

OPERATING BUDGET MEETING

OF THE

PUBLIC WORKS AND TRANSPORTATION

COMMITTEE

The Public Works and Transportation Committee Operating Budget Meeting was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Smithtown, New York, on Wednesday, October 23, 2006 at 9:30 a.m.

MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairman
Legislator Wayne Horsley
Legislator Jack Eddington
Legislator Kate Browning
Legislator Louis D'Amaro
Legislator John Kennedy
Legislator Ed Romaine

ALSO IN ATTENDANCE:

Gail Vizzini • Director Budget Review Office
Roz Gazes • Budget Review
Gilbert Anderson • Acting Commissioner of Public Works
Lou Calderone • Deputy Commissioner of Public Works
Ben Wright • Sanitation Department of Public Works
Peter Quinn

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:58 A.M. *)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting to order. This is the public hearing for the Public Works and Transportation Budget. If you all will rise and join us for the Pledge.

SALUTATION**CHAIRMAN SCHNEIDERMAN:**

I'd like to start today's hearing with a brief presentation from our Budget Review Office, just a quick overview of their thoughts and recommendations and then some questions from the •• from the committee.

MS. VIZZINI:

Thank you, Mr. Chairman. The Public Works portion of our report basically can be summarized as follows. There's a 3.7% increase over the 2006 adopted amount. Total authorized staff recommended is 1021 positions, 36 less than January of 2004, 15 of which had already been transferred by resolution to Environment and Energy. The department requested seven new positions, they received no new positions.

Generally across the board, we recommend that vacancies be filled expeditiously. However, we point out that there are insufficient appropriations to fill any more positions than the number that are already filled. So what we mean by that is as positions become vacant, they should be filled as expeditiously as possible.

Highways has 15 vacancies, which is going to increase our dependency on consultants for field inspectors. Overtime across the board is increasing generally in lieu of our hiring additional positions. Building design and construction has 27 positions of which there are three vacancies. This is of concern considering that we have such a substantial project ahead of us, the jail construction. And we think that unit is most likely understaffed.

Custodial services has nine vacancies, which make it very challenging to clean some of our facilities, some of which are open on a 24/7 basis. We make some recommendations regarding transportation revenue. We want to point out that there is \$10.5 million for the replacement of 436 vehicles. As you know, the fleet is purchased for all of the County Departments through the Department of Public Works.

Highway Maintenance has an authorized staffing level of 104 with 14 vacancies. Sanitation has an authorized staffing level of 378 with 50 vacancies. There is a proposed reorganization, it's really a functional alignment, where there will be a Department of General Services •• division, sorry, which consolidates the purchasing, the print shop, the mail room and the space management function under the General Services Manager.

There are increased costs in the state reimbursed Cohalan Court Complex due to increases •• due to prevailing wage as far as contractual custodial services. The department has, just this week, advised us there may be a need to increase monies in 2006 estimates as well as 2007.

And the last item is that there is \$500,000 included in the Southwest Sewer District for a sludge management analysis in light of the fact that it looks like we will not be proceeding with the incinerator.

CHAIRMAN SCHNEIDERMAN:

Okay. Questions? Let me start on that last item with the sludge management. I'm sorry. What was the number you said for that analysis, half a million?

MS. VIZZINI:

500,000 in the Southwest Sewer District fund.

CHAIRMAN SCHNEIDERMAN:

Okay. We have a contract until 2009; is that correct?

MS. VIZZINI:

Yes.

CHAIRMAN SCHNEIDERMAN:

With the sludge •• a transport company?

MS. VIZZINI:

Yes.

CHAIRMAN SCHNEIDERMAN:

And that's what, about eighty•two fifty a ton, something in that range?

MS. VIZZINI:

I'd defer to the department.

CHAIRMAN SCHNEIDERMAN:

Do you know is that •• is that breakable? I mean, do we have to use that company to transport our sludge, or it's a contract says if we do use them, this is what we will pay?

MS. VIZZINI:

I'll defer to the department on the specifics. If you're talking about the existing contract ••

CHAIRMAN SCHNEIDERMAN:

Yeah. My question is our sludge, if we were able to find another way of handling that sludge, is that •• are we mandated to take all that we produce and use that company, or can we •• or does that contract only guarantee that if we do use them it will be that eighty•two fifty a ton?

MR. WRIGHT:

Yeah. That contract is in place until May of 2009 at \$83.64 a ton.

CHAIRMAN SCHNEIDERMAN:

Oh, it's eighty•three sixty•four? Okay. The question is must we use that if we •• let's say we find somebody who can transport at \$70 a ton.

MR. WRIGHT:

There's provisions in the contract that we could rebid it and, you know, cease to use that contract.

CHAIRMAN SCHNEIDERMAN:

Okay. Okay. Thank you. While you guys are up here •• Gail, my second question •• Gil Anderson who is the Acting Commissioner as well as the County Executive have all been committed to this cone project on County Road 39. It's been extremely successful. And, you know, I have been told that it will begin in April and go through some time mid November of next year, however, the money for that is not within the budget. That money has been estimated around \$200,000 in overtime in DPW. We'll talk about the staffing issues separately. But it's not if the budget, and so I'm trying to figure out how we are going to do that and how we get this into the budget. So, Commissioner.

MR. ANDERSON:

Yeah. We, at the time the budget was prepared, didn't know •• obviously didn't know the program was going to be initiated again during 2007. Roughly •• I don't have the numbers in front of me. I think it was •• in overtime it was about \$7000 a week in overtime. How we get that into the budget, I guess, would have to be worked out. But the only problem is, you know, there's no finite number right now only because we really don't know exactly when we're going to start and when we're going to end.

CHAIRMAN SCHNEIDERMAN:

I think Southampton is projecting April through mid November. Ben Zwirn is also here from the County Executive's Office. I know everybody is committed to it. So I understand what happened. It was just timing. The budget had to be prepared. So now we need it reflected in the budget. And I don't want this to be a stand-alone type of resolution. This really needs to be in the budget. So, I guess, the budget working committee needs too put \$200 •• what is it, about 200,000 we're estimating?

MR. ANDERSON:

I think, yeah. Two hundred, 250.

CHAIRMAN SCHNEIDERMAN:

Two hundred and fifty thousand into the overtime line. Ben, do you have a comment on this?

MR. ZWIRN:

Yeah. There's also construction going on. You know, there's a project that's underway to widen County Road 39. And I think there's some thought •• and I know we've talked about, Bill Hillman, Gil, about how that construction •• where it will be along the way. We've got to do the St. Andrew's Bridge. Where that will be •• I think that's supposed to start in February.

So I think a lot if depends •• if that road is under construction in the middle of the summer, I think there's •• I mean, we're going to have to play it by ear, I think •• is how I understand the cone project will work, because if this is bid out and there's somebody doing the construction on there •• you can correct, Gil •• but I think Bill explained to me that the road will then be owned by the contractor who's doing the work, and we're going to have to work with them in order to get the program •• so that's one of reasons why the money was not there.

CHAIRMAN SCHNEIDERMAN:

If that road is under construction in the middle of the summer, we're all in trouble I think.

MR. ZWIRN:

There's no question.

CHAIRMAN SCHNEIDERMAN:

You know, that sleeve, that insert, under the St. Andrew's Bridge has to be done in the wintertime.

MR. ZWIRN:

That's the plan. But the question is •• I think it's one of the reasons why the money is not seen in the budget, because they •• one, it was early when this was done, and we weren't necessarily contemplating next year's County Road 39 project with the cones. Also there's construction going on. So there's •• you know, this will probably get worse before it gets better.

CHAIRMAN SCHNEIDERMAN:

But you don't disagree that the money needs to be shown in the budget for this project?

MR. ZWIRN:

You know, the money will be there •• available. If we can do the project next

year, and I think everyone is hopeful that it could be done, but I think ••

CHAIRMAN SCHNEIDERMAN:

It makes good sense to have it shown, or at least add the 200,000, 250,000 into the overtime so that we know it's covered if that's our intention. So we just need to work that out mechanistically so it's there. I know that some of you are on that working committee, Legislator Browning is on that committee, and I know Legislator Romaine is on that committee.

Legislator Romaine, as you are walking in, we're talking about the County Road 39 project, which isn't reflected in the budget. We need to put \$250,000 into the overtime line DPW to cover the cost for this project that's been agreed upon already by the County Executive and by the Acting Commissioner, that the project will move forward next year. It's not reflected in the budget.

LEG. ROMAINE:

Could I ask a question?

CHAIRMAN SCHNEIDERMAN:

Sure.

LEG. ROMAINE:

The question would be this budget was released in the third week in September, we are now in the third week in October. The County Road 39 issue was ably brought to light and suggestions and recommendations put forward by yourself alone against some people who were sceptics in the beginning, and you were proved right. Why •• why did the Executive, if he now agrees ••

CHAIRMAN SCHNEIDERMAN:

I don't really want to go there. I just want see the money in the budget. That's all.

MR. ZWIRN:

I don't •• Mr. Romaine, if you had been here on time, you would have heard our answer, but I'll be glad to repeat it.

LEG. ROMAINE:

Thank you.

MR. ZWIRN:

When this was originally contemplated, we weren't sure we were going to be running the program through the summer. In addition, we have a contract to be let out to redo the road. We're going to widen the road, we're going to widen St. Andrew's Bridge. We're not sure if we're going to be able to accommodate the cone program during the construction project. It's not clear if that going to be able to be the case. Those are some of the reasons why the money was not put in the budget at that time.

LEG. ROMAINE:

But the Executive publically supports putting the money in the budget now?

CHAIRMAN SCHNEIDERMAN:

As far as I understand. Because when I talked to the County Executive ••

LEG. ROMAINE:

Well, I'm asking Mr. Zwirn.

CHAIRMAN SCHNEIDERMAN:

Well, I had a conversation at one point before I had actually seen the budget, and I asked Steve if it was in there, and he wasn't sure whether it was or was it not •• whether it was or wasn't. So it may have just been an oversight. Either way, he's committed to the project as well as ••

MR. ZWIRN:

We didn't have the money in the budget to do it last year, this past year, and we did it. So I think that will be a problem. The commitment was there. And the commitment wasn't just words, the commitment was demonstrated by the County Executive and the Department of Public Works.

CHAIRMAN SCHNEIDERMAN:

The money was found. But, you know, I'm afraid •• you know, we were able to find the money within the overtime budget of DPW thankfully. And I would much rather have this a budgeted item, know that the money is set aside so that if DPW needs some of that overtime for other unanticipated expenses, it will be there.

MR. ZWIRN:

We didn't have money set aside for new cones, reflective cones, so we could do this at night, and that was an expensive acquisition. And the County Executive had DPW go out and secure those cones on a very quick emergency basis. So the has been commitment been there. It's not just, you know, flapping the gums, as Legislator Romaine likes to say. But indeed, it has been done.

LEG. ROMAINE:

First of all, please do not characterize my remarks. Second of all, I never said such words. Third of all, you are always an antagonist that does not serve your County Executive well.

MR. ZWIRN:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Okay. Let's continue constructively. I think we're all on the same page here. Everybody wants to see those cones. The community wants to see those cones, not just on the East End, but for all the people who work on the East End, which is a lot of people from the West End. So it's been a tremendous success. And just we're simply going to get the money into the budget. And those who on that committee, you know, I think are hearing that message clearly. Now, Gail, when you do something •• when you're adding something to the budget, we don't need at this point to do an offset, but if we don't it will affect the tax rate. Do you have a recommendation here?

MS. VIZZINI:

Well, that's correct. I think what Mr. Zwirn is intimating is that if there isn't an addition to the budget, let's say your \$200,000, if there is an agreement to do the project, it will come from, you know, you either the personal salaries •• it will come from other areas of Public Works, but it will be •• the opportunity cost, wherever it comes from, they will not be able to purchase or fill a position or something like that. If you add without an offset, it would be an increase in the •• actually it would be in the road fund, but that's supported by the General Fund.

CHAIRMAN SCHNEIDERMAN:

Right. So though it may be an increase, it may actually be a •• because right now, the County Executive's budget calls for a tax rate decrease. That

decrease might be lessened by adding this money.

MS. VIZZINI:

That's correct.

CHAIRMAN SCHNEIDERMAN:

It won't necessarily mean there will be an increase in taxes next year, but the decrease might be not as large, correct?

MS. VIZZINI:

The decrease is only in the General Fund.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions? Legislator Eddington.

LEG. EDDINGTON:

Yes. I'd just like to start with a comment. I did mention at a committee yesterday that I may be the quiet Jack, but I don't want to be perceived as invisible. And I was here on time, and I did have a question, and I thought I was overlooked here for a minute.

CHAIRMAN SCHNEIDERMAN:

I apologize.

LEG. EDDINGTON:

I appreciate that. I don't want to be perceived as invisible. I do •• rather than just talk for the 7th Legislative District, I would like to ask you question for Suffolk County. You are new in the job, and it appears that you're being asked to do more with less. As a new person coming in, it must be very difficult, because you really have to respond. I am concerned about the projects that you're aware of in my district, but I'm concern with the overall picture.

Having worked for a school district, I know a lot of times they cut the maintenance first. And we saw that immediately in the school buildings. What kind of plan do you have to do the same or more, because we have more projects just like the Legislator just said that weren't planned, how are you going to meet the needs of Suffolk County with less staff?

MR. ANDERSON:

Well, I think •• and I'm not going to try to quote the Budget Review Office, but their statement that, you know, when staff is vacated, we would look to fill it right away. You know, obviously we have submitted our request, you know, to the initial budget preparation process. You know, while we looked •• and we will, I feel very confident with my staff that we will maintain the services that we've been providing. You know, I do realize that the County Exec does have to look at the overall County, you know, not just us, but Health and all the rest of the departments as well. So, you know, like I said, I have a great staff, I'm very confident. They've maintained the level of services they have been doing. And I look forward to taking it all on.

