

**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, **October 26, 2004.**

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MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman
Legislator Dan Losquadro • Vice•Chairman
Legislator Angie Carpenter
Legislator Lynne Nowick
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
Under Sheriff Sullivan • Sheriff's Office
Under Sheriff Denzler • Sheriff's Office
Legislator Vioria•Fisher • Legislator of the Fifth District
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

Bennet Rechler

Don Fiore

Ron Caputo

John Fanning

James Rogers

James Gesualde

All Other Interested Parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 3:13 P.M. *)

CHAIRMAN O'LEARY:

Okay. I'm going to call the meeting to order. We'll begin with the Salute to the Flag led by Legislator Carpenter.

SALUTATION

CHAIRMAN O'LEARY:

Thank you very much. We have some cards for the public portion, but before we get to that, I have a request from the sponsor of a resolution who is not a member of the committee, Tabled Resolution **1754, to institute a pilot project utilizing Leadership in Energy and Environmental Design. (VILORIA•FISHER).**

Motion by myself to take it out of order, seconded by Legislator Losquadro. On the question of the motion to take 1754 out of order? Hearing none, all those in favor? Opposed? Abstentions? 1754 is before us. Commissioner Bartha, can you come up, please.

Commissioner Bartha, this matter of 1754 has been before us for some time. And there's been two issues that are of some concern by members of the committee. One is the actual location that that's going to be determined. And secondly, the fiscal impact of the difference between a

LEEDS project as opposed to the regular •• regular construction that we are accustomed to. I would like, if you could, to comment on both with respect to that. Have we •• have we selected a potential site for this pilot project?

COMMISSIONER BARTHA:

Well, technically since the resolution hadn't been passed, we haven't formally selected a site, but we have discussed it, you know, since our last meeting here. And we are prepared to commit that the Fourth Precinct would be an ideal candidate since it will be •• the new Fourth Precinct building, because we have a track record of recently reconstructed new precinct buildings to compare with respect to energy performance of the building, and it's at a high profile location where we can feature it.

CHAIRMAN O'LEARY:

All right. So is it your statement that even though it's putting the cart before the horse, so to speak, awaiting the passage of this particular resolution, it's the mindset of Public Works that if this is passed it will more than likely be the Fourth Precinct?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

Okay. All right. With that understanding then, and before Legislator Carpenter takes the mike, I wanted to just •• with the understanding that it will be the Fourth Precinct, is it possible to get a fiscal impact on the proposed LEEDS project as opposed to a normal construction project?

COMMISSIONER BARTHA:

We wouldn't be able to do that until we had the design professional involved with the project and went through some preliminary designs, because LEEDS has a whole menu of options as to what you can use to become LEED certified, many of which we employ on our typical projects. But that will be part of the design process that we will evaluate, which features would have the shortest period of return in investments. So, no, we cannot give you a fiscal impact at this point.

CHAIRMAN O'LEARY:

Okay. Legislator Carpenter.

LEG. CARPENTER:

Has the copy •• the resolution that I have is updated as of August 2nd, is that the latest version of this?

LEG. VILORIA • FISHER:

Yes.

LEG. CARPENTER:

Yes?

LEG. VILORIA • FISHER:

Yes. I don't believe I've made any changes since then.

LEG. CARPENTER:

Charlie, the issues that I raised at the last meeting or the last time this was discussed are still my issues, and that is in the second resolved clause, if we pass this resolution, and Counsel can correct me if I'm misinterpreting this, it says that you are directed to issue an RFP to hire a LEED professional, which person shall design the project identified by the Commissioner, now you are telling us it's the Fourth Precinct, shall carry out the design process according to the LEED criteria, that you are going to report progress to the committee, to Public Works, and that at the conclusion of the construction of the pilot project, you will issue a final report to the County Executive and the Presiding Officer analyzing the effectiveness of the pilot project and making a comparison of cost of construction and projected costs of maintenance and operation.

Now, the concept of developing a green building is certainly laudable, but to think that we are going to authorize you to go forward with this whole process and build the building and then come back and tell us which is more cost effective or what the difference in costs are, I think is an abdication of our responsibility to, you know, know what we're embarking on before we do it. And certainly the Fourth Precinct is so absolutely in desperate need of being redone, I wouldn't want to see anything that would inhibit its completion in the most timely fashion possible. So I'm concerned both with the fact that you are selecting something as large as the precinct for a pilot project, and then secondly, the issue of cost that we are not going to know

about it until the project is constructed. Counsel, am I reading this wrong, is this not what we're being asked to vote on here?

MS. KNAPP:

The only small correction I would make, it does have a provision for the report on cost ramifications to be made during both •• during the design phase, the construction phase and the final completion. So there would be some preliminary cost discussion, I believe.

LEG. VILORIA • FISHER:

Mr. Chair.

LEG. CARPENTER:

Well, it says in the sixth resolved, report milestone progress. So I would presume that that's what you are referring to; the design phase, the construction phase and the final project completion. So we are committing to the design, and then we are going to get a progress report, but it does not say, and my concern is that if the cost difference is really, really appreciable, which it very well could be and also the cost of maintenance and operation in the future, there's no going back. Once we go down the road •• and now the Commissioner is putting on the record that it's going to be the Fourth Precinct, once we approved this resolution, it's going to be, well, you've already approved the resolution, you said we were going to do it LEED, we have to do it, and there we're going to be.

So, you know, unless there are some definitive, you know, steps here that say that this will •• after the design process, it will come back to the Legislature for approval for a decision to be made on what the cost difference would be, then I would feel a little bit more comfortable approving it, but absent that, I just don't think this is ready for approval.

CHAIRMAN O'LEARY:

Okay. I think that is a reasonable position to take. Are there any other members of the committee •• I'll acknowledge you, Legislator Fisher, after I see if any other members of the committee wish to speak on this issue. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Legislator Carpenter's points are well taken, however, I would suggest that, you know, we need to do a project, we should do a project, under these

guidelines to see not just what the •• what the cost would be at the end of the •• at the end of the design phase, which we usually do to see •• to get •• to ascertain what the figure is, but to do the whole project, then we can make a real comparison between the LEEDS requirements and the way we have gone ahead with projects in the past, Mr. Chairman. If it came back after the design phase, I mean, that's a possibility, but I would say design and construct it, it's a small enough building, we can then hold up that as a model as to whether or not LEEDS is the most cost effective way to move forward, but I think we need to do a full project, not just a design, but also the build out in order to really get a good handle on not only what the design costs would be, but also to have an idea •• have a foundation of an idea as to what the actual construction cost would be after we know what the design is.

So I would •• I would hope that we could move forward with the project. It's a demonstration. We've done pilot projects before, demonstration projects. Let's do this demonstration project from the blueprint right to the last mortar is being placed into the building, and then we can make a judgment on •• on whether to use this approach in the future. But to come back and have the design, have debates on that and then •• then move forward with construction, I say let's do the whole project, then we can find out at that point •• and I think that's what the idea is •• just how well LEEDS does or doesn't do. I think it will do very well, by the way. So I think we should move forward with the resolution.

CHAIRMAN O'LEARY:

Any other member of the committee wish to make a statement? The Chair recognizes Legislator Fisher.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair, and thank you to the committee for willingly taking this out of order. I'm happy that you are looking at a location, Commissioner, that has great visibility, because one of the additional benefits of going forward with a LEED design pilot is to model for the public that the County takes energy conservation and environmental conservation very seriously in our buildings.

And we have had modeling done for us also on the state level, where Governor Pataki has an Executive Order in place for how many years is it now, three, Joe? Three years there's been a New York State Executive Order that state buildings whenever feasible be built according to

LEED criteria. And so •• and now we have more than half of the states have that same kind of criteria in the building of their buildings. And so this is no longer •• we're no longer at the cutting edge of this. When I had first brought LEED before this Legislature, we were a little bit at the forefront of it, and now it's become more and more the way things are being done.

So had we looked at this pilot a couple of years ago, the design and construction cost would have had a larger differential than it does, now because LEED criteria are being employed by the Department of Public Works, as the Commissioner has stated. Many of the criteria that are in LEED designs are being used already by our Department of Public Works in their efforts to conserve energy. What we're doing is formalizing and codifying the direction in which the Department of Public Works has already been moving. To their credit, they have been very active in trying to be very energy efficient in its •• in their building construction. With regards to it coming back to us, Charlie, can you walk us through what you generally do if you have a traditional building that you are building, okay? For example, if you were building the Fourth Precinct traditionally, it's in the budget, it's in our Capital Budget already, when would you come back to us?

COMMISSIONER BARTHA:

Well, first we would come for the design funds, and we would issue an RFP once the design funds were appropriated to hire an architect to design the project. We evaluate the RFPs, we select a firm, negotiate a contract, and then the consultant first would go through the programming phase, determine the needs of the Police Department, the different units within the building, the projections of their needs over the life of the building, and then they do a preliminary design. During the preliminary design phase, you come up with some more reliable costs, and it gets approvals throughout the project both by Public Works and by the user agencies, in this case the police.

LEG. VILORIA • FISHER:

But you don't come back to us?

COMMISSIONER BARTHA:

It comes back to you before the construction funds are appropriated.

LEG. VILORIA • FISHER:

Okay. So this would have to follow the same criteria, would it not?

