

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 28, 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
Deborah Shea
Eugene Wishod
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:42 P.M.*)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting to order this 28th day of November, 2006. All rise and join us for the Pledge led by Legislator Louis D'Amaro.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Thank you for coming out this afternoon. We have two cards for the public portion. Let's take care of that first. Our first card is Eugene Wishod speaking on IR 1854. How are you, Mr. Wishod?

MR. WISHOD:

Thank you, Mr. Chairman. I have appeared before the committee on two prior occasions on this proposed increase in connection fees. I expressed concerns about, one, the amount of the increase; two, about its effective date rather than postponing it to give the development community an opportunity to respond; three and perhaps most important, the absence of a grandfathering clause for those applicants who would receive formal approval or conceptual certification for the impact this might have on affordable housing projects. And also, the fact that the focus had been exclusively on the Southwest Sewer District and certain perceived inequities.

But we have 20 other sewer districts in Suffolk County other with two on the way. And this legislation is going to impact those districts as well as just the Southwest. I don't really know where we are now. I recall at the August 15th meeting, Mr. Chairman, you asked then Commissioner Bartha to have DPW and his staff do a report. According to my notes, the report you wanted was a pretty broad one addressing the amount of the increase, its effective date, the grandfathering clause. And I don't know if you've received that, I don't know when the full Legislature is going to consider it. So I am a kind of in a quandary about where we stand on this. I don't want to repeat everything I've said in the past, but I was concerned about, one, would we have access to that report, and two, would we have an opportunity to respond to it.

CHAIRMAN SCHNEIDERMAN:

I have not seen the report. Maybe I could have somebody from DPW, Mr. Wright or Mr. Anderson could come forward for a moment and we can get an answer. You know, I think my concerns were based on previous comments made by DPW in terms of that we don't charge in excess of what our costs are, that this wasn't a money making operation, the sewer treatment plants -- the sewage treatment plants. That's the conversation that came up when I tried to raise the fees for scavenger waste, and they said, no, you can't just charge whatever we want, it has to be related to our actual cost.

And my concern with this bill was that it ought to be based on our actual costs. And I think you had echoed that in terms of what the cost of square footage of new construction would be if you were having to build out to accommodate new capacity. And so I had asked for DPW to prepare some kind of analysis to determine what the correct fee ought to be for a hook-up. And if we can get information as to whether that is contained in the report, what that report does contain and if that report is available for the committee or for the public.

MR. ANDERSON:

We have recently received response from our engineers on this issue. And I'll let Ben speak more on it. But, you know, we're fully ready to submit it, you know, for everybody's information.

MR. WRIGHT:

We had a consultant that's involved with our evaluating expansion of Bergen Point Treatment Facility, and one of their tasks was to evaluate the connection fee. And what they did was they

looked at the original construction cost of the treatment plant, they used certain construct costs indexes to look at 1974 until today, and coincidentally, they came up with same number that Legislator Alden had in his resolution, which is \$30 for ever gallon per day of capacity.

What's little bit vague in the analysis is that we're never sure when a contractee connection is going to be made what route they would take. So we've made certain assumptions on the portions of the collection -- the sewer collection system that they be using to get to the plant. So that is a little bit of a vague issue, but it's still -- we feel it's valid. And we, you know, agree with that particular number.

But there were a number of other items that you may want to consider when you're looking at -- at the resolution, and that is the schedule. Right now it indicates that when it's filed with the Secretary of State, that's the effective date. You may want to consider what projects are basically in the hopper at this time. Also, grandfathering, whether or not conceptual certification as well as formal approval would be considered. We would recommend at least formal approval because it's already something that's gone through the Legislature to have a contract executed.

Conceptual certification, that may be a different issue, but it's oftentimes when developers start their financing for a particular project. So you may put them at a disadvantage of going back, different rates, etcetera. And there's one other technical issue, that capacity itself is not always just hydraulics, you know, so many gallons per day. The strength of sewage from a particular type of development might also need to be considered. And we would suggest some wording in the resolution that would give us the ability to look at strength as well as just flow.

CHAIRMAN SCHNEIDERMAN:

Have we raised the rates for hook-up in the past? Historically --

MR. WRIGHT:

Yes. They were \$6 per gallon per day, I believe, you know, a number of years ago. Maybe even 30 years ago.

CHAIRMAN SCHNEIDERMAN:

And what are they currently?

MR. WRIGHT:

They're 15.

CHAIRMAN SCHNEIDERMAN:

When we made the change from six to 15, did we grandfather in projects that had pre approval? Did we bring the change in overnight, or did we bring it in gradually in stages?

MR. WRIGHT:

I believe it was in 2000 that it went from 12 to 15, and it was basically the same format that the resolution is in today.

CHAIRMAN SCHNEIDERMAN:

So it just doubled overnight. And what happened --

MR. WRIGHT:

From 12 to 15 in 2000.

CHAIRMAN SCHNEIDERMAN:

Oh, it went from \$12 to \$15.

MR. WRIGHT:

It went from six to eight to ten to twelve to 15 over the years.

CHAIRMAN SCHNEIDERMAN:

Okay. And now it's 15, and it's proposed at 30. So that would be a doubling where those other increments where lesser jumps. You know, one approach might be to bring that in more gradually.

MR. WRIGHT:

Yeah. I believe one of the other discussion items back in August was cost avoidance to the developers, and that cost is somewhat higher, because it might cost them for a typical development to build their facilities \$50 per gallon per day. And by connecting to a sewer district, they, you know, have additional development that they put forth. They have, you know, no headaches with operating a treatment plant, etcetera.

CHAIRMAN SCHNEIDERMAN:

There are several questions. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Ben, there's an area that I have an interest in, particularly with one of the newly formed districts that Counsel refers, SD-4, and the calculation, I guess, of the cost. Now, I don't know whether or not there's a relationship between cost levied upon a contractee and costs associated with the creation of the district in the first instance. But we've had an opportunity to talk at great length now about what the actual operational cost for the sewer district is.

And we have several components that go into cost. There's more that's being factored in here than just the actual personnel associated with operation of the plant. There's -- for want of a better word, I guess, I'm going to call it overhead. And the question becomes how much overhead is factored into either the cost that goes out to a contractee or the in matter that I was talking about, in the creation of the district the first instance. Is this policy? Is this something that's uniform across the board for the 20 plus districts that we have and operate at this point?

MR. WRIGHT:

Yes. The existing legislation as well as what's being proposed here does not distinguish between any sewer districts. It also addresses only the connection fee or purchasing capacity and bringing equity between the people that are in the district and the new people, new connections. But the operating or user fees are the same for people outside the districts as they are for in, plus 5%. So there is a 5% administrative fee that's on top of anybody that's outside the sewer district, but basically they're paying the same thing.

LEG. KENNEDY:

So a contractee is going to pay the connection, and then they're going to pay whatever the annualized is plus 5%.

MR. WRIGHT:

Right.

LEG. KENNEDY:

We still -- it may not necessarily be germane to discussion here, but we still need to, I believe, go back to the actual calculation of cost between the actual direct and what the overhead is for the operation of any district.

MR. WRIGHT:

Yes.

LEG. KENNEDY:

All right. I'll yield, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Romaine, are you ready.

LEG. ROMAINE:

Yes.

CHAIRMAN SCHNEIDERMAN:

Gene, just stay with us for a moment here, and we'll come back to you.

LEG. ROMAINE:

Forgive me for a second. Mr. Wright, have you discussed things that you've mentioned to the committee with the sponsor of this resolution, Legislator Alden?

MR. WRIGHT:

No, we haven't. I haven't, I'm not sure -- no.

LEG. ROMAINE:

No one has? I would strongly suggest that you discuss this with him. I'm certainly prepared to consider a revision of our rates based on your testimony today, but obviously I'm concerned about projects that might be in the pipeline now. I think the Chairman makes a good point about grandfathering.

And I believe you made some other points about the gradual phasing in, and I think those are two excellent points, plus the points that you -- if you would contact the sponsor, I would suggest that yourself, other members of Public Works do that, possibly the sponsor could revise his resolution, and therefore, garner support for it from the Legislature. That was my comment. Thank you.

CHAIRMAN SCHNEIDERMAN:

Right. I mean, there may be some legal questions that arise as to now that we know the fees are \$30, can we allow people to hook-up for less than that without it being construed as a gift. I don't know. That's really a question for the County Attorney. I know Mr. Wishod had at one point, I thought, testified that it wasn't so much the fees -- and you can correct me if I'm wrong -- you wanted to make sure the fees were fair, that you were looking for fairness.

MR. WISHOD:

That's correct. I was not suggesting that some fee increase was not appropriate. I was concerned about the amount of the increase, when it would be effective, what the grandfathering provisions would be.

CHAIRMAN SCHNEIDERMAN:

Right. And that it was based on some real number.

MR. WISHOD:

Yeah. But if -- if, as I understand it, the doubling of the connection fee from 15 to 30 is going to be based on the construction costs of the sewage treatment plant in the Southwest Sewer District, you're dealing with a very slippery slope for two reasons. One, there are 20 other districts, virtually all of them to my knowledge, didn't cost the County anything. They were dedicated free of charge by the developer who built the original plan. So if you're going to double the connection fee to \$30 for 21 districts with two when the costs to the County was nowhere near what the Southwest Sewer District -- that to me is a pretty slippery slope. The other thing I think the committee ought keep in mind is the cost to construct the Southwest Sewer District was born 10% by Suffolk County and 90% by the Federal and State Governments. Now, what weight you want to give that or not, I don't know, but I think it's something that you ought to be aware of and you ought to consider.

CHAIRMAN SCHNEIDERMAN:

That's an interesting point. I think the first point you made where, you know, some of these fees, the County didn't pay anything to construct, the applicant constructed, I think -- and, Ben, you may want to speak to this, those are the two choices; either you hook up to a facility and pay a hook-up fee or you pay for the construction of a facility, and then you don't pay any hook-up fee, you just pay the annual or monthly maintenance.

MR. WRIGHT:

My general comment would be that each one of these sewer districts that we represent has an asset, and this asset is for sale. It's something that's avoiding the cost to the developers, and it's certainly an environmental benefit. And, you know, I realize that it was -- the cost of that treatment facility was within the price of the house when those people bought it. So it's an asset that they have way. And this is a way of recovering that asset.

CHAIRMAN SCHNEIDERMAN:

Mr. Wishod brought up the point that, I guess, the Federal Government or maybe it was the State who paid 90% of the construction cost. If a private developer is building a sewage treatment plant, is there any subsidies out there for them, or no?