LEG. EDDINGTON:

I guess what you're saying is you've been reassured by the County Executive that as your positions become vacated that they will be filled in timely fashion.

MR. ANDERSON:

Yes, sir.

LEG. EDDINGTON:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

On that point, specifically to that County Road 39 project where you're staff is being asked to do something kind of outside of the ordinary and you're being asked to do that without any additional staff, is that •• are you guys surviving? I mean, fatigue and all the rest that goes with that, is it impairing the department at all?

MR. ANDERSON:

I'm not going to say it's easy ••

CHAIRMAN SCHNEIDERMAN:

I know you have 180 miles of snow fencing to put out as well.

MR. ANDERSON:

And we're managing. We're bringing in, you know, personnel from other sectors to help with that. You know, we're making adjustments as necessary. You know, our guys are committed to, you know, doing the job. I feel confident they will.

CHAIRMAN SCHNEIDERMAN:

I guess the question is not so much are you managing because I know you're trying to do more with less, but are we suffering because of it? I mean, are we seeing things that aren't getting done?

MR. ANDERSON:

No. I believe everything is being maintained, you know, as we have in the past. I mean, you know, there is overtime, a lot of this is being Picked up in overtime.

CHAIRMAN SCHNEIDERMAN:

Worker satisfaction?

MR. ANDERSON:

Let's put •• I haven't heard •• nobody has complained to me, so.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Romaine.

LEG. ROMAINE:

Yes. I have some questions, Commissioner. Let's start with the Cohalan Court Complex. My understanding is we now currently contract out for custodial services?

MR. CALDERONE:

Legislator Romaine, yes, we've always, though. Since the building was built we've always contracted out, but can I explain the •• it's a new contract. It's New York State Industries for the Disabled. It's not a public contract, it's a non for profit group.

LEG. ROMAINE:

I understand.

LEG. ROMAINE:

I was getting to the point. Is there sufficient money in there for custodial services for the court complex? Obviously, we've entered into an agreement, and that agreement is that the Office of Court Administration, that we build and we maintain the court and operates the court under current state formula. Could you tell me if there is sufficient funding in the contract to

provide adequate custodial services?

MR. CALDERONE:

Yes. The only think that happened, and that was in the last •• literally in the last two weeks there was an increase in the prevailing wage rate. We've notified the County Executive and Budget Review of that increase so we have identified it.

LEG. ROMAINE:

So can we expect the Executive some time during 2007 will bring forward a budget amendment to add to his budget?

MR. CALDERONE:

I'll defer to BRO.

MS. VIZZINI:

Well, you know, once the budget is adopted, if we're in 2007, you can't really add to the budget. Is this aided?

MR. CALDERONE:

It's partially reimbursed by the state.

MS. VIZZINI:

I mean, you would really want to address it before we adopt the budget.

LEG. ROMAINE:

Let me ask you this then. Let's talk about custodial positions, not only in this contract, but custodial positions overall in the County of Suffolk, because it's my understanding that Public Works has custodial responsibilities for almost all County buildings; is that correct?

MR. CALDERONE:

That's correct.

LEG. ROMAINE:

Is there a standard of square footage depending on the type and variety of building that custodians should be covering? Is there, like, a national accepted standard or a local accepted standard of coverage for custodians?

MR. CALDERONE:

There is, but it's a moving target. It depends on who you talk to, it depends on the type of facility, it depends on usage of the facility. So there's really no fast and hard number to be honest with you.

LEG. ROMAINE:

Do you believe •• do you believe at the current time, not next year, not, you know, two weeks ago, but at the current time today that we sufficient custodians in Suffolk County employed by DPW to perform all custodial tasks for the square footage that this County possesses in terms of leased and owned facilities?

MR. CALDERONE:

Well, we are performing custodial services as we speak. And to be really up front with you, we are holding our own. We use overtime in certain cases to get special tasks done. And the County Executive has agreed that we are •• actually, we're in the process of filling some of the vacant custodial positions.

LEG. ROMAINE:

We are going to fill vacancies? Because, see, I •• myself and my colleagues don't have that information. We can put jobs •• positions in the budget currently the way the system works now, which I'm sure you're very familiar with, and we have no idea whether they will be filled or not. The only thing that we know is the taxpayers are going to be taxed for that. But we have no idea how many of those positions will be filled. And that's why I'm asking how many custodial positions does DPW currently have in its budget?

MR. CALDERONE:

Total?

LEG. ROMAINE:

Yes. Approximately.

MR. CALDERONE:

Approximately, and don't quote me on this number, but I think there's approximately 120, somewhere in there, 120, 130 custodians.

LEG. ROMAINE:

Positions in the budget?

MR. CALDERONE:

Correct.

LEG. ROMAINE:

How many of those 120 positions are currently filled?

MR. CALDERONE:

Well, it's minus •• I think it's seven. We have seven vacancies currently.

LEG. ROMAINE:

Throughout the entire County?

MR. CALDERONE:

Throughout the entire County, correct.

LEG. ROMAINE:

Thank you. Let me go on to another question. I understand that there is money in the budget for rental expenses that know longer will be needed since the new Smithtown Social Service Center and Health Clinic will be coming into impact and that we will not need about \$350,000 in rental expenses; is that correct, that's currently in the budget?

MR. ANDERSON:

Actually, one of the comments I did have on the Budget Review Office's review of the budget was concern about the recommendation of reducing the budget by 350,000. After looking at current funding, I'm advised that we do need that money, that 350, as part of the budget.

LEG. ROMAINE:

You do? So I just wanted to ask that question on the record. If Budget Review has a prevailing or contrary position, I'd be happy to hear it at this time.

MS. VIZZINI:

No. Just that after the report was written we were advised by the department that they expect that the tax bill portion of the rental account to increase, and they asked us to be more caution about making that reduction in '06.

LEG. ROMAINE:

That's fine. Let me ask you. One of the things that we were able to get

through, and I do pass legislation from time to time, is to add a booster pump, which would greatly expand our dredging activities, because it would give us two to 3000 additional feet for spoil sites allowing more opportunities to dredge, because there would be more availability of various spoil sites. That booster pump is obviously going to require staffing. Have you included that •• or has the Executive knowing that Legislature has put that money in that you would now have an RFP out, I believe, to purchase this, correct me if I'm wrong. Do you have an RFP out to purchase a booster pump?

MR. ANDERSON:

I'll ask Bill Hillman to come up and respond.

LEG. ROMAINE:

It's a simple yes or no, because I wanted to get into the staffing of that, because we did pass this earlier this year in this year's Capital Program.

CHAIRMAN SCHNEIDERMAN:

I'm not sure you do it by RFP though. You might just do it through Purchasing.

MR. HILLMAN:

We're presently spec'ing out the booster pump. And when we do have a complete •• completed spec, we will be investigating the direct purchase through a purchase order or possibly going out to bid.

LEG. ROMAINE:

When do you think you'll be purchasing that?

MR. HILLMAN:

It won't be for this dredge season, which is Winter '06•'07. So it will probably be up in operation for Winter '07•'08.

LEG. ROMAINE:

Okay. Let me just continue with dredging for a second. I thank you for giving me that information. I assume that the booster pump will be purchased, since I believe we passed this resolution back in April or May of 2006 for the 2006 Capital Project, I would hope that it would not take, you know, a full year. I would hope that we would be able to get the booster pump delivered and ready to use by March of this year giving you literally ten

months to do that. That should not be that big of a deal.

But moving on with dredging. Have we made any accomodation in the 2007 Budget, the Operating Budget, for the staff that would be need to operate the dredge •• the booster pump? Because you had indicated at the time, did you not, Mr. Hillman, and so did Mr. Bartha when he was Commissioner, that buying the equipment was very good, but it may need one or two staff people?

MR. HILLMAN:

That is correct.

LEG. ROMAINE:

How many people would it need?

MR. HILLMAN:

I believe one would be sufficient.

LEG. ROMAINE:

Did Public Works include that in their budget request?

MR. HILLMAN:

We did not, and I'm not sure of the timing, whether the •• our development of the Operating Budget preceded the passing of the legislation.

LEG. ROMAINE:

The legislation, I believe, was passed in April or May of 2006 amending the Capital Project. You submitted your budget on or about June 1st. So it obviously preceded that. And the next question is why would you not include staffing that you knew would be needed?

MR. HILLMAN:

Again, I'd have to review the dates. I'm not certain of those dates. The legislation might have been passed, but until it's signed by the County Executive, it's not a law. So, again, I'd have to review the dates and review exactly how it transpired to answer that question.

LEG. ROMAINE:

Do you have a recommendation in terms of staffing now, since I have to plan out with my colleagues the 2007 Operating Budget in a responsible fashion?

MR. HILLMAN:

Yes. Again, I would recommend one person to staff that.

LEG. ROMAINE:

Okay. I'm going to ask Public Works if they would speak to Mr. Hillman about the grade and title of the person and amend •• put an amendment in under my name for that position. I'm sure some of my colleagues would join my in cosponsoring that, because we do want to be responsible. And I'd put the position in for half a year.

CHAIRMAN SCHNEIDERMAN:

Are you asking •• I'm sorry, Legislator Romaine. Are you asking for a stand •alone amendment, or are you trying to get this part of the Omnibus.

LEG. ROMAINE:

Well, I'm putting this in. If it becomes part of the Omnibus, then the resolution is moot. But I want to make sure that it's in there. I have to exercise caution since, as you know, the deadline is Friday, and the Omnibus may not be formed by then. So I will exercise that caution.

And let me ask you one other thing, Commissioner. We had a meeting of the Dredge Screening Committee. It had been it's first meeting in two years. I am concerned because a number of items affecting various districts throughout Suffolk County were tabled at the time. And I've written to you and received no response. I wrote to you over three months ago asking you to consider calling another Dredge Screening Committee so we could reconsider with additional information those tabled items as well as any other items that might have been submitted by the various townships or villages in the interim. When do you anticipate calling a Dredge Screening Committee.

MR. ANDERSON:

We did receive your letter. I know I spoke to Bill about it, and I'm going to defer to Bill as well on this one.

LEG. ROMAINE:

Okay.

MR. HILLMAN:

We're in the process of scheduling a new Dredge Project Screening

Committee. There are several other issues. I know several were tabled at the previous meeting. There are several other issues that have arisen that need consideration. And we're trying to put our ducks in a row so we can have that meeting.

LEG. ROMAINE:

As soon as possible, please.

MR. HILLMAN:

Sure.

LEG. ROMAINE:

Next question.

CHAIRMAN SCHNEIDERMAN:

I second that.

LEG. ROMAINE:

Is there sufficient monies in this budget for overtime in the Buildings Operations and Maintenance Division? Is there sufficient money to handle the overtime operation in that division as it was presented to us by the Executive?

MR. CALDERONE:

Yes. We've asked for extra, for the record. And there was an increase of approximately \$300,000, and that's what we asked for.

LEG. ROMAINE:

And that's what you got?

MR. CALDERONE:

Correct.

LEG. ROMAINE:

Okay. I would ask Budget Review why you're making a recommendation then to increase this account even more.

MS. GAZES:

In our analysis for Buildings Operations and Maintenance based on previous

history about what was estimated and actually spent in '05 and what has been spent year to date in '06, it looked like there was a definite need for there to be an increase of \$150,000 to a total of 450,000. Last year we made a similar recommendation, and we were pretty much on target, although the money was not added to the budget.

LEG. ROMAINE:

Where did the money come from if it wasn't added from the budget?

MS. GAZES:

It comes from other accounts, and it's transferred to cover overtime expenses within that area.

LEG. ROMAINE:

And who makes the decisions which accounts they come from?

MS. GAZES:

It's the department, and the consult with the Budget Office.

LEG. ROMAINE:

I won't touch that, because I'll give the department the flexibility it needs. And obviously, I want to accord County Executive as much flexibility as he can in doing this budget.

Let me ask a question now about Vector Control. And I see Mr. Ninivaggi there, so I'd ask him. It's just one simple question. Is there sufficient money in the budget to cover the hourly rate for helicopter spraying in order to maintain the current level of service? And the answer is either yes or no. It's a yes or no answer. I mean, we get •• that's the type of things that the Executive and •• you and I have to do.

CHAIRMAN SCHNEIDERMAN:

Let Mr. Ninivaggi answer the question.

MR. NINIVAGGI:

No.

LEG. ROMAINE:

No? Thank you. Okay. Now, I'll ask the second question. If it was a yes, we would have ended there, but I'll ask the second question. How far short

did the Executive •• and, you know, no one is perfect in presenting a budget and you have to present different lines in his defense •• but how far short do you think you are if you •• in providing the current level of service?

MR. NINIVAGGI:

We estimate we're about \$100,000 short. After the budget was prepared by a couple of months, we get our new contract with our helicopter contractor, and the price went up about 40%.

LEG. ROMAINE:

Wow. So if we leave this budget untouched •• I just want people to know, because they have constituents who will complain about mosquitos, we'll have the Health Department talking about West Nile, and what you are saying is how many less hours of spraying would you be able to do with the current money provided to you in the budget?

MR. NINIVAGGI:

I think basically a 40% figure is a good way to look at, because it's done •• it's an hourly contract.

LEG. ROMAINE:

Right. What would happen is if we leave this budget untouched, we will have 40% less ability to spray for mosquitos by helicopter, is that •• am I characterizing this correctly?

MR. NINIVAGGI:

Correct.

MR. ZWIRN:

The answer is no.

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn, did you want to comment on this?

LEG. ROMAINE:

Obviously, he's disagreeing with ••

MR. ZWIRN:

No. You're talking about a public safety issue, you're talking about a contract that went up after the budget was prepared.

LEG. ROMAINE:

Right.