COMMISSIONER BARTHA:

Right. But what I would suggest here is ••

LEG. VILORIA • FISHER:

This is important. They have to come back to us before they go into construction any way, okay?

COMMISSIONER BARTHA:

I would prefer to have the Legislature endorse which direction we're going before we develop full contract documents, because there's a fair amount of cost and redundancy involved. I think at the preliminary stage, we would do a preliminary design for our standard type project and also for the LEEDS type criteria in order to meet at least the minimum criteria as specified in the minimum certification level, and then we would be able to present the Legislature with a differential before we went with the final design.

LEG. VILORIA • FISHER:

Okay. And you and I have spoken about that, that when you come back to us as far as the milestone, that you would be giving us some indication then. However, if you are doing design, if you are doing traditional design, and LEED criteria design at that time, that in itself would be adding cost to the design, would it not?

COMMISSIONER BARTHA:

To do both parallel designs.

LEG. VILORIA • FISHER:

To do parallel design. The legislation is asking for you to go ahead with just a LEED design, but the additional cost of •• what I'm getting at here is we're doing a pilot program to see how much it would cost us from start to finish to do a LEED criteria building.

CHAIRMAN O'LEARY:

And I think, if I may •• If I may, Legislator Fisher, that appears to be the issue. We do not know at this particular point in time what the cost impact would be.

LEG. VILORIA • FISHER:

Well, that's where I was going with this. If you did a parallel track, it would be looking at two different cost streams, or maybe not that different, but that would add cost to this design. In the evaluation of the cost of a LEED criteria building, will it be taken into account that that would not be the normal cost of a LEED criteria, only for the pilot would you have that additional cost?

COMMISSIONER BARTHA:

That's certainly true. Absolutely. And we would make that clear.

LEG. VILORIA • FISHER:

That would be very clear.

COMMISSIONER BARTHA:

I don't believe there would be too much redundancy, because we're not speaking about reaching the highest level of LEED certification.

LEG. VILORIA • FISHER:

Right. We're looking at the base certification level, minimum certification. When you and I first talked about this, Charlie, we had technicians from LIPA who were on board in the discussions. Is LIPA still going to be working with you on the commissioning end of this?

COMMISSIONER BARTHA:

I'm sure they will. We work closely with LIPA on all of our projects.

LEG. VILORIA • FISHER:

But there were grants involved at that time when we talked about it.

COMMISSIONER BARTHA:

Right. I don't know if they are still available, but we certainly will be talking to them. We're actually speaking to them with respect to the jail. So the bigger projects they're involved with, so.

LEG. VILORIA • FISHER:

Okay. So, Joe, do you know if those grants are still available?

MR. SCHROEDER:

I don't know specifically what grants DPW is working with LIPA on, but I know when you have ongoing projects with LIPA and you're going to talk about future projects, they can typically bundle existing programs into future works so long as you talk about it within a given time frame.

LEG. VILORIA • FISHER:

Okay. So it might be that the LIPA grants could help defray some of the cost of doing the contrast. But, Charlie, what you are saying then is here where you come back to the •• that you come back to the Legislative Committee on Public Works, you will be coming in resolve •• in the sixth resolved, you will be coming back with numbers at that point and you will be looking for the approval here to go forward with the •• you would have to have the money for the •• to appropriate the money for construction anyway, wouldn't you, even under traditional?

COMMISSIONER BARTHA:

Yes.

LEG. VILORIA • FISHER:

So you have to come back to us?

COMMISSIONER BARTHA:

We have to come back. I would look to come back earlier.

LEG. VILORIA • FISHER:

But you would be coming back earlier.

COMMISSIONER BARTHA:

Between the preliminary design and the contract document development drawings.

LEG. VILORIA • FISHER:

Okay. So you see what a pilot does is a pilot is evaluating what the cost is. And in order to have a clear evaluation, we need to follow it from soup•to•nuts, because Legislator Carpenter very clearly, and I think accurately said we want to look at maintenance and operation costs in

the future. Historically, the maintenance and operation costs for LEED buildings are lower, particularly when we're looking at the cost of fuel, of fossil fuels at this point in time. The cost will probably be even lower than they would be in a traditional building. So maintenance and operation costs in the future would be lower, we're projecting. However, we need to do the project in order to determine its feasibility.

The Commissioner has represented that just as with any other building, he has to come back to us for the construction money, but for his own comfort level, he's coming back to us before that points in order for us to see and evaluate the cost differentials. And I'm certain that at that time, Charlie, you will bring to us whatever differences there might be.

CHAIRMAN O'LEARY:

The one problem that is noted, Legislator Fisher, is that the •• the one problem, however, is that the resolution does not address that.

LEG. VILORIA • FISHER:

The resolution in the sixth •• but you see, the resolution doesn't have to spell out that they have to come back to us for construction money because that's implied, that's what we always do. We have to do that for any construction. The resolution doesn't have to state that.

LEG. CARPENTER:

It does.

LEG. VILORIA • FISHER:

No, it doesn't. It really doesn't.

CHAIRMAN O'LEARY:

I'm going to identify Legislator Carpenter.

LEG. CARPENTER:

Thank you.

CHAIRMAN O'LEARY:

Then I'll go back to you, Legislator Fisher and Legislator Foley.

LEG. CARPENTER:

Charlie, if I understood you when you described what the process is when we appropriate the money for the planning, we know how much money we are appropriating, is that not true?

COMMISSIONER BARTHA:

For the design phase, yes.

LEG. CARPENTER:

Right. And that's not the case here. That is not the case here.

LEG. VILORIA • FISHER:

It can't be the case if it's a pilot project. We're looking to do a comparison.

LEG. CARPENTER:

I don't think I yielded, but go right ahead.

LEG. VILORIA • FISHER:

That's the answer to the question.

LEG. CARPENTER:

No, it's not.

LEG. VILORIA • FISHER:

It's a pilot project.

LEG. CARPENTER:

I understand what a pilot project is.

LEG. VILORIA • FISHER:

Obviously not.

CHAIRMAN O'LEARY:

I'm not going to stand for a back and forth without recognition by the Chair. So, please, I don't want to rule anybody out of order. I would ask the Legislators to please go through the Chair

to be recognized with their comments. Legislator Carpenter.

LEG. CARPENTER:

Thank you. Let the record reflect that I totally understand what a pilot project is, so that there's no misunderstanding. When the Commissioner described the process normally in a non-LEED project, he did state as we all understand that the amount of money that is going to be expended on design is clearly identified up front. But because this is a LEED project, you can't do that, because it is a pilot project, and I understand that.

The Commissioner sits here and says he is going to bring it back to us, but the resolution does not clearly state that. And I have no problem with going forward with a LEED project, even if it is going to be more costly initially to do, because I do think it is the right thing to do. But I do think if we are approving a resolution, we need to have it be very clear. And if the sponsor is willing to change the resolution to reflect that, and I think the Commissioner may not have said it exactly, but the sense I got, that he would be a little more comfortable having it come back to us sooner rather than later in the process, so that we're fully aware of what's going on every step of the way. But I think that before we go forward and appropriate those dollars, we need to know what they are, and it needs to say it in the resolution.

CHAIRMAN O'LEARY:

Legislator Foley. He passes. Legislator Lindsay.

LEG. VILORIA • FISHER:

Mr. Chair, I do have to be at another location, so I'm going to be leaving.

CHAIRMAN O'LEARY:

I will ask Legislator Lindsay if he wishes to defer to you.

LEG. VILORIA • FISHER:

Thank you. I just briefly wanted to say that this was not created in a vacuum. I worked with the Commissioner on this. So I don't believe that we should try to, you know •• I discussed your comfort level with this, and we understood where we were going with this when we put it together. And it was very clear at that time. I worked very hard over many months with the Department of Public Works, with Mr. Schroeder, with •• LIPA was in on those discussions at the beginning. And if we want to find a reason not to support something, I suppose we can.

But I'm not reading anybody's mind to see what their comfort level is. I sat with the Commissioner and worked on this. There's been a lot of work behind this, and I don't think it's fair to look for reasons not to support something.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

My observation is that maybe we are overcomplicating this whole process. We still need three resolutions; we need a planning step for whatever building you identify, am I correct, Charlie?

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

We need the construction resolution for, again, whatever project. And this gives you the ability to assign one of those projects for this pilot project.

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

Okay. So in the planning steps, we will have a defined amount of money that you can expend on the design of this building.

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

I really think too that some •• you know, Legislator Fisher last year had a resolution that all of the buildings we design from here forward would be green buildings or LEED buildings, and I had legitimate concerns about that, because I thought it would really tie our hands as far as a Capital Program is concerned, and I opposed that. I am supportive of this resolution because I think it's something that we should really look at, especially in light of the world crisis of energy

and all that stuff. But from my knowledge of construction, things that we do now could qualify towards a LEEDs certification; for example, energy efficient lighting would be one thing that would help in that certification, Charlie?

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

The positioning of windows to take advantage of daylight, would that be another criteria?

COMMISSIONER BARTHA:

Absolutely.

LEG. LINDSAY:

So my point is that a lot of things that we do now could go towards the certification that aren't crazy radical things, that are part of any building. And I'm not even sure why •• why one designer or one architect can't do the comparison.

COMMISSIONER BARTHA:

We can.