MR. WRIGHT:

Not that I'm aware of.

CHAIRMAN SCHNEIDERMAN:

No. So they would have to bear the full weight of the cost.

MR. WRIGHT:

We did consider that, because the -- when you evaluate the collection system as compared to the treatment plant, there's a significant difference where the collection system is much more costly. And the amount of aide that was given to that from the State and Federal Governments wasn't as high as the 87 1/2% that was given to the treatment facility. So that's what I mentioned earlier. I was a little bit vague in that particular area, but those lines are very expensive. And you can, you know, use all the facts and make the consideration you have to make.

CHAIRMAN SCHNEIDERMAN:

Well, you're comfortable with that \$30 -- \$30 number?

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

Yeah. Hi, Ben. Just wanted to add to this mix. When we consider Cameron -- Mr. Alden's bill -- Legislator Alden's bill or any future bill that may be different, I want to make sure that we address the issue of merit-based. As we get towards the end of the Southwest Sewer District's capacity, we should be looking at what the best projects for -- best projects for the district itself as far as future employment needs, affordable housing and a whole -- whole numerous group of different hook-ups that may or may not be more merit -- more meritorious than others. So I'd like to take a look at that report as well. And if we could go over that, I'd really appreciate it.

MR. WRIGHT:

I believe IR 2299 is addressing those particular issues and various criteria, economic as well as environmental criteria.

LEG. HORSLEY:

I don't think it's as in depth as I had envisioned, but we'll take a look at it. But I'd like to see the report anyway when you're ready for it.

CHAIRMAN SCHNEIDERMAN:

Okay. On the question of whether we can or cannot grandfather, I mean, we obviously have people who've received preliminary approval and they've done their financing based on what they thought the hook-up fees were. I'm sure that, you know, prices are subject to change without notice. This really is a question for Counsel. Can we, say, phase in the charges or create some kind of a relief for those people who have gotten pre approval in terms of maybe not the current price, but maybe somewhere in the middle, is that something we can legally do?

MR. NOLAN:

I think we could. If there's a rational basis for doing so, we probably could grandfather if that's the will of the Legislature.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. Any other questions or comments on this? Mr. Wishod, we kind of jumped in in the middle of your comments, have you finished your testimony.

MR. WISHOD:

Pretty much.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. WISHOD:

I just -- you know, it's hard to base a doubling of the connection fee based on a study of the Southwest Sewer District, which in and by itself might merit more of an increase in a lot of other sewer districts. That's my concern, that it's really based on one sewer district that had its own peculiar financing. But what happens now? Is this committing going to make a recommendation? Is this going to be back before the Legislature next week? I mean, I don't know what happens.

CHAIRMAN SCHNEIDERMAN:

It's before this committee. We haven't voted on it yet. It potentially could be voted out before the full Legislature, it could be tabled again. I don't know. I have no crystal ball. Stick around and you will find out.

MR. ANDERSON:

I believe there has to be a public hearing on this still, doesn't it? The public hearing hasn't been closed.

CHAIRMAN SCHNEIDERMAN:

Counsel, have we held the public hearing on this yet? Is it closed and eligible for a vote?

MR. NOLAN:

I believe this is still open. This is the one that would change -- no. We recessed it.

CHAIRMAN SCHNEIDERMAN:

All right. So there can't be a vote today. It will have to be tabled until the public hearing closes.

MR. WISHOD:

And then it comes back to this committee, and then you make an appropriate recommendation to the Legislature. It's then that --

CHAIRMAN SCHNEIDERMAN:

It either gets voted up or down or tabled. If it gets vote up, it will be in front of the full Legislature. It can still be amended. You may want to talk to the sponsor.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Counsel, I guess I -- based on all of the discussion that we have had and your comments that you question, I guess, the increase based on the cost to construct with Southwest, but yet you do say an increase in fee may be warranted. What would you impose as an alternate method? What do you think it --

MR. WISHOD:

An alternate amount?

LEG. KENNEDY:

An alternate method to arrive at an increase or how to go ahead and gauge equitably what an increase should be across the board? Do you have any thoughts?

MR. WISHOD:

I don't have any more thoughts than what Charlie Bartha said at the last meeting, which was that the connection fees that have been adopted in the past we concededly arbitrary. He didn't say capricious, but I mean that was the implication. I think they're just kind of taken out of this air. I mean, what -- you know, what seems fair at the time. I don't know any of objective formula that would fit all of the Suffolk County sewer districts. That's why a formula for an increase that would be appropriate to the Southwest, which is fueling this whole legislation might not be appropriate in a lot of the other sewer districts.

LEG. KENNEDY:

Well, one of the things you will agree, though, is while each one of the 21 stands alone, and granted, maybe applicants did fund the construction cost, each of the 20 does have sludge that's shipped down to Southwest, and so there's a unified function of Southwest for sludge not only out of our municipal plants, but all other plants throughout the County. So in that respect, it's performing some centralized function.

MR. WISHOD:

Yeah. I don't know if it's doing that for all the districts. When I would recommended is a phased increase. I mean, don't jump from 15 to 30. Jump from 15 to 20, and then 19 -- 2007, you know, a year or so from now, 25. I mean, don't jump right to 30 immediately. Give the development community a chance to adapt. And measure the impact on affordable housing, because I think if you double this immediately to \$30, you can kiss affordable housing goodbye in terms of developers. I mean, they're better off building cesspools and taking less of a yield. That's a decision they're going to have to make. So I think --

LEG. KENNEDY:

Again, I think it's probably right for this --

MR. WISHOD:

What I'd really love to see is an Environmental Impact Statement. This is being treated as a Type II -- a Type II matter. I mean, if this were a private matter, there would no question that there would a positive declaration and an Environmental Impact Statement that would consider all these things; what's the impact on affordable housing, what's the impact on the groundwater, what's the impact on maybe losing connections. I mean, there are a lot -- it's not an easy matter. It's a complicated matter. Why is it a Type II matter? You know, that would be my first preference, do a -- make a positive declaration and do an Environmental Impact Statement. And my second choice would be to phase it in gradually over a period of years.

LEG. KENNEDY:

Okay. Thank you. I'll yield, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you, Mr. Wishod. Our next speaker is Deborah Shea.

LEG. EDDINGTON:

She left.

CHAIRMAN SCHNEIDERMAN:

Oh, she left. Okay. Ms. Shea is not here. Okay. We'll move to the agenda. Mr. Anderson, anything you want say before we begin?

MR. ANDERSON:

No.

CHAIRMAN SCHNEIDERMAN:

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.

We have to table that for a public hearing -- for a continuation of public hearing. There is a motion to table by Legislator Horsley, seconded by Legislator Browning. All those in favor? Opposed? Abstentions? **TABLED (VOTE:7-0-0-0).**

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

Okay. The public hearing is not closed on this one. Same motion, same second. All in favor? Opposed? Abstentions? 1973 is **TABLED (VOTE:7-0-0-0).**

1977, To conduct pilot program for S92 Bus Route.

Legislator Romaine, what's your pleasure?

LEG. ROMAINE:

I'll make a motion to table for the purposes of discussion.

LEG. EDDINGTON:

I'll second that.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table and a second by Legislator Eddington. On the motion, Mr. Romaine.

LEG. ROMAINE:

Yes. Some discussion. My majority colleagues on this committee have continuously tabled this resolution, not because of the merit of the resolution, if I understand their argument correctly, it's because they believe -- or it has been put forward, and I think the Executive's representatives have made similar argument, that there is a comprehensive bus study being done. And rather than just look for a pilot program for S-92 -- and I'd ask Counsel to amend this, because we're looking now to do the Summer of 2007 -- that this study should be conducted somewhere between April 1st and November 1st to give it some flexibility, because obviously, it's not going to get conducted this year.

But the reason -- and I realize it will get tabled anyway, so I made the motion so I could ask the Commissioner a question. When is that overall bus study planned to be finished? Have we hired a consultant? Have we undertaken -- first of all, when do you anticipate that being finished, that overall study of the bus system that they talk about?

MR. ANDERSON:

Right. It should be -- I always get this wrong.

CHAIRMAN SCHNEIDERMAN:

Are the contracts signed now?

MR. ANDERSON:

What's that?

CHAIRMAN SCHNEIDERMAN:

Are the contracts even signed?

MR. ANDERSON:

The contracts have been signed, and they're in the process of being --

LEG. ROMAINE:

Right. So we've done the RFP, we've signed the contract. Does the contract call for a time period for the study to be undertaken and completed?

MR. ANDERSON:

Yes, it does.

LEG. ROMAINE:

And what is that time period?

MR. ANDERSON:

I believe it's either 12 or 15 months.

LEG. ROMAINE:

Okay. I'm not going to hold your feet to the fire. But essentially what you are saying then is that somewhere at the advent of 2008 when we have a new Legislature seated then the current one, a report will be forthcoming; is that correct?

MR. ANDERSON:

Yes.

LEG. ROMAINE:

Okay. Thank you. That was the piece of information I wanted -- I'm making the amendment, because I am going to push for this again. But the study will be done during the summer when the highest utilization rate of S-92 will be undertaken. Thank you.

CHAIRMAN SCHNEIDERMAN:

Mr. Anderson, will there be a scoping session with the contractor to flush out what some of the community concerns or legislative concerns are in this study? In other words, will we have an opportunity to meet with the consultant to express what we believe needs to be looked at within the context of the study?

MR. ANDERSON:

I'm not certain. I could check and get back to you on this.

CHAIRMAN SCHNEIDERMAN:

Also, I would ask you, if we were to provide the S-92 Bus, which is the bus that goes from Orient Point through Riverhead out to East Hampton, if we were to provide that services in the summertime from, say, April to Columbus Day, you know, mid-October, you know, just adding the Sundays, do you have estimate as to what that would cost in terms of the County subsidy? Understanding that there would be state money also supporting it.

MR. ANDERSON:

Well, what we found --

CHAIRMAN SCHNEIDERMAN:

Can you speak more directly into the microphone. I'm sorry.

MR. ANDERSON:

To provide the Sunday service for the bus route, we estimate it would be 24,000 for a four-Sunday pilot period. So depending on the extent, you know, that want to run it, you would multiply -- how long are you talking about running it?

CHAIRMAN SCHNEIDERMAN:

Maybe, let's say, April, May, June, July, August, September, six months. So that sounds like 150,000.

MR. ANDERSON:

Yeah. Give or take.

LEG. ROMAINE:

Through the Chair, would that be -- that 150,000, that would be pure County money, there would be no Federal or State aid that would be received for this? And if you don't have that answer, certainly if you could have it by the next committee meeting, that would be appreciated, because if Federal and State aid are available and that would underwrite some of that \$150,000 cost, I certainly would like to know that. I'm sure Legislator Schneiderman would like to know that as well.