MR. ZWIRN:

We didn't have money in the budget for the cone project, it's done. You have proposed a number of things this year that weren't in the budget last year that you wanted done with the Tick 4•Poster Program. Did we find the money for that? Yes. When we have a public health or a safety issue, the County finds the money to do it. If we have to, you know, take it from somewhere else, we do. But when you say that we have 40% •• we will not spray 40% next year because the budget, the contract came after it, the answer is no. Is your budget under budget? The answer is yes. But things happen during the year; contracts come in afterwards, sales tax revenue, which was projected by BRO for 2006, is coming in nowhere near that. We're not getting the revenues from there, but we still run the County and we still provide services.

CHAIRMAN SCHNEIDERMAN:

As one former Supervisor to another, I think you're going against some of the sounder principles of budgeting here. I think if you anticipate an expense •• if you're saying that we plan to maintain the same level of spraying, but we know that it's going to cost 40% more to not show it and say we're going to find it, is really not •• it's not fair.

MR. ZWIRN:

I don't take issue with that.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. ZWIRN:

But when Legislator Romaine says we're going to have 40% less ability to spray next year, the answer is you may not have the money in the budget because the contract came in after the period of time when the budget •• the budget has been prepared within a certain amount of time, and there's a cut •off date. After that, when circumstances change, we have to make adjustments. Budgets are living documents, that's why we have a County Legislature, that's why we have a County Executive who is in charge of the budget, and he makes decisions.

When we talk about the booster pump •• Mr. Hillman has testified here today that the booster pump won't be available to the end probably of '07. So be very careful, may I add •• but if you're going to add positions to the budget to handle the booster pump, if you put a full time position in next year's budget, and he's not hired until the end of the last three months, then you are going to nine months of turnover savings, which is one of the things that Legislator Romaine has railed about; don't put money in for a full time person if he's only going to be working for the tail end of the season.

LEG. ROMAINE:

Mr. Zwirn.

MR. ZWIRN:

Any money that it will save will go back to the taxpayers in a fund balance the following year.

CHAIRMAN SCHNEIDERMAN:

That's a fair comment. If it's not ••

LEG. ROMAINE:

Your comments are all fair. And I did not mean to imply that the spraying would not get done. I simply said if we only had that funding, we would do 40% less. And I agree with Mr. Schneiderman, if we know an expense is out there, it's prudent for us to provide for that expense. And you're absolutely right, unanticipated expenses come up all the time. I ran a very large department for 16 years, and we shifted funds. And there's no question that the Executive should have freedom to shift funds to meet ongoing needs, and I'm supportive of that.

But I just wanted to ask if there was •• that the current budget provided enough. Mr. Ninivaggi gave me an answer, said no, it wasn't, because the contract went up by 40%. So we have two alternatives. We could either put it back on the Executive's plate, which we probably would prefer not do to, or we could act responsibly and make a decision that we're going to maintain the current level of service and add whatever is necessary.

CHAIRMAN SCHNEIDERMAN:

I'm just going to say, in a department like this, you have to budget for a certain level of unanticipated activity. You don't know •• if it's going to be a

particularly snowy winter, there's going to be additional cost for snowplowing and materials. So you have to build kind of worse case scenarios into your budget. But we can't always just manufacture funds. If something is anticipated, it ought to be in the budget. Sometimes anticipated budget items turn to not happen in that year, and then you have additional funds that could be transferred other for other things that weren't anticipated. But something like this that clearly is anticipated ought to be reflected in the budget.

LEG. ROMAINE:

Thank you, Mr. Chairman. And thank you, Mr. Ninivaggi. I'd like to move to sewers if I could. It is my understanding the recommended budget includes \$500,000 for sludge management analysis. This was a line that was not in the requested budget of DPW, but the recommended budget of the County Executive to evaluate sludge disposal costs and consider future occupies. Since this is a rather large number, maybe I could have an explanation. And I understand that departments have to submit budgets by •• Operating Budgets by June 1st, the Executive has to submit their budget by the third week in September, that things happen. Maybe someone could explain how this got in the recommended budget when it wasn't in the requested budget and what we're going to do with this \$500,000. Could someone offer me explanation on this?

I see Ben Wright is here. Ben Wright who •• by the way, how are we doing on that report for the condo?

MR. WRIGHT:

It's coming along.

LEG. ROMAINE:

Okay.

MR. WRIGHT:

When the decision was made to eliminate the incinerator project from the Capital Program, the sludge management plan was initiated. And it wasn't clear at the time whether or not funding would take place through the Operating Budget or through a resolution. And we talked about •• those involved talked about the level of funding that might be necessary, and it was anywhere from, you know, a few hundred thousand dollars to maybe a million dollars.

We have put in a draft resolution not knowing how the Operating Budget is going to go with respect to keeping this \$500,000 in it. So we're covering it both ways. We were not involved with the \$500,000 per se being put in the budget, but the number was something that was discussed.

LEG. ROMAINE:

But you didn't make this recommendation?

MR. WRIGHT:

No. No.

LEG. ROMAINE:

Okay. Let me ask Gail Vizzini, Gail, does this \$500,000 •• is this more of a capital expense as opposed to an operating expense, since it's a planning study to evaluate sludge disposal costs?

MS. VIZZINI:

This is one of those things that you could really go either way. Sometimes it's in the capital, it's a study that begins a larger project, or in this case, it's in the sewer district fund. It doesn't impact the General fund.

LEG. ROMAINE:

Thank you. I know that. But what caught my eye was that it hadn't been requested and it was in the recommended, and I'm trying to understand, did •• between June and September, did DPW, did the Sewer Agency or those who run the sewer district come to the Executive and say we really need a sludge management analysis, and we're requesting this money? Did you have conversations with the Executive on this?

MR. WRIGHT:

That was a decision made by the County Executive as well as the involved Legislators, that we cannot eliminate the incinerator from the Capital Program without having a plan.

LEG. ROMAINE:

Right.

MR. WRIGHT:

And so the plan is •• to date, we have received proposals, they're under

review, we're going to select a consultant, and you know, we will need the funding to support that project.

LEG. ROMAINE:

Tell me what a consultant will do regarding sludge disposal costs.

MR. WRIGHT:

We're going to look at •• start with screening of all potential options that are available to take care of sludge from Bergen Point. And once that screening is made, there will be an evaluation in detail of viable options, which could be as many as five to ten. Once a selected plan is arrived at, which will be with the community involvement, environmental groups, etcetera, whoever •• you know, the stakeholders basically that will be involved in that process, the selected plan will then undergo the SEQRA process and final design. So it's going to take some time to develop that final plan.

LEG. ROMAINE:

And the plan, the final plan, is going to give us better ways or more efficient ways or more cost effective ways to dispose of sludge?

MR. WRIGHT:

It will be a plan that everybody agrees is the most cost effective, environmentally sound, socially acceptable option.

LEG. ROMAINE:

Okay.

CHAIRMAN SCHNEIDERMAN:

Can I just chime in here with one thing? Currently our sludge is trucked and railed to Georgia ••

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

•• at, you said, eighty•three sixty or something like that.

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

•• per ton. There were some gentlemen here from Japan recently who met with myself and Legislator Horsley separately. I've asked them to meet with the County Executive ••

MR. WRIGHT:

Our staff met with them.

CHAIRMAN SCHNEIDERMAN:

Okay. Good. And they have some technology that will convert ceptic sludge to a fertilizer type of material in 30 minutes. One hundred tons per day they can handle. It's noiseless and scentless. And they were looking to do a pilot project possibly at Bergen Point where they would take our sludge at the current rate, actually a little lower, I think they were saying \$80 a ton for a six month period, to demonstrate the viability of their technology.

If that would work, it might also save us half a million dollars in consulting fees as well. But it's something •• I wasn't going to bring it up at this point, but it seems like it's worthy of taking a good look at.

MR. WRIGHT:

Our plan is to look at all options such as that. It was not, I would say, a very clear presentation that they made, because of the language barrier and the information that was being provided. But it is something that will add to the package. We've had many pilot programs, some work and some don't. Sludge is a little bit unique as far as the community and the potential for odors. And even pilot plants are something that we want to, you know, look at closely before we •• we would implement something like that.

CHAIRMAN SCHNEIDERMAN:

Right. Now, I have asked representatives from that company to come to the next Public Works Committee Meeting to present to the committee so more Legislators than Wayne and I can be exposed to what they are proposing.

LEG. HORSLEY:

So to speak.

CHAIRMAN SCHNEIDERMAN:

So to speak. There are emerging technologies out there, so •• that I think are more environmentally responsible than incinerating or trucking.

LEG. HORSLEY:

May I chime in as well, and I don't mean to interrupt?

CHAIRMAN SCHNEIDERMAN:

No. That's fine.

LEG. HORSLEY:

But I applaud the County Executive in putting this \$500,000 •• I noticed it also •• checking out and looking to alternatives for the sludge process. Ben, when you do get this draft together, could you make •• could I have a copy of that? Is that something that •• I don't think I've seen that as yet, have I?

MR. WRIGHT:

The draft of what?

LEG. HORSLEY:

You said there was a draft proposal that ••

MR. WRIGHT:

There are proposals from three consultants that are under evaluation, and we have a •• you know, per our normal RFP process, we have a Selection Committee those is reviewing those proposals and will make a recommendation.

LEG. HORSLEY:

Thank you. You will keep me in the loop as that process moves forward?

MR. WRIGHT:

Yes.

LEG. HORSLEY:

Again, I think that's a worthy inclusion in the budget and look forward to working with the community with you in making sure that we move forward in a very positive way.

CHAIRMAN SCHNEIDERMAN:

Ben, there may be some technologies already being employed in this country or elsewhere in the world that would make sense. Since this Legislature will ultimately be making the decision as to which technology to move forward

with, it would make sense if there's the ability within that budget, within that half a million dollars, whatever is left over from the consultant, if a delegation or whatever could see the technology in action, if it has, in fact, been tested somewhere.

MR. WRIGHT:

We've included, and, you know, maybe it was a little bit of shortsightedness, but we did include two full days of a tour bus basically to take representatives to wherever we get in one day, assuming that it would be on the East Coast between, you know, upper New England and Virginia. There are a number of sites that might be options there. If it were some place else in the country, you know, we could possibly take the costs associated with those bus trips and convert it into a smaller group going some place else.

CHAIRMAN SCHNEIDERMAN:

Right. Well, that one technology isn't being done in this country, so.

LEG. HORSLEY:

Can the bus go to Japan?

CHAIRMAN SCHNEIDERMAN:

Can the bus go to Japan? Wayne wants to know. It just may make sense before a final decision is made if it working somewhere to send somebody to see it if it's possible.

LEG. ROMAINE:

Two more quick sewer questions. I understand that the scavenger waste fees for the Southwest Sewer District this year have been raised by about a third, by a 33% increase, in revenue. Is that additional revenue •• I guess this would be for Gail. Is that additional revenue reflected in the 2007 Operating Budget?

MS. VIZZINI:

Yes.

LEG. ROMAINE:

It is? Thank you. And my last question is I know under the quarter percent we fund municipal sewer districts, we help underwrite a portion of municipal sewer district expense, correct me if I'm wrong, Ben.

MR. WRIGHT:

Yes.

LEG. ROMAINE:

Okay. Could you explain to me •• I was doing an analysis of some of the municipal sewer district in my Legislative District, and apparently the Calverton Municipal Sewer District does not receive any of that quarter percent money. Is there a reason for that?

MR. WRIGHT:

I think that's a Budget Office response.

LEG. ROMAINE:

I'll ask the Budget Review Office then. Thank you. Sorry to put you on the spot again. Gail, I was just saying, the quarter percent that is used to help underwrite municipal sewer districts, I was looking at the sewer districts in my district, and apparently that quarter percent money has never applied to the Calverton Municipal Sewer District. And I was concerned as to why they were left off the list of funding.

MS. VIZZINI:

There are certain criteria that •• it's actually not the Budget Review Office, but the Budget Office uses. It has to do with whether these districts increase their rates by 3%, which we're checking, and whether they have off•budget escrow accounts to address whatever their needs are. So I'm not really in a position to answer that. It would be a Budget Office question.

LEG. ROMAINE:

Well, I will ask Mr. Zwirn since he is a representative of the Executive if he would be kind enough to carry that message back to the Budget Office, that I would like an answer as to why the Calverton Sewage Treatment Plant is not sharing in that quarter percent. It's run by the Town of Riverhead, and it's obviously run for the.

EPCAL, and there's expansions planned there, and that sewer district has never shared in those revenues.

Finally, I note that the Budget Review Office has said for Public Works that there is advertising expenses that were reflect in 2006 Budget for \$98,700, and only \$2500 was expended; is that correct? Are we going to be making that correction, Gail, in our 2006 estimate? It's the last recommendation that

you referred to. Thank you, Ben.

MS. VIZZINI:

We will be bringing our list of recommendations to the working group. I don't know what they will embrace and not embrace.

LEG. ROMAINE:

Okay. I appreciate that. Thank you, Mr. Chairman, and I certainly will yield my time.

CHAIRMAN SCHNEIDERMAN:

Okay. Yield your time? I thought that was your time. You used your time. Okay. Next on my list is Legislator Kennedy. But I wanted to just •• if there was any presentations •• well, even before that, did we get •• we have no yellow cards, right? There's nobody from the public who has asked to speak. I don't give the Commissioner •• Acting Commissioner a chance if he wanted to make a presentation or any of the department or divisions within DPW if they wanted to. So, Mr. Anderson, what is your pleasure? Continue with the questions, or did you want to make ••

MR. ANDERSON:

Briefly just •• you know, again, I wanted to thank the Budget Review for the, you know, detailed job they did on the report. I mentioned one of my concerns which was with regard to the \$350,000 regarding the rent, but also I wanted to mention their concern about their recommendations to not purchase 50 marked vehicles for the Police Department. I mean, that would significantly not only affect the Police, and I don't pretend to know their operations, also it will also affect our fleet management as well. So other than that, that's it.

CHAIRMAN SCHNEIDERMAN:

Okay. Okay. Then we will continue with questions from the committee starting at my left with Legislator Kennedy.

