

PUBLIC WORKS

AND

PUBLIC 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, January 10, 2006.

MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairman

Legislator Wayne Horsley • Vice•Chairman

Legislator Kate Browning

Legislator Edward Romaine

Legislator Ricardo Montano

Legislator Thomas Barraga

ALSO IN ATTENDANCE:

George Nolan• Counsel to the Legislature

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Richard LaValle • Chief Deputy Comm • DPW

Leslie Mitchel • Deputy Commissioner • DPW

Renee Ortiz • Chief Deputy Clerk • Legislature

Ben Zwirn • County Exec's Office

Gail Lolis • County Attorney's Office

Legislator Kennedy

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 2:10 P.M. *)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting to order. If you all will rise and join us for the Pledge of Allegiance led by Legislator Montano.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

I only have one yellow card, so I'd like to start out with the public portion, and our rules are three minutes. So Mr. Hymowitz, Clifford Hymowitz, who's speaking on public transportation issues would like an opportunity to address us, and then we'll move on to Commissioner Bartha with a presentation.

MR. HYMOWITZ:

My name is Cliff Hymowitz. I'm here today as the Director of Concerned Citizens for Public Transportation in Suffolk County. I also serve as the Chairman of the Transportation Advisory Board for Suffolk County, and I'm also the Chairman of the Subcommittee on Transportation for the Disability Advisory Board of Suffolk County.

In your packets, you will find a copy of my testimony as well as the ••

CHAIRMAN SCHNEIDERMAN:

Those packets have been distributed? They're going to be distributed now.

MR. HYMOWITZ:

•• the previous •• the last •• out last minutes of the Transportation Advisory Board as well as the agenda for our meeting tomorrow, so you can get an idea of what the Transportation Advisory Board has been working on. I also have a copy in there of a newsletter that was distributed. I believe a copy went to your office by mail, but I wanted to give you another one. And I just want to draw your quick attention to January 21st, we're going to be doing a tour of the SCAT facilities, and I really encourage you to let your constituents know about it. If you have any information, my contact information is on

there. All right.

Real fast. Two minutes. Chairman Schneiderman and members of the committee, the action plan implemented by the Executive Order on US Transportation, United We Ride, has the following goals regarding transportation; education and outreach, consolidated access, regulatory barriers, coordinate planning and cost allocation. It's for these reasons that I made a request to the Presiding Officer to change the name of this committee from Public Works and Public Transportation to Public Works and Transportation. There's an overall lack of coordination for the myriad of transportation activities and funding in each state. This causes fragmented and duplicative transportation services that fail to meet the comprehensive transportation needs.

This a direct quote from •• the footnotes are on the bottom. The previous Public Works and Public Transportation Committee had primary jurisdiction over mass transportation and ferry companies. It is my recommendation that along with the change in the name of the committee to Public Works and Transportation, the committee's jurisdiction should be broadened. My recommendation is that the committee's jurisdiction is to include all human services transportation as well as intermunicipality agreements involving transportation.

This committee should also review and consider all resolutions appropriating, increasing, transferring, expending, limiting, reducing or terminating funds for all transportation as to provide recommendations to the 2006 Budget and Finance Committee. The result being increased coordination and provision of cost effective transportation services, which meet all five goals set forth in the United We Ride in the action plan putting the County in place to maximize opportunities to be eligible for increased transportation coordination and freedom initiative funding, including the current reauthorization of Safe,

Accountable, Flexible and Efficient Transportation Act, SAFETYLU. Another opportunity set forth in SAFETYLU is allowing the cost of mobility management as a capital expense. This results in an 80% federal contribution.

Thank you for the opportunity to address the committee as the Chairperson of the Suffolk County Transportation Advisory Board. We look forward to providing additional recommendations as well as working with this committee to assist in any matter accomplishing the goals set by this committee. Cliff Hymowitz, Director, Concerned Citizens, Public Transportation, Suffolk County.

CHAIRMAN SCHNEIDERMAN:

Thanks. It's amazing that you were able to do that in three minutes considering the scope of the document you presented. I know we'll be hearing from you in the future. I thank you for the interest in public transportation issues as well as your activism and advocacy.

P.O. LINDSAY:

Mr. Chairman, could I just make a comment?

CHAIRMAN SCHNEIDERMAN:

Of course. Presiding Officer Lindsay.

P.O. LINDSAY:

The buzzer wasn't that he was trying to rush you, he just couldn't figure out how to shut it off.

CHAIRMAN SCHNEIDERMAN:

That's true. Okay. We have Commissioner Bartha here today, as well Deputy Commissioner Miller (sic • Mitchel). So, Charlie, I'll give you the table to give us a brief overview of some of the Public Works functions and projects, and then I to have ample time for questions.

COMMISSIONER BARTHA:

Thank you. On behalf of the Department of Public Works, I welcome all of the Legislators to the Public Works and Transportation Committee. We look forward to working with you and assisting you in whatever direction you are looking to go.

First, I'd like to introduce the •• I always have the division heads who have resolutions pending before the committee so that we can hopefully answer any questions that are raised at the committee meetings. Today it's a rather small agenda. Present, we have Chief Deputy Commissioner Richard LaValle, who most of you know, Deputy Commissioner Leslie Mitchel and Chief Engineer for the Highways and Waterways, Bill Hillman.

The Public Works Department is the largest operating department in the County. We have about 900 people, two•thirds of which are blue collar, hand on, get the job done people. We do everything from designing and maintaining County roads and bridges, and those bridges include drawbridges

over to Dune Road in Westhampton and Quogue and Smith Point. We also maintain and operate the County's buildings. The maintenance includes custodial as well as sophisticated building energy management systems in the heating, ventilating, air conditioning, as well as the sewage treatment plants. The County, we operate over 20 sewage treatment plants from the Southwest Sewer District, Bergen Point, which is presently permitted for 30 million gallons a day, and we are in the process of entering a design contract to expand it by five million gallons to treatment plants that serve condominium complexes, and they are as small as 100,000 gallons per day.

