

PUBLIC WORKS
AND
TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, November 14, 2006.

MEMBERS PRESENT:

Legislator Jay Schneiderman - Chairman
Legislator Wayne Horsley - Vice-Chairman
Legislator Kate Browning
Legislator Edward Romaine
Legislator Jack Eddington
Legislator John Kennedy
Legislator Louis D'Amaro

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
Kevin Duffy - Budget Review Office
Gil Anderson - Chief Deputy Commissioner - DPW
Lou Calderone - Deputy Commissioner - DPW
Catherine Stark - Aide to Chairman Schneiderman
Richard Baker - Deputy Clerk - Legislature
Ben Zwirn - County Exec's Office
Gail Lolis - County Attorney's Office
Gene Parrington - Local 25 Union
John Shepard - District Council of Painters
Donald Fiore - Local 25 Union
Karen Miller - Prevention is the Cure
Carolyn Lahy - Prevention is the Cure
David Blumenfeld - Blumenfeld Development Group
Bobbi Chase Wilding - Clean New York
Laura Mansi
Geo Pettengill
Roberta Marks
Charles Mock
Laurie Bellitte
John Coughlin
Jimmy Rogers
William Newhoff
John McHugh
Christopher Robinson
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer.

(*THE MEETING WAS CALLED TO ORDER AT 1:58 P.M.*)

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to call the meeting of Public Works and Transportation Committee to order this 14th day of November, 2006. If you all will rise and join us for the Pledge of Allegiance led by Legislator Kate Browning.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Thank you all for coming out this afternoon. I'd like to begin the meeting with the public portion. If you'd like to address the committee and you have not already done so, please fill out a yellow card. I'll take these in the order they came in. Each speaker will have three minutes. We're pretty strict about keeping that time limit, I will let you know if you've gone you full three minutes and ask to sum up. If what you've said has already been said, you don't need to repeat it all. You can just simply say you support what the earlier speaker said. Okay. Our first speaker is Donald Fiore, and he is speaking on Resolution 2199. If you'll identify yourself for the record.

MR. FIORE:

Good afternoon. My name is Donald Fiore, I'm the business manager of Local Union 25, the International Brotherhood of Electrical Workers. I reside at 31 Jenny Lane in Holtsville and have lived for there approximately 38 years.

Good afternoon, distinguished members of the Legislature. I rise in support of item 2199-06. Distinguished members of the Public Works and Transportation Committee, I ask you to support this. For too long, our tax paying members have been out of work seeking employment, but none to be had, trying to make ends meet so that we may spend our money here on Long Island. Our members as well as the brothers and sisters of the Buildings Trades fall into this dilemma, not because they don't want to work, because it's not there for us.

This project, the Tanger Mall project, had been approved and is going on -- there's demo going on right now. I ask you to get this item passed, 2199-06, for the hook-ups of the sewer district so that this project can continue and we can put our members back to work as well as the members of the Building Trades, my brothers and sisters in the Building Trades. And what that will do, it will infuse new money into Suffolk County. And that's what we need. Not only does Suffolk County need it, but the local unions need it also. I thank you for your attention, and I hope you will vote yes on this. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Fiore. Our next speaker is Gene Parrington with Bobbie Chase Wilding on deck.

MR. PARRINGTON:

Good afternoon. My name is Gene Parrington. I'm a 55 year resident of Suffolk County, residing at 87 Island Boulevard in Sayville. I'm a business rep of Local 25 IBEW. I'm here to represent Local 25 members who live in Deer Park. And I am in support of 2199-06. We have over 300 families who live and shop locally. They want this project to move as fast as possible so that they can expand their shopping capabilities due to the price of fuel. The sales tax revenue alone is reason not to stall this project with something as minor as the sewer hook up. It's a win-win situation, and it will put our members back to work. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Parrington. Bobbi Chase Wilding followed by Karen Miller.

MS. WILDING:

Good afternoon. Thank you for the opportunity to speak with you about Suffolk County's proposed safe and sustainable procurement policy, IR 2171-2006. My name is Bobbi Chase Wilding, and I'm the organizing director for Clean New York, which is a state-wide organization working to make the connection between women's health and environmental exposures. We empower women to advocate for a clean, healthy environment, that includes our bodies, our natural world, the food we eat and the every day products that we consume.

As such, we have a strong interest in the chemicals used to produce -- produce the every day items that we rely on in modern society; computers and electronics, building materials, office supplies, pest control, furniture, food and beverages, transportation, just to name a few. We strongly support Suffolk County's proposed introduction of 2171 because it protects government employees and the community from potentially toxic materials. It causes a shift of the market away from health compromising products towards those that are safer for us and for the environment, it promotes green chemistry and green design. Suffolk County's action now can show state and national leadership helping to promote new innovations. And it creates an economy of scale making safer products more affordable and available for the rest of us.

In short, implementing safe and sustainable procurement policy is good for County workers, it's good for business, it's good for the community, and it's good for the environment. Unfortunately, right now, many products on the market can cause harm because of the materials that are -- they're produced with. I just want to give you an example of that, and that is brominated flame retardants. These are compounds that are added to things like your comfortable office chairs, computers, electronics, other devices.

There are many safer ways to make things fire safe, and this has been well documented. And unfortunately, the brominated flame retardants can cause neurological problems leading to our children having increased level of learning disabilities and other developmental delays. It's found in the cord blood of infants, newborn infants. It's also found in women's breast milk. It's ubiquitous throughout the environment. And there -- because there are safer alternatives, it makes a lot of sense for Suffolk County to look at ways to move the market away from these toxic materials.

As I said, there are safer alternatives for brominated flame retardants. Both DELL and HP Computers have moved away from using these products, and SONY Televisions are no longer made with the most commonly used one called Deca-BDE. They've done this by finding safer chemicals or by redesigning their product so that it no longer requires the chemical to be fire safe.

So in short, Suffolk County's action now shows leadership, it puts it in good company with cities like San Francisco, New York City, Boston, Buffalo, in company with companies like HP, DELL, Herman Miller, IKEA and others. We strongly recommend that you look at this -- as you look at this legislation that you consider identifying target chemicals to be specifically approached earlier on. And in closing, I just would like to say we're excited to see Suffolk County take this important step, and we're ready to assist with the technical information you would need in order to make this a success. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Ms. Wilding. Okay. Next, Karen Miller, followed by Laura Mansi.

MS. MILLER:

Thank you so much. My name is Karen Miller, and I'm the founder of Huntington Breast Cancer Action Coalition and Prevention is the Cure. I applaud each of you who have been working for years, each and every one of you, to secure strong and sustainable environmental policies from my County, Suffolk County and ask that you adopt Local Law 2171 to establish safer procurement for my County as brought to by Ed Romaine and Steve Stern.

Change is difficult. And my county has always taken the high road. I think you've all heard me say that before. We're a true leader in the national efforts regarding public health and the environment. The new public health efforts reflect our understanding of how environmental contaminants damage our genes. I've just come back -- I'm actually on the -- I'm Chair of the working group of the Breast Cancer and Environmental Centers, and we've just come from our third annual meeting regarding breast cancer and our toxic environment.

What we know through -- what we now know through our understanding of the genetic codes, genes are not only passive. They don't only provide you with a functioning brain, male or female sex organs, height, weight, but our genes also are controlled by an intricate and dynamic set of chemical messengers that travel between cells that turn our genes on and off throughout our life. The genetics now talk about gene behavior and have documented that certain exposures to toxins in our environment can prevent a gene from turning off when it needs not to, and at inappropriate times, turn a genetic -- turn our genetic expression on uncontrollably causing genes to multiply.

We know that exposures to high doses of toxic substances, arsenic, for example, are outright poisons. We now know that extremely low doses of environmental contaminants can cause gene damage. This is referred to as acquired genetic damage. A list of diseases and adverse health conditions are now linked to toxins we use every day; Prostate, breast cancers, Neurodevelopment Disease, Attention Deficit Disorder, Auto-Immune Disease -- I have two of these things -- a myriad of quality of life health issues.

It took decades of discussion to connect the hazards of smoke and the onset of disease. Industry continues to spend billions of dollars of product defense, battling government efforts to strengthen public health standards. Green procurement, green chemistry creating an economic market place for safer products to exist are our only recourse. We have an opportunity to change the paradigm of public health through interventions and better investments.

I've returned from this \$35 million, seven year breast cancer environmental research study where I served the Director of the National Institute of Environmental Health Sciences within the NIEHS. They're advancing science every day. We have an opportunity without delay to act on what we now know, creating a strong and sustainable procurement policy for all of us in Suffolk.

So two things, you all have this packet. And I was rushing, because I know I only have three minutes. Please take a moment, because I'm representing Prevention is the Cure. You have so much information here that you can give to each of your constituents about risk reduction. Please use it. We have copies for outline of you. This is, in fact, a scientific symposium that's part my testimony today. And I've just returned last week. And we also have our State of the Evidence, which is the breast cancer white paper that is encouraging all of you to look at how a toxic environment contributes to disease. Again, I applaud you, this legislation, and I hope it passes. Thank you so much.

LEG. ROMAINE:

Quick question.

CHAIRMAN SCHNEIDERMAN:

Karen, if you could just stay for one moment, a question from Legislator Romaine.

LEG. ROMAINE:

First of all, thank you for your testimony. And thank you for support, and thank you for help in allowing myself and my colleague who is cosponsoring this, Legislator Stern, in drafting this legislation. Do you feel that this legislation will address some of the issues that you just raised in your testimony today?

MS. MILLER:

Without doubt. We actually can raise the bar, set the standards and change the economy by purchasing different products, which also will enable me to be able to afford it. So I am hoping that you look at this legislation really closely and continue to take the high road. Thank you so very much.

LEG. ROMAINE:

Thank you. And I also want to thank Public Works, because they helped us with input on this. And we will be delaying the implementation until 2008 to give Public Works an opportunity to exhaust their supplies on hand, and therefore, then work with the procurement policy. Thank you.

MS. MILLER:

Excellent. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Karen. Laura Mansi is next followed by Geo Pettengill.

MS. MANSI:

Good afternoon. My name is Laura Mansi, and I'm the President of the Four Towns Civic Association. We have been in existence since 1980, and we have faced and overcome numerous challenges. Now we face the biggest challenges of all, and our safety and quality of life are at risk.

We are here today to urge you not to vote Resolution 2199-06 out of committee. We urge you to wait until there is a traffic plan and the funding to execute it in place for the Commack Road-Sagtikos Parkway corridor. And in-house County study has just been released, and time is needed to digest and critique it. At this time, traffic mitigation plans are being discussed by all of the jurisdictional elected officials at all levels of government. In addition to NYMTEC -- in addition, NYMTEC has allocated \$500,000 to be used to develop the plans to alleviate traffic.

To resolve the anticipated traffic mess, we all know and agree it is going to cost millions upon millions of dollars for new roads. Don't you think it is only right that the builders who were treated so magnanimously by town governments have an obligation to contribute a fair share? I emphasize the word fair. We sure hope you do. Do you know that Tanger had sought and received tax abatement from the IDA for this project? Unbelievable, but true. We have also heard that they are intending to pursue further tax relief from the town. If true, the word egregious comes to mind.

In addition to the aforementioned, there is another reason why you should seriously consider withholding your support for this project. While the Southwest Sewer District Agency feels compelled to grant preliminary approvals for large projects that will eat up the remaining capacity at Bergen Point because the capacity exists, we cannot understand how the Suffolk County Legislature can apply the same reasoning. To ignore the fact that by approving these huge projects you're excluding and delaying smaller businesses, workforce housing projects and those who have not yet hooked up, but are eligible to, from hooking up would be a dereliction of your duty to the people of Suffolk County. Who will pay for the expansion of the Bergen Point Plant, and how long will that take? As Legislators, you have an obligation to look at the big picture and the attendant costs.

In sum, we urge you to slow down the train until there is a traffic plan and the funding for it from the appropriate parties. On a policy level, we ask you to look at the big picture as it pertains to the Southwest Sewer District before you approve the hooking up of any large project at this time. It sounds likes common sense, don't you think? Thank you for your attention to this matter.

CHAIRMAN SCHNEIDERMAN:

Thank you. Mr. Pettengill followed by Roberta Marks.

MR. PETTENGILL:

Members of the Legislature, we thank you for the chance to express our opinions today. The Southwest --I'm speaking with regard to 2199, 2199. The Southwest Sewer District is a project which is interested me since its inception, and I've spent quite a bit of time and effort studying what it is doing and its implications are.

One of the major concerns that we have at the present time is that heavy storms will spill untreated sewage into the Great South Bay. If this plan goes through to allow the huge Tanger big-box development community, which is said to rival or beat out the Woodbury Shopping Center Complex Upstate. The number of people and the amount of activity that come into Southwest Sewer District will be multiplied greatly.

If the Great South Bay is to be considered a place to be treated as Long Island Sound, too much has been treated causing the death of life in the lower regions of Long Island Sound. If we want, in simple works, to turn the south -- to turn the Great South Bay with all its beauty, both on the Long Island side and Fire Island side, but with its contained waters, its limited flushing process into what can be called a toilet, then we can proceed with the project without further study.

What I am asking is that the action on hooking up Tanger to the Southwest Sewer District be delayed at this time pending further studies to determine not what I say, but what the facts of experts shows will be the affect on the Great South Bay. If we want to destroy that gorgeous body of water, this may be the most effective way to do it. So I ask you to table or turn down 2199. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. Roberta Marks followed by Charles Mock.

MS. MARKS:

Good afternoon. I'm Roberta Marks. I live in Dix Hills, and I've been living here for over 40 years[.]. [.] I feel very fortunate that I've been able to bring up a family here in Suffolk County. Why do I enjoy living in Suffolk County? I enjoy Suffolk County because it's a place that for many years has given us fresh air, green space, clean water, the ability to move from place to place without encountering so much traffic that you feel confined. It's been a very free and open place. And I feel now that this is no longer the case.

And what I'm here to ask you is to give us the quality of life that -- to continue with the good quality of life. We're being boxed in, boxed in by all kinds of stores. And I wonder, I mean, I've come to a lot of these meetings, I've spoken to many people, I've signed petitions, I've brought around flyers, and it seems to me that I have never heard anyone at any of these meetings or anyone I've knocked on doors to tell people what was happening in our neighborhood, I've never heard anyone say, "What I really want in this neighborhood is more shopping." And I ask you that. How many people come to you and say, "We need more shopping?" We need fresh air and a good environment so that all of us can live a healthy life. Thank you.

