

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 31, 2006.

MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairman

Legislator Wayne Horsley • Vice•Chairman

Legislator Kate Browning

Legislator Edward Romaine

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Louis D'Amaro.

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

Cliff Hymowitz • President Transportation Advisory Board

Peter Caradonna • US Green buildings Council

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 1:46 P.M. *)

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to call the meeting of Public Works, Transportation Meeting to order this 31st day of January, 2006. If you all will rise and join for the Pledge of Allegiance led by Legislator Horsley.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Thank you all for coming out this afternoon. I'd like to start with the public portion. I do have three cards. If you are here and wish to speak to the committee in the public portion, you do need to fill a yellow card, which are available in the front. Our first speaker is Peter Caradonna, speaking on the LEEDS Bill. Peter, step to the podium.

MR. CARADONNA:

Good afternoon. My name is Peter Caradonna, I'm the current Chair of the US Green Building Council, Long Island Chapter. We are an organization here on Long Island, very young. As of today, we're over 120 members in the building industry; developers, contractors, architects, engineers, material suppliers. A very different kind of organization in the building industry in that we take account for everybody across the building market.

I'm here to talk about the LEED legislation. LEED is a product that has been authored by my colleagues and put together by the US Green Building Council in Washington DC. We are currently looking at LEED legislation in every state of union. And, in fact, a lot of different localities, including New York City has adopted LEED legislation, New Jersey. State of New York under Governor Pataki's Executive Order 111, all state projects will be built to the

LEED Green Building rating system.

Some of things that I'd like to cover right now is that we are looking at right now in the United States over 2800 buildings currently registered under the program. It's wonderful that Suffolk County is trying to adopt this legislation and adopt the Green Building rating system. This is the way buildings are going to need to be built. We talk about Green Buildings, we're talking about best practices. When an architect or a builder comes to you and says, well, I've built this building to code, and everybody smiles as if he's achieved something, what he has done is the least he can do before he's done something illegal.

In the future, buildings need to be more energy efficient, they need to be healthier for their occupants. Some of the studies that have come out of Carnegie Mellon now show over an 8% of increase of productivity in employees in Green Buildings. So for us as taxpayers here in the County, to actually create a more healthy atmosphere and get less absenteeism, a better place for people to work and visit is very important.

In terms of the legislation itself, I've seen and worked with this, looked at it over the last couple of years. One of issues I'd like to bring up, I'm not sure if everybody is aware, as an architect, which is my profession, I am working on the County's project for the Scully Environmental Interpretive Center down on South Bay Avenue. In that project, we are following LEED and intend to •• intend to certify the building. This has been done through a voluntary initiative with DPW. So I want to commend DPW on taking on that and becoming aware and seeing that that was a vital project to bring this forward on.

Some of the things that I see in the legislation, first of all, is LEED 2.1, we're one to LEED 2.2 now. And actually, we're working on LEED 3.0, which will include what's called life cycle assessment so that we can look at materials from the point of extraction in the environment all the way through to the landfill and what we do with our products, possibly even putting them back into the technical recycling loop.

One of other interesting points I saw down here was a proviso to allow for a way out of this, and I'm going to take one objection here to historic preservation only because we are working on the Skully residence. For those of you who don't know the project, it's a 1917 home done the architect _Groves and Adurbury_ . _Adurbury_ is the architect for Forest Hills Gardens and for one of the wings of the Metropolitan Museum Art. So it's a very significant piece of American architecture here in Islip, and we are going to turn that, not only on the Historic Registry, but we're also going to turn that into a LEED building.

Other than that, the US Green Building Council is happy to see that the County is supporting us in supporting Green Buildings. This is the kind of initiative that will help private industry to understand what we're going to have to do and what our morale responsibilities are as a building industry going into the 21st Century. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you Mr. Caradonna. Before you go, Legislator Fisher had, I think, a comment or question.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. Particularly since I am not a member of this committee, I appreciate the courtesy. Peter, I have a couple of questions and responses to your criticisms of the legislation. I left it at 2.1, because as you and I both know, the LEED criteria, it's a big volume to go through that, and I believe that because I introduced this three years ago with the 2.1 version, it's a version with which some people in the Legislature have become familiar. Of course, we have a lot of new Legislators, and we're going to try to bring them up to •• you know, to speed on this. But I thought because we're not going for official certification, we didn't need to go to the latest iteration of the LEED criteria. So that's why I kept it at 2.1.

With regards •• what you took the most critical look at, historic preservation, we •• because we are policy makers but we don't work in a vacuum, we want to work with our departments as closely as possible. And I did want to feel that there was a comfort level on the part of the Commissioner Bartha and his staff. And they explained •• you know, they expressed some reservations and they were concerned about some scenarios that would make it very difficult for them. And because I didn't want to have loopholes through which you could drive a semi, I said, well, even if we look at those and they are difficulties, it will come back to the Legislature for a second look. So I did put in the provision for a waiver, but couple that with a second look by the Legislature for our approval so that it's not just blanket loopholes that we're leaving, and this is an important step forward for us.

Okay. Now a question. As you know, we do have our fiduciary responsibilities, and that's always going to be the first question on your minds, because we all know that Green Buildings important, sustainability is very important, we have faced energy costs that have skyrocketed and made just living very difficult. I wished we had passed this three years ago, but anyway. What is the added upfront capital cost? What is range, because as we all know, every project would be different?

MR. CARADONNA:

And it is on a project by project basis. Okay. What we do is a process called integrated building design. It's a systems integration process where we're looking at energy use, cost of materials, cost of equipment, and what best balances out the system. Anecdotally, I would say that the answer to that question is zero to 10%. However, again, it's on a project by project basis. And given Long Island and the current atmosphere of the market in construction where the rest of the country saw a 20% increase in construction cost, here on Long Island we •• in some areas we saw almost a 40% increase in material cost.

LEG. VILORIA • FISHER:

Now, we're not talking about LEED, you're talking about general construction.

MR. CARADONNA:

I'm talking about general, general construction cost. So we've seen a very volatile construction market. And none of that would be related to LEED at all. It has to really do with location, utility, codes, things like that.

LEG. VILORIA • FISHER:

Price of steel.

MR. CARADONNA:

Right. Exactly.

LEG. VILORIA • FISHER:

But LEED, you're saying it's zero to 10%.

MR. CARADONNA:

That's right. In fact, a LEED certified building •• actually in my experience, and that's what we follow, whether a client comes to me and says I want a LEED building or not, we address it as a morale issue. An architect should be in a position to mediate between the natural environment and the needs of human beings. So what we do is we will sit there and follow LEED and most of our buildings could qualify as certified. And on those, they are no different a regular non certified, non Green Building.

LEG. VILORIA • FISHER:

So your experience is there's •• just on your experience, there's zero difference?

MR. CARADONNA:

That's based on a certified building. Now, if you go up to silver and gold, well, you know, then we are talking about buying higher efficiency systems or maybe adding additional equipment.

LEG. VILORIA • FISHER:

Well, if you go to silver, what's the pay•back period on that generally?

MR. CARADONNA:

Pay•back periods, we're seeing no more than three years. Again, it's on a system by system basis. I mean, occupancy sensors pay for themselves in less than a year, CO2 monitoring pays for itself in less than a year. You really want to make sure that people are, you know, just are breathing fresh air. And we're going to see that •• we're going to actually play that out at Laurel Hills School in East Setauket where we're looking at a LEED silver building that's going to be •• go through the full certification process.

LEG. VILORIA•FISHER:

Thank you, Peter.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

I have others who wish to speak, Legislator Romaine, then Legislator Kennedy.

LEG. ROMAINE:

Just a very quick question. Actually, it's for the County Attorney's Office. I heard you mention that the Governor of State had done this by Executive Order. My question to the County Attorney, is the County Executive capable of doing this by Executive Order.

MS. LOLIS:

Off the top of my head, I couldn't tell you. I'll have to look that up. I'll research that.

LEG. ROMAINE:

Thank you, and you know my office number. Thank you very much.

MS. LOLIS:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

My question is with the LEEDS standards and the Scully project in particular. My general understanding when it comes to putting properties on the State Historic Register or the National Historic Register, I was always under the

impression that there were very stringent types of work and improvement that had to be done, and it was generally always to bring the structure as close back to, I guess, what was the originally constructed standards as could be. LEED can be integrated with that concept and doesn't clash with the requirements for state or Federal Historic Property preservations?

MR. CARADONNA:

No, it does not. It, in fact, embraces that. We are going to show that you can go through a process, we're working with Rich Martin, the County's historian on the project, and we are going to show that you can accomplish the historic restoration issues and accomplish LEED. It's been done across the country in over 100 buildings.

LEG. KENNEDY:

So even the example you just gave as far as occupancy sensors and things like that, clearly, I mean, that wasn't around ••

MR. CARADONNA:

Again, it's a systems integration. And what we're going to be doing is taking LEED and evaluating it. LEED is •• based on the certified silver, gold and platinum system or the ratings, what you are doing is you're looking for shades of green. In the case of a historic building, the fact of the matter is you're really saving what's called the embodied energy in that building. It costs a lot to extract that material and build that building in the first place. We're better keeping it and getting it back up to operating level for what the County needs to use it for.

So in essence, we go through that and we say, okay, we've already saved a ton of energy by not building a brand new building some place else and calling it the environmental center. Then from there, we start evaluating how we are going to heat the building, how we're going to •• in this case, how are we going to dehumidify the building, because of the Great South Bay and the materials it's made out of. And then from there, how are we going to go through material selections for the interior? I mean, a very simple thing is paint, you just go through it and you say, oh, I'm not going to choose a paint with a high volatile organic compound, okay? And it's very •• it's that kind of issue.

LEG. KENNEDY:

And again, I guess I just want to pick up on what Legislator Fisher had spoken about in aggregate. In that choice selection there when you're saying picking different types of paint, you can go ahead and find paint, you know, without the high VOC content that is comparable as far as cost per gallon or however you price it out?

MR. CARADONNA:

Absolutely. Absolutely.