LEG. KENNEDY:

Okay, Mr. Chair. Thank you very much, I appreciate it. I have a couple of specific items I'd like to go through in the report, but I also have, I guess, a couple of generalized questions. Yesterday we had a presentation in the morning, several presentations, Cheryl Felice was here from AME, and she spoke about contractors contracting out, the fact that it seems to be

something that's an increasing phenomena. And there was one example in particular that was provided about DPW itself and the fact that there are contract agencies or contractors that are presently located right within the building itself in Yaphank performing whatever task it is or function, I guess, that they've been engaged with by you or by the agency. Let me just ask simply, first and foremost, is that something that's gone in at this point?

MR. ANDERSON:

To the best of my knowledge, no. I mean, you have may have an occasion where a contractor is working in the building •• you know what? I'll defer to Bill. Hold on.

MR. HILLMAN:

We presently ••

LEG. KENNEDY:

Good morning.

MR. HILLMAN:

Good morning. We presently do have one consultant working within the Highways group for a three month period. We have files within the department that they need to access on a regular basis to assist us. So it was •• the most appropriate thing do to was provide them with in•house space to assist us.

LEG. KENNEDY:

Um, look, I think when we look at something like this, we're looking at, you know, a couple of different items here. Practicality may dictate that, you know, having a private outfit located right on•site might facilitate ease of whatever it is that they need to go ahead and work with, be it maps, be it, you know, reference documents, this, that and the other thing. The question then becomes at what point are we looking at, you know, a violation of the general process that we as a municipality have to go ahead and go through whenever we look to go ahead and try and have anything done, be it purchase, acquisition, furnish of service or things like that?

You know, there's supposed to be a transparency out there, and there's supposed to be an equal playing field, if you will. And if we elect to go ahead and bring a consultant, contractors or anything on•site, the question becomes a whole variety of things, not the least of which are we engaged in

some preference, have we •• have we compromised, you know, from a liability perspective, and finally, are we, you know, bouncing up against, you know, our obligations under the Taylor Law?

It's something that, you know, may in the most rarest of circumstances be warranted because it is somebody whose got unique expertise that we can never find. But it's supposed to be very •• very, very limited and very finite. So, you know, I'm troubled by that, in fact, if that's the case. And I'd like to know why is it that this outfit winds up with that when comparable outfits, I would imagine, do not or have not had that. I mean, was this something that was part of the original mix when this consultant was brought on and other consultants were aware of it?

MR. ANDERSON:

This •• first, this consultant is brought on •• it's for a very short period as we would similar to •• during construction of a building, we would afford our consultant the space to provide his operations within the building rather than having to, you know, spend money on a trailer. Similarly, this saves us money in that they don't have to work off-site for this specific person rather than traveling back and forth to access our documents. It saves us •• saves us money, saves them a little bit of time. Again, it's a temporary •• it's not a prolonged period. It's basically three months and the project is over.

LEG. KENNEDY:

The duration is not necessarily something that I take issue with. And the practicality of it on the surface seems to be something that would be readily apparent. Nevertheless, if any consultant isn't afforded that same opportunity that, A) in their proposal avoid any kind of physical location cost whatsoever, because we are making that space available absent any kind of a charge associated with them, we not only wind up with issues as far as level playing field, we're now up against a constitutional issue as far as municipality in making a gift.

I think it's something that, you know •• and it's something that I'm concerned about across the board and we as an entity go about transacting or conducting business wherever we do it, be it IT, be it in DPW, be it any place, and we engage with contractors that we embrace this notion somehow that, wow, you know, we're going to cut the cost and we're going to go ahead and we're going to give them this and we're going to give them that. On the surface, we are clearly in violation of what our responsibilities are as far as a

municipality goes and our ability to go out there and transact.

So I would •• I would at the very least caution you, and I would say that it's an issue, I think, that we probably need not to be involved with, else wise, put it out there and make a level playing field and run through the process. Take the space and put it through the Space Committee, declare it surplus, do all the other things that are necessary in order for us as a municipality to go ahead and make that available. We have big projects.

MR. ZWIRN:

If I might interject, we share your concern. The County Exec shares Legislator Kennedy's concern about this. And this was one of the arguments we made back when the title examiners had the space at the Clerk's office. And we were concerned about it, and we wanted to raise it to a fair market rent. And we had some resistance, you know, to avoid the appearance of impropriety in a County•owned facility where people conduct, not on a temporary basis, but the conduct their full time business on a full time basis in County space.

But there are exceptions. When they did the IFMS project, the consultant was on•site because they had to be. But they weren't running their business out of there, they were just working on the County project at hand, and it was easier and made more sense for them to be on•site. The Red Cross has County space, and they're contracted out by the County. They're in a County facility. So there are •• there are some exceptions. But in general, we agree 100% with Legislator Kennedy, and we would be opposed to that if that were the case. We're not aware that that is the case, but if we found that that would be so, we would end it immediately, because we do share that concern. And quite frankly, that was our argue with the title examiners going back, you know, six months ago.

LEG. KENNEDY:

Ben, we talked about that at length. As a matter of fact, you know I sponsored the resolution to go ahead and take a look at what the ultimate fair market value might be with the title searchers. I think that, you know, our responsibilities, I guess, as a municipality is that we absolutely have to have a transparent playing field. And then we talked about the whole process of declaration of surplus and this, that and the other thing.

MR. ZWIRN:

We're on the same page.

LEG. KENNEDY:

Good. Well, that being the case then, I guess you're going to go ahead and you'll determine specifically what's going in Yaphank at this point then or any place else, be it over at John J. Foley if we have private that contractors there who are on for an extended basis. You'll be able to come back to us and assure us that we do not have this at this point where private profit entrepreneurial entities are getting the benefit of municipal space absent cost.

MR. ZWIRN:

Absolutely.

LEG. KENNEDY:

All right. That being said, I guess I need to go ahead and go into •• go into the report. Um, first of all, I guess I'd like to ask about the mention of a reorganization and a creation of a General Services Division. I see that there would be an attempt to go ahead and put together some of the inherent functions; Purchasing, Print Shop, Mail Room and Space Management, yet •• yet, we do not have anything in the way of additional of staff, deletion of staff. I'm just curious, what, if anything, is it? Is it just retooling the org chart?

MR. CALDERONE:

Exactly, Legislator Kennedy. It's just basically reorganizing our own department. As most people remember, there used to be a Department of General Services. We've inherited not all, but a lot of those functions. So within our own department, it just made more sense to create a new division. We're just realigning people and shifting people around. That's all we're doing.

LEG. KENNEDY:

Okay. All right. I'm in the section of Office and Buildings and 200 Wireless Boulevard. Tell me a little bit about the progress of the renovations at this point, when you anticipate occupancy and specifically the methadone clinic portion of that building. When do we expect to go ahead and have folks in there?

MR. CALDERONE:

Tom Laguardia will answer that.

LEG. KENNEDY:

Sorry about this, gentlemen, I don't mean to get you up. But then again, I guess I do.

MR. LAGUARDIA:

Good morning. We expect approximately 1, December, to have the building construction completed and start to occupy the building.

LEG. KENNEDY:

You mean in, like, 30 or 40 days from now?

MR. LAGUARDIA:

That's correct.

LEG. KENNEDY:

And its essentially all •• I know we had some concern about heating, ventilation, some of the other things. The owner •• contractor has gone ahead and addressed all those issues?

MR. LAGUARDIA:

That's correct, to our satisfaction.

LEG. KENNEDY:

Tom, there's been concerns that I've had from, you know, a whole variety of different ways right from the very beginning of this process with the inception. I know we talked a little bit about, you know, Space Management and whether or not we were going to go ahead and have notifications. I've not seen anything since 200 Wireless came around. Perhaps there's just been no issues in the 12 Legislative District. I don't know about my colleagues, whether they've seen things or not. You know, I had the resolution in order to go ahead and add that position.

Nevertheless, one of things that people were concerned about was screening, plantings, you know, impact as far as other tenants in the industrial park. What, if anything, is going on or what's the ultimate assurance going to be as far as some kind of screening with this facility?

MR. LAGUARDIA:

I can't answer that right now. I can research it and get back to you, Legislator Kennedy.

LEG. KENNEDY:

You know, I recall asking these questions and I recall being assured that there was supposed to be greenery that was included, whether it's evergreens, plantings, fencing, this, that and the other thing. That was last January or February, whenever we did this lease. It was quick. I would like you to look into it, because I do not want to wind up being in a situation where we begin to go ahead and move County employees in here. I know there's an urgency to get them in, I know the building that DSS is in now is intolerable, it's pathetic conditions for our County employees, so I'm not opposed to that.

I am curious, though, about what the •• and I don't know if you folks can answer this. Yesterday we heard about the fact that there's a move or a plan in the budget to close the Babylon Methadone Treatment Clinic. When this clinic was proposed from a footage space, I think it was anticipated it would kind of take over from what's right here in the temporary quarters in our North Complex. Is there anything that you've heard as far as increased volume or anticipated volume with this? Is anything changing from the square footage that was there when the plans were first adopted? We don't know?

MR. LAGUARDIA:

There's no change in the square food from what was proposed originally. You'll have to ask the Health Department on how they plan to handle the methadone clinic closing.

LEG. KENNEDY:

Okay. Ben, you are unaware of whether or not there's been any kind of decision to go ahead and shift folks, personnel? I know we were told yesterday that they would go up to Huntington area. I was just curious whether there was any attempt or plan to go ahead and move them other to Smithtown.

MR. ZWIRN:

I don't know the answer, but I'll find out, because the Health Committee met yesterday, but I'll find out for you.

LEG. KENNEDY:

All right. That would be fine. I would appreciate it. Gail may have somebody to add to this, though.

MS. VIZZINI:

We asked that question at the Space Committee when the information was presented to us, because we are going to be on a month to month for the site for the remainder of the year. And what the representative from the Health Department said then was that the clients would be given the opportunity to go any of the remaining centers, but there was a concern that since the most •• the closest geographic centers are, of course, here and Huntington.

LEG. KENNEDY:

So where we anticipated originally when this lease was executed a population of no more than 80 to 90 clients, now as we occupy, I don't know what the population is for the Babylon Center, but it's reasonable to expect we're going to go ahead and take on some of those folks as well. Ben, if you could get that information for me, I'm very much interested in it, because, once again, it seems like, you know, what you •• what I'm presented with and what I present to my constituents, you know, eight months ago is now irrelevant.

MR. ZWIRN:

And you have two of these clinics, I think in your ••

LEG. KENNEDY:

Absolutely.

MR. ZWIRN:

•• in your district.

LEG. KENNEDY:

I have the Smithtown and the Hauppauge. I have 200 Wireless, and then I also have this clinic here, which we talked in great length about yesterday, which provides the Youth Methadone Maintenance Program, which apparently is our only site throughout the County, and which apparently is slated to shut down as well; is that correct? Didn't we hear that yesterday that there was anticipation that they were going to be abandoning these quarters here?

MS. VIZZINI:

That I can't confirm. That's new. I'm not sure.

LEG. KENNEDY:

I believe that was some of the discussions we had in Health Committee yesterday. In any event, again, Ben, I'm going to ask you if you can go ahead and just get the additional information for me, because I need to have the facts. Thank you. All right.

Moving on, I guess I would have just a general observation or comment for you, Mr. Anderson, with highway structures and waterways. I like my colleges are doing my level best to go ahead and lump up this unit with, you know, work that is important. I know it handles the 477 projects. I know that there's an extensive amount of intermunicipal cooperation that's required out of these units. This is one case where the County Executive as a matter of fact came together with me on an initiative in Smithtown, which I genuinely appreciate.

That notwithstanding, I know that this unit has lost personnel. I know that there are vacancies and there are signed SCINS. But in the world of practicality, I believe you're experiencing difficulty getting individuals to actually accept offers. And my observation or my suggestion to the administration and to yourself is while you •• while you talk about confidence in your staff •• I'm glad to hear that •• I think it's incumbent on you and for the County Executive to hear, you're going to have to in•step these people. You're going to have to make an effort to go out there in order to go ahead and offer a salary that skilled, licensed, trained people are going to be able to accept to come to work for us.

You know, it's a recurrent theme that we see. We heard it yesterday with the nurses, we've heard it with social workers, we've heard it out of DSS. It's great to get a signed SCIN, but if it's not reflective of what's going on out there in the market, it's irrelevant. So all we're going to do is perpetuate those vacancies. So I'd ask you to work with the Exec's Office and particularly with your sections to do what you can to get these •• these salaries or these offers to be something that folks are going to be able to accept to go work for so that we're comparable with the industry. We do not want to wind up either training and losing to the private sector or being noncompetitive with the private sector, you know, for our entry level folks.

Also in that area I see the eminent domain function, and I guess •• you

snow, I know I've got a couple of issues in my district. County Road 16 and 93, the intersection right there with Rosevale and Portion Road. That intersection is supposed to •• or is in the process right now of going through the condemnation process and acquisition process to straighten the dog leg out. We've loss a real estate appraiser in this eminent domain function, Appraisals and Condemnation Unit. What does it mean for •• for my district and for any issues going on for •• for any of us?

MR. HILLMAN:

He retired suddenly. So we are developing a plan to replace him, not directly with his title, we'd like to •• he was a very competent, high•level person. We have two other very competent high•level people. What we'd prefer to do is possibly split that one higher position into two lower grade positions. And we're presently trying to figure out how •• what positions would best suit our needs.

LEG. KENNEDY:

Again, it occurs to me •• I mean, that's a good thing to do, a prudent thing to do, a logical thing to do. Nevertheless, you must at this point have 20, 30 projects on your plate at this point that are requiring the attention of an appraiser and somebody who is intimately involved condemnation process. So what happens to those projects in this person's absence?