CHAIRMAN SCHNEIDERMAN:

Charles Mock followed by Gabriele.

MR. MOCK:

Hi. My name is Charlie Mock. I live at 29 Claredon Street in Dix Hills, New York. I grew up on Long Island, went to college on Long Island, lived on Long Island, worked jobs for most of my life. The issue I'd like to speak on is 2199, the Tanger Mall and the sewer hook up. And what I'm asking for is to hold off on an authorization until, you know, further information is learned.

I know a couple of gentlemen have already spoken from the trade unions on building. My dad was a construction worker, and I know how important construction jobs are. I went to college because my dad was a construction worker. My dad is smarter than me, but he never went to college. He

worked very hard. I mean, and I saw him -- I rarely saw him leave in the morning, I only saw him come home at the end of the day. And I know he worked harder every day than I've every in my career as a software developer. But because he did that work, I was able to get that education and do things with it.

And, you know, construction jobs are important to me, okay, but what I know about construction jobs is a building takes a short amount of time relatively to go up, and then it's there for a very, very long time. I look around the world and I see things like the Olympic Village in Greece. They build this thing, and it goes up, and it gives a lot of construction jobs to people for a short amount of time, and the people there will be paying taxes on that probably for the next 30 years to pay off that two week Olympics, okay.

What I'm saying is on this thing -- is that I'm afraid that we're rushing into this too quickly before we know all the information. I know it's a very hot political item about maybe 12 to 15 years ago with Ross Perot's famous quote about measuring twice and cutting once, okay. I'm thinking that what we need to do on this -- on this project is to take another look at it and make sure that we want to go forward with this. If everything else looks to be in place, then we'll build it. The jobs will be there, this building can go up. But if it turns out to be a wrong thing, I don't want to rush into building something that we look back later and think of as being a mistake. Okay. Thank you very much for your time.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. Gabriele to be followed by Laurie Bellitte.

MS. GUERRA:

Thank you for giving us the opportunity to speak. My name is Gabriele Guerra, and I moved here two years ago from Nassau County. And one of the reasons we moved from Nassau County is because of reassessment, taxes going through the roofs. We had lived there for 13 years, and we could no longer afford this small little home that we lived in. We moved here to get away from overdevelopment, all of these issues.

And I'm here to read a letter that I wrote to all of the Legislators regarding Resolution 2199. "I am urging to defer from sending the resolution, 2199, allowing Tanger access to the Southwest Sewer District to the full Suffolk County Legislature on November 21st, 2006, until appropriate traffic mitigation measures are laid out. Tanger is an egregious project and will change our landscape forever."

"Why the Town of Babylon would allow Deer Park Enterprises, LLC to build outlets on these 81 acres is incomprehensible. Doesn't the Town of Babylon worry about Tanger cannibalizing their competition and hurting Babylon's economy?"

And I know the trades spoke about construction, and I do feel that's very important, but as Charlie Mock just said, the construction is up and then you are stuck with something that could become in the future a white elephant. What if the businesses fail?

"A recent article stated Riverhead was in decline prior to Tanger being built, and it was this project that put the nail in the coffin. Will it be the same for Babylon? If all of this isn't bad enough, why was Babylon IDA so anxious to grant Tanger IDA status? Babylon IDA took out several half page newspaper ads touting their quick six to eight week approval process. They claim they cut through red tape that normally takes six months to a year. The ad goes on to list economic incentives such as tax abatements of 60% or more that go straight to a developer's bottom line."

"Why should a developer whose stores will compete with and kill off local businesses be given tax breaks? Shouldn't the Town of Babylon be concerned about their own taxpayers? Will their taxes be

raised to compensate for the loss of taxes the Tanger project would have generated, but won't be billed? What about the school district?"

"Why didn't Babylon charge Deer Park Enterprises, LLC, the developer of Tanger, a tax impact fee which could aid in mitigating traffic? According to Newsday's 9/27 '06 article, Tanger's developers submitted a four page study to Babylon IDA that argues the outlets intend to significantly increase the draw of traffic of perspective shoppers from 100 mile radius. How can Deer Park and the surrounding areas absorb all this traffic?"

I know that we do have a traffic study in place that you just recently received, but I know a larger one is going on now. We really need to hold off and look at how we are going to handle these traffic issues. Why should a developer --

CHAIRMAN SCHNEIDERMAN:

If you could wrap up. That's your three minutes.

MS. GUERRA:

Yes. Thank you. Why should a developer benefit at the expense of the town they are building in? A school district and a neighboring -- I'm sorry. Why should a developer benefit at the expense of the town they are building, a school district and a neighboring town? If the Town of Babylon isn't looking out for itself, for its neighbors, Suffolk County should look out for all of us. Please defer from sending the referenced resolution to the Legislature until appropriate traffic mitigation measures have been laid out. Thank you so much.

CHAIRMAN SCHNEIDERMAN:

Thank you for the comments. Laurie Bellitte followed by Carolyn Lahey.

MS. BELLITTE:

Laurie Bellette, 6 Royce Road, Dix Hills. I'm a resident of Dix Hills, and I'm speaking here today to ask that you defer granting the developers of Tanger Outlet in Deer Park a permit to access and hook up the Southwest Sewer District. This is the last permit the developer needs. It not need be denied, just delayed. I'm sure you have heard, as from the previous speaker, that we're all concerned about the burden that the traffic will be on Commack Road and on Carlls Straight Path, which is right in front of the Candlewood Middle School and will be a direct route down to the Tanger Mall where people could be zooming down in front of the school.

As per Steve Levy's directive, over 500,000 is being spent just to analyze the traffic in the area due to the many traffic in the area. But we can all agree that Tanger will be the most single largest contributor to the traffic. All we are asking is that you defer granting the permit until at least these studies are done and all -- what is all the rush? In delaying the grant and the permit, we feel that we can force the developer to address some of the concerns of the constituents, which have lead -- which we feel have been largely ignored. Why should the Suffolk County taxpayers be responsible for the road improvements? The developer should be helping us with this. I thank you for your time today.

CHAIRMAN SCHNEIDERMAN:

Thank you. Carolyn Lahey followed by John Coughlin.

MS. LAHY:

Good afternoon. My name is Carolyn Lahey, and I'm President of the Islip Breast Cancer Coalition and also a member of Prevention is Cure. And I'm here today representing Cameron Laurie, who is the director of a 33 year old non-profit environmental research organization called Inform. Certainly by identifying highly toxic substances that are contained in products and identifying products that it purchases, the County will be able to phase out products in favor of safe cost competitive alternatives and meet performance specifications.

When a safer product that meets performance expectations and it is not cost productive is available -- prohibitive is available, the County can purchase these at a small premium. This is, of course, in response to Resolution 2171. Inform research has already identified many readily available products that can be bid by multiple manufacturers that meet performance specifications and can be purchased at similar cost or at reasonably small premiums.

I'm really very encouraged by your comments that you made to Karen Miller before. For certainly adopting a safe and sustainable procurement policy will not only improve worker safety, protect human health and make Suffolk County a leader in the national movement to remove highly toxic chemicals from our environment. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Mr. Coughlin, and then Jimmy Rogers.

MR. COUGHLIN:

I'm John Coughlin. I live at 124 Wright Avenue, Deer Park. I handed out some of the letters I wrote to the town as well as the County. And rather than talk about traffic, since I heard everybody speak about that, I'd like to talk about two other issues here that have come up over the past month on my own initial investigation.

I looked at the background of all of the Legislators here, and all of you are concerned about the environment. But are you aware that this piece of property in Tanger was owned by Fairchild Republic since World War II. And a number of my neighbors worked there, and they said that property in the back was being used as leaching fields for all the chemicals coming out of Fairchild Republic as well as AIL.

Now in 1991, the New York State Department of Environmental Conservation cited AIL for the environmental problem they had there. And the Suffolk County IDA gave them a \$25 million bond to clear it up. I filed a FOIL with the New York State Department of Environmental Conservation, they have not called me back yet. But I would think that this Legislature should not do anything to go forward here until you find out if that property had been properly cleaned up by the AIL or by the new owners, because there are leaching fields there. They have wells below the ground.

I looked at the environment impact study. They say nothing about the leaching fields or the wells. So I would say don't approve anything until at least you know that property had been properly cleaned up, because they had a white -- a white elephant in the Kings Park Hospital. This could be another white elephant.

As far as the financing -- I'm as union as anyone else, retired from the New York City Police Department. I certainly am pro-union. My son's an SBA delegate. But the financing of this may not even come through, because not only did the Downtown give them a IDA 60% tax abatement, but after that tax abatement was given -- I gave you a copy of that thing too -- both EDO and the Deer Park Enterprise went into court asked for 90% reduction in their assessment. So if they got that assessment now, the contract the Town of Babylon signed with them requires the Town of Babylon to give all that money back to them if they win. That means you're going to be stuck with the bills. I don't know -- I gave you a copy of that too, I believe, at least I gave it to Steve Levy.

So everything here is premised upon the money coming in. They said they were going to get \$5 million. Right now, that looks like it may be you owing them money if it goes through, if they win the court case. So I'm recommending that you don't do anything. Postpone Any approvals here until you find out -- take a look at the financing of this. And I asked the Suffolk County Comptroller, Joe Sawicki, to look at it. He sent me an e-mail back this morning saying he would do that. I'm asking you to do the same thing. I want the agents to take a look at the environmental -- have the New York State DEC look at that property.

Do it -- verify that the property's been cleaned. I filed a FOIL with them. They haven't gotten back to me yet either. So right now, everything is in the dark, and you people are now voting -- I shouldn't say that. It effects elected officials we had a chance to talk to. I spoke to the Town of Babylon, they keep saying it's the Planning Board, all appointees. But you're the first people I'm speaking too that are elected to represent us.

And one last thing. I have been looking at Kate Browning's background. She's from Northern Ireland, Kate. My parents are from Ireland also. We were fighters. I'd like you to fight for us too. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. Jimmy Rogers. How are you, Jimmy? And William Newhoff is on deck.

MR. ROGERS:

Good afternoon, Members of the Public Works and Transportation Committee. My name is Jimmy Rogers. I represent District Council Number 9, Painters and Allied Trades. I'm here to ask you to approve item number 2199-'06, a connection of 455 Commack Road to Suffolk County Sewer District Number 3 - Southwest.

The connection will be financially beneficial to the district and environmentally beneficial to Suffolk County. Tanger Outlet Centers and Blumenfeld Development Group has gone out of their way to make sure that the positives for the community far outweigh the negatives. The traffic concerns that have been raised have not gone unheard. The project has been downsized over 100,000 square feet, and millions of dollars will be spent on improving surrounding roads.

It is in the best interest of Blumenfeld and Tanger to have a free flow of traffic to and from the mall to make it a successful mall. Other positives this project will bring to the community and the local economy are \$20 million over ten years for the school district, over \$25 million in sales tax, half of which goes to Suffolk County, 1600 permanent jobs and 2000 construction jobs with 97,000 -- \$97 million in wages and benefits -- in wages and salaries.

Having dealt with Blumenfeld and Tanger in the past, we have learned what professionals both organization are and how they've paid very close attention to every detail in both their operations. In doing so, they keep one of the best reputations in the industry. They know the importance of using only responsible contractors for their construction and renovation work. This not only ensures that local workers get area-standard wages, health benefits and retirement plans, but it guarantees that the project will be built using the best trades people so the end result will be a safe, well-built state-of-the-art shopping center that will last for years to come.

A couple of other things I wrote down as a few people were speaking. This won't be just a one-shot deal as far as construction is concerned for trades people. Tanger out in Riverhead right now, I have members working out there today on any kind of repaint work that's done. I know IBEW will have guys in there putting new fixtures in if a different store comes through. So it's a -- we have guys out there all the time as that store is open, so it's not a one-shot deal by any stretch of the imagination.

This project is redevelopment. It's not like it was done -- excuse me. It's not like it was done on open space. This was an old industrial site that's being redeveloped. So I applaud Tanger and Blumenfeld for not going in there and disturbing open space and redeveloping an old property.

On a personal note, or on a District Council 9 level -- and it's ironic that this member called me last week -- he called me up and said, "Where is my name on the list?" And this is the hardest part of all our jobs is going back to the office and seeing the out-of-work members on our list, by far the hardest thing we have to do everyday. So he called up last week. And he lives right in Deer Park.

And he said, "Where am I on the list?" I looked on the list, he's number 20. So he has a little bit of a ways to go before he starts working. He said, "I'm going to lose my house, you have to get me back out to work." State Law, I can't put -- I can't jump the list. He's got to wait. "I'm going to lose my house, I have to go into my annuity fund to take money from annuity, and I don't have enough in my annuity. I'm going to lose my house."

CHAIRMAN SCHNEIDERMAN:

Mr. Rogers, you're going to have to just finish up.

MR. ROGERS:

Sure. That's the urgency of passing this and moving this today. I don't want to have to hear that my member lost his house in Deer Park. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Okay. William Newhoff followed by John Shepard.

MR. NEWHOFF:

Good afternoon, Committee. My name is William Newhoff. I live in Suffolk County for the past 38 years. I reside in the Town of Smithtown. I'm a union electrician, and I have been out of work for the past nine months. I have a lovely wife and three beautiful children. And by passing Resolution 2199, will create work not only for me, but other tradesmen as well. I worked at many jobs throughout this Island. And every building that I helped construct, I've went back there with my pay check and put money back into that building, business and back into this community.

I remember a quick short story. One time my grandfather showed me a picture when he used to live in Brooklyn, and they used to come out to a resort, which was, believe it or not, Lake Ronkonkoma. And the picture that he showed me, there was one road from Brooklyn out to Lake Ronkonkoma, and that was the only way to get out here. Yes, was it beautiful out here? And it still is. But people need to live and work. All right. The population is growing. People need to live and people got to go to work. Manhattan, used to be just an island where Indians lived. Look at it now, all right. Construction is inevitable, and we all need it. And I just look for your support on passing 2199. Thank you for your time.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MR. SHEPARD:

Good afternoon. My name is John Shepard. I live in Babylon and have been resident there for 26 years. I've been on Long Island, I like Long Island, I want to -- I want to spend money here. I go to Duck games here. I don't go to the Bronx, I don't go to the Yankee games. It's too far away. You want to talk about traffic and problems, it's there. I don't go to 30 Rock to watch the tree get lit, I go to Belmont State Park. I -- I don't know who said it. I would like to see more stores here. I would like to work here. I would like to shop. And I like to see my wife and family here. And if they put a tree there, I'd like to go there to see that tree get lit. I'm in favor of this, and I'd like to see it developed. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. John McHugh followed by Christopher Robinson.