LEG. KENNEDY:

So it's merely just in many of these cases making choices between ••

MR. CARADONNA:

Making an informed decision. Again, it goes back to what I originally stated, which is called best practices. You know, when I first got into architecture, people would come to me and say, well, make it cheaper. I began to understand that being an architect is one of the few professions where people ask you to do not such a good job, okay? And you actually know what's the right thing to do and what we need to be building, because buildings last •• are going to far outlast my life, the buildings I'm designing right now. So with •• given that, we have set out and said that Green Buildings is going to be the way we're going to head. Actually, it gets far more technical than that, but, you know, I'm trying to keep it ••

LEG. KENNEDY:

Which I appreciate. Thank you. Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

I appreciate all the questions at this point. I'm trying to take advantage of Mr. Caradonna experience here. I do •• we are not debating the bill at this point, and I feel a little pressed for time, because I know Commissioner Bartha can only stay until 2:45, so we can have this full discussion as the bill comes up as well, and maybe at that point, we'll have Commissioner Bartha here too to comment on it.

LEG. MONTANO:

I'll pass.

CHAIRMAN SCHNEIDERMAN:

I appreciate that. Thank you, Mr. Caradonna. We have a few other cards, Glenn McNab from the Suffolk County Department of Labor.

MR. MCNAB:

Good afternoon. I'm Glenn McNab from the Suffolk County Department of Labor, and I'm here just in case you have any questions regarding Resolution Number 1126, which is the leasing of replacement vehicle for the Suffolk County Department of Labor. So that might come up in rotation of your ••

CHAIRMAN SCHNEIDERMAN:

Okay. If there's no questions for Mr. McNab now, then perhaps when the bill comes up. Thank you, sir. Michael Seilback, American Lung Association of New York State.

MR. SEILBACK:

My name is Michael Seilback, Director of Public Policy New York State. I'm here to speak in favor of Introductory Resolution 1028, which would implement the Leadership in energy and Environment Design Program for future County construction projects. Construction of Green Buildings ensures greater energy efficiency, cleaner air, the utilization of recycled materials, and the incorporation of renewable and energy efficient power generation systems in their designs.

They also minimize environmental impact and maximize the preservation of open space. High performance Green Buildings are healthier and have better indoor air quality than regular buildings. For example, they ensure adequate

ventilation and locate fresh air intakes away from sources of pollution, like busy streets with dirty diesel trucks. Typically, they also use carpets and paint that release fewer toxic gases over their lifetime and also during construction.

Saving energy and water are other key elements of Green construction that save taxpayer dollars as well as protecting the environment. In Suffolk County, approximately 121,000 people have asthma including approximately 37,000 children. According to the United States Environmental Protection Agency, Suffolk County is in non attainment for both ozone and fine particle pollution. These pollutants are linked to asthma attacks, heart attacks, decreased lung function, strokes, lung cancer and premature death. The use of Green Buildings will lead to decreased energy consumption, which translates directly into less smog, less asthma and less lung and heart disease. Recognizing the public health and environmental benefits of Green Buildings, the American Lung Association of New York State supports this resolution and urges its enactment. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

LEG. VILORIA • FISHER:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Alice Woodson White.

MS. WHITE:

My name is Alice Woodson White, and I'm here speaking on behalf of Professor Scot Carlin, who is an Associate Professor of Geography, Long Island University. He wrote a letter on January 30th.

"Dear Legislator Vloria•Fisher, I'm writing in support of your Resolution 1027 •2006 (sic), implementing Leadership in Energy and Environment Design (LEED) Program for future County construction projects.

As an associate professor at Southampton College, I and other colleagues successfully lobby Long Island University to pursue LEED certification for its new library. After carefully reviewing our concerns, Long Island University expressed interest in having the library and future buildings at Southampton College meet LEED certification standards. While the library awaits completion under the new management of Stony Brook University, many of us remain optimistic that Stony Brook University will also seek LEED certification for this building once it is finally completed.

Similarly, as a resident of Hampton Bays, I and others successfully lobbied the School Board to pursue LEED certification of the school's new Middle School. Construction will begin on this project later this year. Let me add that Hampton Bays is a fiscally conservative community, but the community fully supported the district's decision to pursue LEED certification. In fact, early votes for this new building had failed, but the community approved a revised building and budget fully appreciating the added value that LEED certification brings. The Hampton Bays Elementary School has had some problems with mold in the building. The added health benefits of LEED certification are among its most important features. Everybody enjoys

working in a safe and healthy environment. Workers are almost always more productive in such improved work conditions.

Based upon my own experiences, I strongly support this proposed resolution. I am sorry that I will be unable to personally express these sentiments at the upcoming Public Works and Transportation hearing, but I will be teaching at CW Post during those hours. Please share my thoughts with the other committee members. Sincerely, Professor Scott Carlin, Associate Professor of Geography, Earth and Environment Science.

CHAIRMAN SCHNEIDERMAN:

Thank you.

LEG. VILORIA • FISHER:

Thank you, Alice.

CHAIRMAN SCHNEIDERMAN:

Okay. And the last card Andrew Manitt, Neighborhood Network.

MR. MANITT:

Good afternoon. My name is Andrew Mannit, I'm the Research Director for the Neighborhood Network. The Neighborhood Network would like to express its support for Resolution 1028, which calls for LEED, Leadership in Energy and Environmental Design standards for all new construction and renovation

of Suffolk County buildings costing over \$1 million.

As the coordinators of the Clean Energy Leadership Task Force, which Suffolk County participants in, which has a model of leading by example, we strongly support efforts by local government to take action in the area of clean energy and conservation. Buildings are a huge long-term investment for the County, which are supported by taxpayer dollars, so they should be built to the best possible standards. We know that energy efficiency measures can save up to 44% on energy and other avoided costs, that's according to Alan Whitson in betterbricks.com.

LEED buildings incorporate a number of environmentally preferable components, the most important of which is energy conservation. Wise energy use is important not only as energy costs rise, but there's growing consensus among the world's scientists that rising accumulation of greenhouse gases in the atmosphere from our burning of fossil fuels is impacting the global climate. This is altering weather patterns around the world, melting glaciers, contributing to storm intensity and to sea level rise.

There are also direct human health impacts, such as respiratory disease from the burning of fossil fuels in local power plants to provide power to all of our buildings. This coupled with the intense demand on the Long Island electric grid and the need to reduce our use of foreign oil for national security purposes makes the need for strong clean energy policies clear for our buildings right here on Long Island.

Suffolk County already has a comprehensive clean energy action plan announced by Suffolk County Executive Steve Levy last year, and this legislation builds on the County's existing commitment to wise energy use.

The neighborhood Network would like to thank Legislator Viloría•Fisher for her early leadership in this area to bring Suffolk County up to speed with the growing movement of Green Buildings around the country. Delaying action on this important legislation only delays an opportunity to protect our environment and save our taxpayers money. Thank you.

LEG. VILORIA•FISHER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Next on our agenda is a presentation by Cliff Hymowitz, and what I've asked Mr. Hymowitz to do is to wait and allow us to move to the agenda so that we can get to these items before the Commissioner of Public Works, Commissioner Bartha, has to leave. But with that, Mr. Hymowitz did ask for the full attention of the Legislators after the agenda. Please stay after the votes, he worked very hard on this presentation. It's very important in terms of public transportation. So I just urge you to not leave and to stay for the presentation. Okay. With that in mind, I'd like to ask Commissioner Bartha to step forward.

COMMISSIONER BARTHA:

Thank you, Mr. Chairman, for your accommodation.

CHAIRMAN SCHNEIDERMAN:

If you wish to say anything before we get started, you may take a moment

now. If now, we'll move right to the agenda.

COMMISSIONER BARTHA:

The agenda works for me.

CHAIRMAN SCHNEIDERMAN:

Why don't •• Vivian, what's the number on your resolution?

LEG. VILORIA • FISHER:

1028.

CHAIRMAN SCHNEIDERMAN:

1028. All right. We'll just take it in order then.

1005, authorization of alteration 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).

It has to be tabled. The public hearing hasn't closed.

LEG. ROMAINE:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. Who is that from? Motion to table by Legislator Romaine, seconded by Legislator Montano. All in favor? Opposed? **Tabled (VOTE:7 •0•0•0).**

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

The public hearing did close on this so we can move this. There's a motion to approve 1027, is there a second?

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. On the motion, Commissioner, do you have any comment? Because this will obviously affect the cost and perhaps

methodology of some of the dredging projects? Are you comfortable with this resolution?

COMMISSIONER BARTHA:

We worked with the sponsor, and Legislator Fisher has assured me that the changes to address our concerns have been made.

CHAIRMAN SCHNEIDERMAN:

Legislator Fisher.

LEG. VILORIA • FISHER:

There was an amended copy filed with all of the requests that you had e-mailed to my office. Because the Commissioner was concerned regarding the large dredging ocean projects, which would really make it very difficult to have this requirement, and so trusting his expertise and following his leadership, I made other changes that he requested.

CHAIRMAN SCHNEIDERMAN:

Commissioner, will this lead to any delays in dredging projects?

COMMISSIONER BARTHA:

No. No. It will take affect September 1st, and it will not delay any dredging projects.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Montano.

LEG. MONTANO:

Quick question. I'm looking at the amended copy, it says that there's an exception for dredges with a discharge pipe of 16 inches or greater, can you just tell me what that's about.

COMMISSIONER BARTHA:

That's to exempt ocean-going dredges basically. They carry very large fuel tanks, some over 200,000 gallons. And with bio diesel, you really have to start with new or cleaned-out fuel tanks, because otherwise the bio diesel breaks up the buildup of contaminants that have been in diesel tanks for years and causes the engines on the dredge equipment to clog.

LEG. MONTANO:

Thank you.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Before •• we have a technical problem that we've just been made aware of. We held a public hearing, and subsequent to that public hearing, the bill has been amended. The rules adopted by the Legislature for this year require that the public hearing be held on legislation in its final form, which means that we cannot move this today.

LEG. ROMAINE:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

If Legislators •• I saw that Legislator Kennedy had a comment, if you want to hold off on your comment unless you feel compelled to make it now, same with Legislator D'Amaro. Okay. Then is there a motion to table?

LEG. ROMAINE:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Romaine.

LEG. D'AMARO:

Excuse me. Just a point of clarification on that. Wasn't the rule change only in an instance where there is what's deemed a substantive revision, and is that what we're ruling here?

MR. NOLAN:

Substantive is the standard, and this is a substantive change.

LEG. D'AMARO:

All right.

CHAIRMAN SCHNEIDERMAN:

Is there a second to the motion to table?

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. All in favor in tabling. Any opposed? 1027

is **TABLED (VOTE:7•0•0•0)**.

CHAIRMAN SCHNEIDERMAN:

Just maybe for Counsel, because my notes are saying the public hearing is closed, do we need to schedule a new public hearing? How do we get it back in front of us for public hearing?

MR. NOLAN:

The bill is going to have to be refiled.

LEG. VILORIA•FISHER:

I have to start again?