MR. ANDERSON:

I can follow up on that.

CHAIRMAN SCHNEIDERMAN:

Mr. Anderson, is there funds within your budget for next year that could cover that operation of that bus for that period?

MR. ANDERSON:

Not to my knowledge.

CHAIRMAN SCHNEIDERMAN:

In determining the cost, we would have to know the projected ridership, is that going to be a major factor in determining what the costs are, if the bus is full versus the bus being empty?

MR. ANDERSON:

I believe it's more -- more a factor of how many buses you would have to have out there, what time period you'd want them running, would you want them a full eight-ten hour day, or would you want it just in the morning, you know, the evening.

CHAIRMAN SCHNEIDERMAN:

Your estimate of 24,000 for four weeks, that is based upon the same schedule as the Saturday schedule, is that --

MR. ANDERSON:

It's based on four trips in each direction, between the North and South Forks between the hours of 7:35 a.m. and 6:20 p.m.

CHAIRMAN SCHNEIDERMAN:

Okay. So it sounds like it's a modified schedule. Is that what they run on Saturdays now, four trips? Mr. Shinnick may know if he's here.

MR. ANDERSON:

He's not here.

CHAIRMAN SCHNEIDERMAN:

He's not here. Okay. So that's four trips in each direction.

MR. ANDERSON:

Yes. I believe in speaking with Bob, and I can confirm it, that it was more or less two in the morning, in the early part of the day and then two towards the evening period.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions? Okay. Thank you, Mr. Anderson. All right. So there was a motion to table 1977, there was a second, I believe. All in favor? Opposed? Abstentions? **TABLED (VOTE:7-0-0-0).**

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

Legislator Romaine.

LEG. ROMAINE:

I'll make a motion to table for the purposes of discussion, because again, I'm trying to get the information that is necessary. I'm told that DPW -- maybe before I make a motion, I would be permitted to ask a question of the Commissioner. Could you tell me what the status is of your negotiations currently with the Town of Riverhead to take the sub 200 feet of this roadway that they propose -- within the boundary of Riverhead -- that they're proposing to take off the County's hands and undertake the maintenance and repair of?

MR. ANDERSON:

Surely. We met last week with representatives of Riverhead and Southampton. In trying to discuss the deal, the Town of Southampton basically told us they have no interest in taking over a portion of that road. What we did find out is that the Town of Riverhead did a study to signalize the location of the exit from the Riverside Park. And they provided us with a copy of that study. We are now going to review that study to see if that's a feasible option. And if the numbers work correctly, that could be an option that would eliminate us from having to transfer the road over. We could install the

signal, and we'd be able to basically kill two birds with one stone. You'd be able to possibly do left turns -- signalize left turns as well as pedestrian crossings.

LEG. ROMAINE:

Right. Because it makes it difficult, as you know, coming out of the River Park to make -- it's almost near impossible to make a left turn currently, and that forces everyone to make a right turn and sends them around in a continues loop, unless they're willing to cut over the left lane and make a left turn on to 25.

It's a very difficult situation in terms of traffic flow. And I'm assume that's one of the reasons the Town of Riverhead has come forward with this. Based on the fact that you continuing to have discussions -- I always believe those discussions are more productive than resolution if they can be worked out -- I will make the motion to table. But it's still there, and I reserve my right to keep on asking, because I'm supposed to represent -- one of my towns is Riverhead, and I represent their interest. And you can see that they have and there is a legitimate concern and a public purpose to their concern. Thank you, Mr. Chairman. So there is a motion from myself to table.

CHAIRMAN SCHNEIDERMAN:

I'll second. All in favor? Opposed? Abstentions? 1984 is **TABLED (VOTE:7-0-0-0)**.

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 had modified this bill from its earlier version. This only deals with Friday nights in the summertime. Originally, it was said that it couldn't be done Friday nights because of the illumination issues, but we were able to overcome the illumination issues by changing the types of cones we used. So maybe I need to hear some comments from Mr. Anderson on whether Friday nights, which is a very busy time for the second homeowners of the East End as well as the tourism industry, which is important for generating revenues for the County -- the idea behind this proposal was to allow -- to see what it might cost for a private company to do that. My understanding is DPW could possibly do it, if we were able to do it in the darkness -- because that was a big issue, the darkness. Maybe you could comment on whether DPW is capable of doing a Friday night extra lane.

MR. ANDERSON:

There would be a number of issues on doing this on a Friday night, number one, you do have the restaurants that are along that corridor. Also one of the big concerns we had with the proposal was the fact that while we now set up in the dark when there's limited traffic, the Friday night proposal would cause us to take down during the darkness while there is relatively heavy traffic. And we would effectively have to shut the road down completely to do that. That's one of the reasons we don't recommend in doing that, you know, besides fact that we don't have the money to do that in our budget. But, you know, those are the three factors that, you know, I come up with.

CHAIRMAN SCHNEIDERMAN:

But it's not -- it's no longer that we're incapable of doing it. Before we didn't have the equipment to do it, now it's possible to do it internally.

MR. ANDERSON:

Right. Yeah. I mean, a valid point is that, you know, we would be working for the most part with the exception of mid-summer or, I guess, high summer, whatever you call it, where, you know, most of the time you're going to be working in the dark. Here, most of the time we're working in the daylight. So, you know, I do have very strong safety concerns with us, you know, being able to do it.

CHAIRMAN SCHNEIDERMAN:

Well, the idea behind the proposal is only to see what it would cost to have an outside company provide that service and then later make a decision. See, to me, having that bottleneck on Friday nights is impacting the economy on the East End, which impacts the economy of Suffolk County. And though there might be, you know, a certain cost associated with providing that extra lane, it may be far offset in terms of increased sales tax revenues we got. And that's an analysis that the County could possibly undertake, but we would need to know what the cost would be. So with that in mind, I'll move to move to move forward with this so we could have that information. I'll make a motion to approve. Is there a second?

LEG. ROMAINE:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine is seconding. All in favor? Opposed? Abstentions? Opposed or abstentions?

LEG. HORSLEY:

Opposed.

LEG. D'AMARO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Opposed, Legislator D'Amaro, Eddington and Legislator Horsley. So it's 3-3, which means it fails. Wait. There's four. It actually passes. Legislator Kennedy supported it, Browning, myself and Legislator Romaine, that's four. **APPROVED (VOTE:4-3-0-0; Opposed - Legis. Horsley, Eddington and D'Amaro).**

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.

LEG. BROWNING:

I'll make a motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay. There's motion to table, seconded by myself. All in favor? Opposed? Abstentions? **TABLED (VOTE:7-0-0-0).**

LEG. BROWNING:

I would like to say that --

CHAIRMAN SCHNEIDERMAN:

On the motion.

LEG. BROWNING:

-- based on the fact -- yes. Based on the that this would be a \$2 million bridge and there's a lot of safety concerns on William Floyd Parkway, I am looking to say, you know, this is for one intersection. So, you know, we are working on the need to improve the safety problems on the William Floyd Parkway, so I'm pay not about to go arbitrarily spend money that maybe I can do something better.

LEG. ROMAINE:

Through the Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

My recommendation to Legislator Browning, and your point is well taken, is that perhaps a traffic study of CR 46 between certain locations, since it's one of the most heavily traveled roads in the County, with a list of recommendations of what might be done to improve pedestrian safety as well traffic flow might be worth while. I mean, I know we're still waiting for a traffic study on County Road 111. And that, unfortunately, is about to become an issue for many of my constituents, because they had heard that this was moving forward. And my understanding now is that it isn't. But I think this traffic studies in those areas could be beneficial and could direct a limited pot of money to get the maximum benefit. Just a suggestion.

MR. ANDERSON:

If I could just briefly comment. To my knowledge, I haven't heard anything that we aren't moving forward with the traffic study. We have hired an engineer, and they are working on the study as we speak.

LEG. ROMAINE:

This is off the topic, but if I could, through the Chair, pursue that just with a question. You have issued an RFP?

MR. ANDERSON:

For 111 at the LIE?

LEG. ROMAINE:

Yes.

MR. ANDERSON:

Yes.

LEG. ROMAINE:

No. It's for 111 -- I believe it was for all of 111, not just for 111 at the LIE.

MR. ANDERSON:

Okay.

LEG. ROMAINE:

Go back and read the resolution. I believe it was for all of 111, because the problems that exist are not -- most of the are at the Long Island Expressway, but not all of them. So I believe the resolution was for all of that. Secondly, you have issued an RFP. Have you selected a vendor from the RFP that you have issued?

MR. ANDERSON:

No.

LEG. ROMAINE:

No. So you haven't selected a vendor?

MR. ANDERSON:

Right. So we're in the process.

LEG. ROMAINE:

Okay. I'll just put this on record and we should move, because this is not a debate on 111.

MR. ANDERSON:

Right.

LEG. ROMAINE:

Clearly, the other piece of information that I heard out of DPW, which may or may not be incorrect is that the study is not going to be conducted until the Summer of 2007. I don't know if that's true, and that's not -- that's something that you and I could discuss. That would make me extremely unhappy, because we are looking to do some things immediately. And while there are seasonal differences, they're not that great, because people still use that as a thoroughfare. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. There was a motion -- oh, we actually voted on it. All right. So we're moving on to 2139. Clerk, am I correct, we took a vote on that.

MR. BAKER:

Yes.

CHAIRMAN SCHNEIDERMAN:

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

MR. NOLAN:

It has to be tabled.

CHAIRMAN SCHNEIDERMAN:

And this, I believe, hasn't gone through the Naming Committee, or is it a new process, Counsel?

MR. NOLAN:

It's in the process. Apparently it was tabled at the last meeting.

CHAIRMAN SCHNEIDERMAN:

Okay. So this needs to be tabled. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? 2139 is **TABLED (VOTE:7-0-0-0)**.

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

Legislator Romaine.

LEG. ROMAINE:

Yes. I had discussions with the Executive. Apparently they had an hour and a half meeting or something of that nature up at the 12th Floor to discuss this bill and have expressed additional concerns beyond the concerns that the County Attorney expressed. We addressed the County Attorney's concerns and have amended the bill to reflect the County Attorney's concerns, but now there seems to be other concerns. And based on that, I will make a motion to table. And what I will attempt to do is work out the other concerns that have been raised about this bill.

