

**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, September 21, 2004.**

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

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Budget Review Office
Charles Bartha • Commissioner • DPW
Bob Shinnick • Highway Division • DPW
Leslie Mitchel • Deputy Commissioner • DPW
Alexandra Sullivan • Chief Deputy Clerk • Legislature
Bill Faulk • Aide to P.O. Caracappa
Ben Zwirn • County Exec's Office
Vince Taldone • Transportation Advisory Board
Louis Esteves
Douglas Death
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 3:01 P.M.*)

CHAIRMAN O'LEARY:

Okay. Can I have your attention, please? Will members of the Public Works and Public Transportation Committee report to the horseshoe? I believe we have a quorum. Yes, we do. I call the meeting to order. We'll begin the meeting with the Salute to the Flag led by Legislator Brian Foley.

SALUTATION

CHAIRMAN O'LEARY

Thank you. I have a request to •• well, perhaps I'll go to the public portion. I have three cards and then we'll go the agenda. Mr. Taldone, if it's okay with you, we'll do the report of TAB after the agenda, after, okay? Thank you very much. All right. Under the public portion the first speaker is Louis Esteves. You have three minutes, sir, do you know that? Are you aware of the time constraints?

MR. ESTEVES:

Yes. As long as I lived in Suffolk County, we have always been a leader in new legislation that led to the protection of its residents. Just to mention one, smoke free office buildings. Sometime later, legislation included restaurants and bars. After thousands of people were screaming their rights to smoke were violated, you had placed this legislation into law. Restaurant and bar owners thought this would put them out of business. You stood fast knowing the health risks were greater than the bottom line. Not only did these establishments survive, they prospered. I commend you on your foresight. Foresight, Webster's Dictionary lists this word as the ability to look into the future. The future is what I'm here to speak to you about.

That's green seal buildings. Also known as high performance buildings. Excuse me. I lost my place there. These buildings have a large impact on saving our planet's environment, but the benefits go on way beyond that. First, the health impact. This is so large that the State of New Jersey has mandated all new schools be built on the green standard. This decision was brought about through several case studies done by the US Green Building Council, which showed test scores on a national level were higher in green school buildings than other schools that were not built to this standard.

The study also factored in only schools built in the past ten years. Green buildings across the country have shown similar effects and more. Hewlett Packard has seen productivity in their employees raised by 7%. They received the LEED gold rating and have shown a decrease in employee sick time by 59% while cutting the energy costs by 47%.

In 2000, Lawrence Berkeley Laboratory in California published a study on the effects of building indoor environments. The study has shown indoor building air has an influence on respiratory illnesses such as allergies, asthma and worker performance. The study also shows potential national savings from 23 to \$56 billion a year after air, indoor air, environmental qualities have improved. Just think of the hidden savings eventually lowering our health insurance premiums. These health benefits are endless, but should not be the only reason to building our first green building.

Remember what I said at the beginning, also known as high performance building? This is not just a title, this is a known fact. Green buildings use less energy than non green buildings, up to 60% less. This equates to a lot of money. The US Government through their efforts have brought their building related energy costs down 23 cents per square foot, saving us the US taxpayer \$1.4 billion a year since 1985. Twenty eight dollars a barrel was factored into this figure. We just hit over \$46 a barrel as of this morning. We are looking at \$50 a barrel by the end of this year. Even the Department of Defense has also adopted this green building program, reducing our dependancy on foreign oil supplies.

As we all know, we're a world apart from everyone else. The green building costs average about seven to \$20 per foot more than the regular buildings that are being built today. But through the energy cost savings, you can recuperate this expense within the first three years. As energy costs rise, this will be exactly one and a half years. With incentives from New York

State and US Government, it is possible to lower the building cost less than a non green building. With health risks lower, energy savings higher, it is no wonder green buildings have had •• reported up to 40% more equity than those selling in the same current market value.

CHAIRMAN O'LEARY:

Please summarize.

MR. ESTEVES:

Summarize, here we go. We've always been a leader in Suffolk County. I think it's time that we stepped up to the plate, followed the rest of the country and show the rest of the Long Island that Suffolk County is doing the right thing for its taxpayer and for our environmental and especially our children. Thank you.

CHAIRMAN O'LEARY:

Thank you very much. Mr. Bruce Rindzuner. You don't wish to speak.

MR. RINDZUNDER:

No, thank you.

CHAIRMAN O'LEARY:

Okay. Thank you. Douglas Death; is that correct? Your last name is death?

MR. DEATH:

Yes.

CHAIRMAN O'LEARY:

Welcome, Mr. Death.

MR. DEATH:

Thank you. I currently am with the Suffolk County Stop DWI Program out of the County Executive's Office and I'm also Vice•Chair of the Suffolk County Traffic Safety Board. IR 1811 is on the agenda. Basically what it's doing is it's revamping the Traffic Safety Board bringing it together. There hasn't been any legislation, any appointments for a number of years. The Traffic Safety Board is a group of people that we discuss, we have a forum for discussing

everything from education to engineering and various programs throughout the County. We also bring in approximately \$700,000 a year in grants through the Governor's Traffic Safety Committee.

We as a board support the legislation and the legislation to follow•up to reappointment members so that we can continues our work. There should be a letter, I don't know if Bill Faulk distributed it, from the Chairperson, John Saraceno, also supporting this. And we are just here to •• I'm just here today to make myself available for any questions you may have.

CHAIRMAN O'LEARY:

Yes, we have been given a copy of the letter from Mr. Saraceno in support of 1811 and the expansion of the Traffic Safety Board. Any questions for Mr. Death? Thank you very much.

MR. DEATH:

Thank you.

CHAIRMAN O'LEARY:

We do have a public hearing scheduled on IR 1830. Are you here for that as well?

MR. DEATH:

Yes.

CHAIRMAN O'LEARY:

I'm going to, if it's okay with the sponsor of Resolution 1830, if we can put the public hearing off until after the agenda. We have a request to move the agenda first.

LEG. CARPENTER:

Certainly.

CHAIRMAN O'LEARY:

Are there any speakers here for **1830, a Local Law to impose fines on unlicensed ferry service operators? (CARPENTER)**. Just the County Attorney, okay.