LEG. LINDSAY:

Some of the architects that we use now, are they LEED certified?

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

Okay. So if we put out an RFP to design a building, and in the specs you had to be LEED certified, would we have enough architects to respond to that RFP?

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

Okay. When they are doing the design, couldn't they give you two numbers?

COMMISSIONER BARTHA:

Absolutely. That was my intention.

LEG. LINDSAY:

Okay.

COMMISSIONER BARTHA:

I wasn't suggesting that we hire two separate architects.

LEG. LINDSAY:

And all the lighting is one price. If we use any energy efficient ballast, it's this price?

COMMISSIONER BARTHA:

Yeah. I mean, lighting is a good example of tremendous savings. On the other hand, it's really not •• it's something that is basic that we would be doing in any of the buildings.

LEG. LINDSAY:

Correct. But it still goes towards this LEEDs certification?

COMMISSIONER BARTHA:

Yes. Right. It counts. You get points scored for each of the type things like that. I mean, I wouldn't even imagine designing two alternate lighting systems, maybe some more state of the art heating systems and window systems, something like that, flooring systems, things that, you know, we would get points on that we normally wouldn't look at.

LEG. LINDSAY:

Okay. But my whole point in this dialog is I really think we are making a bigger issue out of this than we need to. I think if we just keep it simple and that we still have to •• have we approved the planning steps for the Fourth Precinct?

COMMISSIONER BARTHA:

No, the funds are in next year's budget, 2005.

LEG. LINDSAY:

Okay. So we are going to get a look at that number of what the planning would be?

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN O'LEARY:

Anyone else? Legislator Carpenter.

LEG. CARPENTER:

Charlie, do you see the planning and/or construction being appreciably lengthened time wise, LEED versus non?

COMMISSIONER BARTHA:

Not appreciably. I think it would be lengthened a little bit, but not appreciably.

LEG. CARPENTER:

What did you consider not appreciably?

COMMISSIONER BARTHA:

Maybe six to eight weeks.

CHAIRMAN O'LEARY:

With respect to •• thank you, Charlie, I appreciate your comments. With respect to 1754, is there a motion?

LEG. LINDSAY:

I'll make a motion.

LEG. FOLEY:

Second.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Lindsay, seconded by Legislator Foley.

LEG. CARPENTER:

I make a motion to table. And I don't know if we actually got an answer from Legislator Fisher as to whether or not she would be willing to change the resolution to reflect that it definitely would come back here for approval before we moved forward.

CHAIRMAN O'LEARY:

There's a motion to table which takes precedence, is there a second on the motion to table?

LEG. NOWICK:

I'll second.

CHAIRMAN O'LEARY:

Seconded by Legislator Nowick.

LEG. LINDSAY:

On the motion.

LEG. LINDSAY:

On the tabling motion, Legislator Lindsay.

LEG. LINDSAY:

It is coming back to us. It's coming back to us when we have to approve the planning steps for the project.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Yeah. And that's only the first time it comes back. There's a second time after that, correct, Charlie? There's a few different •• yeah, construction monies. So there's a few more bites out of the apple here prior to the project moving forward. So as we said earlier, those are good concerns that Legislator Carpenter has raised, but those concerns are met through the process that will unfold with the planning steps •• well, the planning steps, if you will, and also the

construction. We will review this next year, at least two more occasions before there's •• before there's a shovel in the ground.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

I just want to bring attention again to the second resolved clause that directs the Commissioner to issue the RFP to hire the LEED professional to go forward and design the entire project. So • and it does not specifically say •• even though I know according to process that before we appropriate money, it has to come back, but it does not technically say that. And it basically could be something that months from now is going to be, well, we approved that resolution, so, you know, we have to forward with this project, you know, according to LEED criteria because we did approve that resolution. And I don't see what the big deal is to just make that one little change and put in a resolved clause that it comes back here. I mean, she could do it in CN on Tuesday, on the 16th when we're meeting.

LEG. FOLEY:

Mr. Chair, if I may. I'd ask for the forbearance of the audience here, but you would want to have a resolved clause to make sure it comes back even though we've been told that it will come back here? What's the difference? What's the difference?

LEG. CARPENTER:

Yeah. What's the difference?

LEG. FOLEY:

No. No. In any other ••

CHAIRMAN O'LEARY:

Well, I think, if I may ••

LEG. FOLEY:

In any other building project ••

CHAIRMAN O'LEARY:

If I may, the difference is that it would be in writing as opposed to being said.

LEG. FOLEY:

The clause that's being requested, all the years, whether I was Chair of this committee or a long standing member of the committee, I've never read that particular clause in any given resolution where we've moved forward with a capital •• with a building project. Now this is a LEEDs project, okay, I grant you that. But it's going to be treated as any other project is treated. As far as the concerns with this giving the Commissioner the ability to circulate or issue an RFP, yeah, that has to be •• has to be issued, and we have to have a design under the LEED •• LEED standards in order to get an appraisal, if you will, or an indication of what the costs are going to be.

CHAIRMAN O'LEARY:

Legislator Nowick.

LEG. NOWICK:

Everybody agrees the program is excellent. Legislator Carpenter asks for one little line in it. We've even talked about a CN. It go through on •• when do we meet •• the 16th. It's one •• it's in writing. That's all she is asking for. It doesn't make a difference, you agree that it's there. She just wants it in writing, so let's just do it.

CHAIRMAN O'LEARY:

All right. I'm going to move the motion to table.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Before we •• Legislator Lindsay.

LEG. LINDSAY:

I hate to interrupt again. But maybe a compromise to this issue rather than table it is to release it without recommendation and see if it gets modified on the floor before the 16th. All right?

CHAIRMAN O'LEARY:

Okay. Would the maker of the motion to table change that to ••

LEG. CARPENTER:

Yeah, I'd be happy to change that to a discharge without recommendation ••

CHAIRMAN O'LEARY:

Discharge without recommendation.

LEG. CARPENTER:

With the understanding that we will have the necessary caveat in the body of the resolution that clearly states that it does come back to this body, because in •• you know, by nature of the fact it's a pilot, it is different from what we normally do, because normally, we would be approving the planning steps resolution that would identify a sum of money, and we are not doing that here. We're identifying it before we have that dollar amount.

CHAIRMAN O'LEARY:

Okay. There's a motion to discharge without recommendation by Legislator Carpenter, I will second that motion to discharge without recommendation. On the question of DWR? Hearing none, all those in favor? Opposed? Abstentions? Motion is unanimous. **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:7•0•0•0)**

Thank you for your patience, Charlie. We'll now go to the public portion. I have several cards here, and there's indication that it has to do with Capital Projects, the pay•as•you•go projects in particular. Mr. Donald Fiore, F•i•o•r•e, from IBEW Local 25.

MR. FIORE:

Good afternoon, distinguished members of the Legislature. I rise in support of these projects. During the course of the last six months, possibly eight, the building trades, and I'm only going to speak for the electricians, have experienced a downturn, a severe downturn in our employment. And it's not something that we are not used to. We ride the, you know, the waves, so to speak. We ride the peaks and we ride the valleys. And we hope to cut the top off the peaks somewhat and cut the bottom off the valleys somewhat, and that doesn't always work. And we find ourselves in desperate need of work. And you have often heard of the cry of

the building trades that we want jobs, we want jobs, we want jobs. I say to you this right now, that that is one of the cries that we should really listen to for the members of Suffolk County and also the members of Nassau County that I represent.

But I'm here to talk about the pay•as•you•go projects for Suffolk County. The pay•as•you•go projects for Suffolk County that were set up by County Executive Steve Levy, we should take a look at. And I'm going to paraphrase him, would the project generate jobs rebuilding our infrastructure, and I say to you, it would be welcomed by the trades. We also •• would the projects promote public safety? And that's one thing we should always be aware of, public safety, and, yes, it would. And would the projects promote public health? And again, it should be of great concern of anybody doing any type of projects that the health of the citizens of Suffolk County be made aware of. And would the County •• would the project have County •wide impact as opposed to a purely local interest? And I believe it would serve us all individually and all of us collectively as citizens of Suffolk County.

I ask the Legislators here today to approve these referendums and to help us put our people back to work. Now, again, all these projects will not put my people back to work, but some of them will, if not most of them. But the thing is if we can move forward and possibly ride this little •• this bump in the road that we are facing right now, it would be deeply appreciated. And I thank you very much for your attention and thank you for the job you're doing.

CHAIRMAN O'LEARY:

Perfect timing. Jim, I have question. Can you identify in the agenda, if you have it before you, just what the resolutions he's referring to as far as the pay•as•you•go? I don't believe there are any here.

MR. SPERO:

The resolutions that were submitted by the County Executive, and there are maybe about fifteen or so, aren't laid on the table yet.

CHAIRMAN O'LEARY:

And they're all in the budget. They are all in the budget, right? In the process of being addressed in the budget process?

MR. SPERO:

No, they are not part of the Operating Budget process.

CHAIRMAN O'LEARY:

They're not?

MR. SPERO:

No. These are transferring •• resolutions transferring appropriations from the retirement account to the pay•as•you•go account, and then allocate the money to various Capital Projects.

CHAIRMAN O'LEARY:

So that's not before us today, it's just a group of individual coming up from the building trade in support of them.