CHAIRMAN SCHNEIDERMAN:

All right. I'll second the tabling motion. All in favor? Opposed? Abstentions? **TABLED (VOTE:7-0-0-0).**

MR. ZWIRN:

If I might, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Yes, Mr. Zwirn.

MR. ZWIRN:

The County Exec's Office has reached out to Legislator Romaine's Office, and we're waiting for a call back. We'd like to sit down with you and go over all this. And we haven't heard back yet. So I know we always get criticized for not reaching out, we have reached out, and we're waiting now for the call back so that we can all sit down and try to get this thing resolved.

LEG. ROMAINE:

Mr. Zwirn, I never said that. And in fact -- you were standing a few feet away -- but I had a discussion with the Commissioner -- Deputy Commissioner -- Deputy Commissioner and said that we would be tabling this and would be having a meeting. And my discussion took place right in that hallway before this meeting. So I haven't characterized that you guys haven't reached out.

MR. ZWIRN:

I was talking about in general we've been criticized, even yesterday. I don't want to get into it.

CHAIRMAN SCHNEIDERMAN:

You're not getting criticized now. It's getting all warm and fuzzy around here. Let's move on to 2200.

MR. ZWIRN:

I feel the love.

LEG. ROMAINE:

Don't feel the love, it ain't there.

CHAIRMAN SCHNEIDERMAN:

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

LEG. HORSLEY:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve, seconded by Legislator Eddington.

LEG. KENNEDY:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I spoke in committee about this resolution the last time. I see that the sponsor has made a couple of amendments regarding extensions on time frames. That notwithstanding, I'll still reiterate the concerns that I had previously in that this is a basic generic function that goes on through departments throughout County Government no matter where we go. As a matter of fact, I have an

intern who just researched and downloaded a Bureau of Justice Administration Grant hopefully to go ahead to pursue mental health-jail alternative.

So philosophically, I think that we have an issue as far as trying to privatize or put out there on the market something that's a function that's inherent to government. I question our ability to even do this within our framework or our structure of laws and operation. And then I go to the terms that are in the resolution itself, even in the First Resolved. There's lack of specificity. I don't know how we'd even construct an RFP on this. What constitutes a small County Department? How would you define -- how would you construct an RFP? What's small? What's large? We have no specificity as far as our terms.

Contingent fee. What is a contingent fee? I mean, we all know it generally; 20%, 40%, 60%? How do you budget for that? How do you include that in an Operating Budget? In essence, you're talking about a line that is not dispositive or definitive. It is something that may or may never come about as far as a transaction. I think that, you know, the concept to go ahead and encourage participation of grants is a good concept, but I think that this is one where we're trying to hybrid an inherent function of government out there into the private sector, which just doesn't migrate. I'm still opposed to it.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Yes. Actually, this question is directed to Mr. Zwirn, if you'd be so kind. Do we have an Office of Intergovernmental Relations within the County Exec's Office or somewhere within the Organizational Chart of Suffolk County?

MR. ZWIRN:

Yes.

LEG. ROMAINE:

And what is the function of the Office of Intergovernmental Relations?

MR. ZWIRN:

Well, some of it is right here to answer our questions and to advocate on behalf of the County Executive's bills, in addition to all sorts of -- we do a whole host of things.

LEG. ROMAINE:

Let me be more specific. Is part of the obligation or responsibility of the Office of Intergovernmental Relations to apply for grants?

MR. ZWIRN:

I don't believe that's our function in our staff, no. Except we do State Legislation as well, and if there's State Legislation that would have some grant money, then that would be fine, but that's not the way the office is set up now.

We have people in each department who are searching for grants, whether it's the Police Department, Health Department. They go out and they research grants. In addition, the County Executive in this years -- next year's budget, had a position in DPW to do -- specifically searching out for grant money to try to have less of an impact on the County taxpayers. We're looking everywhere -- every way we can to get additional funding, either from the State, Federal or, you know, wherever the money may be available.

LEG. ROMAINE:

Well, that's certainly a commendable statement, and I'm glad you explained the current operation. When I was Clerk for 16 years, I didn't directly interact with Executive in the Intergovernmental Relations. But when I was a Legislator, when Mr. Cohalan and Mr. LoGrande and Mr. Halpin was County Executives, their Intergovernmental Relations -- the major function of the Intergovernmental Relations Office at that time was to apply for grants, to research and apply for grants. That was one of the major -- I mean --

MR. WRIGHT:

How did they do? I think that one of things we're looking -- we think that there's been a failure over the years to get as much grant money that's out there are possible. I think that's why the County Executive has put a position in DPW to do that. We don't have any objection to Legislator Horsley's bill. But we are actively working on it. And as I said, now -- I don't know what it was like under the other administrations, but -- and I don't know who in Intergovernmental Relations did the grant work back in the Gaffney Administration, but when I got here, and I think when everybody else got here, the grants were coming out of the different departments; Economic Development -- I mean, everybody in their own departments have people who are searching out grants that might be applicable.

LEG. ROMAINE:

I understand that, and I understand Legislator Horsley's desire so that small departments that maybe not have a specialist that would be familiar with grant writing, could write these things. But again, you're looking to hire outside vendors. We have Civil Service titles that would allow the County Executive to put together a Grants Unit that could act to, one, supplement the existing staffs in the large departments write grants, and two, act as the grant writers for the smaller staffs.

MR. ZWIRN:

We did put somebody in DPW this year in the budget.

LEG. ROMAINE:

No. I think it should be in the Executive's Office. It's just a question of --

MR. ZWIRN:

I think it was in Purchasing, but I'll double check. I'd have to double check to see if it survived, you know, all of the changes in the budget. But there was -- there was a position in there to do -- and I believe the County Executive mentioned in the State of the County Address earlier this year that that was a priority.

LEG. KENNEDY:

Through the Chair. Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Yes. Go ahead.

LEG. KENNEDY:

If I can just add a piece to this. Not only does the intergovernmental function help to augment grant writing efforts by the different departments, but Federal and State aid also not only tracked and actually did accounting for the grant monies that would be received, but they were also available to lend some technical expertise from time to time if there was compliance documents or other types of things that had to be added to the substantive narrative that would come out of, like, an Office of Women or an Office of Minority Affairs or Handicapped Services, smaller entities like that.

MR. ZWIRN:

But that, Don Fahey was doing that. He's still doing that.

LEG. KENNEDY:

Right. So there's a structure here in place that actually can lend the different areas of expertise something as small as a Criminal Justice Coordinating Council, which is just a group of three.

MR. ZWIRN:

But Don Fahey, he's still in Riverhead, still doing the same thing he did probably through prior administrations, but that's more of the back end and the follow up to make sure that once the grant is applied for, that all the paperwork is done. I think this is to go out and search for all -- any new grants that might be available out there. It's just looking for additional money to have -- to give the taxpayers a break. If it's out there, we want to make sure we didn't miss it.

LEG. KENNEDY:

Again, I think that we're of the same mind that we embrace that notion that we should be active and aggressive across the board in seeking any all grant monies that we can, but my position is, is that's inherent in the functions that we have already built into County Government, not something that, you know, is necessary to go out and try to search out in the private sector.

LEG. ROMAINE:

Through the Chair again. Certainly a Federal and State Aid Coordinator would be an appropriate title that could be vested in the County Exec's Office and work with all departments. I definitely think -- I have no objection to Legislator Horsley's bill, except that I don't know if it's needed in the sense -- what I think is needed is for the Executive to take a serious look at having an active Federal and State Aid Coordination Office, one, two, three people, doing research, doing the upfront work that you talked about and hiring people that would be County employs to do this work.

I mean, most county governments in the United States -- certainly a County Government where you have a million and a half people have a Federal and State Aid Coordinating Office whose sole purpose is, one, to search for Federal and State aid, and two, file the grants and paperwork, and three, to do the requisite follow up to ensure that when and if we receive these grants, all the -- all the requirements are complied with. That's -- almost every government that I know has -- particularly of our size -- has this type of an office. I think this would be best within County Government to have County employs doing this, to have a full time effort to do this, because sometimes you hire a private vendor, you have a contract for a year or two, a grant comes in, their contract expires, you hire another vendor, because it's competitive, and all of a sudden, they're not familiar with what needed to be complied with with the original grants that they had nothing to do with. It's creates some confusion.

I believe this is a legitimate function that County employees should be able to do. It's done in just about every county in the United States. I certainly will support the Executive, and I want to spell that out. If the Executive came over and he wanted to amend his budget to hire people and create a Federal and State Aid Office, I certainly would support that effort.

LEG. HORSLEY:

Through the Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

Ben, let me ask you -- let me ask you, does the County Executive feel that this bill is -- would be worth while to helping the -- the government?

MR. ZWIRN:

Well, I think he appreciates the thoughts, but I think he thought that he had included somebody in his -- in his budget line in his budget this year to do this inside County Government.

LEG. HORSLEY:

Okay. Motion to table -- motion to withdraw.

CHAIRMAN SCHNEIDERMAN:

All right. You don't need to make a motion to withdraw, you can just simply withdraw the bill. Let's withdraw the motion to approve.

LEG. HORSLEY:

Fine.

CHAIRMAN SCHNEIDERMAN:

All right. And the second. And there's -- Legislator Horsley is withdrawing 2200. All right. Moving on to Introductory Prime.

2299, Adopting Local Law No. 2006, A Local Law to strengthen the policy for connections by premises outside of sewer districts.

This has to be tabled for a public hearing. So I will make a motion to tabled, seconded Legislator Eddington. All in favor? Opposed? Abstentions? 2299 is **TABLED (VOTE:7-0-0-0)**.

2348, Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to CR 99, Woodside Avenue, Town of Brookhaven (CP 5175).

Legislator Eddington.

LEG. EDDINGTON:

I'd like to make a motion to table for the purposes of discussion.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table, seconded by Legislator Kennedy.

LEG. EDDINGTON:

I'd like to ask -- through the Chair, I'd like to ask Mr. Zwirn, I'm a little confused on this one. I've got, I think, information that -- is it 2406 that would be taking the same funds? I don't know if it's the Yaphank Facility, Correctional Facility, or 400 acres in Pine Barrens, but my understanding is that's already being looked at.

MR. ZWIRN:

Well, I think that there are two projects that are coming up before the end of the year. One is land acquisition of the ADR property, which is a 400 acre piece in the Pine Barrens, which completes the corridor, which is a jewel. We weren't anticipating that would happen this year, but it looks like we can -- if we can come up with the money this year, we can do it. The County's portion would be \$17 million for that. The State would kick in, I think, about a third and the Town of Brookhaven would put in the other third.