LEG. CARPENTER:

We'll wait.

CHAIRMAN O'LEARY:

We'll go through the agenda first. Commissioner Bartha, if you will come up, please.

COMMISSIONER BARTHA:

Good afternoon.

CHAIRMAN O'LEARY:

Good afternoon. How are you, Commissioner?

COMMISSIONER BARTHA:

Fine.

CHAIRMAN O'LEARY:

Any issues that the members of the committee wish to bring to the Commissioner's attention before we go to the agenda? Legislator Lindsay.

LEG. LINDSAY:

Charlie, anything new on Raynor Park? Where are we?

COMMISSIONER BARTHA:

Well, we are making progress in that the contracts have been delivered to the contractor that Surety has selected to complete the project. The Surety Firm took private bids in order to secure a contract. An arrangement had been made, which we consider very much in the County's advantage that there will essentially will be a closing once the contractor is ready to sign the Contract between Surety and ourselves and the contractor. We will be able to deal directly the contractor rather than through Surety. Surety will continue to guarantee the project.

LEG. LINDSAY:

When can we look forward to work starting to progress again?

COMMISSIONER BARTHA:

Ted, do you have an idea when the work would start?

MR. GODEK:

It really hinges on when the attorneys can turn the contracts around with the contractor and Surety. But I don't see why we can't be on our way within three to four weeks assuming everything goes well.

LEG. LINDSAY:

And it isn't that I'm harassing you guys about this, it's just that the community has been very patient about it, and they have been, you know, asking questions about it.

COMMISSIONER BARTHA:

Far from harassing, you've been very understanding. But this is a difficult problem for us to resolve, and we're working with the County Attorney as well as Surety. We like the way it's going.

LEG. LINDSAY:

All right.

LEG. O'LEARY:

Anything else, Bill?

LEG. LINDSAY:

No.

LEG. O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Commissioner, in the last committee, in Public Safety, we were informed that the radio project power for Emergency Services in the Rocky Point area that we have a capital project for is not slated for •• and we couldn't get an answer out of them whether it was inception of construction or completion of construction until 2007. The reason that we moved this along in the first place was because of a safety issue when officers or any emergency personnel for that

matter leave their vehicles, the portables are not working. There are even spots where the radios in the vehicles do not have coverage down there in some of these areas of Sound Beach and Rocky Point and Shoreham Village. I was just wondering if we could revisit this in terms of the prioritization of this project and, you know, what the schedule is. Is construction going to be started sooner and that's when it's slated for completion or we have pushed it off to 2007 for construction? You probably don't have it in front of you, but if you check into it, I know we would certainly appreciate it. Mr. Spero.

MR. SPERO:

The funding is scheduled for 2007, \$1.5 million. That's when you can appropriate the funds. At that point in time, you know, the plans would be made up for the tower, and after that's completed, the project could be bid.

LEG. LOSQUADRO:

Okay. Thank you.

LEG. O'LEARY:

Any other questions of the Commissioner before I go to the agenda? Okay.

TABLED RESOLUTIONS

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:

Just a point of order with respect to 1625 and 1626, they are directly tied to 1624, which has been recessed in public hearing to be held 9/28. So I'll entertain a motion to table 1625 and 1626. There's a motion by Legislator Foley, seconded by myself. On the question of that

motion, all those in favor? Opposed? Abstentions? **1625** and **1626** are **TABLED. (VOTE:7•0•0•0).**

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

LEG. LINDSAY:

Could I ask the Commissioner about this, Mr. Chair?

CHAIRMAN O'LEARY:

Certainly. There is a question about this particular resolution, Commissioner.

LEG. LINDSAY:

Just to get it on the record, Charlie, 1754, are you guys okay with that?

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

The department is going to select a building if this passes; is that correct?

COMMISSIONER BARTHA:

We'll select a building to be used essentially as a pilot project. You may recall last year we strongly opposed the more broadly worded resolution. This, we believe, is a good resolution, and we've worked with the sponsor on it.

CHAIRMAN O'LEARY:

There's a question concerning the cost on the selected project. There were some concerns on the part of some committee members that that's not really detailed or outlined as to the perspective project that's going to be picked. Is there a concern on your part with respect to that, Commissioner?

COMMISSIONER BARTHA:

A concern that it will increase the cost of the project?

LEG. O'LEARY:

No. No, not increase the cost. Whatever project is selected, what the cost of that particular project will be. Are you the one •• is it your department that's going to be selecting a project for this particular initiative?

COMMISSIONER BARTHA:

Yes. And we would come back to the Legislature. It's my understanding we would identify a project, come back to the Legislature when the funds are being authorized and indicate that that's the project we intend to go ahead with on this LEEDS accreditation.

CHAIRMAN O'LEARY:

All right. So then at some point in time in the future you will be coming back to us for approval with respect to this particular project?

COMMISSIONER BARTHA:

Yes.

LEG. CARPENTER:

It doesn't say that.

CHAIRMAN O'LEARY:

Okay. No, I don't believe 1754 does say that, Legislator Carpenter.

LEG. CARPENTER:

That would be my question to Counsel, if it does, in fact, say that in the legislation, because absent that, I don't see how we could move forward with it, because I don't see a financial impact statement on it. And obviously from what's been said there is going to be a cost.

LEG. FOLEY:

I would think ••

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. The financial impact is indeterminate at this point, because the resolution states that the department will select a building, then it will come back to us and that particular resolution will •• will determine •• will have the building and the financial impact at that time. This is simply to give the department •• well, among other things, to go ahead and move forward with selecting a building. So it would be the follow up resolution that would have the financial impact, because that would be the appropriating resolution.

LEG. CARPENTER:

If I can respond, Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

The fifth resolve clause directs •• states that the department shall carry out the design process. So it sounds like they're already doing it. We're directing them to carry out the design process. So how much is that going to cost? There's •• then you have to have a financial impact statement. I mean, that's part of our County law that's been adopted. And I know that for a fact because it was pointed out to me with legislation I sponsored a number of years ago.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Let's hear from Counsel. I mean, it was laid on the table on August 10th. This is the first I've heard of a need for an impact statement.

