

***PUBLIC WORKS & PUBLIC TRANSPORTATION COMMITTEE***

***Of the***

***Suffolk County Legislature***

***Minutes***

A regular meeting of the Public Works & Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on November 29, 2005.

***Members Present:***

Legislator Peter O'Leary • Vice•Chair  
Legislator Brian Foley  
Legislator Vivian Vilorio•Fisher  
Legislator John Kennedy

***Members Not Present:***

Legislator Allan Binder  
Legislator Angie Carpenter

***Also In Attendance:***

Mea Knapp • Counsel to the Legislature  
Sandy Sullivan • Deputy Clerk/Suffolk County Legislature  
Ellen Martin • Aide to Legislator Binder  
Bill Faulk • Aide to Presiding Officer Caracappa  
Kara Hahn • Aide to Legislator Vilorio•Fisher

Virginia Sohr • Aide to Legislator Vilorio•Fisher  
Rosalind Gazes • Budget Analyst/Budget Review Office  
Joe Schroeder • Budget Analyst/Budget Review Office  
Ben Zwirn • Assistant County Executive  
Amy Engel • County Executive Assistant  
Gail Lollo • Deputy County Attorney  
Charles Bartha • Commissioner/Department of Public Works  
Richard LaValle • Chief Deputy Commissioner/Department of Public Works  
Leslie Mitchel • Deputy Commissioner/Department of Public Works  
Ben Wright • Director•Sanitation Division/Department of Public Works  
Emi Endo • Newsday  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney • Court Stenographer

***(\*The meeting was called to order at 1:50 P.M.\*)***

**CHAIRMAN O'LEARY:**

Okay, I'll call the meeting of Public Works & Public Transportation to order.  
We'll have a Pledge of Allegiance led by Legislator Foley.

***Salutation***

There's no public hearings scheduled for today, right, Sandy?

**MS. SULLIVAN:**

No, there's no public hearings today.

**CHAIRMAN O'LEARY:**

No. Any cards, Ellen?

**MS. MARTIN:**

No.

**CHAIRMAN O'LEARY:**

Does anyone wish to speak to the committee before we go to the agenda?  
Was that a no?

**LEG. VILORIA • FISHER:**

Oh, that was from me. I don't want to say a word.

**CHAIRMAN O'LEARY:**

Does anybody in the audience want to speak before we go to the agenda?  
Okay, Charlie, if you would come up, please. Good afternoon,  
Commissioner.

**COMMISSIONER BARTHA:**

Good afternoon.

**CHAIRMAN O'LEARY:**

And how are you this afternoon?

**COMMISSIONER BARTHA:**

Okay.

**CHAIRMAN O'LEARY:**

Would you care to comment on any of the resolutions before us, or you just  
want to go to the agenda and comment as we go along?

**COMMISSIONER BARTHA:**

I prefer as you go along.

**CHAIRMAN O'LEARY:**

Okay, fine. Okay, then we'll move to the agenda.

### **Tabled Resolutions**

***1829•05 • Amending the 2005 Capital Budget and program and  
appropriating \$100,000 in funds for a sound wall study at CR 97***

***Nicoll's Road between Montauk Highway and Furrows Road (CP 5114) (Lindsay).*** Is there a motion?

**LEG. VILORIA • FISHER:**

Motion to table.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Fisher, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed?

Abstentions? ***1829 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

***1965•05 • Amending the 2005 Capital Budget and program and appropriating \$100,000 in funds for a feasibility study for noise abatement structures on CR 67 Motor Parkway from CR 7 Wicks Road to Washington Avenue (CP 5546) (Montano).*** Is there a motion?

I'll make a motion to table, second by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed?

Abstentions? ***1965 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

***1988•05 • Authorizing execution of agreement by the administrative head of Suffolk County Sewer District No. 3 • Southwest with the owner of Tilles Corporate Center East (HU0999) (County Executive).***

I'll make a motion to table.

**LEG. KENNEDY:**

Second.

**CHAIRMAN O'LEARY:**

Second by Legislator Kennedy. On the question of the motion to table?

Hearing none, all those in favor? Opposed? Abstentions? ***1988 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

Any time you should to speak up, Commissioner, feel free to do so as you go through the agenda here, okay?

**COMMISSIONER BARTHA:**

Thank you.

**CHAIRMAN O'LEARY:**

***2075•05 • Calling for a Public Hearing upon a proposal to form Suffolk County Sewer District No. 24 • Gabreski Airport (County Executive).***

**LEG. VILORIA • FISHER:**

Motion to approve.

**LEG. FOLEY:**

Second the motion to approve.

**COMMISSIONER BARTHA:**

Well, we would like to see this resolution go forward.

**LEG. VILORIA • FISHER:**

I made a motion to approve.

**COMMISSIONER BARTHA:**

Thank you.

**MS. KNAPP:**

Excuse me. Was it amended, Charlie? Because I believe that the resolution called for the public hearing to be held on December 6th which is when this one would be approved. Was it amended to correct the date?

**COMMISSIONER BARTHA:**

Not that I'm aware of.

**LEG. FOLEY:**

The public hearing has to be at one of our General Meetings, or is it in the community?

**MS. KNAPP:**

It's just that this particular resolution set the date for December 6th, I

believe.

**COMMISSIONER BARTHA:**

Yes, it does; well, at least the copy I have says December 6th.

**CHAIRMAN O'LEARY:**

December 6th is our next scheduled General Meeting.

**LEG. FOLEY:**

Through the Chair, if we could report it out and you can come up with a new date?

**COMMISSIONER BARTHA:**

Okay, that would be perfect.

**LEG. FOLEY:**

Now, for •• again, through the Chair. For the Clerk's responsibilities here, would they need a date sooner than later? Because they probably have to put it in the public notices and all the rest.