MR. HILLMAN:

We typically contract out large project appraisals. In fact, I think we typically contract out all appraisals. We Get a first and second follow•up appraisal through consultants. It's the responsibility of the condemnation group to oversee those appraisals and make sure that the appraisals are appropriate and oversee the program. So they are not physically doing the appraisals on all these. You know, Portion Road might have, you know, 75 appraisals, and they're physically doing them, they're overseeing the consultants that are doing them. So we do anticipate a little bit as a slow down. He did retire suddenly. We were not aware of his intentions to retire. It will have some effect, but we hope to, like I say, get those positions squared away and released and filled as soon as possible.

LEG. KENNEDY:

Okay. Here's what I'm going to do with this one then. What I'm going to ask you to do is then give me some kind of status on how quickly you move forward with A, your decision to bifurcate the position, if that's what it's going

to be, and then B, where you get some people on board, a person or some people in order to address this, because my sense here is, is that while, you know, we want to give the department and yourselves time to make the adjustments and make the recommendations that you choose, time slips.

And in this case, as time slips, I believe time is money, because values of property, although they are not going up in double digits like they were, we have yet to find where they are going down. So as time goes on and the appraisals get put out or whatever, it which will cost us more and more. We need to go ahead and have the function addressed. It's one of those basic things that we do.

All right. Buildings and designing construction. There was a Public Works Capital Project Manager position created, which is yet to be filled. I recall many, many months of that resolution going on and discussion as far as the need for it and the fact that we were told it was critical to go ahead and have an individual particularly associated with the management of the jail and other big ticket projects. Am I •• do I read that this position is unfilled?

MR. CALDERONE:

That is correct. It is unfilled as of this moment, but just •• actually yesterday, we are doing •• we're promoting a County architect, one of our bright County architects, into that position, and he will function as the Capital Projects Manager.

LEG. KENNEDY:

That outstanding that we're bringing somebody to go ahead and go in that position. Now tell me who is going to be the architect.

MR. CALDERONE:

We're going to backfill the position. We're going to ask for a •• you know, we released that position. It's one of the lower level •• you know, it's one of the entry level architect positions. We're going to ask to release that position. This just happened literally the last couple of days.

LEG. KENNEDY:

Okay. So we should expect that we'll see somebody. And we have somebody on the list, there's an active list, we can go ahead and recruit, we can get somebody on?

MR. CALDERONE:

Okay. The Capital Project ••

LEG. KENNEDY:

No. No.

MR. CALDERONE:

Oh, the architect?

LEG. KENNEDY:

I don't mean so much with the project manager.

MR. CALDERONE:

Actually, we've asked that, I think, and we didn't verify it. If there is an active list, it might be a short list, but we're checking that as we speak.

LEG. KENNEDY:

It just occurs to me that, you know, we identify a priority, we make •• we're robbing Peter to pay Paul. All right. The division requested a facilities coordinator, and the recommended budget does not implement this request. What's going on there?

MR. CALDERONE:

Yes. The facilities coordinator, we've •• that was an original •• a new position that we were requesting for, and I'll tell you, it's for Valerie Preas •Romeo, who is on the Space Committee. We've reevaluated that position. We're going to use an existing assistant space facilities manager's position, which happens to be a little bit higher grade, and it fits •• it actually her function better. And we're in the process of doing that as we speak also.

LEG. KENNEDY:

So while you originally requested it, you've decided otherwise.

MR. CALDERONE:

Correct.

LEG. KENNEDY:

And it doesn't prove to be an impediment for the function or for the ability to go forward?

MR. CALDERONE:

No. No. Because we're not •• in this case, we're not stealing from Peter to pay Paul. It's a vacant •• you know, it's a vacant title, vacant position. So that exists.

LEG. KENNEDY:

You know, there's another comment there about, you know, the need to fill vacancies. And I guess I'm just going to reflect back to my comments before about highway, that I imagine that you must be experiencing this phenomena in several of your divisions, that when you look to bring in folks, the salaries are not necessarily reflective of an offer the people are willing to take. So I'd encourage you to go ahead and take a look at that as far as our ability to be competitive.

MR. CALDERONE:

Absolutely.

LEG. KENNEDY:

O&M. There is •• we have gone through the approvals for the creation of Sewer District 4 • Galleria. And I believe that there is a request to go ahead and include positions in the '07, one of which must have been for the treatment plant maintenance individual and a helper. And I see that those positions not were included. Any familiarity there?

MR. WRIGHT:

It's recognized in the BRO report that that typically gets done, you know, by resolution once the districts are formed, and that's what will take place.

LEG. KENNEDY:

Okay. But then it occurs to me •• I have to defer to BRO again, because if we do not have any salary in the '07 budget as we're contemplating adoption at this point and a district gets formed next March while we have the transfer •• the district is formed. They only thing we're awaiting at this point is the actually deed transferring ownership of SDP where, I guess, we would then absorb the function of maintaining. And let's just say for argument sake that happens next March, what happens as far as the salary to pay these individuals at this point now?

MS. GAZES:

What will probably likely happen, which has happened in the past, is the

positions will be created by a resolution. At that time, additional funding, you know, could be offset from somewhere else to be provided where it's needed. However, usually that's not what happens.

MR. WRIGHT:

Just to add to that. Each sewer district is its own entity. So once the district formed, that resolution would really be charging the district service area residents whatever it cost to operate and maintain it. So that resolution has a budget in it, it has the positions in it, etcetera.

LEG. KENNEDY:

So it's reasonable then for me to assume or me to rely on that if we do have transfer, because again, we created the district, the district has been approved by the Comptroller, it's been created. Although we're not levying rents yet or collecting, legally it has been created. If we have transfer by virtue of a deed, and then, I guess, we commence levying the rents, we're going to project payment for these individuals for salary and benefits from the anticipated rent collection?

MR. WRIGHT:

That was in the public hearing report.

LEG. KENNEDY:

Is that a legitimate revenue •• revenue stream? Again, Ben, I have to go ahead and I've got to defer to BRO.

MR. WRIGHT:

But I'll just add that the public hearing that was held had a report associated with it that included what labor and other expenses would be necessary for that district, and that's the basis for the individual cost to the service area residents.

LEG. KENNEDY:

Well, unfortunately, it's not. And as a matter of fact I •• you know that I'm very familiar with that. And for whatever reason, the Budget Office decided well after the hearings to recommend or suggest a radically different cost for residents, roughly 150% higher than what went through the public hearing process. Now the legitimacy of that I'm still trying to go ahead and investigate. I don't believe that we have the authority to go ahead and do that. But nevertheless, I'm almost •• I need to defer to what me colleagues

have suggested or Legislator Romaine has said, as to this for payment of salary for a sewer treatment mechanic and a helper is the anticipated rents a legitimate offset or revenue to amend the '07 budget? It's almost like a yes or no.

MS. VIZZINI:

The salaries would be charged back to the respective district. If we hired one guy and that person worked a couple of months at Southwest or a couple of months in a new district, that individual salary is charged back to the respective districts where they worked. The only thing is there's a little bit of a lag in terms of reconciling the hours worked in the different districts and what's charged back.

LEG. KENNEDY:

So we don't have an individual that's tied to one district, do we? We have individuals who service multiple districts who wind up being charged off for a portion of their salary to a variety of different districts.

MS. VIZZINI:

Yes. There is a labor pool in a separate fund, and those salaries are charged back to where they worked.

LEG. KENNEDY:

So if we created new positions at this point then, they wouldn't be dedicated exclusively to Sewer District 4; is that correct?

MR. WRIGHT:

That's possible, yes. They're uses wherever they're needed.

LEG. KENNEDY:

Do we have a need for more mechanics at this point?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

We do? Okay. Even if we don't create Sewer District 4, we still have a need for additional mechanics just with what we had at this point now.

MR. WRIGHT:

Well, there are some vacancies.

LEG. KENNEDY:

Are there requirements as far as the amount of time that these mechanics spend at each one of our plants?

MR. WRIGHT:

No. Each plant is different •• different •• it depends on the age and what equipment is there, and, you know, the work order schedule.

LEG. KENNEDY:

But when I say requirements, I mean New York State DEC requirements or Federal EPA requirements. We have broad latitude as far as the amount of time that that mechanic has to be at any particular plant?

MR. WRIGHT:

Yeah. They look at the facility itself and how it's being maintained rather than who is doing it and how many people are doing it.

LEG. KENNEDY:

Again, I just •• I'm concerned that there is going to be the ability to go ahead and adequately staff this treatment plant when it gets created. And I anticipate we're going to have to transfer in the early part of next year. So my concern goes to how we'll fund that. If there's going to be the ability to go ahead and use those rents, then I'll have to rely upon that. I won't keep beating this horse. I'm going to just go to one other area, I guess, if I can.

LEG. HORSLEY:

Legislator, can I just •• while Ben is up here, can I just ask a quick question.

CHAIRMAN SCHNEIDERMAN:

Through the Chair? Yes. Okay. That's fine. Legislator Horsley, and I think Legislator Romaine had a question specific to the last item. So Legislator Horsley.

LEG. KENNEDY:

As long as I can come back, yeah, sure.

CHAIRMAN SCHNEIDERMAN:

Absolutely.

LEG. HORSLEY:

Ben, the Southwest Sewer District bonds, are they •• are they expiring this year? Is it •• I know the 30 year time period •• I know you extended some of the bonds. I'm a little confused on it.

MR. WRIGHT:

2009.

LEG. HORSLEY:

Oh, is it 2009?

MR. WRIGHT:

Yeah. I believe •• not convinced that I heard the right numbers, but I thought it was 2009 was when ••

LEG. HORSLEY:

I've heard it several different times. But it's 2009, it's not 2007?

MS. VIZZINI:

It's definitely not 2007, but it's either eight or nine where the debt service declines substantially.

LEG. HORSLEY:

Okay. My question was going to that. Okay. Now that you mentioned that, thank you very much. Thank you, Legislator.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Quick question. Ben, you mentioned that there were some vacancies in the sure district of mechanics and other people that service the plants with •• in constituted legal districts; is that correct?

MR. WRIGHT:

Yes.

LEG. ROMAINE:

Okay. My next question would be for either •• for Budget Review Office or

for the representative of the Executive, whoever could better answer this question. Are the residents of the sewer districts being taxed for vacant positions, and is that legal? I think I'll direct this to Gail Vizzini. Maybe you could answer that question.

MR. ZWIRN:

Well, the legal part of it you might want to address to an attorney who represents you.

LEG. ROMAINE:

Right. Legal Counsel is not present at this time.

MR. ZWIRN:

So I'll leave the legal part of it out, but there are vacancies all the time in a budget, the County budget, town budgets, there's always vacancies. The Clerk's Office you have filled positions, you have vacant positions where people retire and turn over. If the position is vacant and it's budgeted, at the end of the year it's returned •• any money that's saved •• if there's any surplus, it goes back to the taxpayers. It's not as if it goes somewhere else. There's no bonuses or anything.

LEG. ROMAINE:

I understand that. Here's a specific question. Since Mr. Wright had testified earlier that these positions work for multiple districts, which district does the money go back to for the vacancies, and how is that apportioned? Can the Executive or the Budget Office •• maybe I'll put the request through you •• could the Budget Office explain to me in a memo how the savings that are gotten by leaving the positions vacant, how they are appropriated back to the district and the methodology involved in the back appropriations and offsetting to the sewer districts? Because obviously, the sewer districts operate under a different set of rules than the County Operating Budget. And the appropriation of that back to the appropriate sewer districts would be key, because failure to do that, obviously would put in violation of Municipal Law, my understanding of it, rudimentary as it may be. Obviously, I will ask •• Counsel, I know he's got a pretty good ear and he's probably in his office busy.

MR. ZWIRN:

Legislator Romaine, I just asked BRO, and there is a fund balance in the sewer districts. So at the end of the year, that money that's not •• that's not

spent •• I mean, I will bring your request back.

LEG. ROMAINE:

But you understand I'm wondering how it's apportioned, because we have what, 22 sewer districts approximately? Is it 22 sewer districts that we have? How is that money apportioned amongst the sewer districts, and is there a methodology for doing that? Because maybe you have a number of full time people that work only in Southwest, maybe you have people that work in multiple •• the smaller districts. How is that fund balance appropriated back? I just want that •• it's a simple question. And I know that you'll pursue that.

MR. ZWIRN:

I would assume it's bookkeeping, but I'll get the answer for you.

LEG. ROMAINE:

Yes. Thank you.

CHAIRMAN SCHNEIDERMAN:

Back to Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And everyone's been very indulgent. I just have two more areas that I need to go to. One, Legislator Romaine touched on already, I guess, with Mr. Ninivaggi and the helicopter spraying. You know, I know that Mr. Zwirn said that we're going to find the money. We had incidents of West Nile this past summer in my district, the 12th Legislative District. And as a matter of fact, this year, Dominick, we had some •• we had some atypical spraying, I believe, it was, wasn't it, in that we actually had •• I don't know if you want to call it a preventative •• but we had truck base spraying and then subsequently we had some aerials right over in Nessconset. I was unaware that this was a contracted outfit that actually performs that actually performs that service for us. Is it just one firm that does the spraying or do we have multiple firms? Tell me a little bit about the contract.

MR. NINIVAGGI:

We have a contract with one firm. It goes out to bid periodically. It's an outfit called North Fork Helicopter based out in Cutchogue. And basically the alternative would be to go out and buy and operate our own helicopter, and I

don't think that we're at the point where that's a cost effective thing to do, not to mention, I don't know if I want to be in the aviation business. So that's basically the way this is done.

LEG. KENNEDY:

Well, there are those MDAs that are hanging out there. You know, God knows, there may be something for them. We can kill skeeters with them instead of, you know •• for now, I won't go there. But I guess I would ask Ben then, you know •• and I'm going to defer the comments of the Chair •• it is •• you know, if I was a betting man, I would bet that we would have incidents of West Nile again next summer, and I would bet that we would probably have to have instances where we were going to have some spraying, be in 12th or elsewhere. So, you know, I just wonder about the wisdom of putting this budget into place absent some kind of increase in there.