MS. KNAPP:

The resolution as Legislator Carpenter points out, it does allow the Public Works Department to identify a building from the •• from the Capital Program. However, in terms of a financial impact statement without knowing which building it is, it would be impossible to attach to this particular resolution. I'm not sure, and probably the Commissioner can enlighten me as to whether or not a financial impact statement could be done even after they identify a building.

Would you need to go ahead and issue the RFP and select a LEEDS approved consultant before you could tell us the financial impact?

COMMISSIONER BARTHA:

The way I would envision this, if you look at the sixth resolved clause, we would select a building that we thought met the parameters that had the most promise under LEEDS, and then we would select the design consultant, have him review that. And during •• at the conclusion of the design phase and before the construction phase, the design consultant would have estimates prepared of the cost •• the additional cost for the LEEDS certification. The LEEDS •• a lot of LEEDS principles are things that we follow normally.

To reach a different level of accreditation, you have to do more things. And the paybacks on some of them, from what I've seen, are paybacks that we don't pursue typically, like 75 year type paybacks. Others are much shorter, and those are the types that we obviously include in our projects. So what we have had in mind actually is the 4th Police Precinct, which would be a new building situated on this property here in the North Complex, which would give us the opportunity to site the building most favorably with respect to LEEDS principles, which is something we don't always have that kind of opportunity with. Plus, we have a history, a recent history, of police precinct design and construction. So we have a good handle on the cost from both the 6th Precinct and a few years ago, the 5th. And from a slightly different perspective, the 7th since that was constructed on a lease •• built to suit lease.

MS. KNAPP:

Excuse me. Just to finish answering the question, I think I need a little bit of help either from Budget Review. On a building, let's say like the 4th Precinct, am I right it's already in our Capital Program, however, it would come back to the Legislature for appropriation at some point in time?

COMMISSIONER BARTHA:

It would back to •• it would come to both appropriate the design funds and the construction funds.

MS. KNAPP:

And I think that ••

CHAIRMAN O'LEARY:

Okay, so what's the pleasure of the committee on this on 1754?

LEG. CARPENTER:

I'm going to suggest that we table it, because again, if you look at the second resolved clause, it's directing the department to issue an RFP to hire a LEED accredited professional to hire someone. So how much are you hiring them for? And design the project identified by the Commissioner. There is a cost that has to be •• we have to know how much we're going out on the limb for.

CHAIRMAN O'LEARY:

Response to that? Hearing none, there's a motion to table by Legislator Carpenter. Is there a second on that? I'll second the motion to table.

LEG. FOLEY:

Just on the motion.

CHAIRMAN O'LEARY:

On the question of the motion to table, Legislator Foley.

LEG. FOLEY:

Thank you. Certainly the sponsor of the bill has been working closely with the Commissioner. And the points raised by Legislator Carpenter are well taken. However, if we could hear from either from Fred •• rather from Jim or from the department. In the past when we have done RFPs, when we have approved RFPs, has there been a financial impact statement attached to resolutions that direct •• that direct the department to undertake an RFP?

MR. SPERO:

Every resolution has to have a fiscal impact statement attached of some sort.

LEG. FOLEY:

Right.

MR. SPERO:

This resolution directs the Commissioner to take certain actions with regards to LEEDS, but in and of itself, the fiscal impact •• that doesn't have a fiscal impact, because until such time as we actually do a particular building and until such time you know just what the energy saving initiatives in that building will be and what cost, then you will know the actual cost of implementing LEEDS.

LEG. FOLEY:

So just on Legislature Carpenter's point, you issue an RFP, proposals come back to the department, still at that point, there's no financial impact as of yet. Once •• Charlie, once you select •• select someone from the list from those who had submitted the •• submitted a response to the RFPs, then you would come back •• you would have to come back to us before you can move forward with any •• with the •• before you move forward with who's selected to undertake the project.

CHAIRMAN O'LEARY:

I think the problem, Legislator Foley, is that it doesn't address that issue in this particular proposed resolution.

LEG. FOLEY:

That's why I'd like to hear from the Commissioner on this.

COMMISSIONER BARTHA:

Well, actually, once the •• typically we don't issue an RFP until the funding is appropriated. Once the funding is appropriated, we issue the RFP, select the firm and award the contract. The next time the Legislature sees it is when we're seeking to have construction funds appropriated.

CHAIRMAN O'LEARY:

Would it have been better, Commissioner, if the project had been selected prior to the resolution being introduced, that would have clearly known what the project is and perhaps some •• some enlightenment would have occurred with respect to the costs?

COMMISSIONER BARTHA:

This is not our resolution, as you recognize. You are asking me whether it would have been

better if it had been done that way. Before the department spends too much more time on this, we are really looking to see what direction the Legislature is going, whether they are prepared to endorse, you know, a LEED type project. I'm not sure what the best solution to the situation in this case is. The additional cost •• I think what you are really looking at here is the additional cost to design a LEEDS building versus a non LEEDS building. Or, in fact, in this case, we want to give the costs for both to you as part of this design report.

So yes, it would make more sense if the project were identified and the cost •• until we receive proposals, we couldn't really tell you what the cost would be since we have no background on LEEDS work, although several of the firms we deal with do have LEEDS accreditation and are prepared to do this kind of work. So if you would like, we can go back and for the 4th Precinct, make an estimate of the two different types of design contracts.

CHAIRMAN O'LEARY:

Well, then ••

LEG. FOLEY:

Mr. Chairman, how long would that take?

CHAIRMAN O'LEARY:

Me? I don't know. I have no idea.

LEG. FOLEY:

Through the Chair to the Commissioner. How long will that take?

COMMISSIONER BARTHA:

I will give Tedd Godek a second to think about this with the preface that we have an awful lot on our plate right now in the Buildings Division, and I'm not looking to structure the priorities on the things that you have to respond to.

LEG. FOLEY:

Mr. Chairman, as Mr. Godek is coming forward, let me just ask this and this is to Counsel. Did Legislator Viloría•Fisher work with you in drafting it? During the summer months that this was being drafted, was there any discussion •• and certainly I'm sure that both yourself as well as the Budget Review Office was involved with this, was there any indication given to the sponsor

of bill that it would require a financial impact statement? I think the answer is probably no, because there's none attached. If not, what's changed now since then?