**COMMISSIONER BARTHA:**

Well, I mean, really I would defer to the Clerk.

**CHAIRMAN O'LEARY:**

Are there some time constraints here? Because ••

**MS. SULLIVAN:**

I'm going to check one thing, I'll be right back.

**CHAIRMAN O'LEARY:**

Okay, Sandy. All right, let's move on, we'll hold 2075.

***2095•05 • Amending the 2005 Capital Budget and program and appropriating Capital Budget and Program Pay•as•You•Go funds in connection with the purchase and installation of bike racks on Suffolk County Transit Buses (CP 5648)(Carpenter).*** Is there a motion?

**LEG. VILORIA • FISHER:**

I think they asked for a motion to table until they studied how they could do the configuration of the bike racks on the buses that we now have.

**COMMISSIONER BARTHA:**

Right, and we have had conversations with the sponsor since the last meeting and we've contacted other municipalities where they have used them. We have agreed with the sponsor that it would be appropriate to go ahead with a pilot program. I have not seen a corrected copy of the resolution.

**CHAIRMAN O'LEARY:**

There's a motion to table, Legislator Fisher, second by Legislator Kennedy. On the question of the motion to table 2095? Hearing none, all those in favor? Opposed? Abstentions? **2095 is tabled**  
**(VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2104•05 • Approving a voluntary land reconfiguration between the County of Suffolk and RD Southampton Associates LP (County Executive).**

**LEG. VILORIA • FISHER:**

Was that the question you had last time about whether ••

**CHAIRMAN O'LEARY:**

Is this okay?

**MS. KNAPP:**

Yes. The County Attorney reviewed it, the property •• remember I had said that I don't have all the facts before me?

**LEG. VILORIA • FISHER:**

That we couldn't just swap the property, right.

**MS. KNAPP:**

Right. This property was specifically acquired for highway purposes and as a

result it's not tax default properties, we can legally do it this way.

**CHAIRMAN O'LEARY:**

So we can move?

**MS. KNAPP:**

Yes.

**LEG. VILORIA • FISHER:**

Motion.

**CHAIRMAN O'LEARY:**

All right, there's a motion to approve by myself, second by Legislator Kennedy. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **2104 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2127•05 • Adopting Local Law No. 2005, a Local Law to modify exemption on purchase of Sports Utility Vehicles (SUV) by Suffolk County (County Executive).**

**LEG. VILORIA • FISHER:**

Motion.

**CHAIRMAN O'LEARY:**

The status of the public hearing?

**MS. KNAPP:**

The public hearing was closed November 22nd.

**CHAIRMAN O'LEARY:**

There's a motion to approve by Legislator Fisher, second by Legislator Foley. On the question of the motion to approve 2127? Hearing none, all those in favor? Opposed? Abstentions? **2127 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2144•05 • Authorizing ••**

**LEG. VILORIA•FISHER:**

Sorry, little jokes, little side jokes.

**CHAIRMAN O'LEARY:**

Moving right along.

**LEG. VILORIA•FISHER:**

I distracted him, sorry.

**CHAIRMAN O'LEARY:**

Just a bit, just a bit.

**2144•05 • Authorizing an intermunicipal agreement with the Town of Brookhaven to share paving and asphalt contractors (County Executive).** Can you explain this, Charlie, what this is all about?

**MR. ZWIRN:**

We •• the County Exec's office got a request at some point, I think there was a question of whether the Town of Brookhaven Highway Department was going to be able to get asphalt for one reason or another and they said could they buy off the County •• could they work out an arrangement with the County so they could buy off the County contract? We originally said yes and then they said they didn't want to go forward with it, so I would ask for it to be tabled.

**CHAIRMAN O'LEARY:**

Well, I'm going to defer to the ••

**MR. ZWIRN:**

We'll probably withdraw it at some point.

**CHAIRMAN O'LEARY:**

I'm going to defer to the Supervisor•Elect for the Town of Brookhaven on what he wants to do with this particular resolution.

**LEG. FOLEY:**

I would like to thank the Chair of the committee for that consideration. We'll table it, I'll make a motion to table to see whether or not there's a need between now and the next meeting to approve it. But the year is pretty much gone, but we'll table it before there's any withdrawal.

**CHAIRMAN O'LEARY:**

All right, there's a motion to table 2144 by Legislator Foley, seconded by myself. On the question of the motion to table 2144? Hearing none, all those in favor? Opposed? Abstentions? **2144 is tabled**  
**(VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**Introductory Resolutions**

**2150•05 • Adopting Local Law No. 2005, a Local Law to promote energy efficient environmentally friendly dredge project (Viloria •Fisher).**

**LEG. VILORIA•FISHER:**

Do you have any comments on that, Charlie?

**COMMISSIONER BARTHA:**

We would ask that this be tabled so we have time to work with the sponsor.

**MS. KNAPP:**

It needs a public hearing.

**CHAIRMAN O'LEARY:**

The public hearing is scheduled for the 6th I believe; is it?

**MS. KNAPP:**

Yes.

**LEG. VILORIA•FISHER:**

Okay, so it will be at the public hearing on •• will you make comments at the public hearing, Charlie?

**COMMISSIONER BARTHA:**

If you would like, we would have someone present at that.

**MS. SULLIVAN:**

2308, the public hearing is December 6th. Is that the one we're on?

**CHAIRMAN O'LEARY:**

2150.

**LEG. VILORIA • FISHER:**

This is 2150.

**MS. SULLIVAN:**

Oh, 2150. Right, December 6th, that one's public hearing is December 6th.

**LEG. VILORIA • FISHER:**

Okay. And Charlie, if there's anything you want me to look at before that, can you let me know now so I'm ready?

**COMMISSIONER BARTHA:**

Right now?

**LEG. VILORIA • FISHER:**

Yes, right now.

**COMMISSIONER BARTHA:**

All right. We're particularly concerned on the Smith Point project, that's a very large dredging project, ocean-going dredges. They carry fuel tanks on board that are up to 200,000 gallons. Bio diesel, from all of our research, is problematic when you put it in old tanks. We've contacted the dredging companies, and these are nationwide and international companies that do this type of work, they've indicated they would not bid on the Smith Point project if we had that provision in it. Most of our dredge ••

**LEG. VILORIA • FISHER:**

I think Ben had mentioned that to me about the size of the projects out

there. Is there a way that we could word •• use that wording in the resolution where we •• have a size threshold on the projects; is there a way of defining that? You know, maybe you can help me with limiting it. Because I understand that regarding the big projects, the ocean projects are much larger

**COMMISSIONER BARTHA:**

And we could also work with you on our own dredge to include that which is not included right now. And I'd point out on a project that we've included it in the first instance, the project up in Stony Brook and Mt. Sinai. Initially the contractor was not able to buy B•20 fuel in the quantities, relatively small quantities for a dredge of that size and had to physically mix the fuel himself; when you have a situation like that, you run the environmental risk of ••

**LEG. VILORIA•FISHER:**

Spillage.

**COMMISSIONER BARTHA:**

•• a spillage. So that's something I would want to be concerned about, that it could be delivered in the B•20 fashion.

**LEG. VILORIA•FISHER:**

My hope, Charlie, is that by the time we start our next dredging cycles we will have the manufacturing availability of bio diesel right here in Suffolk County and that we'll have enough quantity right here where the mixing can be done on the site. Because you know that they have that •• I guess it's kind of forced mixing, as it's shot in to the tankers it's mixed with that kind of pressure, so we're hoping that that will be available. But with regard to very large projects such as the Smith Point project, I understand your concern and so we'll amend the resolution to reflect your concerns.

**COMMISSIONER BARTHA:**

Thank you.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

I guess I just want to go a little bit more to the mechanics, I guess, or the impact that you're talking about as far as the product with the lining of the tanks. If it impacts a 200,000 gallon tank as far as sluffing off any kind of residue or old material within the tank, why wouldn't we have that with a smaller, older tank if our own County dredge has a 2,000 gallon tank? How does size correlate to whatever the chemical interaction is that's going on with the interior tank line?

**COMMISSIONER BARTHA:**

Well, this is where the importance of the pilot project comes up. And we do have a pilot project for using bio diesel now in County trucks and we have •• it's been in place for about two months. We have not •• because even in a 40 gallon tank on the truck, we had some concern about that, but that is not •• that has not been a problem.

**LEG. KENNEDY:**

So you're monitoring them, you don't see any increase in the necessity to change fuel filters or anything to that effect?

**COMMISSIONER BARTHA:**

Right.

**LEG. KENNEDY:**

There's no increased amount of residue?

**COMMISSIONER BARTHA:**

That's correct. I don't know where that breakpoint comes, there's a long way between 40 gallons and 200,000 gallons, so. So what we are looking at is expanding this after the pilot is over, if it proves to be successful. And we don't •• you can physically go into and clean large tanks. Our large fuel tanks are about 10,000 gallons on the average, you actually send people down there with the solvents and clean the tanks out.

**LEG. KENNEDY:**

Is that part of the maintenance protocol we maintain now, do we periodically

have them?

**COMMISSIONER BARTHA:**

No.

**LEG. KENNEDY:**

We don't.

**COMMISSIONER BARTHA:**

No, you periodically change the filters, you know, on the dispensing unit as well as on the vehicle.

**LEG. KENNEDY:**

And is there anything in the literature that talks about •• you know, I don't know what the ratio is, if you mix it, you know, 80/20 or 30/70, but is there anything in there that talks about, I guess, the concentration of the bio material in proportion to the diesel as far as when you get this breakdown impact?

**COMMISSIONER BARTHA:**

Not that I've seen.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN O'LEARY:**

Any other questions on the motion to table 2150? Hearing none, all those in favor? Opposed? Abstentions? ***2150 is tabled***  
***(VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

Let's go back to 2075.

**MS. SULLIVAN:**

This resolution was tabled at our last committee meeting pending a public hearing which is scheduled for December 6th's meeting.

**CHAIRMAN O'LEARY:**

Okay, so this resolution calls for that public hearing on December 6th.

**MS. KNAPP:**

So to the extent that •• I mean, we have a, what's the word, conundrum? I mean, it will be passed on December 6th and yet it sets a public hearing for December 6th.

**MS. SULLIVAN:**

When I went in to the Clerk's secretary, I looked at the book and I just looked up this resolution and it had "Public hearing scheduled for 12/6".

**CHAIRMAN O'LEARY:**

All right, so •• but the intent of this particular resolution is to call for the public hearing on the 6th.

**MS. SULLIVAN:**

Correct.

**CHAIRMAN O'LEARY:**

Yeah.

**MS. KNAPP:**

Are you saying that they've already advertised the public hearing for December 6th before the resolution was passed?

**MS. SULLIVAN:**

It was on the agenda last committee.

**MS. KNAPP:**

I think what we need to do is discharge it without recommendation. My office will confer with the County Executive's office and we'll check with the Clerk as to exactly what happened, and then hopefully we'll have an explanation at the General Meeting.

**LEG. VILORIA • FISHER:**

Discharge without recommendation, Mr. Chair.

**LEG. FOLEY:**

Second.

**CHAIRMAN O'LEARY:**

Okay, there's a motion by Legislator Fisher to discharge without recommendation, second by Legislator Foley. On the question of the motion to DWR? Hearing none, all those in favor? Opposed?

***2075 is discharged without recommendation (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

Back to the Introductory Resolutions, ***2151•05 • Implementing Leadership in Energy and Environment Design (LEED) Program for future County construction projects (Viloria•Fisher).***

**LEG. VILORIA•FISHER:**

Mr. Chair, I intend to table this because there are questions by the department. I would like to make a motion to table because I know that there are questions by both the ••

**LEG. FOLEY:**

Second.

**LEG. VILORIA•FISHER:**

•• Department of Public Works and the County Attorney's Office.

**LEG. FOLEY:**

Second the motion.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Fisher, second by Legislator Foley. On the question of the motion to table 2151? Hearing none, all those in favor? Opposed? Abstentions? ***2151 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

***2204•05 • Establishing County policy to require hybrid or alternative fuel buses in the Suffolk County Transit System (Cooper).***

**LEG. VILORIA • FISHER:**

The sponsor asked that it be tabled.

**LEG. FOLEY:**

Second.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Fisher, second by Legislator Foley.

On the question of the motion to table 2204? Hearing none, all those in favor? Opposed? Abstentions? ***2204 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

***2218•05 • Amending the 2005 Capital Budget and program and appropriating funds in connection with the County share for participation in the reconstruction/widening of CR 3, Wellwood Avenue***

***Bridge over the Southern State Parkway, Town of Babylon (CP 5851) (County Executive).***

**LEG. FOLEY:**

Motion.

**CHAIRMAN O'LEARY:**

Motion to approve by Legislator Foley, second by myself.

**LEG. FOLEY:**

On the motion.

**CHAIRMAN O'LEARY:**

On the question of the motion?

**LEG. FOLEY:**

Mr. Chairman?

**CHAIRMAN O'LEARY:**

Legislator Foley.

**LEG. FOLEY:**

Commissioner, given the unique, let's say, building materials on these bridges, particularly on the parkways, what safeguards will there be taken to ensure that the look of the parkway bridge will be retained when it's widened? I mean, is there going to be a substantial amount of stone that it's going to be removed? Is it something that we're participating with the State, the State is the lead or we're taking part, or are we the lead? What will be done, let's say, to ensure that, as I said, the historic integrity of the parkway bridge?

**COMMISSIONER BARTHA:**

That's actually one of the reasons why this project is a little more costly than anticipated, and it's 80% funded by the State. It will be reconstructed in a fashion similar to what exists now, it's a barrel-style bridge with granite facade stones and it will be reconstructed in the same fashion.

**LEG. FOLEY:**

Okay, thank you.

**CHAIRMAN O'LEARY:**

Any other questions on the motion to approve 2218? Hearing none, all those in favor? Opposed? Abstentions? **2218 is approved**  
**(VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2219•05 • Amending the 2005 Capital Budget and program and appropriating funds in connection with the reconstruction of the Shinnecock Canal Locks, Town of Southampton (CP 5343) (County Executive).**

**LEG. FOLEY:**

Motion.

**CHAIRMAN O'LEARY:**

Motion to approve by Legislator Foley, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **2219 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2220•05 • Approving maps and authorizing the acquisition of lands together with findings and determination pursuant to Section 204 of the Eminent Domaine Procedure Law in connection with the acquisition of the properties for the construction of right turn lanes on cr 3, Wellwood Avenue, Town of Babylon, Suffolk County, New York (CP 5510) (County Executive).** Motion to approve by myself, seconded by Legislator Foley. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **2220 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2221•05 • Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program and appropriating funds for Suffolk County Sewer District No. 3 • Southwest sludge treatment and disposal (CP 8180) (County Executive).**

**LEG. VILORIA•FISHER:**

Explanation.

**CHAIRMAN O'LEARY:**

Yes, I was going to ask for that myself, but Legislator Vilorina•Fisher beat me to it. So can we have an explanation?

**COMMISSIONER BARTHA:**

The Southwest Sewer District Bergen Point Treatment Plant has been in operation for over 24 years now and we are •• it's time to upgrade the sludge treatment process. This is •• we'll be replacing the belt presses, we've received bids and in order to have sufficient money to award the contracts we need these funds.

**CHAIRMAN O'LEARY:**

What's the anticipated cost of this project?

**COMMISSIONER BARTHA:**

The total cost for this sludge, belt press work is about \$28 million.

**CHAIRMAN O'LEARY:**

Twenty•eight million? Okay. Is there a motion?

**LEG. KENNEDY:**

Mr. Chair, can I ••

**CHAIRMAN O'LEARY:**

Legislator Kennedy?

**LEG. KENNEDY:**

Charlie, I guess if the ultimate project is 28 million, this resolution would involve 7.4. We're looking at, what, planning money and initial commencement; is this a phased project?

**COMMISSIONER BARTHA:**

No, the other funds have previously been appropriated.

**LEG. VILORIA•FISHER:**

Oh, okay, so this is ••

**LEG. KENNEDY:**

Is this project actually under way at this point?

**COMMISSIONER BARTHA:**

No, no, bids have been accepted and no award has been made pending the •• having sufficient funds.

**CHAIRMAN O'LEARY:**

And ••

**LEG. KENNEDY:**

Is this just •• I'm sorry, Mr. Chair.

**CHAIRMAN O'LEARY:**

No, go ahead.

**LEG. KENNEDY:**

Is this just replacement of existing standalone equipment or will this involve additional construction, building construction as well?

**COMMISSIONER BARTHA:**

There is some building construction involved because as backup to the sludge belt presses we're talking about, we will be having a sludge stabilization alkaline addition facility that if we had •• you know, we would be able to stabilize the sludge in that fashion before shipping it out.

**LEG. KENNEDY:**

So is the construction going to go ahead and occur •• in other words, this is not a process that you can go ahead and just seize for a three month or a six month process, the actual disposal of the sludge that's secondary to the treatment plant. What do you •• how do you propose to go ahead and construct and still maintain a process?

**COMMISSIONER BARTHA:**

Yeah, and that's a critical part of the project. It's set up right now in separate trains, process strains at Bergen Point which would allow us to do one portion, treat on one side of the train while the other half was being replaced and then flip back and forth by operating more hours of the day. There's different ways to do that and we will be doing that, it's a very important part of the design for this project.

**LEG. KENNEDY:**

Does this project give you increased capacity to the process or are you going to maintain the same capacity that you have now?

**COMMISSIONER BARTHA:**

It gives a slight increase in capacity but it's really incidental, the increase in capacity is part of a separate project. And when I say incidental, because when you buy a belt press it's for a certain amount of gallons per day or tons per hour, so we will have slightly more capacity than we have now by

doing this.

**LEG. KENNEDY:**

And is this done cognizant of •• there's been a lot of talk about overall expansion to Southwest itself based on the fact that the way we view it, it's built out right now. And I believe that earlier in the year we did take some action to go ahead and view a comprehensive expansion of the total capacity of the plan; does this project work in concert with that or not?

**COMMISSIONER BARTHA:**

It will and it will be the job of the design engineer on the next •• on the expansion project to make sure that they can integrate the expansion with this.

**LEG. KENNEDY:**

I'm generally I guess assured with what you're telling me, although I'm still a little confused as to whether this project will take whatever the excess capacity that will be routed there with the overall system expansion.

**COMMISSIONER BARTHA:**

No. Well, you want to answer that, Ben?

**MR. WRIGHT:**

Yeah, the way the belt presses are operated is that there's so many hours a day, and our plan is that they will be operating 14 hours a day, six days a week. Although we wouldn't want to operate them on a 24 hour, seven day basis, they could be •• could have their time extended so that would give them extra capacity. There's also redundancy in the system and, again, we wouldn't want to operate them all at the same time, but there is space for two additional belt presses in the future, that's part of this plan.

**LEG. KENNEDY:**

All right, indulge me for a second, let me try it this way so maybe I can understand. If right now Southwest can process a hundred gallons in a cycle, in a 24 hour cycle, and the overall expansion that we've approved or talked about will take it to 150 gallons; will this project we're talking about now be able to accommodate 150 gallons?

**COMMISSIONER BARTHA:**

The way to handle that would be we would have to either increase the hours of operation of the belt presses or, as Ben said, there will be two openings left to put new belt presses in the future, additional belt presses in the future, that's the way we would accommodate the additional flow. This project alone will not increase the permanent capacity at Bergen Point.

**LEG. KENNEDY:**

But the physical structures that house them could accommodate additional equipment that would address the expansion.

**COMMISSIONER BARTHA:**

That's correct.

**LEG. KENNEDY:**

Fine, okay.

**LEG. VILORIA • FISHER:**

Mr. Chair?

**CHAIRMAN O'LEARY:**

Okay. Legislator Fisher.

**LEG. VILORIA • FISHER:**

In reading the backup, I understood that there was an RFP and there was a contract which was executed in 2004 but that work hasn't begun yet, and this is additional money for equipment or is this a second contract, second RFP?

**COMMISSIONER BARTHA:**

This is a separate competitively bid contract for construction for the purchase, installation and construction related to the belt presses. The RFP that's referred to in here in the bid was for the sludge hauling contract which is to haul the sludge to Pennsylvania.

**LEG. VILORIA • FISHER:**

But these are all part of the same project, are they not? Was this considered one project when it was in the Capital Program but two phases of the same project?

**COMMISSIONER BARTHA:**

Well, the sludge hauling would not be considered part of the same project.

**LEG. VILORIA • FISHER:**

When you said \$28 million, what did that encompass?

**COMMISSIONER BARTHA:**

This series of bids, the general construction, the electrical, plumbing and the HVAC work is approximately \$28 million.

**LEG. VILORIA • FISHER:**

So did that include that 2004 bid, that May, 2004 bid ••

**COMMISSIONER BARTHA:**

No.

**LEG. VILORIA • FISHER:**

•• that's referred to in the backup?

**COMMISSIONER BARTHA:**

No.

**LEG. VILORIA • FISHER:**

Okay. So divide that up for me again, because I just got a little confused because of the backup and the reference to the 2004 project. Can you just walk me through the 28 million again?

**MR. ZWIRN:**

The way they're related is that the hauling contract takes sludge cake and hauls it out of state. Once the dewatering system is installed, it will increase •• it will squeeze more water out of it so that will probably save us a million and a half dollars a year once it's finished by hauling less pounds because

the water is not in there anymore.

**LEG. VILORIA • FISHER:**

Okay. But in the backup you referred to a 2004 bid and winning bid; how does that fit in to this program?

**COMMISSIONER BARTHA:**

It basically doesn't.

**LEG. VILORIA • FISHER:**

Oh, okay. Then why is it referenced in the backup?

**COMMISSIONER BARTHA:**

Because as Ben said, we were going forward for the money, we were pointing out that construction of this work will not only replace outdated equipment that has become high maintenance costs, it will save over a million dollars a year in trucking costs because there's less material to truck because we're squeezing more water out of the sludge.

**LEG. VILORIA • FISHER:**

Right, okay. Well, you had done something like this in the Port Jeff plant as well.

**COMMISSIONER BARTHA:**

Right, construction is under way up there now. Sludge handling is a major cost in sewage treatment, so depending on the size of the plant and the extent of the treatment for each plant, we're always looking at different ways to ••

**LEG. VILORIA • FISHER:**

Well, you had done the dewatering there or begun to, right, we put the money in for the dewatering at Port Jeff as well.

**COMMISSIONER BARTHA:**

We're not actually dewatering there, we're thickening so that there is a higher sludge content which means less trucking.

**LEG. VILORIA • FISHER:**

Okay. Thank you.

**CHAIRMAN O'LEARY:**

Are you finished? Legislator Kennedy.

**LEG. KENNEDY:**

Just two more quick questions. I'm looking at the backup memo and it makes reference to funds associated with an incinerator as well, so we're talking about the belt presses and we're talking about some additional construction to accommodate those belt presses; where's the incinerator coming in?

**COMMISSIONER BARTHA:**

That is in next year's Capital Program, the incinerator, we'll be constructing two new incinerators at Bergen Point of a newer, more energy•efficient technology. Presently the incinerators that we have are not being operated, we're hauling the sludge out, and the reason we're not operating them is they do not meet the current EPA emission standards, and the cost to bring them into compliance with the EPA emission standards would not be recovered in the amount of time it will take before we have new incinerators constructed. So it's cheaper for us in the long run to continue hauling sludge and landfilling it than it is to bring incinerators into compliance with the emission standards.

**LEG. KENNEDY:**

And then to build new incinerators, it's cheaper to go ahead and build new incinerators than to go ahead and retrofit the existing ones?

**COMMISSIONER BARTHA:**

You've got to remember that •• the answer is yes, but you have to remember that these incinerators have been in operation for almost •• for about 20 years and they are •• they operate at 1,600 degrees, it's clay, bricks inside, it's a very difficult environment and it has the shortest life of anything at the sewage treatment plant. And the incinerators now, we have multiple hearth incinerators which was the state•of•the•art at the time,

state-of-the-art now is fluidized bed incinerators, they're much more simpler operation and much more energy efficient.

**LEG. KENNEDY:**

You know, you guys are the experts, I'm going to take your word for it, obviously. The last question is just a curiosity question. You're operating the presses so that the end product has a reduced water content; how do you dispose of it, what do you do with the water secondary to the sludge product? Is that part of the pilot project for a gray water irrigation, similar to what's going on out at Indian Point?

**COMMISSIONER BARTHA:**

No, that water is returned to the treatments \\_treat or train\\_ and gets treated. That water is some of the •• it would have some of the highest constituents of contamination and so it goes back into the treatment process.

**LEG. KENNEDY:**

And the increased flow is just going to be accommodated in whatever that circle is.

**COMMISSIONER BARTHA:**

Right.

**CHAIRMAN O'LEARY:**

All right. Just to recap here, just to get it straight in my mind, the 7.4 million that we speak of here, that will address in totality the sludge treatment and disposal, correct?

**COMMISSIONER BARTHA:**

Not the incinerator portion, but the sludge treatment.

**CHAIRMAN O'LEARY:**

Yeah, the 7.4 million.

**COMMISSIONER BARTHA:**

Yes.

**CHAIRMAN O'LEARY:**

All right. And of the total number, the 28 million, then that reduces •• that reduces that capital project program to 20.6 million? Is that 7.4 part of the 28 million?

**COMMISSIONER BARTHA:**

Yes.

**CHAIRMAN O'LEARY:**

All right. With the remaining 20.6, what's going to be done with that?

**COMMISSIONER BARTHA:**

That will be used to execute these contracts that has previously been appropriated and the additional funds are required to award the contracts.

**CHAIRMAN O'LEARY:**

Okay. All right, well then ••

**LEG. VILORIA • FISHER:**

It's as clear as mud.

**CHAIRMAN O'LEARY:**

The 7.4, okay, the 7.4 is going to accomplish what?

**COMMISSIONER BARTHA:**

The seven •• will bring us to a total of approximately \$28 million ••

**CHAIRMAN O'LEARY:**

Okay.

**COMMISSIONER BARTHA:**

•• which is what the total project cost is for installing a new sludge processing system which is a combination of sludge belt presses, a building, a small building addition and some sludge thickening goes with this as well.

**CHAIRMAN O'LEARY:**

But of the 28 million, what is the 7.4 going to accomplish, what's going to be done after ••

**COMMISSIONER BARTHA:**

The bids totaled \$28 million, we can't award the bids, we only have approximately \$21 million right now that's been appropriated.

**CHAIRMAN O'LEARY:**

Oh, this is over and above the additional anticipated costs.

**LEG. VILORIA • FISHER:**

Right.

**CHAIRMAN O'LEARY:**

Okay. All right, I thought what was in the program was 28 million and the 7.4 was ••

**COMMISSIONER BARTHA:**

I'm sorry, I explained it wrong.

**CHAIRMAN O'LEARY:**

All right, so this is for additional monies over and above what was initially appropriated.

**COMMISSIONER BARTHA:**

Correct.

**CHAIRMAN O'LEARY:**

All right. Does that make a little bit more sense?

**LEG. KENNEDY:**

Maybe.

**CHAIRMAN O'LEARY:**

Okay. All right, is there a motion?

**LEG. FOLEY:**

Motion.

**CHAIRMAN O'LEARY:**

Motion to approve by Legislator Foley, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **2221 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2233•05 • Authorizing the filing of an application with the Federal Transit Administration and operating administration of the United States Department of Transportation for federal Transportation Capital Assistance for the purchase of hybrid•electric transit buses authorized by 49 USC Chapter 53, Title 23 United States Code and other Federal Statutes administered by the Federal Transit Administration (County Executive).**

**LEG. VILORIA•FISHER:**

Motion.

**CHAIRMAN O'LEARY:**

There's a motion by Legislator Fisher to approve.

**LEG. FOLEY:**

Second.

**CHAIRMAN O'LEARY:**

Seconded by Legislator Foley.

**LEG. KENNEDY:**

Question.

**CHAIRMAN O'LEARY:**

On the question of the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I'll make it quick. Obviously we want to move to energy efficient vehicles.

Is there anything as far as maintenance or service with vehicles such as this that either we have the capacity to do or that our contractors have the capacity, that I have mechanics who know how to go ahead and service hybrids?

**COMMISSIONER BARTHA:**

We have •• we've just started our pilot project of hybrid•electric vehicles in the County, it's from •• our knowledge of them and our research, we expect our mechanics will be able to service them with a minimal of training that comes with the purchase. We expect that our contract vendees, the bus operators will be able to do the same with the buses. Buses isn't quite the track record with hybrid buses as there is with cars, but we don't anticipate a problem in what you're saying.

**LEG. KENNEDY:**

And you would accommodate that into whatever our contracts are or add that requirement that our vendors bring on qualified mechanics and staff in order to go ahead and service them?

**COMMISSIONER BARTHA:**

That's correct. The point here is that it's a pilot project, again, we're not replacing the entire fleet, this should be enough for us to purchase four buses.

**LEG. KENNEDY:**

Okay. Thank you, Mr. Chairman.

**CHAIRMAN O'LEARY:**

That was going to be my question, four buses at what cost?

**COMMISSIONER BARTHA:**

Approximately half a million dollars each.

**CHAIRMAN O'LEARY:**

Two million dollars?

**COMMISSIONER BARTHA:**

Yeah, the appropriation is I think 1.8 million.

**LEG. VILORIA • FISHER:**

One point eight, yeah.

**CHAIRMAN O'LEARY:**

Okay. There's a motion to approve and a second. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **2233 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2253•05 • Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domains Procedure Law in connection with the acquisition of the properties for intersection improvements to CR 67, Motor Parkway at Adams Avenue, Town of Smithtown, Suffolk County, New York (CP 3301.225) (County Executive).** Motion to approve by Legislator Kennedy, seconded by myself. On the question of the motion?

**LEG. KENNEDY:**

Yes, just one quick question. Commissioner, we spoke about this but just reassure me on the record; this would be eminent domain and the actual amount of takings is de minimis or nominal?

**COMMISSIONER BARTHA:**

That's correct, it basically slivers along Adams and along Motor Parkway.

**LEG. KENNEDY:**

And this is part of an overall concept to address traffic flow, feeders into Motor Parkway?

**COMMISSIONER BARTHA:**

That's correct.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN O'LEARY:**

Any other questions on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **2253 is approved (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).**

**2301•05 • Amending the 2005 Capital Budget and program and appropriating \$283,500 in funds for a replacement fence on CR 67, Motor Parkway, from Thomas Street to Washington Avenue (CP 5546) (Montano).** Is this the issue that was involving the Town of Islip's properties, did they put up the fence initially?

**MR. ZWIRN:**

Yes, originally the Town of Islip did put up the fence but it's on County land. The County Attorney's Office researched this carefully since the last meeting and we have come to the conclusion that it is a County responsibility to replace and maintain this fence.

**CHAIRMAN O'LEARY:**

Okay, very good.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

I applaud the County Attorney's Office to go ahead and come to that finding when it comes to the needs for sound accomodation in the Motor Parkway area. Unfortunately they don't seem to be able to come to that same kind of understanding for an area that's just about a quarter mile west. So based on that inability, I guess, to go ahead and have a concept or an understanding of responsibility that somehow resonates along the roadway, I'd like to go ahead and speak with him. I'd make a motion to table.

**LEG. VILORIA • FISHER:**

Just for clarification.

**CHAIRMAN O'LEARY:**

On the question of the motion to table. My understanding, this is not a sound wall barrier that's being anticipated as far as a fence, it was a stockade fence or perhaps a chain link or some type ••

**COMMISSIONER BARTHA:**

It was a stockade fence, this is a more substantial proposal than a stockade fence, so it should last longer.

**CHAIRMAN O'LEARY:**

What is the purpose and goal of this installation of fence, is it to mitigate noise?

**COMMISSIONER BARTHA:**

This would not have an impact on mitigating noise, no, it's more of a safety and privacy issue.

**CHAIRMAN O'LEARY:**

Okay, and that's the initial reason why it was put up in the first place, privacy and safety?

**COMMISSIONER BARTHA:**

I believe so.

**CHAIRMAN O'LEARY:**

And over the years it eroded to the point where it was falling apart and the only question in mind was who was responsible for putting it up, and that question has been answered.

**MR. ZWIRN:**

There was never an agreement between any parties, even though there were some conversations apparently. So since it's on County•owned land, the County is responsible for the structures on County•owned land so the

County will meet its responsibility and fix and build a new fence.

**CHAIRMAN O'LEARY:**

Yeah, in light of the fact that it's a safety issue and a privacy issue, not necessarily noise abatement issue, I think there's a motion to approve by Legislator Foley, seconded by Legislator Fisher. On the question of the motion to approve? Hearing none, all those in favor? Opposed?

**LEG. KENNEDY:**

I'll abstain.

**CHAIRMAN O'LEARY:**

One abstention.

**LEG. VILORIA • FISHER:**

Good try, John.

**CHAIRMAN O'LEARY:**

One abstention. I would have gone with you, John, but I'm not going to be here after January 1st. **Approved (VOTE: 3•0•1•2 Abstained: Legislator Kennedy • Not Present: Legislators Binder & Carpenter).**  
**\*\*\*SEE CHANGE IN VOTE ON PAGE 25\*\*\***

**LEG. KENNEDY:**

Yeah, I'm feeling hung out here, Mr. Chair.

**CHAIRMAN O'LEARY:**

You know, it's going to be a long two years, buddy; better get used to it.

Okay, **2308•05 ••**

**LEG. FOLEY:**

Mr. Chairman, I think •• Mr. Chairman, given the number of committee members •• one, two, three, four, five, six •• we need a majority of four to approve.

**CHAIRMAN O'LEARY:**

Oh, to approve; you're absolutely right.

**LEG. FOLEY:**

I would ask if Legislator Kennedy would •• he wasn't in the •• well, he is in the majority, but if he could reconsider his abstention.

**CHAIRMAN O'LEARY:**

With the understanding that it's not on point with respect to your issue, Legislator Kennedy, about noise abatement structures, it's a question of •• it is a question of safety and security, I think you ••

**LEG. KENNEDY:**

Obviously if it comes to safety and security, clearly that's something that's different than quality of life issues associated with sound. Of course what I would say is I would disagree with the fact that, you know, there's an obligation on the part of the County to go ahead and view sound study and quality of life in the same aspect that it seems we so readily are willing to go ahead and spend almost double of what \$144,000 for a sound study would be and which the administration for seven months has steadfastly refused to go ahead and implement a dutifully passed resolution, obviously I'm going to go ahead and go with health and safety. That notwithstanding, I will, as I have said at every committee meeting and at every General Meeting, ask once again that the County Executive administration's representative please take that message back one more time, that I won't stand in the way of health and safety; that notwithstanding, we still have a glaring disparity. I'll stop speechifying. Thanks.

**LEG. VILORIA • FISHER:**

And by the way, the Legislature did support in a bipartisan manner ••

**CHAIRMAN O'LEARY:**

The chair recognizes Legislator Fisher.

**LEG. VILORIA • FISHER:**

•• that planning. Thank you.

**LEG. FOLEY:**

You've got to make the motion to reconsider.

**LEG. KENNEDY:**

Okay, I'll make a motion to reconsider.

**LEG. FOLEY:**

Second.

**CHAIRMAN O'LEARY:**

There's a motion to reconsider 2301. On the question of the motion to reconsider? Hearing none, all those in favor? Opposed? Abstentions? ***2301 is now before us again.***

***2301•05 • Amending the 2005 Capital Budget and program and appropriating \$283,500 in funds for a replacement fence on CR 67, Motor Parkway, from Thomas Street to Washington Avenue (CP 5546) (Montano).***

**LEG. FOLEY:**

Motion to approve.

**CHAIRMAN O'LEARY:**

There's a motion to approve by Legislator Foley.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN O'LEARY:**

Seconded by Legislator Fisher. On the question of the motion to approve? See, now this time you and I vote against it and it's killed.

**LEG. KENNEDY:**

Well, you know, listen, not in the face of health and safety.

**CHAIRMAN O'LEARY:**

And I agree.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN O'LEARY:**

There is a motion to approve 2301. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

***2301 is approved unanimously (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

**LEG. FOLEY:**

Thank you, Legislator Kennedy.

**LEG. KENNEDY:**

My pleasure.

**CHAIRMAN O'LEARY:**

Yes. Thank you, Legislator Kennedy. It was nice of you to do that.

***2308•05 • Adopting Local Law No. 2005, a Local Law to further strengthen street•vending protections (County Executive).*** This has to be tabled for a public hearing which is scheduled on December 6th, I believe.

**LEG. FOLEY:**

Motion to table.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Foley, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed?

Abstentions? ***2308 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

***2326•05 • To authorize a Request For Proposal to reestablish the Bay Shore Health Center (Alden).*** Care to comment on this, Ben?

**MR. ZWIRN:**

Mr. Chair, if we could have one tabling of this, it would be one more General

Meeting. We're working with Legislator Alden to try to get language that we could all live with.

**CHAIRMAN O'LEARY:**

Motion to table by myself, second by Legislator Kennedy. On the question of the motion to table 2326? Hearing none, all those in favor? Opposed? Abstentions? ***2326 is tabled (VOTE: 4•0•0•2 Not Present: Legislators Binder & Carpenter).***

Is there anyone that wishes to •• yes, Sandy?

**MS. SULLIVAN:**

I'd like to clarify 2075, please, about the public hearing.

**CHAIRMAN O'LEARY:**

2075. 2075 was calling for a public hearing?

**MS. SULLIVAN:**

Right. It was discharged out of committee on November 15th. The General Meeting, the next following General Meeting which was, of course, November 22nd, only gave it five days, it could never have been publicized in time to have a public hearing. So therefore •• and then we had the committee today. So December 6th, that means it was noticed 14 days, so it had to be ••

**CHAIRMAN O'LEARY:**

So we're in compliance, then.

**MS. SULLIVAN:**

Yes. Okay? So it is December 6th and it's because we didn't have enough time to notice it properly.

**CHAIRMAN O'LEARY:**

And on December 6th there certainly will have been enough time for the public notifications. Okay.

**LEG. FOLEY:**

So this should be in committee, this was reported out.

**CHAIRMAN O'LEARY:**

Well, this is discharged without recommendation.

**LEG. FOLEY:**

Okay.

**CHAIRMAN O'LEARY:**

So this is before the full body on the 6th anyway, right? Unless you want to reconsider that.

**LEG. FOLEY:**

No.

**CHAIRMAN O'LEARY:**

No, okay. Is there anything else before we adjourn?

Okay, this meeting stands adjourned. Thank you very much.

***(\*The meeting was adjourned at 2:33 P.M.\*)***

***Legislator Peter O'Leary, Chairman  
Public Works & Public Transportation Committee***

\\_ \\_ • ***Denotes Spelled Phonetically***