MR. MCHUGH:

John McHugh, 139 West 10th Street, Deer Park. I'm glad to see there's three Legislators here from Babylon. They know our story. I've been a resident of Deer Park for 43 years. When this property came up, I spoke to Wayne Horsley. He didn't realize there's a sewer treatment plant on the property. He was head of IDA at the time. Lou D'Amaro, I don't know if you knew about the

sewage treatment plant. This can be upgraded. There's no reason why they have to connect to the Southwest Sewer District. But, of course, he's going to lose parking spaces, or he may have to lose a little space.

Mr. Blumenfeld made a sweetheart deal with the Town of Babylon. I have donations that he gave to the Babylon Democratic Committee in order to expedite this project. Blumenfeld and 10 Michael Drive Associates gave the Babylon Democratic Committee \$10,000. Steven {Kretz} and his associates gave them \$10,000. And I'm afraid, Wayne, Stanley Tanger gave you \$250 for your reelection. So this -- this project from the get go was brought and paid for. Mr. Blumenfeld, he's here today, he made sure of that. He made his donations where they should do the most good. Of course, Steven Stern has been fighting against this because his district is the most affected by it.

And he has a sewage treatment plant. This is a done deal. You're voting on just disconnection. Turn it down, because he has to put an infusion sewer line all the ways down to North Babylon, and they're going to pump it. They can't even run a regular sewer line, so this is a joke to start with. If the pump breaks, what is 125 stored plus the -- all the restaurants -- he could build his mall there if he thinks it's feasible, but we don't need it. If he wants to build it, that's fine. There's no roads. People will get caught in traffic jams, and they'll stop coming. And he'll -- his tenants will leave, and he'll sell the building, and IDA will probably end up with the bill.

So turn this connection down. Make him upgrade his sewage treatment plant that's on the property, and that's the only -- the end of the deal. There's no reason why you can't do that. And all these construction guys can have their job. I'm in construction. I know what it is to work. And if they're -- there's plenty of work in Deer Park. If they go to Babylon, Steven {Kretz} is a lawyer for plenty of developments that are nonunion, and they can make sure that they become union, which, of course, they're not going to do, because they'd rather have patients like Tanger that's a sweetheart contract. So thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

MR. ROBINSON:

Good afternoon. My name is Christopher Robinson, President of RMS Engineering, doing business in 355 New York Avenue in Huntington. What is on the calender today is a recommendation to execute the sewer agreement between Tanger and the Sewer Agency to connect to the district. All we're talking about here really is the difference between whether we put septic tank and leaching pools in the ground or we take the sewage and bring it to the sewer district.

The project is under the Suffolk County Density Regulations. We have covenants that agreed that we will continue to keep it under the Suffolk County Density Regulation. This project will be built in the square footage as it's proposed either with septic tanks if this recommendation doesn't happen, or preferably to connect to the sewer district in order to take the nitrogen out of the groundwater in close proximity to the Special Groundwater Protection Area, which is what was voted on and approved at the Sewer Agency with the recommendation of approval by the Suffolk County Planning Commission, with the recommendation and approval by the Department of Health Services and with the recommendation and approval by the Suffolk County Department of Public Works.

The site is 81 acres. We have a sanitary density allowance of 48,659 gallons. Our proposed sanitary flow is approximately 45,000 gallons, well within the limits. And really all we're talking about is a difference between building the building as proposed with a septic tank or building the building as proposed with the pump station and a force main. I'd be happy to answer any questions if the board has any.

CHAIRMAN SCHNEIDERMAN:

We do have a question. At least one. Legislator D'Amaro.

LEG. D'AMARO:

Sir, good afternoon. Thank you for coming down. I appreciate it. You're hitting the area that I'm really concerned about here. Having been -- I grew up in Deer Park, and I care a lot about this community and what happens there. And even back when in high school driving my car around we had traffic problems, especially in that corner of the town. So it is something that I'm concerned about. But if I'm hearing you right, what you're saying here today is that there is a Plan B, so to speak. If the sewer hook up were denied by the County, it is possible for this project to go forward without the approval of the sewer hook up?

MR. ROBINSON:

Yes, clearly.

LEG. D'AMARO:

Clearly. And how would that be done? How could you do it without sewers?

MR. ROBINSON:

The way sewage is regulated within Suffolk County is what they call the population density equivalent or allowable sewer density calculations. You have either -- depending where you are within the County, you're either allowed to do 300 gallons a day per acre or 600 gallons per day per acre. This particular location is 600 gallons per day per acre. We have 81 acres. We have an allowable sanitary discharge rate into the ground of 48,659 gallons.

The agreement -- and we also, in addition to that, have covenants and restrictions placed on the property from prior subdivisions. When the Kohl's or the Caldor place was split off and the Home Depot and the United Way, they agreed that this particular piece of property would not exceed those regulations. So even though we're proposing to build a pump station and force main, where in other properties we could go beyond and increase the amount of sewage off the property, we're not doing that. We're honoring it, we're keeping it at -- under the allowable density regulation.

If we don't get the sewage pump station and force main built and connect to the county, to Bergen Point, we're going to build septic tank and leaching pools systems. Probably have half a dozen of them around the building to handle each competent of it with the square footage that we have proposed.

LEG. D'AMARO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Other questions, Legislator Horsley.

LEG. HORSLEY:

Yes. Hi, Mr. Robinson. Just quickly, do you have idea of the costs that are going to -- that are going to go forward to hook to the sewer district, what the sewer districts costs are?

MR. ROBINSON:

Yeah. The connection fee itself at the \$15 per gallon at our -- approximately about 82,900 gallons is our total flow, which includes all the kitchen waste, which is excluded from the density regulations, is approximately 1.2 million -- 1,243,515 is our -- our connection fee. We're spending another two and a half million dollars to build the pump station and force main in order to make that connection. If we didn't connect to the sewer district, we would actually save about two and a half million dollars by building septic tanks. It would certainly cost us money, but we'll save the 1.2 million connection fee to the County, and we'll save the cost of the installation of over two and a half million.

LEG. HORSLEY:

Has there been any comments from DEC, others as referenced -- the preference to using a septic sewer system versus the Southwest Sewer District, which one is more environmentally smart?

MR. ROBINSON:

Oh, environmentally smart, environmentally friendly would be to take the nitrogen discharge that would go into the ground here, just south of the Groundwater Protection Area, and put it through Bergen Point where it gets treated and discharged versus essentially what happens in a septic tank and leaching pool system is we settle the solids out in the septic tank, and sewage overflows to the leaching pools and discharges straight down through the sand into the groundwater, which is permitted throughout the County at the regulations. And that's why the County's got these density regulations put in place. We meet them. We could that do that. But it's more preferable with a project like this to connect to the sewer district. My client Tanger and the Blumenfeld Development Group really wanted to do this and connect to the sewer district and take our sewage away from the area.

LEG. HORSLEY:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine and then Legislator Kennedy.

LEG. ROMAINE:

Yes. Good afternoon. You talked about, I guess, Plan A and Plan B. Plan A, connect to the sewer district, Plan B, do leaching fields. What about Plan C? The gentleman before you spoke about the fact that there was a sewage treatment plant on the facility that could be upgraded. Could you comment on that?

MR. ROBINSON:

Yes. There was an existing sewage treatment plant built on the property that serviced the EDO. It was built for approximately 36,000 gallons a day. We did a full evaluation of it and a report on what we could do to expand it and the feasibility of expanding it. And it could be done, it could have been done -- I'm going to say could have been done, because at this point the demolition permits were issued, and it was decommissioned and it's in the process of being removed. The leaching pools have been remediated pursuant to the DEC and the Health Department criteria, and they have already been demolished. But, yes, that was a plan. That was evaluated and looked at.

LEG. ROMAINE:

And it was rejected because of?

MR. ROBINSON:

Rejected -- the County has a program that they would like to see the elimination of a lot of these small mini plants throughout the County. And when we have the opportunity to decommission them and take them out of service and connect it to a sewer district such as Bergen Point, it certainly preferable. That was in record from the Sewer Agency meetings that that would be a preferable way to do it, to eliminate the plant. More environmentally friendly.

LEG. ROMAINE:

I thank you, and I won't ask you about that. But I see Mr. Wright is in the audience, and at some point I'm going to ask him about whether other small plants have been decommissioned, because to the best of my knowledge, we're building one small plant after another in this County.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Two things, I guess, I just wanted to touch on that you spoke about here. I'm also going to ask, are you advisory to Tanger in the areas of construction, design and the traffic aspects, or is it only as to the septic component?

MR. ROBINSON:

My firm also represents the traffic aspect. I personally did not. My partner, Wayne Muller, is our traffic expert. He's not here with us today.

LEG. KENNEDY:

He's not?

MR. ROBINSON:

But we did do a significant traffic study for this -- for this project and have, I think, close to \$8 million worth of road mitigation that being funded by the development to do it. I can't really go into specifics of it, I'm not really that knowledgeable on it. But, yes, there was a significant traffic study done and a significant amount of mitigation being funded by the developer.

LEG. KENNEDY:

Well, we have Mr. Hillman here from DPW who's going to go ahead and speak to us as well as far as some of the traffic aspects, but I thought I would like to try to go ahead and get the perspective of the developer as well, your client.

But going back to the -- to the septic side. You pose the alternatives and you spoke about on-site sewage disposal and you laid out the process for us as far as the County goes, and again, Mr. Wright is going to go ahead and confirm, I guess, what you've said. But am I to take it that you have gotten approval then from the Health Department in both alternatives as to either connection to the sewer district or for a septic cluster and overflow of configuration? Has the Suffolk County Health Department issued that approval for this?

MR. ROBINSON:

No. The Health Department would not entertain two completely separate designs and approve them at the same time. Our design that's being approved that's gone forward with them is the sewage collection pump station and force main method, which is connect to the sewer district. If this committee would not recommend it forward and we did not get a Sewer Agency agreement, then we would withdraw those plans and design a septic tank and leaching pool system and refile the application with them.

LEG. KENNEDY:

Tell me if you would, please, you mentioned a couple of times the SPGA. Where is this physically in proximity to the -- to the Groundwater Protection Area?

MR. ROBINSON:

To the north. It's really related more to the old Pilgrim State and the large open wooded area to the north of the site. Essentially just north of the railroad, which is our northerly boundary.

LEG. KENNEDY:

What is the groundwater flow in that area?

MR. ROBINSON:

The direction of flow? Generally, I would say, probably southerly.

LEG. KENNEDY:

So any discharge, underground discharge, would migrate into the SPGA?

MR. ROBINSON:

Actually, slightly away from it, but adjacent to it.

LEG. KENNEDY:

Okay.

MR. ROBINSON:

Yeah, groundwater flow would be to the south in this area, and the SPGA is to the north, which is why these area are not part of the -- the industrial park is not part of it. Sewage flow -- the groundwater flow would be to the south.

LEG. KENNEDY:

I see. Okay. Thank you. And is there anybody else from your firm who's going to be able to speak in detail on the traffic or --

MR. ROBINSON:

Not here today, because we weren't prepared to do that for this afternoon, because it was primarily for the sewer connection agreement.

LEG. KENNEDY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman, for this opportunity. Mr. Robinson, good to see you again. Mr. Chairman, thank you for the opportunity. Although I don't serve on this committee, obviously a critical issue. Correct me if I'm wrong on the numbers, but maybe you can take me through it. Originally when the project had received conceptual approval, it was for 56,699 gallons a day.

MR. ROBINSON:

Correct.

LEG. STERN:

This legislation calls for 82,901 gallons per day. If I'm right, that's about a 46% increase.

MR. ROBINSON:

Yes.

LEG. STERN:

Now, over many months, the size and scope of the project has actually been downsized. So I'm wondering if you could take me through the numbers, the discrepancy in the numbers, and maybe you can lay it all out for me and my colleagues.

MR. ROBINSON:

Yeah. The project was reduced from a little over 900,000 square feet to 805,000 square feet. So it was a reduction of close to 100,000 square feet in it. As I testified in front of the Sewer Agency when we went for the final -- the final certification was that we put more flow into our final certification to allow for a greater design flexibility moving forward. I think this project is going to be extremely well received as it leases out. We have a attention prepared -- a lot more restaurant ideas that may want to come into property that could provide greater flexibility.

Again, restaurant flow, one-third of the flow is to sanitary, two-thirds of the flow is grey water, which is discounted from the sanitary density. We've had interest -- the idea of maybe doing a

health club, which would also provide a lot more grey water flow, which increases the number overall, does not increase the sanitary density component of it.

So in the chart that we prepared and submitted as part of our final certification, we added some of those flexibilities into it. It seemed better to buy that flow and pay for that flow now through the County when in all actuality the low number may be much less. But we also decided to but that capacity now that it's available have that to give us the flexibility moving forward.

LEG. STERN:

Some of the ideas -- some of the things that can happen in the future, do you anticipate being able to add those stores and those restaurants to existing square footage, or would those be additional structures?

MR. ROBINSON:

It would probably be incorporated into additional square footage, maybe replacement of some retail with the health club. We have -- the project as it is right now 805,000 feet, there's second floor space involved in there. So there may be opportunities to changes pieces of it moving forward. But we really wanted that flexibility going forward. We have an application that's been approved by the town, certainly these changes would -- we'd have to go back in front of the Planning Board to make those changes, but we wanted to provide ourselves with a certain flexibility on the sewer aspect that we have a lot more opportunities if we look to go that way.

LEG. STERN:

And because there is no -- at this point, there might be some ideas, but they're -- I'm assuming that there's no definitive plans for that kind of expansion. Are there any contingency plans? Because we're asked all the time by, you know, various businesses, new developments going up in the area both inside the Southwest Sewer District and outside the Southwest Sewer District, capacity is not, you know, infinite. What, if any, kind of contingency plans would you have, would the developer have, would the project have once we get, you know, dangerously close to using up our capacity? You know, what do you see going forward in terms of additional capacity that might be necessary?