MS. KNAPP:

I did have extensive discussions with the sponsor of the bill. And in fact, between the two of us we found newspaper articles and a great deal of information about this. I believe that it was the sponsor's intention to identify a pilot project and to give the Public Works Department the authority to develop a pilot project. In terms of the cost, the only thing I can say is I would assume that in order to hire the consultant that they eventually choose from the RFP process, they might have to come to the Legislature for money. Am I wrong about that?

COMMISSIONER BARTHA:

Absolutely. We need funds to hire a consultant to do this.

LEG. FOLEY:

So there really is no financial impact up until that point? Between now and the point that you select somebody •• to carry out the provisions of this legislation •• of this resolution, there really is not a financial impact involved because it's being done in•house; is that correct?

COMMISSIONER BARTHA:

Well, it does say in that second resolved which LEED accredited professional shall design the project identified by the Commissioner.

LEG. FOLEY:

Yeah, shall design it ••

COMMISSIONER BARTHA:

Well, you need money to do that.

LEG. FOLEY:

Correct. I hear Legislator Carpenter's point. But if they need money to do that, would you not then come back to us once you have selected the firm?

COMMISSIONER BARTHA:

Yes, we would have to. That's not the ordinary process, but yes, in this case, we would have to. Just following up on the 4th Precinct concept that we are throwing forward, funding for the design is in 2005. In answering Legislator O'Leary's question before, it would •• we are comfortable saying that in six weeks we would be able to tell you what the cost would be to design a project consistent with this resolution or versus the way we would typically design a project.

CHAIRMAN O'LEARY:

Okay. I mean, let's get to the bottom line. Is the pilot project going to be the 4th Precinct? Is that the decision that's already been made?

COMMISSIONER BARTHA:

We haven't been at the point where we've had to make a decision on it. If a better idea comes up, we're fine. But that's where we think it makes the most sense.

CHAIRMAN O'LEARY:

There's still, as you can probably imagine, still a lot of questions on this and the cost impact, etcetera. So I'm going to move the motion to table. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1754 is **TABLED. (VOTE:7•0•0•0)**.

LEG. CARPENTER:

Mr. Chairman, if I could.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

As you are looking at possible projects for this, the 4th Precinct is such a horror and is in such deplorable condition, as I know you are aware of because you and your department have done

an extraordinary job in trying to make it semi-habitable for those that have to work every day in that building. If embarking on this kind of project, this LEED project would make the process longer, I would suggest you look for another project.

CHAIRMAN O'LEARY:

Okay. Let's move along to the IRs.

INTRODUCTORY RESOLUTIONS

1811-04. Adopting Local Law No •• 2004, a Charter Law to modify the Traffic Safety Board. (CARACAPPA)

CHAIRMAN O'LEARY:

For the record, I'd like to enter into the record a letter from Mr. Saraceno who is the current Chairman of the Suffolk County Traffic Board in support of 1811, which in effect expands the amount of members on the board from 20 to 25. There's a public hearing set for this particular resolution on 9/28. In light of that, I'll entertain a motion.

LEG. FOLEY:

Motion to table.

CHAIRMAN O'LEARY:

Motion by Legislator Foley to table, seconded by Legislator Carpenter. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1811 is **TABLED** pending a public hearing set for 9/28. **(VOTE:7•0•0•0)**

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I know the department has some thoughts on the matter. Do you

want to wait until the public hearing to speak on it?

COMMISSIONER BARTHA:

We're going to reach out to the sponsor, Presiding Officer Caracappa. And we have some concerns about the size of it and the work that may be generated from it.

CHAIRMAN O'LEARY:

So you're going to reach out to him?

COMMISSIONER BARTHA:

Yes.

1830•04. Adopting Local Law No •• 2004, a Local Law to impose fines on unlicensed ferry service operators. (CARPENTER).

CHAIRMAN O'LEARY:

1830, we'll skip over. There's a public hearing scheduled today for that.

1847•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of CR 80, Montauk Highway, Town of Brookhaven. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I'll make a motion to approve.

LEG. FOLEY:

I'll second as long as there's a financial impact statement attached to it, Mr. Chairman.

CHAIRMAN O'LEARY:

I'm sure there will be. I'm sure there is. On the question of the motion to approve 1847? Hearing none, all those in favor? Opposed? Abstentions? 1847 is unanimous. **APPROVED. (VOTE:7•0•0•0).**

1849•04. Appropriating funds in connection with the modifications for compliance with Americans with Disabilities Act. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

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

LEG. LOSQUADRO:

Just a quick question. It doesn't specify which project this money is going to be going towards. It's just for general upgrades to various buildings, not really going to specify project by project?

COMMISSIONER BARTHA:

There are a couple of projects in particular we do have in mind for this; BOMARK record storage facility in Westhampton, as well as the criminal courts building in Riverhead to upgrade those entrances, and then other project that come up during the course of the year.

LEG. LOSQUADRO:

Excellent. Thank you.

CHAIRMAN O'LEARY:

Any other questions on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1849 is unanimous. **APPROVED. (VOTE:7•0•0•0).**

1850•04. Transferring Escrow Account Revenues to the Capital Fund, amending the 2004 Capital Budget and appropriating funds for improvements to Suffolk County Sewer District No. 12 • Birchwood/Holbrook. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Lindsay to approve, seconded by Legislator Foley. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1850 is **approved. (VOTE:7•0•0•0)**

LEG. CARPENTER:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

Just for the record, the last three resolutions we approved all did have financial impact statements.

CHAIRMAN O'LEARY:

Did you hear that Legislator Foley?

LEG. FOLEY:

Loud and clear.

CHAIRMAN O'LEARY:

Okay. Now we will go to the public hearing on **1830, a Local Law to impose fines on unlicensed ferry service operators**. Is there anybody wishing to speak on this issue? County Attorney's Office, I believe, wishes to put something on the record.

MS. SULLIVAN:

Mr. Chairman, the affidavit of publication is in order.

CHAIRMAN O'LEARY:

The affidavit of publication on 1830 is in order. So we are in the public hearing.

MS. CAPUTI:

We spoke to Legislator Lindsay about this bill, and it has been amended in some respects, but we still think that it could be a little bit better, respectfully. The courts of New York State have held pretty consistently that in order to impose a civil penalty, the alleged violator is entitled to a hearing under due process standards.