LEG. FOLEY:

Mr. Chairman, if I may. They're not before us today, but the County Executive has submitted them to the Clerk's Office to be laid on the table. The question is whether or not they will be formally on the table tomorrow, not at tomorrows' meeting, but laid on the table at tomorrows' meeting, would it then them •• make it •• make them eligible for the November 16 meeting even though we have the committee meeting today, or whether or not they're going to be formally introduced at the 16th of November?

CHAIRMAN O'LEARY:

Okay. It was just a point I wanted to make, that it's not before us today to those who are here. The next card I have is Bennet Rechler from We're Associates.

MR. RECHLER:

Mr. Chairman, members of the committee, I'm here for We're Associates to talk about Resolution 1962 with regard to the sewer connection for a building in Melville. This building is a project being built for Henry Shine. It represents the consolidation of their headquarters and a continuation of the growth in Suffolk County from about 350 to 1200 employees. The project is under construction currently, and it's critical that we get •• you know, resolve this issue with this sewer connection. It also •• just before there was some testimony as to trade jobs. This job will employ more than 100 union construction tradesmen. We probably already have about

40 on the job. This project was also supported by the Governor, Suffolk County IDA, New York State IDA, and it's been identified as a high profile job creation situation. I guess that's it.

CHAIRMAN O'LEARY:

Thank you. Next card I have is Ron Caputo.

MR. CAPUTO:

Good afternoon, Legislature. Thank you for this opportunity to address you, Mr, Chairman. I came today in favor of the pay•as•you•go Capital Projects. I wasn't aware of the fact that it was not on today's agenda, but I knew that it was coming up. I am a representative of District Council 9 International Union of Painters and Allied Trades.

We are in strong favor of it. You know, the way that Steve had laid it out, the County Executive, was very carefully not to just be a labor issue but a public community issue as well to make Suffolk County a better and safer place. So just to let you know, we're all in favor of it thank you.

CHAIRMAN O'LEARY:

You. John Fanning, Steamfitters Union 638.

MR. FANNING:

Thank you, Mr. Chairman, O'Leary and Counsel Knapp. I represent Steamfitters Local 638. John Fanning is my name. Again, like Don Fiore said, we are experiencing a bump in the road, a little slow down. And it came to our attention that there were 32 resolutions submitted by the County Executive. I just found that the same •• that they're not all before you right now, but evidently they will be. And we urge you to, you know, do the right thing and approve them and, you know, give our members some work, because it looks look another cold winter settling in. While I am here, I may as well say I'm also in favor of the Resolution 1962, that the fellow from We're just spoke about if it's going to create jobs. Thank you.

CHAIRMAN O'LEARY:

Thank you, John. Mr. Jimmy Rogers.

MR. ROGERS:

Good afternoon.

CHAIRMAN O'LEARY:

Good afternoon. I'm just responding to your greetings, I'm responding in kind. Good afternoon.

MR. ROGERS:

I'm pretty much going to echo what my brothers in labor have already said. I know there are lot of other trades that aren't here right now; the President of the Buildings Trade isn't here, representatives of the Long Island Federation of Labor isn't here, so I'll speak on their behalf. Like the speaker said before me, we're strongly in favor of this. You know, I bring before you our out•of•work list. We have two legal size pages of people out of work right now. For this time of the year, we usually don't experience this much unemployment. And if we have a winter like we did last year, we are going to have double this in unemployment; it's 15 to 20% right now. I'm not looking forward to a bad winter and experiencing more unemployment. But if you can just take this into consideration when you make your decision. Thanks.

CHAIRMAN O'LEARY:

Thank you very much. Legislator Lindsay •• sir, wait a second. You have a question here from Legislator Lindsay.

LEG. LINDSAY:

No. Not specifically Mr. Rogers, but just to clarify this. How many resolutions •• we don't have any on this agenda now.

CHAIRMAN O'LEARY:

No, we do not.

LEG. LINDSAY:

Does anybody know how many resolutions have come across?

MR. ROGERS:

Thirty•two.

LEG. LINDSAY:

That's not what I'm asking. How many do we have that's ready to be laid on the table? Does the Clerk's Office know that? Do you know, Charlie?

LEG. FOLEY:

Well, why don't we have the County Exec's •• Mr. Zwirn come forward?

CHAIRMAN O'LEARY:

Was the response 32?

MR. ZWIRN:

Yes.

LEG. LINDSAY:

Do we have all 32 here in the building now?

MR. ZWIRN:

With the Chair's permissions.

CHAIRMAN O'LEARY:

Yes. Mr. Zwirn.

MR. ZWIRN:

Yes, they are here. And the Presiding Officer has agreed to lay them on the table tomorrow at the Special Meeting of the Legislature.

CHAIRMAN O'LEARY:

Oh, he has?

MR. ZWIRN:

Yes.

CHAIRMAN O'LEARY:

He has agreed to lay them on the table tomorrow?

MR. ZWIRN:

That's correct. That's my understanding, and we appreciate that.

LEG. LINDSAY:

Mr. Zwirn, do you know the monetary value of those 32 resolutions?

MR. ZWIRN:

I think it's between eight and \$10 million.

LEG. LINDSAY:

And all to come out of pay•as•you•go?

MR. ZWIRN:

That's correct.

CHAIRMAN O'LEARY:

Okay. Final card I have is Mr. James Gesualde. Is that the correct pronunciation?

MR. GESUALDE:

Gesualde. Thank you, Mr. Chair, members of the Legislature. James F. Gesualde, 58 Wingam Drive, Islip, New York, attorney for Certified Interiors here with respect to Introductory Resolution 1964•04, an amendment to an existing sewer connection agreement for 25 Andrea Road in Holbrook. I almost feel guilty being here, as I think the Chair may recall from the sewer agency meeting, this is perhaps one of the smallest and insignificant changes in an existing agreement, 250 /TWOPB gallons a day to allow Certified Interiors to move their corporate headquarters to this building which has been sitting abandoned near Sunrise Highway and the Price Club in Holbrook. Certified Interiors is consistent with the theme of many of the speakers here today, one of the largest employers of Union Carpenters in the New York area.

I would ask the committee and the Legislature to move as quickly as possible on this. They were, when I appeared before, the sewer agency a 20 plus million dollars company, because of some affiliated businesses and some different lines that they were getting involved in, they have almost doubled in size. So timing is critical. They are •• through an understanding with DPW and the Town of Islip, they have proceeded with the renovations, and I hope that we can

wrap this up.

CHAIRMAN O'LEARY:

Yes. As I recall, during the sewer agency meeting when you •• when you cited the amount of gallonage, 250, I think there were some comments whether or not you were putting in a couple of toilet bowls, because it's minimal at best, I would think.

MR. GESUALDE:

It's minimal ••

CHAIRMAN O'LEARY:

Is that what it is?

MR. GESUALDE:

Basically, it's a reallocation of some warehouse to office space.

CHAIRMAN O'LEARY:

Okay. All right. Legislator Carpenter.

LEG. CARPENTER:

I have a question. What kind of company is it?

MR. GESUALDE:

They do interior construction build out, and they have some very fine clients and they do excellent work.

LEG. CARPENTER:

Thank you.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

Mr. Gesualde, if we approve this project, can you solve the unemployment problem of the men in the audience?

MR. GESUALDE:

I think my clients would be happy to employ more people who work for a living and less lawyers like myself. And if I may, Mr. Chairman, one last request, I don't know if it's possible. But I had been scheduled to mediate a land use dispute in Huntington Bay where I've served as Village Attorney for 14 years at five o'clock. So if there's anyway this could be taken a little bit earlier.

CHAIRMAN O'LEARY:

Like out of order right now?

MR. GESUALDE:

Only if that would not be a breach of protocol.

CHAIRMAN O'LEARY:

No, I don't believe it would. I think the Chair has that prerogative. Legislator Carpenter.

LEG. CARPENTER:

I'll make a motion to take that resolution out of order.

CHAIRMAN O'LEARY:

All right. There's a motion by Legislator Carpenter, seconded by Legislator Nowick to take 1964 out of order. On the question of that motion? Hearing none, all those in favor? Opposed? Abstain?

1964•04. Authorizing execution of agreement by the Administrative Head of the Suffolk County Sewer District No. 14 • Parkland with 25 Andrea Road. (COUNTY EXEC)

CHAIRMAN O'LEARY:

1964 is before us. I make a motion to approve, seconded by Legislator Carpenter. On the

question of the motion? Hearing none, all those in favor? Opposed? Abstentions? Motion is unanimous. **APPROVED. (VOTE:7•0•0•0)**

You have your wish, sir.

MR. GESUALDE:

Thank you.

CHAIRMAN O'LEARY:

You can go to your hearing now. Okay. There are no other cards. Does anybody else wish to address the •• yes, sir. I'm sorry, sir, you'll have to come up if you wish to make a public statement and go on record. If you would be kind enough to give your name.

MR. RECHLER:

Yeah. My name is Bennet Rechler. I was here just before.

CHAIRMAN O'LEARY:

That's right. You were.

MR. RECHLER:

I just wanted to add one more thing. Certified is actually the contractor for the Henry Shine Project also. So everything ties together here.

CHAIRMAN O'LEARY:

But you don't have a hearing to go to, do you?

MR. RECHLER:

No.

CHAIRMAN O'LEARY:

Have a seat. All right. Is there anyone else wishing to come up before the committee? Hearing none, I will go to the agenda.

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)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by Legislator Lindsay. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? Motion is unanimous.

APPROVED. (VOTE:7•0•0•0).

By the way, the hearing was closed on 1625 on 9/28.

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:

Motion by Legislator Carpenter, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1626 is unanimous. **APPROVED. (VOTE:7•0•0•0).**

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

CHAIRMAN O'LEARY:

The public hearing was closed on 9/28.

LEG. LOSQUADRO:

Motion.

CHAIRMAN O'LEARY:

We have a comment from Legislative Counsel with respect to 1811.

MS. KNAPP:

The sponsor asked me to just mention that •• that the committee cycle being slightly different with the amended copy deadline being next week, he is making one small change. I believe he is working with the Commissioner of Public Works on this, in which the Commissioner is going to become the appointing agent for the executive secretary for the board. I take it he consulted with you?

COMMISSIONER BARTHA:

Yes. We have been working very closely with the Presiding Officer, and he has been very accommodating to our concerns.

LEG. LINDSAY:

So what do you want to do with it?

CHAIRMAN O'LEARY:

You want to move this? On 1811, I'll make a motion to approve, seconded by Legislator Carpenter. On the question of the motion, all in favor? Opposed? Abstentions? Motion is unanimous. **APPROVED. (VOTE:7•0•0•0)**

CHAIRMAN O'LEARY:

I apologize, Commissioner Bartha, for not inviting you up during the agenda. I know traditionally you come up and you address these issues as they come to our attention. Do you have anything to say? Does any member of the committee have anything to say to the Commissioner, to bring to his attention regarding any Capital Programs or Projects as has been the tradition of the past? Good. Hearing nothing ••

COMMISSIONER BARTHA:

I would just like to take the opportunity to introduce the Chief Engineer of Highways, Waterways. Once again, this is Bill Hillman for several Legislators who weren't here the other day. Bill joined us two weeks ago and ••

CHAIRMAN O'LEARY:

Bill Hillman is the new Bill Shannon?

COMMISSIONER BARTHA:

That's correct.

LEG. LOSQUADRO:

It was very polite of you to have the same first name.

COMMISSIONER BARTHA:

It was important to me. The nationwide search for an engineer named Bill.

CHAIRMAN O'LEARY:

All right. So there's no questions of the Commissioner regarding any ••

LEG. CARPENTER:

I have one question. Are we not •• did we get that written report of the project, the status of the projects, did that go out? I didn't remember seeing it.

COMMISSIONER BARTHA:

Yes. The big Capital Program?

LEG. CARPENTER:

No. No. The report every month, the running report on the various projects, road, projects, buildings, blah, blah, blah?

COMMISSIONER BARTHA:

No, we don't have that today, but I will get that to you.

LEG. CARPENTER:

Okay.

CHAIRMAN O'LEARY:

Can we blame the new Chief Engineer?

COMMISSIONER BARTHA:

No, not yet.

CHAIRMAN O'LEARY:

He'll have his baptismal fire soon enough. All right. We'll go to the IRS, Introductory Resolutions.

1897•2004. Authorizing public hearing for approval of rates for Fire Island Ferries, Inc. (PRESIDING OFFICER)

LEG. CARPENTER:

Motion. It's ferry time again.

CHAIRMAN O'LEARY:

Yes. My goodness. There's a motion by Legislator Carpenter, seconded by Legislator Foley. On the question of the motion, all those in favor? Opposed? Abstentions? Motion is unanimous.

APPROVED. (VOTE:7•0•0•0).

1898•2004. Authorization of alteration of rates for the Fire Island Ferries, Inc. (PRESIDING OFFICER)

LEG. CARPENTER:

Motion to table pending the hearing.

LEG. FOLEY:

Second.

CHAIRMAN O'LEARY:

There's a motion to table 1898. On the question of the motion, all those in favor? Opposed? Abstentions? 1898 is **TABLED** pending the outcome of the public hearing. **(VOTE:7•0•0•0)**

1930•2004. Amending the 2004 Capital Program and Budget and appropriating fund

for the purchase and installation of flashing yellow traffic signal at the intersection of Montauk Highway and Waterworks Road in Patchogue. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

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

LEG. LOSQUADRO:

On the motion.

CHAIRMAN O'LEARY:

On the motion.

LEG. LOSQUADRO:

I just have one question. As I read it, this is being bonded out over 20 years? No? What's the •• I misread the ••

MR. SPERO:

Traffic signals typically are 15 to 20, I'm not quite certain on the PPU on those.

LEG. LOSQUADRO:

For a \$50,000 cost to accrue \$27,000 in interest •• \$27,000 in interest, I was just curious as to logic behind spacing that out over 20 years.

MR. SPERO:

The logic was that we haven't •• we burnt through •• we killed the appropriation for the pay•as •you•go projects earlier this year, and it was part of the cost savings plan. So this project was funded with serial bonds.

LEG. FOLEY:

That's not his question, though.

LEG. LOSQUADRO:

Thank you.

LEG. FOLEY:

But, no, that's really not his question. His question is if we're going to bond it, why do it for 20 years as opposed to •• because it's only 50 do it for five or ten?

MR. SPERO:

Because typically that's what traffic signals are bonded for when the when the bonds are prepared by Bond Counsel.

COMMISSIONER BARTHA:

The total amount of traffic signal work we do over the course of the year is probably close to three•quarters of a million dollars. That might have been part of the rational.

LEG. LOSQUADRO:

So this is only a small portion of it obviously. Thank you.

CHAIRMAN O'LEARY:

Okay. There's a motion to approve by Legislator Foley, seconded by Legislator Lindsay.

LEG. FOLEY:

I'll keep the motion to approve. We won't vote on it until November 16 at any rate. What we may do •• I'd like to get it out of committee, but in the mean while, I'll look at the pay•as•you •go monies since they are being reinstated and we might be able to use those or no, Jim?

MR. SPERO:

Yes, because the retirement bill is not being paid this year, it's being paid on February 1st, so there are excess appropriations.

LEG. FOLEY:

Could I amend this resolution or would I need a new resolution?

MR. SPERO:

No. A corrected copy could be done.

LEG. FOLEY:

We could do a corrected copy? All right. The reason I would ask for it to be out of •• out of committee is the fact that this is at an intersection where the Patchogue Ambulance Company accesses Montauk Highway. They're going to have control of this light. And they intend to be in that new location by February, no than later than March. So we need to pass this sooner than later so it can be installed. So I would like to, with the pleasure of the committee, report it out of committee and then we'll amend the resolution in the time for the 16th so it's eligible so that we use the pay•as•you•go money. Is that acceptable?

CHAIRMAN O'LEARY:

All right. On the motion, all those in favor? Opposed? Abstain? 1930 is unanimous.

APPROVED. (VOTE:7•0•0•0).

1940•04. Amending prior capital authorized appropriations for improvements to Electrical Distribution Systems • Construction of improvements to Electrical Distributions Systems • Planning. (COUNTY EXEC)

LEG. LINDSAY:

I have a question.

CHAIRMAN O'LEARY:

What is this, Charlie?

COMMISSIONER BARTHA:

This is the college. I cannot help you on this one.

CHAIRMAN O'LEARY:

This is the college?

COMMISSIONER BARTHA:

Yep.

LEG. LINDSAY:

I have a question of Budget Review.

CHAIRMAN O'LEARY:

Yeah, Legislator Lindsay.

LEG. LINDSAY:

Jim, this is a half a million dollar project and we're short \$11,000, is that what this is about?

MR. SPERO:

The resolution is reducing appropriations from previously authorized projects and reappropriating it, okay? The total amount being appropriated is about \$23,500. So it's just a reappropriation, reallocation of funds.

LEG. LINDSAY:

But that isn't the total project, right?

MR. SPERO:

No. No, it isn't.

LEG. LINDSAY:

The total project is half a million dollars.

MR. SPERO:

Was a half of a million, right.

CHAIRMAN O'LEARY:

All right. So it's 11,775 according to the res.

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

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

the motion? Hearing none, all those in favor? Opposed? Abstain? 1940 is **approved**.
(VOTE:7•0•0•0).

1944•04. A resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 3 • Southwest. (COUNTY EXEC)

LEG. FOLEY:

Explanation.

CHAIRMAN O'LEARY:

Charlie.

COMMISSIONER BARTHA:

This is a findings resolution subsequent to the public hearing that relates to first two Capital Budget items that you had transferred funds for in the first two resolutions today. It's for •• and the work involved is improvements to the blend tanks at Bergen Point as well as the sludge handling system and improvement to the security at the treatment plant in West Babylon.

CHAIRMAN O'LEARY:

Any other questions on the res? Yes, Legislator Foley.

LEG. FOLEY:

It sounds rather straight forward. When you look at the •• the cost estimate of \$16 million, I mean, is that •• we are appropriating the full amount today, Charlie, or just part of that amount?

COMMISSIONER BARTHA:

That actually ••

LEG. FOLEY:

If you go back in the document it reads •• the 8.2 figure that we had approved earlier in the day •• earlier in the meeting, I believe ••

COMMISSIONER BARTHA:

It was actually a combination of nine seven and sixteen, two resolutions, so it's approximately \$25 million, \$25.8 million.

LEG. FOLEY:

Do we have an outline of how this is substantial amount of money is going to be used?

COMMISSIONER BARTHA:

Yes.

LEG. FOLEY:

Do you have a two sentence summary?

COMMISSIONER BARTHA:

Well, it's attached to the resolution. And what it •• it amounts to an increase to the typical property owner of less than \$13 a year. Bergen Point Treatment Plant, as you know, was built in the '70s, it's a harsh environment. There's been a number of energy improvements over the years, as well as the technology we're looking to implement with respect to the sludge processing, dewatering, it's a tremendous cost issue at Bergen Point, as well as security items which have come up in recent years.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

Charlie, if we approve this resolution, how soon will this be able to go out to bid?

COMMISSIONER BARTHA:

We should have this work out to bid next year, Ben; is that correct?

MR. WRIGHT:

We have to go through the state. We have to submit an application to the State Comptroller for

approval and that typically takes four months, so by the time that comes back assuming it will be approved, then we'll advertise.

LEG. LINDSAY:

Mid year?

MR. WRIGHT:

We'll probably start construction by mid year, we can advertise probably in February.

LEG. LINDSAY:

Good.

CHAIRMAN O'LEARY:

Do we have a motion for 1944?

LEG. LINDSAY:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Lindsay, seconded by myself. On the question of the motion, all in favor? Opposed? Abstentions? Motion is unanimous. **Approved. (VOTE:7•0•0•0).**

1949•04. Authorizing the execution of an agreement between the County and New York State Department of Transportation for 80% Federal Aid and 20% State Aid for funding for transit service improvements.

(COUNTY EXEC).

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by Legislator Losquadro. On the question of the motion?

LEG. CARPENTER:

I have a question, Charlie.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

When are these upgrades due to take place, or have they already started? We're upgrading some roots, we're extending service to 10:00 p.m. at night.

MR. SHINNICK:

Good afternoon.

LEG. CARPENTER:

Oh, I see, August 13th. So it started August 13th?

MR. SHINNICK:

No. The services started in 2001, and this grant will reimburse the County for the outlays of starting and operating those services.

LEG. CARPENTER:

So this •• these roots that were extended and the service to ten o'clock at night is already happening?

MR. SHINNICK:

That's correct.

LEG. CARPENTER:

Okay. Thank you.

CHAIRMAN O'LEARY:

What is that number that's being reimbursed, total number?

MR. SHINNICK:

The total grant was \$9 million.

CHAIRMAN O'LEARY:

Nine million.

MR. SHINNICK:

This will allow two million •• the County Executive to sign a contract to draw two million.

CHAIRMAN O'LEARY:

Two million. Okay. On 1949, we have a motion to approve. Any other questions on that?

LEG. FOLEY:

Mr. Chairman, if I may.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

You said there's an overall nine million, this is two million, what's going on with the other seven million.

MR. SHINNICK:

We've already had drawdowns.

LEG. FOLEY:

So what's left after this drawdown?

MR. SHINNICK:

This is the last drawdown.

LEG. FOLEY:

All right. So what will happen next •• if we want to continue •• and it's been a great success, many of these bus routes have increased their ridership because they're more available than they were in the past. Since this is the last year of the federal grant monies, what will happen in the future years if we want to continue with the extended services?

MR. SHINNICK:

Those service will be funded through our normal revenue sources. This was a set-aside grant to start the service.

LEG. FOLEY:

I understand that. So if it's through our normal •• normal budget, does it mean there will have to be an increase in the •• in the proposed budget next year to •• to essentially substitute local monies for the federal dollars that were used heretofore?

MR. SHINNICK:

The operating costs that are included in the budget requests are revenues offsetting those costs dropped by this amount of money.

LEG. FOLEY:

What would be the net cost to the County once we assume this cost?

MR. SHINNICK:

The net cost to the County for these particular services?

LEG. FOLEY:

Right for the extension •• if you can't give us an answer today, it would just be interesting to find that out.

MR. SHINNICK:

I'll develop that.

LEG. FOLEY:

Because, Mr. Chairman, similar to some other, whether in the Health Department, Social Services, they'll give us what I would call •• well, give us grant monies to initiate some very worth while projects, but then at some point, the County does have to assume the full cost of it locally to continue with it. So it just would be informative if we could tell what that number would be once the federal grant monies run out. There's no chance of •• of replying for new grant monies for the same projects, is there?

MR. SHINNICK:

The funding that was used is a combination of _CEMAC_ money, which is federal money and state _STF_ , which is dedicated funds. The state is no longer providing the _STF_ money for any projects, and the _CEMAC_ money can only be used for new projects and up to three years.

LEG. FOLEY:

Now the state •• if I may, through the sufferance of the Chair, the state monies were how much of this overall grant, 50%, 20%?

MR. SHINNICK:

Twenty percent.

LEG. FOLEY:

Twenty percent. Did they give any reasons why they're not ••

MR. SHINNICK:

I think it's overall fiscal conditions.

LEG. FOLEY:

Do you have •• do you have a letter to that effect or is it just something verbal?

MR. SHINNICK:

That was a verbal I learned at a meeting the other day.

LEG. FOLEY:

All right. Again, through the Chair, if you can •• if you can get back to us as to what that means as far as our transit budget for future years, it would be helpful. If that could be ready for our next •• next meeting. I think it's the end of November? Okay, Mr. Chairman?

CHAIRMAN O'LEARY:

Are you finished, Legislator Foley?

LEG. FOLEY:

For now.

CHAIRMAN O'LEARY:

Thank you very much. We do have a motion to approve 1949. There being no further questions, all those in favor? Opposed? Abstentions? 1949 is **approved. (VOTE:7•0•0•0).**

1962•04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of the Building CQ2 • We're Associates. (COUNTY EXEC)

LEG. LINDSAY:

I make a motion.

LEG. CARPENTER:

Second.

CHAIRMAN O'LEARY:

See, Mr. Rechler, your patience does pay off. Everyone want to make a motion to approve. I think I first heard Legislator Foley's voice, then Legislator Carpenter. Motion to approve. On the question of the 1962? There being none, all those in favor? Opposed? Abstentions? 1962 is unanimous. **APPROVED. (VOTE:7•0•0•0).**

1963•04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the sanctuary at Ruland Road. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

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

LEG. CARPENTER:

What is that project?

COMMISSIONER BARTHA:

I'm sorry?

LEG. CARPENTER:

I looked in the backup, and it said the sanctuary at Ruland Road. What is that, is that a residential, what is that?

COMMISSIONER BARTHA:

It's residential, yes. It's 122 unit affordable housing garden apartment complex.

LEG. CARPENTER:

Rental or ownership?

COMMISSIONER BARTHA:

Rental.

LEG. CARPENTER:

Okay. Thank you.

CHAIRMAN O'LEARY:

Any other questions on the motion? 1961, all those in favor? Opposed? Abstain? 1963 is unanimous. **Approved. (VOTE:7•0•0•0).**

1979•04. Amending the 2004 Capital Budget and Program and appropriating additional construction funds for replacement of the County DWI Alternative Facility, Yaphank. (CARPENTER)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Carpenter, seconded by myself. Mr. Zwirn, yes. Then, Legislator Foley, you are recognized.

LEG. FOLEY:

Thank you, Mr. Chairman. I just want to hear an explanation for the resolution either from the Sheriff's Department, and since the Executive's representative is here to hear from them as well before we make any decisions on this.

CHAIRMAN O'LEARY:

I should point out as well that this was •• this was a topic of conversation and discussion during the Public Safety Committee Meeting earlier •• earlier today. And there was an impression on the part of a member of the Public Safety Committee that the facility was going to be used for other than what its intended use was for, which is the DWI Correctional Facility and those who are remanded to that facility for purposes of driving while intoxicated. So just as a point of information, it was •• there was some discussion with respect to this, but that was rather in my mind clarified by the members of the Sheriff's Department who was here who indicated that would not be the case. Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. I wouldn't mind if some of the representatives of the Sheriff's Office would come up and usually join me up here, because they can probably answer these questions simultaneously, because I had an opportunity to chat with them as well.

CHAIRMAN O'LEARY:

The representatives of the Sheriff's Department are here at the request of the County Executive's Office and Mr. Zwirn.

MR. ZWIRN:

Wow, I'm an awfully powerful guy. Let's see, who else can I get to come in?

CHAIRMAN O'LEARY:

Yeah, who else?

MR. ZWIRN:

Who else is around today?

CHAIRMAN O'LEARY:

All right. The issue before us, 1979, Mr. Zwirn.

MR. ZWIRN:

We had some reservations about this when we first saw it. We know that the DWI Facility has been under construction to be expanded. We were surprised to see that there was going to be another million dollars or almost a million dollars spent on adding a security •• for security purposes at the facility, of hiding the facility. And we were concerned that it would be changing the mission of the DWI Facility.

I understand that this facility is a model around the nation, and in fact, internationally, that countries have come in from overseas to see how the DWI Facility operates, and they're building them in Europe as well as Arizona and Florida in this country. We were concerned about the potential for expanding this facility for using it for other purposes other than for DWI. One of the questions I raised with the representatives of Sheriff's Department, we became aware today •• at least I became aware, the Stop DWI Program in the County Executive's Office provides funding for three correction officers at the DWI Facility. And Douglas Death, who's the Director of that Program was not sure if that funding would be able to continue if the facility was going to be used for something other than a DWI Facility.

We were not clear as to why we need another million dollars, the project is already \$2 million over budget. And I had opportunity to talk to the Sheriff's representatives. And some of the questions may be answered. It may take some additional time to answer some of the questions to the satisfaction of the members of the County Executive's staff, but we had a dialog that I think was constructive here today. And perhaps they can address some of the issues that I have raised.

CHAIRMAN O'LEARY:

Is the issue, sir, the additional monies being appropriated for the facility? That is the issue?

MR. ZWIRN:

That is •• that is one major issue. The other issue will be what the cost will be to maintain the facility should the nature of the facility changes. Do we need additional corrections officers? Do we need permission from the Commissioner of Corrections to add beds for other purposes? There are questions that we don't •• that we didn't have the answers to as right now.

CHAIRMAN O'LEARY:

Who from the Sheriff's Department is going to comment? Under Sheriff Sullivan.

UNDER SHERIFF SULLIVAN:

I'd like to start, then I'll give it to Under Sheriff Denzler. We did have this conversation •• well, part of it before Public Safety earlier today. It's appropriate to note the history and philosophy that led to this resolution here. This project started on the books about seven years ago, well before this Sheriff's Administration. It was occasioned because the old DWI building, which is internationally recognized, was literally falling down around the occupants' heads, and they wanted to expand it so they could have a reasonable building and put more people into the program.

When we got it, the thinking •• the correctional thinking, and in fact dialog before these committees and the entire Legislature, had expanded. The only thinking originally was for people who were convicted of DWI and who could be put into program. This is part and parcel of the dialog we have had here for the last two years, and we wanted, as did many people, to expand the notion of treating substance abusers within the correctional facility beyond just alcohol. We would be looking into the last century instead of into the next century if we only talked about alcohol.

Our jail is full of people who are substance abusers who use cocaine, crack•cocaine, heroin and other narcotics. When we began to say, let's make this facility available into the future for future programs, this building will be in use for 50, 60, 70 years, for future programs, some of which or most of which are not even designed yet or sold to the courts and the District Attorney's Office as useful, but what we ran into is the people coming into the facility charged with crimes that are frequently the ones that are narcotics substance abusers are charged with higher level crimes than the DWI defendants that we were used to servicing with the old program.

DWI defendants come in on misdemeanors and E felonies or unclassified felonies, people who come in addicted to narcotics frequently come in on B, C, And D felonies, frequently they're there for other kinds of crimes, like assaults, like weapons, like violent crimes, but they're cross•addicted, and we're really dealing with the addition problem with them within the facility. The tug here before this Legislature that I've been involved in over the last two years, we've all talked about why do we have people who are primarily substance abusers in jail. Well, we do.

We want this facility to look into the future so that we can address the needs of those people so that we can also take that young man who is 24 years ago and is charged with a B felony sale of narcotics who himself is a crack addict and have the facility that's appropriate so that that person might get treatment in the appropriate situation if the Courts and the District Attorney's Office think that can be done.

Because of that, the original design had to be hardened. You can't take people who are charged with B, C, D felonies and other serious crimes and put them into the kind of soft facility that was originally envisioned when it was only a DWI facility seven years ago. Things like, you need a concrete ceiling instead of a _celetex_ ceiling because of the classification problems and also because if you put a moveable ceiling in there with substance abusers, they'll hide narcotics in there. That is the background of this change. We discussed this with Mr. Zwirn at some length before this committee meeting. He was kind enough to tell me that these concerns had occurred to the County Executive's Office. And it's important to put that on the record. I'm now going to give the microphone with your permission, Mr. O'Leary, to Under Sheriff Denzler to answer the specific questions about, is the grant in danger if we in the future put people in there for substance abuse program other than alcohol, and is this going to cost any more money to operate this facility.

CHAIRMAN O'LEARY:

Well, if that requires a simple yes or no, why would Mr. Denzler even want to speak? Mr. Denzler, the Chair recognizes you.

UNDER SHERIFF DENZLER:

Hummina•hummina•hummina. The operational •• the charges that are going to be covered by this additional money have absolutely nothing whatsoever to do with enlarging the facility or anything of that nature. So the operational expense remains the same as before. There is no additional personnel requires as a result of these changes. As Under Sheriff Sullivan pointed out, the ceiling is one example, the types of locks that are going to be used is another example, the type of access to the building through the entranceways is another example.

The grant money that is provided comes from the Department of Probation and Correctional Alternatives, and they provide approximately 43% of the money that comes in. The other 57% comes from the County DWI Fine Money. I spoke with the director of facility today and specifically asked him that question. He assured me that this does not impact negatively on

this grant whatsoever in terms of being able to provide other therapeutic type services for other than DWI. We currently, as a matter of fact, do provide some drug addiction type programs for females. We do not do that for males right now. We simply can't do that. The thing that we were faced with was that stage of construction that that facility was at and looking forward to it in terms of changes that have taken place from when it was originally envisioned to now projected out that we're going to have this building, as Under Sheriff Sullivan said, 40, 50 years from now, whatever that might be. In order to be able to utilize that facility to its maximum, required these additional security type changes to the building itself. And that was the only reason for coming forward with this.

CHAIRMAN O'LEARY:

All right. Legislator Lindsay first, then Legislator Foley.

LEG. LINDSAY:

Previously when we talked about the DWI Facility, it was that we were building a minimum security facility. Is it still classified as that?

UNDER SHERIFF SULLIVAN:

Yes, it would still be classified as that.

LEG. LINDSAY:

Is there any danger of mixing drug addicts with alcoholics?

UNDER SHERIFF SULLIVAN:

That's two different •• I think it's two different questions. From a security point of view, that's one question. From a correctional point of view, is there danger? And then secondly, from a therapeutic point of view. The first question is •• the answer is no. We can handle that. The perimeter of this place, the security of it will be the Sheriff's Office's job.

The second issue about mixing them, in fact, they almost certainly will not be mixed unless the people who are conducting the program see fit to mix them. And the truth is, Mr. Lindsay, it is very frequent that people come into the facility, for instance, charged with a gang assault, a violent felony, addicted to crack cocaine and they're alcoholics. The reality isn't separated. The question that faced us is are we going to build a building for the things that we recognized 20

years ago when we set up the DWI Facility and that substance abuse problem, or are we going to build a building that could be useful for the substance abuse problem we actually see day to day inside the facility in criminal justice?

LEG. LINDSAY:

Okay. Last question. We approve this, when are we going to finally start construction on this facility?

UNDER SHERIFF SULLIVAN:

The steel is up. Commissioner Bartha, is the roof on? I'm not sure. I think some steel is up, though, if I'm correct.

COMMISSIONER BARTHA:

The steel is erected, the slabs are poured, the masonry work will start soon. So the project is well under way, which is actually what gave concern to us with respect to the dialog we were having with the Sheriff's Office if they were interested in these.

LEG. LINDSAY:

And these changes won't modify what we've already done? It's early enough?

COMMISSIONER BARTHA:

Yes. It's early enough in the process.

UNDER SHERIFF SULLIVAN:

Mr. Lindsay, we started the conversation with DPW, I think, nine, ten months ago about this. So it's not •• we didn't just pull this rabbit out of the hat yesterday morning.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Under Sheriff Sullivan, you mentioned that these discussions started nine or ten months ago. There was a decision made at that time to have an alternative mix at the DWI Alternative Facility as far as bringing in those other than ••

UNDER SHERIFF SULLIVAN:

The decision was not to have another mix yet. The decision was made to seek to alter the project so in the future we could have another mix, to give the program to an entirely different population other than the DWI population, which quite frankly, presents itself to us everyday as a more constant •• the recidivism rate from people who are addicted to narcotic drugs that fills these jails so that we now have 1716 people committed to the Sheriff's care, the narcotic problem, if anything, is bigger than the DWI problem was 20 years ago when we came up with this innovation in this County.

LEG. FOLEY:

So the idea is to take certain •• I won't say candidates, but to take certain inmates from those certain •• those who have been charged with those felonies who happen to be substance abusers, not alcohol abuse, but other substance abuse, narcotic abuse, and the decision would be made whether or not they should stay in the jail or go to the DWI Alternative Facility, correct? Not all substance abusers would go to this facility?

UNDER SHERIFF SULLIVAN:

No, not at all. First of all, the first place they will come from is they plead guilty and they get a deal such as a DWI defendant gets now. You have to go to DW •• when someone goes to the DWI Facility now, the typical resolution is they plead guilty to a felony, they get six months in jail, which gives them four months in program in the facility and five years probation. I foresee another different, but similar construct for substance abusers who are charged with other kinds of crimes. So the only other possibility where they could come from, and I had a very brief conversation with John Desmond about this this morning, he said, I wonder if we could do it with any pretrial people. The people who are now Judge Alamia's court, in drug court, when Judge Alamia is finished yelling at them and scaring them and putting them into jail for three or four days to give them a taste and it still doesn't work, and they are pretrial, could those people come •• go into that facility? This is a program that doesn't exist yet, Mr. Foley. But that's the only place that these people could come from for treatment, would be there.

LEG. FOLEY:

So the program •• so it hasn't so much been developed that you would do. What you want •• what you want is to have the flexibility within the building to •• to develop this program which is not in place as of yet, is that ••

UNDER SHERIFF DENZLER:

Yes. And one of the things you have to understand is that the Sheriff does not decide who goes into that facility. You need to be sentenced to that facility. What the Sheriff has is an override that someone could actually be sentenced for DWI into that facility and not go there, because of the classification they fall into.

LEG. FOLEY:

So the size of the building has not changed at all?

UNDER SHERIFF SULLIVAN:

What has changed is something ••

LEG. FOLEY:

Then let me ask you this, the size of the buildings •• judgements were made at the time when you submitted this to us some time ago for a size of the building to house certain number of ••

UNDER SHERIFF DENZLER:

That hasn't changed.

LEG. FOLEY:

So the question then becomes if it's the still the same number of DWI •• DWI •• what terminology would I use?

UNDER SHERIFF DENZLER:

DWI. We have had ••

LEG. FOLEY:

My point is it's the same size building, but you're going to add to it ••

CHAIRMAN O'LEARY:

The capacity to house ••

UNDER SHERIFF DENZLER:

The housing capacity hasn't changed. It's the nature of the inmate that will change.

LEG. FOLEY:

If you were going to house •• let's say you could house ••

UNDER SHERIFF DENZLER:

It's a total of 85. It has an 85 bed ••

LEG. FOLEY:

All right. So when this was originally approved for 85, it was •• it was, you know, thought that there would be 85 DWI convicted men and women there, correct?

UNDER SHERIFF DENZLER:

That you would have 85 people that you could put in there, correct.

LEG. FOLEY:

My point is it's 85 DWI.

UNDER SHERIFF DENZLER:

Correct.

LEG. FOLEY:

Now we are going to add to that census, so how •• well, you say no, but if it was going to originally be 85 DWI, but now we're going to have a mix, why doesn't there need to be an increase in space.

UNDER SHERIFF DENZLER:

We have had in the past people sentenced for DWI to the DWI Facility that have not gone there because their classification is such that they cannot be put in that type of a building. So while we talked about being able to actually address drug abusers, it's also going to allow us to have DWI people in that facility, who in the past have not been able to go in there.

CHAIRMAN O'LEARY:

Let me ask this question. Would the population be segregated in any way, the DWI •• those

convicted of a DWI as opposed to those being treated for their substance abuse?

UNDER SHERIFF SULLIVAN:

That would be a therapeutic decision made by the people who are administering the program, because as I said, very frequently, they are the same people. I mean, we put people into the DWI Program now and pretend that they're just drunks, but they're not, they're substance abusers.

CHAIRMAN O'LEARY:

All right. And reason for the additional construction monies is because in order to house concern individuals, inmates, you have to have more of a security type of facility.

UNDER SHERIFF SULLIVAN:

That's correct. If I could answer Legislator Foley's question. Perhaps if we were at the front end of this question seven years ago, and we weren't here then, we would have the nerve to say let's build 120 bed facility. It didn't strike us as the weather in government in this County would have been a good idea to say, let's build a bigger place. But what we do think is a good idea, let's not build a place that can only be used for a small portion of the population that really needs these services to address their problems and the recidivism reality that they cause. So what we really needed is the flexibility. And because the ones that are charged with the narcotic's crimes and their ancillary crimes are in a higher classification, you have to have better locks and you have to have a concrete ceiling and you have to have things like that. But we didn't have the nerve to come here and say let's make a bigger jail. That's a hot enough topic about another jail.

CHAIRMAN O'LEARY:

Okay. I think this point has been ••

LEG. FOLEY:

Let me just have one follow up.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Just one follow up. Thank you, Mr. Chairman. With the new •• with the new Yaphank facility that is underway with planning as far as the replacement for the jail, you couldn't have a component of that particular building take care of the of the •• substance abuse population that could benefit from being segregated from the rest of that jail population? Why couldn't that be handled within •• within the new jail that will be constructed in Yaphank and segregate those more hardened substance abusers, if you will, that you are trying to help them with their therapy, but not necessarily have to place in them in the DWI Facility?

UNDER SHERIFF SULLIVAN:

This question actually was vetted quite a bit last year at another stage of this project. And the first answer is it comes from the therapeutic community. We don't want it to look and feel and be like a jail. Yeah, we know it's a jail, because you are not allowed to get up and leave, and we have somebody at the door to stop you if you try to get up and leave. But they thought it was very important, and this quite frankly, goes back to the philosophy of the DWI Facility 20 years ago when they put it into a building which was not a jail and the State Commission quite frankly turned a blind eye and let us run it for 20 years even though the building was not suitable for use as a correctional facility. That's the first answer, it shouldn't look and feel and be like and be part of a prison.

LEG. FOLEY:

Forgive me. I ask forgiveness from the Chair, but this is ••

LEG. FOLEY:

You are not forgiven.

LEG. FOLEY:

I'm not a member of Public Safety, but this •• this develops a number of questions, for instance, I would say at least probably have the jail census are •• are substance abusers; is that not correct?

UNDER SHERIFF SULLIVAN:

I think that's probably an overstatement, not but much. I think I would agree with you. But again, Brian •• forgive me, Legislator Foley, it's not going to be our decision who goes into therapeutics. All this will do is give us the resource to hold out to the Courts and the District

Attorney's Office and quite frankly, the Defense Bar that says the real problem behind this crime is crack•cocaine or heroin, etcetera, etcetera, etcetera, you have a resource which can provide an alternative instead of just saying put this guy in jail for three years and when he comes out, he's going to be readdicted. It's a shot. It worked it, and it worked with DWI.

LEG. FOLEY:

Right. Now does the Health Department agree with this approach? Have you spoke with your counterparts in the Substance Abuse Division? They're the ones that would be overseeing the program in the DWI Facility, correct?

UNDER SHERIFF DENZLER:

I don't know that to be so •• that the Health Department oversees that. The program that goes on DWI is a compilation of many different disciplines that are going on over there. One of the •
• the thing that's important to recognize here is all we've been hearing about is alternatives, alternatives, alternatives. The other thing that came into play is that the current facility, your foot goes through the floor, it literally can go through the floor. We have been told that the current facility will not last. DPW has testified nothing more can be done to that facility to keep it going. That's why the project moved forward. And as it moved forward and these other things came to light, we •• it would have been very easy to sit back and say nothing, let the whole thing go forward and then be sitting with a facility that's underutilized for years and years and years to come as opposed to making a very hard decision to say, hey, we have to go back to the Legislature and ask for more money if this is going to be done right. That's not an easy thing for any of us sitting on this side of the table to come to you people after everything's done and say, you know what, we need a little bit more. We know what happens. But that's why we did that, and we did that in consultation with DPW.

LEG. FOLEY:

Mr. Zwirn. I think Mr. Zwirn would like to •• I want to hear from Mr. Zwirn.

CHAIRMAN O'LEARY:

Thank you very much. Well, I was about to recognize Mr. Zwirn.

MR. ZWIRN:

I thank you, Mr. Chairman. I just want to say that I appreciate the civil discourse that we're having here today over this issue, which is •• which is refreshing. There are couple of

questions I raised with the Under Sheriffs before, and I would just like to get their comments again. One, we were concerned, will need approval from the Commissioner of Corrections for additional beds if you are change the population that you are going to be servicing? If it's going to be somebody other than the DWI population, we're going to add beds, are we going to need approval?

CHAIRMAN O'LEARY:

Let's just take that one at that time. What's the response to that?

UNDER SHERIFF DENZLER:

We are not adding beds, we're not redesigning the building. The plans as submitted to the Commission is fine. As a matter of fact ••

CHAIRMAN O'LEARY:

The question is ••

UNDER SHERIFF DENZLER:

•• it was the Commission who told us if you plan on the future to put other types of people in here, you need to have these •• these other things in place. If you don't do it, you can't ••

CHAIRMAN O'LEARY:

The question is, sir, do you require approval of the State Commission of Corrections?

UNDER SHERIFF DENZLER:

No. No further approval is necessary.

CHAIRMAN O'LEARY:

What's your next point, Mr. Zwirn?

MR. ZWIRN:

Would you need more correction officers? When you change the prison population from DWI to other substance abusers •• •

CHAIRMAN O'LEARY:

I think that's been asked and answered.

UNDER SHERIFF DENZLER:

No. An inmate is an inmate.

CHAIRMAN O'LEARY:

I think that's been asked and answered.

MR. ZWIRN:

Those are the questions that we had.

CHAIRMAN O'LEARY:

Those are the questions?

MR. ZWIRN:

Those are the questions I have.

LEG. CARPENTER:

Motion to approve.

CHAIRMAN O'LEARY:

I have a motion to approve by Legislator Carpenter, seconded by myself. On the question of the motion to approve, all those in favor? Opposed? Abstentions? Motion is unanimous.

Would you believe that after that we have a unanimous motion? **APPROVED. (VOTE:7•0•0•0).**

All right. We have •• none of the resolutions that are tabled subject to call have been called out. I'll entertain a motion to adjourn by Legislator Montano who has been recognized by the Chair, seconded by myself. Meeting stands adjourned.

(* THE MEETING WAS ADJOURNED AT 4:48 P.M. *)

_ _ DENOTES BEING SPELLED PHONETICALLY