What we have done, and what represented here and we've talked about with some of the individual Legislators, the County Executive needs offsets to finish up the land acquisitions for this year of \$20 million, and \$17 million is the ADR property. The bill that we were going to file with talking the offset did not use money from any sewer district. It was to be from road projects.

Now, what Legislator Romaine and other Legislators saw was a bill that did include money from the Bergen Point Sewer District Project. That has not -- that has been corrected. When I saw it the other day, I was -- I'd made representations based on the bill that I had seen, and that was not the

bill that was -- that was filed, unfortunately. But that bill has been corrected, and the offsets are road projects. And some of the road projects are close to some of the Legislators -- you know, their in their districts. But we don't have -- to close that this year, we're going to need road projects offsets to do that.

With respect to the jail, which will be coming up later, we've taken money from the Bergen Point Sewer District Project that's available. And we'll discuss that when we get there. But the answer is yes, the road projects, this on may very well be on the list of road projects that we've -- that he has suggested as an offset.

LEG. EDDINGTON:

All right. So you need \$100,000 to make it 17 million, is that what --

MR. ZWIRN:

It's 20.5 million in total.

LEG. EDDINGTON:

Okay. All right. So you need -- and you've taken it from other Legislators --

MR. ZWIRN:

We've taken it from projects that were left at the end of the year that would not be done -- you know, I've gotten phone calls from a number of Legislators who are not happy about it. It's a question that we're going to have to try to deal with before the end of the year.

LEG. EDDINGTON:

Okay. So you put me down on the score card as a team player?

LEG. ROMAINE:

Take one for the team.

LEG. EDDINGTON:

I'm willing to --

MR. ZWIRN:

It's through the -- I mean, on the land acquisition, it's an acquisition that's in one Legislative District, but it's something that protects the groundwater, it's County-wide significance, it's a once-in-a-lifetime opportunity. And we thought that was the best way to go.

LEG. EDDINGTON:

Okay. I have the tabling motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

All right. There was a motion and a second to table.

LEG. ROMAINE:

Brief question.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. Mr. Zwirn, could you fax to my office today or certainly by tomorrow morning, if time permits, a list of those projects that you are looking to utilize?

MR. ZWIRN:

We asked the Clerk's Office to provide it. You should have that.

LEG. ROMAINE:

Oh, we do have that. Okay. Then I'm sorry, thank you again.

MR. ZWIRN:

Can't lose them all.

CHAIRMAN SCHNEIDERMAN:

All right. There was a motion and a second to table. All those in favor? Opposed? Abstentions? 2348 is **TABLED (VOTE:7-0-0-0)**.

2383, Appropriating funds in connection with the County share for participation in engineering for the reconstruction of CR 67, Motor Parkway, Town of Islip, (CP 5172).

LEG. KENNEDY:

Mr. Chair, I'd like to make a motion to approve on this one, although I recall reading that same offset list, and I'm not certain whether or not this project was identified for offset if --

CHAIRMAN SCHNEIDERMAN:

You're saying with the sewer district money?

LEG. KENNEDY:

No. Well, for the land purchase. No?

CHAIRMAN SCHNEIDERMAN:

There is a motion to -- before we do that, there is a motion to approve by Legislator Kennedy for the purposes of discussion, I will second the motion.

LEG. KENNEDY:

Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn, there's a question as to the offset being used.

LEG. KENNEDY:

Does anybody else have any awareness, anybody from the department?

CHAIRMAN SCHNEIDERMAN:

Maybe there isn't an offset.

MR. ZWIRN:

There is -- we did take part of it. The amount of money that was needed for this project was less than what had originally been appropriated, so we took the difference. So there's \$450,000 in this project.

LEG. KENNEDY:

Can we ask Mr. Chiusano to speak to us? Carmine, what is going on?

MR. CHIUSANO:

Basically, there was -- in this project, there was one million-two fifty if I memory serves me correct. The resolution contains an appropriation of 450,000. The balance of 800,000 was used in the land resolution to make up part of the \$20.5 million.

LEG. KENNEDY:

Well, I would like to be viewed as magnanimous as my colleague Legislators are. Nevertheless, what does this mean? If there was a million-two fifty, that's to fund the whole project from Caleb's Path to Carleton?

MR. CHIUSANO:

No. The 450 was what DPW required for planning, I believe it was.

LEG. KENNEDY:

Thank you. I'll shift left. Gentlemen, talk to me.

MR. ANDERSON:

I'll defer this on to Jim Peterman.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, Mr. Anderson, I don't believe your microphone is on.

LEG. KENNEDY:

Through the Chair, can we have Mr. Peterson -- Peterman come up please?

MR. PETERMAN:

Good afternoon.

LEG. KENNEDY:

Good afternoon.

MR. PETERMAN:

Yeah, there was originally, I think, 1.2 million or 1.25 million in for continued engineering for this section of Motor Parkway. We only need 400,000 to continue the engineering at this point. So that we requested only the 400,000 be appropriated.

LEG. KENNEDY:

So will that then complete what the engineering requirements are, and then you'll be able to move directly to construction?

MR. PETERMAN:

It will bring us to final design -- up to final design. It will complete all the preliminary design. We don't know what the future costs of the final design will be at this time. It will bring us further along.

LEG. KENNEDY:

Okay. But from your perspective, purely generic from the department, you have enough in this resolution in order to go ahead and fulfill this part of the project, this function?

MR. PETERMAN:

Yes. Yes.

LEG. KENNEDY:

Okay. Fine. All right. Thank you very much. I'll yield, Mr. Chair, then and, I guess, I'll restate my motion to approve.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to approve and a second. On the motion, Legislator D'Amaro. Oh, you're voting. Okay. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

2384, Amending the 2006 Capital Budget and Program and appropriating funds for the acquisition of land for improvement to CR 80, Montauk Highway, between NYS Rt. 112 and CR 101, Patchogue, Yaphank Road/Sills Road, Town of Brookhaven (CP 5534).

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Eddington, seconded by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

I'm just going to ask as we go through the balance of these projects if somebody, either from the Exec's Office or from the department can identify if some of these projects are ones that had pared down by this other resolution that swapped monies to out toward the land purchase. It will just help, from my perspective anyhow, to understand what we're voting on and whether or not the initiative is adequately and fully funded or not.

LEG. ROMAINE:

I asked my aide to get a copy of the list.

LEG. KENNEDY:

That would be very helpful. Thank you.

CHAIRMAN SCHNEIDERMAN:

2385, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the County share for participation in dredging of County waters (CP 5200).

LEG. KENNEDY:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Kennedy, seconded by Legislator Romaine. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

2386, Amending Resolution No. 945 of 2005 for participation in engineering in connection with the reconstruction of CR 58, Old Country Road, Town of Riverhead (CP 5529).

LEG. ROMAINE:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Romaine, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

LEG. ROMAINE:

Mr. Clerk, please list me as cosponsor.

CHAIRMAN SCHNEIDERMAN:

2387, Appropriating funds in connection with the reconstruction of CR 58, Old Country Road at Pulaski Street, Phase II (CP 5543).

LEG. ROMAINE:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Romaine.

LEG. KENNEDY:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

LEG. ROMAINE:

Cosponsor.

2388, Amending the 2006 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 3 Southwest (CP 8170).

This is actually the reverse of money going from assessment stabilization into the sewer district. Can we get some explanation on this? In the past, we've been concerned about sewer district Capital Budget items moving out into other areas, and the voters, I think, spoke clearly on this issue.

MR. NOLAN:

This is different.

CHAIRMAN SCHNEIDERMAN:

What is this? What is happening here? Mr. Wright?

MR. WRIGHT:

A public hearing was held on this some time ago with the use of both serial bonds and Assessment Stabilization Reserve Funds. And discussions with Carmine made some revisions to our draft where I haven't had the final resolution -- I'm not sure what the amounts of serial as compared to Assessment Stabilization Reserve Funds are, and I would suggest that he would have that answer.

MR. CHIUSANO:

The resolution apportions the project, of which I believe is \$28 million and change, between serial bonds and Assessment Stabilization Funds. And basically, the serial bond portion is 18 million-eight, and the Assessment Stabilization portion of the funding is nine million-three. It's just basically funding the project from two different sources.

CHAIRMAN SCHNEIDERMAN:

Rather than one. The Assessment Stabilization Reserve, that's within the sewer district itself, or is that a County-wide?

MR. CHIUSANO:

It's a County-wide operating fund that is used for providing funding stabilization to --

CHAIRMAN SCHNEIDERMAN:

Oh, that's the quarter penny, right?

MR. CHIUSANO:

Yeah.

CHAIRMAN SCHNEIDERMAN:

Okay. So that's reserved for the sewer district.

MR. CHIUSANO:

Right. So in this case, the resolutions uses a portion of that funding for the project.

CHAIRMAN SCHNEIDERMAN:

Rather than using only bond issues.

MR. CHIUSANO:

Right.

CHAIRMAN SCHNEIDERMAN:

Okay. I'll make a motion to approve, seconded by Legislator Romaine -- oh, seconded by Legislator Horsley. On the motion, Legislator Romaine.

LEG. ROMAINE:

I'd like to ask Budget Review what the affect that this motion has to transfer these Stabilization Funds instead of using -- completely using serial bonds; what the affect would be on County taxpayers, what the affect would be on the other sewer districts in the County.

MR. REINHEIMER:

There's no affect on the County taxpayers. This is money that's from the quarter cent sales tax. Part of it, water quality, goes in Assessment Stabilization -- sewer tax assessment. As long as there's a 3% increase in the user fees, the sewer district has ability to access Assessment Stabilization Reserve Funds.

LEG. ROMAINE:

And when they access these funds -- obviously the Southwest Sewer District, I assume, has more than a 3% increase and has that for a period of time, or this is the first year it's a 3% increase or?

MR. REINHEIMER:

No. It's a matter of regular business now, all sewer districts are increased 3% so they can access this. Also being a Capital Project, this is paid back over the course of the project, the life of the project back to the Assessment Stabilization Fund.

LEG. ROMAINE:

And it's paid back in what manner? Just, if you would describe that.

MR. REINHEIMER:

It's not a simple calculation. It depends on the fund balance within the Southwest Sewer and its ability to pay back. Because they increased their user fees 3%, they can access Assessment Stabilization. If they have a debt --

LEG. ROMAINE:

But they're to pay that stabilization back over the life of the project; is that correct?

MR. REINHEIMER:

Yes.

LEG. ROMAINE:

Is there a interest rate for them to utilize this Stabilization Fund that is charged to eventually the homeowners and the users, the end users, in the sewer district?

MR. REINHEIMER:

No, there's no interest on it.