CHAIRMAN O'LEARY:

1830 was introduced by Legislator Carpenter.

MS. CAPUTI:

And Lindsay.

CHAIRMAN O'LEARY:

You are co?

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

So is Legislator Losquadro as well.

CHAIRMAN O'LEARY:

Legislator Losquadro as well.

MS. CAPUTI:

So anyway, we still feel that really a hearing should be provided for. It's been amended to say that if you have an opposing affidavit put in by the person that is alleged to have violated it, you know, that's sort of trying to give them a changes to respond. But the bill doesn't really say what happens if they do put in that opposing affidavit. I don't really know •• I couldn't tell from reading it what would happen. And no one is designated as being the authority to impose the fine. So I think the bill is good, and with a little bit of work, we can probably come up with something that would satisfy everybody. And we are willing to work with whoever is designated to do that.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

Yes, Mr. Chairman, I appreciate the comments, the input. And just for the record in the future, I am the sponsor of the legislation, and I did get the input, although it be second hand through the grapevine, I would have appreciated if you would have called me directly or called Counsel. But in any event, we did give a lot of thought to the process. And this committee in particular

had expressed angst over the fact that there are people out there on the Bay who are operating at times without a license. And we as a body feel compelled to put some teeth into this, make some penalties, and this is the way we can approach it. And as far as a hearing, this paper hearing, if you will, I think will satisfy that need for us to set ourselves up sort of a quasi court hearing cases just isn't going to work. And I think the intent is that we let people know that there are ramifications, that there are penalties, to operating on the Bays without a license. So I feel very comfortable that we have addressed it, and I make a motion to close the hearing.

LEG. LOSQUADRO:

Second.

MS. CAPUTI:

You don't indicate in the bill how the notice is going to be give to the alleged violator; written, verbal, certified mail. And like I said, the bill doesn't really say if the person does file an affidavit opposing the affidavit that's been provided to initiate the charge, what would happen. It's not clear. Is it that the matter is just closed or is something further going to happen? So that's just the only other thing I would say I still think is left open.

LEG. CARPENTER:

I appreciate your comments, and if it develops to be something problematic, we can always amend it in the future. But I feel comfortable at least getting started on this the way it is.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

I just want to be clear. Your objection to the bill is that second sentence in paragraph A that the presumptive evidence of violation, who issues the violation?

MS. CAPUTI:

It doesn't say that.

LEG. MONTANO:

Well, who would be authorized to issue it?

LEG. CARPENTER:

Marine Bureau Coast Guard.

MS. CAPUTI:

It could be •• if you just left out the civil penalty part, it could be •• it is a criminal •• it could be a criminal violation, and then, you know, say, like, the Bay Constable or someone in the County could issue a violation, then it would be really prosecuted by the District Attorney's Office, if you leave out the civil penalty. But once you make it a civil penalty, you know, then it's unclear who is going to be ••

LEG. MONTANO:

That's my question. If it's a civil penalty, how is it enforced and how is it prosecuted?

MS. CAPUTI:

Well, the prosecution would •• we were going to suggest a hearing officer, not necessarily the Legislature, but a designation of one individual, a hearing officer, perhaps to hear the charge. I don't know if it's really clear who is going to be authorized to prosecute •• rather issue the violation in the first instance. It really isn't clear.

CHAIRMAN O'LEARY:

Counsel, can you comment on that?

MS. KNAPP:

Let me give a little bit of background on this. If you remember, the Legislature has provisions right now, and this is an amendment of those provisions, 2•87 of the County Code governs ferry licenses. In the course of the discussion on a recent application for a ferry license, it was pointed that 2•87•7 allows the Legislature to impose a civil fine in connection with a license revocation. However, there was no provision made for someone who didn't have a license, which is presently required under 2•87•2•A.

So it appeared that we had left a hole. We required under 2•87•2•A that an applicant get a license. But then when we got down to our civil penalty section, we only imposed a civil penalty on those who were getting their licenses revoked under 2•87•2•D. I think that the issue of

hearings and hearing officers is a point well taken. However, unless we decide that we're going to build a fairly significant structure in terms of developing a process or hearings and hearing officers, I guess we have survived many, many years with our existing structure that allows us to impose a civil fine of \$1500 if your license is revoked. This quite frankly, build in a paper hearing, which I think is sufficient with due process, to comply with the due process requirements. It doesn't necessarily allow for a full blown hearing with counsel before the Legislature, does but it does allow the Clerk to come to the Legislature with a procedural motion. And the Legislators can review of the affidavits that have been presented to them. It's a minimal due process, but I think it might be enough to get us past the constitutional requirements. And I would point out, it's more than we have ever had.

LEG. CARPENTER:

Thank you very much.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

This is to Counsel. I mean, all of your occupational licensing laws have civil penalties, and I don't recall any specific hearing officer built into them. I know it's done administratively if our occupational inspectors issue a violation to a contractor or whatever and they ask for a hearing, they set up hearing process within the department before a hearing officer, but I don't recall that being in the legislation. I think it's done administratively.

MS. KNAPP:

It is done administratively. I think the slight difference with ferries is that there is no real department that we can send them to for a hearing, and the ferry licenses have always been basically administered by the Budget Review Office and by the Legislature.

CHAIRMAN O'LEARY:

Okay. Any other questions on this issue? I just have one point to raise with the County Attorney's Office, and this is something that we have discussed in the past and have requested

of the County Attorney's Office, if there is going to be a point raised coming before us in all committees with respect to positions taken by the County Attorney on resolution that are laid on the table here in this body, we would appreciate some sort of dialog or correspondence between the County Attorney's Office and the prime sponsor some time prior to you coming before us.

That's something we have requested in the past and hasn't been adhered to. So I just want to reaffirm our position, that if there's an issue that the County Attorney's Office is going to be taken up with respect to proposed resolutions, that you have some dialog or communication at the very least with the prime sponsor of that particular initiative. There's a motion to close the hearing by Legislator Carpenter, seconded by Legislator Losquadro. On the question to close? Hearing none, all those in favor? Opposed? Abstentions? 1830 is **CLOSED**. We'll move now to 1830.