MR. ROBINSON:

If we have surplus capacity moving forward after the project is built, there will be opportunities perhaps for adjacent properties to connect and utilize the same pump station. United Way, for one, who is immediately adjacent to us, we're providing a sewer stub into their property, into their parking lot as part of our design, because they've expressed interest to connect into our pump station.

Again, they're in the couple of thousand gallon a day range, but they've expressed an interest in, you know, getting out of the sewer business with their own septic tanks and connecting to the pump station, the force main that will be built adjacent to them. There are opportunities that going forward, if we don't use the capacity, that we maybe able to let somebody else use that capacity in our pump station.

LEG. STERN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Sir.

CHAIRMAN SCHNEIDERMAN:

Don't go anywhere yet, Mr. Robinson. We have one other Legislator after Mr. Kennedy as well.

LEG. KENNEDY:

Again, you may or may not be able to speak about this, because you referred to one of your colleagues as having been involved with the traffic aspect, but it occurs to me that there is another County piece to this in that there must be a curb cut permit that was sought and I would assumed issued. Can you speak to that at all?

MR. ROBINSON:

Well, on the County curb cut issue, the access to the County Road, which is Commack Road, that access exists. It's a large driveway, it's there now, signalized. It currently operates and serves the Stop and Shop, Kohl's Department Store, there's a bank, the Home Depot and the EDO itself is served through that existing road and signal. We're also proposing to consolidate the curb cuts on Grand Boulevard, which is a town road and provide new signals there.

LEG. KENNEDY:

So you are not seeking to gain any other ingress or egress out on to Commack Road then what exists at this time?

MR. ROBINSON:

No, we're not.

LEG. KENNEDY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chairman. Very quickly. You mentioned earlier that permits were in place. Could you just tell me how far you have gone through the permit process with the town? You know, what stage are you at right now?

MR. ROBINSON:

We went through the whole environmental impact review stage, finding statement have been issued both by the Planning Board who took the lead agency status and by the Zoning Board that also did their own finding separately from the Planning Board. The site plan was approved by the Planning Board. There are certain covenants that need to be recorded, which are being prepared right now.

LEG. D'AMARO:

But you have site plan approval from the Town of Babylon?

MR. ROBINSON:

We have site plan approval, but we don't have the stamp for the actually plan yet for the site plan because of the CNRs that need to be recorded, which, again, it ties into the Sewer Agency agreement and certain things that are happening.

The demolition permits have been issues. The demolition is under way. Part of what we worked out is the site plan, it was a land swap, cleaning up, making straight property lines behind the home Depot and behind the United Way. Those permits have been issued. The United Way just got a new paved parking lot as of two or three days ago, and the work at Home Depot is progressing right now, which in the back, if anybody had been to the site, there used to be old substation, electrical substation that was owned by EDO and some out-buildings there that when Home Depot was carved had a very jagged property line around them. We created a land swap and made a clean straight line, and we're actually building those improvements as we speak.

LEG. D'AMARO:

All right. I just want to explore very briefly the -- we had mentioned, as Legislator Romaine had said, a Plan A and Plan B, sewer hook up as opposed to an on-site septic system. The on-site septic system, if that were built, what are the impacts? What are the impacts to the community? Does it -- how do you get the -- how do you drain the septic system? Is there additional trucking? I mean, what is involved with something like that?

MR. ROBINSON:

Septic systems -- the septic systems are very passive systems. They essentially operate on their own. Sewage comes out of building by gravity, goes into the septic tanks, solids are settles out, and the liquid flows out to the overflow leaching pools where it settles and discharges downward into the grounds. There also will be grease traps, which will be -- in either case there will be grease traps, which need to be pumped out on an annual basis or more frequently depending on the need inside it.

There will be the sewer pumper truck that will come to clean the grease traps out every several years. Generally a new septic system should be 10, 12 years before it needs to be touched. If everything's working fine, it should never need to be pumped out. You have a lot of pumps out in residential homes where they've not been maintained or they've become contaminated. But when a new septic system is built and the bacteria is growing, it's breaking down the nitrogen inside it and breaking down solids, it shouldn't need really any -- any other maintenance of it than the occasional pump out.

LEG. D'AMARO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley. Mr. Robinson, just one -- one more quick question. Mr. Mr. Coughlin mentioned that the property was dirty. I'm hearing that you went through a SEQRA review, SEQRA process. Could you -- could you add anything to that conversation?

MR. ROBINSON:

Yeah. There was an environment cleanup that was done. I think Mr. Blumenfeld can speak more towards it. But the cleanup has been done. I believe it's signed off by the DEC, and we served that certification that it's been cleaned up. The septic tank leaching pools that were contained with the old sewage treatment plant have also been cleaned up to the satisfaction of the Health Department.

LEG. HORSLEY:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Can I ask you, you know, it sounds like it would be less expensive for the developers to use on-site sewer system, septic system, but it also sounds like you're pretty much up against a cap under the Suffolk County Health Department, pretty close to it. And you had said you had scaled down the project. Understanding that it's more expensive probably for you to hook up to Bergen Point, do you have long term intention here? Are you planning to expand beyond what you currently have approvals for? Is that one of the reasons for --

MR. ROBINSON:

No. It was really more of a design flexibility within it. I mean, I think the way this center, the open air center, the field, the way it's going to operate, I think it's going to be a very -- a very well populated center. I think people are going to enjoy walking there and going out to dinner and going to the movies and going shopping. And the ability to build more restaurants space with -- inside this

square footage, we think in the long term maybe -- maybe a great option to have availability to us to do that.

CHAIRMAN SCHNEIDERMAN:

Okay. And so it's the hooking up though Bergen Point that allows you to have more restaurant space?

MR. ROBINSON:

Actually even the updated flow numbers that we got the final certification on would include the ability to have more restaurant space than is currently on the plan. So we can do the plan we want with our design flexibility and still do it for septic.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions? Okay. Thank you Mr. Robinson.

MR. ROBINSON:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Last speaker card is David Blumenfeld.

MR. BLUMENFELD:

Hello. And thank you for having me here. My name is David Blumenfeld. I am at Robbins Lane, Syosset, New York, 11791. I'm the developer of the project. I just want to get up and clarify a few things that have been said. I mean, it's very easy for people to come up here and make statements that may be true, and a lot of statements that were made up here were basically untrue.

Resolution 2199 deals with our ability to allow to go sign a contract with Suffolk County to hook up to the Sewer Agency. 2199 does not discuss traffic, it does not discuss road work, it does not discuss the IDA, it does not discuss environmental issues. But because they are brought up, I will be happy to address them.

The project's approved, it's gone through its SEQRA process with the town, it's gone through the Zoning Board, it's gone through the Planning Board. The appeal period has expired, and the site plan permit is in place and at this point is unappealable. We have gone through 20 some odd town meetings, various meetings, informational meetings, public hearings to get to that point, had to make changes, accommodated certain things along with the way and got them done to the satisfaction of Town of Babylon.

A lot of people here today -- or most of people here today that are speaking against the project are from outside of the Town of Babylon, and I understand their concerns, but the Town of Babylon felt this was an appropriate action. This wasn't a vacant site. This was a 700,000 foot industrial building with the right to expand to a million-one that could have had anywhere from 500 to 1000 trucks a day in and out of the site. And that was the -- that was the comparison. When we looked at the site plan approval, and this was within the existing zone, and you looked at the traffic studies and you looked at all the possibly uses, you had to compare what was there or what could be there to what we were proposing, not a vacant piece of property to what we were proposing. And I think it's very important to understand that.

We announced last week with the Supervisor of the Town of Babylon that we're going to build a green building. I think it's very important that understand that. We're going out of our way and spending more money, about 2% more in construction costs, to build a building that will use recyclable materials, be friendly to the environment. And one of those things is to connect to the sewer district. Obviously we had a choice of saving \$3 million and using septic systems and putting

the nitrates back in the ground. We choose to file a plan that would bring it to a sewage treatment plant in order to be more environmentally friendly.

The IDA. The IDA has been discussed a lot. I think people hear IDA and hear tax benefit and they really don't look into the reality of what happened here. The school board came to us and said, "During the demolition project, you're going to knock down the building. And when you knock down the building, you'll have your tax assessment lowered, because there will be no longer a building on the site. And during the two or three years that you're building, we're going to lose a million-to to a million-four a year." We said to the school district, "How could we help you?" They said, "Could you freeze the taxes during the demolition and construction phase and then take an abatement and phase that in over the extra money you paid during your demolition phase and phase it in over ten years?" We did that through the IDA. It was accomplished through the IDA. We've agreed to freeze the taxes at the current assessment prior to demolition so that the school district would not get hurt. Am I over my three minutes?

CHAIRMAN SCHNEIDERMAN:

You are. If you could try to wrap up. It's important information. I want to give you a chance to rebut some of the things that were said.

MR. BLUMENFELD:

So I think, you know, just throwing the word IDA out there and saying tax break, no, not tax break. Actually it wound up costing the developer more money, because in retail deals, tenants pay their pro rata share of taxes. So the taxes -- the tenants are going to get a tax break, and the developer picked up at a big expense to keep the school district whole during the construction and demolition phase.

Environmental. AIL EDO had an environmental issue on the site, they filed a voluntary work plan with the New York State DEC, they've received a no-further-action letter. You can get a copy of it. I will supply a copy to you guys. But the site is clean now. It's gone through an entire review process and been cleaned up by AIL EDO, and it's been signed off.

Expansion. The reason we increased the sewer flow is we asked -- we wanted to have more flexibility in the site itself. We've signed a covenant with the Town of Babylon that we would not expand the square footages. What happens is certain uses require more sewer flow within the same footage. A movie theater is a very high dense -- highly dense use of sewer flow. So things like that, having the ability to have more restaurants, having the ability to make it more community friendly, we decided to go in and get some more density. We've also been contacted by the United Way and a couple of the industrial users around us to ask if they could connect into the sewer district as well.

We're spending over -- it's \$8 million today. I have a feeling by the time we're done, it will be closer to \$10 million on-road work improvements around the site. We've worked with Suffolk County, we continue to work with Suffolk County about their roads, and the Town of Babylon with their roads. So we are spending a lot of money today in order to get the traffic cleaned up.

CHAIRMAN SCHNEIDERMAN:

Right. Since you're over time, I know there are some questions. So in the context of answering some of those questions, I think you will be able to finish up the rest of your remarks. Legislator Kennedy.

LEG. KENNEDY:

Thank you very much, Mr. Chair. And thank you for coming forward and sharing this information. I appreciate it. You can appreciate our concerns since this is a project of large magnitude and it's got a variety of different impacts that we've got to assess. Two things that you've said so far though that I'm just going to ask you to go ahead, one, and restate so that I make sure that I understand

it. It's your testimony that you have a signed a CNR that bars you from any further expansion on the site from what you're constructing now?

MR. BLUMENFELD:

The CNRs were required to file as part of the site plan approval. But, yes, in concept we've agreed to it. We're in the process of putting all the CNRs together, one of the CNRs being the sewer -- the ones required by the Sewer Agency. So we're waiting to file them all together as one package that would get recorded. But, yes. The answer to you is yes.

LEG. KENNEDY:

So there's a covenant restriction you voluntarily agreed to not improve any additional square footage or area there in the parcel beyond what you are getting approval on now?

MR. BLUMENFELD:

Correct.

LEG. KENNEDY:

Okay. You talked about discussion, I guess, with the County. Obviously one of concerns that we have is traffic volume there on Commack Road and access back and forth up to the Expressway. Tell me a little bit more about what it is that you've offered or has been sought, what you plan to do in order to go ahead and help with that.

MR. BLUMENFELD:

There's been widenings at the corner of Commack Road and Grand boulevard. There's a widening at the entrance to the center. There's an integration of the lighting system -- of the traffic lights -- I forgot the name, because I'm not a traffic engineer -- and readers throughout so that the traffic patterns that are involving at the time are read in the street and then projected into the signal so that traffic flows better. We're talking about doing some work up at the LIE and Commack Road with turn lanes there and a widening there so the traffic will flow up and down Commack Road better than it is today.

LEG. KENNEDY:

Okay. Mr. Hillman is here and he's going to talk to us about that as well. But I appreciate the fact that apparently, I guess, you are engaging in dialog and do understand, I guess, our need or our concern as far as being able to go ahead and make sure that there is volume that doesn't impact the residential area.

MR. BLUMENFELD:

Yes. And in our traffic study, we've taken into account and in our solutions we've taken into account, you know, Phase I of the Wolkoff Project, which has not happened and we don't when it will happen, we've taken into account the development on Commack Road and the Expressway to the northeast, and we've also taken into account the proposed development on Long Island Avenue and Commack Road, which is does not --

LEG. KENNEDY:

Does your project impact Crooked Hill Road on the other side at all, or are you exclusively off of Commack Road?

MR. BLUMENFELD:

No. I don't recall. I can't answer that right now. I don't recall what -- I think we were asked to study that, and I think we did take into account some of that.

LEG. KENNEDY:

Again, I have not had the benefit of seeing any of that, but I appreciate it. Thank you.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, Legislator Kennedy. The last question was in terms of access or in terms of traffic patterns?

LEG. KENNEDY:

Traffic patterns.

CHAIRMAN SCHNEIDERMAN:

Traffic impact. But the access is solely off of Commack Road?

MR. BLUMENFELD:

Grand Boulevard and Commack Road.

CHAIRMAN SCHNEIDERMAN:

Grand Boulevard and Commack Road, okay.

LEG. KENNEDY:

Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy -- I'm sorry. Legislator Romaine.

LEG. ROMAINE:

Good afternoon, again. You made a compelling case and laid out gave us a lot more information than we originally had. I want to thank you for that very much. I'm in possession of a letter from our Planning Department. I see Deputy Commissioner of Planning, Carrie Meek-Gallagher, is here. This is a letter dated from her boss Tom Isles. And I'm going to ask her to comment on this later, but I didn't want to do that and have you sit down and think why didn't he ask me these questions.

So in the letter Mr. Isles said that the Deer Park Tanger Outlet Center would cannibalize sales from other outlet shopping centers, possibly leading to retail blight and the loss of property tax revenue in the Town of Riverhead. There's a questionable need for a large multiplex theater at this location. And that was one point he made.