LEG. ROMAINE:

There's no interest rate?

MR. REINHEIMER:

Right. So actually what you're doing is you're reducing your debt service by using -- funding part of this from the assessment.

LEG. ROMAINE:

Back to Carmine. What percentage now are you bonding out as serial bonds and what percentage is the Stabilization Fund? Just give me -- just give me the gross numbers.

MR. CHIUSANO:

Approximately -- in this resolution, approximately two-thirds.

LEG. ROMAINE:

Two-thirds are serial bonds. How do you make the decision of how much to apply from bonds, which have to be paid back and have an interest rate and have a cost to the homeowners and the end users in the Southwest Sewer District, and how much has to be -- and how much to tap into the Stabilization Fund, how do you make that calculation or that determination?

MR. CHIUSANO:

There really isn't an exact calculation. What was basically done was in order to minimize the use of serial bonds, it was determined to use approximately about a third of the Assessment Stabilization Fund to fund this project.

LEG. ROMAINE:

Why would you not more if that was the case?

MR. CHIUSANO:

Well, you have to remember Southwest is a big sewer district. And the Assessment Stabilization Fund is for all sewer districts. So you don't want to just -- you don't want to just pull out too much of the Assessment Stabilization Fund, because you'd want it to last.

LEG. ROMAINE:

How much is in that fund currently? What is that fund balance?

MR. CHIUSANO:

That I don't have available.

LEG. ROMAINE:

Could you provide me -- could Budget Review provide me the balance in that fund?

MR. REINHEIMER:

Based on the recommended 2007 Operating Budget, the 2006 estimated budget is 33.8 million, fund balance end the end of this year, 2006.

LEG. ROMAINE:

At the end of 2006, we'll have 33?

MR. REINHEIMER:

33.8.

LEG. ROMAINE:

Eight?

MR. REINHEIMER:

Million.

LEG. ROMAINE:

Million dollars. And we're going to use -- this would allow us to use in 2006 for one shot, 17 million? Can you tell me --

MR. REINHEIMER:

No, it's nine million.

LEG. ROMAINE:

Nine million. Okay. And what are the -- collectively, the other sewer districts using, other stabilizations Funds in 2006?

MR. CHIUSANO:

I would have to get that. I don't know that off the top of my head.

LEG. ROMAINE:

Roughly speaking.

MR. REINHEIMER:

It's around 15 million.

LEG. ROMAINE:

Fifteen million. So overall, you're using 24 million of the 33.8 million. And that fund gets built up next year with the collection of sales tax, because the quarter cent is dedicated to it; is that correct?

MR. REINHEIMER:

They anticipate approximately \$30 million next year in revenues.

LEG. ROMAINE:

Okay. So the fund balance should grow despite that fact that we're tapping in?

MR. REINHEIMER:

Projected to end in 2007 at \$47 million.

LEG. ROMAINE:

Does Budget Review have a recommendation regarding this resolution.

MR. REINHEIMER:

That's a policy decision. But it's a good policy whenever you can to reduce your debt service, use a combination. You don't want to deplete the whole Assessment Stabilization Reserve fund. You do

want to have balance for other Capital Projects in other sewer districts. So our recommendation is that if you can reduce debt service, that's a good policy.

LEG. ROMAINE:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Just to follow along those lines a little bit more from BRO, and then actually I'm going to shift to the department. But first from BRO, is the way that this funding decision across the board between the serial bonds and the Assessment Stabilization, is that permissive, or is this something that's driven by the way that the fund is structured.

The 3% annual triggers access to the fund, and then is it permissive how much we draw from the fund, in other words, whatever the balance of the project is?

MR. REINHEIMER:

No. It's two things we're talking about; Capital Funding and Operating Budget. The 3% increase in users fees allows you to access the Assessment Stabilization Reserve Fund to make up any shortfalls in the current Operating Budget. But given that, that all sewer agencies or sewer district do that, they all have equal access to it, then that's taken into consideration first, and then you have the possibility of using other Assessment Funds for Capital Projects as you decide is necessary.

LEG. KENNEDY:

Not sure that I completely understand it.

MR. REINHEIMER:

There's confusion. Operating Budget by policy now, all sewer districts increase by 3%, which allows them to use the Assessment Stabilization Reserve Fund to make any shortfalls in their Operating Budget. In addition to that, the fund can also be used for Capital Projects as it has funds to do so. Plus, you want to have a reserve in there also.

LEG. KENNEDY:

Okay. I'm going to shift to Mr. Wright now I guess, and then two questions. First, that statement that BRO just made, is that something that we find that's standard policy with all our sewer districts, that we have this mandatory increase of 3% in operating each year so they have the ability to access the Assessment Stabilization Fund?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

It is? Even with districts that newly contemplated, newly created districts?

MR. WRIGHT:

No. The policy from the Budget Office is that new districts must develop a trend, and after that trend, then they're eligible to access it, but it's not a guarantee.

LEG. KENNEDY:

So we've got a group of 20 that basically have guaranteed access, and then we have new districts, two right now, that are coming into it that don't have that same set of criteria as far as being able to go ahead and fund their -- their operations each year.

MR. WRIGHT:

Yea. They would need a few years of developing a trend in order to indicated what they should be increased by at 3% per year.

LEG. KENNEDY:

Okay. That's another discussion for another day. What is the 428 million project we're speaking about?

MR. WRIGHT:

There's two elements to it. One is security, which is approximately three million, which is for Bergen Point as well as the remote point stations; there's 13 remote pumping stations. The majority of it is for grid improvements. It's a very harsh portion of the treatment facility and within the convention treatment plant, that needs to be replaced and rehabilitated. A portion of the increase in the scavenger fee from earlier this year or late last year, was to go to put some of the money back into this particular project.

LEG. KENNEDY:

What's the useful life of this equipment that we're looking at, approximately?

MR. WRIGHT:

We've had it now for nearly 30 years.

LEG. KENNEDY:

The grid equipment --

MR. WRIGHT:

Twenty-seven years.

LEG. KENNEDY:

So the expectation --

MR. WRIGHT:

You know, we've replaced pieces of it along the way, but it really needs to be updated as well as improved and replaced.

LEG. KENNEDY:

The security that's going into the pump stations and these other areas, is this replacement or is this first instance?

MR. WRIGHT:

No. It's all new things, you know, cameras, you know, better window treatment basically to keep vandals out, etcetera, card access at the plant so that we have more security. You know, being on the water with the plant, we do have people that walk along the shoreline.

LEG. KENNEDY:

You get remote visualization?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

I mean, can somebody in Bergen view what a plant over in Copiague, Lindenhurst, what have you --

MR. WRIGHT:

Yes.

LEG. KENNEDY:

Okay. All right. I'll yield. Thank you.

CHAIRMAN SCHNEIDERMAN:

The question is why would anyone want to break into Bergen Point.

LEG. KENNEDY:

We don't want to go there from here, do we, Mr. Chair?

CHAIRMAN SCHNEIDERMAN:

What would they want to steal?

LEG. ROMAINE:

It's not what they want to steal, it's what they want to add.

LEG. KENNEDY:

What they want to put in it.

MR. WRIGHT:

Well, it's security. You know, there is a concern about security.

CHAIRMAN SCHNEIDERMAN:

We did have a motion and a second. If there's no further discussion, I'll call the vote. All those in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

2389, Transferring Assessment Stabilization Reserve funds to the Capital Fund amending the 2006 Capital Budget and Program, and appropriating additional funds for the improvements to Suffolk County Sewer District No. 22 - Hauppauge Municipal (CP 8171).

CHAIRMAN SCHNEIDERMAN:

Let's go with the same motion and second. Legislator Kennedy.

LEG. KENNEDY:

I guess on this project I would just ask again what is it -- this is the plant that site roughly about 1500 feet away from us, correct?

MR. WRIGHT:

Right. It's a process we're adding to the flow scheme that would reduce energy and reduce the sludge that's produced.

LEG. KENNEDY:

I see that there's been some ongoing work here with this. Is this -- do we have issue associated with its present operation, or?

MR. WRIGHT:

It's more the recharge facilities. As you know, in Hauppauge, the groundwater has been elevated, and we've had some problems with the four recharge beds that we have there. We've been making some improvements and some piping changes.

LEG. KENNEDY:

Is that some of the wells that were just sunk down here by the entrance?

MR. WRIGHT:

No. I don't know -- I think that might have to do with other construction or building provisions with the Fourth Precinct.

LEG. KENNEDY:

That's the Fourth Precinct. Okay. All right. I'm fine with this. I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

All right. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

2390, Amending the 2006 Capital Budget and program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 23 Coventry Manor (CP 8149).

CHAIRMAN SCHNEIDERMAN:

Same motion and second. No discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

2392, Appropriating funds in connection with renovations to Surrogate's Court (CP 1133).

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. On the motion? No? Do we need to know what these renovations are? All right. We'll keep going. All those in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

2393, Appropriating funds in connection with movable bridges needs assessment and rehabilitation (CP 5806).

CHAIRMAN SCHNEIDERMAN:

Is there a motion? Same motion, same second. Any discussion? All those in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

2394, Appropriating funds in connection with improvements to the Suffolk County Farm (CP 1796).

LEG. BROWNING:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Browning, seconded by Legislator Romaine. On the motion, the farm improvements, do we have --

LEG. ROMAINE:

It's a \$17,000 study.

CHAIRMAN SCHNEIDERMAN:

A \$17,000 study. Can I ask while we're talking about the farm, I had a bill approved, it feels like a couple of years ago now, to do a wind power feasibility study for that farm -- for the {Honor} Farm for four turbines. Legislator Browning may not know about this. I'm not sure, it's seems to have fallen between the cracks. DPW was to conduct a feasibility study for the suitability of wind power at the {Honor} Farm. It was passed by the Legislature and signed by the County Executive, and nothing's happened with it. Could you look into it. I'll get you a copy of it.

MR. ANDERSON:

Absolutely.

LEG. BROWNING:

We had a conversation with Bill Davidson on Wednesday on that.

CHAIRMAN SCHNEIDERMAN:

Oh, yeah. Do you have some current information, or did you put the kibosh on it?

LEG. BROWNING:

They're looking to do a project right now.

CHAIRMAN SCHNEIDERMAN:

It's moving as fast as that off-shore facility, isn't it?

LEG. HORSLEY:

It will take about as long too.

CHAIRMAN SCHNEIDERMAN:

Did we vote on 2394? Not yet. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

2395, Amending the 2006 Capital Budget and Program, and appropriating funds in connection with the reconstruction of culverts (CP 5371).