LEG. CARPENTER:

Motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Carpenter, second by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1830 is unanimous.

LEG. MONTANO:

I'll abstain.

CHAIRMAN O'LEARY:

There's one abstention on 1830, Legislator Montano. **APPROVED. (VOTE:6•0•1•0)**
(Abstention; Legis. Montano).

Okay. That concludes our agenda. We are going to have Mr. Taldone up.

LEG. CARPENTER:

The Commissioner left?

CHAIRMAN O'LEARY:

Yes, I believe the whole staff left.

LEG. CARPENTER:

We didn't ask him about the tower, the communications tower.

CHAIRMAN O'LEARY:

Yes, we did.

LEG. CARPENTER:

You did? Okay.

CHAIRMAN O'LEARY:

Mr. Taldone, if you can come forward. I apologize for taking this out of order and putting it at the rear end of the agenda, but Legislators had some other issues, appointments.

Just by way of a reminder to the members of the committee, the Transportation Advisory Board was formed by resolution by this body. They have met on several occasions over the past years or so. Mr. Taldone as the Chairman has put together a report, an initial report, from the Transportation Advisory Board on recommendations that they have made with respect to the bus transportation throughout the County the SCT bus routes. Mr. Taldone, welcome.

MR. TALDONE:

Thank you. I'd like to focus on two important and very closely related issues. One, the inequity in state funding, state transit funding that is, which exists between Suffolk and Nassau neighboring counties, in particular Nassau. That's sort of an overriding issue that colors everything we speak about afterward. The second issue is specifically the TAB's September 8th letter to Chairman O'Leary, which outlines immediate steps that can be taken to improve bus services while beginning to address the overall state funding issue. I understand every member of the committee has received a copy of the letter including a list of routes that would be extended or otherwise enhanced. So I'll try to get to come points that I think need to be made.

Briefly, all the members of TAB reviewed the list of improvements and we all concur with the Department of Public Works, which established the priority list that these are, in fact, very well utilized routes, and the ridership clearly indicates a need for additional service on those routes. There are no arguments over where this is a needed improvement.

Two, as an advisory board to the Legislature, it's the board's duty to layout the benefits and costs as we see it to the best of our ability for you. Clearly, the benefits are somewhat obvious based on the ridership, and DPW will speak to the actual routes, if there are questions related thereto. This list of priorities route extensions are the priority list as I had said of DPW. They were, in fact, reviewed by all of TAB members who agreed that these are the routes that should be improved. We then •• several members, including myself, have had conversation with staff, particularly Senator Trunzo's Office and other Legislators, who have expressed an interest in providing financial support for start up of these routes.

When I want to make clear to the committee is that the money that is being discussed is clearly a one shot. While there might be additional year funding, there's no guarantees that in the following years we will receive that money. So the \$800,000 that's discussed in the letter that I presented to you is, in fact, a one year funding alternative. But importantly, the routes as they're distributed across the County, we believe can be enhanced using the existing storage and maintenance facilities, the existing bus fleet for a limited amount of time. Thereafter, new buses would be needed to provide the service.

I know I'm jumping around a bit, but I want to get all the way through this. I also had conversations with staff at Congressman Bishop's Office about trying to expedite acquisition of additional buses should we be able to move forward with this proposal. So I guess I'm here today basically to present this to you, get your questions and discuss sort of the future impacts of expanding the service to this extent. And also, of course, we have Commissioner Bartha and Bob Shinnick to, you know, address questions.

CHAIRMAN O'LEARY:

Okay, Vince. Of the \$800,000 you refer to, is that dedicated state funding for the start up?

MR. TALDONE:

That would be presented somewhat as a member item. That's the way it's been described to me. It's not part of the operating assistance formulas that are currently funding our system. So it's above and beyond what we're receiving now.

CHAIRMAN O'LEARY:

Okay. Mr. Shinnick is present? Can you come up, Bob? Have you received this report? Have you had an opportunity to review it?

MR. SHINNICK:

Good afternoon.

CHAIRMAN O'LEARY:

Good afternoon.

MR. SHINNICK:

Yes I have seen the letter.

CHAIRMAN O'LEARY:

And your opinion?

MR. SHINNICK:

The services that are described were taken from a listing that we prepared of bus lines that we feel should be improved in terms of longer hours during the day, later evening services and some earlier morning trips as well as a few midday adjustments on the weekday schedules only. That list consisted of recommendations that could be, as Vince said, implemented within the current fleet for a very short period of time, meaning three, four, maybe even six months. The reason for that short duration is some of you may remember we expanded services considerably beginning in 2001 using the same size fleet, and the buses are older now, they have been doing extra work all of that time. And we can fit these new schedules, schedule enhancements actually, into the current fleet size, but the buses are getting tired. And I wouldn't want to commit the operation to long before new buses arrive, otherwise we are going to be experiencing accelerated rates of failure and breakdowns, and I don't think we'll be doing our costumers all that much of a service by extending the current operation too long with the existing fleet.

CHAIRMAN O'LEARY:

If I understand you correctly then, these proposals can be implemented based on the current fleet that we have in service?

MR. SHINNICK:

Basically, that's correct. With some exception, but basically, yes.

CHAIRMAN O'LEARY:

But those buses are old, and there is no clear understanding of how long they will be in service with the extended use?

MR. SHINNICK:

We have just recently opened bids on new buses from bus manufacturers. And we expect hopefully to have a new fleet of 59 buses delivered in approximately one year, roughly next October. So counting backwards from that time period, perhaps summer of next year would be an appropriate time to implement some of these recommendations.

MR. TALDONE:

If I'm not mistaken, it is too late to increase the number of buses under that contract should we have the funding made available.

MR. SHINNICK:

The bids have been received, and we're going to be within budget, but we're going to be on the money.

CHAIRMAN O'LEARY:

All right. So it's your statement then that the earliest these proposed changes can be implemented is end of summer of '05?

MR. SHINNICK:

That's roughly correct, yes.

CHAIRMAN O'LEARY:

And the reason for that is what?

MR. SHINNICK:

That would give us a short period of time between that service initiation and what we feel to be a delivery of news buses that will •• it will bring new blood into the fleet and enable us to replace a lot of oldest •• as a matter of fact, all of the oldest vehicles in the fleet.

CHAIRMAN O'LEARY:

There's no way that these changes can be implemented prior to that? It's your opinion that the buses currently in use in the fleet will not last until such time as new buses come on board?

MR. SHINNICK:

I strongly believe that. As you may recall this past summer, we enhanced service on the S•92. We moved three buses from one bus operator and sent it out east and basically put the bus carrier that gave up the buses in a very tentative situation in terms of meeting their daily requirement for providing service.

CHAIRMAN O'LEARY:

We have on the record that DPW is in favor of these particular proposals.

MR. SHINNICK:

These are services we would recommend. We did not include this in our budget request. Also, within this listing is an additional trip to the S•92, which was not part of the list that we put together. I have no overriding objection to it, but it's a service enhancement that will consume an entire bus just to produce that additional trip. I haven't looked at that, I haven't costed that out at all.

MR. TALDONE:

We've actually had discussions about that particular run, which Town Supervisor Horton and others have been asking for quite some time, because one cannot get to a job in Southhold Town by nine o'clock on the S•92 because there isn't an early enough eastbound trip. So there's a lot of folks who, you know, just can't use of bus, and that's why you'll see lots of •• well, one of many reasons why you'll see lots of bicycles heading east on Route 25 early in the morning, because that's the only way to get to Southhold unless you have a car. So we've always felt very strongly that the overall enhancements to the S•92 should have included this,

but there are operational difficulties. I do understand that it's not an easy run to implement, but we still feel very strongly that that is something that we should manage to do to provide that service to Southhold.

MR. SHINNICK:

If I may add to that. On that same matter, that type of enhancement, I would group with other much needed service improvements in the County that do require additional buses, that cannot be done within the existing fleet. It's not •• I'm not argue with you. I'm just saying that there are other services that are needed as well.

CHAIRMAN O'LEARY:

Any questions of the committee?

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Thank you, Vince, for the outline of improvements to the service on the bus lines. The million dollars that you're •• is it a million dollars that you are requesting from Senator Trunzo? I hear it was a million.

MR. TALDONE:

It's 800,000.

LEG. FOLEY:

It's 800,000. If in fact the bus cannot be on line, the new buses, until end of summer, early next fall, how does that impact this amount of money? Would that money •• maybe this is more for Mr. Shinnick. Would that 800,000 •• would that have to be spent by the end of next year or is it ••

MR. SHINNICK:

I'm not familiar with what money •• I know the dollar amount that we came up with that we estimated to operate the services, but the sources that the committee is looking at, all I know is it's through Senator Trunzo.

LEG. FOLEY:

Right. Well, have you •• I understand. Have you •• this has been known for a number of months that I believe TAB or •• well, at least that TAB has been discussing this for a while. Have you, Mr. Shinnick, spoken with Mr. Trunzo's Office yourself to see if these funds are available?

MR. SHINNICK:

No, I have not. This is an exercise the committee has taken on its own.

LEG. FOLEY:

No, I understand that. But have you also followed up with Mr. Trunzo?

MR. SHINNICK:

No, we have not spoken to Senator Trunzo.

MR. TALDONE:

In all fairness, we've not gone too far down this path intentionally to first bring it to you the Legislature, because there will be some cost impacts in the out years. I mean, there will be some increased fair box revenues, there will be increased operating assistance on some levels, but we can't nail down a number. So we really wanted to get, the TAB, a sense from the Legislature that you are supportive conceptually before we go back and nail down the specific amount of state aid that we can get committed during the specific fiscal years, and then, you know, work that out with Bob in terms of when it could be spent and what it could provide.

LEG. FOLEY:

If I may, Mr. Chairman. I think •• conceptually, I think the whole committee would always in favor of service improvements. The rub of the issue is whether or not there would be some state and/or federal monies to help offset the increased costs associated with •• with service improvements. So, you know, speaking as one committee member, I think it's a fine idea.

MR. TALDONE:

I assume ••

LEG. FOLEY:

Let me just ask this though. You have TAB advisory board moving forward, Mr. Shinnick as far as the Division of Transportation, I know you speak with your state counter parts quite often yourself, are these things being done in tandem between the department and TAB? Are they being done independent of each other? How are you developing this •• well, let's call it this relationship, so that you try to speak with one voice or at least be on the same page of trying to improve the services within the County?

MR. SHINNICK:

The recommended services were developed by my office, and there are more than just what's on this list.

LEG. FOLEY:

Right. What's on this list? Do you have a cost •• do you have a cost estimate of what's on this list?

MR. SHINNICK:

Yes, I do.

LEG. FOLEY:

If you could submit that to the •• • to the committee •• to our committee, I think that would be helpful.

MR. SHINNICK:

We can do that. In terms of the funding sources, we have not approached the state, we have not approached the County Executive's Office. This is a function that TAB has taken on, as I said before, on its own to begin discussions. As I understand it, it's simply in the discussion phase at this point.

LEG. FOLEY:

Mr. Chairman, if I may just on another issue that Mr. Taldone had discussed •• had touched

upon, but had not yet discussed, and I think it's important that we do. You were speaking about the inequity in funding vis a vis Suffolk and Nassau.

MR. TALDONE:

It's been going on for quite some time.

LEG. FOLEY:

I think it's important •• even though we don't have a full compliment of committee members, I think it's important for those who will hear this for the first time to listen carefully, because it is •• it is an egregious inequity between the two counties.

MR. TALDONE:

If I can just give you one basic number, this is a rough estimate, I understand that Nassau County is paying out of it's local share, the local contribution to it's buses, about 5 million. And I believe Suffolk County for a system half that size, is paying about 10 million. So we're paying twice as much for half the system. Specifically as far as I understand this, Nassau under MTA benefits from MTA funding sources and just the giant elephant nature of MTA to go and get more funding from different sources. So they have this entire organization working on their behalf. The bottom line is regardless of the structure, Nassau County residents are benefitting disproportionately, and we think that needs to be addressed by Suffolk County.

LEG. FOLEY:

Can I stay on that more a moment, Mr. Chairman?

CHAIRMAN O'LEARY:

Certainly. And if I say no, you are going to go anyway.

LEG. FOLEY:

Thank you, Mr. Chairman. Mr. Shinnick, I know that this has been an issue for you for quite some time, the changes in the formula for STOA funding and the like. Could you give us some other, let's say, insight into what Mr. Taldone mentioned, about the inequity between Nassau and •• I heard it was even greater than that.

MR. SHINNICK:

We have currently budgeted \$8.9 million in STOA funding, that's in the state budget for Suffolk

County. Nassau County is slated to get approximately \$34 million, just under \$34 million.

LEG. FOLEY:

STOA funding?

MR. SHINNICK:

STOA funding.

LEG. FOLEY:

Now, what's the comparison in miles between Suffolk and Nassau?

MR. SHINNICK:

I don't have that statistic, but they're at least double the size in terms of number of vehicles, and they are a seven day, and in some cases run 24/7.

LEG. FOLEY:

Doubling the number of vehicles is only part of the •• part of the equation. I think also the miles, I think, are also going to be important to know. All right. So they receive over \$35 million?

MR. SHINNICK:

Almost. It's just under 35.

LEG. FOLEY:

Thiry•five in STOA funding. We receive 8.9?

MR. SHINNICK:

Eight point nine. They receive 34 and Westchester is about 25 million.

LEG. FOLEY:

Okay. Now, is it not true that Nassau at one time •• right now it's at five point, let's say, nine million of local funding for Nassau's bus service?

MR. SHINNICK:

I'm not sure of the figure. We think right now the contribution was 7.3 million, I just picked that statistic up today, but they're going to ten million.

LEG. FOLEY:

They're going to go to ten. Now, was there a time in the not too distant past •• and, Jim, if you know this information, please chime in •• that Nassau had a much larger local share and that at some point in the past that was reduced and there was then a corresponding increase in the state funding to the Nassau so there wasn't any net loss of funds?

MR. SHINNICK:

If you go back to approximately the Year 2000•2001, that's when the change began that Nassau County began getting considerably more money each year.

LEG. FOLEY:

All right. Do we know what the local funding was before it was reduced?

MR. SHINNICK:

I really haven't been tracking that.

LEG. FOLEY:

I understand that. But it's obvious, you know, many of us, you know, in main different ways comparative analysis in public policies, I think is one of the more fruitful fields of this line of work to see •• particularly when it's a county of in some ways equivalent to ours, at least in population, if not in geography. If you could get that information •• I'm sure you can get it with one phone call, Mr. Shinnick, and share it with the Chairman and the committee, I think that would be important, because, as I say, I believe at one time it was in the high teens and it was reduced down to four or five.

And if you can further find out, and I'm sure you could, how Nassau was able to convince whomever, and then if you can tell us who those other forces were, particularly at the state level, to increase that funding from the state, because we had •• just for the Chair's sake and others, we had couple of years ago a Legislative Executive Task Force that looked into this, and we were told that STAO funding was basically flat, that the formula was created in such a fashion that it was more geared towards New York and other areas, and then we find out that Nassau County to their credit, they're able to reduce significantly the local share, but then be

rewarded in a strange way by reducing the local share, rewarded with additional state funds.

We have been increasing our local share over a period of time, and we've been essentially penalized. So, I mean, that's my view of the thing. Through the Chair, Mr. Shinnick, if you can get us some of that information well before the next committee meeting, because that's •• that's in two month's time.

CHAIRMAN O'LEARY:

November.

LEG. FOLEY:

But if you can get us that information to share with the Chair and the committee, I think that would be helpful.

CHAIRMAN O'LEARY:

Is it your opinion, Mr. Shinnick, that the reason why the disparity in the funding is somehow, somehow that Nassau's affiliated with the MTA?

MR. SHINNICK:

Partially. There is funding •• there's a funding stream that comes to Long Island Bus through the MTA. Long Island Bus is the Nassau County bus system, an affiliate of the MTA. So there is a funding stream that we don't have, yes.

CHAIRMAN O'LEARY:

And that's because Nassau is clearly affiliated with the MTA, and they've been able to obtain those funds because of that.

MR. SHINNICK:

Right. The name of their system is actually MTA dot •• dash Long Island Bus.

CHAIRMAN O'LEARY:

Okay.

MR. TALDONE:

If I can. Nassau County turned its system over to the MTA quite some time ago, and Suffolk County determined that it needed to keep control over its own bus system. But the structure has not delivered the goods. We at the TAB talk all the time about whether we should be part of the MTA, have a separate authority on our own, should this be •• the structure be a department of its own within the existing County Executive's structure? We don't know the answer to that. We just know that the structure that exists today isn't delivering the money that Nassau County is managing to get. So we hope to see some change.

But I don't think any of us have any particular hard and fast position on whether we should be part of MTA or not, but we need to do something structurally so that we can continue to get the kinds of monies that Nassau County has been successful in getting.

LEG. FOLEY:

Mr. Chairman, some of us would believe that we don't need to be part of the MTA in order to have the enhanced state funding. There's a reason for local control. The state shouldn't in essence act in a discriminatory fashion against those municipalities that wish to keep local control of their transit system.

CHAIRMAN O'LEARY:

Any other questions from the committee?

CHAIRMAN O'LEARY:

I'd like to take this opportunity to thank Mr. Taldone and members of TAB for their involvement in this important issue within the County. It's an ongoing •• it's a work in progress, if you will. And we look forward to having you, Mr. Taldone, report to us on a fairly regular basis on just what TAB is working on, the initiatives that they're undertaking and the issues that they are confronting with respect to the concerns of transportation in Suffolk County.

MR. TALDONE:

If I could just quickly lay out our plan for the next month or two, we would propose at this point now to begin more serious negotiations with State Legislative representatives, of course, with the County Executive's Staff and to speak with one voice when we're meeting in Albany, which is really why we're here today, so that when we go there really there is no debate back home. Legislative, County Executive, Advisory Board, we are all really on the same team as we approach the Albany representatives for a fair share of the funding.

CHAIRMAN O'LEARY:

Okay. Once again, thank you very much. Any questions of the committee? Bob, thank you. Meeting stands adjourned unless there's anyone else who wishes to speak on the issue. Hearing none, the meeting is adjourned.

(* THE MEETING WAS ADJOURNED AT 4:09 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**