MR. NOLAN:

I'm afraid so. Based on rules.

LEG. VILORIA•FISHER:

Well, luckily, we're passed the dredging season right now.

CHAIRMAN SCHNEIDERMAN:

The bill doesn't go into effect until September •• it won't start affecting dredge projects until September, so you do have the time. Okay. Thank you, Legislator Fisher.

LEG. VILORIA • FISHER:

I'll talk to Counsel later rather than take the Committee's time.

CHAIRMAN SCHNEIDERMAN:

It maybe confusing to have two bills floating, so at some point you probably should withdraw 1027.

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

Is there a motion?

LEG. BROWNING:

Motion.

LEG. MONTANO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Montano, seconded by Legislator Browning. On the motion.

LEG. KENNEDY:

On the motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

This question is to Mr. Bartha. We have talked a lot about the LEED standards. We've talked about what the impact, I guess, would be as far as projects going forward, some of the standards and things like that. I know the Fourth Precinct, as a matter of fact, is going to be a model at this point that's supposed to be done under LEED standards. What is your sense as far as embracing this for a best practice going forward for all construction projects?

COMMISSIONER BARTHA:

We're comfortable after working some three years with Legislator Fisher who

has really taken the lead on LEEDs around here. But the industry has come a long way in the last three years with respect to LEEDs. Good engineering and good architecture includes most of the principles that are included in LEEDs. So most of our projects would meet the certification level, which is what this resolution requires without any special action or design, but this will •• this will require that we do and go through the ranking. We will rank it ourselves rather than the US Green Building Council, which is something that I would object to if they were doing it because it would put the control of advancing County projects in a third party's hands. But the resolution does not pry for that, it provides for the County to rank it •• for the Department of Public Works to rank and file it with the Legislature.

And there is •• depending on what level you are going to, as Mr. Caradonna said, if you're going to go to a higher rankings of gold or platinum, which is the highest, you could be talking 10% more on the building cost, maybe even a little bit more. A certified level, which is what this resolution calls for, we don't anticipate any problem meeting that. And in the extraordinary case that there is a problem, the resolution does provide for us to be able to come back to the Legislature to seek relief.

LEG. KENNEDY:

The LEEDs standard •• our obligation, I guess, when we're going to go ahead and we're going to construct is first and foremost we have to be compliant with what code is, state code, as far as all the gamut of systems. Where does LEED then come in as far as meeting that legal requirement and then going through the certification process? Is it an addition to code or is it harmonized with code?

COMMISSIONER BARTHA:

It's in addition to code.

LEG. KENNEDY:

So we could technically be legally compliant to construct some kind of a structure as far as code goes throughout the state, and we are talking on this additional responsibility, I guess, if you will, in an effort to go ahead and be energy efficient, environmentally friendly, things such as that, correct?

COMMISSIONER BARTHA:

I think that's an accurate presentation, yes.

LEG. KENNEDY:

Okay. By taking on this additional standard, though, you are saying that we don't really move to an additional cost to meet that obligation or no?

COMMISSIONER BARTHA:

At the certified level, I don't anticipate any significant additional costs.

LEG. KENNEDY:

Significant additional, now you are talking like a lawyer, Charlie.

CHAIRMAN SCHNEIDERMAN:

Charlie who makes this determination, because we're not actually submitting it to certification for LEEDs? So you would be determining whether the buildings meets the ••

COMMISSIONER BARTHA:

The Green Building Council in their LEEDs documents lays out a very specific ranking procedure and you get points for different attributes that the design has. So we go through that or our design professional would go through that, and we would come up with a point score.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. Legislator Kennedy.

LEG. KENNEDY:

I just need to close up on the soliloquy here if we can. The bill will, in effect •
• I guess the projects that I'm concerned with, obviously all projects are important, but what impact would this have on the Riverhead County Center renovations, and secondly, of course, what would it mean with the jail?

COMMISSIONER BARTHA:

Well, since the planning is already underway on both of those projects, I do not believe it would apply to either of those.

LEG. VILORIA • FISHER:

Prospective, it doesn't apply.

LEG. KENNEDY:

That's correct, Counsel? Do you confirm that neither one of those projects would be impacted by this bill?

MR. NOLAN:

If the planning has already been done, it would not.

LEG. KENNEDY:

Okay. Asked and answered. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Other Legislators, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chairman. I had a quick question of the Commissioner. Under what circumstance would you see implementing or requesting the waiver.

COMMISSIONER BARTHA:

I can't really answer that question, because we have met with Legislator Fisher on this, and we requested that waiver provision be in there because of the wide variety of things we design, buildings we design, everything from dog kennels to skilled nursing facilities to laboratories, jails and historic buildings. And frankly, every one of those that I just mentioned, as diverse as they are, I would anticipate we'd be able to meet the certified level without it being a problem. But there is also renovations in there. If we were doing an unheated building, something such as a salt storage building, which typically is less than a million dollars, so you wouldn't •• this doesn't kick in, but a structure like that, a dog kennel is possible that it could be a problem as well.

CHAIRMAN SCHNEIDERMAN:

A million dollar dog kennel? How about the airport tower? Maybe that's a good example, because that's over a million dollar building.

COMMISSIONER BARTHA:

The airport tower is actually on that we discussed specifically, and we've addressed that by having •• there's language in there about federal and state requirements. And it would be FAA driven, a lot of the design criteria on the tower.

CHAIRMAN SCHNEIDERMAN:

Any questions? Legislator D'Amaro.

LEG. D'AMARO:

Just a follow-up on that. So the waiver provision in the bill from your analysis would be more of a cost basis?

COMMISSIONER BARTHA:

Cost and practical, I would say. But we are not granting the waiver, we would come to you.

LEG. D'AMARO:

If the law is enacted, is it the department's intention to use that sparingly?

COMMISSIONER BARTHA:

Absolutely.

LEG. D'AMARO:

It is. So how would it be brought to your attention that in this particular case, a waiver may be appropriate, how would that work?

COMMISSIONER BARTHA:

Well, during the course of design, when design was finalized for a project and our engineers would rank •• not rank it, but rate it, and they would come up with a point score that wouldn't satisfy the certified rating, they would come to me, we would look at it in more detail, see if it was possible to meet the certified ranking, and if not, if it's a question of cost, we would identify how much additional money we felt was necessary or if we simply felt it was not practical and didn't make sense ••

CHAIRMAN SCHNEIDERMAN:

You mean practical from a construction standpoint.

COMMISSIONER BARTHA:

Right.

LEG. D'AMARO:

Or a materials availability or something like that.

COMMISSIONER BARTHA:

Yes.

LEG. D'AMARO:

I see.

COMMISSIONER BARTHA:

And then we would come to the Executive's Office and ask for a resolution to be presented for the Legislature to consider.

LEG. D'AMARO:

Has there been any consideration of how much more energy efficient this would make County buildings? In other words, what is the cost benefit analysis here, has there been any?

COMMISSIONER BARTHA:

Well, I think what you're really asking is the pay•back time on the different attributes that you would design into a building, and some have very quick pay•backs, for example, lighting, improved lighting and installation has a very quick pay•back. Items such as Mr. Caradonna mentioned, the paint on a wall, the pay•back there is not quite as easily identifiable. It's a productivity enhancements, because people have a better work environment. So it really depends on each individual thing. I think on the whole, we would be looking at pay•backs •• pay•back periods of probably about five years.

LEG. D'AMARO:

Good.

CHAIRMAN SCHNEIDERMAN:

Legislator Fisher.

LEG. VILORIA • FISHER:

I just wanted to make a comment. Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Briefly.

LEG. VILORIA • FISHER:

It's very brief. I originally introduced this, I think, over three years ago, and at that time, it seemed pretty •• you know, a little far fetched by some people who looked at it. And I'd like to congratulate the Department of Public Works, because between the time that I first introduced this and now, the gap between our practices and the goal that we are trying to reach through LEED has come so close that some of our buildings as current best practices that are being executed by the Department of Public Works are so close to this that they meet the criteria at this point.

So that's why we are seeing a very, very small, if any, and that's why he had to use lawyer talk and say insignificant, because it's hard to measure, because there may be no cost differential, and there's certainly not going to be a delay in any kind of building, because the LEED practices have become

best practices throughout the country. I handed a sheet out to you, a packet, of municipalities on the federal, state and local levels throughout the country, most of them occurring after I introduced the •• LEED the first time I introduced it. Just take a look at that. That's all I'm going to say. Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Thank you, Legislator Fisher. Before I call the vote, I had one question myself. Last year or maybe it was the year before, we approved a pilot project, a LEEDs pilot project, I think it might have been the Fourth Precinct. I guess I would be remiss if I didn't ask how the pilot project went before moving forward with the full requirement.

COMMISSIONER BARTHA:

The design is underway on that Fourth Precinct project, and we will be reporting back to Legislature before we seek construction funding to report the difference in a LEED certified versus our basic best management practice.

CHAIRMAN SCHNEIDERMAN:

Based on your experience with the design process, do you feel it hasn't created any undue burdens for your department?

COMMISSIONER BARTHA:

No. No undue burdens.

CHAIRMAN SCHNEIDERMAN:

So the information so far that we have from the pilot project is positive, though we don't have the energy costs to compare that we would see after the project is finished.

COMMISSIONER BARTHA:

Right. But so far I would say it's certainly positive, and feedback throughout the industry has become much more positive on LEEDs over the last •• over the last three years.

CHAIRMAN SCHNEIDERMAN:

Okay. So we have had a motion and a second. I'd like to call the vote.

LEG. KENNEDY:

Mr. Chair, just one 30 second follow•up specifically with the Fourth Precinct, you'll be reporting back to us as far as the comparison between code of best practice and LEED standard, correct?

COMMISSIONER BARTHA:

Correct.

LEG. KENNEDY:

Okay. Does that entail two separate architectural renderings or sets of drawings in order to be able to do that, or is it something that is •• how does the planning process address that?

COMMISSIONER BARTHA:

It would be more of a question of alternates in a design. It wouldn't be two complete sets of design documents, but it would be alternates on different features.

LEG. KENNEDY:

Does that impact the design process specifically cost-wise?

COMMISSIONER BARTHA:

Certainly it impacts •• and that fee has already been negotiated taking that into account.

LEG. KENNEDY:

So in other words, when it was let, that planning component, the parties that bid were fully aware that they were going to have to come up with the give these renderings that would give the alternatives?