MR. ZWIRN:

Well, the Legislature can •• will have the opportunity to do that. The money •• the increase in cost came after the County Executive presented his budget. But, you know, in your district, we didn't have money for a public safety wall, we found over a million dollars to do that. I mean, you know, we get things done.

LEG. KENNEDY:

We didn't have then money to test the sound, Ben. I wanted the sound, you wanted the wall.

MR. ZWIRN:

But we did it in•house.

LEG. KENNEDY:

Yeah.

MR. ZWIRN:

And we found the money to do it. And as Dominick will tell you, he'll never •

CHAIRMAN SCHNEIDERMAN:

Ben, that was a bond, right? I think we bonded for that.

MR. ZWIRN:

Right, but none of that was in the budget.

CHAIRMAN SCHNEIDERMAN:

Well, we're going to have to pay the debt service next year. So it's not •• we didn't really find that money, that million or \$2 million within the budget, we did a bond. We went out for that.

MR. ZWIRN:

We'll have to do the debt service for it in the following year, that's true.

CHAIRMAN SCHNEIDERMAN:

And you can't do that with everything, only certain types of projects.

MR. ZWIRN:

No. And my only point is that •• is that, as Dominick will tell you, we've never not sprayed, whether there was enough money in the budget to do it or not. I mean, that's a public health issue. I mean, we find the money. As you all know, we just do it. But now that you know, you have more information than the County Executive had when he prepared his budget. That's the beauty of the hearings that we have, and it's also the advantage when you have BRO doing a report subsequent •• the later you do the budget, the more information you have; your actuals and revenue that are coming in from sales tax. I mean, the later you do it, the more information you have. And it's always more accurate, and that's why you have this process, and that's why it works.

LEG. KENNEDY:

I guess I just have one other technical question, Dominick. If the current vendor, you said, is based out in Cutchogue, are we actually paying air time for them to, like, fly up here to Nesconset and then conduct the spraying, or is it •• do we contract only for the amount of time that they're engaged in the spraying activity.

MR. NINIVAGGI:

It's an hourly rate for the actual time he does work for us. That's the way ••

LEG. KENNEDY:

We're not paying for the commute.

MR. NINIVAGGI:

We don't pay for his flight time. Sometimes he'll trailer the helicopter, depending upon what he needs to do. But it's just a fee for the actual time he does work for us.

LEG. KENNEDY:

Okay. We're not paying for the commute, good. All right. I'll •• rest assured that we're going to find the money when it comes time to spray. Last item I have is highways and bridge maintenance. Workload, and I guess I would just ask about Motor Parkway. And I know that we have a fairly large project associated with Exit 55 over the Expressway. What, if anything, is going on with that? Are we going to be able to go ahead and meet the needs? I mean, I see County Road 39 is attached to this unit. But the Motor Parkway renovation has been something that been ongoing, and I guess, you know can you handle it, are you overwhelmed, what's going on?

MR. HILLMAN:

That project is being handled by a consultant. We recently had a public hearing. It went very well. The community, the industrial park, they are all in support of this. So we hope to move into the property acquisition phase. That will take about two years. We have federal funds aligned to •• for the actual construction of the bridge. I see no reason why that project should be delayed. I would anticipate construction in probably 2009, somewhere around there.

LEG. KENNEDY:

Okay. All right. That's it for me, folks. Thanks.

CHAIRMAN SCHNEIDERMAN:

All right. Let me see if we have questions from other Legislators. I have a couple based on some of the things that have been said. Actually, let me bring up one item I was reminded of when that sound wall or public safety wall •• public safety is a euphemism. Recently I was approached by some of the residents around Gabreski Airport at the end of one of the larger runways where, I guess, they've been experiencing a lot of the noise, some of the noise complaints that we have heard. And they were wondering, you know, if the County could look at that end of the runway and maybe think about some kind of berm that might help buffer or mitigate that noise that's coming as the planes probably take off or land from that area. Now, the airport •• the airport really is not DPW per se, it's part of Economic Development. And the

money that's made at the airport is supposed to be spent at the airport.

MR. ZWIRN:

Legislator Schneiderman, you have C-130s, you have Hercules coming into that airport. I don't think a berm •• I don't think a berm is going to do anything.

CHAIRMAN SCHNEIDERMAN:

I think they're looking for •• first of all, you do a study and see if a berm will do anything. I think what they were looking for maybe was \$10,000 to have it looked at and studied DPW though, you know, an outside consultant. Didn't seem unreasonable, but that might have to come out of, you know, looking at that and seeing if there's something that could be done. You know, it may have to come out of the airport budget rather than DPW, I'm not sure. But I'll just mention it at this point.

You know •• you know, you have a group of houses there, and they are looking for something. You know, if you can't do anything, that's fine. But I don't think they were looking for a wall, I think they were looking for a berm of some kind, not, you know, in the clear zone, but off in the woods somewhere over there.

That sludge consultant, I keep thinking about that. Half a million dollars seems awfully expensive to study something of such a limited scope. I mean, we did a comprehensive plan for the Town of East Hampton, a 20 year plan that cost 200,000 or \$300,000. It seems something that, you know, when you're looking at such a limited function, so few possible technologies, how did we end up with a half a million dollars on that item?

MR. ANDERSON:

Again, the estimate •• again, is very preliminary •• when we were developing the RFP was any were between 200,000 to a million dollars. I mean, you know, again, depending on •• and I would say that it's •• since we've undertaken this, the number of technologies that seem to be crawling out of the woodwork as being the best one for the •• you know, our intent is rather startling. You know, the one you mentioned, we have another one that approached the County Exec's Office, and we've been approached by a couple of others. So there is •• and again, it is •• you know, we're looking into an entire industry. While it is somewhat limited in scope, there are different approaches, and they are relatively new. And, you know, we are looking

anywhere from the old technology of incinerating it to, as you mentioned, composting it and other things.

CHAIRMAN SCHNEIDERMAN:

It just seems •• you know, \$50,000, it seems like you ought to be able to study and make a report. Half a million seems ••

MR. ANDERSON:

I mean, hopefully it comes in less. You know, hopefully it doesn't come in more. You know, at this point, we don't know. Right now we're reviewing the three proposals for technical ••

CHAIRMAN SCHNEIDERMAN:

I'm sure if you put •• if you tell people you're looking to spend half a million or 200,000 to ••

MR. ANDERSON:

You can get a \$50,000 report, but ••

CHAIRMAN SCHNEIDERMAN:

You're going to have consultants bidding, you know, whatever on it. But I don't •• it just strikes me as a very high number for something of such a limited scope. So, yeah, hopefully it will come in much less than that. And then my last question is really for Gail, who, I think, has stepped out. So I'll wait until she gets back. Any other questions?

LEG. ROMAINE:

I have a Gail question also.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. ROMAINE:

Maybe DPW can answer it.

CHAIRMAN SCHNEIDERMAN:

Here comes Gail.

LEG. ROMAINE:

My question, and maybe I'll start with ••

CHAIRMAN SCHNEIDERMAN:

I'm going to jump in here first now that Gail is back. This really is •• Gail, this doesn't really pertain to the DPW budget, but it doesn't pertain to how taxes get apportioned. I just had a question for you, because I've been trying to understand this. And I know we're trying to change the law, maybe, I guess, we have changed the law to not show town by town in the report.

I just didn't understand in looking at how, you know, East Hampton and Southampton and the jump that appears even though we're trying to cut taxes, property taxes, County-wide. When the tax •• tax rates •• not so much the tax rates, but the tax rolls in those towns are only going up by a few percentage points. And I know this has to do with the whole County, and if property values go up in one area faster than another, they suddenly assume bigger chunks of the pie. I don't understand how it got to be so high. I think it's a 40% jump in East Hampton based on the County •• County Executive's budget. I can't explain that, and I'm wondering if somebody could explain that to me, because right it just seems like certain towns are being asked to shoulder a larger portion of the County's property taxes.

MR. LIPP:

It has to do with the large fund balances. What happens is since we had \$159 million fund balance surplus for 2005 in the General Fund, the taxes for the surplus gets reapportioned based on the property values from 2005. As a result, because of the percentage of property in those towns •• I'm a little out of breath, I ran here.

MR. ZWIRN:

Yeah, but from the lobby for crying out loud.

MR. LIPP:

You think I wouldn't be out of breath because I ran four miles this morning. Anyhow, because of the apportionment properties in 2005, which have dramatically changed in some of the towns, particularly East Hampton and Southampton, you have that anomaly.

CHAIRMAN SCHNEIDERMAN:

Because they've reassessed?

MR. LIPP:

No. No.

CHAIRMAN SCHNEIDERMAN:

East Hampton has not reassessed.

MR. LIPP:

What happens is the County has to apportion for the ten towns the property tax based upon the full equalized value of property, not the assessed value. You can't •• you can't apportion property taxes in the towns based on assessed value, because each town has its own assessing practices. It's an apples to oranges process that way. So what you do is you equalize the value of property across the towns using the state equalization rates.

CHAIRMAN SCHNEIDERMAN:

But in a town that hasn't reassessed, they're working on a state equalization rate that's only a fraction of what other towns might be.

MR. LIPP:

What could happen is •• let's take a simple example. Let's say that all towns have no growth in property values, there's no change in the assessing practices •• none of these things are actually true, but for simplification purposes •• so that the assessed values from '05 to '07 are the exact same in all towns, as an example. The full equalized value of property would still be different simply because the equalization rates that equalize the assessed value in to would effectively as sort of like a market value, a full equalized value, those change from year to year. So as a result, even if the assessed value stayed exactly the same in all towns, the full equalized values would change.

CHAIRMAN SCHNEIDERMAN:

Who sets the equalized values, is it the town or the state?

MR. LIPP:

The state.

CHAIRMAN SCHNEIDERMAN:

The state. Now, is that affected by whether a town is •• has reassessed? If the town hasn't reassessed in 40 years ••

MR. LIPP:

Well, the equalization rate would be affected by that simply because •• at the risk of oversimplifying, what they're doing is they're looking at effectively the ratio of assessed to market value. So for instance, a town that might assess its property at 10% of market value would have an equalization rate of ten. A town like Shelter Island or Southampton •• those are the only two towns that assess •• that reassessed property at effectively full market value, they have equalization rates of approximately 100.

CHAIRMAN SCHNEIDERMAN:

So you're saying •• so let's say a town •• for hypothetical •• for discussion purposes •• has 10% •• 10%. Now, when you take this surplus, this \$150 million, and you basically apportion it into the towns based on equalization rate, a town at 10% is going to get a fraction of what a town that's at 100%, right? Then you have to make up that difference when you do the taxation.

MR. LIPP:

It would equalize it. The equalization rate takes into consideration that effectively the assessed value is so much higher in Southampton or Shelter Island, so it brings it down, whereas, it's only a very small or modest percentage, maybe say 2% in Brookhaven, so that it would •• it would bring it up so it would put them on a level playing field, if you will.

CHAIRMAN SCHNEIDERMAN:

I'm trying to explain •• like, in East Hampton, we're looking at a 40% increase in taxes. That sounds enormous. So there's something inherently unfair going on in the way these are being apportioned, and I want to find out whether it's because you're following a formula that is kind of a state mandated formula or whether there's a decision that's being made. I'm trying to understand it as best I can. I'm trying to deliver, as the County Executive, a tax cut.

MR. LIPP:

There are a couple of things that you could consider here in terms of changes to the system, A, and, B, why this is happening. Basically the numbers work out the way they are simply because, for instance, East Hampton's property values is measured by full equalized value of property, have gone up substantially from 2005 to 2007. As a result, their apportionment of taxes, and this is a surplus that's being credited to them, isn't as large as the 170 some odd million dollar stand alone tax for the General Fund that is being

charged to them for '07.

So there are two issues here that are affecting the apportionment. Number one, that is we have observed very large fund balances in the last four years, which is •• which is creating these anomalies, okay. In most years, we haven't had such a large fund balance. So this particular issue was never really a problem prior to that.

CHAIRMAN SCHNEIDERMAN:

Now, is there a choice when you get a large fund balance? I mean, do you distribute it •• can you distribute it based on population?

I know that sounds like the ••

MR. LIPP:

There is •• effectively, if you will, the Don Gruen Law or Resolution that established allocating the property taxes based on property values in three separate years. For an example, for 2007, it's the 2005 actual, the 2006 estimated and 2007 recommended. So we break up that \$50.9 million General Fund property tax to a surplus of 159 million in 2005, a deficit of, like, 36 million in 2006, which is a charge against them, and then a stand alone tax or 170 some odd million dollars in 2007. So one thing that you could consider is to apportion taxes only on the current year's full equalized value of property, that being 2007. That would require, I guess, rescinding the Don Gruen Law, for law lack of a better term.

CHAIRMAN SCHNEIDERMAN:

But even if I look at those years, and I'm pretty familiar, in East Hampton we're talking maybe 4% increase in the tax rolls. So we're not talking about a 40% jump in property values even though they may have actually gone up, in terms of the town's assessment. Some of the new houses are being assessed at full value, but you have a lot of the old houses that aren't. So overall, we're talking about a 4% increase. Now, how on Earth does that translate to a 40% increase?

MR. LIPP:

Well, it's a combination of increases in assessed value and decreases, if you will, in equalization rates that are driving the high full equalized value growth in the Town of East Hampton compared to the average town. And then what happens once again is they're •• they're getting a smaller piece of the \$159 million surplus, but a larger piece of the 170 some odd million dollar stand

alone '07 recommended tax. It's an anomaly. And like I said before, the major reason for the anomaly simply is because we find ourselves in a situation where we have very large fund balances in the last four years.

CHAIRMAN SCHNEIDERMAN:

I'm going to continue this conversation privately.

MR. LIPP:

I can show •• I can show you mathematically on the computer if you'd like how it works out.

CHAIRMAN SCHNEIDERMAN:

Right. I want to get to the bottom of it so I'm satisfied that what's happening is fair. And right now it doesn't strike me as fair. Maybe the way we're approaching the problem is creating an inherent inequity. I want to look at that and see if there's a different way we can approach it that would be fair. I think I've opened up something here. So Legislator D'Amaro wants to comment on this as well.

