEG. FOLEY:

I'll make a motion, Mr. Chairman.

CHAIRMAN O'LEARY:

There's a motion by Legislator Foley, seconded by Legislator Lindsay to approve. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1776 is unanimous. **APPROVED. (VOTE:7•0•0•0)**

1777•04. Appropriating funds in connection with the construction of sidewalks on various County Roads. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I make a motion to approve, seconded by Legislator Foley. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1777 is unanimous. **APPROVED. (VOTE:7•0•0•0)**

1779•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of bridge on CR 83, North Ocean Avenue, over the Long Island Expressway, Town of Brookhaven. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Foley to approve, seconded by Legislator Losquadro. On the question of

the motion? Hearing none, all those in favor? Opposed? Abstentions? Motion passes, it's unanimous. **APPROVED. (VOTE:7•0•0•0)**

1781•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with improvements to the Riverhead County Center Sewage Pump Station. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I make a motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Crecca. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions. 1781 is unanimous. **APPROVED (VOTE:7•0•0•0)**

1782•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with a Clean Water/Clean Air Bond Act grant from the New York State Department of Environmental Conservation to improve Sewer District No. 6 • Kings Park. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Crecca to approve, seconded by Legislator Carpenter. On the question of the motion to approve? All in favor? Opposed? Abstentions? Unanimous. **APPROVED. (VOTE:7•0•0•0)**

1785•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the strengthening and approving County Road. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1785 is unanimous. **APPROVED. (VOTE:7•0•0•0)**

1791•04. Authorizing the County Executive to enter into an agreement with the New

**York State Department of Transportation for the Port Jefferson • Wading River to Trails
Pedestrian and bicycle Path.**

(COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Losquadro, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1791 is unanimous.

APPROVED. (VOTE:7•0•0•0)

1792•04. Amending the 2004 Capital Budget and Program accepting Clean Water/Clean Air Bond Act grant funds, and amending the 2004 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for the reconstruction of the Port Jefferson Wastewater Treatment Plant and Disposal System at the Suffolk County Sewer District No. 1 • Port Jefferson. (COUNTY EXEC)

CHAIRMAN O'LEARY:

That's a mouthful. What does it mean, Commissioner, just that we're appropriating funds for the changes ••

COMMISSIONER BARTHA:

Improvements to handle both the capacity and the increased more stringent discharge standards that have been adopted by the state.

CHAIRMAN O'LEARY:

Okay. There's a motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1792 is unanimous. **APPROVED. (VOTE:7•0•0•0)**

LEG. CARPENTER:

Mr. Chairman.

CHAIRMAN O'LEARY:

Yes, Legislator Carpenter.

LEG. CARPENTER:

I want to just go back to 1770 and that fiscal impact statement, where I pointed out that it states that the town shall be required to return the vehicles, and Charlie is saying that's not what it says. I think it's important that when we get a fiscal impact statement that it be accurate, and this obviously is not if it's contradicting what you're telling me the agreement says.

CHAIRMAN O'LEARY:

There's a motion to reconsider.

LEG. CARPENTER:

Well, I don't necessarily •• I don't necessarily want to suggest that we do, I just want to •• whoever prepared this financial impact statement, I would suggest that we have a corrected one before us before this Tuesday.

COMMISSIONER BARTHA:

We will arrange for that.

LEG. CARPENTER:

Thank you.

CHAIRMAN O'LEARY:

Anyone else wish to address the committee? Meeting stands adjourned. Thank you very much.

(* THE MEETING WAS ADJOURNED AT 3:43 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**