Is that throughout the County. Mr. Anderson is nodding affirmatively.

MR. ANDERSON:

Yes. This is an ongoing DPW project working on various culverts throughout the County.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion, seconded by Legislator Browning. All those in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

2406, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the renovations at the Yaphank Correctional Complex - Rehabilitation of existing DWI Facility (CP 3009).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

This is, I guess, Sheriff DeMarco is here for. There's a motion by Legislator Browning, seconded Legislator Eddington. Any discussion? Legislator Kennedy.

LEG. KENNEDY:

Yeah. On the motion, I just have a question. God knows I love the jail. Is this building ultimately going to be continued or factored into the new project that's being constructed.

MR. CALDERONE:

Yes. These funds are -- basically keep the existing going with bare minimum renovations for the next two, three, four years until we build a new facility.

LEG. KENNEDY:

And then this Will be the subject of a retrofit or an add-on along with the rest of the new construction.

MR. CALDERONE:

That's correct.

LEG. KENNEDY:

Okay. Wait a minute. Hold on. You are saying yes, and I'm wondering, is the Sheriff in agreement here.

SHERIFF DEMARCO:

Yes.

LEG. KENNEDY:

Okay. Fine. All right. Good. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other comment? All right. There's been a motion and a second. All those in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

2407, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the safety improvements at various intersections (CP 3301).

LEG. BROWNING:

I'll make a motion.

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Eddington, seconded by Legislator Browning. Any discussion. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0).**

2410, Amending the 2006 Capital Budget and Program and appropriating funds through the issuance of Serial Bonds for engineering the expansion and improvements to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126).

LEG. KENNEDY:

I'll make the motion for approval. And I have a question.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion by Legislator Kennedy, seconded by Legislator Browning. On the motion, Legislator Kennedy.

LEG. KENNEDY:

This project has been ongoing now, and I know that there's been an extensive involvement with the Town of Smithtown, there's been the swapping of the sump, I believe, that come over into County hands. But is there any additional -- what is the 500,000 for land acquisition? Is that the sump, or is there other land that's needing to be acquired?

MR. WRIGHT:

There's three remote pumping stations, two of which are in the expansion area and one that's in the existing -- surrounded by the existing district. So we need to acquire those three lots. And they're relatively small but expensive.

LEG. KENNEDY:

But then we're requiring an existing pumping station?

MR. WRIGHT:

No. There will be sites for three --

LEG. KENNEDY:

Oh, land. In other words, to go ahead and construct one in the existing catchment and two in the expanding? Okay. That's fine. Thank you. All right.

CHAIRMAN SCHNEIDERMAN:

All right? Legislator Romaine.

LEG. ROMAINE:

Mr. Chairman, I'm sorry. I'm going back on another resolution. I know we just passed it over and approved it, 2407. I just wanted to get a piece of information on that. Could you tell me what that hundred thousand dollars is going to be spent on?

CHAIRMAN SCHNEIDERMAN:

While you look that up, why don't we just hold for one second. Let's finish 2410. All right. We're kind of in the middle of 2410. We've had a motion and a second. If there's no further discussions, I'll call the vote on 2410. All those in favor? Opposed? Abstentions? 2410 is **APPROVED (VOTE:7-0-0-0)**.

Legislator Romaine had a question going back to 2407.

LEG. ROMAINE:

Could you tell me what the hundred thousand dollars would be spent for?

MR. ANDERSON:

Yes. The money is going to be spent -- design fees for a feasibility study for a round-about at the intersection of County Road 48 and Cox Neck, which is a high accident intersection.

LEG. ROMAINE:

I'll very familiar. Let me pursue that question a little bit further. This hundred thousand dollars will only provide a study of this area; is that correct?

MR. ANDERSON:

Yes.

LEG. ROMAINE:

How long do you anticipate before an RFP is issued for this?

MR. ANDERSON:

Once it's approved, generally two to three months we'll have the thing out and back --

LEG. ROMAINE:

The reason I ask is because I remember standing in April with the Health Department about Meeting House Creek and the dredging study that was going to be done there, and I just noticed in my -- we get RFPs now sent to us -- that seven months later it was finally being put out to an RFP, not that a vendor would be selected, but it was being put out to RFP.

And I realize that you're new in your position, one of my concerns, and I want to express this, and it's not about this resolution, but RFPs in general, is that we approve a resolution for a study or

something and the RFP then takes six or seven months to be issued, and then it takes additional months to select a vendor and additional months to get the work product underway and to finish it up. Let me ask you on the record, because I know that you will be guiding the Department of Public Works at least in the near future, what do you anticipate the time frame is that this safety improvement study could be finished by, since it's only one inter -- it's a complicated intersection, but it's only one intersection?

MR. ANDERSON:

I'm going to defer that question to Jim Peterman.

LEG. ROMAINE:

Okay.

MR. PETERMAN:

Yes. We would issue the RFP in February or March. By the time the consultant would be on board, we'd probably be looking at May. The study itself should not take too long. I'd say by next September we would have the study done.

LEG. ROMAINE:

All right. Let me be more generous. Fortunately my term runs through December 31st of next year. On October 1st or thereabouts -- and I'm asking -- I think my aide is listening, and Mr. Faulk is very good on this -- I would ask him to calendar my reminder. And I'll be looking for a copy of that -- that study, because obviously from that study will flow whether we're going to fund a roundabout or not. And the only regret I have is that we're going to miss the June deadline for amending the Capital Budget, because we vote on the Capital Budget usually in the beginning of June.

And therefore, there won't be any funding in 2008. So that's my concern. I'm always worried about the calendar in terms of getting the money in, because this is a project that was talked about before I became a Legislator. It's been kicking around about a roundabout, and you know, now it doesn't look like anything is going to happen until 2008. Thank you, Mr. Chairman, for the opportunity to have a discussion with DPW, but you understand my concern, because it's also the funding schedule, which is also my concern about 111.

CHAIRMAN SCHNEIDERMAN:

Okay. Moving onto **2411, Amending the 2006 Capital Budget and Program and appropriating funds in connection with the construction of the new jail/correctional facility at Yaphank.**

I'll make a motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. On the motion, who do we need to hear from?

LEG. BROWNING:

Jack?

CHAIRMAN SCHNEIDERMAN:

Commissioner -- acting Commissioner.

MR. ANDERSON:

This resolution is to appropriate the remaining funding that was originally part of -- you know, anticipated for this project. It also is for additional funding for an additional \$15 million, which is for

innovations that the Sheriff came up with in the design back in the beginning part of this year. It adds a number of beds to the facility above the ones that were originally proposed, an additional 204 beds are gained by his proposals. And also -- also takes into account cost increase, increases in the price of the materials to do construction that have been severely increased this year over the past year and change in steel, concrete, copper. And we wanted to take that into account while we're retaining or requesting the funding.

CHAIRMAN SCHNEIDERMAN:

Can I ask Sheriff DeMarco to come forward, please?

LEG. ROMAINE:

Can I ask a point of information at this juncture?

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Yes. And actually maybe Legislator Kennedy can help me. I'm new to this Legislature. I took the oath of office on January of this year. But I believe last year in December, Legislator Kennedy and others were asked to vote on something that was needed immediately to go to bond on the jail, and there was a lot of controversy at that time. And they voted, and lo and behold, we're 11 months into this year, and I don't believe anything from that bond issue that they were asked to vote on has been expended, to best of my knowledge. And Legislator Kennedy, maybe you can pick that up from this point of view, because I've heard you discuss this in the past.

LEG. KENNEDY:

Through the Chair, I guess I'm just going to make a brief comment, and then I'm going to defer to the Sheriff, but I'm also going to say that it seems like it's déjà vu all over again, because last December we were told absolutely, unequivocally that if there wasn't an additional 21 million added to the 70 million that was authorized in the '05 Capital Project that the whole jail initiative was going to go on the rocks and that the project would not go forward.

And at that time, it was myself and Legislator Alden who questioned emphatically where things were at and who found from the State Commission on Corrections that it was not necessary that the County move to 90 million despite what was represented by the Executive's Office. And here we are again 11 months later, and my questions are simple, gentlemen. How many cells have been constructed yet?

SHERIFF DEMARCO:

Legislator Kennedy -- Legislator Romaine, I wasn't here either. I just came in in January. But being I was the Sheriff-elect I was paying close attention to the January meeting where the additional funding --

LEG. ROMAINE:

December.

SHERIFF DEMARCO:

December, I'm sorry. Where the additional funding was requested by the County. And that was, in fact, because of the State Commission of Corrections regardless of what they told you. There were certain milestones that were agreed upon between the County, the prior Sheriff and the state. And part of was it have a certain amount of funding in place so that they would not pull variances, because they thought we were stonewalling on the jail project.

LEG. KENNEDY:

Sheriff, with all due respect, and I respect your office and I respect all the work that you've done. And you and I have spoken at length. I believe that you brought a lot of good ideas and innovations to this project. And ultimately I think what's going to is we're going to get a better product based on all the hard work and effort that you put in there. But I will respectfully disagree with you as far as the representations that came from the Deputy Commissioner of Corrections who said that, yes, the milestones were necessary, but no dollar and cent amount was ever given to this County as far as what had to be adopted. This was something that was an attempt to go ahead and defund other projects that had been in the '05 Capital.

However, that's history, it's water under the bridge. Now, my concern is that here we are again looking at a representation four months after we labored extensively to adopt a Capital Budget, and we're told there's surplus. Of course, there's surplus, because we didn't move forward on the other projects we embraced last May and June. And now we're being told we have to have this to have the jail succeed. My question is when are we ever going to see a shovel in the ground, a stump cleared, a site leveled, a cell poured, any of the things associated with the jail? Because there's gentlemen here today who were here last year who were told this was going to be going on this year, and it's not. That's my issue.

SHERIFF DEMARCO:

Legislator Kennedy, when I came in in June, I asked for a small delay. There was, I believe, a mid-January deadline to have plans finalized, and I asked the County Executive to talk to the State in December, and say, hey, give me a chance to look at this project, because I think we can save some money and do things a little different. And I was granted that. And one of the things that we came up with was spending \$9 million more in Phase I to save possibly 26 million in Phase II, and that was by not destroying the building in Yaphank and renovating it.

So after we presented the plan -- or I came up with the plan, we met with leaders from the Majority and the Minority of the Legislature up at the County Executive's Office, and everybody was in agreement that this was the plan that we would go with and that we would somewhere down the line have to come up with \$9 million for Phase I and defer it from Phase II. And that's where we're at. And the milestone as far as I know has always been June or July of 2007 to put a shovel in the ground. And as far as I know, we are still on track for that.