A second point he made is that the location for your center is poorly located since there's no visibility from a major road, and the site contains no access from a limited access highway. And, in fact, there are no limited access highways within two miles driving distance of the proposed center.

And lastly, I think you made an assumption that 5% of the people would travel to the retail -- your retail center once built by railroad, and Mr. Isles claimed that assumption was extremely high. And he said that the site plan was extremely problematic. Two entrances to the site from the Grand Boulevard still funnel traffic to the immediate perimeter of the shopping center buildings. This design would cause conflict between pedestrians and vehicles. Traffic entering the site should be directed to areas not in direct conflict with pedestrians. I know he made a lot of points here. I'm obviously going to ask Ms. Gallagher to address those. But I didn't want to do that after you had sat down, I wanted you --

MR. BLUMENFELD:

I think I got most of them. I think I got some of them at least, so let me try.

LEG. ROMAINE:

You get the general drift of where he was going.

MR. BLUMENFELD:

Let's start with Tanger Riverhead. Tanger is a partner in this project. They're not a tenant, they're not may be we are in, maybe we're out. They are a partner. They're the largest outlet operator in the country. They know their business.

LEG. ROMAINE:

I just wanted that on the record, because as you know, I represent Riverhead.

MR. BLUMENFELD:

Yes. They do not feel at all -- I mean, obviously, as, you know, Home Depot opens up around Long Island and they open up a store next to another store and there's a little fall-off, and then the store volumes come back other time, they feel Riverhead, first of all, is suffering from the growth of population out on the Eastern End of Long Island. They feel that they do not get a lot of people from the South Shore that go to Riverhead right now. And they feel that, yes, they'll be a slight impact initially to Riverhead, and then after a while, it will balance out just like all the other retailers.

I mean, when Home Depot opened on Long Island originally, you know, they predicted they would have four stores on Long Island. Now they have something like 40 stores, 30 stores on Long Island, and not one store has suffered since they have opened. So that would be my answer to that. I don't think a company of that magnitude with that much data and that much knowledge of their markets and their markets are would invest this kind of money to kill a center that has been so successful for them. And I think Riverhead is their most successful center in their chain.

LEG. ROMAINE:

It is. And quite frankly, I think the Breslin Mall, if it's ever built, would have a far more serious impact than a Tanger in Deer Park. But I just wanted to mention the comments of our Planning Commission that he submitted in writing.

MR. BLUMENFELD:

Okay. I think I got a couple more. The theater. Right now, we own the United Artist theater on Route 110 in Farmingdale. And everybody said how could you build a theater because we hear there's a National Amusements Theater opening up across the street. The theaters we build, the theaters we require our operators to build are of the highest quality, stadium seating, we don't allow video arcades. We demand much more out of them than most people do.

The United Artist on 110 is the number one ten-screen theater they have in their chain. It's very successful. United Artist Regal is the tenant at this center. We feels it brings the center to be more community based, a place for the people to go that live in the area, they'll go to the area, they'll shop there.

Again, why we wanted to add more restaurants, because we think they'll eat there as well. We think it will be a place to gather and a place to be for the local community. We think -- we know from data that the people from the South Shore right now do not really travel north to the National Amusements Theater on the corner of the Service Road, you know, and the Expressway. So we feel there's a lack of theater and there's a captured market that we can get that will only be from the -- that will service the community.

Visibility and access is one of other comments. You know, a lot of people are here from Huntington that are -- that are against this project. Walt Whitman Mall is nowhere near an Expressway. It's a very successful mall. The most successful mall on Long Island is the Americana Shopping Center. It's on old -- it's on Northern Boulevard. It's nowhere near highway. It is very -- it's in the community. We have added amenities to make it community-based. We think it's between the Expressway and the Southern State. We think it's going to service that part of the community that part of the Island. We think it's in a very good location.

Interior traffic. Since Tom Isles' letter, we have looked at some of the interior traffic and some of the plans have been updated and were revised after that letter and resubmitted to the Town of Babylon to improve traffic flow within the center itself. And if I missed anything, you'll tell me.

LEG. ROMAINE:

You hit the points. Thank you very much, sir.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

On Mr. Romaine's -- Legislator Romaine's questions. I think you also talked of the railroad spur. Do you have any comments about that?

MR. BLUMENFELD:

Yes. I forget to mention that. You know, part of what we're trying to do is keep truck traffic during construction off the road. We have negotiated and started the implementation of a railroad spur off of the line that is directly to the north of the project. All the demolition debris with the exception of one type of environmental contamination that's got the asbestos, fryable asbestos can't travel by rail, nonfryable can. So all the demolition debris with the exception of the nonfryable asbestos will be taken off site by rail, and there will be no traffic -- truck traffic during the demolition process.

We have also told all of the suppliers; steel, concrete, masonry, roofing, sheet rock that they should look at using the rail to bring construction material in. And then, of course, we will be running a shuttle bus from the Deer Park Train Station to the site back and forth. We've asked the MTA and the Long Island Railroad to actually put a weekend platform at the site, which we were willing to pay for, but they're not -- they would rather not do that.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy and then D'Amaro.

LEG. KENNEDY:

You kind of just went right to where I was going to go as far as the rail traffic. You approached the MTA and offered to go ahead and construct a platform on this spur? Have you actually built the spur --

MR. BLUMENFELD:

Not on the spur, because it wouldn't work on the spur because the train -- the public train couldn't make the turn onto the spur. But the rail line runs -- the rail line is our property line.

LEG. KENNEDY:

That's the northern part of the park it's on?

MR. BLUMENFELD:

The northern part. We approached them about putting a platform similar to the one at the cemetery on Pinelawn Road. And you know how it stops there on Saturday and Sunday only.

LEG. KENNEDY:

Yes.

MR. BLUMENFELD:

And we asked them to do the same here because their commuter -- you know, their commuter -- what's the word -- attendance on the weekends is almost zero to the Deer Park Train Station. And we asked them to move that here. They're not interested in doing that at this time.

LEG. KENNEDY:

I would love to see a copy of that correspondence. If you have a chance, if you could make it available, I'd appreciate that. Thank you.

MR. BLUMENFELD:

No problem.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Mr. Blumenfeld, welcome. And just a very quick question. I appreciate you coming down here and talking about the traffic and the IDA. And these concerns, of course, are part of the big picture and the issues that the community should be concerned about. However, I don't want to talk to you about traffic or the IDA or about the railroad, okay?

What I want to talk to you about is the sewer hook up, all right, because frankly, all of those other issues were vetted at a different level of government over which we really have no jurisdiction. All right. So what I'm concerned about is the sewer hook up. And what I want to ask you today is your engineer had testified earlier that if the sewer hook up were denied today, that the project would go forward. And you, as the principal of the project, I'd like to ask you the same question.

MR. BLUMENFELD:

We are building this project. Demolition has started, we filed our foundation permits. We are building it. If we have to put in a septic system, that's what we will do. And we will just follow the guidelines of Suffolk County Health. And, you know, then there's no board to approve it, there's no -- it's just file it, do it as per the guidelines and then, you know, you'll get your permit.

LEG. D'AMARO:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Blumenfeld. Okay. We are actually at the agenda now. Tabled resolutions.

1854, A Local Law No. 2006, A Local Law to increase connection fees for sewer district contractees located outside the geographic boundary of a sewer district.

Is there a motion?

LEG. HORSLEY:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

It has to be tabled anyway because the hearing has been recessed to November 21st. So there's a motion to table by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? 1854 is **TABLED (VOTE:6-0-0-1 - Not Present - Legis. Eddington).**

1973, Authorization of alteration of rates for Fire Island Ferries, Incorporated.

Again, the public hearing has been recessed. It needs to be tabled. We'll take the same motion and second. All in favor? Opposed? Abstentions? **TABLED (VOTE:6-0-0-1 - Not Present - Legis. Eddington).**

1977, To conduct pilot program for S92 Bus Route.

Legislator Romaine, what is your pleasure?

LEG. ROMAINE:

You are my cosponsor on this. What would you like to do, Mr. Chairman?

CHAIRMAN SCHNEIDERMAN:

Well, I had a stand-alone resolution that didn't -- in part of the budget that did not pass, as you know, which would have provided a matching grant for a Sunday van service to get people to work out in the summertime.

LEG. ROMAINE:

Now, this is simply a pilot program. So you know what? I'm going to make a motion to approve and leave it to my colleagues to debate it. And then based on their wisdom, we'll proceed from there.

CHAIRMAN SCHNEIDERMAN:

Well, you know my feeling is to get this Sunday bus service County-wide up and running as soon as we can. Certainly in a seasonal community, a tourist community, the Sunday bus is very important. So I will support that. So we have a motion and a second.

LEG. ROMAINE:

Discussion.

CHAIRMAN SCHNEIDERMAN:

On the motion. Legislator Lindsay.

P.O. LINDSAY:

Well, I see at the table both our Deputy Commissioner of Public Works, both of our deputies. And I am aware of an overall study going on with our bus lines, and I wanted to know how that impacts with this resolution.

CHAIRMAN SCHNEIDERMAN:

Okay. Mr. Anderson.

MR. ANDERSON:

The study, which is current underway, we're in the process of getting the contract processed. We expect it to be completed within 15, I believe, to 18 months. It will review questions similar to this. And we have made that recommendation to the gentlemen of the committee. And, you know, it's -- we feel it should wait to that point.

P.O. LINDSAY:

And my point -- my point is simply that the proposals on the S-92, you know, might have some very good merit, but I don't -- I would hate to see us treat the system in pieces. I would rather treat the system as a whole. That's my only comment.

CHAIRMAN SCHNEIDERMAN:

My comment on that is to try to take a little bit of a needs-based approach. And I understand, as the Presiding Officer said, that this ought to be a County-wide program if we're going to do a Sunday bus. But I don't know the need is the same throughout the County. And if we can phase it in, I

know particularly in the summertime where my district is very busy on the weekends, Sunday is as busy a day as Saturday, and we have so much of our workforce now that depends upon public transportation more than we ever seen, as you know, in adding many new buses. That 18 months, to me, that's a year and a half. That probably means we won't see a Sunday bus for at least -- at least two years, maybe three years.

If we could get something -- an interim project going either through this type of approach that Legislator Romaine is putting forth or, you know, a smaller van type of service run by an outside agency, either way, I believe something ought be done. Similar to the County Road 39 project with the cones, we just couldn't wait until we had that widened road, and we had to do an interm project. And what I'm suggested here is we all ought to put our heads together and come up with a interim project here and not wait three years.

MR. ANDERSON:

Understood. Again, this -- we were just giving our recommendation. You as the policy makers, you know, have to make decision based on that.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

I'm not going to debate this, because I've discussed this in the past. I certainly think a pilot program for the S-92 bus route, which covers both the North and the South Fork for Sunday bus service is appropriate. I think it would give us some insight into the users and ridership. We know from past experience that the S-92 route is heavily utilized. In fact, additional buses had to be put on. Even the County Executive agreed to that contention. And we know that a pilot program probably would give us some empirical data to make some decisions about the usage.

We are in the business of public transportation because we believe that public transportation in the end is more cost effective than building roads and creating asphalt ribbons and giving people alternatives who don't own cars. This is certainly worthwhile, and I'll stop here, because I'm in the minority. My colleagues with me in the minority, Mr. Kennedy and Mr. Schneiderman, will not prevail if the majority wishes to table this. And I'll wait for resolution from them -- a motion from them on that. And if there isn't one, then we'll proceed to a vote.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy. And I've also been signaled by Mr. Zwirn from the County Executive's Office for comment.

LEG. KENNEDY:

I would recognize the comments of the Presiding Officer and say that I believe that he is wise to go ahead and look to have a system approach, and that the commission by DPW for a study of our County bus system overall was needed five years ago, much less now. But I'm also going to go ahead speak in support of the two sponsors on this resolution in that working individuals who rely on our County transportation system to get back and forth to work for six days of the week and come Sunday have to play catch-is-a-catch-can, 18 month is a lifetime. So I think there has been ample evidence demonstrated by the addition of the second bus to the 92 Line that there's value and merit and need. And so I would speak in support of it.

MR. ZWIRN:

Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn.

MR. ZWIRN:

I think the County Exec would prefer to wait for the entire study to be done, because when you talk about Sunday bus service -- I live along the S-92 route on the South Fork. On Sundays it's very different than the work week. We put an extra bus on that route because people worked during Monday through Friday were having trouble getting home at the end of the work week. There wasn't enough room on the bus, so they added an extra bus.

On the weekends, it's a different ball game. This time of year, it's an extremely different ball game. You go into the villages on the East End, the workers aren't there, because the business isn't there, the tourists aren't there. There are no malls on the East Ends where you need, you know, to bring in dozens -- hundreds of employees to work at the malls. There just not -- you know, except for maybe the Tanger Mall, everything else on the South Fork where the S-92 runs -- you have the Bridgehampton Mall, which is, you know, very small compared to anything else.

But if you're going to have it on the south with the S-92, why don't have it all your other districts? Why -- how do you tell your constituents well, we're going to do it on the East End, but you can't have it Smithtown and you can't have it in Babylon and you can't have it out in your district, Legislator Browning? I mean, Sunday bus service would be wonderful. I mean, everybody would support additional bus service on Sunday. It's a question of cost.

And we're just going through the budget process now. And if the money had been there and the will had been there, then that money should have been put in that budget to increase Sunday bus service. It wasn't. So the funding for this is not available. We are in the process of doing a County-wide study. And we would say instead of doing this on a piecemeal basis -- certainly I don't think you could support it for a pilot study to happen right now. Legislator Schneiderman mostly talks about the summertime when the motels are full and the hotels are full, they need workers, you know, seven days a week. Right now, that's certainly not the case.

LEG. ROMAINE:

Mr. Chairman, through the Chair, if I may.

CHAIRMAN SCHNEIDERMAN:

I've got a bunch of hands including my own here. So I guess I'll start to my right. Legislator Romaine.

LEG. ROMAINE:

Mr. Zwirn, do I hear you correctly, would the County Executive -- and I know most of the time you are empowered to speak to him and carry his messages here -- would the County Executive support this pilot program if it was limited to a certain season of the year, such as the summer, to demonstrate need?