COMMISSIONER BARTHA:

Yes. It wasn't bid, it's a professional procurement, so it was proposals, but, yes, when it was •• when the proposals were accepted and the scope was issued, RFP solicited, everybody knew that they were developing a LEED certified building as well as our normal good engineering practices building.

LEG. KENNEDY:

Okay. And this procurement was not significantly different cost-wise than the previous procurement processes for building?

COMMISSIONER BARTHA:

No.

LEG. KENNEDY:

Okay.

CHAIRMAN SCHNEIDERMAN:

I'd like to call the vote. We've had a motion and a second. All in favor? Opposed? Abstentions? Okay. 1028 has been **approved (VOTE:7•0•0•0)**. Congratulations.

LEG. D'AMARO:

Congratulations.

LEG. VILORIA • FISHER:

Thank you. Thank you.

CHAIRMAN SCHNEIDERMAN:

The other one we tabled, right? It was looking pretty good before we tabled it.

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

Maybe the Commissioner could fill us in.

LEG. MONTANO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table.

LEG. HORSLEY:

Second.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

A motion to table by Legislator Montano, seconded by Legislator D'Amaro.

LEG. ROMAINE:

Quick question.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Legislator Montano, why would we table this •• why should we table this?

LEG. MONTANO:

The issue of the RFP, I think, is one that, you know, we want to take up further with the County Executive's Office. We have money in the budget, and I think •• at this time, I think the issuance of the RFP would be a little premature. I met with the Health Commissioner recently, we are discussing some things. I think that, you know, it's not the right way to go at this point in time. And, Ben, would you like •• through the Chair, maybe we can get some clarification also from the County Executive's perspective.

CHAIRMAN SCHNEIDERMAN:

Mr. Zwirn.

MR. ZWIRN:

The County Exec's Office is working with the sponsor on this bill, and they have •• they're working on a site, and they're now doing a rent analysis. The landlord asked for a certain amount of money, and they're doing an analysis in the region to make sure that that •• it was high for what they considered, so they're just •• the Space Management Committee is doing an analysis of the rent. So it's moving along.

LEG. MONTANO:

Can you give indication of this site, or is that something that you'd rather ••

MR. ZWIRN:

It was the old roller rink of off Sunrise Highway.

LEG. MONTANO:

My understanding was that that's off the table.

MR. ZWIRN:

That's not my understanding. I think that they were trying to •• they had to get extra space. I mean, it was a complicated spot, but I know that ••

LEG. MONTANO:

When was your last understanding? Mine was about a week ago.

MR. ZWIRN:

Mine would have been about •• about the same time. I've been in touch with the sponsor, and Legislator Alden hasn't said anything to me. But we're working with him, and he's working directly with the County Executive's Office on this. So we're pretty much on the same page. We're trying to get it done.

LEG. MONTANO:

Yeah. I would like to know, because I do believe, and I could be wrong, that the site we're talking about is off the table.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

I am a cosponsor actually on this bill, even though it's a long way from the North Fork, and the reason that I'm a cosponsor is that when this health center was shut down in 2001 that it burdened not only the Brentwood and other surrounding health centers, but it also created an enormous burden on the local hospitals and their emergency rooms.

We have opted like a County, unlike Nassau, which is compact and built that Nassau Medical Facility in East Meadow, we are a County that is an elongated County, we have obligated ourselves instead of having one central key location to do a diverse location with health clinics. By closing this clinic and leaving it closed, it's going to create a problem. As far as rent is concerned, it troubles me, deeply troubles me that this County is spending \$100 million a year to lease facilities.

I believe this government would be much better, except for those departments that get reimbursement, to build centralized facilities, to build health clinics that we maintain, or to do so in partnership with local hospitals. I'll just throw that out here. I mean, if you are working with the sponsor, I will speak with the sponsor. I don't mean to hold up the

Chairman, but these are concerns that I have and will press for in the future. Thank you.

CHAIRMAN SCHNEIDERMAN:

I don't think so you need to respond. Legislator Montano, then Legislator Lindsay.

LEG. MONTANO:

I'll defer to the Presiding Officer.

CHAIRMAN SCHNEIDERMAN:

Presiding Officer Lindsay.

P.O. LINDSAY:

I just wanted to say, you know, Legislator Romaine identified something that •• the reason we lease so much space is because a lot of times the reimbursement from the state, depending on the facility, from my understanding, especially if it's a social service or a health•related facility, we do get reimbursement rates that make it more appetizing to lease rather than to build. If that wasn't the case, I would agree wholeheartedly.

Too often, we have as a County, not only now, but in the past, have gotten into leases with landlords that were less than we anticipated in the dealing with it, the services they provided were horrendous, and we've had some real

bad experiences. And one of them was the reason why we closed down this health initially; it became unsafe for the patients that were going there and the people that worked in that building. But, you know, having said that, I think the reason we keep still looking for leases is because it makes more sense financially.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

Quick question, Ben, if you know. Last year or within the last two years, we had been talking about the possibility of Southside Hospital building the extension and securing financing through the Health Facilities Administration. Is that dead also, or is that something that's still being discussed, if you know?

MR. ZWIRN:

I don't know.

LEG. MONTANO:

Okay. We will pursue it later then. Thanks.

CHAIRMAN SCHNEIDERMAN:

I'll call the motion here. There's been a motion to table and a second. All in favor? Opposed? Abstentions? 1030 is **Tabled (VOTE:7•0•0•0)**.

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

We closed the public hearing at this point. If there's any comment by Commissioner Bartha? If not, let's call the motion.

COMMISSIONER BARTHA:

We support this.

LEG. ROMAINE:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Romaine, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? 1066 is **approved (VOTE:7•0•0•0)**.

1073, amending the 2005 Capital Budget and Program and appropriating \$100,000 in funds for a sound wall study @ CR 97

**Nicoll's Road between Montauk Highway and Furrows Road
(LINDSAY).**

CHAIRMAN SCHNEIDERMAN:

Is there a motion.

LEG. LINDSAY:

I make a motion.

LEG. BROWNING:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Lindsay, seconded by Legislator Browning. On the motion, Legislator Kennedy.

LEG. KENNEDY:

On the motion. How best to go ahead and speak on this. Through the Chair and to the sponsor, you know full well that in concept I am a supporter of sound wall studies, because I believe that many communities throughout this County have sustained devastating impacts from the proliferation of noise

that's been occurring as a result of the increased traffic patterns and things such as that.

For my colleagues here now who were not with me last year, just a brief history lesson. My predecessor sponsored a resolution to appropriate 100,000 for a sound study on Motor Parkway. Subsequently, the department sought a bid, I guess, for that and there was some additional funding that was needed. By the way, that initial appropriation was defeated, it was overridden by the Legislature.

Subsequently, there was an additional appropriation that was required about another \$44,000, I introduced that resolution, it was approved, it was vetoed by the County Executive, it was overridden by this Legislature. That was last June of 2005. It was subsequently reviewed by the department, by the County Attorney's Office, a contract was drawn, three of the four parties to the contract necessary in order to conduct the study were signed, and it died. It wound up being embargoed on the 12th Floor, and there were a variety of rational that were presented by the County Executive and by the Chief Deputy County Executive, who is the signatory for brownfields contracts.

I was told that there would be better ways to address this; bonds might be more appropriate. I was told a whole variety of things, and basically was told what we had done as a body was irrelevant. There was no wherewithall on the part of this body to actually go ahead and take the next step necessary to make this come about, that would have been a procedural motion in order to bring an Article 78. Unfortunately, based on that, all I can say to you is, in concept I embrace this, but I won't vote for an exercise in futility, and that's what this would be in my opinion.

P.O. LINDSAY:

Can I respond, Mr. Chairman?

CHAIRMAN SCHNEIDERMAN:

If you don't mind, Legislator Romaine, if the Presiding Officer could respond.

P.O. LINDSAY:

A very true comment is that you got much further with your bill than I did, John. I could never get this bill out of committee last year.

LEG. KENNEDY:

That's true.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

I just would say to my colleagues that resolutions that we pass that are vetoed, that are overridden that we do nothing about shows that this body is irrelevant. And I will say to Legislator Lindsay, if the same standard is applied by the 12th Floor to your resolution once it's adopted that was

applied to Legislator Kennedy's, it will be irrelevant what we do here today.

But if we are to be relevant as Legislators, if we do believe in that principle called separation of powers and that we have a method for proceeding about projects that our collective representatives agree to, then we will stand up and tell this Executive or any Executive on the other branch that when a veto is overridden, that is the resolution, the law of this County. If you fail to execute it, we will seek Counsel, and by law, the County Attorney is obligated to take our side as opposed to the County Exec's side, by law, and seek, as he said, in August of this year, I think it was this year or it may have been last year, where the County Executive when he was suing the State Corrections Commissioner, "Well, the way government resolves its disputes is by going to court." Well, we should be willing to go to court and see if the court says that the Executive is fulfilling his charter obligations to enforce the adopted resolutions of this body.

I agree with Legislator Kennedy, unless there's a will here, and if the Presiding Officer expresses that will, I will vote for this project. But if he doesn't express this will, then I'm voting on exercise in futility as Legislator Kennedy has said. Thank you.

CHAIRMAN SCHNEIDERMAN:

Can I just ask for some clarification on the difference between the Kennedy bill and this Lindsay bill. John, in your bill, it was actually an appropriation, right? It was beyond the study, it was actually taking care of the project, we had authorized the project?

LEG. KENNEDY:

The Commissioner will help me out a little bit with the process here as will Mr. Zwirn. The supplemental appropriation that I sponsored was in response to, I guess, some initial response from the vendor RK _McClain_ , I guess, when we sought ••

COMMISSIONER BARTHA:

We needed additional funds, but it was also a study, it was not a complete design.

CHAIRMAN SCHNEIDERMAN:

It was to construct, it was the study itself. So they were, in fact, same thing. So this would be to do a similar study along Nicolls Road.

COMMISSIONER BARTHA:

Right.

LEG. KENNEDY:

My understanding, Mr. Chair, and certainly, you know, I recall when Legislator Lindsay has introduced this last year, and as a matter of fact, Legislator Montano, as a matter of fact, had originally introduced something analogous to this. Subsequently, it wound up be modified for fencing along Washington Avenue. But originally the initiatives, all three of them, were very similar. And, yes, the Presiding Officer is correct, my supplemental

appropriation, I guess, did move further. However, whether it moved 10% or 99%, it did not result in the contract be executed and the study being done, because the Executive elected to embargo the funding that we had directed be provided, because he disagreed.

It is •• it is, as Legislator Romaine said, I think something that is as fundamental as we all •• the reason we sit here is because of the separation of powers concept and the fact that we all strive to uphold the democracy. But we have been thwarted by an Executive who elects to disregard democracy in these cases. And so I say that no matter how much that community may have a need, unfortunately, the Executive has demonstrated an unwillingness to acknowledge that.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, maybe this is a legal matter, but it is too late for us to still compel to County Executive to follow through on the approved resolution?

LEG. KENNEDY:

Now, I guess, being that I'm not an expert in Municipal Law, as I'm not in bonding, I'd turn to Counsel and ask about an Article 78 and an ongoing violation in whether or not a matter could be brought timely.

MR. NOLAN:

An Article 78 has a four month statute of limitations. The question is when did it start. And off hand, I could not tell you, I don't know the history of

this. I'd have to research if you still had time to bring an Article 78.

CHAIRMAN SCHNEIDERMAN:

Well, what's the life of the bill we passed? Did it expire at the end of last year?

LEG. KENNEDY:

No at all. As a matter of fact, the funding was appropriated, as a matter of fact, the contract moved forward. And as far as time goes, certainly it would be for somebody far more versed in practice than me to go ahead and say whether or not, in fact, this did qualify. Some attorneys have indicated that an ongoing violation •• that action was timely sound.

CHAIRMAN SCHNEIDERMAN:

I have also Mr. Zwirn. Do you want to go first, Legislator Montano.

LEG. MONTANO:

Yeah. I'll be brief. Number one, I think also •• I wasn't even sure •• this is an aside •• that the Article 78 was the right mechanism, it's more in the nature on a Mandamus action. I don't think the statute of limitations •• I don't think that the Mandamus action has the four month statute of limitations issue, and we can talk about that. But what I was •• refresh my recollection, Legislator Kennedy, was a Procedural Motion brought last year? You mentioned it now, and, you know, I don't quite remember whether or not

we actually voted on the Procedural Motion to move forward on this. I know we had discussed it and you said that the Legislature refused to act, but I don't remember the bill coming before the Legislature.

LEG. KENNEDY:

It did not come before it in a formal manner. I informally sought support from my colleagues before I wound up introducing it, and ••

LEG. MONTANO:

It wasn't introduced.

LEG. KENNEDY:

No, I did not introduce a procedural •• • no, I did not.

LEG. MONTANO:

All right. Because I don't remember not voting on it, that's why.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Very quick point to the Counsel. Counsel, do we need a formal resolution or would a motion suffice at our next General Meeting for this body to authorize a Mandamus action regarding Legislator Kennedy's resolution of last year?

MR. NOLAN:

My understanding is hiring counsel, this body doing it, is by Procedural Motion, if we're looking to hire counsel to bring the action.

LEG. ROMAINE:

Isn't the County Attorney obligated to represent the Legislature under the County Charter?

MR. NOLAN:

The County Attorney does represent this body.

LEG. ROMAINE:

In a conflict with the Executive, I think the Charter spells it out exactly.

MR. NOLAN:

I don't know if the Charter spells that out.

LEG. ROMAINE:

Okay. So a resolution would be necessary?

CHAIRMAN SCHNEIDERMAN:

A Procedural Motion.

MR. NOLAN:

Yes.

LEG. ROMAINE:

Procedural Motion or resolution?

MR. NOLAN:

I believe it's done by a Procedural Motion, it's like a procedural resolution.

CHAIRMAN SCHNEIDERMAN:

And there's no filing time for that, so that could be done right •• the next full Legislative meeting we could introduce a Procedural Motion?

MR. NOLAN:

You could.

LEG. ROMAINE:

John, you make it, I'll second it.

CHAIRMAN SCHNEIDERMAN:

I'll support it as well. I hope all of our colleagues will support it too, because I think it really does get to the heart of who we are as a body and what powers we have.

LEG. KENNEDY:

I'd be happy to talk to Counsel about that. And as a matter of fact, I would definitely seek the support of the Presiding Officer on that as well or at least have some dialog ••

P.O. LINDSAY:

What?

LEG. ROMAINE:

We are looking for your help.

P.O. LINDSAY:

As I recall, I think we're discussing a motion to get it off committee, my bill. You want to bring a motion on Tuesday, do what you want to do.

CHAIRMAN SCHNEIDERMAN:

I think he's looking for your support on that. We'll see on Tuesday.

All right. We have and a motion and a second. Let's vote on Presiding Officer Lindsay's bill, 1073. All in favor? Any opposed? Abstentions?

LEG. KENNEDY:

I'll abstain.

CHAIRMAN SCHNEIDERMAN:

One abstention from Legislator Kennedy. 1073 passes. **APPROVED (VOTE:7•0•1•0 • Presiding Officer Lindsay included in this vote • Legislator Kennedy abstained).**

1085, a resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 22 • Hauppauge Municipal (COUNTY EXEC).

Time-wise, Commissioner Bartha, is this it for you? I see it's about 2:45 right now.

COMMISSIONER BARTHA:

Thank you. The next three are ours.

CHAIRMAN SCHNEIDERMAN:

Okay. So you're okay. 1085, any comments on this?

COMMISSIONER BARTHA:

This is for improvements to the sewage treatment plant that serves this complex, the Dennison Building, State Office Building and one or two condominium projects in this area. This is simply to make improvements to the plant. There was a public hearing, and no one spoke against it.

LEG. ROMAINE:

Motion.

CHAIRMAN SCHNEIDERMAN:

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

1086, a resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 7 • Medford (COUNTY EXEC).

Commissioner.

COMMISSIONER BARTHA:

This will improve the reliability of the collective system and pumping stations in the Medford Sewer District. A public hearing was held, and no one spoke against this.

LEG. BROWNING:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Browning, seconded by Legislator D'Amaro. All in favor? Opposed? **Approved (VOTE:7•0•0•0).**

1089, authorizing execution of agreement by the administrative head of Suffolk County Sewer District No. 3 • Southwest with the owner of Tilles Corporate Center East (COUNTY EXEC).

Commissioner.

COMMISSIONER BARTHA:

This project originally •• there was a different project originally on this property and had received approval for 27,000 gallons per day of capacity as Bergen Point in the Southwest Sewer District. Their proposal has been now changed for development which is more water and sewage intense. There's about 342 condos proposed, and they need an additional 33,000 gallons per day to bring them up to 60,000 total. They'd be paying a connection fee of \$15 per gallon to the sewer district, which is a substantial amount of money, and this district does have the capacity, and we are working to expand the capacity further.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Montano, seconded by Legislator Horsley. On the motion, Legislator Horsley.

LEG. HORSLEY:

Okay. So that leaves us what, we are •• how many •• how many millions of gallons are left in the Southwest Sewer District once we have divided this piece out? Tough question I realize.

COMMISSIONER BARTHA:

Off hand, I don't know the answer, but it leaves us below the 30 million

gallon capacity.

LEG. HORSLEY:

Where are we?

COMMISSIONER BARTHA:

We still have in the order of a million gallons available to contract out. In fact, the meeting I'm going to immediately after this is with Nassau County to consider the connection there rather than the expansion of Bergen Point. We can •• technically we can fairly, easily divert maybe about three million gallons of sewage to Nassau County, and that would create additional capacity.

LEG. HORSLEY:

Huge. That's •• I think it's just wonderful. I wish you all of the luck on that meeting. But you saying that this, with the Tilles center, we still have a portion ••

COMMISSIONER BARTHA:

We still have about a million gallons. I'm looking at Ben Wright to ••

MR. WRIGHT:

1.4.

COMMISSIONER BARTHA:

1.4.

LEG. HORSLEY:

1.4. Okay.

CHAIRMAN SCHNEIDERMAN:

So there's been a motion and a second. All those in favor? Opposed?
Approved (VOTE:7•0•0•0).

**1126, to approve the lease of four replacement vehicles in the Suffolk
County Department of Labor in compliance with Local Law 20•2003
(COUNTY EXEC).**

CHAIRMAN SCHNEIDERMAN:

Can we have an explanation on this?

COMMISSIONER BARTHA:

Glenn McNab, I believe.

MR. MCNAB:

Glenn McNab, Suffolk Labor. This would be a replacement lease. So we are currently leasing vehicles, and the term of that lease is up on March 10th of '06, so this is actually a replacement. Three 15 passenger vans would be returned and one mini van. So four vehicles would go back, and the replacement lease would be for four 15 passenger vans for our Suffolk Works and Youth Conservation Corp. Programs.

The money would be roughly the same, about \$1500, possibly more, in addition to the current lease. The current lease is now \$29,976 per year for the three vans and the one mini van. For four 15 passenger vans, it would be in the neighborhood \$31,200. There's a possibility of reducing that lease. We're checking with the purchasing agent to see if we reduce the annual mileage on those vans that possibly the month lease fee would go down.

A question had arisen regarding purchase of vehicles rather than renting them. There's several reasons for continuing a lease. Number one, each van would cost in the neighborhood of \$27,000 to purchase. With a purchase, there's no maintenance. With a lease, we have all our maintenance included in that lease; oil changes, repair of tires, routine maintenance and so forth. We are funded through the Labor Department with federal grants. I believe in the resolution, the Fourth Whereas mentions that leases are allowable with federal grants. New York State that oversees our grants would also like to see that we lease things rather than have hard assets should funding be

reduced or stopped. There is a clause in the lease that should there be a reduction in funding or a closing of a program that those vehicle lease could be terminated. That's all I have to add.

CHAIRMAN SCHNEIDERMAN:

Any questions for Mr. McNab? Is there a motion to approve? Motion by Legislator D'Amaro, seconded by Legislator Browning. All in favor? Opposed? 1126 is **approved (VOTE:7•0•0•0)**.

Okay. I'd like to move now to our presentation. I'd like to first thank Mr. Hymowitz for being patient with us and allowing us to move the presentation to the end. Again, I urge Legislator to stay for this. Mr. Hymowitz has worked very hard.

P.O. LINDSAY:

If I might, Mr. Chair. Before Cliff starts his presentation, could I beg the Chair's indulgence and just ask one question of Mr. Duffy. It's about the South Ferry situation.

CHAIRMAN SCHNEIDERMAN:

Yes, of course. Cliff, bear with us just for another moment. I thank you for your patience.

P.O. LINDSAY:

What's the latest? For my colleagues, my understanding is that South Ferry took upon themselves to raise rates without the permission of this Legislature.

MR. DUFFY:

That's correct.

P.O. LINDSAY:

Where are with that?

MR. DUFFY:

Mr. Nolan, Counsel, wrote South Ferry a letter, and they have ceased and stopped it. They collected approximately one week's worth of fares, which their accountant told me is approximately four to five thousand dollars. The accountant told me he is now in the process of preparing a traditional rate request application.

LEG. LINDSAY:

Wonderful. Thank you. Thank you, Mr. Nolan, for that letter.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Duffy. Mr. Hymowitz is the Director of Concerned Citizens of

Public Transportation in Suffolk County. He is going to do a presentation relating to public transportation. Unfortunately, Bob Shinnick who is the Director of the Public Transportation Division for the County had a death in his family, his father passed away, I think three days ago. So he could not be here, and that's unfortunate, because it would be nice to have that dialog. But Mr. Hymowitz, I will give you the floor, and Legislators will have plenty of time, I'm sure, for questions.

MR. HYMOWITZ:

I really appreciate your patience. If you'll bear with me, I'll try to do this as expeditiously as possible. Really what it is is almost like the State of the Union on transportation and about the •• I'm really wearing the hat of the Transportation Advisory Board today, which is the Suffolk County Transportation Advisory Board.

I'm going to give you a little bit of history on the Transportation Advisory Board and then about what recommendations we have. Really what we're looking to be is to be your agent on transportation. I'm hoping that some of the issues that I raise will gain attention and you want to recommend the Transportation Advisory Board to proceed further.

This was the original resolution, okay, and basically you will see that our primary •• the reason why it was the first thing was to act as a liaison with the community, okay, so that we can bring to you the issues the community has. We're also supposed to recommend policy to the Suffolk County Legislature, make recommendation as to increased federal and state funding and foundation and grants. The only way we could do that is if we have an open dialog.

We want to develop strategies for eliminating procedural barriers and regulatory barriers, for example •• a perfect example is when we talked about the health center, okay? I really applaud what Legislator Romaine said, but the amount of time we're spending to look at the savings of rent and the cost is directing by not accessing •• providing access to people with transportation to an alternative is driving them to the emergency room, which is an increase on Medicaid costs. So transportation, not only do we have to look at the cost of transportation, but we also have to look at the cost of lack of transportation.

We're also supposed to promote needed transportation services and programs, assist in development of a five•year plan, which we started to do. We entered into an agreement with Stony Brook University and some graduate students, and we asked them to do a study for us. Unfortunately, they lost a little bit of focus, and we didn't feel that it was something that was ready or prepared to present to you, but I'm hoping to put a little more time into it, and then we are looking for your guidance, because we •• in other words, it says that we are supposed to assist in development. So we need your inclusion in it for us to be successful.

We're also supposed to perform other functions. Here's a big one. Let's take a proactive role in advancing transportation solutions that involve modes of transportation outside the County's direct control, for example •• that's a perfect example with this gentleman from the Labor Department. I didn't hear anybody question about •• he wanted to know about reducing the mileage to save cost. I would have liked to have asked him how much downtime is in those vans, can we be using them for something else? That's why I recommended this be the transportation •• I mean, the Public Works and Transportation Committee, so it included factors like that.

We need to coordinate our resources to get better efficiency and provide

more service. Here's another one that we need your support on, personnel of any pertinent County Department shall be available to assist said advisory board upon request as a need basis as determined by said board. We will only be a lame duck unless we have support there so that the department's know that we have your support and your backing.

CHAIRMAN SCHNEIDERMAN:

Mr. Hymowitz, had you had difficulty getting cooperation from County Departments for the Transportation Advisory Board?

MR. HYMOWITZ:

Yes, we have. Like, for example, I asked the Department of Social Services to give us access to the advisory boards in each different Social Service Center so we can let them know what we are about, get their input, and I was told that they wanted me to go through one of the people at DSS, that they didn't want us to go to each different •• you know, have access to the •• to the advisory boards. And also, you know, Public Works, a lot of times we have had requests, and they just tell us, oh, we don't have the manpower, and we don't get any results. So we have experienced it, you know, quite often.

Here's the big thing, this is what we're looking to do. We're looking to work in collaboration, okay? We don't want to work in a vacuum, okay? We want to work with other existing committees, community groups, so that we could provide more sustainable and economic, you know, transportation.

Now, I'm going to talk about some recommendation that we have. Senior

Transportation Coordination, that's a big issue. The Suffolk County Executive had a creative retirement commission. To make it short, they recommended that they facilitate the development of partnership agreements involving the local municipalities, okay? Nobody's ever moved forward on that. And the next couple of slides will help to illustrate •• I think, what they are looking to do is to build communities like that, but here's the key. Here's a map, okay? The reason I have the map here is I don't know if you'll notice that little black thing right by the pink on the top there, that square, that's Stony Brook Hospital. The only town •• the only town that seniors have access to Stony Brook Hospital is Brookhaven. So everything east of Brookhaven, seniors don't have access because the town transportation only within the town. East Hampton does make occasional visits, they're the only ones, but generally, the towns don't go any further. And it's not just the East End, it's the West End also.

CHAIRMAN SCHNEIDERMAN:

You're advocating for coordination between the town transportation, so they would take it •• East Hampton would take it to Southampton, Southampton would pick them up and take them to Brookhaven, Brookhaven would take them to Stony Brook?

MR. HYMOWITZ:

What we're advocating is that NYMTC, which is our Metropolitan Planning Organization, is willing to entertain a study to look at, first of all, is coordination feasible? Maybe it's not feasible. They will determine whether it's feasible. Just do it on the east and do it on the west. But I couldn't even get Public Works, who is our member of NYMTC, to request the money to do the funding. Everything in the third government is leading toward this. I like Vivian Fisher •• Legislator Fisher wrote this up years ago when it wasn't very sexy. Now United We ride and all these different mandates from the federal government, we are going to have to do this eventually. I'm suggesting we

be proactive, and we'll realize a tremendous amount of savings, especially drain on the resources of our volunteer nonemergency medical transportation people. They're the ones who are carrying the burden of lack of transportation.

When Help Suffolk •• when they were looking to close down Help Suffolk, I recommended to the Town of Brookhaven that it doesn't matter if you close down Help Suffolk if you replace them with other people of the same socioeconomic background, or if you don't change the transportation access. You're just changing the picture. You're going to have the same drain on the nonemergency medical transportation, because people can't access medical care. So there's a perfect example of how it costs not to have transportation.

LEG. ROMAINE:

Through the chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Just a very quick question. What you are saying in essence is without a lack of a comprehensive transportation plan for Suffolk County, people in the lower socioeconomic background will rely if they need to see a doctor or whatever, they'll rely more on emergency rooms, rely more on local

ambulances to transport them, and that cost is borne nevertheless by the taxpayer at a much greater rate than had the County planned out an adequate transportation plan. If there was an adequate transportation plan for those on fixed and lower incomes, we would actually save money as taxpayers because right now, we're paying through our special district, our ambulance districts for this transportation; is that correct?

MR. HYMOWITZ:

That's correct. I have recommended numerous times that they look at low socioeconomic areas and look at the relationship in theirs compared to other areas on the drain on the emergency medical transportation. And I think it definitely will be seen that, yes, the areas that have less access and are low socioeconomic background who have less access to cars do provide a larger drain on our hospital and our emergency •• and here is the County Executive's own commission that made a recommendation to do it.

All it takes is for the Department of Public Works or the Division of Transportation who represents Suffolk County on our local MPO to request the funding. We don't even have to invest anything in it, just request the funding for them to do the analysis for us with no commitment to do any •• provide any service, because they might prove that it doesn't pay. But we haven't even found out, we don't even know. And I'm just suggesting the question be asked, and that's what the Transportation Advisory Board requests.

Okay. Here's a big thing. I can't thank the Presiding Officer enough for taking my recommendation to change the name of this committee from Public Works and Public Transportation to Public Works and Transportation. However, it really needs to have the committee's jurisdiction changed. The only reference to the transportation in the whole jurisdiction is mass

transportation and ferry companies. That actually is the least amount of money that this County spends, on transportation. We spend far more in the Department of Labor, the Health Department, DSS, town senior transportation, SCAT. We spend far more on other things other than mass transportation. So I really •• and the board recommends to you that the jurisdiction be looked at so the situations like that when Labor comes to you to reinvest in vehicles that the question is asked, "Are we using them to maximum efficiency, can other departments benefit when you are not using them," instead of every department working in its own vacuum. Here's another big thing ••

LEG. D'AMARO:

Excuse me. Just for my own information, I thought that there were some recently enacted programs where that was being addressed and there was carpooling and County vehicles were used in pools now.

MR. HYMOWITZ:

There's a group called LITM, Long Island Transportation Management.

LEG. D'AMARO:

You're talking about in the private sector.

MR. HYMOWITZ:

No. Even that, they don't look at the people.

LEG. D'AMARO:

Who is they?

MR. HYMOWITZ:

This group, LITM, Long Island Transportation. At Stony Brook, okay, they're entertaining an agreement to look at carpooling and van pooling for professors, but not the students. Does that make sense? There's more students than professors.

LEG. D'AMARO:

How are we as a Legislature going to affect that in the private sector?

MR. HYMOWITZ:

That particularly you are not going to affect. But we have to show by example, by showing that we use things in a more economic way and with better utilization.

LEG. D'AMARO:

Right. And leads me back to my point, I thought that there were policy initiatives where that was already happening.

MR. HYMOWITZ:

Not for human service transportation.

LEG. D'AMARO:

For human service transportation.

MR. HYMOWITZ:

Right. Or transportation like Department of Labor. It might be for employees of the County, but not of services of the County. I'm recommending services of the County.

LEG. D'AMARO:

All right. Give me an example.

MR. HYMOWITZ:

An example is those vans. I guarantee you there's downtime where those vans are sitting, because they're not used by the Department of Labor, but nobody else knows they are there. They could be used to get a senior to Stony Brook Hospital. You know, that's the example.

LEG. D'AMARO:

That's a good example.

MR. HYMOWITZ:

Okay. Here's another big one, I call it the bus shelter gray area. There was a Budget Review document that says that the County is responsible for maintaining shelters on County roads, and the town only repairs shelters on town roads if the town has agreed to maintain them. Here's a shelter I use all the time. It's located on Mill Road in Coram, one of the busiest, you know, stops probably in Suffolk County. You can't tell by the picture, but the glass is totally missing on the top and the sides of that structure. Basically, all that's there is the frame. So I went to the County, I said what is with the shelter, oh, that's on a town road. I went to the town, well, we didn't put up that shelter.