LEG. ROMAINE:

Mr. Chairman, just to pick up.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Just to pick up. Look, how many prisoners are we sending Upstate because we don't have room for in the jail currently, approximately?

SHERIFF DEMARCO:

Roughly 100.

LEG. ROMAINE:

We're shipping 100 prisoners a day to Upstate jails. If they have court appearances, we have to send up Deputies to --

SHERIFF DEMARCO:

We don't send out people -- we only send sentenced inmates out.

LEG. ROMAINE:

Oh, okay. Great. I'm happy to hear that. And what is that costing us?

SHERIFF DEMARCO:

I believe the last estimate would be roughly, when the year is said and done, if we're billed correctly, which we never are, they usually -- we usually save some money there, is roughly three and a half million dollars this year.

LEG. ROMAINE:

I know we have an overcrowded jail, would you concede that?

SHERIFF DEMARCO:

Yes.

LEG. ROMAINE:

I know that the jail isn't going to get less crowded because our population is growing. And unless we do other things, which perhaps Legislator Kennedy and I will address later in the year, that that population won't decline. We have a need for a new jail. I know that need is here. We also have a need for people in the trades, to put them to work. And I think my referencing Legislator Kennedy, because I wasn't here last year, is that they were given assurances that they needed this money right then and there because this work was going to go forward in 2006. And here we are.

I want to support this. I intend support this. I think we do probably need a new jail. I think you are probably doing a job to keep the costs down. And I want to put men to work, men and women to work in the trades. But if I vote for this, will we get -- will construction take place in 2007? And I'm saying this because I've watched, history and history sometimes gives us an instruction. I want to know that when I vote for this, construction will begin to take place.

SHERIFF DEMARCO:

You know, I still have to disagree with -- that construction was going to take place in 2006, because I was paying close attention to this, and I don't ever recall people saying it was going to happen in 2006.

LEG. ROMAINE:

Okay. Let me ask you this. If I vote for this, will construction take place in 2007?

SHERIFF DEMARCO:

It almost has to, or else we are going to lose variances, and we're going to pay more money for alternate housing. The State has --

LEG. ROMAINE:

Who will make that commitment to this committee, you will as Sheriff, will the Executive's representative make that commitment? No, I just want to -- I accept your commitment. If this -- so you're saying by voting for this, we will see construction in -- I'm not saying total construction, but we will see --

MR. ZWIRN:

June of 2007 is the target date for groundbreaking.

MR. ANDERSON:

If I may? It's for groundbreaking of the main structure.

LEG. ROMAINE:

Right.

MR. ANDERSON:

We currently have received bids for the cell package, we are reviewing them. We're hoping to negotiate them lower. I'm waiting for a decision from the County Attorney on whether we can. We also have submitted to the COC an early site package, which will begin construction of an outdoor rec area, because the existing one is going to be demolished under the project.

LEG. ROMAINE:

Where are we with the bidding on this, all of this? We haven't even composed a bid yet, have we?

MR. ANDERSON:

We have gone out to bid on precast cells.

LEG. ROMAINE:

We have vendors?

MR. ANDERSON:

Yes.

LEG. ROMAINE:

Okay. And all we have to do is approve this --

MR. ANDERSON:

The first bid, we did not receive -- in fact, we have a meeting after this. The first bid, we didn't receive any bid. We went back out, we got a bid, we've received it, we've reviewed it, we've been negotiating with them to come down. We're, you know, discussing the fees. And we hope to award that shortly. The next phase, which is the early site construction, would go -- we hope to start construction in March, I mean, weather permitting is really what --

LEG. ROMAINE:

Spring of 2007.

MR. ANDERSON:

Right.

LEG. ROMAINE:

Okay. That's what I wanted to know.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Last if you will, because a lot of us have a 3:30 meeting on this issue. Legislator Kennedy.

LEG. KENNEDY:

I'll try to keep the questions succinct, but nevertheless, you know --

LEG. HORSLEY:

He's on a roll.

LEG. KENNEDY:

A hundred and fifty million is a lot of money, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

It's a lot of money.

LEG. KENNEDY:

All right. You believe that we're going to have something that goes on in March, March of '07 as far as site clearance.

MR. ANDERSON:

I'm certain of it.

LEG. KENNEDY:

Okay. Do we have the prime contractor selected?

MR. ANDERSON:

No, because we haven't gone out to bid on that. Right now, we've just sent up the plans to COC for their approval on the site -- the early site package. What we've done is we've put separate contracts together for different phases within the Phase I. If you will. There's the precast, concrete --

LEG. KENNEDY:

Cells. Cells are a separate contract, and as a matter of fact, that been out, we did the RFP, we got no takers. We ran it back out again, we got an intermediary who's going to provide financing cover for whoever the actual fabricator is going to be.

MR. ANDERSON:

Right.

LEG. KENNEDY:

Is that fabricator going to be here on-site? Is that going to be in Yaphank, or is it off-Island?

MR. ANDERSON:

That still hasn't been determined.

LEG. KENNEDY:

Well, how that can that be that that's not determined? Because if it's built in Georgia or if it's Upstate or if it's built some place else, then there's a misrepresentation again to the people who were told here that we needed this money for the local work.

MR. ANDERSON:

The work --

LEG. KENNEDY:

How does that happen?

MR. ANDERSON:

The work will either take place in a local fabricating firm, or it will take place on-site.

LEG. KENNEDY:

One more time.

MR. ANDERSON:

The work -- the manufacturing of the cells will either take place in a local, you know, fabrication plant --

LEG. KENNEDY:

Local concrete plant or on site in Yaphank?

MR. ANDERSON:

Yes.

LEG. KENNEDY:

Not off-Island?

MR. ANDERSON:

Not off-Island.

LEG. KENNEDY:

And using local labor in order to go ahead and construct.

MR. ANDERSON:

Yes.

LEG. KENNEDY:

In -- with the PLA? In other words --

MR. ANDERSON:

Yes, in accordance with the PLA.

LEG. KENNEDY:

Fine. All right. So let's move on then. We're only six months behind then on the cell construction, because we were supposed to be doing that in the summer. Now we're going to move forward and we're going to go ahead and we're going to go to the selection of the GC and the site assembly and preparation. Do you believe that it's going to happen in roughly 120 days from now?

MR. ANDERSON:

Yes.

LEG. KENNEDY:

We don't have a GC selected, though.

MR. ANDERSON:

No.

LEG. KENNEDY:

And we don't have a contractor.

MR. ANDERSON:

Understood. We are waiting -- right now the schedule that we are proposing, and we've sent the plans up to the COC, we're proposing to go out to bid with that project in January, receive bids in February, and we anticipate being able to start construction in March, weather permitting.

LEG. KENNEDY:

What is the amount associated with the GC, with the --

MR. ANDERSON:

With that package -- I can get that. I don't know off the top of my head what that is.

LEG. KENNEDY:

Seventy million, eighty million, ninety million? How much do we have committed to the cells?

MR. ANDERSON:

The cells right now, we're around 12 to 13.

LEG. KENNEDY:

Twelve to 13 mill.

MR. ANDERSON:

Right.

LEG. KENNEDY:

So balance of the project, which is 150 to \$160 million project is associated with the GC and the subsystem?

MR. ANDERSON:

Yes.

LEG. KENNEDY:

Okay. And you are telling me that we can go ahead and have a contract for \$140 million done in about 25 days?

MR. ANDERSON:

No. What we're doing --

LEG. KENNEDY:

Okay. So then how are we going to meet March?

MR. ANDERSON:

We have -- because of the work that's ongoing or that will be going out next year from the City, the City -- and bear with me and hear me out -- the City of New York is going to be putting out billions of dollars of work. And of the larger contractors that would have taken this project as a single prime, we feel now are going to be drawn into the City work that's going on, and they're not going to be interested in us, and we're not going to have competitive bids.

So what we've done is we've decided to phase or further break up the Phase I Project into a site preparation and outdoor recreation yard construction, that would be the first phase for a bid package. The second bid package would be foundation for the new building and on-site concrete work. And the third phase would be essentially the new phase of construction. Nothing to do with any of the areas that are going to remain with the existing structure, but all the new construction. And then the last part of this package would be additions and renovations to the existing facility, because by that point, we'll have the new construction finished, be able to move all the inmates over to the new portion and do the work that we have to do on the old portion.

LEG. KENNEDY:

I'm going to yield to the Chair, but what I'm going to say -- the caveat I'm going to give is we are in the same place that we were last year, except we've now built in about \$16 million in cost overrun from where we started in December of '05 to where we sit right now. We had ten million that were in last, talked about increase in steel, concrete and other materials. Here we're looking at again another 6 million associated with increases in steel, concrete materials. That's 16 million. A hundred and sixty million dollar project, that's 10%, and we don't have anything yet at all. So I guess as I vote today, I'm voting to go ahead and embrace even more escalation while we have no place to put prisoners. Please, build this jail.

CHAIRMAN SCHNEIDERMAN:

Let me ask, Sheriff, in this package, have all the things that we're bonding for been approved now by the COC or are there some things that we're still waiting for? You came up with a lot of innovative ideas and changes, and everything now is approved, or some of the things that were bonded for, not yet, or we're not sure?

SHERIFF DEMARCO:

All the housing issues are approved. I know there's some outstanding issues, which I think there's a meeting in December as far as the outdoor recreation yards, which are temporary/permanent, but we have to build, because we're going to be shutting yards during construction. So there's some issues with them with safety and security, minor things. And I believe that's the only real big issue out there.

CHAIRMAN SCHNEIDERMAN:

All right. So on 2411, we discussed it, there has been a motion and a second; is that correct, Mr. Clerk?

MR. BAKER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

LEG. ROMAINE:

Mr. Chairman, I'd ask the Clerk if they would go back and list me as a cosponsor on 2407 now that my questions have been answered. Thank you.

2431, Adopting Local Law No. 2006, A Local Law to reduce the emission of pollutants from diesel-fueled motor vehicles operated by or on behalf of Suffolk County.

2431 needs to be tabling for a public hearing. I'll make the motion, seconded by Legislator Eddington. All those in favor? Opposed? Abstentions? **TABLED (VOTE:7-0-0-0)**.

2438, Appropriating funds in connection with the Memorial for the Victims of the Terrorist Attacks on September 11th (CP 1773).

LEG. EDDINGTON:

Motion.

LEG. BROWNING:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Eddington, seconded by Legislator Browning. All in favor? Opposed? Abstentions? **APPROVED (VOTE:7-0-0-0)**.

There's a motion to adjourned. We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 3:30 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY