

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, **March 22, 2005.**

MEMBERS PRESENT:

Legislator Allan Binder • Chairman

Legislator Peter O'Leary • Vice•Chairman

Legislator John Kennedy

Legislator Brian Foley

Legislator Ricardo Montano

Legislator Angie Carpenter

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature

Jim Spero • Budget Review Office

Rosalind Gazes • Budget Review Office

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Ben Wright • Sanitation Department • DPW

Leslie Mitchel • Deputy Commissioner • DPW

Alexandra Sullivan • Chief Deputy Clerk • Legislature

Bill Faulk • Aide to P.O. Caracappa

Ben Zwirn • County Executive's Office

Jacqueline Caputi • County Attorney's Office

Thomas Carrano • Environmental Protection Dept. • Town of Brookhaven

Geraldine Esposito • Councilwoman • Town of Brookhaven

Dennis Lynch

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 1:47 P.M.*)

CHAIRMAN BINDER:

Everyone, please rise for the Pledge of Allegiance led by Legislator O'Leary.

SALUTATION

CHAIRMAN BINDER:

If everyone would stand for a moment of silence for Elisabeth Taibbi, who was Clerk in this Legislature and Treasurer and a very important part of Suffolk County's history who just recently passed, and for always our soldiers who are overseas and who have given their lives for this great nation.

MOMENT OF SILENCE

CHAIRMAN BINDER:

Thank you. Okay. Public Works and Public Transportation Committee will come to order. First, I'm going to go to the cards. We have, first, the Honorable Geraldine Esposito from Brookhaven here to speak on a question that's coming up today on Lake Ronkonkoma. Members should know that after we get everyone to speak on this, I plan on taking, I think it's 1321, out of order and dealing with it before we go on to the rest the agenda. If you could ••

MS. ESPOSITO:

Good afternoon, ladies and gentlemen. I'm here to speak on Lake Ronkonkoma. Just to give you a little history, when I became a Councilwoman in the Town of Brookhaven, I received some phone calls from residents around the lake wanting to know when we were going to clean it up. It's been almost five years before •• since anyone can use it. I thought it was a terrific project. And to get it started, I called on the Councilwomen in Smithtown and Islip, and I asked them if they would like to join me in a task force to clean up the lake and get it open for the residents. Well, lo and behold, we got it started, and it's really taking off now. I started off very slow, not bringing too many people into the project until I really got the ball rolling. And it seems to be rolling quite well now.

We would like to upgrade the plan for the lake. We have consultants helping us, we have a company that would like to put filters in our drains, we have people that want to show us how to get rid of the geese on the lake, we have a community that is very, very deeply involved and committed to do this. Of course, to take on such a project takes funds.

The Town of Brookhaven has committed \$1.2 million towards this project, but of course, it's not nearly enough. We have some offers of funds coming in from our Senators and from our very, very generous Legislators. So this is what we're here for today. We have Tom Carrano from our Environmental Protection Department and Dennis Lynch here in case there are any kind of questions you would like to ask. I passed the pictures around to you. I was at the lake this

morning, it was a beautiful day, so I took some pictures. It is the •• I know, everybody knows about my picture taking. I took the telephone wires out of the picture, by the way. It is the largest freshwater lake in Long Island and deserves to be used the proper way.

We have boaters that want to go there, people that want to fish, we have people that want to swim, not me, I don't swim, but people do. We have cleaned up the beach. We have a company that came in and cleaned the beach up. We had our first festival there, which was very, very well attended by several hundred people, and we'd like to continue this. So that's what I'm here for now, to try to get additional funds to help us along. Thank you.

CHAIRMAN BINDER:

Thank you. Let me ask a question. Have you picked a company to do the filtration on the stormwater?

MS. ESPOSITO:

No, we haven't picked anybody yet, we are still interviewing with everyone. What I'm trying to do is get a step in plan, what we have to do first, and follow right down there. We have consultants coming in telling us what should be done, what can be done and collecting prices and ideas. I really am not prepared to dive into anything just yet until I know exactly which direction we are going. We have many people that have called us, want to do work for us, but I don't want to do step three before I do step one.

CHAIRMAN BINDER:

Is this an RFP process or a big process or •• how are you going to finally come to ••

MS. ESPOSITO:

Well, we do have some consultants on the list, and if we have to go out for RFP, we will. I'll see what the situation calls for. And I go back to our committee to ask which direction they want to us to go in.

CHAIRMAN BINDER:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you very much. Councilwoman, thank you so much for being down here. As a matter of fact, I want to commend you on starting up this group. And in a relatively short time, the group has already done good work and taken on several of the different aspects as far as clean up with the lake. As you know, several of us that sit around the horseshoe here actually touch upon Lake Ronkonkoma, and all of us, you know, view it for the real important jewel that it is, I guess, in the community. And we are looking forward to the remediation efforts.

This resolution in particular would look to go ahead and address something that's been a vexing problem in the area for many, many years, which is the proliferation of stormwater and lack of adequate drainage other than runoff into the lake itself, so that working with the group and working in collaboration to obtain Clean Water Act bond money along with a commitment from the Town of Brookhaven and the County of Suffolk, I think it really does represent an embodiment of all levels of government working together. So I applaud you for taking the initiative and thank you for coming down.

MS. ESPOSITO:

Thank you.

CHAIRMAN BINDER:

Thank you. Legislator Foley then Legislator Vioria•Fisher.

LEG. FOLEY:

Thank you, Mr. Chairman. And certainly this proposal that Legislators put forward is in keeping with the long tradition of the towns working together with the County to try to improve the greater Lake Ronkonkoma area, whether it's the parks in the area, such as Raynor Park where I know they're moving ahead to do some improvements there, but also the road network. And as some of us remember some years back longer than we realize that originally it was then Legislator John Wehrenberg from Islip, Legislator John Foley from the Brookhaven side, had worked together back in early '80s to initiate a series of acquisitions of properties along the lake as well as to undertake a Capital Program to divert some of the road runoff at that time. So this is in keeping with that intergovernmental and bipartisan approach in trying to improve that particular body of water, which was mentioned earlier by the Councilwoman as being a unique geological feature on the Island. And it's all the more reason why we should move forward with this particular resolution. And I will also go on as a cosponsor for the resolution. Thank you, Mr. Chairman.

CHAIRMAN BINDER:

Thank you. Are there any other questions?

LEG. VILORIA • FISHER:

I'd like to join •• I just wanted to clarify something, because yesterday at the •• our Environment Committee, there was some discussion of the visioning process •• the visioning that's going around Lake Ronkonkoma, and again, that referred to collaborative efforts that are going on between the local community, the town and the County. And so as Legislator Kennedy mentioned earlier, there are other Legislators here who have had an interest in this over the years. I know that when you get your teeth in something, Gerry, that you really hang on until you see it through to its completion.

MS. ESPOSITO:

Thank you. Pit bull, you mean.

LEG. VILORIA • FISHER:

No. No. But you're out there, and I'm glad that your energy is behind this and that we're working together to help improve and reach the goals of the visioning process. And certainly the lake is an important part of that vision.

MS. ESPOSITO:

Major.

LEG. VILORIA • FISHER:

Thank you very much.

MS. ESPOSITO:

Thank you.

CHAIRMAN BINDER:

Thank you. Any other questions, comments? If not, thank you, Councilwoman, for coming before us. I appreciate your input. What I'm going to do is I'm going to get Public Works up, take that out of order, and we will start a discussion.

MS. ESPOSITO:

Thank you very much.

CHAIRMAN BINDER:

Thank you. I have two cards from the people you mentioned, but I don't think •• Mr. Carrano and Mr. Lynch, but I don't know that we need answers. If we do, we will call you up, I've got your cards. If I can ask the Commissioner to come up with whoever •• whomever he needs. Wow. Alone. Knows all of it himself.

There is apparently a cell phone in the back on one of the chairs. Did anybody drop a cell phone? Need a cell phone? Looking for a cell phone? Check all your cell phones. I don't need

one myself. Especially if it's got a lot of free time on it. Okay. If it's no one's cell phone, we're going to take about •• at least a 15 minute break at this point. I'm going to ask everyone to just clear the auditorium, and I'll let you know. You will hear me.