In addition, in each of those areas, highways, buildings and sanitation, to operating and maintaining them, we design and inspect the construction of related facilities. We also operate and manage the County bus system. We have, I believe, 165 buses, which the County buys largely with federal and state aid, and we contract with bus companies to provide the operational services.

We do the County's Vector Control and Mosquito Control Program. We also operate and maintain the county's fleet, and it's not just Public Works, it's the police vehicles as well. You know, it's a pretty wide ranging department, and often when you have a problem, I don't like to use the word problem, but often when you have a problem, we have the solution. So we look forward to working with everybody.

CHAIRMAN SCHNEIDERMAN:

Okay. Let me entertain questions. We'll start with Legislator Romaine.

LEG. ROMAINE:

I have a question that you probably can't answer today, but since I'm going to be a member of the committee of the year hopefully for the remainder of the year, maybe there will be a opportunity for you at some future meetings, so this is not for now, but if at the next meeting you could give me an answer. Can you tell me, in 2005, the number of budgeted positions in your department that remain vacant and for the length of time that they remain vacant for that year. I'm interested in understanding the vacancy rate as it applies to Public Works. And I won't ask you to characterize because I understand it would be difficult in your position to characterize the impact on those vacancies on the effectiveness of your department, but I am very interested in learning the number of vacancies, how long they were vacant and where they were vacant.

And the second question that I'd like to know what is •• is there a national standard for the amount of office space or different types of spaces that custodial staff should be cleaning, and how does Suffolk County equivocate to that standard? In other words, are our custodians handling more than the national average? Are they doing a great deal more? Are we asking them to cover more? So those questions if you could get me answer maybe in two weeks or three weeks, whenever the next committee meeting is, I would appreciate it. You understand what I'm driving at having lived in this County government for a long time and watched how its operated.

COMMISSIONER BARTHA:

I understand the questions, and we'll get the answer for you.

LEG. ROMAINE:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Commissioner, can you provide a brief overview of some of the larger capital projects that the County is currently involved in, such as the County Jail. And •• brief. That's obviously the largest, but there are many fairly large projects other than that, so if you can just briefly speak to that. Maybe at some point you could just provide us with a timeline, a list of, you know, all the projects and where we are in the •• in the progress of finalizing those projects.

COMMISSIONER BARTHA:

Okay. I'll certainly do that now, but we also provide a Capital Project tracking report and status report that is on a data base, and we can provide it by Legislative district, which will be helpful, as well as by major division; Buildings, Sanitation, Highways.

CHAIRMAN SCHNEIDERMAN:

Yeah, that's what I was talking about.

COMMISSIONER BARTHA:

Yes. Obviously, the jail is the largest project and we have been giving the most attention to. We have, since the inception of the concept of going ahead with the jail, there were major cost increases throughout the industry, largely due to cement and steel going to China from around the world. So there's been large cost increases in those areas. And basically, a jail consists of steel and concrete. So that type of project has been particularly hard hit.

We are working with the new Sheriff already. He has identified a number of increases where he has a different direction he would like to go in from the previous Sheriff. And we believe that that will certainly increase the number of beds that are available and possibly decrease the cost. So we are working on that. We have schematic drawings, we have Corrections Commission approval for where we were at a month and a half ago. I expect whatever changes we will be making, in about another month and a half, we would have those pretty well defined and be able to approach the State Corrections Commission with those.

Our plan is that in 2006, we will bid a package for the precast modular cells. The cells will be precast concrete. Possibly right on the site they would be precast or they may be precast at a manufacturer's plant nearby. And those •• there will be a separate contract let later in the year that would provide for the site work at the jail, and then the big package of basically assembling the precast modular cells and construction for all the ancillary parts of the jail. It will be done under a •• you know, we are in the process of negotiating a project labor agreement for the project, which has benefit of •• to the County of ensuring uniformed work rules, no•strike provisions, and we also get some concessions from Labor, which are something that is subject to negotiation with respect to holidays and when overtime kicks in. In exchange to make it attractive to Labor to agree to these concessions, it's required that the labor on the job has to be hired through the union halls as long as there is labor available through the halls. And that is something that has tested in the courts and has prevailed in the past. The County employs that on a lot of major projects, most major projects.

CHAIRMAN SCHNEIDERMAN:

Any other Capital Project you want to apprise us of?

COMMISSIONER BARTHA:

Well, we have at Bergen Point, the County's largest sewage treatment plant, we are in the process of going ahead with \$28 million project to replace the sludge processing equipment and the sludge dewatering equipment. That's a very big project. In 1978 dollars, Bergen Point Treatment Plant in total cost some where around \$75 million. So this is a big and important component of the plant. And we have •• are close to completing the design for new incinerators at Bergen Point to incinerate the sludge. Those, I believe, will go out to bid late this year, early next year, and that is in the 30 to \$35 million range. Those aren't particularly attractive projects, the first three, but they are important to the County's infrastructure.

We also have the Riverhead County Center, which is of interest to a number of people, I'm sure. We had taken bids last fall, and with the funding being somewhat in question towards the end of the year, we delayed with the actual start of the contract work, but the contracts are now being awarded and the contractors will be starting as soon as weather permits with some pile driving out there. So I would say we're in very good shape on that project.

We have some major highway projects, and I'm going to be speak with Legislator Browning shortly to arrange to go over a critical one not far from where I live in that area along Montauk Highway. It's a federally and state funded project there, and it's an issue that comes up often about round •abouts versus traffic signals. And that's a project that we're looking to more forward on. We think it's very important to the community. And either one of those alternates, we believe, will work. And it will be •• it includes curbs, sidewalks, improved pavement, it will improve traffic flow, and it will improve the appearance of that corridor.

We have a similar project along County Road 16, which is Horseblock•Portion Road, and we are proceeding to the final stages of that. We will be ready to bid it •• you know, offhand, I'm not sure if it's later this year or the following year, but we'll be in the property acquisition phase. County Road 39, which I know is important to the Chairman here, is another project. Any time you get to a road project, it's controversial. You seem to be able to find as many people on one side of the coin as the other. But we have done a considerable study there, we are ready to proceed into the design stage. It's an enormously costly project. What we're proposing is to go ahead with what we call priority areas and make it a more manageable project and get a lot of bang for our buck in the early stages of the projects to improve the traffic flow.

LEG. ROMAINE:

County Road 58?

COMMISSIONER BARTHA:

58 in Riverhead. If anyone has driven along that corridor, they've seen what has gone on there with the retail development over the last five years alone, it's incredible. The County has a project that actually predates my tenure in the County that they were ready to build over 30 years ago, and because of local controversy were not able to proceed with it. We have mitigated •• believe it or not, we have managed to mitigate a lot of the traffic on there by requiring dedication of right•of•way and improvements to the County Road by developers when they were making •• doing the development, so that's why we have two lanes for a large portion going westbound. What we are •• we're also ready to proceed to design there. One of the issues, a big issue, there is the round•about, it's an old•fashioned traffic circle, what improvements could be made to maintain that as a round•about, but then again, there's another segment of the community that would like to see it become a traffic signal. So that's another big important project, which will,

once get to the construction phase, will be enormously costly. And that is something •• often people say, well, let's get some federal aid for it. The county •• the way the federal aid is divided up, the County gets approximately 12 or \$13 million every year for highway projects, and then that gets divided up amongst the various projects the County has.

The project on County Road 39, I believe, some of the alternates are up in the •• including property acquisition are up in the \$75 million range. And it's •• you can see that federal aid alone is not going to answer the question on that, so that's why we're looking for more manageable components of the projects, and I am looking to bring the department and the County in a direction of road improvements rather than road expansions. There's a lot of areas where our roads, you know, have to be strengthened, you don't want to see them deteriorate, because it's more costly in the long run. So you see the Capital Program 5014 for the strengthening and improving of County roads increased over the last couple of years. So there's more work that we can do to maintain the existing roads that aren't in adequate capacity or shape.

CHAIRMAN SCHNEIDERMAN:

I have several Legislators who told me they had questions. We'll start with Legislator Montano.

LEG. MONTANO:

Thank you, Commissioner, you answered my question before I asked it thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

Yes. Good afternoon, Commissioner. Thank you for your update. I wanted to thank you, previously, even before my election, talking to me about, as you put it, not a pleasant, but certainly an important piece of our infrastructure, the Southwest Sewer District. I had some basic questions. I know that we're adding capacity, and I've seen the numbers in which we're adding, but I'm also hearing all sorts of stories from all over, not only the northern portion of Babylon Township, but into Huntington, the Walcoff Properties and whatever on the usage of that capacity. At this point, have we utilized all of our future capacity? Is there obligation towards it? And I'm not sure I understand exactly the process in which we make those decisions. Who is going to use the remaining 1500 or whatever the number might be gallons per day? I mean, how does that process work?

COMMISSIONER BARTHA:

Okay. The 30 million gallons is the magic number at Bergen Point, that's how much the plant has been designed and permitted for. That's more than adequate for all the properties in the district, and we have an absolute commitment to all the properties in the district, which is basically everything south of Southern State Parkway and west of Hecksher Parkway. There's considerable properties that have been hooked up along the Route 110 corridor, and most of those were as a result of contracts. When an entity, a property, a developer is outside the limits of any sewer district, they have to come to the Sewer Agency for a determination of how that •• their sewage will be disposed of. The options are they construct their own sewage treatment facility, they connect to an existing County sewer district, which is preferable to the County, because it makes regulation •• regulatory aspects

of it much simpler.

LEG. HORSLEY:

Sure. I understand.

COMMISSIONER BARTHA:

And it's also a benefitted cost to whatever district they connect to because of economies of scale. So the Sewer Agency is comprised of the Commissioner of Public Works as the Chairman, the County Executive or his designee sits on it as well as the commissioner •• Director of Planning and the Commissioner of Health as well as three Legislators; the Presiding Officer, Chairman of Public Works and a Legislator at large appointed by the Presiding Officer. They meet each month and that's who by law determines how the extra capacity, if its exists, is made available. And in other sewer districts other than Southwest what has happened when treatment plants had to be expanded, in most instances the developer has agreed to do it when the Sewer Agency has required it.

When an entity from outside a property connects to •• we'll talk about the Southwest Sewer District, because there's extra capacity available, we require them to pay a connection fee, which is presently \$15 per gallon, which winds up being a very large amount of money.

LEG. HORSLEY:

I can see that, yeah.

COMMISSIONER BARTHA:

We have done a tremendous number of improvements at Berger Point over the years by using the connection fee money that the district has received without using any money of the taxpayers in the district. That's a one time fee, and after that, they pay the same as any property owner in the district plus a 5% administrative fee. So we believe it's a good thing for people in the district when we have these outside contractees. The Southwest Sewer District is fully committed now with respect to the capacity ••

LEG. HORSLEY:

The 30 million?

COMMISSIONER BARTHA:

The 30 million. We have not cut into the five million ••

LEG. HORSLEY:

Oh, you haven't?

COMMISSIONER BARTHA:

No.

LEG. HORSLEY:

Okay. So there's no obligation to the future at this point?

COMMISSIONER BARTHA:

No.

LEG. HORSLEY:

Okay.