So how many more shelters exist? I went to the Division of Transportation through Legislator Fisher's Office, we asked them for an inventory of how many shelters exist that are not under town obligation or the County's obligation. We never heard from them, okay? How many more people are standing out in the elements? See that red box there? That's a newspaper vending box giving out free newspapers. It's outdated. It's being used now as a receptacle for garbage. It's chained to the structure, and nobody is taking out the garbage, because it's in that gray area, okay? That's really something that I would like you to tell the Transportation Advisory Board to pursue and get more information and come back to you on it, because here's another one, ready for this?

LEG. ROMAINE:

Quick question. So your contention is that Suffolk County is not appropriately maintaining bus shelters that fall in that gray area on town roads that the town has no obligation to maintain, because they don't have an agreement with us? So what you are saying is that bus shelters are not being maintained?

MR. HYMOWITZ:

Correct.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Cliff, I also think you said you made the request to DPW for just a bare inventory of bus shelter?

MR. HYMOWITZ:

That fall into that category.

LEG. KENNEDY:

That fall into this category of neither being maintained by County or town?

MR. HYMOWITZ:

Right.

LEG. KENNEDY:

Do you have an overall inventory? I mean, you must know how many bus shelters there are in Suffolk County.

MR. HYMOWITZ:

I only know about proposed bus shelters okay? We don't have a whole inventory of all the bus shelters.

LEG. KENNEDY:

We don't even have a bare inventory?

MR. HYMOWITZ:

They might, but we don't have access to it.

LEG. KENNEDY:

And you've asked for it?

MR. HYMOWITZ:

No. We asked for an inventory of shelters that fall in gray area.

LEG. KENNEDY:

Okay.

CHAIRMAN SCHNEIDERMAN:

This is getting back to the issue of noncooperation by departments. Even though our own resolution mandated that cooperation, it doesn't seem to be happening.

MR. HYMOWITZ:

Here's another thing. In the same document, they talk about providing passenger amenities. Here's another bus stop that I use, okay? It's on the shoulder in the middle of overgrown debris. The County went into agreement to put up bus stop signs, because we pressured them to do it, but they did no plan. They gave a list out to a contractor to put up signs. He did what he was told, he put up signs. But if it was in the middle of someone's front yard, he put it up because he was told to do it. The Town of Brookhaven actually

followed them and stopped them from putting up signs in places that are unsafe. How many other bus stop signs are in places that are unsafe? This is right by my house, I use that bus stop.

LEG. ROMAINE:

What road is that?

MR. HYMOWITZ:

That's Hawkins.

LEG. ROMAINE:

In Centereach?

MR. HYMOWITZ:

No. It goes •• • it intersects Old Town ••

MR. MARTINEZ:

Port Jeff Station.

MR. HYMOWITZ:

In Selden and Coram. I mean, you know, they should put a pad there of concrete like we do for bus shelters. I'm just saying, you know, this is an example of the way that we treat passenger amenities.

CHAIRMAN SCHNEIDERMAN:

So you're forced to wait on the road shoulder?

MR. HYMOWITZ:

Yeah, on the road, because some situations, there's not even a place to stand on the shoulder, because there is no shoulder, and there's so much overgrown foliage there that there's only room for the sign. So actually standing in the road.

LEG. D'AMARO:

So this is a systemic problem, you're saying?

MR. HYMOWITZ:

I would say it's very systemic.

LEG. D'AMARO:

This is an example ••

MR. HYMOWITZ:

This is an example ••

LEG. D'AMARO:

•• of the shelters, how many are in a state of disrepair and how many are not.

MR. HYMOWITZ:

To tell you the truth, I have limited transportation accessibility, but I can tell you that if that one is that way, there's more.

LEG. D'AMARO:

Wait a minute. Wait a minute. Wait a minute. So you don't actually know if there's five or ten or 100 or 1000.

MR. HYMOWITZ:

Until we get the information that we asked for, we can't find out. We asked them to tell us ••

LEG. D'AMARO:

You said that this was an example of the condition of this type of amenity, but is it a representative example of all shelters or do we not know?

MR. HYMOWITZ:

Okay. We're talking about bus stops signs and shelters, these are two different issues. This bus stop sign is a systemic situation of bus stop signs.

LEG. D'AMARO:

How about the shelters?

MR. HYMOWITZ:

The shelters, like I said, I can only address •• until we get the information on how many shelters exist in that gray area, we can't tell you. But knowing the trouble that I've gone through to try to get somebody to take accountability for at least one shelter, okay, I mean, I know I have seen other shelters like that, but I don't know •• you know, it's very hard to tell •• I don't know when a town road starts and a County road stops and a state road, I mean, you know, you're asking me a question that, I'll be honest with you, until we get the information that we asked for we •• they might tell us there's five that are in that gray area, but we just need the information.

CHAIRMAN SCHNEIDERMAN:

I think, if I might, just to clarify this issue, I mean, we have created as a

Legislature an organization to advise us, an advisory board, and Mr. Hymowitz is the president of that board. It is completely volunteer. He is trying to get all of information he needs to advise us, and he's struggling to be able to get at that information. You know, I think we know from you really what is •• what is the state of our public transportation system. And if we can't get that information, should we be hiring and, you know, paying for some consultant services to put together the package to tell us exactly the status.

MR. HYMOWITZ:

You already did. You paid for it, it's going to happen. But, however, we were not involved in the scope of that project, okay? So, yes, they're doing a system•wide analysis, but we were not involved in the scope. I've been involved in enough plans with New York State, for example, one is that I'm involved with an access to transportation study that I pushed for because LIT 2000 did not address people who did not have access to cars. They totally omitted access to information in the scope of that study.

CHAIRMAN SCHNEIDERMAN:

In your mind, though, because, you know, I don't use the blue bus, I probably should one day go out there and use the blue bus. I know Vivian did.

LEG. BROWNING:

We all should.

CHAIRMAN SCHNEIDERMAN:

We all should see how long it takes us to get anywhere. You know, what would you say based on your experience as a rider, and you know, I know you probably don't ride out in my neck of the woods very often.

MR. HYMOWITZ:

Of course I do.

CHAIRMAN SCHNEIDERMAN:

Oh, you do? Okay. I mean, are we doing a good job, a bad job, a fair job?

MR. HYMOWITZ:

I really want to not give an answer on that, because I will wait until after that study is done. Right now what I'm addressing to you is amenities that exist. We're not doing a good very job of providing adequate amenities in the system.

CHAIRMAN SCHNEIDERMAN:

I'm not sure what you mean by amenities.

MR. HYMOWITZ:

Like bus stop signs, bus shelters, benches, you know, making sure that

there's a place where people can wait safely. How does somebody in a wheelchair supposed to wait for a bus over there?

CHAIRMAN SCHNEIDERMAN:

I see what you're saying. So it's not so much that we don't have enough buses, it's just the experience for that public transportation user is poor or it needs to be supplemented. We need to treat the riders a little bit better.

MR. HYMOWITZ:

Right.

LEG. D'AMARO:

Just one more quick question. Do we •• do we know •• this is an example, and correct me if I'm wrong, where there is a bus stop but really no shelter or amenity, no concrete slab ••

MR. HYMOWITZ:

Correct.

LEG. D'AMARO:

But do we know if perhaps the site is not conducive to that, but yet to provide a stop for the public, they still came up with at least getting the bus

to stop there?

MR. HYMOWITZ:

That's a good possibility. However, I wouldn't say that they've entertained thoughts of looking at an alternate area that could accomplish the same thing.

LEG. D'AMARO:

Okay. But at least in the interest of maybe trying to provide a stop for the surrounding community, even if there was not a suitable location for all the amenities, maybe this was a way to at least get the bus to stop in that area. Is that possible?

MR. HYMOWITZ:

Historically, before we got them to put up bus stop signs, we were a hail•ride system.

LEG. D'AMARO:

So the choice might have been either this stop or no stop, is that a possibility?

MR. HYMOWITZ:

It is a possibility, or making it the correct location.

LEG. D'AMARO:

My only point, and I appreciate you coming to speak to us today, because I am very concerned about these issues, but I want to make sure that if we draw conclusions that we're drawing them on all facts. That's my only point.

MR. HYMOWITZ:

I'll give you a good example. I get a lot of calls from seniors in your area, okay? And what they tell me is, "I use the bus all year round, but in the winter, nobody shovels the sidewalks, so I can't get to the bus stop, what do I do?" I say to them, "You know what, you have a disability." "Oh, no, I'm a senior, I have no disability." I say, "Are you having trouble getting to the bus stop?" "Yeah." I say, "That's a mobility impairment, you are entitled to a partial eligibility on paratransit during the times of winter." Okay. But they don't know that they're entitled to that, okay? So even in a place like yours, which I would say is probably one of the most progressive areas ••

LEG. D'AMARO:

What area specifically are you talking about?

MR. HYMOWITZ:

Are you in the Huntington area?

LEG. D'AMARO:

Sure.

MR. HYMOWITZ:

Okay. That area, they're pretty progressive. They have Hart, okay? But even in areas like that, we have situations where people can't access the public transportation because they're aren't the required amenities there for them to be able to do it. So in providing a bus stop that accessible, it might as well not be there.

LEG. D'AMARO:

I don't disagree with that statement, I'm just saying that I want to make sure that when we draw conclusions that we have the whole picture in front of us. That's all I'm saying.

MR. HYMOWITZ:

I think that what I'm here to do today is recommend exactly that, that does this board •• this body want to know. I'm not making a conclusion, I'm bringing to your attention an issue. How you decide as a body to address that issue is to your prerogative.

LEG. D'AMARO:

Sure. I understand that. I totally pressure that and agree with you, and I'm not trying to be tough on it at all. I'm just trying to make sure that when I look at a photograph and I am a told this is a problem, I don't have then the

explanation as to why it exists in the first place. That's all I'm trying to say.

MR. HYMOWITZ:

I think I'm not doing a good job, because really what I was doing was giving you a taste for you to ask the question. I'm not making any recommendation or saying that it's systemic.

LEG. D'AMARO:

Well, consider the question asked then. That's fine.

MR. HYMOWITZ:

Here's a good one. You're ready? Provisions of Chapter 199 (sic) of the Public Authorities Law, the levying of station maintenance charges paid by the County of Suffolk to the MTA, okay? Any such payment agreements will be subject to the approval of the County Executive and elected government bodies of respective counties. The funding option will be based on relative predictable criteria and may no be calculated on the basis of actual expenses incurred.

The method of calculation will not be easily subject to dispute. We pay \$23 million a year as a state mandate to the MTA for station maintenance. In 1995, this body accepted the state law, okay? I use the Long Island Railroad a lot. I can tell you that there are less stations open now then there were in 1995. I can tell you first hand that they're using ticket machines now instead of having people, you know, at the ticket booth. We are paying as though they are still open, okay? I think 23 million is more than we get for our

public transportation system. And we're giving a blank check to the MTA and agree that it can't be changed.

CHAIRMAN SCHNEIDERMAN:

Maybe it could be audited. Legislator Romaine.

LEG. ROMAINE:

A quick retort to Cliff on this. My understanding is that just about every year or so the County Comptroller does do an audit of station maintenance, has received funds. And my recommendation would be that this committee correspond with the County Comptroller, in this case, Mr. Sawicki, and ask him to initiate an audit of all MTA expenses or charges for railroad station maintenance in Suffolk County, particularly in the light of the fact, and you are absolutely right, Cliff, and I live in one of those areas where the stations were closed, a number of stations were closed, the MTA is looking to close even more stations, and we should take a look at the expense ratio that the MTA is putting before us for these charges, because in every single audit that Mr. Caputo did that he filed with my office when I was County Clerk, he caught them red handed overcharging us, and in every single audit, they agreed that they had overcharged us.

CHAIRMAN SCHNEIDERMAN:

Did we ever get any money back?

LEG. ROMAINE:

Yes, we actually did. We actually paid less the next year or something like that.

CHAIRMAN SCHNEIDERMAN:

The 23 million that Mr. Hymowitz is talking about, is that from the mortgage recording fees?

LEG. ROMAINE:

No. That's more money that we send the MTA. That's all a bill they send us that we have to pay totally separate from what we collect for the MTA in our mortgage tax or •• I guess mortgage taxes and other taxes that we collect for the MTA.

CHAIRMAN SCHNEIDERMAN:

Suffolk County pays the MTA \$23 million just to maintain railroad stations?

LEG. ROMAINE:

Just to maintain railroad stations in Suffolk County.

MR. HYMOWITZ:

It's a line item in the Operating Budget.

LEG. ROMAINE:

Right.

MR. HYMOWITZ:

It has a star next to it that it's a mandate. Just quick. I was at a meeting the other day where the Inspector General of the MTA was there, and I spoke to State Senator Trunzo's Chief of Staff to find out if this was under the purview of his office. He's said, "It's not, but you can ask him a question, ask him to take his hat off as the Inspector General of MTA and put it on as the Inspector General of the Transportation Advisory Board of Suffolk County, what would he recommend in this situation?" You know what he said? "Forensic Auditor."

LEG. D'AMARO:

Mr. Chairman, also •• I would join Legislator Romaine in any way that we could examine what's happening in that regard, that would be great.

MR. HYMOWITZ:

Okay. Here's the last one. Division of Transportation staffing. We request that this body have the Budget Review prepare a listing of positions file with the Division of Transportation for the '06 Operating Budget, but are filled, but not filled. In other words, how many positions are funded, but not filled? Then look at pre•early retirement option for the County. Now many positions were funded and filled then, but are not funded and filled now? I know for a fact that there's a staff planning position that due to early retirement was not filled and then it was used •• that money was used to fill in traffic safety.

So we had a transportation planner that was supposed to be working on the bus routes, okay, and the bus system, and now he's in a different division of Public Works. So I would really recommend that this body request to look at how many positions •• and I think that Legislator Romaine was right on the money, we must have been thinking the same thing, because he is introducing legislation to promote an honest budget and efficient operation of government about all of these positions that are funded but not filled.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

I have formally asked both caucuses of this body if I could appear for about three to five minutes and not one minute more to discuss this bill. Every vacancy in County government is fully funded in the budget, otherwise it couldn't be a position in the budget. We don't positions in the budget that we don't fund. By not filling these vacancies, we are creating a dishonest budget when that number tops over 1000. The Health Commissioner, sitting right where Cliff is sitting, admitted to at least 205, and I can tell you there's probably more than that in the Health Department alone in terms of vacancies.

When we do not fill these vacancies, we are creating a dishonest budget and we are defrauding the taxpayer, because we're taxing them for services that they are not being provided with, and that's a problem. Under my bill we would establish a procedure to fill vacancies, it would take a minimum of 75 days, and there would be a guaranteed 30% turnover savings for every

vacancy. But at least there would be a procedure to fill it.

Now the County Executive has labeled this in news articles as the most dangerous bill in Suffolk County history. He has also labeled this as something that would increase taxes by 100%. He has also labeled this as something that could cost \$80 million. Wrong. Wrong. Wrong. Every one of the positions in the budget of Suffolk County is already budgeted, and we are already being taxed for it. All it's doing is creating a slush fund. And in the past all County Executives have done it, but never to the extent that it is currently being done. This County Government is rife with vacancies that create a lack of services that we tax people for that they do not get that service for. We are in essence defrauding the taxpayer.

We need to create a procedure to legitimately fill budgeted vacancies as they occur. Everyone around this horseshoe four times a year can amend the budget. The County Executive can amend this budget 365 days a year. Any time he feels a vacancy should not be funded, should be eliminated from the budget, he should come to us and we will work with him to amend the budget. But he has chosen to de facto amend the budget and impound budget funds, which is really a violation of our Charter. With that said, that's the same argument I'll make at the caucus and answer questions.

MR. HYMOWITZ:

Just in closing, what I want to ask from you is, one, give the board an opportunity to come to you on a regular basis to make recommendations, and then I request back from you direction on which issues you want us to progress on. Okay. That's all I'm asking. And in particular, the Division of Transportation is low staffed right now that I really seriously suggest that this body request to look at the number of positions that are funded, but not filled, and then also compare it to early retirement of how many position were

phased out. Thank you very much. I left up here copies for everybody of the presentation.

LEG. MONTANO:

Cliff, you did a great job.

CHAIRMAN SCHNEIDERMAN:

Before we go, the County did request proposals to analyze our blue bus system to see what the ridership needs were and project new routes or extend routes, expand routes. And I'm actually not sure, I was hoping that Bob Shinnick was here, because I can ask what the status of it is.

MR. HYMOWITZ:

I can tell you the status.

CHAIRMAN SCHNEIDERMAN:

Could you?

MR. HYMOWITZ:

They're in the RFP selection process. They haven't selected the consultant yet. They've all come in. I asked that the Transportation Advisory Board be in that process selecting the RFP. We were told we couldn't, but they're agreeing that we could be on the advisory committee once the RFP is

accepted. However, again, like I tried to express before, it's the scope of work that determines the outcome of study. If you don't have input in the scope of work, it's sort of after the fact.

CHAIRMAN SCHNEIDERMAN:

And just for the other Legislators, at the end of last year, I had moved for some funding for a Sunday bus route on the East End. And the Legislative response was, well, let's do the study first. Now, I know in my district I have a real problem we are importing a lot of workforce. And as a tourist community, the highest demand is on the weekends; Saturday and Sunday. So I don't have a bus when I need it the most, which is Sunday. You know, I'm hoping that we can move towards •• should the study show the demand is there, move toward at least a seasonal Sunday bus and maybe even expanded service during the other days, you know, because •• earlier than later, because my area has grown more and more dependant on public transportation for its workforce. So we'll keep you posted. Legislator Romaine.

LEG. ROMAINE:

I just would say ditto about that for the North Fork. But think about this. In a public transportation system that this County operates, we operate no buses on Sunday.

MR. HYMOWITZ:

I agree, but let make it a point to say that the S•92, Monday through Friday, turns people away for the first three buses and the last three buses. They pack them in like sardines to the point where they can't put anybody else on the bus. We received \$4 million extra last year in the state operating system

for transportation. Not one penny was spent on any increase to service. It was all used to buy down our debt of how much we contribute. It's really a shame.

CHAIRMAN SCHNEIDERMAN:

We got \$4 million for public transportation and provided no additional public transportation?

MR. HYMOWITZ:

Not at all.

CHAIRMAN SCHNEIDERMAN:

So this committee, I think, is going to play an important role. I hope that we stand tall. Some of these things will cost more money, and I know the County Executive doesn't like to spend additional funds, but we provide a needed service to the County. To me, it's really not a choice. You know, we can't leave people in the cold. And if more public transportation is needed, we need to adjustment our budget according to the increase in needs.

MR. HYMOWITZ:

Everything that gentleman brought up about the LEEDS Program, we have the same obligation in transportation; to do it in a cost effective efficient manner to give people a service with dignity. It's the same •• we have the same recidivism •• we have health care workers, okay, that if miss a transfer, that person losses an hour of his health care attendance time. Now,

the County Executive is not looking at that as a cost, but that's a cost. If someone is losing an hour of their health care time, that's a cost. People being late for their jobs, people not being able to take jobs, these are all costs.

LEG. ROMAINE:

A quick comment, Mr. Chairman. We do not have to readjust our Operating Budget. There are hundreds of millions of dollars in reserve accounts of this County that have been stockpiled by not filling vacancies that we could use some of that to help provide this service.

CHAIRMAN SCHNEIDERMAN:

Well, maybe Cliff's •• maybe Cliff's information of the money that we're giving to the MTA to maintain these stations, you know, if we can save a million there, we can put it to providing more public transportation.

MR. HYMOWITZ:

This is a state statute. So you're looking at having the change the state law.

CHAIRMAN SCHNEIDERMAN:

They could bill us for what the actual cost is.

MR. HYMOWITZ:

No. It says just the opposite. We agreed to say if we go back ••

CHAIRMAN SCHNEIDERMAN:

We agreed to \$23 million a year?

MR. HYMOWITZ:

We agreed that the method of calculation is not easily subject to dispute. And it says that the funding options should be based on relatively predictable criteria and that not be calculated on the basis of actual expenses incurred. That's what we agreed to. If you owned a business, would you sign a contract like that?

CHAIRMAN SCHNEIDERMAN:

Relatively predictable, no, no, of course not.

LEG. ROMAINE:

Sounds like we need a Memorializing Resolution.

CHAIRMAN SCHNEIDERMAN:

But if we did an audit for the last few years, maybe we can find that there is relatively predictable criteria, and it doesn't add up to \$23 million. Okay?

MR. HYMOWITZ:

So all I ask is you give us an opportunity to inform you. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Again, I want to thank you, Cliff. Your presentation •• for your patience in getting started with that presentation. We have no further business, and we are adjourned.

(* THE MEETING WAS ADJOURNED AT 3:35 P.M. *)

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