LEG. D'AMARO:

Could the •• could the fund turnover, the fund balance, be applied back into the ten towns so that no town has a tax increase?

MR. LIPP:

You would have to change that Don Gruen Law, if you will.

LEG. D'AMARO:

Okay. But that •• if we change that law, could that then be done, or is there any other impediment to doing that.

MR. LIPP:

Yes, but I don't •• I'm not aware, but I don't think timing wise we would be able to do it for this year.

LEG. D'AMARO:

I'm just asking theoretically.

MR. LIPP:

Yes, going forward, most definitely.

LEG. D'AMARO:

But, of course, some other towns may claim •• or representatives here representing those towns or portions of those towns may claim that that's not fair also, because they under the present formula would be entitled to more.

MR. LIPP:

Well, at the end of the day, East Hampton is the loser, other towns are winners.

LEG. D'AMARO:

Right. So currently the average taxpayer, County taxpayer, overall is experiencing a slight decrease, but when you apply it into the ten towns, based on these formulas that we don't control and how the fund balance is applied and how the tax warrant is applied, it's very unequal in how •• the tax implications town by town. The issue is whether you want to send it back or charge towns on an •• each year, '05, '06 and '07, separately or you want to just give them the same apportionment for the whole enchilada, if you will.

LEG. D'AMARO:

Right. Okay. Thanks.

CHAIRMAN SCHNEIDERMAN:

Why wouldn't you? I mean, why wouldn't we want all County residents •• if we're doing a 2% tax rate decrease, why wouldn't we want all County residents to receive a 2% tax rate decrease? Wouldn't that be the fairest way to do it?

MR. LIPP:

It's a policy issue.

CHAIRMAN SCHNEIDERMAN:

Well, let's change that policy. But I need to understand how to change the policy. If it's a policy issue, you're saying that it's actually under our control, it's not some state mandated way to approach this issue; is that correct?

MR. LIPP:

The control locally is the rule that says to apportion the tax warrant for the County based upon three separate years apportionments of full value property, and that if the Legislature decided it wanted to do it and the County

Executive, that's the rule that could be changed.

CHAIRMAN SCHNEIDERMAN:

Would you prepare •• I know you are very busy •• a brief summary, explanation, of what type of legislation would be necessary so that we as a body, if we chose to do so, could make sure that any tax cut or increase that we decide upon is spread evenly, not, you know, based on some arbitrary formula that could, you know, dramatically impact one area and not another?

MR. LIPP:

We'd be glad to.

LEG. D'AMARO:

Just not to belabor, but just •• I think the problem is, though, when those funds are collected, they are not collected equally, right?

MS. VIZZINI:

My recollection is that there was a perceived inequity, which •• I mean, the whole thing is that fund balance has to be returned in the same proportion that it was collected.

LEG. D'AMARO:

Correct.

MS. VIZZINI:

So the reason for the quote, unquote Don Gruen Law was, you know, we only collected so much from Babylon, and now when we have to have a big fund balance and give it back, Babylon might get a bonus.

LEG. HORSLEY:

Here•here.

MS. VIZZINI:

Now I have Wayne's attention. So there is that aspect of it.

LEG. D'AMARO:

I think only that if you're going to start talking about leveling the refund or the fund balance so we avoid the disparities, you have to not only look at how do we give it back, but how is it collected in the first place so it's fair to

those who paid out initially. And I know I'm oversimplifying that, but I think that's more of the policy statement.

MS. VIZZINI:

And that's exactly what the Don Gruen Law does.

LEG. D'AMARO:

I see.

CHAIRMAN SCHNEIDERMAN:

So in this case you're saying East Hampton has paid less into that fund balance?

MR. ZWIRN:

Not me personally, though.

CHAIRMAN SCHNEIDERMAN:

And how do you determine that?

MR. LIPP:

They were charged less in 2005, and therefore, based upon the Don Gruen Law, they will receive less from the \$159 million surplus. We're just trying to get the name Don Gruen on the record as many times as possible.

CHAIRMAN SCHNEIDERMAN:

I'll still take that summary. All right. Legislator Romaine said he also had a question for Ms. Vizzini, and then Legislator Kennedy has some follow-up questions as well on, I think •• was it airport matters or sewage? Jail matters. Okay.

LEG. ROMAINE:

I have some jail questions too, but I'll defer to Legislator Kennedy. Let me ask you about vehicles. I noticed that we'll be purchasing some vehicles. Could you tell me the exact number of vehicles that we will be purchasing? I think there's ten million •• ten million and change set aside for that.

MS. VIZZINI:

Yeah. On Page 345 of our report, there's \$10.6 million for the replacement of 436 vehicles.

LEG. ROMAINE:

Right. And they're replacing vehicles that have over 110,000 miles more or less, approximately.

MS. VIZZINI:

Yeah. This is for the ••

LEG. ROMAINE:

Yeah. So the standard policy in the County is vehicles that have over 110,000 miles we usually replace; is that essentially correct?

MR. ANDERSON:

Yes, it is.

LEG. ROMAINE:

Okay. Let me ask you •• and I understand why we are replacing them, because obviously these vehicles have over 110,000 miles. Is there any department in County Government that is stockpiling cars that sit unused at the current time?

LEG. HORSLEY:

The Legislature.

LEG. ROMAINE:

We probably do that. That's a question really for BRO, because I know they're looking at the car policy.

MS. VIZZINI:

Yeah. We did make a comment regarding the acquisition of public safety vehicles. And, you know, there's two schools of thought on that; one is to stockpile. And we think that that may be overstated in terms of how many ••

LEG. ROMAINE:

Did you know how many cars in a stockpile that are not in service, not in use, that are being stock •• cars that are stockpiled now by the by any department of County Government, you know, just sitting there not in use?

MS. VIZZINI:

I'd have to defer that to the department.

LEG. ROMAINE:

Okay. At some point after the budget is finished, because I understand the pressures you are under, can I get a list by department of the cars that are assigned to that department, whether these cars are in use or whether they're being stockpiled or not? Because it's my understanding that there are some cars in County Government, because people fear that they'll never get another car again •• that are being stockpiled, just sitting there waiting for one of their cars to break down and not currently in use at all.

MS. VIZZINI:

The only thing I can add to that is on Page 303 of our report, there are presently 172 units in the Police inventory that have not as yet been placed in service. And this is an increase over what we had this time last year of about 35.

LEG. ROMAINE:

And my last questions go to the jail, but I know Legislator Kennedy also has some questions. You know, I'm not sure of where we are with our policy regarding the jail, the construction of a new facility. I know there have been designs and redesigns and redesigns on the redesigns. But right now, I don't have a clear understanding when a shovel is going to be put in the •• in the ground.

My understanding is that on October 2nd of this year, the jail hit an all time high of over 1800 prisoners, which compared to the other all time, which was in '99, March of '99 of 1861. It's also my understanding that this is 299 more or 20 and a half percent more than the inmates at the same period this time last year.

And it would appear that the inmate population is on the upswing again. It's my understanding that a lot of these inmates •• some of inmates, now 114 of them, are being housed in other facilities at tremendous expense, because when you house someone at another prison, if they have to come back for trial appearances and stuff, we have to send a car up there with one or two Deputies, drive them back, plus the rent that we have to pay to the other counties that we're housing them in. Maybe you could give us a status of when we expect to construct the new jail. And I understand it's in two parts now. When do we plan to start on part one, let alone part two? Do we have construction timetables or???

MR. ANDERSON:

Yeah. We, and I believe it was October 3rd, we received bids on the precast cell manufacture. It was the rebid from an earlier bid, which we didn't receive any bids on. We received one bid, and we're reviewing that bid right now. It was higher than we expected. And we're looking at options. The next phase of the project which is all part of the phase one, if you will, I believe it's 308 beds, we anticipate going out to bid early part of next year, January of '07.

LEG. ROMAINE:

For part two?

MR. ANDERSON:

Well, of the 308 •• you know this was a pre cell •• sorry •• the precast cell manufacturer. Now we're looking at early site improvements to kind of get ready to do the main project, which will follow later in the year. It's •• basically the major portion of the construction, and I'll defer to Tedd, will begin next year?

LEG. ROMAINE:

And how long will that construction take? Let's take a couple of assumptions, which is difficult to do, may not happen, I understand, but just so I have a clearer picture of this. Assumption one, you just put out part one of the bid, which is how many cells, precast cells that you're looking ••

MR. GODEK:

That was 300, 300 precast cells.

LEG. ROMAINE:

Three hundred precast cells that you are putting out. And you feel they came into too high. But perhaps let's assume that after you've evaluates it, because they're the only bidder and you can keep on doing this and you may get no other bidder, as you have in the past, that you accept that. When will we put a shovel in the ground for the first 300?

MR. GODEK:

We anticipate bidding, as the Commissioner pointed out, an early site development package. That, in effect, is a shovel in the ground. It's preparation of the site to accept the larger project. We have recreation yard that has to be moved from one side of the building to the other to support

the Sheriff's operation and to accommodate new construction at the same time. We have demolition work that has to occur. And we will be doing that •• as I said, bidding that very early in '07 with an anticipation of starting it in probably March.

LEG. ROMAINE:

And completing it by???

MR. GODEK:

We anticipate that will take anywhere from six to eight months, that package

LEG. ROMAINE:

Because they are precast.

MR. GODEK:

Pardon?

LEG. ROMAINE:

Because they're precast?

MR. GODEK:

No. This has nothing •• actually nothing to do with the precast.

LEG. ROMAINE:

Just the site improvements.

MR. GODEK:

Exactly.

LEG. ROMAINE:

And then how much longer for the precast? I'm trying to get just a timetable that may or may not happen just so I understand.

MR. GODEK:

Well, the precast will actually be occurring simultaneously with a number of different contracts that will be occurring sequentially. The next phase after the site preparation will be the •• what we anticipate to be the concrete package, whereby we will have a contractor going out there, doing excavations for footings and pouring foundations and slabs. While that is occurring, the precast cell manufacturer can be, as they say, pumping out the

cells and storing them. The third package that we anticipate after the concrete will be the major •• the major construction package whereby the rest of the jail is constructed. At that point in time, we'll be ready to accept and place those precast cells that have been manufactured in the interim.

LEG. ROMAINE:

I'm going to defer for a moment. While I have other questions, i want to share my question with Legislator Kennedy who also has an interest in this topic with the Chairman's permission.

CHAIRMAN SCHNEIDERMAN:

Absolutely. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you, Legislator Romaine. Similar to Legislator Romaine, I have questions about this as well. And I saw with interest that there was no responses to the original prefab cell letting despite the fact that last December, December of '05, we were told in a Special Meeting how critical it was that we adopt the Capital Budget that went to \$90 million in order to construct this jail.

Here we are now in the later part of October, and the likelihood that we're going to go anywhere near any construction dollars is moving well to '07. There's a certain amount of difference that occurs with time and budgets and things like, but that as I strongly suspected last December, this one was, I would say, something more than just timing.

That being said, let's talk specifically •• because I did a tremendous amount of research about the precast cell construction format and the jails that are in place at this point, including on Staten Island and including Upstate where they were done. Old Castle is one of the prefab contractors. There's a couple of other old •• prefab contractors. Who did you submit to in the first instance, and are you looking to have on•site construction or remote? What's it going to be?

MR. GODEK:

Well, in the first instance and, in fact, in the rebid, we •• it was a public bid, it was publically advertised. We were looking for responses from the larger players, three of which are pretty much operative on the East Coast, one ever which is Old Castle, the other {Rotundo Weyerick} and {Tindell}. {Tindell} is

down in Georgia. Old Castle, Pennsylvania, and I believe {Rotundo} is in ••

LEG. KENNEDY:

Connecticut.

MR. GODEK:

Connecticut, yes. They all picked up and were interested in looking at this project on the first bid. However, it turned out that due to various anomalies or •• I shouldn't say anomalies, but various details in the bid package, they decided not to provide us with a bid. We interviewed them and decided to go out a second time with a rebid, at which point, we did receive a bid, as the Commissioner point out, however, the cost of that bid is in excess of the engineer's estimate for that phase of the project. And we are evaluating the situation, trying to make a decision on which way to do with it.

LEG. KENNEDY:

What entities submitted, if I can ask?

MR. GODEK:

The bid was submitted by J.D. Posillico, a general contractor.

LEG. KENNEDY:

Is that right? Who has had any experience in constructing prefab jail cells before?

MR. GODEK:

Well, I can't speak to that. I don't know for sure, however, I've been assured by representatives of J.D. Posillico that they will be using probably either Old Castle or {Rotunda Weyerick} as a subcontractor to do the physical fabrication.

LEG. KENNEDY:

And that's something that we would allow for in our letting, in our bidding? Aren't we seeking a contractor to perform this function to furnish 300 prefab cells, or are we looking for an intermediary to give it to us?

MR. GODEK:

We are looking to have 300 precast cells manufactured and delivered by a credible organization. And it would appear as though with J.D. Posillico dealing with the subcontractor, that he indicates that he will probably dealing

with or subcontractors, he is capable of doing that.

LEG. KENNEDY:

You flow, I am constantly amazed by how things with this project continue to evolve. I'll go back to my first question. Is it on-site construction or is remote and shipped?

MR. GODEK:

We will take it either way, to answer your question. If the contractor decides that he can do it on-site, that is a viable option. If it's done off-site and shipped •• and one of those subcontractors that was mentioned does have a plant within five or six miles of the project site.

LEG. KENNEDY:

{Edco}, right.

MR. GODEK:

Pardon?

LEG. KENNEDY:

{Edco}.

MR. GODEK:

Well, Old Castle, yes.

LEG. KENNEDY:

Right. That's their subsidiary.

MR. GODEK:

We will do it that way too.