COMMISSIONER BARTHA:

When I say we're fully committed, let me backtrack on that a little bit. The State DEC requires us to keep a 5% capacity in reserve unless we have a plan to expand. So 5% at Bergen Point is a million and a half gallons. We convinced the state last year that once the Legislature and the County Executive agreed and funded the design for the expansion of Bergen Point, that they should allow us to start using that million and a half gallons of reserve capacity, and that is continuing to allow economic development adjacent to the sewer district and bring in connection fee money to the sewer district.

LEG. HORSLEY:

Go ahead.

COMMISSIONER BARTHA:

You mentioned the Walcoff Development, there's going to be a very large one. There will be a very large connection fee associated with that property.

LEG. HORSLEY:

It's not a comment for or against. I just wanted to know the process. The last question, relating again to that project, you, of course, have about some of the issues relating to the last storm that we had and the back ups into the houses and whatever, and I've been there all of a week now, and I've gotten all sorts of phone calls, where's the money, all this kind of stuff, for repairs and the like. Where are we at with the damage issues relating to the Southwest Sewer District?

COMMISSIONER BARTHA:

At the last regular meeting of the Legislature last year, the monies were appropriated for the damages. I believe it was in the order of \$7 million. And working with Insurance and Risk Management Division of the County, the monies are now being paid to the homeowners.

LEG. HORSLEY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

On the Walcoff, Pilgrim State, whatever that project is, is that factored in the

30 million or the five million?

COMMISSIONER BARTHA:

It's factored into the 30 million.

CHAIRMAN SCHNEIDERMAN:

In the 30 million.

COMMISSIONER BARTHA:

The base flow for it, it's still somewhat questionable how much flow they will have, because their project is not completely defined yet. But the initial flow that they believe that they need is factored into the 30 million.

CHAIRMAN SCHNEIDERMAN:

Can I ask, what percentage of the excess capacity is being taken by private carters who are bringing in sewage from other areas outside the district, do you know?

COMMISSIONER BARTHA:

You're referring to scavenger waste, I believe.

CHAIRMAN SCHNEIDERMAN:

Yes.

COMMISSIONER BARTHA:

There's another point five million gallons, half million gallons a day that the plant is permitted to receive in scavenger waste. So we take in 500,000 gallons of scavenger waste virtually every day.

CHAIRMAN SCHNEIDERMAN:

So we are using that entire amount that we're allotted for scavenger waste?

COMMISSIONER BARTHA:

That's true.

CHAIRMAN SCHNEIDERMAN:

Can I ask, Charlie, what we charge a gallon? Do you know? You can get back to me on it.

COMMISSIONER BARTHA:

Yeah. Let me get back to you on that.

P.O. LINDSAY:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Let me continue on my list, I have Legislator Barraga, then Legislator Lindsay.

LEG. BARRAGA:

Good afternoon, Commissioner. I just have one question for you. There's been a great deal of publicity of late with reference to five contractors who are under a federal indictment for bid rigging. I would think as the Commissioner I would be greatly concerned about that in terms of the implication or possible fiscal implication to the County, because obviously, I would think that some of these contractors did work for the County. Is there anything in process that somehow reviews past contracts that maybe these contractors were involved in to see whether or not you paid a fair price or you were victimized? I mean, I know it's only an allegation at this point, but I would think there's a yellow light going off to really take a look back over a long period of time to see whether or not these contracts were valid and that you may have overpaid.

COMMISSIONER BARTHA:

Well, certainly I'm aware of it, and we are certainly looking very closely at the

contracts held by those firms and those contracts that were specifically named in the indictment and affidavit of arrest. There were two contracts specifically named in the affidavit of arrest, one, a project in 2003 on Straight Path and the •• none of the firms •• well, the low bidder on that project who did the construction was not a firm that was named in the affidavit of arrest or indictment.

The other project, more recent project, the general requirements paving contract of 2005, August, 2005, was also one that was alleged to be part of a bid rigging scheme. We have taken a close look at that. We found that when we rebid the prices •• we took bids once, I believe in June, we weren't satisfied, we believed the bids were imbalanced, we rejected the bids. And on rebid, we received lower prices, and the prices were lower than they were previous bid of the same requirements work. Requirements work is not for a specific location, it's where we buy 100 tons of asphalt in place, and the place to be determined based on our need during the course of year.

So those bids have since •• we have rescinded those bids, the contracts that were awarded under that bid and are in the process of preparing to rebid those. And we have certainly an ongoing review where I have been working with the County Attorney's Office and the County Executive's Office.

LEG. BARRAGA:

So the contracts you are talking about are specific to the indictment? Are you looking at all contracts going back maybe five or ten years that these firms have been involved in?

COMMISSIONER BARTHA:

Well, we are looking at •• the contracts I talked about were ones that were specific to the indictment. We're looking at contracts that have been bid since then, but not awarded as being critical in going forward.

LEG. BARRAGA:

You mentioned 2003 and 2005, two contracts. Are you looking at other contracts that these five companies did say going back to 2000, whether or not they're mentioned in the indictment to see whether or not you might have gotten rolled other?

COMMISSIONER BARTHA:

No we haven't been.

LEG. BARRAGA:

Maybe you should.

COMMISSIONER BARTHA:

I'm not sure what we would be able to establish by looking at that.

LEG. BARRAGA:

Well, I would think I would want to review those contracts to see if the County was maybe overcharged. I mean, you're really looking at only two of those contracts because they were involved in the indictment. Obviously, there may be more of a history here. You know, we don't really have any idea frankly what the fiscal ramifications of their actions are, should it just be limited to the projects in the indictment. All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

I have a lift here. I'm going to go to Legislator Lindsay •• I'm sorry, Presiding Officer Lindsay.

P.O. LINDSAY:

Commissioner, it's just something that I asked at Public Safety. The cell tower project for the north shore, do you have any idea of the time frame on that?

COMMISSIONER BARTHA:

I'm not familiar with that. Maybe Richard is. No. We'll have to get back to you on that.

P.O. LINDSAY:

It's still an ongoing problem up there with our police communications. I know it's in the '06 Capital Budget, just if you can check it.

COMMISSIONER BARTHA:

What we will do is if it's in the '06 Capital Budget, it would be the Police Department requesting the funds. We will work with John Randolph in the Police Department to make sure that anything that should be submitted is.

P.O. LINDSAY:

And the other thing is, is Raynor Park done now?

COMMISSIONER BARTHA:

Boy, do I wish I could say yeah.

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's being completed. We hope to have it up and running this spring and be able to use it. The field is usable, it's just the rest of the park is going ••

P.O. LINDSAY:

The stenographer couldn't pick that up. Deputy Commissioner LaValle said it should be this spring.

COMMISSIONER BARTHA:

Is there a Memorial Day Parade this year?

P.O. LINDSAY:

No. Actually, one of my goals in being elected to the Legislature is to live long enough to see Raynor Park opened again.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We hope to have it up and running this spring. The fields will be usable for the most part, I think the parking facility. I think that was one of the major obstacles this past fall, was the fact that park facility entrance roads were not ready to be used. But he intends to complete that some time ••

P.O. LINDSAY:

It should be 100% completed in '06.

CHIEF DEPUTY COMMISSIONER LAVALLE:

It will be 100% completed in '06, yes.

P.O. LINDSAY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, though you are not on the committee, I will recognize you for the purpose of a comment or question.

LEG. KENNEDY:

Thank you, Mr. Chair, I appreciate it. Having been on this committee last year, I guess, old habits are hard to break, and I always have a good time chatting with the Commissioner. It's •• I appreciate hearing about the status of a lot of the projects. As you know, I, like many of my colleagues, are concerned with the Riverhead County Center, and I'm pleased to hear that contracts actually have been awarded, so construction is going to commence now along the regular schedule.

COMMISSIONER BARTHA:

That's correct.

LEG. KENNEDY:

And the first part of that is going to be, I guess, the addition on the Court Records Storage Center?

COMMISSIONER BARTHA:

That's correct. Just so I'm clear, the balance of work, and we had divided this into two phases, will be bid at the end of the year. But there's approximately \$7 million worth of work that's in this first phase that the contracts have been bid and will be •• have been awarded.

LEG. KENNEDY:

So then the interior renovations of the shell itself as we know it is something that's still subject to the let. Are those plans firm and finalized? Is it ready to let? Are we just •• is it just a function of time, or is there still more design work to do?

COMMISSIONER BARTHA:

It's really a function of coordination that this first portion has to go ahead separately, and the plans are close to being completed.

LEG. KENNEDY:

Is it still your plan to go ahead and redeploy the staff into the newly created space during the time of renovation of the balance of the shell, or is that still to be determined?

COMMISSIONER BARTHA:

I believe the phasing plan includes a combination of using the newly constructed space as well as some trailer space that we would have the contractor rent trailers, mobile units on the site.

LEG. KENNEDY:

Those mobile units will be for County staff?

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

Is that right?

COMMISSIONER BARTHA:

We used that at the old infirmary, the former infirmary in Yaphank when that was reconstructed, and frankly, it worked a lot better than working around people for everybody's sake.

LEG. KENNEDY:

Okay. Obviously, I'll have an interest in that going forward. The other issue which is near and dear to my heart, as you know, is the jail. And I have done a considerable amount of additional homework, I guess, as far as jail construction at this point, both here in New York State and throughout the country. I'm pretty familiar with the modular construction at this point now. I have a ton of questions, but I guess I'm going to limit it in deference to my colleagues on speaking in particular about the configuration of the modular units themselves.

I'm familiar with the Commission of Corrections' minimum requirements of 60 square feet per cell and the fact that the mods are basically done in double cell configuration. My question to you is do we have an approved schematic

for that cell package at this point? Do you know what it's going to look like?

COMMISSIONER BARTHA:

Do I know how the pods where the cells are going to be assembled look like?

LEG. KENNEDY:

No, the cells themselves.

COMMISSIONER BARTHA:

The cells themselves.

LEG. KENNEDY:

We have 380 cells at this point based on what the latest correspondence is from the Commissioner of Corrections that we're constructing, in essence, new cells based on latest communication in the December 21st letter, correct?

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

Okay. Do you know yet what they're going to look like? Are they going to be 10 feet deep, eight feet deep, six feet wide, eight foot high? What are they going to look like?

COMMISSIONER BARTHA:

I don't have the •• offhand, I can't tell you that answer. I can check. We do not have the final design for them yet. We will at the end of the spring, when we plan to put that out to bid. We are still having conversations with a number of manufacturers of the units to determine what works best for our facility, but I will check with you to see if we've established the actual dimensions.

LEG. KENNEDY:

Again, I would think that that would go towards some of the drivers that we have in this as far as the ultimate cost. You are aware that, for example, in Ontario County, 216 cells recently were constructed and completed and brought online for a total of \$27 million?

COMMISSIONER BARTHA:

No, I'm not aware, but we have looked •• compared other jail projects, similar jail projects, we found that we were actually right in line on the per •cell cost and the per •square foot cost.

LEG. KENNEDY:

Okay.

COMMISSIONER BARTHA:

There is a tremendous difference in costs on Long Island versus Upstate, and that's part of the education process we had to go through with some of people we were dealing with. The hourly wage rate, prevailing wage rate, Upstate is less than half of what it is on Long Island, and that's obviously a major component.

LEG. KENNEDY:

I'd be interested to go ahead and see that, because I checked the Bureau of Labor Statistics Website, as a matter of fact today, and if you take a look at, I guess, what a cement mason, I guess, is being paid up in the Rochester area in comparison to what the Nassau•Suffolk area is, granted, of course, yes, there's a difference, maybe 15, 16 bucks an hour up in Rochester, down here, I think it's somewhere in the neighborhood of around 19 or \$21 an hour. So while I'll acknowledge or concede that, yes, there's differences, I don't know that there's 100% differences in wage rate.

COMMISSIONER BARTHA:

I'll e•mail you the table which has all the different trades and the rates. It was taken right out of Engineering News Record.

LEG. KENNEDY:

Again, I would appreciate it, because I feel it's important as we go forward on

this project with such a large magnitude to understand the cost factors that are driving where we ultimately need to get as far as decision making goes. And then the other thing is, I guess at some point I would like to go ahead and meet with you just to get a look at the status of the plans at this point and see how close we get to the decision making on the cell configuration.

COMMISSIONER BARTHA:

Sure. I'll be glad to do that.

LEG. KENNEDY:

All right. Thank you. Thank you, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Thank you Legislator Kennedy. Obviously, the scope of the projects that this department is undertaking is far greater than we can cover in today's, and we'll be talking about many of these things in future meetings. I have one other Legislator who has asked to comment, so I'll take Legislator Romaine, then hopefully, we'll move to the agenda.

LEG. ROMAINE:

I'll keep my comments very brief. I just want to comment on •• both John Kennedy and myself happen to be long time alumni, particularly in my case, of the Riverhead County Center. Please understand that the plan that is before you is not the plan that was there in 2003. This is a scaled down version. And in the last plan presentation to me as the County Clerk, there

was no mention of trailers in that presentation. So obviously, I'm going to pursue with great interest. I hate to say that we're renovating the County Center when all we're doing is maybe doing some rewiring and a paint job and a much smaller addition than I thought we were going to be doing.

We were going to be doing an addition on to the back of the Records Storage Facility that was going to be two stories, now it's supposed to be one story. So there's major changes here. And what we're doing is we're saying we're doing something, and we're really not doing what we were originally intended to do. This project has waiting for over 20 years. It is a project of great interest. That facility is in deplorable condition. It is a building that has a hell of a lot of problems. And if we scale back and scale back and scale back and still call it a renovation, we're not doing justice to the employees that work there or to the public that utilizes that building. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. I think for some of the East End Legislators who still know that the County Center is in Riverhead, this is something that's an important issue symbolically, I think, to us as well that the intention of the County is not focused entirely to the west. I'd like to move the agenda. I'm going to ask you, Commissioner, to stay there, because I may need you to comment or answer questions on some of these resolutions.

So if we can begin with **Resolution 1004, authorizing public hearing for authorization of rate alternations for Sayville Ferry cross bay service between Sayville, New York and the Fire Island communities of Fire Island Pines, Cherry Grove and Water Island (PRESIDING OFFICER).**

This is just a public hearing. Is there a motion?

LEG. MONTANO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Montano, second by Legislator D'Amaro. All in favor? Opposed? **Approved (VOTE:6•0•0•0).**

1005, authorization of alternation of rates for Sayville Ferry Service Inc. for cross bay service between Sayville, New York, and the Fire Island communities of Fire Island Pines, Cherry Grove and Water Island (PRESIDING OFFICER).

This will come as a result of that public hearing, so we can't take action today. Motion to table by Legislator Horsley, seconded by Legislator Montano. All in favor? Opposed? **Tabled (VOTE:6•0•0•0).**

1027, adopting Local Law to promote energy efficient environmentally friendly dredge projects (VILORIA•FISHER).

I know that the County Attorney's Office has asked to comment, Gail has asked to comment on this. Can we have a motion and a second for the purposes of discussion?

LEG. D'AMARO:

Mr, Chairman, move to table.

LEG. MONTANO:

Second on the tabling motion.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table, there's a second on the motion to table. On the motion, if we can hear from the County Attorney's Office, and I think the sponsor would like •• asked me to get the Commissioner to comment on this as well.

MS. LOLIS:

Gail Lolis, Deputy County Attorney. With respect to 1027, we had communicated with the sponsor, the main draft and concern has to do with the SEQRA classification. The bill lists the SEQRA classification as a Type II, we believe that that should be listed as unlisted.

CHAIRMAN SCHNEIDERMAN:

And, Commissioner, do you have a comment on that?

COMMISSIONER BARTHA:

Yes. Our concern relates to this that as presently drafted, this would probably lead to situations where on major dredging projects we would not be able to get bidders because very large dredges carry fuel tanks as large as 200,000 gallons, and the use of bio diesel in a tank that has previously had diesel, if the tank isn't thoroughly cleaned, causes havoc with the engines. So we are going to request to change to limit it to projects with dredges smaller than 16 inches. And we also will ask to have it expanded to include the work that the County dredge does, the dredge that the County owns that Public Works operates to require bio diesel on that. We will do that.

CHAIRMAN SCHNEIDERMAN:

Will it have to be retrofitted, the County dredge?

COMMISSIONER BARTHA:

No. The tank would have to be thoroughly cleaned or replaced, but on the County dredge, it's a much smaller tank. I believe it's on the order of 1000 gallons or less. So that's something very feasible to do.

CHAIRMAN SCHNEIDERMAN:

On the motion to table, Legislator Montano.

LEG. MONTANO:

Yes. Commissioner, I just had a question. Is there a fiscal impact with respect to the cost of a project if we were to pass this bill? And if so, is it a percentage increase or decrease or what?

COMMISSIONER BARTHA:

No. The price of bio diesel is certainly higher than regular diesel, but it does fluctuate, and it's, I believe, typically in the order of 15% fuel, which is a relatively small component of the cost of a dredging project.

LEG. MONTANO:

Okay.

CHAIRMAN SCHNEIDERMAN:

Was there a public hearing already held on this bill? We couldn't act anyway. We also don't have a CEQ recommendation. So we have several things that would prohibit us from ••

COMMISSIONER BARTHA:

We have a meeting scheduled with the sponsor to work out the differences.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion and a second to table. All in favor? Opposed?

Tabled (VOTE:6•0•0•0).

1028, implementing Leadership in Energy and Environment Design (LEED) Program for future County construction projects (VILORIA • FISHER).

CHAIRMAN SCHNEIDERMAN:

Again, the County Attorney, Gail, has asked to speak on this. Again, Commissioner, I would like to have your comments as well.

MS. LOLIS:

With this one, we also have drafting concerns, the same concern concerning the SEQRA classification. That also should be unlisted. Also, the way it's drafted now, it's unclear as to whether or not the intent is to apply to all Capital Projects or just Capital Projects at one million or more. It can be as simple as changing an or to an and in some of the Resolved clauses. Also, in the third Resolved clause later on, it's the same type of concern. It's unclear as to whether or not the sponsor intends to include all Capital Projects or just limit the resolution to Capital Projects at one million or more.

CHAIRMAN SCHNEIDERMAN:

Does this apply to already approved Capital Projects or only those approved after a certain date?

MS. LOLIS:

Those approved after a certain date.

CHAIRMAN SCHNEIDERMAN:

Commissioner, did you have a comment on this as well?

COMMISSIONER BARTHA:

I have a number of comments. We are actually drafting a number of revisions to present to the sponsor before our January 27th meeting. For starters, in the first whereas, the LEED building rating system that's referred to is not the current LEED builds rating system, it's not the most current version of it. We're concerned that the way this is drafted it leaves very little flexibility as to which projects, Capital Projects, get constructed as far as prioritization. The only •• the key in priority here is how green the building is, which we don't think is really the way to go.

We're also concerned on the certified ranking, this requires us to reach a certain level, and certified is a particular ranking that LEEDs •• LEEDs ranking system provides for. There is presently a project that was specifically appropriated and authorized to be a LEEDs type design with the idea that it would be a pilot project, and we would determine what the additional cost was. There's no question that LEEDs type buildings do cost more. And when you're reading items on the subject, in the private sector, they acknowledge that the cost is more, but that they can charge more for rent, because it has a certain value to either the residents or the businesses that are renting, that they can show, you know, environmental consciousness.

Engineers, as part of our job, we look for the most cost and energy efficient mechanical system in the building. What this does, some of the pay back periods in items where you get LEEDs point to assist in the ranking, sometimes the pay back periods are longer than 50 years. I've seen some of the items where the pay back periods are as long as 100 years. That's not something we would typically look for. We look for pay backs in the five to ten year area.

So a lot of the things the department does are with consistent with LEEDs and certainly with good energy conservation practices. We don't want to be over the cutting edge to the point where it is not cost effective for the County. So our comments are generally in the area of keeping control over the Capital Program and not to be tied into how green the building is as well as the cost effectiveness of it.

CHAIRMAN SCHNEIDERMAN:

Can I ask, in tying ourselves into a non governmental regulatory agency, do we run the risk that that agency •• I'm not sure who makes these LEEDs standards •• could change those standards and we would be left with a bill that asked us to comply with LEED certification, which could change tomorrow and be twice as expensive? Is that a possibility here?

COMMISSIONER BARTHA:

Well, since it relates to a specific LEED rating system, which should be two point two, which is the current one. Right now, it says it says two point one the resolution, which is one of the changes that we'll be looking for. I don't think it would change from where we're at now. But projects are very different. I mean, you look at a jail, some of things you heard me talk about. The Riverhead County Center, that's a very green project. We're

doing so many things energy conservation wise there, because that building was built in the late '50s without any significant renovations. So we'll be putting in much more energy efficient lighting, windows, insulation, oil was probably 12 cents a gallon when that building was built.

CHAIRMAN SCHNEIDERMAN:

Maybe Ms. Lolis can answer specifically. Would we be tying ourselves into something that could change or would we be adopting those standards as they exist today regardless of what this LEEDs group decided were the appropriate criticize for certification?

MS. LOLIS:

I'd have to look into it further, but on the face of it, it would appear that you're limiting yourself to what is attached to the resolution, those specific standards.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Montano, I think you had a comment on that.

LEG. MONTANO:

No. Actually, Commissioner, again, you answered the question before I asked it. Thank you.

CHAIRMAN SCHNEIDERMAN:

It sounds like it's going to be tabled. Let's get a motion and a second to table, and we'll continue discussing it. Motion by Legislator Montano to table, seconded by Legislator D'Amaro. Okay. Several Legislators want to comment. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

I guess I should mention again that •• I know you want to be on this committee.

LEG. KENNEDY:

I'm merely a guest.

CHAIRMAN SCHNEIDERMAN:

I will recognize you.

LEG. KENNEDY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Since you are here and suffering with us.

LEG. KENNEDY:

Charlie, that pilot project that you mentioned that we've agreed, I guess, in order to go ahead and construct under the LEEDS standards, I believe is the Fourth Precinct; is that correct?

COMMISSIONER BARTHA:

That's correct.

LEG. KENNEDY:

Okay. Based on the comments that you just offered to us about embracing or adopting the LEEDs concept in general, do you see that that will or will not impede the construction of the Fourth Precinct? How do you square them? In other words, we've got concerns overall generally with embracing these LEEDs standards, yet nevertheless, we've said that we're willing to go forward in particular with a fairly important project, I guess, particularly from, you know, our law enforcement personnel. And in fact, it's the last precinct to be renovated, it's a 35 year old building. Is it •• what will be the factors? What will we be voluntarily embracing while having to go ahead and carry that mission to construct for law enforcement?

COMMISSIONER BARTHA:

Well, we will be developing a design, almost two parallel designs, which have separate cost estimates for each, and we will also project the energy savings to be achieved with the more green alternate as compared to how we would typically go about building a building, then we would come to the Legislature for appropriation of the funds. The and Legislature will make that determination as to how green we go.

LEG. KENNEDY:

And, again, green, I guess •• you know, all matters are matters of money certainly, but the other factor, I guess, that I would ask you is not only do we look at perhaps an additional capital outlay in an effort to achieve this energy conservation goal, which is a good goal, but what does it do to your schedule, our construction schedule? Is there any kind of dichotomy there as for conventional building methods and embracing this other method?

COMMISSIONER BARTHA:

I don't think it will have an impact on the construction schedule. It will have a minimal impact on the design period, probably a couple of months it would impact the design.

LEG. KENNEDY:

So we would •• we would lengthen it out?

COMMISSIONER BARTHA:

Yes. Yes.

LEG. KENNEDY:

Okay. All right. Thank you, Mr, Chair.

CHAIRMAN SCHNEIDERMAN:

Any other comments? Hearing none, motion and a second to table. All in favor? Opposed? **Tabled (VOTE:6•0•0•0).**

1030, to authorize a request for proposal to re•establish the Bay Shore Health Center (ALDEN).

CHAIRMAN SCHNEIDERMAN:

I have a request from the sponsor to table. I make a motion to table, seconded by Legislator Romaine. All in favor? Opposed? **Tabled (VOTE:6•0•0•0).**

1062, authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties for the reconstruction of CR 57, Bat Shore Road, from NYS 231 to NYS 27, Towns of Babylon and Islip, Suffolk County, New York (COUNTY EXEC).

CHAIRMAN SCHNEIDERMAN:

Commissioner, can you just tell us what this, why we are condemning land?

COMMISSIONER BARTHA:

This is for a project, a highway improvement project, which we have almost universal support for, and this is acquiring small pieces of property for intersection improvements, right turn lanes, as well as recharge basin areas.

CHAIRMAN SCHNEIDERMAN:

Is eminent domain typically the procedure used? Do we approach these property owners first to see if they're willing sellers, or do we jump right to eminent domain?

COMMISSIONER BARTHA:

Once it's determined that the County is to proceed along this route, as you say, first you approach the owners to try to have them agree to sell at the appraised value.

CHAIRMAN SCHNEIDERMAN:

Has that been done? When you say first, you mean before we actually condemn. So we move the public hearing, then we approach ••

COMMISSIONER BARTHA:

Before we actually condemn, yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Is there a motion to approve the public hearing? Motion by Legislator Horsley, seconded by Legislator Romaine. All in favor? Opposed?

Approved (VOTE:6•0•0•0).

1066, adopting Local Law a Charter Law authorizing the Department of Public Works to perform eminent domain function (COUNTY EXEC).

CHAIRMAN SCHNEIDERMAN:

Again, Commissioner, can you give us more detail.

COMMISSIONER BARTHA:

At the beginning of last year, the right•of•way group associated with acquisitions for highway projects was transferred to Public Works. It had been •• many years ago, it had been in Public Works. It was brought back to us, but there was not the appropriate Charter change made to allow us to actually conduct the hearings and make the determinations. So this will allow it to be done in the department rather than involving two departments in the same action.

CHAIRMAN SCHNEIDERMAN:

We probably should have done this before 1062.

COMMISSIONER BARTHA:

Well, this will affect future acquisitions.

CHAIRMAN SCHNEIDERMAN:

Is there a motion to approve 1066.

MR. ZWIRN:

It has to be tabled for a public hearing.

CHAIRMAN SCHNEIDERMAN:

We have to have the public hearing first. Thank you. So motion to table by Legislator Romaine, second by Legislator Browning. All in favor? Opposed?
Tabled (VOTE:6•0•0•0). Any other comments, questions?
Commissioner?

COMMISSIONER BARTHA:

If I could just add something. We will be seeking a CN to be put before you as a result of an approval the Sewer Agency gave in December that a project

is looking to connect to one of our sewer districts, Sewer District 11, it's called Plymouth Estates, the name of the subdivision. There are prospective homeowners that are ready to close, and until this agreement is approved by the Legislature, they cannot move in. And this was something where basically the private sector dropped the ball in coming to the Sewer Agency. Once they did, we said we would try to expedite the process. And given the year end and the new calender, we were glad to see there was an early meeting, and we're going to ask the County Exec's Office to present a CN.

CHAIRMAN SCHNEIDERMAN:

Before we adjourn, some of us, I think Legislator Eddington and myself as well as Commissioner Bartha and some others are taking a trip tomorrow to Broome County to look at, i guess, it's the jail in Broome County. Can you just tell the committee briefly the purpose of the trip.

COMMISSIONER BARTHA:

That's correct. I will not be along with the trip, but Tedd Godek ••

CHAIRMAN SCHNEIDERMAN:

Lucky you.

COMMISSIONER BARTHA:

Tedd Godek, the County architect along with his assistant on this project and the architects, _Weidersome Associates_ that the County has hired will be there. They've been to this jail before. The Sheriff in that community is very

accommodating. It's immediately north of Binghamton. And our jail addition is being designed with a direct supervision model, which is what it's called, which saves on manpower of Correction Officers.

This is a direct supervision jail that we will be going to. And what's involved in direct supervision is the Correction Officers is right in the housing unit with the prisoners, up to 60 prisoners, and a lot involves sight lines. It's not like he's sitting in an isolated control booth, he's sitting right in the housing unit, sight lines are important. And this is being used throughout the country and encouraged by the State Corrections Commission because of the savings on manpower and the relationship that builds between the Correction Officer and the inmates. And it's supposed to operate much more civilly.

CHAIRMAN SCHNEIDERMAN:

Thank you. So is there a motion to adjourn? There's a motion and a second. All in favor? Opposed? We are adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 3:05 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**