MR. ZWIRN:

No. No. The answer is no. My point was that if you want to do a pilot study now, this is kind of silly -- I mean, that's why I'm saying the whole process ought to be looked at in its entirety before you move forward, because right now, if you were to do a pilot study now it would be -- it would be absurd. You want to just have this bus service at a time of year because of the seasonal work out on the East End, and I can understand that.

I mean, that -- you're representing your constituents and that would be helpful to the business owners and to people who are looking to, you know, get out there without having to have a car. But I think if we do it on a County-wide basis, it will take into account the seasons, because it will do that, it will do the counts. I think we had -- Bob Shinnick came up here and said that the counts are not there to support this at this time. They've done counts at this time, and the numbers weren't there to support it.

LEG. ROMAINE:

And through the Chair, this resolution obviously would be unnecessary if this study could be done in a timely fashion, if we were convinced at some point that, one, that the study would be done in a timely fashion, and two, the Executive would actually respond to the recommendations of the study.

MR. ZWIRN:

Well, you also have to have the financial wherewithal to do it. If you're prepared to raise taxes to have Sunday bus service, then that's something the Legislature can do on their own. You could put a bill in tomorrow.

LEG. ROMAINE:

I can put a bill in to reduce the Executive Branch.

CHAIRMAN SCHNEIDERMAN:

I think there was a finding in the BRO Report, not that I'm suggesting we do this -- but I think there was -- I believe a finding in the BRO Report that for every 25 cents the bus fare changes, that's a million dollars additional revenues.

MR. ZWIRN:

The revenues from the buses from what I understand -- and Bob Shinnick is here, he can speak to it -- does not pay for the bus service, just the revenue coming in from people paying fees to get on the buses.

LEG. ROMAINE:

All federal and state aid -- including federal and state.

CHAIRMAN SCHNEIDERMAN:

That doesn't mean we shouldn't provide public transportation because --

MR. ZWIRN:

I didn't say that.

CHAIRMAN SCHNEIDERMAN:

And there are substantial amounts of federal aid involved. And, you know, I thought an efficient way to do it and a way to get around this issue of whole County was to have a private group like United Veterans run the service, and not run a bus service per se, but run a van service that was particularly targeted at getting people to work. And they had -- they had \$50,000 in federal funds. A County match of \$50,000 would -- plus they have all the buses and vans -- could make that project viable. It could happen just from Memorial Day through October of next year, it could provide data that could compliment the study that the County is doing. And I've been searching for that \$50,000, and I haven't been able to find it. It didn't make the budget. There may be money within --

MR. ZWIRN:

What about the private sector?

CHAIRMAN SCHNEIDERMAN:

Let me just finish. There may be within Suffolk Transit budget or the County's budget. I'm not sure. It's something we could look at. It may not be dead.

MR. ZWIRN:

The larger employers historically have brought own. We have Publishers Clearinghouse in my old home town, and they used to bring people in. They had their own school buses, they arranged for pick ups, and they -- because they needed -- they needed a workforce. And they were able to do it not on the public dime, but through the private sector through their own resources. And I don't

think that should be overlooked as well. You have hotels out on the East End that need people or landscaping companies that bring -- that need people. I had a business. If I couldn't get people there through public transportation, which was spotty in the neighboring county, we make sure somebody came and picked them up and brought them home and brought them to work.

CHAIRMAN SCHNEIDERMAN:

To me, it's the County's -- you know, the County is in the business of providing public transportation. We haven't been doing it on Sundays. There's clearly a need possibly throughout the County, certainly on the East End in the summertime. And there's an economic impact of not providing public transportation. I think we make the money back in terms of sales tax revenues. And I would just urge this to happen expeditiously. And hopeful it will. I know there other hands up too. So you will have to remind me. Legislator Kennedy, no?

LEG. KENNEDY:

Again, I would just go towards what Legislator Romaine had posed in response to Mr. Zwirn's comments earlier as far as a willingness or apparent willingness to go ahead and embrace a seasonal type of an application of this. And you know, in November you say to yourself well, why would we start a pilot now. I think what I would say to you is -- is that it probably takes us 12 months at the very least to go ahead and do anything that's almost emergent.

With the Health Department most recently, I had a six month deadline on a resolution, and I'm in my 15th month waiting for it to be implemented. There are departments that are overwhelmed, understaffed and overworked, and I think by posing this, what we're suggesting is let's try to put the mechanics of the wheels in motion to go ahead and maybe have this be a reality in the spring.

And the other thing that I would say to you is -- is that I'm a West End guy, but I guess I do buy into the fact that there's a difference in this County as far as West End and East End. And I know we devote a tremendous amount of County support and promotion to the tourism aspect of the East End and the hotel industry and the wineries and the restaurant industry and things like that. And again, from a macro perspective, this probably might be something that would be helpful and prudent. That's all.

CHAIRMAN SCHNEIDERMAN:

Okay. If there's no further comment we have -- oh, Legislator Browning who knows a bit about the bus industry.

LEG. BROWNING:

Just a few things.

CHAIRMAN SCHNEIDERMAN:

A little bit about public transportation.

LEG. BROWNING:

But I understand where you are coming from with the need for --

P.O. LINDSAY:

Are you on, Kate?

LEG. BROWNING:

I am on. But, you know, one of the things that I've heard since this resolution came up is -- Legislator Eddington's not hear today, he talked about Patchogue and the need for it there. I've heard from my residents in North Bellport. It's a lower income area, where they don't all have cars. I've heard it from Gordon Heights residents where their concern is. So, you know, in order to do this -- I understand what you are saying. Obviously, at this time of year a pilot program is not going

to prove the need for it. Definitely in the summer we're definitely going to see it. But, however, you know, in my communities, I want to be able to see that I could submit the same resolution and put my district at the top of the list also.

CHAIRMAN SCHNEIDERMAN:

I say do it wherever the need exists, so.

LEG. D'AMARO:

Jay.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

I know we have had the discussion in the past, but I just want to confirm again that the study that the County is presently conducting has a -- there's a timeline or a deadline that that the study has to meet. What is the deadline?

MR. ANDERSON:

I believe 18 months.

MR. SHINNICK:

Fifteen.

LEG. D'AMARO:

Okay. And that study is going to include this route that's addressed in this bill as well?

MR. ANDERSON:

Yes. It's going to look at the County -- County-wide, each individual routes and see if something can be pulled from another area, how we can best make the whole system work.

LEG. D'AMARO:

Is it looking at not only making the existing system work, but also to expand where needed, is that the purpose of this study?

MR. ANDERSON:

Where needed, yes. Yes, sir.

LEG. D'AMARO:

All right. And is it also addressing the Sunday use of buses?

MR. ANDERSON:

I believe so. It will look at all aspects of the bus system and where it can be improved.

LEG. D'AMARO:

Okay. All right. Because I think we do need to study that, we need to expand the Suffolk County Bus System. There is a growing demand and need, and I for one also agree with Legislator Romaine that there probably is a need for some Sunday bus service now. But to cherry pick out one route and conduct these studies piecemeal, I think is not the direction that I would prefer. I'd rather do it as a comprehensive study, and I agree with the Presiding Officer on that. So with that said, I'll offer a motion to table.

LEG. HORSLEY:

Second.

CHAIRMAN SCHNEIDERMAN:

Tabling motion takes precedence. On the motion, any discussion? Okay. I'll call the vote. All in favor of tabling? Opposed? I'm opposed.

LEG. KENNEDY:

Opposed.

CHAIRMAN SCHNEIDERMAN:

There are three opposed. All in favor again? Legislator Lindsay, you're voting as well, right?

P.O. LINDSAY:

I'm voting to table it.

CHAIRMAN SCHNEIDERMAN:

To table. So three to table -- I'm sorry, four to table. Four is enough to table. The resolution is **TABLED (4-3-0-1 - Presiding Officer Lindsay participated in the vote - Opposed; Legis. Kennedy, Romaine and Schneiderman - Not Present; Legis. Eddington).**

CHAIRMAN SCHNEIDERMAN:

Did you get the vote on that, Donna.

MS. CATALANO:

Yes.

CHAIRMAN SCHNEIDERMAN:

1984, To transfer portion of CR 63 (Peconic Avenue) to the Town of Riverhead. Legislator Romaine.

LEG. ROMAINE:

I'll make a motion for the purposes of discussion. I'd like to ask the Public Works Commissioner before I -- just for purposes of discussion.

CHAIRMAN SCHNEIDERMAN:

What's the motion, to table or to approve?

LEG. ROMAINE:

I'll make a motion to approve until I hear from the Commissioner of Public Works.

CHAIRMAN SCHNEIDERMAN:

All right. For the purpose of discussion, I'll second.

MR. ANDERSON:

The meeting that we spoke about at the last committee meeting has been scheduled for next week.

LEG. ROMAINE:

Oh, it has.

MR. ANDERSON:

I'm just trying to see whether it's Monday or Tuesday, but it's one of those two days. We're meeting with both the Town of Riverhead and the Town of Southampton.

LEG. ROMAINE:

Right because -- right. The Town of Riverhead had asked me to introduce this resolution originally, because they were willing to take over, I think it's 200 feet or something, maybe it's at most 250 feet -- of CR 63, which is Peconic Avenue from the circle to 25, half of which is in the Town of

Riverhead. So based on that, that you're meeting is going to take place next week -- and hopefully you can report back to us on that, because I know you had some problems with that earlier -- I'll move to change my resolution, if I may, Mr. Chairman, motion to table.

LEG. HORSLEY:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay. There is a motion to table and a second by Legislator D'Amaro. All those in favor? Opposed? Abstentions? Okay. 1984 is **TABLED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2076, Directing the Department of Public Works to solicit proposals to provide a temporary land and traffic safety equipment and personnel along County Road 39 on Friday evenings during peak traffic times in 2007.

I'll make a motion to table.

LEG. HORSLEY:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Horsley. All in favor? Opposed? Abstentions? 2076 is **TABLED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2095, Directing the Department of Public Works to conduct a feasibility study for the construction of a pedestrian bridge over William Floyd Parkway in Shirley.

Legislator Browning?

LEG. BROWNING:

I'm making a motion to table because I still am having some conversations with DPW.

CHAIRMAN SCHNEIDERMAN:

Okay. Motion to table, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? 2095 is **TABLED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2139, To dedicate corner of Pulaski Road and New York Avenue in Huntington as the "Carmen Ramos Calixto-Laas Corner".

What are we doing with this? Has this been through the committee, the Naming Committee?

LEG. ROMAINE:

No.

CHAIRMAN SCHNEIDERMAN:

No, it hasn't been. All right. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? 2139 is **TABLED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2171, Adopting Local Law No. 2006, A Local Law to establish a Safe and Sustainable Procurement Policy.

Legislator Romaine.

LEG. ROMAINE:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve. As you know, Legislator Stern is my cosponsor on this.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to approve, I'll second -- Legislator D'Amaro will second. Seconded by Legislator D'Amaro. All in favor?

MR. ZWIRN:

Mr. Chair, may I just have an opportunity just to comment?

CHAIRMAN SCHNEIDERMAN:

Sure. Mr. Zwirn has asked for.

MR. ZWIRN:

I'll let the County Attorney's Office go first.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. Gail.

MS. LOLIS:

Thank you. Gail Lolis, Deputy County Attorney. We had communicated two recommended changes to Legislator Romaine, the sponsor. He had e-mailed us back that we should send him the revisions, and we're in the process of doing that now.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Based on that, I'll move to table this until the revisions are forthcoming from the County Attorney's Office.

MS. LOLIS:

Thank you.

LEG. ROMAINE:

Thank you.

MR. ZWIRN:

And I would just like to say that for the County -- we're supportive of this resolution from Legislator Romaine and Legislator Stern. We just want to make sure that DPW and the Health Department and everybody can just make sure it's workable, that they understand it and can comply with it.

LEG. ROMAINE:

We had some meetings in which my staff attended, and DPW was extremely helpful. So I think it's going to work out. And based on that, I'll table it, and at the next meeting, we'll vote this in.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Romaine, seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? 2171 is **TABLED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

Moving on to Introductory Prime. **2199, Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with 455 Commack Road (Tanger Mall)(BA - 1456).**

LEG. HORSLEY:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There is an a motion to approve by Legislator Horsley. Is there a second?

LEG. BROWNING:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Browning. On the motion, Legislator Kennedy.

LEG. KENNEDY:

On the motion. Mr. Chair -- through the Chair, I'm going to ask two people to go ahead and step to the table if they will to go ahead and speak about this. As we've heard quite a bit from other speakers, I'd like to hear from Bill Hillman and Ben Wright as to capacity for Southwest Sewer District prudence. Also, I believe Legislator Romaine had a question about the County policy of promoting demolition of independent sewage treatment systems. And I would like to hear about the developer's willingness to go ahead and address the Commack Road issues. Hi, Ben. How are you?

MR. WRIGHT:

With respect to comments and presentations of Mr. Robinson, I really didn't have disagreements with anything he said. I might be able to expand on a couple of issues. With respect to Bergen Point, there's 1.3 million gallons per day of capacity that's available. That's above and beyond what's needed within the district boundaries. And it considers all the projects that have been on the table or approved and haven't been constructed at this time. So there's sufficient capacity for probably four or 5000 dwelling units, you know, in that 1.3 million gallons per day.

I know Legislator Romaine had indicated that the policy of the Sewer Agency is to minimize wherever possible the number of sewage treatment plants in Suffolk County. That policy hasn't worked as well as I would like it to be. There's probably 170 sewage treatment plants in the County. When the Sewer Agency approves a project to be built that includes a sewage treatment plant, it requires 100% expansion of the land for treatment and disposal purposes, but often the projects are either not close enough for a real small flow to be conveyed to that -- that project that exists because of some technical problems in getting small sewage flows that far or they're too big to take advantage of 100% expansion of what would be a smaller existing project. With respect to Bergen Point itself and the Southwest Sewer District --

LEG. KENNEDY:

Before we leave that, can I go back? Because, you know, I think that most of us or all of us around here are going to say that where possible, sewerage makes sense and that and it's the better way to go ahead and protect our aquifer. But to me this project seems somewhat unique in that there was a sewage treatment plant on-site. And I believe the gentlemen referenced that it had a 36,000

gallon capacity when it was in tact before authorized to be demolished. Did you have the opportunity or did the Sewer Agency have the opportunity to have any kind of a discussion prior demolition, or was this brought to you solely as a request to connect?

MR. WRIGHT:

There was some discussion at the Sewer Agency. It didn't indicate that that 36,000 gallon per day plant could be expanded up to 82,000 per day. There were the options of on-site systems discussed, but it was very little discussion about expanding and improving that particular plant. It is the Agency's policy to minimize plants wherever possible. When Bergen Point was constructed, there were ten treatment plants that were eliminated. Going up Route 110 there's over 50 connections and 30 plus, 33 I think, are of a sufficient size that could have required a treatment plant. So even though there are many in the County, there were a lot more eliminated by having a larger facility that has the capacity.

LEG. KENNEDY:

So this harmonizes with our overall policy --

MR. WRIGHT:

Yes.

LEG. KENNEDY:

To go ahead and promote that. Okay. Fine. I stopped you. You were going to talk a little bit about Bergen as well.

MR. WRIGHT:

Well, I was going to mention the number of treatment plants that were eliminated. I just did indicate that.

LEG. KENNEDY:

Excellent. Thank you. I appreciate that. And again, if I can also, Mr. Chair, go to Mr. Hillman. I know the purpose of this resolution here today is for sewerage only, but nevertheless, it just seems to me that perhaps this may be our only opportunity to hear about some of the traffic aspects since we have none of those other matters before us. Can you just speak briefly as to what the dialog has been between the County and the developer with traffic impact, traffic aspects?

MR. HILLMAN:

Yes. We have reviewed the traffic impact study. We have been working closely with the developer to identify mitigation measures on the County roads that we feel are necessary to mitigate the traffic. They have been very cooperative. And we're still working with them to resolve a few issues, but they have been cooperative, and it's moving in the right direction.

LEG. KENNEDY:

Is there any permitting aspect associated with this, or was that a true statement that access can be had through this existing curb cut and we have no permitting aspect.

MR. HILLMAN:

That is correct. There is no curb cut to provide for access to this facility. However, when they agree to perform these mitigation measures, there will be permitting -- permits required to do that work within the County right-of-way.

LEG. KENNEDY:

So we do have some permitting aspect associated with this and it's not totally voluntary on the part of the developer. They do need some kind of overall approvals from us.

MR. HILLMAN:

Well, eventually they will. When the -- when the recommendation are confirmed by the town, then -- for the mitigation measures -- then they will have to come to us for a permit.

LEG. KENNEDY:

As you sit here now, do you have a meeting of the minds, do you have 100% understanding or agreement as far as what's going to be done with the traffic?

MR. HILLMAN:

Not 100%, no. We are working with them. We anticipate additional meetings shortly to resolve a few outstanding issues. And one of the unique methods that we're utilizing on this project is we're requiring the developer to provide a bond that will be held by the County until all the trip generations and volumes are proven at full build-out. So let's assume for the moment that they identify X number of trips during the p.m. peak, and it requires X, Y and Z to be done, we're going to be holding a bond on them. And the value of that bond has not been determined as yet. However, they've agreed to provide us with a bond that would be held until full build-out is complete. And they have committed their engineers to go back and confirm that those trip generation volumes are accurate. And the more -- what's more critical is the roadways that are being utilized to access this facility. So basically when it's all said and done, they're going to come back and confirm everything that they've estimated.

LEG. KENNEDY:

Mister -- the developer, Mr. Burmer I believe it was, spoke before --

CHAIRMAN SCHNEIDERMAN:

Blumenfeld.

LEG. KENNEDY:

Blumenfeld, I'm sorry. Mr. Blumenfeld spoke about the sequencing of the traffic signaling going up to the LIE.

MR. HILLMAN:

That is correct.

LEG. KENNEDY:

That's been discussion that you've had?

MR. HILLMAN:

Everything that he mentions has been discussed. He's absolutely correct. Those are all identified mitigation measures. There are some widenings along Commack Road that they've agreed to in a connection of the traffic signals, to upgrade the traffic signal system. He nailed it right on the head. I don't have the specifics. I was not prepared in detail. I could provide that to the committee if you'd like.

LEG. KENNEDY:

I'm not sure about my colleagues. I would like to see it for the purposes of assuming that it gets out of the committee today for Tuesday. But I personally would like to see that. If you could share that with me, I'd appreciate it.

MR. HILLMAN:

I could provide it, certainly.

LEG. KENNEDY:

All right. Thank you, Mr. Chair. I'm finished as far as questions go. Thank you.

CHAIRMAN SCHNEIDERMAN:

Though, you know, traffic is interesting, it's not in front of us today for traffic, it's in front of us for septic, hooking up to Bergen Point. So I want to go back to that issue with Mr. Wright. First, I should thank you for giving me the tour of Bergen Point facility. I'm probably the only person who's ever thanked somebody for a tour of a septic sewage treatment facility.

MR. WRIGHT:

Still smiling.

CHAIRMAN SCHNEIDERMAN:

But it was fascinating how large it was and how it operated there. And you had spoken a moment ago about capacity there. And I think you said there was something -- a million gallons per day remaining capacity.

MR. WRIGHT:

One point three million gallons.

CHAIRMAN SCHNEIDERMAN:

Does that include the Tanger hook up?

MR. WRIGHT:

Yes, it does.

CHAIRMAN SCHNEIDERMAN:

It does. So even after Tanger there's still a million. And how much is Tanger?

MR. WRIGHT:

Eighty-two thousand plus.

CHAIRMAN SCHNEIDERMAN:

Eighty-two thousand.

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So it's a small portion of what the current capacity is?

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

Do we have any kind of guidelines? We're not a planning agency, but our approval will allow -- maybe not in this case, because they have the acreage to move forward even without us -- but in the future there may be some projects as that capacity starts to dwindle that will move forward or won't move forward that may hinge on our approval. Do we have any kind of guidelines in terms of prioritizing what gets the hook up?

I know you don't hear a lot -- you know, we heard a lot today from various people in terms of creating jobs and things like that, but, you know, typically we hear a lot about housing needs in Suffolk County and health care types of needs. We don't have any --

MR. WRIGHT:

That question was asked by the previous Commissioner of Public Works to the County Attorney, and the response was that we cannot prioritize, but the Legislature can direct us to do that through legislation.

CHAIRMAN SCHNEIDERMAN:

Okay. So we could create guidelines?

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

But we don't currently have them. All right.

LEG. HORSLEY:

Can I?

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

Let me add to that. This is already in discussion, prioritizing, as we move forward looking at affordable housing needs, bio science, corporations, whatever the list may be that we come up with. This has been in discussion with myself and Legislator Alden as we move forward with his bill when he's looking to increase rates. But what we were waiting upon, just to bring you up to date, is we were waiting upon Mr. Wright to finalize a report on the -- what is the sensible cost, according to the sewer district as to discharge costs.

MR. WRIGHT:

Yes.

LEG. HORSLEY:

Which I understand you're near completion.

MR. WRIGHT:

As part of the contract with consultants to develop the design for expanding Bergen Point, one of the tasks was to develop a reasonable connection fee cost. We've received some information that we have to digest and discuss a little bit further before we have a, you know, recommendation from our part.

LEG. HORSLEY:

Okay. Once that comes in, we will be addressing that exact issue, Mr. Schneiderman, that you had talked about.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. Now is there also some plans to expand the Bergen Point facility, or that is pretty much maxed out at this point.

MR. WRIGHT:

Well, there's 1.3 million gallons, as I said, is excess available capacity, but we do have a consultant that's looking at five million gallons per day of expansion.

CHAIRMAN SCHNEIDERMAN:

That's a significant expansion.

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

Do you have the property there to do that?

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Mr. Wright, good afternoon. I asked a question to the developer and the developer's representative about this project going forward without the approval of the sewer hook up by the Legislature -- or by this committee and then the Legislature. And you mentioned to Legislator Kennedy in response to one of his questions that there is a County policy of shying away from the on-site systems and a preference to hooking up to something like Bergen Point; is that correct?

MR. WRIGHT:

I may have been misinterpreted. I meant that the Sewer Agency has a policy about non proliferation of sewage treatment plants. So wherever possible, they want to consolidate developments and use existing capacity in treatment plants. Environmentally, we feel it's a benefit.

LEG. D'AMARO:

Well, that's my question. In your opinion, as the expert for the County on this topic, if I am in a position where I know this project is going forward whether we deny this approval or not, what should be our preference, in your opinion? Would we rather see the on-site facility, or would we rather hook it up into the sewer district and why?

MR. WRIGHT:

Well, the first preference is because it would eliminate a sewage treatment plant of that possibility on that site. If there were septic systems going to be installed, I think on an environmental basis, that those systems would probably remove maybe 25 or 30% of the pollutants, where if they went to a conventional treatment plant, it would remove 95%. You know, plus they would remove nitrogen and nutrients. So it's certainly, you know, no doubt that sewage treatment is much better than the on-site systems.

LEG. D'AMARO:

Okay. So the installation of a septic system on-site would be more departmental to the environment in the Deer Park area than hooking up to the Bergen Point facility.

MR. WRIGHT:

Yes. But I have to add one more item, that when Mr. Robinson talked about density, that's taking into consideration somewhat that you spread out the load so to speak in an area so that the concentration or the load don't affect the groundwater as much as. But it's still -- you know, when you look at the bottom line, it's 35% of removal or 25% as compared to 95%.

LEG. D'AMARO:

Right. I'm sure if the septic system were constructed, it would be constructed in the best way possible to minimize the impact or mitigate the impact on the environment. But nonetheless, the first choice or the best choice is to hook this facility into the Bergen Point Center.

MR. WRIGHT:

Yes.

LEG. D'AMARO:

Treatment facility. All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

One more, and I'd like to stay on the questions as far as the advocacy for sewerage and the sense thereof, 83,000 gallons is, I believe, significantly above what the current needs are of the applicant based on the way the project is constructed. And I'm wondering about what sounds like an effort on the part of the applicant to bank, if you will, a certain number of gallons for capacity anticipating future modifications or developments or other tenants. Is that something that's routinely done or entertained when we have connection?

MR. WRIGHT:

It's not that typical, but there are a number of facilities that, whether it's speculation or just they're not exactly sure how many units they're going to do or what their layouts going to be, that they do reserve that capacity when, you know, they have that opportunity. You know, to go through the process again, you know, is timely and costly. So if you have some flexibility, you know, in the financing part of it to purchase that capacity and reserve it, then they do that.

LEG. KENNEDY:

How long -- assuming this is something that we've encountered, how long do you hold that bank capacity?

MR. WRIGHT:

They're buying the capacity, so it's there's for the term of the contract, which is 25 years.

LEG. KENNEDY:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

I will recognize Legislator Stern. Though he's hot on this committee, he wishes to be heard.

LEG. STERN:

Thank you, Mr. Chairman. I appreciate the courtesy. Mr. Wright, you had -- hello, by the way. How are you doing?

MR. WRIGHT:

Good afternoon.

LEG. STERN:

You had testified earlier that there's remaining capacity. Remaining capacity after the -- assuming that this project is approved and goes forward --

MR. WRIGHT:

This project is already assumed to be connected basically as far the capacity evaluation.

LEG. STERN:

So the remaining number then is what?

MR. WRIGHT:

One million-three hundred thousand gallons per day.

LEG. STERN:

All right. Can you give us an idea as to what -- what that capacity would allow for in the future? Does it allow for "X" amount of housing units? Does it allow for another Tanger across the street? What do we get for the remaining capacity going forward?

MR. WRIGHT:

I indicated before that if I divide that number by 300 gallons per day, which is, you know, what we use for a single family home, that we're talking about maybe 4,000 or 4500 hundred units. It's difficult to estimate what, you know, type of -- of other developments, you know, other than single family homes. The Smith -- the Walt Whitman Mall, for example, has a capacity around the same as Tanger, and that's connected even though it's much further north.

LEG. STERN:

Well, it's not necessarily difficult to understand what may be coming down the road, because so many of us have read and heard about potential development at Pilgrim State property, which is going to be mixed use of housing units and retail and other. And that's going to have a significant requirement in terms of capacity going forward.

So I guess my question would be, if assuming the approval here going forward, what capacity then do we really have knowing that there's another tremendous project slated for that immediate area?

MR. WRIGHT:

That 1.6 million gallon per day project is already accounted for in our numbers. This 1.3 million is after accounting for the Hartland project.

LEG. STERN:

Okay. Do you know how many units that they utilized in that study?

MR. WRIGHT:

I forget the exact number. I though it was 9000 --

LEG. STERN:

So the study that the Sewer Agency has completed already accounts for the full 9000 units as being proposed at Pilgrim State?

MR. WRIGHT:

Yes. And I forget whether -- which was retail and which was commercial, but there was three million of one and one million of office maybe. But that 1.6 million gallons per day is accounted for.

LEG. STERN:

You're saying then that Pilgrim -- just for the record then, Pilgrim State property and development as proposed could be done in its entirety and still have a million plus in capacity left over.

MR. WRIGHT:

Yes.

LEG. STERN:

Very good. Thank you.

CHAIRMAN SCHNEIDERMAN:

Ben, when you talk about 4000 or so housing units, you're talking about outside of the sewer district? Because you said --

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

It's already taking care of the full development within the sewer district; is that correct?

MR. WRIGHT:

We've reserved two million gallons per day in the sewer district, because there are a couple of thousand units that are lots that are not connected at this time.

CHAIRMAN SCHNEIDERMAN:

Okay. So if we were to look at actually what percentage, putting aside the things that haven't been built, you may not have this figure, but basically the capacity -- current capacity of Bergen Point and the current usage of Bergen Point, how much capacity is unused right now?

MR. WRIGHT:

Our average flows are approximately 24 million gallons per day out of 30. And I may be a little bit off on some of these numbers, but two million gallons per day is what we had in the district, which brings us up 26. There were a number of projects, I believe it might have been 1.7 or 1.8 million gallons a day that are basically on the books that they've come to us, they've gotten certain types of approval, conceptual certification or formal approval by the Sewer Agency, and then the remaining 1.3 million gallons per day. I'm not sure if that brings us up to 30 or not, but I know we've corresponded with a number of Legislators with the exact or the estimate numbers that we have.

CHAIRMAN SCHNEIDERMAN:

Again, the total capacity is 30 million gallons per day, and the current use is 24 million gallons a day?

MR. WRIGHT:

Yes. There's another half a million gallons a day that's trucked-in septage waste, but, you know, just to deal with the sanitary waste is 30 and 24.

CHAIRMAN SCHNEIDERMAN:

I don't think there's a capital project yet, is there? But there's a thought of another five million gallon capacity you mentioned.

MR. WRIGHT:

That's in the consultants hands now to evaluate that.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other comments or questions? So we had a motion and we had a second. This is -- where am? This is 2199. I'm going to call the vote. All in favor?

LEG. STERN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, can I recognize -- yes. Okay. Legislator Stern.

LEG. STERN:

Thank you. Thank you for your indulgence, Mr. Chairman. Just for the record, we they all know that it is the towns that have the zoning authority. And this is, of course, a project that originated from the town and received all its town approvals. But I think it's important for all of us to keep in mind as we go forward with not just this project, but so many projects in the future that although it's the towns that have the authority over permitting and land use, that ultimately it comes before this level of government when it comes to the infrastructure, whether it's traffic, which I understand is not the points of today, or whether its sewage capacity, that ultimately this County Legislature can and should play a role going forward, again, not just on this project but regional planning overall.

Making sure that there's sufficient infrastructure in place I think is not an argument between whether to develop and provide jobs to our hard-working men and women here in Suffolk County or not, that they too really go hand in hand. Infrastructure development means jobs. The issue here is the order and making sure that we do whatever we can going forward as a body to ensure that there is appropriate infrastructure to accommodate these projects certainly as we go forward.

And so with that, I hope that my colleagues will join me going forward, whether it's taking a look at how we do things at the County level or how we need to work much better with the towns going forward to ensure that -- again, whether it's this project or any other -- that we have sufficient infrastructure plans in place to accommodate all of these projects, particularly in a concern region to be able to ensure the quality of life of area residents.

CHAIRMAN SCHNEIDERMAN:

Just one comment in response. I think there maybe several of us who are working on trying to prioritize what's left of that capacity. And I think certainly -- you know, I'm certainly willing to work whoever is working on that, including Legislator Horsley, Legislator Alden.

But what I was going to say is, you know, maybe we ought to think as we approach that issue of setting aside a certain amount of the remaining capacity, a certain percentage, to address what we know our major needs in the County such as the housing issue so that we know -- affordably-priced housing or whatever we call it know, workforce housing. When we do see proposals to build workforce housing that there will be remaining capacity to make them happen.

LEG. HORSLEY:

Merit based.

CHAIRMAN SCHNEIDERMAN:

Merit based. Maybe not all of it, but a certain portion of it so we know we can address those very important needs of the County. Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chairman. Just to conclude my thoughts on this very important issue, again, as I mentioned earlier at the beginning of my questioning, having been a resident of Deer Park for many, many years, I'd just like to speak directly to the folks of Deer Park. You know, I do view myself as your representative. I'm here to protect your interests. And if I thought that somehow with my vote today that I could compel a reevaluation of this project or the traffic or the financing or whatever it needs to be reevaluated, I would have serious reservations about approving the hook-up, although, as an attorney, I will tell you I'm not sure this is a permissible basis to deny this particular bill.

It's kinds of damned-if-you-do and damned-if-you-don't the way I look at it. And if we were to defeat this bill today, I think the alternative is worse. I think reestablishing a sewer treatment facility or a septic system in the middle of Deer Park is not something that we want to do long term, especially when it comes to protecting our environment.

So again, I think the other issues were vetted at a different level of government. I was not part of that process, but I am part of this process, and I think we have to do the right thing as far as hooking this facility up to the sewer district, because it's getting built either way. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Can I call the vote? Legislator Kennedy, very briefly.

LEG. KENNEDY:

Very briefly. Very briefly. I think that the dialog that's occurred today points out the importance that many of us feel when it comes to projects of this magnitude, but also perhaps, not only are we needing to go ahead and look at prioritization with connection to the sewer district, but also some of the other aspects that we are asked to go ahead and agree to as a County, but do not get the opportunity to participate in because of this local zoning decision making, like the access and flow of traffic on County roads.

We have heard tremendous amounts of dialog and discourse about Commack Road, Crooked Hill Road and several of the other County roads in our network and the use and the additional traffic. That's why it's prudent to go ahead and have this discourse, because this is the only opportunity we have, Mr. Chair, when it comes to us at this point. So I will suggest that that's another matter that this body needs to look at as far as how it goes into the ultimate process. Sewering does make sense though as far as this goes.

CHAIRMAN SCHNEIDERMAN:

Okay. I thank everybody for their patience. Hopefully we'll move through the rest of the agenda quicker. Let's call the vote here again. All in favor? Any Opposed? Abstentions? 2199 is **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington).**

2200, Directing the issuance of a request for proposal to maximize grant funding.

This is Legislator Horsley's resolution. What's your wish?

LEG. HORSLEY:

Approve. Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve, is there a second.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

While I think I'm going to ask to hear from the department first, but I've got some questions as far as -- for the sponsor and for the department as well.

CHAIRMAN SCHNEIDERMAN:

Could we get an explanation first on what the bill does? Legislator Horsley, do you want to explain?

LEG. HORSLEY:

This is -- we're looking -- we're looking -- there are departments within the County, and this was first recommended by the County Executive in his -- in his State of the County Address, where we're looking -- we're where looking at certain departments who do not have access to grant writers. And there seems to be that there's a lot of monies out there, whether it is environmental or Public Works or the like. And we felt that we should move towards hiring a consultant that will -- that will address going out and getting some of those monies that we feel that we're -- we may be doing -- we could do a better job in getting.

LEG. KENNEDY:

Well, thank you. I appreciate that explanation. I speak from experience in over 20 years in County government, ten of which were in the Intergovernmental Relations Division, which had staff people who daily went through the Federal Register, the State Register and had extensive contact -- and as a matter of fact, there were people charged specifically with grant notification and grant submission to the departments.

Having been in the County Clerk's Office for nine years, I participated directly on an annual basis on writing and submitting for a variety of grants, including {SARA} Grants, some of the other grants that we pursued and received. And the concept, I think, is an concept, however, I question the need to go ahead and engage some outside entity to perform what I believe many, many County agencies have the ability to go ahead and pursue.

LEG. HORSLEY:

Let me add in addition that monies will be received from the -- from the contractor only if grants are approved by the County or accepted by the County.

LEG. D'AMARO:

Payment.

LEG. HORSLEY:

Payment, right.

LEG. KENNEDY:

I'm more confused than I was before.

LEG. HORSLEY:

If a contractor goes out and seeks a grant from the County -- for the County, and monies are received, that's how the grant writer would be -- receive payment. It's contingent.

LEG. KENNEDY:

I understand, Mr. Chair, what he said. I just -- I take issue with the concept of the need. How about the department?

MR. ANDERSON:

Our only comment is that generally, specific to the Fifth Resolved of the Resolution, in that Department of Purchasing generally needs 180 days to issue an RFP. We'd recommend that the Fifth Resolved be revised or reworded to state that that the Division of Purchasing shall present an award -- sorry -- shall present an award recommendation based on the committee's evaluation to the Suffolk County Legislature within 240 days, which would give us an additional 60 days to complete the process.

CHAIRMAN SCHNEIDERMAN:

I make a motion to table.

LEG. KENNEDY:

Mr. Chair.

LEG. HORSLEY:

That's fine.

LEG. KENNEDY:

One more question, if I can, Mr. Chair, though, because I believe it's important to --

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, we'll table it one cycle and figure it out.

LEG. HORSLEY:

Sure.

LEG. KENNEDY:

I'm curious. Mr. Zwirn, this is one where I guess I'm going to ask you specifically, what is the County Executive's position on this proposal?

MR. ZWIRN:

I think as you stated, there are -- there are people in the departments that are actively looking for grants, it happens all the time. We approve them all the time; Police Department, Health Department, they're constantly -- I think Legislator Horsley here is looking to --

LEG. HORSLEY:

Smaller.

MR. ZWIRN:

Smaller departments. Just whatever grants are out there that we are -- we may be missing to try to go out and get access to, with the understanding that some of these grants you may not want because they're recurring expenses. They may be a one-shot grant, but then we'll have a recurring expense every year which we may not have the funding for. So we have to be careful sometimes on which grants we accept.

LEG. KENNEDY:

You'll agree though that we have departments or divisions, even as small as the Division of Women, Division of Youth --

MR. ZWIRN:

They're all getting grants.

LEG. KENNEDY:

Human Services. All of which actively go ahead and pursue, and which we routinely approve here on a regular basis. As a matter of fact, they were just in a packet I went through last night.

MR. ZWIRN:

Yes.

LEG. KENNEDY:

How is it then that you -- the County Executive, I guess, seems to think that this something that ultimately might warrant a fee-based situation?

MR. ZWIRN:

With all due respect, it's not our bill, but I know the County Executive is looking at something along these lines to try to help in times when money is tight. We're looking for all possible resources to be able to get grant money that would be helpful to the County.

LEG. KENNEDY:

So your statement here is that the County Executive is prepared to spend money to get this?

MR. ZWIRN:

Well, this is on a contingency basis, so.

LEG. KENNEDY:

I understand the contingency basis.

MR. ZWIRN:

So the money would not be coming out unless we get the grant.

LEG. KENNEDY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Could that possibly be affecting grants we already would get? In other words without having to pay that extra money?

MR. ZWIRN:

No. No.

CHAIRMAN SCHNEIDERMAN:

So this would be new grants --

MR. ZWIRN:

Yes. Correct.

CHAIRMAN SCHNEIDERMAN:

-- that we have never received before?

P.O. LINDSAY:

Can I just add a comment?

CHAIRMAN SCHNEIDERMAN:

Presiding Officer.

P.O. LINDSAY:

I hate to belabor this, especially if it's going to be tabled, but has there ever been any thought to centralizing the grant writing process instead of a grant writer be in the Labor Department and the Police Department, the Department of Public Works, putting them all under one roof and share in the --

MR. ZWIRN:

I believe the follow through on the grants is centralized, but I think the fact that the grants that are sought are often so specialized, I believe that -- that's why they're different departments. The Police Department might not know where to go -- if you get somebody who specializes in law enforcement as opposed to the Health Department.

P.O. LINDSAY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Can I just ask one technical question maybe of Counsel or maybe of the department. The grant writer in this case would be payed on a contingency basis. So if we're applying let's say for a \$50,000 grant, maybe they would get 5% or whatever it might be. Can we do that? Can we take money out of a grant to pay somebody for getting that grant?

MR. ZWIRN:

I don't know if it would necessarily come out of the grant itself.

CHAIRMAN SCHNEIDERMAN:

It would come out of some other source. So we'd have to -- we'd have to create some kind of budget line for that. I think that's important though to clarify where the money is coming from.

Okay. There's a motion -- I made a motion to table, seconded by Legislator Horsley. All right. So the sponsor has the change to make some amendments to it. All those in favor of tabling? Opposed? Abstentions? 2200 is **TABLED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2215, Appropriating funds in connection with intersection improvements on CR 100, Suffolk Avenue @ Brentwood Road/Washington Avenue, Town of Islip (CP 5065).

Is there a motion?

LEG. HORSLEY:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Horsley, seconded by Legislator D'Amaro. On the motion? Hearing no comment, all those in favor? Opposed? Abstentions? 2215 is **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2218, Appropriating funds in connection with the weatherproofing of County buildings (CP 1762).

P.O. LINDSAY:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Presiding Officer Lindsay, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-1 - Legis. Lindsay voted - Not present - Legis. Eddington)**.

2245, Directing the Department of Public Works to implement the Storm Water Pollution Remediation Program.

Motion by Legislator Lindsay, second by Legislator D'Amaro. On the motion, can we get an explanation, Mr. Anderson?

MR. ANDERSON:

We are in favor of this legislation. Since this came out, we have been researching the questions that were raised. I would state for the record that we have bid the project out two times, both times we've had to reject bids due to non compliance with the specifications, which are based on best management practices of DEC. We will -- we are intending to proceed with the project and we will get you that, you know, basically a report on the status of the project to date shortly. And, you know, as I said, we are looking to proceed and bid it out. A little different than the original intent, and we will discuss that with you at that time.

CHAIRMAN SCHNEIDERMAN:

We have a motion and a second. All in favor? Any opposed? Abstentions? 2245 has been **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2271, Accepting and appropriating \$511,575 in 80% grant funding from the New York Metropolitan Transportation Council for a Congestion Mitigation and Planning Coordination Study of the Sagtikos Regional Development Zone (CP 5182).

There is actually one technical problem with the resolution, but not a fatal problem. One of the Resolved Clauses erroneously says state aid, but this is all federal aid, but the budget lines are all correct. Counsel, am I expressing that correctly?

MR. BARRY:

Yeah. There's an error last Resolved Clause that says that it's, quote, state funds instead of federal funds. But the budget are all lines, the money is all correct, it's a typo. We can pass it now and do a correction later.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Kennedy, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? 2271 is **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2273, Amending the 2006 Capital Budget and Program and appropriating funds in connection with refurbishing District Attorney space at Cohalan Court Complex (CP 1134).

LEG. ROMAINE:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Romaine, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? 2273 is **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2276, Amending Resolution No. 1401-2005 which was amended by Resolution No. 160-2006 and authorizing the purchase and installation of bicycle racks on Suffolk County Transit Buses and accepting and appropriating Federal Aid (80%) and State Aid (10%) in connection with this purchase and installation (CP 5648.517).

CHAIRMAN SCHNEIDERMAN:

Do we have a motion?

LEG. BROWNING:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Browning, second by Legislator Romaine. All in favor? Opposed? Abstentions? 2276 is **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2278, Amending the 2006 Capital Budget and Program and appropriating funds in connection with Public Works buildings operation and maintenance equipment (CP 1806).

Do we have a motion?

LEG. D'AMARO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro, seconded by myself. All in favor? Opposed? Abstentions? 2278 is **APPROVED (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

2340, Accepting and appropriating 100% reimbursable funds for the AAA Transportation Program.

Is there a motion to approve and to place on the Consent Calender? Legislator D'Amaro has made the motion, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6-0-0-1 - Not present - Legis. Eddington)**.

That brings us to the end of our agenda. We are adjourned.

(*THE MEETING WAS ADJOURNED AT 4:26 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY