

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, November 30, 2004.

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman

Legislator Dan Losquadro • Vice•Chairman

Legislator Angie Carpenter

Legislator John Kennedy

Legislator Bill Lindsay

Legislator Ricardo Montano

MEMBER NOT PRESENT:

Legislator Brian Foley

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature

Jim Spero • Budget Review Office

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Richard LaValle • Chief Deputy Commissioner • 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

Lynne Bizzarro • County Attorney's Office

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 3:40 P.M. *)

CHAIRMAN O'LEARY:

Okay. Good afternoon, all. I'm going to call the meeting to order, the meeting of the Public Works, Public Transportation Committee. If you will all rise to Salute the Flag led by Legislator Carpenter.

SALUTATION

CHAIRMAN O'LEARY:

Good afternoon, all. We will go to the public portion immediately. I have three cards. Natalie Rogers.

MS. ROGERS:

Thank you very much. I'm Natalie Rogers, Mayor of the Incorporated Village of Ocean Beach. I appreciate the opportunity of addressing this committee. First, I'd like to say that we commend

the ferry company for good valued and professional service to Ocean Beach and the other communities on Fire Island. While we agree that some fare increase might be justified as a result of escalating costs, we are vigorously opposed to the Budget Review Office conclusions. We strongly urge less burden on property owners in Ocean beach and greater more equitable charges for the casual riders.

BRO in its November 22nd report, not only approved the increase, but took the diametrically opposite approach by recommending that the Ocean Beach taxpayer the lion's share of this increase. I'm here to state that this is totally unacceptable. I respectfully suggest that BRO did not examine all facets of this complex situation. The facts are the facts. Ocean Beach has the largest ferry ridership, as the most attractive destination on Fire Island, because it offers of wide variety of facilities, goods and services to the visitors; 14 diversified restaurants, four market •• food markets, five hotels and rooming houses, three ice cream shops, many unique boutiques of all descriptions, a movie theatre, historical shows, free concerts on the dock, an acclaimed arts and crafts fair and an annual three day film festival.

In support of these activities, we have free public restrooms throughout the village, extensive police, fire, medical and refuse removal services, street cleaning and lighting, dune protection and over 30 lifeguards and beach monitors for both ocean and bay beaches. We are an incredibly desirable destination, which generates substantial ridership for the ferry company.

Our position really is quite clear. In order to provide these services and facilities, approximately 600 taxpayers in Ocean Beach pay a tremendous amount of real property taxes. Of our \$4.2 million municipal budget, approximately 2.5 million is raised from taxes. Of our 4.5 million municipal budget, 39% or over \$1.6 million is directly attributable to money spent on visitor services and facilities.

The bomb line, I think, is self evident. The property owners of Ocean Beach pay 2.5 million in taxes, 1.6 million of which supports our visitor base. It's true that visitors spend money in town which help sustain the business district and bring sales tax revenue to the County, but the cost of paying for all our municipal services is born solely by the taxpayers of Ocean Beach, not the casual rider who BRO is seeking to protect. Taxpayers supply the attractions, visitors should pay higher ferry fees.

The 2140 passenger discount ferry ticket books provided for in the ten year lease agreement between Ocean beach and Fire Island Ferries is part of a total cost to the company for privilege of having the exclusive use of our ferry terminal. It is a small reward to property owners for making Ocean Beach a magnetic attraction and is mutually beneficial. The ferry company benefits because this agreement gives them over \$300,000 advanced cash by April 1st for operating expenses during the early part of the year before the ferry rider revenue begins to come in.

CHAIRMAN O'LEARY:

Please sum up, Madam Mayor.

MS. ROGERS:

I will sum up right now if I may make three very brief points, please. Ocean Beach agrees that some increase in fare is justified, but not as much as asked by the ferry company or recommended by BRO. Ocean Beach strongly urges that our taxpayers receive reduced fares and extra consideration, not additional charges. And finally, Ocean Beach strongly urges that our lease with Fire Island Ferry negotiated in good faith by both parties be honored as signed. Again, I thank you for the opportunity.

CHAIRMAN O'LEARY:

Thank you very much.

CHAIRMAN O'LEARY:

Second card I have is Mario Posillico. I'd like to remind the speakers coming up that we allow three minutes for presentation. Mr. Posillico.

MR. POSILLICO:

My name is Mario Posillico. I'm the Village Administrator for the Village of Saltaire. We take a similar position that Mayor Rogers takes with the Village of Ocean Beach. First of all, we commend Fire Island Ferries for the service that they provide, and at this point have no comment on their request for their fare increase. We haven't had a chance to really analyze their financials, but what we do object to is the Budget Review Office's analysis and recommendation for that fare increase and essentially shifting the burden for the rate increase to the Incorporated Villages of Ocean Beach and Saltaire.

We have a similar situation with Ocean Beach where we're able through contract •• through a negotiated contract to purchase discount ferry tickets. We view that as part of the economic compensation that the village receives to give exclusive •• exclusivity to Fire Island Ferries for our facilities both in Bay Shore and in Saltaire. The Village of Saltaire owns facilities both in Bay Shore and on the Fire Island side. And we could have in our contract negotiations, just negotiated a higher franchise fee. We choose to split that up, part as a franchise fee and part as discount tickets. That's part of the village's economic compensation to give back to its residents for the contract that we negotiate with Fire Island Ferries.

Just this year we will be spending approximately \$500,000 to reconstruct the Bay Shore facility. Next year we will spending approximately \$2.5 million to reconstruct the Saltaire facility. And those are the assets that we •• that we own and maintain and give exclusive right to the village to •• Fire Island Ferries for their use. And as part of compensation for those assets are our discount tickets. So we strongly urge that, like the Village of Ocean Beach, we're allowed to negotiate our contract for the assets that we have, and we're allowed to honor the commitments we have made in that contract as Fire Island Ferries will be allowed to honor that commitment. Thank you.

CHAIRMAN O'LEARY:

Thank you, Mr. Posillico.

CHAIRMAN O'LEARY:

Okay next speaker is Mr. George Hafele from Fire Island Ferries.

MR. HAFELE:

Thank you, Mr. Chairman. Fire Island Ferries has lease agreements with the Villages of Ocean Beach and Saltaire along with the unincorporated community of Dunewood on Fire Island. As part of those leases, we are obliged to offer to those villages reduced rate tickets. These have been part of our contracts since the 1970s. And at this particular time when we have come in for a fare increase, the Budget Review Office has brought it up and decided that in their estimation a more equitable fare system might be put in place.

That's a suggestion on the part of the Budget Review and should that not be adopted by the

Legislature, they have suggested that our fare increase go as we have put it in our resolution. So the bottom line to us as Fire Island Ferries, we stand by our contracts that we have made with the Villages of Ocean Beach and Saltaire. We require fare relief. As everybody knows, the cost of fuel, insurance and everything else that it takes to run a business has escalated while our fares have stayed the same since June of 2001.

So in summing up, we do wish to stand by our contracts with the villages. Should the Legislature decide that that is not the way they wish to proceed, we would certainly •• we will certainly be willing to discuss that. However, best of both worlds is that you allow the bill that we have in front of you now to proceed. And without any questions, thank you very much for your time.

CHAIRMAN O'LEARY:

Thank you very much, George. Just on the point of the first three speakers, have we had a public hearing with respect to this?

MS. SULLIVAN:

It's set for the 7th.

CHAIRMAN O'LEARY:

It's set for the 7th. All right. Just to note for the three speakers that have just come up, the public hearing on this matter, 1898, is scheduled for Tuesday, December 7th. Our next speaker is Janice Brady regarding bio diesel.

MS. BRADY:

I have nothing to say at this time.

CHAIRMAN O'LEARY:

Nothing to say? Okay. We'll sit here for three minutes then. Thank you anyway. We'll now go to the agenda. On discussion, the Commissioner of Public Works. Charlie, hold on a second. Charlie, come on up anyway. We're going to do •• I have a request from a member of the committee to go to the agenda before we go to the presentations.

Good afternoon, Charlie. Do you have the agenda in front of you?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

Okay.

TABLED RESOLUTIONS

1898•04. Authorization of rates for the Fire Island Ferries, Incorporated. (PRESIDING OFFICER).

CHAIRMAN O'LEARY:

Motion to table because of public hearing scheduled on 12/7. On the motion to table by Legislator Carpenter, seconded by Legislator Lindsay, any questions? Hearing none, all those in favor? Opposed? Abstentions? 1898 is **tabled. (VOTE:6•0•0•1) (Not present; Legis. Foley).**

INTRODUCTORY RESOLUTIONS

1992•04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with 270 South Service Road. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Commissioner.

COMMISSIONER BARTHA:

Well, the connection fee that the sewer district would realized from this is \$93,000. It's 6200 gallons per day, which would be added to the Southwest Sewer District flow. And it's a 130,000 square foot warehouse with an office as part of it.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

Do we know the economic impact? Are they going to hire any people? I mean, is there any good reason for us to do this?

COMMISSIONER BARTHA:

I can't address an economic impact beyond that. I mean, it's a warehouse building, so it's probably not a particularly large economic impact, but it certainly has a favorable impact to the residents of the sewer district in that it expands the tax base as well as bringing in a connection fee for capacity.

CHAIRMAN O'LEARY:

What's at 270 South Service Road, Commissioner? Is that going to be an office?

COMMISSIONER BARTHA:

It's a combination warehouse and office. It's on the Southeast corner of Walt Whitman Road and the Expressway South Service Road.

CHAIRMAN O'LEARY:

All right. As you well know, you're here today for a discussion on the Southwest Sewer District and the Heartland project and the concern of some Legislators, particularly those who cover the southwest portion of the County with respect to these hook-ups that are occurring outside the Southwest Sewer District. So perhaps we will entertain a motion to table 1992. Motion by

Legislator Montano, seconded by Legislator Lindsay. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstain? 92 is **tabled. (VOTE:6•0•0•1) (Not present; Legis. Foley).**

2060•04. Adopting Local Law No •• 2004, a Local Law tp protect minors against drivers of street vending vehicles. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Explanation on that, Counsel, please.

MS. KNAPP:

I begin by saying that this one has to be tabled, because it has a public hearing coming up on Tuesday.

LEG. LINDSAY:

I have a question on that, though. Why is it before Public Works?

CHAIRMAN O'LEARY:

Well, that's the question that Legislator Carpenter just had. Why is it here and not in Public Safety?

MS. KNAPP:

Street vending vehicles are issued their permits through the Public Works Department. And what this local law does is impose new requirements on Public Works when they issue these certifications.

CHAIRMAN O'LEARY:

By street vending vehicles, are we talking about ice cream trucks?

MS. KNAPP:

Ice cream trucks.

COMMISSIONER BARTHA:

You have no idea what we do in Public Works.

CHAIRMAN O'LEARY:

Perhaps Mr. Zwirn can explain what is the intent of the County Executive with respect to this proposal.

MR. ZWIRN:

I'm going to give it over to the County Attorney's Office to further explain it, but this bill came to us through Laura Ahearn, the group Megan's Law, and they were the ones who were proponents of this and asked us to carry and sponsor it for them before the Legislature. To get into a little more of the specifics, it's to protect children, you know, who are before ice cream stands to try to just have a little more •• one more measure of control over the people who are operating them so that they're just a little bit safer than right now there's just no requirements whatsoever, anybody can just do it. This asks Public Works to ask a few questions before they get a license to go out and operate on our roads. But it's true, it's before Public Works •• we wondered too, but it is because it has to do with the roads.

CHAIRMAN O'LEARY:

All right. So then the intent is a screening process for those driving the ice cream trucks that they don't have any background that might make them a threat to children?

MR. ZWIRN:

Right.

CHAIRMAN O'LEARY:

We need a motion to table pending a schedule for a public hearing on this. Now that we know the intent, motion to table by Legislator Losquadro, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2060 is **TABLED (VOTE:6•0•0•1) (Not present; Legis. Foley).**

2070•04. To institute a pilot program utilizing bio•diesel fuel in the Suffolk County fleet and encourage the use of alternative fuels. (LOSQUADRO)

CHAIRMAN O'LEARY:

Motion by Legislator Losquadro, seconded by Legislator Lindsay to approve. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2070 is **approved**.
(VOTE:6•0•0•1) (Not present; Legis. Foley)

Take note of the fact that also here for discussion with respect to the bio•diesel fuel is Mr. John Mensch from New York Tank Lines. That will occur after the agenda is completed.

2116•04. Approving funds in connection with the improvements to Armed Forces Plaza. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I note that there's \$35,000 being requested for appropriation for the planning of the improvements to Armed Forces Plaza, is that accurate?

MR. ZWIRN:

I believe it is, yes.

CHAIRMAN O'LEARY:

Thirty five thousand dollars to plan to improve a structure that's already built? Can you explain that, please?

COMMISSIONER BARTHA:

Are you asking me?

CHAIRMAN O'LEARY:

I'm asking anyone who can answer that question.

COMMISSIONER BARTHA:

There's been weather damage to a number of the statues out there and other monuments. And what this is doing, this is a combination of artistry type work in order to repair these monuments in a fashion that doesn't detract from their appearance.

CHAIRMAN O'LEARY:

I see. So the planning that is entailed in this is the artistic expression of those who assembled the statues to begin with.

COMMISSIONER BARTHA:

Well, to maintain that artistic expression. And there's also been settlement, I believe of some of it has been part of what has precipitated the need for this work.

CHAIRMAN O'LEARY:

Okay. Are there any other questions from the committee on 2116? There's a motion to approve by Legislator Lindsay, seconded by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 2116 is **approved (VOTE:6•0•0•1) (Not present; Legis. Foley)**.

2117•04. Appropriating funds in connection with the construction of highway maintenance facilities • Babylon salt Storage Facility. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Carpenter, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2117 is **PASSED. (VOTE:6•0•0•1) (Not present; Legis. Foley)**.

2124•04. Appointing member to the Suffolk County Transportation Advisory Board (Wayne Lentinti). (O'LEARY)

CHAIRMAN O'LEARY:

Mr. Lentini, are you here? Okay. I tell you what. We will have you come up to address the committee after we finish the agenda, okay? Thank you very much. I'll move to put off 2124

until Mr. Lentinit comes up to address the committee.

2127•04. Authorizing public hearing for approval of ferry rates for Davis Park Ferry Company. (PRESIDING OFFICER)

LEG. CARPENTER:

Motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

Okay. There's a motion to approve authorizing the public hearings by Legislator Carpenter, seconded by Legislator Losquadro. On the question of the motion, all those in favor? Opposed? 2127 is **approved. (VOTE:6•0•0•1) (Not present; Legis. Foley)**

2128•04. Authorization of alteration of rates for Davis Park Ferry Company. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

Motion to table by Legislator Carpenter, seconded by myself. On the question of the motion to table, all those in favor? Opposed? Abstentions? **2128 is tabled. (VOTE:6•0•0•1) (Not present; Legis. Foley).**

S•78. Sense of the Legislature resolution requesting that the Metropolitan Transportation Authority and the New York State Legislature provide reasonable oversight for Long Island Railroad users. (LINDSAY)

LEG. LINDSAY:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Lindsay, seconded by Legislator Losquadro. On the question of the motion to approve the Sense? Hearing none, all those in favor? Opposed? Abstentions? Sense 78 is **approved. (VOTE:6•0•0•1) (Not present; Legis. Foley)**

Thank you very much for your patience in going through the agenda. We'll now go to •• Commissioner, I hate to bother you with this, but I'd like to have Mr. Lentini come up so I can address the resolution appointing him as a member to the Suffolk county Transportation Advisory Board. Mr. Lentini, would you come up, please. Good afternoon, Mr. Lentini. As you well know, there's a vacancy on the Transportation Advisory Board, and the Chairman of same, Mr. Taldone, recommended you as replacement for that. Could you just give the committee a little bit of your background.

MR. LENTINI:

My name is Wayne Lentini. I've been involved in transportation specifically in the taxi cab industry since about 1970. Most of my work is involved in the Town of Brookhaven, but I do have offices in Babylon, Islip, Huntington, Southampton and Riverhead townships.

CHAIRMAN O'LEARY:

What is your title?

MR. LENTINI:

I'm the operations manager.

CHAIRMAN O'LEARY:

For?

LEG. LINDSAY:

Right now, it's Lindy's Taxi.

CHAIRMAN O'LEARY:

Okay. And how do you perceive your role with the Transportation Advisory Board?

MR. LENTINI:

Coordinating pickups for the state, the County, the riding public, working with people going for trains, ferries, doctor appointments, day care programs, group homes, transporting homeless people to shelters, to food centers, and plus the riding public for everyday activities.

CHAIRMAN O'LEARY:

Okay. Any questions by members of the committee?

LEG. CARPENTER:

Motion to approve.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Carpenter, seconded by myself. On the question of the motion to approve, all those in favor? Opposed? Abstentions. It's unanimous. **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. Foley).**

Congratulations, Mr. Lentini. You are on the Transportation Advisory Board.

MR. LENTINI:

Thank you.

CHAIRMAN O'LEARY:

Well, maybe after December 7th you will be on there. Okay. Commissioner Bartha, we'll go to the discussion portion of the agenda. Charlie, before you begin, I just want to take note of the fact that it was brought to my attention that you came before the Health Committee yesterday to address the Southwest Sewer District issue.

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN O'LEARY:

All right. I found out late yesterday that you had done that, and I was a little bit taken back, I thought that's what we were going to do today. But for the sake of being redundant, I would think you are going to be addressing the same issues •• did you discuss Heartland yesterday in Health?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

You did?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

All right. Well, then if you can recall what you said yesterday, could you please report to this committee, which I think should be the prime committee with respect to any sewer agency issues or sewer issues?

COMMISSIONER BARTHA:

And I certainly agree, and that's •• you know I had asked •• I had been requested to speak at that committee, and I then requested of yourself to make the same presentation here. I will start from the bottom up on the first page learning from yesterday's presentation that there is •• if we accommodate everyone that has applications into the Southwest Sewer District to connect as being people from outside the district, people in the district have an absolute right to connect, whether they're residences or businesses. There are still 5900 parcels within the district remaining to be connected. Accounting for that flow plus the ones •• the projects that are pending, which are listed here, it will use up virtually all of the capacity of the district. There would only be 15,000 gallons per day left, which is why Heartland is so important to give careful consideration to. And the agency •• Sewer Agency has been deliberating for several months now on the Heartland issue, and the consensus was that we should make the Legislature aware of the implications of it. The Heartland project, the total flow will range from 2.6 million to 1.5 million that will be necessary. They already have as of right almost half a million gallons that is accounted for because when they took over the Pilgrim State contract, it gave them an

entitlement to that flow. That's why you see on the first sheet here under item three, pending contractees, we attribute somewhere between 2.1 and 1.1 million gallons to that project.

And the reason for that range is that the smart growth resolution that was passed late last year provides for a reduction in the amount of flow that is attributed to projects that include Smart Growth concepts, including work force housing. This project is anticipated, from what we're told so far, will include that. In order to get these reductions in flow, it will require both the approval of the Health Department as well as the Legislature on different aspects of it.

The connection fee that the district will realize from the Heartland project will range depending on how much credit is given for the smart growth aspects of it, will range somewhere between \$10 million and \$40 million. And that's what the fold-out spread sheet that's the last page here describes. Heartland is a very interesting, exciting project, but it's also very big. And we wanted to let you •• if the agency approves it, it does have to come to the Legislature for approval before they have complete approval. Right now, they're at the stage where they're requesting conceptual approval, conceptual certification, which is •• as part the SEQRA process, indicates that's the intention of the agency. The agency will only approve flow that is available within a particular sewer district.

The developer in this case •• we have indicated some reservations about whether the flow will be as low as the 1.5 considering the work force housing aspects of it. That is the minimum flow that could come from that project. And he has made a commitment that they would not •• they would stop building once they got to the 1.5, if that's all the agency and the Legislature approved. So basically, we're telling you that the Southwest Sewer District is not •• does not have infinite capacity, and we are approaching it. We're basically giving you a head's up.

CHAIRMAN O'LEARY:

Yeah. I took note of your statement regarding 5900 parcels in the district that are waiting to be connected, are those •• are those residential parcels, or are they •• what's the status or classification of those parcels?

COMMISSIONER BARTHA:

Combination residential and commercial.

CHAIRMAN O'LEARY:

All right. Because one of the concerns that has been brought to the horseshoe by my colleagues who represent the southwest area of the County is the utilization of outside sewage connections to the Southwest Sewer District and excluding the possibility of them being able to utilize that in future years because of the gallonage issue. Is that •• should that be a matter of concern to the Legislators who respect the people in the Southwest Sewer District?

COMMISSIONER BARTHA:

It is certainly of right that the people in the district are entitled to it, and we understand that. And we've been very carefully protecting that, and that's where you see under Roman Numeral 2, the committed capacity, two million gallons is committed to those people, property owners that are within the district. And we feel that's a conservative ••

CHAIRMAN O'LEARY:

That's the 5900 parcels listed here that we spoke of?

COMMISSIONER BARTHA:

Correct. So they are accommodated. What is not accommodated that some Legislators have expressed interest in in the past was a resolution passed in 2001 which required us to do a feasibility report for connecting in a number of neighborhoods, that's on the second page, those neighborhoods included Wyandanch, North Babylon, the northern part of West Islip and Bay Shore. Those flows total almost 5 million gallons a day, and obviously, could not be accommodated.

CHAIRMAN O'LEARY:

All right. Then those areas are in the included in the 5900 parcels that you're speaking of.

COMMISSIONER BARTHA:

That's correct, but they are not in the sewer district.

CHAIRMAN O'LEARY:

Those areas are not •• Bay Shore is not in the Southwest Sewer District?

COMMISSIONER BARTHA:

The northern part of Bay Shore, the area of Bay Shore north of Southern State Parkway.

CHAIRMAN O'LEARY:

And West Islip is not in there as well?

COMMISSIONER BARTHA:

Again, the area north of Southern State Parkway.

CHAIRMAN O'LEARY:

Okay. What would it •• obviously, if all of this capacity is fulfilled, then the people who reside in the listed areas on top of page two would not have the availability to hook up to the Southwest Sewer District, correct?

COMMISSIONER BARTHA:

Right. Economically from studies we've done, it really doesn't •• it hasn't shown to be feasible. The last one we did was approximately \$2000 per household, is what the annual taxes would be associated with sewers, because the construction of sewers is very expensive as well as the •• well, that would really just be for the construction of the sewers and the connection fee to the plant. Now, it is possible to expand the Bergen Point Treatment Plant. And a 5 million gallon increment expansion of the plant would cost approximately \$30 million in construction costs.

CHAIRMAN O'LEARY:

All right. Just for clarification purposes, is there anything on this report that we have in front of us that lists current projects that are within the Southwest Sewer District? These are all outside the district, are they not?

COMMISSIONER BARTHA:

The ones that are listed are outside the district. No, there's nothing in this report that lists projects in the sewer district other than that line, district requirements, two million gallons.

CHAIRMAN O'LEARY:

The 5900 parcels?

COMMISSIONER BARTHA:

Right.

CHAIRMAN O'LEARY:

All right. Legislator Lindsay, then Legislator Losquadro.

LEG. LINDSAY:

Charlie, everything on page one has been approved already? It says pending contract fees.

COMMISSIONER BARTHA:

No, those have not been approved. Those have not been approved.

LEG. LINDSAY:

They haven't come before us?

COMMISSIONER BARTHA:

They haven't come before you, and the agency has yet to approve them, but they are projects that we are aware of.

LEG. LINDSAY:

But are they included in your computation?

COMMISSIONER BARTHA:

At the bottom of the first page, yes, they're included in the computation.

LEG. LINDSAY:

So we would be able to accommodate all of these hypothetical projects plus the Wolkoff project.

COMMISSIONER BARTHA:

That's correct.

LEG. LINDSAY:

Well, that kind of answers •• you know, what I was going to ask is is the department suggesting that we stop all approvals outside a district until we see whether the _Wolkoff_ project is going to move forward and be approved?

COMMISSIONER BARTHA:

Well, I would suggest if we give conceptual certification to the Heartland project that the Sewer Agency •• that the Sewer Agency not consider other projects until we identify additional capacity.

LEG. LINDSAY:

You don't want it done on this level, let the Sewer Agency handle it?

COMMISSIONER BARTHA:

It has to go to the Sewer Agency before it comes to you.

LEG. LINDSAY:

Right.

COMMISSIONER BARTHA:

Unless •• I'm sure you can always pass a resolution barring the Sewer Agency from approving the connection.

LEG. LINDSAY:

No. I don't think anybody here objects to disapproving of anything. You know, I think if they do it at that level and it doesn't even get to your plate, we're better off.

COMMISSIONER BARTHA:

We have permits, we are regulated by the State DEC, we have operating licenses for different members of the department and professional engineer licenses. It would be a very big problem for us, personally and business wise to approve capacity that we don't have.

LEG. LINDSAY:

Going back to the _Wolkoff_ project, I'm at the last page now, the spread sheet says anywhere between 39 million and 9 million, almost \$10 million, and that's based on him building work force housing, right?

COMMISSIONER BARTHA:

That's correct. Based on how much of it he builds.

LEG. LINDSAY:

Yeah, because the initial rendering that I saw from his project, you know, it included something like 19,000 units or 9000 units, and there was no mention of work force housing. My question is would we get all this money at once, whether it be the 39 million or the ten million?

COMMISSIONER BARTHA:

That would remain to be established.

LEG. LINDSAY:

Because, you know, from my perspective, if we were to approve this project, I really think we should go forward with expansion of Bergen Point. And you know, there's the funding source to do it.

COMMISSIONER BARTHA:

Part of the discussion that came up in the other committee meeting was that •• how this, the Southwest Sewer District has fostered the economic development all up through the Route 110 corridor. And that's absolutely true, what's happening along the 110 corridor is really made possible by the sewer district.

CHAIRMAN O'LEARY:

I think what Legislator Lindsay is saying is that the connection fee from the Heartland project will pay for the expansion of the facility at Bergen Point. Is that your point, Legislator Lindsay?

LEG. LINDSAY:

Yes. Which I think would be a good deal for us.

CHAIRMAN O'LEARY:

Any other questions? No? Legislator Losquadro.

LEG. LOSQUADRO:

Most of what I wanted to bring up was already raised. I just •• being a member of Health and Human Services, and having listened to this yesterday, I just wanted to make sure that the topic of the expansion of the Bergen Point Plant was raised. I know we sort of got to that in a roundabout way yesterday, and I'm glad to see it was already brought up today. So I'm just agreeing with Legislator Lindsay there. I just wanted to make sure that point was brought up. Thank you.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Charlie, I just have a question with those 5900 as of right connections that you had talked about before.

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

They're residences. What's the average annual sewer tax for a residence in the district, ballpark?

COMMISSIONER BARTHA:

In the \$400 range.

LEG. KENNEDY:

About \$400? And the district has been in existence for approximately, what, 30 years or so?

COMMISSIONER BARTHA:

The district was established around 1970 and went into operation in 1981.

LEG. KENNEDY:

Okay. And the only other question I have, when you say that the existence of Southwest has fostered the development in the 110 corridor, that's because it's allowed for more robust development then we would have able to have under the Code?

COMMISSIONER BARTHA:

Correct. Under the health requirements and the groundwater discharge.

LEG. KENNEDY:

Okay. That's it.

CHAIRMAN O'LEARY:

Okay. Just to summarize, Charles, the Southwest Sewer District has a capacity of 30 million gallons per day.

COMMISSIONER BARTHA:

Correct.

CHAIRMAN O'LEARY:

Including the Heartland project, what would be the utilization of the Southwest Sewer District as far as gallons per day? I see a bunch of numbers.

COMMISSIONER BARTHA:

29.985.

CHAIRMAN O'LEARY:

So that leaves very little room for ••

COMMISSIONER BARTHA:

Correct. It's 15,000 gallons a day, which is inconsequential.

CHAIRMAN O'LEARY:

All right. So in other words, everything that's before us here with the pending contractees, the contractees, etcetera, if they all come to fruition, the Southwest Sewer District for all intents and purposes would be at full capacity?

COMMISSIONER BARTHA:

It would be full, yes.

CHAIRMAN O'LEARY:

That would in no uncertain terms exclude those residents residing up on top of page two; Wyandanch, North Babylon, West Islip and Bay Shore, the northern part of the district from being included in any connections?

COMMISSIONER BARTHA:

Correct.

CHAIRMAN O'LEARY:

Unless there was an expansion of the plant.

COMMISSIONER BARTHA:

Correct. Legislator Mystal asked that we •• how much it would cost to expand the plant, and we told him approximately •• and this is a very ballpark budgetary figure •• approximately \$30 million to increase by 5 million gallons per day. And he asked what it would take to get that started, and I said it would be about \$3 million to start the engineering on that project. He asked that we, you know, fine tune those figures a little bit and provide them to him, and we are in the process of doing that.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

No. No.

CHAIRMAN O'LEARY:

Was that at the Health Committee meeting?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

As I said, we are being redundant here. All right. Any other questions of the committee to the Commissioner regarding this issue? I think it's clear what the situation is with respect to the capacity of Southwest Sewer District and the feasibility of initiating an expansion of the Bergen Treatment Plant.

COMMISSIONER BARTHA:

Thank you.

CHAIRMAN O'LEARY:

Mr. LaValle.

COMMISSIONER BARTHA:

The Chief Deputy •• there's a comment we want to make on the bio diesel resolution.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We just wanted to introduce some additional information with regard to that particular resolution, only because some of the things that will be involved with involves another study that the County is preparing to proceed with that had previously been introduced and passed by the Legislature back in 2002. It's a study that we're doing in conjunction with NYSERDA, which is the New York State Energy Research and Development Authority and LIPA. And basically, it involves alternative vehicular fuels more geared towards electric•type vehicles, compressed natural gas and hybrid vehicles. What we're doing is we're adding an additional component to that particular study which will generate the criteria that will enable us to move ahead with the pilot program that's been approved by the committee this afternoon. We would expect that the information from that study will be available some time in February, March of this year, at which time we would commence then the pilot study and progress with that information in order to provide the type of information that would be necessary for us to make determinations with regard to the use of the bio diesel fuel in the future.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

And that would approximately coincide with the timing of the replacement of the tanks at the Bergen Point yard?

CHIEF DEPUTY COMMISSIONER LAVALLE:

In addition, the County is in the process of replacing or adding additional tanks, diesel fuel tanks at the Bergen Point facility. That's a project that has •• had already been planned and has nothing to do with bio diesel operation, so there's no additional cost there. We expect that that project is presently scheduled for February of this year, but obviously winter weather and what have you, that could move to March or what have you. So we anticipate that the criteria from the one study will be available when we're prepared to move ahead with the •• with the other study, the pilot study.

In addition, the additional •• there is an additional cost associated with the bio diesel fuel, But the Legislature, through Legislator Losquadro's Office, had included additional funds in our fuel budget for next year in order to offset that additional cost.

LEG. LOSQUADRO:

And we'll touch on that in a moment. When you brought up NYSERDA, when Mr. Mensch comes up to speak, he has a small presentation to make, we will discussion some additional NYSERDA grants that may be available to us as well. But the \$25,000 line item will more than cover the addition fuel costs associated with this pilot program that I implemented.

But the reason •• as you know, just for the edification of the committee, the reason that we selected the Bergen Point yard in the first place was because we would do this pilot program with clean, brand new tanks that did not have to be pumped out and cleaned. So we would get a true base line from which to establish this on. So that timing should work out fine. I appreciate the comments.

CHAIRMAN O'LEARY:

Any other questions of Deputy Commissioner LaValle?

LEG. LINDSAY:

Raynor Park.

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's under way. Isn't it good news?

LEG. LINDSAY:

It's underway, all right.

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's constructing •• we hope to have •• not hope to have, right now, it's included in the contract that all the fields, the playing fields and the parking lot will be completed some time in the spring. And I know that the Veterans Organization has been very active in ensuring that the monument is going to be available for Memorial Day, and we are cognizant of that. And we anticipate having at least that much done.

LEG. LINDSAY:

Wonderful. Thanks.

CHAIRMAN O'LEARY:

Any questions of the Commissioner or Deputy? Okay. Thank you very much. Is Mr. John Mensch here?

MR. MENSCH:

Yes.

CHAIRMAN O'LEARY:

Could you state your name for the record, please. And you're here Mr. Mensch to speak on bio diesel fuel.

MR. MENSCH:

Yes. Thank you, Mr. Chairman. My name is John Mensch. I'm with New York Tank Lines, I'm the owner and president of the company. I am the distributor for World Energy who is the producer of bio diesel. World Energy is the largest supplier at this present time for actually the United States and mostly these East Coast. We're handing out folders for you which have material in there from World Energy and myself of different things. One is present customers that are using the bio diesel at this present time, different statistics, different percentages and actual reference of how people like the change and like the results that bio diesel gives them.

First thing, what is bio diesel? Bio diesel is made up of soybean oil, which is grown here in the United States from the plant. It's farmed by Americans, and the extract that natural oil out of soybean. You're probably more familiar with soybean chips, potato chips or soy milk, it comes from same plant. It's all natural, it's bio degradable if you the use B•100. B•100 is a term used for pure soybean oil. Also they also use •• or into that mix, they use Wendy's or McDonald's recyclable grease, they refine that with soybean. So not to be funny, but when you burn soybean oil in your buses or your trucks, you get, like, a french fry smell out of your exhaust. And it's true, we do have people that do say that and back it up.

When you •• when you break it down because of cost, if you want to use a percentage of bio to benefit the environment, you can buy it in different percentages as in B•5, 5% soybean and 95% ultra •• low sulfur diesel. You can buy it in 10%, any percent you want to buy it in, it will burn in your diesel and any diesel that you use. Different things have come up as in cost, to offset the cost is President Bush had signed into legislation •• into law actually, starting in January that he would give a credit of 1% of any percentage of bio that you use. Obviously, it doesn't reflect Suffolk County, because you don't pay taxes on your fuel, but the general public •• so if I bought a B•20, which is 20% bio, get back as a credit 20 cents per gallon. That's to push the product to better our environment.

What we're trying to get out here is we're trying to depend on us as Americans not as foreign oil. We were trying to reduce it •• let me turn to a page, and I can tell you •• if we changed

America's purchase, and we instead of using diesel today, we use all B•20, we would save 2.9 billion barrels of crude oil by the your 2016. If we used B•100, we would save 302 million (sic) barrels of crude oil by the same year of 2016. This reduces the imports of 70% of imported oil by 2016. Obviously, that's a big difference.

What it does is it actually puts our farmers back to work, reduces the subsidy •• subsidizes •• the Federal Government subsidizing the farmers, and we rely on American soil and American workers. Not only in addition to that, it would slow down global warming that everybody is concerned about by a 78% reduction as per the US Department of Energy and the US Department of Agriculture. If we used B•20, it will slow down global warming by 15 •• 16% if you just use B•20. Going back to the farmers, if soybean oil demand increased, if we used B•20, from 51 mill bushels to 318 million bushels, 7.8 million reduction in direct payments to the farmers, which is subsidized, six point three •• 63.4 billion improvement in US trade deficit, 100 billion increase in net farm income comes back to the farmers.

As you see, it's just a benefit all the way around. It's a benefit to environment, it's a benefit to our economy, it's a benefit to our own soil. B•100 is 100% biodegradable. You can actually drink the stuff, I wouldn't recommend it, but you could. If you spill it on the ground, it's biodegradable. When you mix it with diesel, it doesn't become biodegradable, but it actually •• it's more benefit because it reduces all the carbon monoxide, hydrocarbons, particulate matters, sulfates and mutagenicity, which is all what concerns in the environment and what everybody's concerned about. The thing is •• how you want to buy it is, the most common is B•20. Most municipalities that we deliver to now are PSE&G Utility in New Jersey, Con Edison in Manhattan. We deliver to all military bases, which I'll give you a list of here.

CHAIRMAN O'LEARY:

That's okay. You deliver to military bases.

MR. MENSCH:

The United States Post Office, we deliver to, we deliver to all their trucks, they use it. The Federal Government actually mandates all federal vehicles use an alternative fuel, and that's going to probably change by 2007 to have local municipalities starting to use B•20 as an alternative fuel.

Yes, there are other alternative fuels out there as the Commissioner stated, as in propane, natural gas and all that stuff. The problem with that is you have an infrastructure. Right now County is set up where tanks are there. Yes, they might have to be cleaned, but they are there. When you go to a natural gas or a propane, you have to build new tanks, new infrastructure, and that costs more money. If you go to a bio diesel, you can actually just either clean the tanks as in the Bergen Point facility where you have new tanks already, you can just start using it ASAP. Any questions?

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

I just want to thank you for your presentation. I want to thank the committee for their support of this. Everyone has been hearing my yap about this for a while, and I want to thank you for your support prior to hearing this presentation. Obviously, this is •• this is a product that is being used on a wide scale basis across the country. Suffolk County generally considers itself a leader and to be on the cutting edge when it comes to environmental and public health issues. And this is an area where we may be in the process of undertaking some studies, but we really have taken very limited action. So I was very happy to see the support for this, and we're going

to move forward with this. And hopefully we can see this expand throughout Suffolk County, not only in the municipalities, but leading by example into the private sector as well. So I just want to thank you for coming down.

CHAIRMAN O'LEARY:

So then you will be voting in favor of this in the full body on the 7th of December?

LEG. LOSQUADRO:

I believe so.

CHAIRMAN O'LEARY:

Okay.

MR. MENSCH:

I have one additional comment to make. Working with NYSERDA, we applied for a grant. They put out these different grants into alternative fuel, they are very positive and urgent to get money out there to get people to change to a natural fuel. We •• at New Tank Lines, we received a grant of \$150,000, which is already in place. And part of that \$150,000, part of it, a percentage of it goes to infrastructure trying to get people to better clean their tanks or put new pumps in and stuff like that. And the percentage •• the other percentage is to offset the cost to get people intrigued about buying bio diesel. So in working with Patrick Bolton from NYSERDA of New York State, I had mentioned to him that we were working with Suffolk County, and he has no problem in putting the grant towards your purchase of bio diesel. That represents roughly around six cents per gallon off the cost of bio diesel.

LEG. LOSQUADRO:

I will sponsoring a resolution accepting that money.

CHAIRMAN O'LEARY:

I have a question. The conversion, the transition from the current fuel to the bio diesel, how is that accomplished if you use the same vehicle, same gas tank? You know, how do you go about doing that?

MR. MENSCH:

Basically, the bio is ••

CHAIRMAN O'LEARY:

Does it accept it immediately without any ••

MR. MENSCH:

It is accepted immediately. The soybean is actually a cleaning solution. It actually cleans the inside of your motor. That's basically what happens. And it burns off the soot and the build up that builds up from the low sulfur. Sulfur is the pollutant, is what's the problem. And going to bio diesel actually replaces that sulfur. And what happens is the soy cleans the inside of the motor which takes those particles and breaks them up and passes them through. So actually,

you would have to at first when you do make the change, you have to change your filters a little more often than you normally do. But every pump that's out there, including gas stations and fleets that are non municipality have filters on them. Just like you change your fuel filter on your car or your diesel engine, you change it on the pump too. So you're getting a double filter filtration.

CHAIRMAN O'LEARY:

So is that the only equipment change that's necessary to incorporate to bio diesel into a fuel system, just the changing of a filter.

MR. MENSCH:

That's it.

LEG. LOSQUADRO:

Just so you know, I have had meetings with the Department of Public Works. They're aware of the logistics of implementing this, blended bio diesel or even pure bio diesel in newer engines that can sustain it. Because of the solvent properties of it, 100% bio diesel cannot be used in some of the older engines with rubber seals versus the new ones with neoprene seals. But they are aware that there may be an additional filter replacement or two necessary within a shorter period of time associated with the change over, but that is the only difference. The fuel •• and it smells like french fries. The fuel is stored and burned in the same manner as conventional diesel fuel.

MR. MENSCH:

You currently have a PM, preventive maintenance, system in place of changing all those filters now by using the current low sulfur diesel. And just to add to that low sulfur diesel is going to be done away with by the Federal Government in guidelines, and I think it's by 2006 of June, they're going to go to ultra low sulfur, because it just cannot pass the emission laws that they've •• the Department of Energy has set out. And as a process now, you've already change the fuel filters, so you're just going to change •• keep going changing them as you use bio diesel B•20.

CHAIRMAN O'LEARY:

My final question unless this raises another issue is what is the comparative cost of bio diesel and regular fuel? Is there a difference in the cost?

MR. MENSCH:

When you use the percentage, if you choose to use B•20, it's roughly a 20 cent •• 18 to 20% increase in fuel, because you are adding bio to the diesel you are using. If you use B•5, 5% bio, it's usually a five cents difference. So in your case, if you choose to use B•20 to offset that cost a little bit, you would use that grant money of six cents a gallon for any gallon you purchased.

CHAIRMAN O'LEARY:

Any other questions of the committee?

LEG. LOSQUADRO:

Just to give a little back up to that, last year, Suffolk County burned about 320,000 gallons of diesel fuel. And 20 cents a gallon without any help from any of the programs out there may sound like a lot, but it's really only •• if you do 20% of that, it's \$64,000. Couple that with the

grants that we hopefully will be receiving on this, it's a really small price increase for the reduction of the emissions.

CHAIRMAN O'LEARY:

I gather you are still in favor of this proposal. Mr. Mensch, thank you very much.

MR. MENSCH:

Thank you.

CHAIRMAN O'LEARY:

There being no questions, is there anybody else who wishes to address the committee? Okay. The meeting stands adjourned.

(* THE MEETING WAS ADJOURNED AT 4:40 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**