(* A RECESS WAS TAKEN FROM 1:58 P.M. UNTIL 2:11 P.M.*)

CHAIRMAN BINDER:

Public Works Committee is now back in session. What I'm going to do is make a motion, second by Legislator Carpenter to take 1321 out of order. All those in favor? Opposed? **1321, (amending the 2005 Capital Budget and Program and appropriating funds in connection with stormwater remediation construction and improvements at southeast intersection of Lake Shore Drive and Lake Terrance in Lake Ronkonkoma, Town of Brookhaven).**

Charlie, just let me ask a question. I started to ask the question about the process of picking the remediation, who is going to remediate and how we are going to do it. I asked the Councilwoman, but maybe it's more properly as I thought about it, as I was asking •• more properly asked to you since this is •• I assume this is County land, so what's the process? Is it a town process, a County process, a State process, since they're giving 300,000? I don't know, maybe they give more money, they get to choose. What's the process in picking the type of remediation and the actual vendors?

COMMISSIONER BARTHA:

I'm going to ask Bill Hillman to come up.

CHAIRMAN BINDER:

I knew you couldn't do it alone. You tried. It's a good shot.

COMMISSIONER BARTHA:

I know my limitations.

MR. HILLMAN:

We have had a representative at the Lake Ronkonkoma Task Force. The County has addressed the majority of or all of our stormwater runoff into the lake. This is a town initiative to address town runoff. We do support ••

CHAIRMAN BINDER:

Explain the difference between County runoff and town runoff, it has to do with the roads that are adjacent?

MR. HILLMAN:

That's correct. All runoff on County roads have been mitigated.

CHAIRMAN BINDER:

How do we do that?

MR. HILLMAN:

A number of ways.

CHAIRMAN BINDER:

I wanted the specifics, just what we did, not when or anything, but what were the steps that we took?

MR. HILLMAN:

Certain instances we •• in fact, in all instances, we removed the direct discharge from the lake and redirected that runoff into a retention pond. One is a retention pond, another is a bio •• it's a multilevel bio filtration system.

CHAIRMAN BINDER:

And now, the method that the town is looking at, you are comfortable with?

MR. HILLMAN:

That has not been detailed, and we are not •• we are not aware of the specifics regarding that.

CHAIRMAN BINDER:

Okay. So I assume you will be part of the process as they're going forward.

MR. HILLMAN:

As they plan •• I believe they are still in the planning stage, I don't think they are at the point where they would determine the specifics of it. If they would like our input, we would be more than happy to.

LEG. KENNEDY:

Mr. Chair, if I can just add ••

CHAIRMAN BINDER:

Legislator Kennedy.

LEG. KENNEDY:

•• yeah, one other piece to the dialog and the discussion here. Charlie, certainly you know Ed Cohen from your shop has sat on this task force, and as a matter of fact, has been there throughout the process of discussion. I know Mr. Hillman and I, as a matter of fact, had some conversation about that as well, and there are schematics that have been prepared by a consultant, as a matter of fact, that detail in great length, I guess, the extent of the remediation. So certainly we anticipate that, of course, DPW is going to be involved in projects, you know, as it goes forward. But it appears at this point that there has been at least some viewing and vetting of the initial proposal at this point by Mr. Cohen.

COMMISSIONER BARTHA:

That's correct. But it's also •• it is a town initiative, it is not something •• it is something that they would design.

LEG. KENNEDY:

Okay.

CHAIRMAN BINDER:

We have a motion by Legislator Kennedy, seconded by Legislator Foley.

LEG. KENNEDY:

Just one more thing, Mr. Chairman, just on the motion. I'd also like to add to the record the fact that we have a letter of support that came from our Town of Smithtown Environmental Director, Russell K. Barnett, who is speaking in favor of the initiative as well, kind of embodies what we had all talked about before, multilevel, multitown level support from all of the folks that want to see good things come back to the lake.

CHAIRMAN BINDER:

Is there a part of Smithtown that is actually ••

LEG. KENNEDY:

Yes. Yes. There is part of Smithtown that abuts the lake.

CHAIRMAN BINDER:

Will there be remediation? I mean, I appreciate them supporting our efforts to help with the Brookhaven portion, we did the County portion, so there must be a Smithtown •• a portion of Smithtown roads, are they looking to do remediation on their part also? I mean ••

LEG. KENNEDY:

Yes. I've been told, as a matter of fact, that they are •• they've contacted my office in a variety of different ways to go ahead and look for some assistance with possibly acquiring land that butts up against the holding ponds that Mr. Hillman made reference to on the north side of the lake. And there's been an extensive amount of stormwater drain installation on the northwest portion of the lake, which actually lies within the Town of Smithtown. So they are fully participating.

CHAIRMAN BINDER:

Thank you. Was there any more comments? Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

Charlie, I thought I heard someone say that some of this is County property, is it or?

COMMISSIONER BARTHA:

No.

LEG. VILORIA • FISHER:

It is not. Okay. So we're not lead agency, this wouldn't have to go before our CEQ?

COMMISSIONER BARTHA:

No, I don't believe it would.

LEG. VILORIA • FISHER:

Okay. And are we involved in •• we're not involved in the RFP process either then.

COMMISSIONER BARTHA:

That's correct.

LEG. VILORIA • FISHER:

Okay. And actually I think if I recall, Legislator •• Councilwoman Esposito said that they're using consultants and probably letting •• not an RFP process.

COMMISSIONER BARTHA:

You would have to ask the town that question.

LEG. VILORIA • FISHER:

Okay. But we're not •• the County is not a party to that.

COMMISSIONER BARTHA:

That's correct.

LEG. VILORIA • FISHER:

Thank you, Charlie.

CHAIRMAN BINDER:

So I guess I'm just talking with Counsel here about •• I guess there's a sump adjacent, is that what we're talking about? So none of the work is going to be done on County land, the roadways, the sump, anything else around there that they're working on is going to be owned by Brookhaven, not by the County?

MR. HILLMAN:

That is correct. Everything will be owned by the Town of Brookhaven.

CHAIRMAN BINDER:

Okay.

LEG. KENNEDY:

One other point that I should add, though, to the discussion, Mr. Chairman, is that the physical location for this area will be immediately south of the southern portion of Raynor Park where the intersection •• Lake Terrace Drive, is that it, that actually, I guess, separates the southern most part of Raynor and where this sump will be, which is designed to go ahead and take that 20 some odd acres of surrounding area and road runoff? There has been some remediation, I guess, that's been done or some planning for stormwater runoff in Raynor, but certainly if there's, you know, additional runoff that's coming from the park, it may be able to be captured by the sump.

CHAIRMAN BINDER:

Okay. Any other questions? I have a motion and a second. All in favor? Opposed? 1321 is **approved. (VOTE:6•0•0•0).**

CHAIRMAN BINDER:

We'll go back to 2128. The next step is we're going to have a full Legislative meeting. Gerry.

LEG. KENNEDY:

Just a moment so we can let you know ••

CHAIRMAN BINDER:

A week from Tuesday will be •• it's a week from Tuesday? April 5th is a meeting of the Legislature here, I guess. It's at 9:30. By the afternoon •• or we can take it out of order, depending •• but by the afternoon we should have action on it here at the Legislature, and I fully anticipate no problem, but you never know. It's always good to check in on us.

MS. ESPOSITO:

Thank you very much. My group wants to know if I'm leaving with the cash.

CHAIRMAN BINDER:

Not yet.

TABLED RESOLUTIONS

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

CHAIRMAN BINDER:

It says public hearing was recessed. Motion to table by myself, seconded by Legislator Foley. All in favor? Opposed? 2128 is **tabled. (VOTE:6•0•0•0)**.

2299•04. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for CR 63 Peconic Avenue, at Peconic River. (COUNTY EXEC)

CHAIRMAN BINDER:

We have a motion?

LEG. O'LEARY:

I have a question before the motion. On all of these resolutions before us, Charlie, has there been a Water Quality Review Committee report on 2299 through 2304?

COMMISSIONER BARTHA:

Yes. The Water Quality Committee has met since the last meeting of the Public Works Committee and approved each •• recommended each of these projects.

LEG. O'LEARY:

Okay. Thanks.

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN BINDER:

Motion to approve by Legislator Foley, seconded by Legislator Viloría•Fisher. On the motion, just let me ask, Commissioner, generally this is for work or for planning, or how does it break down?

COMMISSIONER BARTHA:

It's always for work, sometimes it includes planning.

CHAIRMAN BINDER:

We have a motion and a second. All in favor? Opposed? 2299 is **approved. (VOTE:6•0•0•0).**

2300•04. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for CR 80 Montauk highway, at Oceanview Road. (COUNTY EXEC)

LEG. VILORIA • FISHER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Viloría•Fisher, seconded by Legislator O'Leary. All in favor? Opposed?
2300 is **approved. (VOTE:6•0•0•0).**

2301•04. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for CR 94A center Drive South at Little Peconic River. (COUNTY EXEC)

CHAIRMAN BINDER:

We have a motion by?

LEG. FOLEY:

Motion.

CHAIRMAN BINDER:

Legislator Foley, seconded by Legislator O'Leary. All those in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

2302•04. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for CR 96 Great East Neck Road at Evergreen Street. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator O'Leary. Any comments? If not, all in favor? Opposed? 2302 is **approved. (VOTE:6•0•0•0).**

2303•04. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for CR 50 Union Boulevard at Champlins Creek. (COUNTY EXEC)

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator Foley. All in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

2304•04. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for CR 35 at Huntington Harbor. (COUNTY EXEC)

CHAIRMAN BINDER:

I'll make the motion.

LEG. O'LEARY:

Is there a second on that?

CHAIRMAN BINDER:

Seconded by Legislator O'Leary. I just want to ask one question. We had some discussion with the Commissioner about changing the program a little bit on this one, rather than just putting into a basin, I was hoping we would be able to get a filtration system going along Mill Dam Road so that we could make sure that the runoff gets filtered, all the •• because it's right next to the water, the Bay, and obviously, we're trying to clean it up. So can you just tell me the status of where we are on that?

COMMISSIONER BARTHA:

Yes. At your request, we reviewed the program, and we can •• we are going to revise the scope now of the program and design to include that, and we can do it within the budget.

CHAIRMAN BINDER:

Great. Okay. We have a motion and a second. All in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

1071•05. Approving rates established for Fire island Water Taxi, LLC. (PRESIDING OFFICER)

LEG. VILORIA•FISHER:

Motion to table.

CHAIRMAN BINDER:

Motion to table by Legislator Viloría•Fisher, seconded by Legislator Foley. All in favor? Opposed? 1071 is **tabled. (VOTE:6•0•0•0)**

LEG. CARPENTER:

On the motion. I'm just wondering where we are with the report on this. Budget Review, is that scheduled to be completed soon?

MR. DUFFY:

Fire Island Water Taxi was given out yesterday, so it should have been in your mailboxes.

LEG. CARPENTER:

Great. So this has to be tabled anyway, because the hearing is recessed. Okay. Thank you.

CHAIRMAN BINDER:

Okay. We are going to go to Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

1092. Promoting the preservation of Suffolk's environment by purchasing "Green" power. (COOPER)

LEG. VILORIA • FISHER:

Motion to approve.

LEG. O'LEARY:

Is this Cooper's 25%? This is the 25% proposal?

LEG. VILORIA • FISHER:

Yes.

CHAIRMAN BINDER:

I have a motion by Legislator Viloría•Fisher to approve.

LEG. FOLEY:

Second.

CHAIRMAN BINDER:

I have a second by Legislator Foley. I'll make a motion to table.

COMMISSIONER BARTHA:

Mr. Chairman.

LEG. VILORIA•FISHER:

The two proposals are not mutually exclusive. Schneiderman's bill, I believe, is a mandate for 10%, whereas Cooper's bill is a goal of 25%, am I correct, Counsel, in that distinction?

MS. KNAPP:

Yes. Legislator Cooper's bill talks about a goal of not less than 25% by 2010, while Legislator Schneiderman's bill does mandate 5%. It's an RFP, and it's much more immediate. Legislator Schneiderman's bill will move toward Legislator Cooper's goal.

LEG. VILORIA • FISHER:

Right. They do work very well in tandem.

CHAIRMAN BINDER:

Commissioner.

COMMISSIONER BARTHA:

We have some serious concerns about this. While it is a laudable effort certainly, you should be aware of the cost, and there's no provision made in the resolution for the additional cost associated with this. By the time we get to 25% of electrical consumption from renewable resources, it will cost us an extra \$750,000 a year for power in the County. And assuming what this resolution means is that it should be graduated up to 25% and doing it in 4% increments getting us to 25% by 2010, we're looking at two hundred and almost twenty thousand dollars additional this year and a similar amount next year.

LEG. VILORIA • FISHER:

Yes. Mr. Chair.

CHAIRMAN BINDER:

Legislator Vioria•Fisher.

LEG. VILORIA•FISHER:

Charlie, I would assume that those estimates come from all things being equal. But isn't Green Power as it becomes more abundant, more available, better technology, might there not be a chance that the numbers •• the kind of extrapolation you've done, would be based on current technology and not what might be available in ten years and possibly with the advent of better technology and more efficient technology it wouldn't be as cost prohibitive as you're describing?

COMMISSIONER BARTHA:

Well, that's certainly possible, but I'm not in a position to assure you of that.

LEG. VILORIA•FISHER:

But you're basing your numbers on the current technology.

COMMISSIONER BARTHA:

That's correct. Based on the LIPA website.

LEG. VILORIA•FISHER:

We are anticipating •• but I mean, it's not unreasonable to anticipate that it would be more cost effective as the years go by. And by the way, this is a goal, not a mandate.

LEG. FOLEY:

I have a question.

CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Commissioner, you raised ••

MS. BURKHARDT:

Mr. Chairman, can you please ask everyone to look around the area for a package, a briefcase, a box.

**(A REPRESENTATIVE OF THE SUFFOLK COUNTY POLICE DEPARTMENT APPROACHED
AND SPOKE TO MEMBERS OF THE COMMITTEE)**

CHAIRMAN BINDER:

Thank you for your help. Suffolk's Finest.

LEG. VILORIA • FISHER:

Best looking.

CHAIRMAN BINDER:

And best dressed. I didn't say best looking. That's on the record, Legislator Vilorina•Fisher said best looking.

LEG. VILORIA • FISHER:

I thought it was best looking.

CHAIRMAN BINDER:

Best dressed. We're not going to go there, Legislator Vilorina•Fisher. If I said that, then it would have been much worse. Better you should say it then I should say it. Okay. We really scared Legislator Foley right out of his seat. He's coming back. He has been told it's okay. You are okay now, Legislator?

LEG. FOLEY:

Actually, I was looking in the Democratic Caucus Room.

CHAIRMAN BINDER:

You know, I'm not going to go there.

LEG. FOLEY:

It's one way to retain your majority.

CHAIRMAN BINDER:

Okay. I want to get •• let's get back to where we were. We have a motion.

LEG. VILORIA • FISHER:

He was in the middle of asking a question.

CHAIRMAN BINDER:

That's why we asked the Police to come in. It was perfect timing.

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Commissioner, you mentioned the potential additional cost of three-quarters of a million dollars. What's the overall budget for heat •• for power, heat and lighting? I mean, it's a considerable figure, is it not?

COMMISSIONER BARTHA:

It is ••

LEG. FOLEY:

This would add to that, that's what you mentioned. Heat, power and lighting is a substantial appropriation of monies. That being the case, on a percentage basis, I think, anywhere from half a million to three-quarters of a million is a, in percentage terms, I think, rather small increase where there's a goal and a policy that we're looking at to try to have •• to try to move away from fossil fuels. So just through the Chair, one final quick •• would it be •• would I be out of the ballpark by saying it's close to \$15 million?

COMMISSIONER BARTHA:

You're in the ballpark.

LEG. FOLEY:

About 15 million for heat, power and light?

COMMISSIONER BARTHA:

For power.

LEG. FOLEY:

For power? Why are looking at power •• this is only about power, correct?

COMMISSIONER BARTHA:

Correct.

LEG. FOLEY:

So about 5%. Just through the Chair, it's about 5% we're looking at?

COMMISSIONER BARTHA:

That's correct.

LEG. FOLEY:

Thank you.

CHAIRMAN BINDER:

I made a motion to table, seconded by Legislator O'Leary, which takes precedent. On the question of how much it is, I know that Mr. Zwirn was here yesterday, and we were talking about whether to bond something or pay•as•you•go, and the question by the County Executive was, even thousands of dollars, I think the cost would have been 20 some odd thousand dollars. There were a number of figures in bonding costs. Better we do that than spend the money out, because we're looking at possible deficits, and I question •• I'm not sure what deficits we're looking at. I think there are big question marks in that.

But still, I know that there's a sensitivity on the part of the County Executive even in terms of thousands of dollars, let alone hundreds of thousands of dollars as we're looking at next year's budget. So it would seem to me at this point if we're talking over \$200,000 in this year's numbers, and that might be a conservative estimate by the Commissioner, it could be more than \$220,000. Before we take a stab at that, we should understand how much we're talking about, we should also understand the budget situation before we put more strains on the budget.

I have a motion to table, seconded by Legislator O'Leary. We have that as •• that takes precedent. Legislator O'Leary, you want to comment? No. Yes? No. Okay. Motion to table. All in favor? Opposed?

LEG. VILORIA • FISHER:

Opposed.

LEG. FOLEY:

Opposed.

CHAIRMAN BINDER:

Opposed, Legislator Viloría•Fisher, Legislator Foley. 1092 is **TABLED**. (VOTE:4•2•0•0)
(Opposed: Legis. Viloría•Fisher and Foley).

1126•05. Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program and appropriating funds in connection with storm remediation improvements within the Town of Southampton. (SCHNEIDERMAN)

CHAIRMAN BINDER:

Let me ask Counsel so she can just maybe give us more specifics on •• because this is not from the County Executive, this is from Legislator Schneiderman himself for his area, maybe we can get some specifics. First question I guess I can ask the Commissioner, did it go through the Water Quality group?

COMMISSIONER BARTHA:

We're not exactly sure what project this is. We believe this is a combination of two projects that

have gone through the Water Quality Committee based on the total amount of the dollars. We also believe that the project number is incorrect on the last resolved the dash 311, we believe that should be dash 316, but as I said, we're not completely sure what project this is.

CHAIRMAN BINDER:

Okay. If it were just that question of the dash 311 versus the dash 316, that could be changed as a scriVenor's error for the meeting, for the next meeting, but I'm concerned that you don't know, you know, you are not sure which program it is, so maybe Counsel can give us some illumination on that.

MS. KNAPP:

This project is for the Town of Southampton to install stormwater remediation •• to install stormwater remediation project on certain town roads.

COMMISSIONER BARTHA:

They had a project •• they had two projects that were submitted to the Water Quality Committee; one was for \$400,000, and the other was for \$62,500[.|.|.] That's what makes it • and this resolution is for 462,500, which makes us believe that maybe there's projects •• two distinct projects combined in one resolution.

CHAIRMAN BINDER:

If they are those two distinct projects, and they did pass ••• they passed through the committee, you're telling us?

COMMISSIONER BARTHA:

They passed through the committee, and there were matching funds from the towns, not equivalent amounts.

LEG. FOLEY:

Mr. Chairman, if I may.

CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Many of us are supportive of working with the towns. Quite frankly, though, this is an incomplete resolution. It doesn't identify the roads. And unlike the one we approved for the Town of Brookhaven, it lacks the kinds of specificity that we normally would attach to something like this. So, you know, we do want to support it, but it's just •• it's just too general.

COMMISSIONER BARTHA:

The larger of the projects that we believe this is •• actually the smaller of the projects, the \$62,500 project, is for a stormwater management drainage inventory activity. It's an inventory activity. So we are not completely sure if these, indeed, are those projects. If it is those projects, the Water Quality Committee did recommend them.

LEG. O'LEARY:

I'll make a motion to table.

CHAIRMAN BINDER:

Motion to table by Legislator O'Leary, seconded by Legislator Foley. All in favor? Opposed?
1126 is **tabled. (VOTE:6•0•0•0).**

I'll have my staff get in touch with Legislator Schneiderman and see if we can get more information.

1136•05. Approving maps and authorizing acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties to be acquired for improvements on CR 80, Montauk Highway, vicinity of NYS Rt. 112 to vicinity of CR 101, Sills Road, Phase II at Town of Brookhaven, County of Suffolk, New York. (FOLEY)

LEG. FOLEY:

Motion to approve, Mr. Chairman.

CHAIRMAN BINDER:

Motion to approve by Legislator Foley, seconded by Legislator O'Leary.

LEG. O'LEARY:

On the question of the motion.

CHAIRMAN BINDER:

On the motion, Legislator O'Leary.

LEG. O'LEARY:

Is the sponsor aware there's a competing Resolution, 1275, that looks like it's word for word?

LEG. FOLEY:

It appears to be word for word, Legislator. Since numerically, this is the first resolution, I would ask for your support for this resolution. The following resolution we can table, and I'll speak to the County Executive's Office about withdrawing it, because it's an identical resolution. But I thought we would move forward with a Legislative initiative.

LEG. O'LEARY:

Well, I just wanted to point out just to make certain that you're aware of the fact that there's a competing resolution.

LEG. FOLEY:

That has not been lost on the sponsoring Legislator.

LEG. O'LEARY:

I happily second the motion to approve.

CHAIRMAN BINDER:

We have obviously a bipartisan County Executive. We have a motion and a second to approve. All in favor? Opposed? 1136 is **approved. (VOTE:6•0•0•0)**

LEG. FOLEY:

Thank you, Mr. Chairman.

CHAIRMAN BINDER:

Anything for a fellow Legislator.

LEG. FOLEY:

Within reason.

CHAIRMAN BINDER:

Within reason.

LEG. FOLEY:

Especially along Montauk Highway.

CHAIRMAN BINDER:

There it is.

1144•05. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with 65 Maxess Road. (COUNTY EXEC)

LEG. FOLEY:

Can we have an explanation from the Commissioner, Mr. Chairman?

CHAIRMAN BINDER:

Commissioner, can you give us information on 1144?

COMMISSIONER BARTHA:

Certainly. This is a project that is looking to connect to the Southwest Sewer District. The Southwest Sewer District will receive a one time connection fee of \$105,000, and the property owner would pay the same sewer use charges and taxes as if it were in the district plus 5% every year. The sewer district has capacity for this. As some of you may know, we have received the acknowledgement of the State DEC that the resolution you passed at last week's meeting is sufficient to constitute a capital improvement plan, which will allow us to contract out the one and a half million gallons per day of safety factor capacity that we have. In addition, our good neighbor Newsday has acknowledged that they do not need the 45,000 gallons per day that been previously committed to them. So we are now counting that in capacity that's available.

LEG. VILORIA • FISHER:

Mr. Chairman.

CHAIRMAN BINDER:

Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

We have had several, several resolutions tabled because of, you know, capacity issues, capacity questions. Would this leapfrog over other projects that are still in the pipeline?

COMMISSIONER BARTHA:

I think any •• any of the resolution that have been presented so far should be able •• I mean, as far as we're concerned, we would recommend they do be approved, because there is sufficient capacity.

LEG. VILORIA • FISHER:

But I'm just trying to remember, are there still some that were tabled at the General Meeting?

COMMISSIONER BARTHA:

At the General Meeting, I believe there are some.

LEG. VILORIA • FISHER:

That have been tabled for a number of meetings?

COMMISSIONER BARTHA:

Correct.

LEG. VILORIA • FISHER:

Okay. And with •• if all of those •• with the approval of all of those previous resolutions, there would still be sufficient capacity for this one?

COMMISSIONER BARTHA:

Absolutely.

LEG. VILORIA • FISHER:

And this is pretty much the same corridor?

COMMISSIONER BARTHA:

Yes.

LEG. VILORIA • FISHER:

Thank you.

LEG. FOLEY:

Motion to approve.

CHAIRMAN BINDER:

Motion to approve by Legislator Foley, seconded by Legislator Kennedy. All in favor? Opposed?
1144 is **approved. (VOTE:6•0•0•0)**

1145•05. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with Baylis Road Altana, Inc. (COUNTY EXEC)

CHAIRMAN BINDER:

I'll make a motion, seconded by Legislator O'Leary. Is there any questions on this one? 1145, motion and a second. All in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

1146•05. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of Tilles Corporation Center East. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Foley. I'm going to make a motion to table. There's just some questions I have. I don't want to put them on the record now, but I have some questions. I want to take a look at this one for a little bit.

LEG. FOLEY:

I'll withdraw the motion.

CHAIRMAN BINDER:

Seconded by Legislator O'Leary. All in favor? Opposed? 1146 is **tabled. (VOTE:6•0•0•0).**

1161•05. Amending the 2005 Operating Budget and accepting and appropriating an approximate 35% grant from the New York State Research Development Authority regarding in pipe sewage treatment at Sewer District Nos. 8 • Hauppauge Industrial and 20 • William Floyd and authorizing execution of agreements for the research project.

(COUNTY EXEC)

LEG. FOLEY:

Motion.

LEG. O'LEARY:

Second.

CHAIRMAN BINDER:

Motion by Legislator Foley, seconded by Legislator O'Leary. Any questions? All in favor? Opposed? 1161 is **approved. (VOTE:6•0•0•0)**

1180•05. Authorizing use of appropriated Capital Funds in connection with the replacement of sewer facility maintenance equipment.

(COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator Kennedy. Any questions on this?

LEG. O'LEARY:

Question.

CHAIRMAN BINDER:

Question, Legislator O'Leary.

LEG. O'LEARY:

Is this maintenance equipment at all facilities, Commissioner, or Southwest Sewer District?

COMMISSIONER BARTHA:

I'm looking at that right now. Ben, do you know?

MR. WRIGHT:

All sewer districts, all of them, including Southwest.

LEG. O'LEARY:

Thank you.

CHAIRMAN BINDER:

Motion and a second. All in favor? Opposed? 1180 is **approved. (VOTE:6•0•0•0).**

1181•05. Amending the 2005 Operating Budget and appropriating funds in connection with the purchase of sewer facility maintenance equipment. (COUNTY EXEC)

CHAIRMAN BINDER:

Same motion, same second. All those in favor? Opposed? 1181 is **APPROVED. (VOTE:6•0•0•0).**

1189•05. Appropriating funds in connection with planning for the construction of the Fourth Precinct. (NOWICK)

CHAIRMAN BINDER:

Motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

CHAIRMAN BINDER:

Seconded by Legislator O'Leary. On the motion, Legislator Foley.

LEG. FOLEY:

I'll be supporting the resolution, but I know that there was discussion over a period of years about a master plan for a North County Complex, and there were issues with buildings and

whether or not the ME's Building wanted to expand to where the •• where the current Fourth Precinct is. Is that now a settled issue by going forward with this resolution? As I said, I do want to support it, but we have had those discussions, Mr. Chairman, in this committee over a period of years about the general master plan for the North County Complex. And there was competing space in that area of the complex by different departments, so I'm wondering where that stands.

CHAIRMAN BINDER:

Commissioner.

COMMISSIONER BARTHA:

This is consistent with the master plan as this replacement of the Fourth has been identified as a priority. We will be building, consistent with the master plan, an entirely new Fourth Precinct Building that will be to the east of the Labor Department Building.

LEG. O'LEARY:

To the east of Labor?

COMMISSIONER BARTHA:

East or south.

LEG. O'LEARY:

We are south.

CHAIRMAN BINDER:

Directionally challenged Commissioner.

COMMISSIONER BARTHA:

If this is south, that's east.

LEG. VILORIA • FISHER:

Why don't we go out and walk it?

LEG. FOLEY:

Just through the Chair, is this for the field, if you will, directly to the east of our building?

COMMISSIONER BARTHA:

No, for the parking lot north of that. And the field to the east of this building would become parking.

LEG. FOLEY:

It would be?

LEG. O'LEARY:

Parking for the Fourth Precinct?

COMMISSIONER BARTHA:

For the Fourth Precinct.

LEG. FOLEY:

Because that field is used by •• I mean, that field is used by a variety of people. And I know that there's also some ceremonies that are held on the eastern part of that particular field. I know local kids use it as ballfield •• well.

LEG. O'LEARY:

They used to use it as a ballfield.

LEG. FOLEY:

Well, they have. And you know, there's dwindling space for those kinds of things. I thought they were going to look at a different area for the Fourth precinct.

CHAIRMAN BINDER:

Is this the •• Commissioner, is this the money that's in the budget for •• I mean, this came from the Capital Budget, it's not amending the Capital Budget?

COMMISSIONER BARTHA:

That's correct. It's in the Capital budget. And this is the project that we will be taking the LEED initiative on, you might recall some discussion about that over the past years.

LEG. O'LEARY:

Oh, yeah.

CHAIRMAN BINDER:

Right. So is this ••• is this just planning at this point, appropriating the planning money, but not construction?

COMMISSIONER BARTHA:

That's correct.

LEG. FOLEY:

Okay.

LEG. O'LEARY:

I don't know if this is premature. The question I have is is the current building going to be raised?

COMMISSIONER BARTHA:

No. The current building would be renovated.

LEG. O'LEARY:

Renovated?

COMMISSIONER BARTHA:

For other purposes.

LEG. O'LEARY:

Oh, okay. Thank you.

CHAIRMAN BINDER:

And the estimate on the total project cost? I don't have it in front of me, the Capital Budget.

COMMISSIONER BARTHA:

For the Fourth Precinct?

CHAIRMAN BINDER:

Yeah.

COMMISSIONER BARTHA:

I don't believe we have that yet.

CHAIRMAN BINDER:

Okay.

LEG. O'LEARY:

I thought perhaps we might consider raising it to build a ballfield for Legislator Foley'S concerns, which is a legitimate concern, Brian.

LEG. VILORIA • FISHER:

We also don't want to lose the Domestic Violence Ceremony tree over there.

LEG. O'LEARY:

That's right.

CHAIRMAN BINDER:

The tree. Yes, the tree. Can't forget the tree. We have a motion and a second. All those in favor? Opposed? 1189 is **approved. (VOTE:6•0•0•0).**

1193•05. Reappointing Cliff Hymowitz as a member of the Suffolk County Transportation Advisory Board. (CARACAPPA)

LEG. FOLEY:

Motion.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN BINDER:

Motion by Legislator Foley, seconded by Legislator Viloría•Fisher. All those in favor? Opposed?
Approved. (VOTE:6•0•0•0).

1222•05. Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5•A to form a sewer district at County Pointe in the Town of Smithtown. (KENNEDY)

CHAIRMAN BINDER:

Motion by Legislator Kennedy to table.

LEG. KENNEDY:

No. As a matter of fact, Mr. Chairman, there's been some question, but we have taken another look. As a matter of fact, I'm going to ask Legislative Counsel if she can, to just gives us some brief input associated with how this most basic of steps, I guess, commences when the County contemplates taking over a private wastewater ••

CHAIRMAN BINDER:

I apologize for jumping to the gun, but I think that was the last thing you whispered in my ear, but you •• I guess, you are continually looking at how to do this, ongoing.

LEG. KENNEDY:

Once again, you've got your •• you've got your eye on the ball.

CHAIRMAN BINDER:

There you go.

LEG. O'LEARY:

I wouldn't go that far.

MS. KNAPP:

There was a little bit of confusion, and the County Attorney and I discussed it, and I went back and pulled out the law one more time and discussed with Legislator Kennedy. The section of the law that talks about starting the process, you can do it one of two ways. You can either do it by verified petition or you can do it as the Board of Supervisors on your own motion. So legally, we are doing this on our own motion. And I think that one of the reasons why is that •• that the people who live there are not sure themselves whether or not they want this, and this will give Public Works the authorization to just do preliminary maps and cost estimates before anybody moves forward.

LEG. KENNEDY:

But based on the four corners of the reso, we're on sound footing.

MS. KNAPP:

Yes.

LEG. KENNEDY:

Good. Thank you. Then I'll make a motion to approve.

LEG. VILORIA • FISHER:

On the motion.

CHAIRMAN BINDER:

We have a motion to approve by Legislator Kennedy, I'll second the motion. On the motion, Legislator Foley, then Legislator Vilorina • Fisher.

LEG. FOLEY:

This is to the Commissioner. Commissioner, the •• certainly a Legislator has a right to put a resolution forward like this. I haven't seen one before. Is this in keeping with how we •• normally these flow, forgive the pun, from the sewer agency to here, but here we have a case where it's a Legislator that's initiating this.

COMMISSIONER BARTHA:

Well, the community has expressed some interest to us, and we communicated with the

Legislator, which is the way we have done in situations like this in the past, and we believe •• we will give a careful look at the district and prepare a report and recommendation to you and the Legislator. And at this point, you would, as a body, make a decision as to whether to take it over.

LEG. FOLEY:

So this resolution, in essence, will move the process forward for you to do those things?

COMMISSIONER BARTHA:

It moves the process forward without making a commitment as to what's going to happen.

LEG. FOLEY:

Right. Okay. Thank you.

CHAIRMAN BINDER:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. As part of the process, I notice that there is a petition attached to the backup. Will there be public hearings held in the area?

COMMISSIONER BARTHA:

Before a district would be formed, there would be public hearings held, yes.

LEG. VILORIA • FISHER:

Okay. Thank you.

CHAIRMAN BINDER:

We have a motion and a second. All in favor? Opposed? 1222 is **approved. (VOTE:6•0•0•0).**

1264•05. Amending Resolution No. 734•2004, in connection with making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 2 • Tallmadge Woods in the Town of Brookhaven. (COUNTY EXEC)

LEG. FOLEY:

Explanation.

CHAIRMAN BINDER:

Explanation. I don't know if Counsel or Commissioner •• the Commissioner might want to

explain. This comes from the County Executive, so.

COMMISSIONER BARTHA:

This is a sewage treatment plant that's been built a number of years ago. The County is very interested in taking it over. It's in good shape at this time. And the Legislature actually passed a resolution last year to allow us to take it over. There has been some changes in the State Comptroller's view of the way things should be presented to them, so this basically cleans up the prior resolution, amends the prior resolution, to satisfy the State Comptroller.

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN BINDER:

Motion to approve by Legislator Viloría•Fisher, seconded by Legislator O'Leary. Anything on the motion? All those in favor? Opposed? 1264 is **approved. (VOTE:6•0•0•0).**

**1269•05. Appropriating funds in connection with the reconstruction of culverts.
(COUNTY EXEC)**

CHAIRMAN BINDER:

Motion by Legislator O'Leary, seconded by Legislator Foley. Any question? If not, all those in favor? Opposed? 1269 is **approved. (VOTE:6•0•0•0).**

1270•05. Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program and appropriating additional funds for reconstruction of Suffolk County Sewer District No. 1 • Port Jefferson. (COUNTY EXEC)

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Vioria•Fisher, seconded by Legislator Foley. On the question, Legislator O'Leary.

LEG. O'LEARY:

To BRO, the transferring from the Tax Stabilization Reserve Funds, is that the Tax Stabilization Reserve Funds?

MS. GAZES:

No. That's Assessment Stabilization Reserve Funds.

LEG. O'LEARY:

So it's the sewer?

MS. GAZES:

Yes.

LEG. O'LEARY:

Okay. Thank you.

CHAIRMAN BINDER:

Okay. Any other questions? If not, we have a motion and a second. All those in favor? Opposed? 1270 is **approved. (VOTE:6•0•0•0).**

1271•05. Appropriating funds for engineering services in connection with safety improvements at various intersections. (COUNTY EXEC)

LEG. O'LEARY:

Motion.

CHAIRMAN BINDER:

Motion by Legislator O'Leary.

LEG. FOLEY:

Second.

CHAIRMAN BINDER:

Second by Legislator Foley.

LEG. FOLEY:

On the motion.

CHAIRMAN BINDER:

On the motion, Legislator Foley.

LEG. FOLEY:

Through the Chair, Commissioner, given the increase in problems on a number of roadways, why are you requesting only \$50,000? I would imagine that, you know, the problem is much larger than that?

COMMISSIONER BARTHA:

This is •• this particular request is specific for us to use a consultant to review the Heartland Town Center project.

LEG. FOLEY:

Okay. It's specific. Thank you.

LEG. O'LEARY:

This isn't County•wide, this is just for a specific project?

COMMISSIONER BARTHA:

That's correct. It's a very large project, and we feel •• we get smaller projects all the time to review. This heartland Town Center project is huge and has •• there are some major roadways in the area that it will impact on, and we felt we need help, we need assistance in reviewing this.

LEG. CARPENTER:

Motion.

LEG. FOLEY:

Second.

CHAIRMAN BINDER:

I think we have a motion and a second already. All those in favor? Opposed? 1271 is **approved. (VOTE:6•0•0•0).**

1275•05. Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties to be acquired for improvements on CR 80, Montauk Highway, vicinity of NYS Rt. 112 to vicinity of CR 101, Sills Road, Phase II at Town of Brookhaven, Suffolk County, NY. (COUNTY EXEC)

LEG. FOLEY:

Motion to table 1275.

LEG. O'LEARY:

And I'll second on that motion.

CHAIRMAN BINDER:

1275, motion to table subject to call by Legislator Foley, seconded by Legislator O'Leary. All in favor? Opposed? **Tabled subject to call. (VOTE:6•0•0•0).**

LEG. O'LEARY:

Was that to table subject to call?

CHAIRMAN BINDER:

Yes.

LEG. O'LEARY:

Okay.

1276•05. Appropriating funds in connection with the replacement of dredge support equipment. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator Viloría•Fisher. Any questions? All those in favor? Opposed? 1276 is **approved. (VOTE:6•0•0•0).**

1288•05. To amend the Transportation Advisory Board. (FOLEY)

LEG. O'LEARY:

On the question.

CHAIRMAN BINDER:

Let me get the motion. Legislator Foley wants to make a motion to approve, seconded by Legislator Vloria•Fisher. Legislator O'Leary, on the question.

LEG. O'LEARY:

How so amending the TAB, adding personnel to that?

CHAIRMAN BINDER:

Why don't I either ask Legislator Foley or Counsel.

LEG. FOLEY:

The only change that's been made, Legislator, is in the fourth resolved clause, where the annual organizational meeting will be held no later than February 15 and that the Chairperson shall be elected from that meeting by a majority of those present. That's new language. Over the past year, they haven't met •• they haven't held as many meetings as we would like. The former Chair was not able to make a number of the meetings, so they didn't have a Chair at those

meetings. The language of the prior resolution didn't allow anyone else to chair the meeting. So this will enable them to move forward with choosing or electing someone from the majority of those present at the Organizational Meeting.

LEG. O'LEARY:

So in other words, if there's only three present, two can elect the Chairman?

LEG. FOLEY:

They can, but I very much doubt if it will be that •• • that •• so few people. I think there will be more than that.

LEG. VILORIA • FISHER:

Do you need a quorum?

LEG. O'LEARY:

Yeah. What has been the •• what's been the average attendance on that?

LEG. FOLEY:

I don't have an answer. I know it's •• the meetings have been rather limited. They're trying to find ways to meet more often, even if the Chair ••

LEG. O'LEARY:

But if the language is the majority of those present, if you have a minimum amount present, you are going to have ••

LEG. FOLEY:

I hear you. I hear what you are saying.

LEG. O'LEARY:

•• less than the majority of the board.

LEG. FOLEY:

I think you still need to have a quorum, because, again, this only •• this only pertains to the fourth resolved clause with that change. The whole body of the initial resolution that created the board still speaks about the need for quorums. I don't have it •• it's not attached to this resolution, because this is really only about ••

LEG. O'LEARY:

So in other words, there has to be a quorum before ••

LEG. FOLEY:

Absolutely. Yes.

LEG. O'LEARY:

Okay. And that's understood in the res itself?

LEG. FOLEY:

I believe so. If you want, I can table it one round. If you have some questions, that's fine with me.

LEG. O'LEARY:

Just because I'm not certain whether or not that's covered in it.

LEG. FOLEY:

Good question. Motion to table.

CHAIRMAN BINDER:

Motion by Legislator Foley to table, seconded by Legislator O'Leary. All those in favor?

Opposed? **Tabled. (VOTE:6•0•0•0).**

1295•05. Amending the 2005 Capital budget and Program to establish a Common Sense Policy for Jail Construction. (BISHOP)

CHAIRMAN BINDER:

Is there a motion?

LEG. CARPENTER:

Motion to table subject to call.

CHAIRMAN BINDER:

Motion by Legislator ••

LEG. FOLEY:

Motion to approve.

CHAIRMAN BINDER:

Motion by Legislator Foley to approve. Is there a second?

LEG. VILORIA • FISHER:

Motion to table.

LEG. FOLEY:

Second the motion to table.

CHAIRMAN BINDER:

Motion to table, Legislator Vioria, seconded by Legislator Foley. Let me ask Counsel if she can •
• let me get an explanation of this bill out on the record.

MS. KNAPP:

1295?

CHAIRMAN BINDER:

1295.

MS. KNAPP:

Would amend the Capital Program for the jail down to •• it would amend this year's down to, I

think, seven million or five million with the expectation that the entire jail project, and it may say that in the whereas, would be more in the range of \$50 million.

CHAIRMAN BINDER:

Legislator Carpenter.

LEG. CARPENTER:

I just think that we have had a number of Legislators working with the County Executive and the Sheriff's Office and DPW and the consultants and everyone else involved on this project, we're at a very delicate juncture right now, scheduled to meet with the Commission of Corrections, and hopefully, they're going to give us the latitude that we need to scale down this project. I think it would be very harmful to have a resolution like this hanging out there as we're trying to convince them that we are, you know, trying to move forward for a permanent solution to a problem that's been plaguing us for the last dozen or so years.

CHAIRMAN BINDER:

Legislator Foley? Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

I agree with Legislator Carpenter, that we're in a very delicate position here. I believe that the Commissioner of Corrections and everyone involved has been very aware of Legislator Bishop's position throughout these discussions. We are in a period of discourse and discussions, and I believe that Legislator Bishop has offered some good suggestions. And I believe that •• and that's the reason precisely why I made a motion to table, because I certainly wouldn't want to

approve this at this point, but I believe that it's an important part of the discourse. So I encourage my colleagues to let it stay in committee as a tabled resolution, because his voice has been one that's been an important one in the discussion.

CHAIRMAN BINDER:

I have, over the course of this debate, which started, I mean, in earnest last year, have in a lot of ways aligned myself with a lot of the thinking of Legislator Bishop. Very high concerns about the cost and how the taxpayer would be affected by this and whether the need was there. And I've gone through a lot of stages on this with him. I've now been involved with the discussions at the County Executive's Office with the County Executive's people, with the Sheriff and his people and Legislators and, you know, Public Works, and we're all trying to work out a solution that would be best for the people of Suffolk County.

I think we're perilously close, if we're not careful, to ending up in court and being forced to build something that the cost would be so astronomical to the people of Suffolk County that we would no longer have the control that we are talking about to bring this project down to, let's say, a more reasonable •• still not reasonable, but a more reasonable cost than we've been talking about. I think Legislator Bishop's comment in the paper was that it's •• where they're just trying to make a bad project •• or an ugly project just bad.

That may or may not be true, but in the end, the problem is that if we're not careful, that ugly project could turn very ugly, because there's a point at which we could end up literally having the courts tell us not only to do it, how to do it, and take it out of our hands. And then there will be no choice to the taxpayers of Suffolk County as to what the cost is.

I'm quoted as saying if it cost us more to build it then to ship them out, then I'd rather than ship

them out. And, you know, that's my position, I •• but at the same time, I also understand there's another process, there's a legal process, and others have gone before a court, and the court has determined that, you know, that a Legislature that's recalcitrant or a government that's recalcitrant will be forced to do something that they don't want to do. Losing control of this process could be the worst thing that could happen to us and the worst thing that could happen to the taxpayers of Suffolk County.

So with great reluctance, I would say that I agree with Legislator Carpenter that the presence of this now is not helpful, and that if the Legislator, after we go to Albany and try to work on this other track and lower the cost and see if we can make this workable for the people of Suffolk, if that doesn't work, because it may not, I don't know that Albany is going to go with it, if Corrections will go with it, if the Governor, the Legislature, I don't know if it's going to all happen. But until then, I would say that this is the kind of legislation that shouldn't be before us. And at that time where we have a problem and we can't go forward, that might be the time when Legislator Bishop might want to put this forward and we have another discussion about it.

I would agree with Legislator Carpenter at this point. I'm not going to vote to table it. And if anyone wants to make a motion after that to approve it, if it doesn't get tabled, they have the right to do that. No other comments? We have a motion and a second to table. All those in favor? That's Legislator Vioria•Fisher, Legislator Foley. All those opposed? Myself, Legislator O'Leary, Legislator Kennedy, Legislator Carpenter. So motion to table fails. Is there a motion to approve 1295? Motion by Legislator Foley to approve.

LEG. FOLEY:

I withdraw my motion.

CHAIRMAN BINDER:

You withdraw the motion. 1295 **fails for lack of a motion. (VOTE:6•0•0•0).**

1301•05. Authorizing planning steps for the acquisition of land for the reconstructing of Sewer District No. 18 • Hauppauge Industrial, Town of Smithtown. (COUNTY EXEC)

CHAIRMAN BINDER:

We have a motion by Legislator Kennedy, second by Legislator O'Leary.

LEG. KENNEDY:

Question on the motion.

CHAIRMAN BINDER:

Legislator Kennedy.

LEG. KENNEDY:

Charlie, how much •• what's involved in the acquisition?

COMMISSIONER BARTHA:

We are looking to acquire a recharge basin as presently owned and used by the Town of Smithtown. They have two adjacent recharge basins, and analysis has shown they only need one of them. We have met with the Smithtown Town Board as well as the Smithtown Highway Superintendent, and they are interested in supporting this project. And what will happen is as part of our constructing a new sewage treatment plant and collection system, we will reroute the stormwater discharge that presently goes to the recharge basin that we'll be acquiring and directing it to the other recharge basin that the town has, which has sufficient capacity.

LEG. KENNEDY:

Who is actually going to be involved in constructing the expansion of the new plant, this is a County project?

COMMISSIONER BARTHA:

This is a County project.

LEG. KENNEDY:

All right.

CHAIRMAN BINDER:

We have a motion and a second. Anything else on that? If not, all in favor? Opposed?

Approved. (VOTE:6•0•0•0).

1318•05. Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and Program, and appropriating design and construction funds for improvements to the Suffolk County Sewer District No. 14 • Parkland. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Foley, seconded by Legislator O'Leary. Anyone, comments on this? If not, all in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

1319•05. Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and Program, and appropriating design and construction funds for sewer system improvements to the Suffolk County Sewer District No. 14 • Parkland. (COUNTY EXEC)

CHAIRMAN BINDER:

Same motion, same second, same vote. **Approved (VOTE:6•0•0•0).**

1320•05. Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and Program, and appropriating design and construction funds for improvements to the Suffolk County Sewer District No. 10 • Stony Brook. (COUNTY

EXEC)

CHAIRMAN BINDER:

Motion by Legislator Viloría•Fisher, seconded by Legislator Foley. Any comments? If not, all in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

**1322•05. To set public hearing for amendment to Bay Shore Ferry, Inc. License.
(PRESIDING OFFICER)**

LEG. CARPENTER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator Foley. All those in favor? Opposed? **Approved. (VOTE:6•0•0•0).**

**1323•05. Approving amended Cross Bay Ferry License for Bay Shore Ferry, Inc.
(PRESIDING OFFICER)**

LEG. CARPENTER:

Motion to table pending a public hearing.

LEG. FOLEY:

Second.

CHAIRMAN BINDER:

Motion to table by Legislator Carpenter, seconded by Legislator Foley. All those in favor?
Opposed? **Tabled. (VOTE:6•0•0•0).**

**1328•05. To establish a Signage Program for all County Environmental Preservation
Projects. (CARACCIOLO)**

LEG. FOLEY:

Explanation.

LEG. O'LEARY:

Explanation, please.

CHAIRMAN BINDER:

If I can ask Counsel to tell us about these signage programs for preservation projects.

LEG. CARPENTER:

I actually read it, if you don't mind. It just directs the department to put signs up that say that this is a parcel that's been acquired by the County for preservation, and the caveat is that no elected officials or appointed officials names are on it. Just that this is a County acquisition.

LEG. O'LEARY:

Okay. That's all I was concerned about.

LEG. CARPENTER:

It's good thing.

LEG. O'LEARY:

Yes. That's a good thing.

CHAIRMAN BINDER:

Sounds like a good thing.

COMMISSIONER BARTHA:

Mr. Chairman.

CHAIRMAN BINDER:

We have a motion by Legislator •• let me get a motion •• Legislator O'Leary, seconded by Legislator Carpenter.

COMMISSIONER BARTHA:

We at Public Works are concerned about this. First, these are not properties under the jurisdiction of Public Works, some may be under the jurisdiction of Parks. Parks has a sign shop and has labor. We estimate the cost to manufacture and install each sign is in the order of \$1000 in order to visit each site. We don't have a list of how many sites, we don't know how many sites are involved here, because these are not properties under our jurisdiction. I would suggest it be changed to Parks and some funding be provided.

LEG. FOLEY:

Plus, Mr. Chairman, if I may, four feet by four, that's a rather large sign.

CHAIRMAN BINDER:

Do we have a motion to approve?

LEG. VILORIA • FISHER:

I make a motion to table if it's in the wrong department.

LEG. FOLEY:

I'll second the motion to table.

CHAIRMAN BINDER:

Motion to table by Vilorina•Fisher, seconded by Legislator Foley.

LEG. VILORIA•FISHER:

And by the way, I don't think it's a bad idea either. I was at the Sherwood Jayne House for the Apple Festival, and nobody knew that the County had had any hand in protecting that. And I think that people need to see where their money is being spent.

LEG. O'LEARY:

I have a question on the tabling motion to the Commissioner. Has there been any conversation between your office and the sponsor regarding this?

COMMISSIONER BARTHA:

No. If you would like us to reach out to him, we certainly would.

LEG. O'LEARY:

I would think so. Just let him know that you are of the opinion that it belongs in Parks and not DPW.

LEG. CARPENTER:

Otherwise it's your fault.

COMMISSIONER BARTHA:

It is. I did not make note of this resolution until late yesterday.

CHAIRMAN BINDER:

We have a motion and a second to table. All in favor? Opposed? **Tabled. (VOTE:6•0•0•0).**

1331•05. To evaluate the feasibility of establishing a wind power turbine at County property in Yaphank. (SCHNEIDERMAN)

LEG. O'LEARY:

I'm going to make a motion to approve, and can you put me down as a cosponsor, please. I take note of the fact that a colleague is a sponsor of this. It is within my district, but I've had a

conversation with the sponsor, and he's anxious to get a •• to study the feasibility of alternative sources of energy in ••

CHAIRMAN BINDER:

In your district?

LEG. O'LEARY:

In my district.

LEG. VILORIA • FISHER:

Second.

LEG. O'LEARY:

But more importantly, the County property in Yaphank that Mr. Schneiderman refers to ••

CHAIRMAN BINDER:

Mine doesn't say Schneiderman, it says Don Quixote.

LEG. O'LEARY:

This is actually the Cornell Farm, the Yaphank •• and I have had conversation with Mr. Williams about this, Brian, who fully supports this particular •• the possibility of having the wind turbine model put up on the properties of the County at the Cornell Farm as a learning model and to study the possibility of alternative energy sources, so.

CHAIRMAN BINDER:

Let me just get the motion on the record. We have a motion by Legislator O'Leary, seconded by Legislator Vilorina•Fisher. Commissioner, please.

COMMISSIONER BARTHA:

We are concerned that the time frame to complete a report is not adequate. We think a year would be more reasonable, and there's no funding to hire a consultant to do this study and evaluation. We are concerned about visual impacts to the community.

LEG. FOLEY:

A lot of that work •• if I may, Mr. Chairman, a lot of that work is done by LIPA in their endeavors for ••

CHAIRMAN BINDER:

Right, but not site specific.

LEG. FOLEY:

That's true.

CHAIRMAN BINDER:

The problem here is that this is going to be a site specific study, and there probably needs to be some funding. We might want to table this for a cycle and get ••

LEG. O'LEARY:

I mean, the sponsor had asked to move this out, but under the •• based on the circumstances that you just raised, which are good points, Commissioner •• have you had any conversation with the sponsor of the resolution?

COMMISSIONER BARTHA:

No. We will contact him.

LEG. VILORIA • FISHER:

Why don't you just take a trip to the East End.

LEG. FOLEY:

Motion to table.

LEG. O'LEARY:

Second on the motion.

CHAIRMAN BINDER:

Motion to table by Legislator Foley, seconded by Legislator O'Leary. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Although this is not the construction of, you know, a windmill, it's the feasibility study, you are still of the opinion that it would be a year, Commissioner.

COMMISSIONER BARTHA:

To do the study, we believe so. It takes time to enter into a contract. You want to have a lot of wind information.

LEG. VILORIA•FISHER:

Okay. All right. Because as Legislator Foley said, LIPA has been doing a lot of work as far as looking at wind energy, and I just thought that there might be some data out there.

COMMISSIONER BARTHA:

That would certainly be a huge resource, yes.

CHAIRMAN BINDER:

There's a way to start. The problem is, as I said, site specific questions on wind, what's available, averages.

LEG. VILORIA • FISHER:

Offshore.

CHAIRMAN BINDER:

Right. Offshore is very different then inland. We have a motion and a second to table. All in favor? Opposed? **TABLED. (VOTE:6•0•0•0).**

1334•05. Appropriating funds in connection with strengthening and improving County roads. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator Foley. All in favor? Opposed?
Approved. (VOTE:6•0•0•0).

SENSE RESOLUTIONS

S.017. Sense of the Legislature resolution requesting that the New York State Department of Transportation review the environmental impact statement for the proposed outlet center in Deer Park. (BINDER)

CHAIRMAN BINDER:

I'm going to make a motion to approve, seconded by Legislator O'Leary. What i'm basically asking for is for them to look at the Tanger Mall EIS so they can look at the impact. It seems to me that it's pretty weak on the traffic side of it, and DOT really needs to look at it, because it's a state road, state questions, especially at Commack Road at the Expressway. I have a motion and a second. All those in favor? Opposed? S•17 is **approved. (VOTE:6•0•0•0)**

LEG. FOLEY:

Mr. Chairman, I have a question for the Commissioner.

CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Thank you. Back to the County farm, the hay barn, where do we stand with •• with the reconstruction of the hay barn? That's been around •• that's been around for a long time, and you know, the longer we wait on this, it not only becomes more expensive, but the barn itself will be in worse shape, and again, it's one of the unique barns, if you will, anywhere in the state, so where does it stand?

COMMISSIONER BARTHA:

Ted will respond to the status of it at this point. But the delay was primarily associated with the apprentice training program requirement that we were trying to include pursuant to Legislative resolution, but with federal requirements, we were not able to, but we worked with federal agencies as well as Congressmen to try to get us to be able to include the apprentice training requirement.

LEG. FOLEY:

But I also believe that when it comes to that kind of very specific kind of •• I'll say carpentry work, that aren't there •• could it be one of the exceptions to the rule that there are •• on a very strict and very limited basis, some exemptions or waivers from the apprenticeship for something where, in this case, it's a unique historic barn that requires a different set of skills to renovate it? And isn't it not true that under those circumstances there can be a very limited waiver from the apprenticeship program?

COMMISSIONER BARTHA:

I understand what you are saying, and I agree that there should be, but it's not my understanding of it.

LEG. FOLEY:

It's not your understanding?

COMMISSIONER BARTHA:

No.

LEG. FOLEY:

Okay.

COMMISSIONER BARTHA:

But we never got that far because of the prohibition by the feds.

MR. GODEK:

And the fact is contracts have been led, and there is work occurring there now.

LEG. FOLEY:

There is work occurring there now?

MR. GODEK:

Yes.

LEG. FOLEY:

Now, there's work. We had appropriated close to a million dollars, nine hundred and some odd thousand, is that not correct?

MR. GODEK:

I believe that's correct.

LEG. FOLEY:

A substantial •• now, is that the work that's been undertaken or is it some preliminary work?

MR. GODEK:

No, that's the work that's being undertaken.

LEG. FOLEY:

All right. So we expect then the barn to be fully renovated in an historically accurate way and

completed by when?

MR. GODEK:

I don't have the completion schedule with me, I can get back to you on that, but we will have it renovated to the extent that we have \$900,000 to spend on it.

LEG. FOLEY:

Well, to the extent. When we had approved the monies originally, the extent was to be comprehensive and whole •• wholly done. You mentioned to us that you don't have enough money to do the whole project as was originally envisioned when we approved the Capital Project a few years ago?

MR. GODEK:

There were alternates taken in the contract to bring it within budget, but I believe the vast majority of the work is, in fact, being accomplished.

LEG. FOLEY:

The things that were left out of the alternates, is that of a substantial nature or a minor nature?

MR. GODEK:

For the most part, minor nature.

LEG. FOLEY:

All right. Just one final thing, Mr. Chairman, take a walk from the barn to the old infirmary, where do we stand with that being ready to be opened?

MR. GODEK:

We're looking to move people in in May.

LEG. FOLEY:

In May? All right. So we have to have a duly •• not enacted, but we should have a good ceremony to open those doors. Mr. Chairman, as busy as you will be in Huntington, and we can certainly welcome you into Brookhaven, but as the Chair of the Public Works Committee, it would be a great walk•through for yourself and other members of the committee and the full Legislature really to go on a tour of the building, the WPA Building. And much of the Capital Project had allocated funds for, not just to renovate or reconstruct the building, but to have some historically accurate renovations done as well, particularly the windows, and there are some murals that they know have been very important to all of us that were saved, WPA artist's murals. And so it's a building that is really going to be, once again, for the publics' use. And I look forward, Commissioner, to when you can invite us to go to the grand opening so to speak. Thank you.

CHAIRMAN BINDER:

Thank you. Any other questions? If not, I make a motion to adjourn, second by Legislator O'Leary. All in favor? Opposed? We are adjourned.

(* THE MEETING WAS ADJOURNED AT 3:17 P.M. *)

_ _ DENOTES BEING SPELLED PHONETICALLY