LEG. KENNEDY:

But I thought the representation in the first instance was that we were seeking and representing to all the parties that brought into this that it was going to be on-site construction. You mean we could conceivably have {Rotundo} go ahead and pour and set up in Connecticut and truck the units down here?

MR. GODEK:

{Rotundo} is generally looking to do a fabrication plant on-site.

LEG. KENNEDY:

They would set up a fabrication on-site?

MR. GODEK:

They have done that on prior projects, yes.

LEG. KENNEDY:

And if they put them on-site, would they wind up •• is it a union-run shop? Would they use union personnel?

MR. GODEK:

They would have to abide by the various regulations of the PLA that's been negotiated and provide labor through the •• through the unions.

LEG. KENNEDY:

What do you anticipate at this point with this one submission with Posillico? Do you expect that you're going to have any further dialog from the previous parties that it's been sent out there? Is there anything you can attribute this unwillingness to submit a bid? Is it the size? Is it the requirements? These projects have been done all over the country with prefab construction; federal prisons, state prisons, local prisons, all kinds of things. There are supplies out there. What do we attribute this to?

MR. GODEK:

That's true. In interviewing the bidders after the first non response, there was some •• I shouldn't say discomfort, but questions regarding the project labor agreement, there were questions regarding the length of time that the contractor •• that specific contractor would be on the hook, so to speak, while of rest of the project was proceeding around him. There was a bonding issue with {Rotundo}, I recall. There were a number of different questions that they had, and then probably, they felt some discomfort with various aspects of the specification that precludes them from giving us a bid. Apparently •• and this is pure speculation on my part •• Posillico feels that he can handle the various requirements, the requirements of the PLA, the bonding requirements. He's a big organization. And he's given us the •• given us a proposal.

LEG. KENNEDY:

But we know nothing about whether or not they have any expertise in jail

construction.

MR. GODEK:

To my knowledge, he does not. He specifically.

LEG. KENNEDY:

Okay.

MR. GODEK:

But he will be required to provide us with a subcontractors who is. As I say, it's anticipated that it will be one of those •• at least the top two, either {Rotundo} or Old Castle.

LEG. KENNEDY:

I wish I could say that I understood, but I don't. But I don't know that there's going to be anything more productive that we'll gain from this exchange. I guess I'm going to have to have the conversations with you directly, because if we cannot get one of these outfits that's got a history and a track record and skill in producing these prefab units to go ahead and submit a proposal, the fact that we're going to have an intermediary who then is going to sub to one of these outfits to go ahead and produce it, I just •• I don't understand. I don't understand the viability, and I don't understand •• maybe it's I just don't understand the nature of the business, where a direct chooses not to, but intermediary goes ahead and has an opportunity to go ahead and collect without necessarily doing the end product.

That notwithstanding, I was concerned before. I'm more concerned now. And I know that based on what Legislator Romaine said as far as our increase in the jail population and the fact that this point that we're back to tune of paying millions of dollars a month for out•of•County housing for prisoners, we are in every increasing jeopardy, I guess, as far as our ability to go ahead and perform. And I wonder where we're at with the Commission of Corrections at this point. I noted in some of the reports previously that there was positive comments about where we had gone. What, if anything, are their thoughts about this latest iteration?

CHAIRMAN SCHNEIDERMAN:

John, you know, it is getting later. And these comments are excellent comments and questions, but not all of them pertain to the budget in front of

us. They may be better at the next Public Works Committee to get these questions answered. I know there's a lot of people who are in the audience for the public hearing itself on the budget. So at some point •• I know Legislator Romaine also has comments. The general conversation about the jail, the contract, and subcontractors, it's important for the people on the committee to know, but not, say, germane to the budget hearing.

LEG. KENNEDY:

Mr. Chair, I guess, obviously, you know, I'm going to yield to your wisdom. I will say to you at this point that I don't think there's any other project that this County has at this point of this magnitude. And I think it just demonstrates the need for vigilance as far as what is going on or not going on here at this point. I'm also going to defer to Legislator Browning, I think, who probably would like to invite you folks to come to the Labor Committee to go ahead and explain to that committee what is or isn't going on at this point, and what the representations have been made to Labor and where we're at now.

CHAIRMAN SCHNEIDERMAN:

No. I think this is actually very important. And we're fortunate to have most of the players here, but we're not •• we don't have all the Legislators on the committee here; Legislator Eddington, who I know would be interested in this conversation had to leave early. And so maybe we can set up a time, maybe at the next Public Works Committee, where we can really vet all of these questions and answers.

LEG. ROMAINE:

Taking your lead, Mr. Chairman, I will summarize my comments by saying this is the 800 pound gorilla in the room. This is a project, and I'm going to ask Gail, when this budget is over, Gail, to prepare a report, because we have as a County set aside millions of dollars in our Capital Program for this, deferring other necessary capital expenses. And then we find now, just listening, on the most optimistic schedule, this jail isn't going to be completed for at least •• at least Phase One, the 300 precast, for at least another two years optimistically. And that's optimistic.

Meanwhile, we are set aside even larger and larger and larger amounts of our Operating Budget as the prison population balloons. So we are affecting both budgets for things that aren't happening that are rising our expenses to the detriment of other operations of County Government. And I truly do believe

that the Presiding Officer would be well advised to put together a working group just on the jail once the budget is over to work with Budget Review to analyze the financial impact to our Capital and our Operating budgets. Because this is really a huge impact. And I will take your advise and not comments any further.

CHAIRMAN SCHNEIDERMAN:

Well, insofar as there is an impact to the 2007 Budget by any delays to the construction of the jail, I think that is perfectly appropriate, and we need to •

- we need to know those answers and budget accordingly. You know, if there are additional costs for, you know, prisoner transport to other, you know, correctional facilities, etcetera, this is important.

MR. ZWIRN:

If I might. On the shipping of prisoners out of County, there were dormitories available at the jail in Yaphank that the Health Department •• there had been a flood. And at that point when there was a flood there, they were temporarily closed and prisoners had to be shipped. The Commissioner of Corrections, Mr. Croce told us that we had to ship out of County even though Health Department had said that they're perfectly fine.

On the tour that there's going to be of the jail next week, I would ask the Legislators who go on that tour to look at those dormitories and see what kind of shape they're in. We still have no reason why those dormitories have been closed and they could not be used. So we wouldn't have to ship at least as many prisoners off •• out of the County. And we would save some money. But why we had to do it and had to continue to do it certainly was a burden to the taxpayers of this County, but we took issue with that at that time as well, and we still do. And maybe with a new Governor, new Commissioner of Corrections, you know, things may •• may be seen differently.

LEG. ROMAINE:

Could you extend an invitation to myself to attend or my aide?

MR. ZWIRN:

I think it's open to anybody what wants to come.

LEG. COOPER:

I have no correspondence on it.

CHAIRMAN SCHNEIDERMAN:

I suddenly have a lot of activity here on the horseshoe.

MR. ZWIRN:

I think it's October 31st, at the Riverhead Jail at ten o'clock, Legislator Browning?

CHAIRMAN SCHNEIDERMAN:

Can I ask •• I'm not trying to curtail the conversation as it relates to the budget ••

MR. ZWIRN:

They have fittings they could do right there.

LEG. ROMAINE:

I'm sure you would love to see me in orange.

CHAIRMAN SCHNEIDERMAN:

Ben, I have several Legislators who have comments and questions, but, Gail, specifically, in terms of the information that was presented here today affecting the budget, does it •• would any of your recommendations change based on the timeline changes to the jail construction? If you need to think about that, that's fine. And then I have Legislator Browning, Legislator Kennedy, Legislator Romaine.

LEG. BROWNING:

I just wanted to respond.

CHAIRMAN SCHNEIDERMAN:

Hold on. Let Gail respond real briefly.

MS. VIZZINI:

I'm sorry, Legislator. Basically, when we do our operating review and we do have some discussions of, you know, what we're paying for the prisoner transportation and some of the other things. And when we do our capital review, we always focus on the jail and the associated costs. So some of the information is actually already addressed in both reviews. We don't specific information related to, you know, something needs to be added or can be deleted because of the morphing of the jail schedule. So it wouldn't change

our recommendations for the 2007 Budget.

CHAIRMAN SCHNEIDERMAN:

Were we originally anticipating that we would be able to house additional prisoners in 2007 under the old construction timetable?

MS. VIZZINI:

It's actually happening with the jails ••

CHAIRMAN SCHNEIDERMAN:

I'm seeing some yeses and some nos to this question, so I'm not sure what the right answer is.

MS. VIZZINI:

I mean, I defer to Public Works, but generally speaking, what's happening with the jail is if the cost goes up, the size of the jail is going down to compensate. So Phase Two is •• I think there's \$60 million or something like that for Phase Two in the Capital Program. Phase Two is being put off and shrinking as Phase One gets larger, mostly due to cost escalation.

CHAIRMAN SCHNEIDERMAN:

Does that mean, though, that we'll having savings in our debt services portion of the County budget during '07 is •• that can be maybe moved over toward prisoner transport.

MS. VIZZINI:

No. The only thing that's actually been bonded relative to the jail was the original \$11 million that the •• that the Legislature had appropriated for the planning and this contract that we're talking about, the prefab.

CHAIRMAN SCHNEIDERMAN:

So we haven't bonded for the prefabs or we have?

MR. ANDERSON:

We would have bonded for the precast, because we were going out to bid.

MR. CALDERONE:

I'd like to answer your question about the •• you know, did we plan on housing prisoners for 2007, really going backwards a bit, we had built the temporary sprung structure that was completed in early 2006, which now

100% occupied, by the way. And that was supposed to be the filler •• you know, the gap •• to fill the gap between, you know, 2008 and then the previous year. So no ••

CHAIRMAN SCHNEIDERMAN:

So the answer we don't need to budget additional money for prisoner transport in '07. Is that the ultimate answer then?

MR. CALDERONE:

Really the Sheriff's Department would be better suited to answer, I think, that question.

MS. VIZZINI:

Right. We're budget at 3.5 million for '07, which is about what we are estimating for '06.

CHAIRMAN SCHNEIDERMAN:

Right. What happens to your budget affects what happens to the Sheriff's budget, because if you can't put them up in the jail, then we've got to find a place to put them. It's not so much the transport, it's that •• that I'm concerned about. It's the actual money that we have to pay to house them. I guess, is that out of the Sheriff's budget too?

MS. VIZZINI:

Yes, it is.

MR. ANDERSON:

My understanding of the schedule even previous schedules, there was never intention to house prisoners or have the jail completed by 2007.

CHAIRMAN SCHNEIDERMAN:

I mean, my question is a just a simply budget question. Do we have enough money set aside to handle it in light of the circumstances that those temporary •• not the temporary, but the prefab units won't be ready in '07. And I guess the answer I'm getting is that the budget as written in that regard is sufficient.

MS. VIZZINI:

I think we're okay in the Operating Budget. I think that next year's Capital Program will have to be very well thought out.

CHAIRMAN SCHNEIDERMAN:

Okay. Let me go know to, I think, Legislator Browning, then Legislator Kennedy, then Legislator Romaine.

LEG. BROWNING:

I was just going to respond, because we weren't scheduled to go to Yaphank. We were just going to go to Riverhead, and it was because of the mold issue. However, I do agree with Ben, because I've seen the jail when it was at its worst. Since we have a new warden, I can see dramatic changes and things that she has done with getting the prisoners, putting them to work. And they have done a tremendous job. And I really do think that we need to be looking at those two bays. I agree the windows need to be replaced, there is a problem with the windows. But I do agree, I think that they can be fixed up rather than just sitting there.

MR. ZWIRN:

They hold 120 prisoners.

LEG. BROWNING:

I think they're wrong.

MR. ZWIRN:

They're just shipping them off. If we can get them •• I think Deputy Commissioner Calderone said it would take about four to six weeks to get those things all ready to go.

LEG. BROWNING:

And I would recommend, maybe we could take a trip to Yaphank again and take a look at it.

MR. ZWIRN:

And you see the sprunggs that are there, which are really ••

LEG. BROWNING:

I did see the sprunggs, yeah. I went with the Sheriff to see the sprunggs, yeah.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

I'll yield to try to schedule something directly with the department, because my questions go more to some of the technical things with the spec on that, the prefab and where it's at at this point.

MS. VIZZINI:

Mr. Chairman, I just want to clarify Legislator Romaine's request earlier regarding the status of different vehicles for the departments. This is not •• I wanted to clarify to whom you were making that request. This is information that Public Works has, not Budget Review.

LEG. ROMAINE:

Well, then it would be for Public Works.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine, do you have a final question?

LEG. ROMAINE:

Just a final comment very briefly. I'm concerned about state variances and how long we'll continue to get them. I'm concerned, as Mr. Zwirn is concerned, why the State Corrections Commission has not deemed it appropriate for us to open up other facilities that might be suitable. And I assume the Executive is working with the •• Mr. Croce is no longer there, I believe, he's on the Probation Board •• but with the Corrections Commission to certify that, because that would help lower these costs, because the longer we delay construction and the more as prices rise as they do and we shrink the project, the project eventually, when it is eventually done will probably just be good for that year and the next year and the year after that. And then five or six years down the road, we're looking again at new construction for jails, we don't have enough cell space.

That's my only concern. And it's rhetorical in nature, and I don't expect a response. But it is a concern I do want to express, because you know what? We set out to resolve a problem several years ago. I wasn't on this at the time. I watched from afar. And it just seems like at the end of the day, the goal is to resolve a problem to try to house our prisoners within Suffolk and meet the mandates the state has imposed on us regarding jail population. Thank you. And hopefully we will do that.

CHAIRMAN SCHNEIDERMAN:

Okay. It sounds like we reached an end. Does anyone else •• there's no public comments. Okay. Anything else, Mr. Anderson that you wanted to add? Okay. We are adjourned. Gail, thank you for presentation today and all of the staff at BRO for your hard work in this budget.

(* THE MEETING WAS ADJOURNED AT 12:21 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY