

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, June 6, 2006.

MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairman

Legislator Wayne Horsley • Vice•Chairman

Legislator Edward Romaine

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Louis D'Amaro

MEMBER NOT PRESENT:

Legislator Kate Browning

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Richard LaValle • Chief Deputy Commissioner • DPW

Leslie Mitchel • Deputy Commissioner • DPW

Renee Ortiz • Chief Deputy Clerk • Legislature

Ben Zwirn • County Exec's Office

Gail Lolis • County Attorney's Office

Legislator Kennedy

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 1:41 P.M. *)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting of Public Works and Transportation to order this sixth day of June, 2006. All rise for the Pledge of Allegiance led by Legislator Horsley.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Thank you for coming out. We have two yellow cards I've received for the public portion. If anyone else wishes to be heard, you need to fill out a yellow card. Our first speaker a Michael Seilback speaking on Resolution 1645, the diesel bill.

MR. SEILBACK:

Good afternoon. I'm here to speak on behalf of the American Lung Association of New York State in favor of Intro Resolution 1645•06, which would mandate the use of ultra low sulfur diesel and best available retrofit technology for the fleet of on•road and non•road vehicles owned or under contract by Suffolk County. Locally, these requirements have already been enacted into law in New York City and Westchester County.

This legislation will reduce exposure to a pollutant that has been listed by the United States Environmental Protection Agency as a human carcinogen which is shown by a wealth of science to trigger asthma attacks that is linked to premature death in seniors and associated with the ambient levels of both ozone and fine particles.

The American Lung Association State of the Air 2006 Report found failing ozone levels in Suffolk County and ranked its air the second most unhealthy in all of New York State. For Suffolk County residents who's health is impaired by air pollution, there truly is no escape. Accordingly to data by the Clean Air Task Force Suffolk County ranks in the 95 percentile nationwide for counties under the most risk with from diesel soot. Exposure to the

pollutants could be attributed to 1772 asthma attacks and 80 premature deaths annually in Suffolk County alone.

The average cancer risk for a Suffolk County resident related to lifetime exposure to diesel soot is one in 2776. This risk is 360 times greater than the EPA's recommended one in a million. Researchers have determined that living and breathing in air in a city with high levels of sulfate •• I'm sorry, sulfate particle pollution, which diesel exhaust is prime contributor can pose the same risk for lung cancer as that a non smoker living with a smoker would happen over several decades.

Unlike many areas of the country, the health effects with diesel pollution in New York are even greater than those associated with power plant fine particle pollution. It's important for Suffolk County to act on diesel pollution in the same way as your successful efforts on smoking and with power plant pollution. Because this legislation will significantly reduce the public's exposure to such a huge health threat, the American Lung Association of New York State strongly supports this resolution and urges its enactment. Thanks.

CHAIRMAN SCHNEIDERMAN:

Before you go, I wanted to mention another bill to you that I'm not sure you're aware of. But there's a bill that right now is tabled, but I expect it to move later this month, to put together a solid waste management commission. And really the reason before that has to do largely with air quality because all of the trucking of Long Island's garbage. And I've calculated some eight to 10% of all the diesel exhaust come directly from the transportation of our own waste. So that's something that maybe you should take a look at, because maybe you'd come back and have an opinion on that bill as well. I'm just looking for new ways to handle our garbage so that we

can reduce air pollution.

I think a lot of people aren't aware. You know, I had looked at your website that •• and saw that failing grade on ozone pollution and ozone •• people think of ozone, you know, depletion, ozone, you know, is a good thing, it's a good thing in the atmosphere in the upper atmosphere, but at ground level, the components of ozone, particularly nitrous oxides, can cause damage to the lung tissue, and it's a real problem and then the particulate matter, as you said.

I also saw the Clean Air Task Force Website too, and our risk apparently from •• I guess, our cancer risk is elevated some 360 times above what the EPA's acceptable level for risk is from diesel particle or soot pollution. So it is something that we all as Legislators be concerned with. Even though the air looks good, it might feel good when you're breathing it, you know what •• you know, the affect on childhood asthma or cancer or your other respiratory types of illnesses, which may happen years later, you're not going to be able to feel it, those fine particles, but it doesn't mean they're not there. All the data is showing that they are there and we ought to be concerned.

MR. SEILBACK:

Thank you. I will look at the bill.

CHAIRMAN SCHNEIDERMAN:

Thank you.

LEG. HORSLEY:

Yes, Chairman. To piggy back what Legislator Schneiderman just said concerning that same bill about concerning waste, we will also be looking at the issue and addressing the issue incinerating waste products and the affects on the environment and public health.

MR. SEILBACK:

Great. I will look at that bill.

LEG. HORSLEY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. We will get you a bill number.

MR. SEILBACK:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Let me just say on the record that Legislator Browning has an excused absence from this meeting. All right. Our next speaker is Mark Serotoff,

Sustainable Energy Alliance, also speaking on the diesel bill.

MR. SEROTTOFF:

Good afternoon. My name is Mark Serotoff, Coordinator of the Sustainable Energy Alliance of Long Island, Nassau and Suffolk. We promote renewable energy, wind power, solar power, energy conservation and rebuilding, repowering and updating the Long Island's power plants and clean air.

There is nothing that creates more •• almost nothing that creates more problems with breathing than diesel exhaust emissions. And we have a tremendous preponderance of diesel emissions on Long Island due to our infrastructure of transporting goods and services, products by diesel trucks. New York City has last year passed a law regulating diesel emissions. Westchester County has passed a law regulating diesel emissions. Diesel is bad stuff.

Reducing particle emissions by 50% in 2010, 75% in 2015 and 85% by 2030 throughout New York State will save nearly 100,000 lives between now and 2030. Fine particle •• this, by the way, is from the Clean Air Task Force diesel report, "fine particle pollution from diesels shorten the lives of nearly 21,000 people in New York State per year," and incinerators don't help either. Tens of thousands of Americans suffer each year from asthma attacks; over 400,000, heart attacks; 27,000, respiratory problems associated with particles of diesel emissions.

Together with the total of premature deaths, the health damages from diesel fine particles will total 139 billion. Let me say that there's always a price to pay for something, there's a price for freedom, there's a price for clean air,

there's a price for your health. Nothing comes free, nothing comes cheap. It might cost a few dollars to clean up the air, but what is your health worth? What is the health of your family worth? Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Can I ask a question? On that bill, you know, when New York City passes their regulations, you know, what happens to a diesel truck that is going let's say through Westchester, through New York City, through Suffolk •• through Nassau and into Suffolk?

MR. SEROTOFF:

There's a waiver. Trucks that are just passing through are not bound by the regulations.

CHAIRMAN SCHNEIDERMAN:

So only trucks that originate from ••

MR. SEROTOFF:

That originate there, a stationary power source of generators, caterpillars, landscapers, construction vehicles of that locality.

CHAIRMAN SCHNEIDERMAN:

All right. We're going to have to monitor that too to make sure that, you

know, that people aren't keeping •• registering their trucks out of state to avoid the regulations.

MR. SEROTTOFF:

There you go. One other question •• one other statement. One other Legislator mentioned a possible consideration of incineration. Again, we are in an environmentally unacceptable regulated by the DEC, the DEC says New York City and Long Island are in a non attainment region for ozone, which causes heart attacks, which causes bronchial irritations, asthma, emphysema. And the old and young are especially prone to this. Incinerators throw out an incredible amount of really bad stuff, arsenic, mercury, heavy metals and will add to the pollution in the area. It's a technology that has come and gone. And New York City has closed all their incinerators. And the entire environmental community has come out against incineration. There was a plan for a incinerator in the Calverton area, and the community was extremely motivated to shut that down before it even started.

CHAIRMAN SCHNEIDERMAN:

What people may not realize though, as bad as incinerators are, they have to realize that trucking garbage also is bad.

MR. SEROTTOFF:

I belong to LISBA, Long Island Suffolk Business Association. We discussed transportation of waste by rail, which is very doable.

CHAIRMAN SCHNEIDERMAN:

Rail is about a quarter of the pollution that trucking is, which is significant.

MR. SEROTOFF:

But there's a small problem with that. And by off shore •• by barging it off shore to places out•of•state.

CHAIRMAN SCHNEIDERMAN:

That's about a 20th of the pollution.

MR. SEROTOFF:

It's very cost effective and cuts pollution. There are marine pollution control devices for maritime diesels, which are much better than even land diesels. The problem •• one of the problems with rail is the Long Island MTA wants a half a million dollars to put a siding up, whereas the actual cost is about 100,000 or less. And so things have to be worked out.

CHAIRMAN SCHNEIDERMAN:

Right. But the numbers are there, because right now, we're •• Long Island is transporting 3000 tons a day at a cost approaching \$100 a ton to Virginia, Ohio or Pennsylvania. You know, that's adding up to, I think, around \$100 million a year that we're paying to get rid of our garbage. So, you know, a half a million for the rail spur seems small compared •• so the numbers probably would make sense. So we would save. We'd have to find a spot to do it. That's one thing that the commission will look at, moving toward rail.

But I think there are other ways to handle garbage too that are environmentally friendly and, you know, would make more sense.

MR. SEROTOFF:

Well, if New York City can shut down all its incinerators, why can't we and do a recycling program where every •• in the footprint of every incinerator, let's build a recycling facility?

CHAIRMAN SCHNEIDERMAN:

New York City is having all kinds of problems finding places for their garbage to go too. In 2009, they're going to be competing with us in Brookhaven and other areas for those incinerators that are on •• particularly the Hempstead incinerator. So I'm not sure where New York City's garbage is going either. They have their own problems.

MR. SEROTOFF:

It is a significant problem now and in the future. And anything that Sustainable Energy Alliance or the other environmental organizations can do to try to work this out, we would be very happy to help.

CHAIRMAN SCHNEIDERMAN:

The bill for that regional solid waste management commission, the bill number is 1490, and it was tabled in committee I believe yesterday, the Environment Committee only because the head of the committee will be Mike Deering, who's the head of •• he's Commissioner of Environment, he wanted

to make a couple of changes to it. It will be back in front of the committee later this month. So if you can just follow it and try to be there to support it, we would all appreciate it.

MR. SEROTTOFF:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. If you need a copy of the bill I will have Eric, who is my aide, give you a copy. Enough shameless self promotion. We had one presentation on the agenda, Mr. Hymowitz. He can't be here, so we don't have that presentation. At this point, I'll invite Commissioner Bartha forward and any of the other Public Works officials who want to join him.

Commissioner, before we start, I'm sure most of us have read the newspapers and are aware that you will be leaving Suffolk County. And I just wanted to say on behalf of myself and the committee that you have served this County very well, your work was never less than professional. And I found that it was really my pleasure to have worked with you and to begin to understand the enormous scope of what the Public Works Department does. I think it's the County's loss to see you leave. And we certainly wish you the best in any future endeavors.

LEG. MONTANO:

He's not leaving Suffolk County, just the government.

CHAIRMAN SCHNEIDERMAN:

Well, Suffolk County Government.

COMMISSIONER BARTHA:

Thank you.

CHAIRMAN SCHNEIDERMAN:

He's actually one of my constituents in East Moriches and a neighbor of Ed, I suppose. You've done a fine job, and I want to make sure that that's reflected in the record.

LEG. ROMAINE:

I'd like to add to that very briefly by saying that I've known Charlie for a very long time, first, when I was in the Legislature, as County Clerk and now back in the Legislature again. And he has always, always always been a professional, an asset. Rich LaValle has been a tremendous Deputy Commissioner. And Leslie Mitchel has added some grace and charm to that office. And I've got to tell you, the three of them worked in tandem to make that Public Works Department the finest I've seen in this County, and they did it with very little resources. They performed admirably. And there will be a gaping hole left at Public Works with their exit.

Their professionalism is going to be deeply missed by this County. And I wish Charlie and Rich and Leslie the best, and they will be in my thoughts. And every citizen of Suffolk County owes them a debt of gratitude for their service that they've done in this County. And I just want to say that publically and on the record. Thank you for your service and you will be missed. I know you're not leaving yet and there's still some time, but I know right until the last day, you will be the consummate professional. Thank you.

COMMISSIONER BARTHA:

Thank each of you very much on behalf of the three of us. We have enjoyed the relationship we have had with this committee and the Legislature and the past Legislatures. And it's been •• you know, we've enjoyed the respect that you've afforded us, and we've enjoyed providing you with the services that we are required to do. So thank you. And none of us are leaving Suffolk County, and all of us are •• will be continuing to work in the industry, and I expect we will be seeing you at the appropriate locations.

CHAIRMAN SCHNEIDERMAN:

This is not your last committee meeting, you'll be around for a couple more months, right?

COMMISSIONER BARTHA:

To July 28th at this point.

CHAIRMAN SCHNEIDERMAN:

Okay. And also, you know, I didn't mention Rich LaValle and Leslie Mitchel, but I certainly have the same sentiments as my colleague. We will miss you both. And I wanted to thank you for all your work for the County, a job very well done. So let's move on then to the agenda. Feel free, Commissioner, to chime in on any of these bills that you want to comment on if we don't ask you directly.

1030 (To authorize a request for proposal to re-establish the Bay Shore Health Center).

LEG. HORSLEY:

Move to table.

LEG. MONTANO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table, a second. All those in favor? Any opposed? **Tabled.**
(VOTE:6•0•0•1 • Not present • Legis. Browning).

1164 (Establishing a County policy to require hybrid or alternative fuel buses in the Suffolk County Transit System).

LEG. HORSLEY:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Horsley, seconded by myself. All in favor? Any opposed? **Tabled (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1489 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with planning for improvements to Sewer District No. 6 • Kings Park (CP 8144)).

LEG. KENNEDY:

Mr. Chair, I am cosponsor on this resolution. And at the request of the Department, we worked and introduced a new resolution, which was actually passed by Budget and Finance earlier today that is identical to this resolution other than the source of funding. So having gotten that positive impact this morning, I'm going to make a request to table subject to call.

CHAIRMAN SCHNEIDERMAN:

Why don't you just withdraw the bill?

LEG. KENNEDY:

We could do that too.

CHAIRMAN SCHNEIDERMAN:

Just tell the Clerk's Office to withdraw the bill.

LEG. KENNEDY:

Well, before I withdraw it, I think what I'm going to do I'm going to allow the other bill to run its natural course, and I'm an optimist, and of course, I hope that it's going to pass on Tuesday ••

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table subject to call, seconded Legislator Horsley. All those in favor? Opposed? **Tabled subject to call (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1492 (Adopting Local Law No. 2006, A Local Law requiring prior approval from the Suffolk Sewer Agency for the establishment, improvement, or expansion of County Sewer Districts).

This, I guess, went through a public hearing, and the public hearing was closed. So it is eligible to be acted on.

LEG. HORSLEY:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table.

LEG. D'AMARO:

Second.

LEG. KENNEDY:

Mr. Chair, on the motion.

CHAIRMAN SCHNEIDERMAN:

So there' was a motion by Legislator Horsley, seconded Legislator D'Amaro. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just a, I guess, procedural or technical question for the Commissioner. By the way, I echo everything everybody else said to you, but I said that to you in private anyhow.

COMMISSIONER BARTHA:

Thank you.

LEG. KENNEDY:

We deliberated a bill earlier to provide planning money for expansion of Sewer District 6 up in Kings Park. You're familiar with that. As a matter of fact, I worked with Ben and yourself, and we had a favorable disposition. But the question comes about as to whether or not •• actually, the question is where does the Sewer Agency approval come about when we're looking for this type of planning funding associated with a sewer district? Is that something that follows in the process or something that is triggered by us authorizing this study money? I just don't know.

COMMISSIONER BARTHA:

As a matter of practice, normally we have something •• we prefer to have the Sewer Agency approve something first. What this would do would be formalize that, that the Legislature would not be able to authorize •• as I read the Counsel's opinion •• to improve or expand the sewer district without the approval of the Sewer Agency first.

LEG. KENNEDY:

But up to this point, there have been various methods associated with getting expansion and doing different types of upgrades associated with the sewer districts, correct, sometimes through sewer agencies, sometimes garnering the planning monies since that's somewhat critical to being able to gather the data necessary to properly evaluate?

COMMISSIONER BARTHA:

That's correct. In a case like that, the Sewer Agency would authorize a study to determine, for instance, before a sewer district is established, how costly it would be to operate. So, you know, both the agency and the Legislature can make an informed decision.

LEG. KENNEDY:

Okay. All right. So it seems that we've got this duality associated with it. All right. Fine. Thank you.

CHAIRMAN SCHNEIDERMAN:

I need clarification on this even though there's a motion to table and not to approve. So right now, all new sewer •• new sewer districts go for approval, but this would now require all changes to sewer districts, all improvements, additions?

COMMISSIONER BARTHA:

This is not a resolution that Public Works proposed. I would defer either to the County Exec's Office or to Counsel.

CHAIRMAN SCHNEIDERMAN:

Does Public Works have an opinion, since you do chair that committee, right, the Sewer Agency?

COMMISSIONER BARTHA:

Yes, I am Chairman of the Agency.

CHAIRMAN SCHNEIDERMAN:

Maybe I can ask Counsel for a clarification on what the bill does. You know, on its face it sounds okay, but then I'm imagining •• it says improvements and if it's a small improvements, is that •• you know, the Sewer Agency meets, what, four times a year?

COMMISSIONER BARTHA:

Monthly.

CHAIRMAN SCHNEIDERMAN:

It meets monthly? Okay. I just don't want to create something that's going to actually hold up some necessary sanitary improvements that might protect groundwater, etcetera.

MR. NOLAN:

Well, presently under the County Law that's how we operate in terms of our sewer districts. The County Legislature is empowered to determine if a district needs to be established or improved or expanded. And the Sewer

Agency is empowered by the Legislature to prepare maps, plans, reports and make recommendations to the County Legislature, they make a recommendation. If this law is enacted, it would be •• the Sewer Agency would be doing more than making a recommendation. The Legislature could not act unless they recommended that we do so. So it would shift some power from County Legislature elsewhere.

CHAIRMAN SCHNEIDERMAN:

Thank you for that clarification, but can we give up that type of power without a public referendum?

MR. NOLAN:

Frankly, I have not looked at the referendum question. I don't think there's a referendum. There may be a permissive, I'm not sure. I'd have to look at that.

CHAIRMAN SCHNEIDERMAN:

Typically a governing body cannot lessen its governmental powers without a public referendum.

MR. NOLAN:

Well, this actually does have a permissive referendum clause. Whether it requires a mandatory referendum, I would have to look at that. Probably not. That's a very narrow circumstance where a referendum would be mandatory, but there is the permissive referendum clause. And since this is

going to be tabled, I'll take a look at that question.

CHAIRMAN SCHNEIDERMAN:

It just reminds me a little bit of the airport lease screening committee in a sense that we just got rid of the airport lease screening committee because it took power away from the Legislature, and here we are seemingly poised to give power away from the Legislature establishing another body that could stop legislation from being effectuated.

LEG. HORSLEY:

That's why it's tabled.

CHAIRMAN SCHNEIDERMAN:

Okay. I just want to make sure we all know what we're doing. Legislator Romaine.

LEG. ROMAINE:

Not only am I supporting the tabling, but I hope to eventually see the defeat of this resolution, because this resolution actually diminishes the powers of the Legislature. The Sewer Agency is technical agency and we're giving them Legislative powers to make determinations whether sewer districts should be established in the first place, whether they should be improved or expanded. That power is a power that's a Legislative power, that should stay with the Legislature. And the Sewer Agency should stick with what they do very well, which is the technical analysis presented to us. And there are very few times

that I can recall in the last 20 some odd years where the Legislature has ever disagreed with the Sewer Agency. But the Sewer Agency, this bill would give it the powers are now this Legislatures.

I've seen too much diminution of Legislative power in the last few years. This is our responsibility. We are capable people. I serve with 17 very intelligent people that ask very good questions, that are very dedicated to their job. They can make these decisions. We can listen to the technical analysis and weigh them against the needs of the community. But this is something that should reside and should remain with the Legislature. And we should leave the sewer district •• the Sewer Agency to do the technical analysis, not to take unto itself Legislative powers, nor should the Executive be recommending this diminution of Legislative power. Thank you.

CHAIRMAN SCHNEIDERMAN:

I'm going to suggest that rather table it, we defeat the bill.

LEG. ROMAINE:

Motion to defeat.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano, did you want to •• any comments?

LEG. MONTANO:

No.

CHAIRMAN SCHNEIDERMAN:

There is a motion and a second to table.

LEG. ROMAINE:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Well, the tabling motion will •• I'll oppose the tabling motion. We will see how the vote goes. All in favor of tabling? Three won't table it. Tabling motion fails.

LEG. ROMAINE:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

I'm second the motion to approve. All in favor? Opposed? Three opposed. Abstentions?

LEG. MONTANO:

Abstention. The motion is to approve for the purposes of defeating the bill, and I'll just abstain on that.

CHAIRMAN SCHNEIDERMAN:

Let's take a one minute recess.

(* A RECESS WAS HELD FROM 2:14 P.M. UNTIL 2:16 P.M.*)

CHAIRMAN SCHNEIDERMAN:

So there was a motion to approve and a second.

LEG. MONTANO:

Tabling failed already.

LEG. D'AMARO:

I'll make a motion to reconsider the tabling motion.

CHAIRMAN SCHNEIDERMAN:

You have to be on the prevailing side of the motion, which you were not, but

I was. I'll make a motion to reconsider the tabling motion, seconded by Legislator D'Amaro. All in favor. Okay. We're back to the tabling motion. There's a motion to table Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Any opposed?

LEG. ROMAINE:

Opposed.

LEG. KENNEDY:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstentions? I'll support the tabling. So it's four to table. So the tabling motion is carried. **Tabled (VOTE:4•2•0•1 • Opposed • Legis. Kennedy and Romaine • Not present • Legis. Browning).**

1545 (Establishing an Environmentally Sound E•Waste Policy for Suffolk County).

I guess, is there a motion to approve? Motion to table?

LEG. D'AMARO:

I'll offer a motion to approve.

LEG. HORSLEY:

I'll second that motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator D'Amaro, seconded by Legislator Horsley.

LEG. KENNEDY:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just a quick question for Counsel. What does this wind up doing? What would this bill do, George?

MR. NOLAN:

It states a policy that to the extent practicable the County is going to try to reuse and recycle its electronic equipment, and then it lays out a couple of things we're going to do in order to try to achieve that. It directs all departments to take all steps practicable to reuse and recycle electronic equipment so it doesn't go to the waste treatment burn, that electronic equipment that is determined to be surplus or obsolete by Purchasing, which is not sold at auction or otherwise will be recycled in the most environmentally sound manner, and finally, it directs all department and agencies to require bidders and respondents to solicitations when we're trying to get electronic equipment to propose a program where the bidder agrees to provide for the take•back of electronic products that have reached the end of their useful life for environmentally sounds uses. So all those things are geared towards getting •• preventing electronic waste from going into the waste stream and being burned.

LEG. KENNEDY:

While I appreciate the explanation, to me that sound like certainly noble policies and something that, you know, we as an entity would want to embrace. However, I think there's a couple of pragmatic implications. First and foremost, I would wonder what this policy on the part of bidders might do to our actual cost per unit when we actually wind up acquiring machinery, if that's been factored into what the implications are.

Secondly, I also wonder, I know many of us have from time to time had the opportunity to go ahead and introduce resolutions that transfer surplus dated machinery from our County Departments to various not•for•profit organizations, schools, things like that. Will we still have that latitude or must we now wait until this vetting process goes on with all the equipment?

MR. NOLAN:

This resolution will not affect those resolutions whereby Legislators transfer electronic equipment to non profits and other groups. So, no, this would not affect that practice.

LEG. KENNEDY:

But it does affect the declaration of surplus by departments in the first instance, doesn't it?

MR. NOLAN:

I don't think it does. I don't think •• it really doesn't affect what you are speaking to.

LEG. KENNEDY:

Okay. Then I'm not reading the resolution, I guess, in the same manner. Nevertheless, as I said, I wonder what the implications might be as far as cost to acquire in the first instance.

MR. NOLAN:

I believe there's •• when we were drafting this bill for the sponsor, we were mindful of that and tried to give the departments flexibility in terms of doing this when practicable to try to get in the proposals provisions where they •• the vendors would take back equipment at the end of the useful life, that is if we couldn't auction or we didn't give it to a non•for•profit group, they would

take it back and then recycle or dispose of the electronic equipment in the environmentally best manner.

LEG. KENNEDY:

Our auctioning process, my recollection, the little I've seen so far is that it's not been highly successful. We usually pretty much beat machines into the ground.

MR. NOLAN:

I don't know how successful we are in auctioning this stuff.

LEG. ROMAINE:

Point of information. Has a financial impact statement been prepared by BRO on this as of yet?

LEG. D'AMARO:

I'd like to have one before the committee vote.

MR. NOLAN:

There is one attached to the resolution.

CHAIRMAN SCHNEIDERMAN:

We have a BRO representative here.

LEG. ROMAINE:

Okay. Maybe they could address what the cost implication are of this. I'm not really concerned ••

CHAIRMAN SCHNEIDERMAN:

She's prepared to speak, so let's give her a chance.

LEG. ROMAINE:

I just want to say, I'm really not concerned, because I wrote most of the recycling laws between '86 and '89, most of them are not being followed anyway, particularly paper recycling in this County, which is a law on the books that we adopted.

MS. GAZES:

The language in several of the Resolved Clauses uses the phrase, you know, whenever, wherever practicable. And because of that, it's very difficult to have a very exact financial impact, because then it leaves the discretion as to what's considered practical to do. So there could be situations where it would end up being more expensive, however, that may not be the case, because it may be decided not to go that route, which in that case, you may not reach your objective of the amount of recycling or adequate reuse of

whatever equipment it is.

LEG. D'AMARO:

I'm a little confused here.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

This bill really just •• I'm looking at just the Resolved Clauses, and it just seems to me that this is dealing with •• the Third Resolved Clause says surplus or obsolete and not otherwise sold at auction or donates, as Legislator Kennedy was referring to. So what type of fiscal impact are we concerned about?

LEG. ROMAINE:

Fiscal impact that I would be concerned about is any bid requirements if you read the bill very carefully that requires that when we purchase computers, for example, that the bidder indicate that he will dispose of these computers at the •• and take them back for disposal at the end of their useful life. That would add to the cost of doing business. So that's why I raised that question.

LEG. D'AMARO:

I appreciate that answer.

CHAIRMAN SCHNEIDERMAN:

Has that been considered by BRO?

MS. GAZES:

Again, it includes that phrase whenever practicable. Now, how is that determined? Is that based on if it increased the cost, or if it's •• if it can even be done, if there's any program in place by respondents, will it limit the number of respondents? You know, it's a little vague, so it's very difficult to pinpoint a cost per unit or per computer as to what it would be if there would be an additional cost.

LEG. KENNEDY:

Through the Chair.

CHAIRMAN SCHNEIDERMAN:

John.

LEG. KENNEDY:

This is for BRO and I guess maybe for Counsel as well. There's one other aspect associated with this, having been involved in the purchase of several

different pieces of equipment and many, many PCs out in the Clerk's Office, much of that work was done off of a state bid list. So where the purchase recs and requirements are established by OGS, I wonder where this bill would reconcile with that ability to go ahead and require servers and PCs and all of the other equipment necessary in all of our many departments and still be in harmony with the intent on the bill.

MR. NOLAN:

I think if the County was purchasing off of the state list, the law would not have any application. I think it's when we're putting out to solicitations the bids that we tried to get from the respondents, get them to respond and have a take•back provision or something similar so this equipment is recycled. Purchase if it were purchased off the state list, obviously this doesn't come into play.

LEG. KENNEDY:

This has no impact?

MR. NOLAN:

No.

CHAIRMAN SCHNEIDERMAN:

It seems to me though, you know, in listening to the way the bill is worded, you know, you have all these various departments who are purchasing computers, it just seems to me if you wanted to have a policy to reclaim the

computers, and as I understand, the computers so have some toxic elements to it and they really shouldn't go into the waste stream and there are companies that pull valuable metals out of computers and things like that, it seems to me that you'd have one company maybe bidding to collect all of the County's computers to reclaim those materials and properly dispose of the computers. You really can't do that on a, you know, department•by •department basis. You should have one bid for all the County surplus computers. It doesn't sound like the bill allows for that. It requires that each department when they purchase have a provision to get the computers taken away, and that may not be the best way to do it.

LEG. KENNEDY:

If the sponsor's intent was to go ahead and create a scrap market, you know, we're looking to regulate scrap dealers anyhow. That might be something that, you know, would be admirable as far as a wholistic solution. My questions with this are, again, as I pose so far, the lion's share of equipment that's acquired by the various departments in most cases is off state bid, because that's the best price.

CHAIRMAN SCHNEIDERMAN:

Right. It seems like we ought be able to •• not necessarily require that company to do the pick up when there are other companies that that's what they do. So, you know, maybe should have a conversation with the sponsor. We are meeting again in two weeks. I'm going to make a motion to table 1545.

LEG. KENNEDY:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Kennedy. All in favor of tabling? Any opposed?

LEG. D'AMARO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

So everyone is in favor of tabling except Legislator D'Amaro who voted against tabling. 1545 is **TABLED (VOTE:5•1•0•1 • Opposed • Legis. D'Amaro • Not present • Legis. Browning)**

1589 (To evaluate the feasibility of establishing Co•Generation at the Yaphank Skilled Nursing Facility).

Do we have a motion? I'll make a motion.

LEG. KENNEDY:

I'll second the motion and I'm going to ask ••

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Kennedy.

LEG. KENNEDY:

•• the Commissioner if he's got any thoughts on this.

COMMISSIONER BARTHA:

We support this resolution in its form. We worked with Legislator Alden, and it's a good resolution.

LEG. KENNEDY:

Good. Excellent. Thank you.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

LEG. ROMAINE:

Could the Clerk list me as a cosponsor on the resolution? Thank you

LEG. KENNEDY:

Cosponsor.

CHAIRMAN SCHNEIDERMAN:

1591 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of a new dredge (CP 5201.514). Motion by Legislator Romaine, I'll second for the purpose of discussion.

LEG. ROMAINE:

For the purposes of discussion, hopefully everyone got the amended copy, we're not buying a new dredge, it's too expensive unfortunately. What we're doing instead, this is amended to reflect a 400,000 expenditure somewhere between three or 400,000 to buy a booster pump. What a booster pump will allow the County dredge to do, we have a small County dredge now, the booster pump will allow us to extract the dredge spoils and have a greater range or distance for dredge spoil sites. Right now we are limited because we have •• our pump will only go so far. A booster pump will lengthen that distance and give us more of a range where the dredge spoils can go. I think everyone is being presented now with the amended copy that we filed •• I think we filed it at least a week ago.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Charlie, how much additional flexibility will you be able to get with this when it comes to establishing dredge spoil sites?

COMMISSIONER BARTHA:

Having a booster pump would give us considerable flexibility, because as Legislator Romaine pointed out, we'll be able to move the material further away, disposal sites are becoming more and more difficult to find. I believe a booster pump •• I haven't seen the corrected version of this yet, but it's my understanding, and I'm looking at Bill Hillman, a booster pump will need an additional staff member to go with this. When you consider the Operating Budget later in the year, you might want to consider that.

LEG. KENNEDY:

But if I'm not mistaken, Charlie, in most any dredge project, establishing a viable dredge spoil field is one of the •• • one of the most critical components associated with it.

COMMISSIONER BARTHA:

Yes, absolutely. I agree, this will improve our flexibility.

LEG. KENNEDY:

Okay. Good. Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other discussion? Again, what's •• the cost on this is half a million, is that ••

LEG. ROMAINE:

No. We put in 400,000. It actually •• the estimates we got range from about 300 to 400,000, but I guess Mr. Hillman would be better able to answer that than I would. Mr. Hillman, could you give us a rough estimate of what this booster pump would cost?

MR. HILLMAN:

You're correct. We do estimate it to be in the range of three to \$400,000.

LEG. ROMAINE:

And we went with 400,000 so there would be enough money if it came in high, if the bids came in high that we could go and purchase it in 2007. And again, this is for 2007. And hopefully we could that •• if it's approved by the full Legislature and the Executive, we could do this at the beginning of the year so we could benefit those dredge projects scheduled for winter•spring of 2007.

CHAIRMAN SCHNEIDERMAN:

The money is coming from the furniture and equipment line; is that right? Did you clear that? DPW, is there that isn't going to be used in the Capital Budget?

LEG. ROMAINE:

I believe that there is money that would be available.

COMMISSIONER BARTHA:

The money is being taken from the famous Bergen Point incinerator project.

LEG. HORSLEY:

Good line.

LEG. ROMAINE:

We don't expect that to •• you know, I'm working with Wayne on that everyday.

CHAIRMAN SCHNEIDERMAN:

Can I add, wasn't that Bergen Point incinerator project, was that sewer district project? Wasn't that a function of that tax district and now you're moving it out of tax district into a whole County?

COMMISSIONER BARTHA:

That's correct. But my understanding is that there's nothing that prohibits you from doing that in the Charter.

CHAIRMAN SCHNEIDERMAN:

Okay. And this is something the department certainly could use in this years
•• how long would it take to get? Would it be useable for this year?

LEG. ROMAINE:

No.

CHAIRMAN SCHNEIDERMAN:

Then there would be an appropriating resolution that would follow. Oh, this is amending and appropriating, right?

MR. HILLMAN:

We would have to go out to RFP to purchase the actual dredge and then it needs to be assembled, put on a platform and other ••

COMMISSIONER BARTHA:

It's not a dredge.

MR. HILLMAN:

I'm sorry, booster pump.

CHAIRMAN SCHNEIDERMAN:

So it could be in use by next year.

LEG. ROMAINE:

By the end of this year maybe?

MR. HILLMAN:

For the ••

LEG. ROMAINE:

Definitely for winter•spring of 2007.

MR. HILLMAN:

I would hope so, yes.

CHAIRMAN SCHNEIDERMAN:

This will create the potential for new spoil sites or maybe putting dewatering onto down-drift beaches, where the sand is really needed.

MR. HILLMAN:

Correct. We think we'll be able to obtain another two to 3000 feet in additional pumping.

LEG. ROMAINE:

So more than half a mile. You expand your range by more than half a mile.

CHAIRMAN SCHNEIDERMAN:

It's the booster pump and it's the associated tubing, I'm not sure of the word.

MR. HILLMAN:

Piping. I'd have to get back to you on that.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

So the resolution is now amended, we're only talking about purchasing a an additional booster pump. And a booster pump is something that pumps sand, is that what it is?

CHAIRMAN SCHNEIDERMAN:

Yeah. It pumps it further. Right now using the current dredge, they can only •• you know, basically the dredge sucks the sand up and pumps it to a particular location, and right now that location in within, I don't know, a 1000 feet.

MR. HILLMAN:

Two thousand feet.

CHAIRMAN SCHNEIDERMAN:

And this will extend it to 5000 feet?

COMMISSIONER BARTHA:

Right. What this does is it inserts another pump into the line so you can pump the material further, because a hydraulic dredge, which is ours, is simply a pump that sucks up sand and water and pumps it as far as that

pump is capable of. That's been our limiting factor. Now, this will allow us to insert another pump into the line, which will pump it further.

LEG. D'AMARO:

It's not going to increase the amount of dredging that we do, it's just going to push the material out further?

COMMISSIONER BARTHA:

Yes. But one of problems we have in progressing a dredging project is to find a disposal site. What we wind up doing if a disposal site isn't in proximity to the dredge site, we have to contract it out. This will allow us to do more projects with our own dredge than we were capable of. But I see where you're going, we can still do X number of projects in a particular year.

LEG. ROMAINE:

But you have more flexibility in terms of the dredge spoil sites.

COMMISSIONER BARTHA:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

That's been one of the problems environmentally, these •• there aren't a lot

of dredge spoil sites. You know, a lot of these places have beach vegetation and other flora on it. And you're limited, you know, by the DEC and US Fish and Wildlife and, you know, other agencies. You can only deposit so much in a particular place. So the volume that you can dredge may be limited by the spoil site, so you might actually be able to increase the amount; is that correct, Commissioner, that gets dredged because you have now the volume?

LEG. D'AMARO:

Is that a reality, I mean, going out another, what was it, 3000 feet?

COMMISSIONER BARTHA:

Between two and three thousand.

LEG. D'AMARO:

Two to three thousand feet is going to dramatically increase our ability to do the dredging in-house so to speak as opposed to contracting it out?

COMMISSIONER BARTHA:

We'll increase it, whether it's considered dramatically or not ••

LEG. D'AMARO:

I shouldn't use that word. Just would be what the •• you know, what kind of

cost savings would that lead to in your opinion?

COMMISSIONER BARTHA:

I think it would pay for itself pretty shortly, because dredging is very expensive when we have it done by contractors.

CHAIRMAN SCHNEIDERMAN:

There's also another issue. I know it's an issue on the East End, maybe it's an issue elsewhere too, these spoil sites tend to •• they entomb the sand so the inlets capture sand that was moving along the beach, you know, by the littoral drift and it ends up in the inlet and then it gets pumped onto these spoil sites to remain there for ever. And the beach that's down•drift gradually erodes and erodes and erodes. And it would be nice if we could figure out a way to actually get the sand to where it would have gone naturally had it not fallen into the inlet. This may provide a way to do that. That could be a significant savings for the County in terms of beach erosion. Under this formulation, which is really •• the formulation study, which really applies to the South Shore, the County is responsible for a certain percentage of the cost of restoring the beaches. Anyone else. Legislator Horsley and then Legislator Kennedy.

LEG. HORSLEY:

To the Commissioner, the usage of this pump is something that could be utilized not only on the East End, but throughout the South Shore for practical purposes?

CHAIRMAN SCHNEIDERMAN:

North Shore as well.

LEG. HORSLEY:

And the North Shore. Tell me a little bit about that.

COMMISSIONER BARTHA:

Theoretically, yes. As a practicing matter, there's enough work for our dredge in the Peconic Bay area that the mobilization time that's involved, we typically don't bring that dredge to the western part of the County.

LEG. HORSLEY:

I see. What does ••

MR. ZWIRN:

In earlier conversations we've had about East End, West End getting ••
Legislator Schneiderman was upset about probation officers.

LEG. HORSLEY:

The Amityville cut doesn't see this pump ever.

COMMISSIONER BARTHA:

That's correct. The Amityville cut is a very large project, and it's not something we would look to do with our own dredge. And as a matter of practicality, most of the dredge projects on the western part of the County are very large projects, which are beyond our capability and we wind up contracting out anyhow.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, then I'm sorry, then, Mr. Zwirn, I know you have been patiently waiting to speak.

LEG. KENNEDY:

I just have a follow up for Charlie, I guess, along that same vein. North of me and certainly an important tributary out of my Legislative District is the Nissequogue River. I know that's been on the cycle for, you know, ultimate dredge work, but this is not something that our County dredge would be employed with?

COMMISSIONER BARTHA:

The Nissequogue project?

LEG. KENNEDY:

Yeah.

COMMISSIONER BARTHA:

We estimate that project to be in the order of a million dollars, and actually I just have signed a resolution request and sent it over to the County Exec's Office for a million dollars for the Nissequogue dredging.

LEG. KENNEDY:

Good. The other thing that, I guess, I would ask Mr. Hillman, before we talked about the RFP, is •• are these booster pumps standard pieces of equipment or is this something that would be custom built to work with this dredge?

MR. HILLMAN:

It's a fairly standard piece of equipment off the shelf.

LEG. KENNEDY:

Okay. So it shouldn't involve, you know, a long period of time. Once you get a successful bidder, you can get acquisition?

MR. HILLMAN:

I would expect that, yes.

LEG. KENNEDY:

Good. All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Could I ask that •• the dredge that we're talking about and booster pump where •• right now we don't have the booster pump, but the dredge, where is that stored currently?

MR. HILLMAN:

From September to May, it's typically in operation during those months full time. During the off season, which happens to be during the summer, we store it at a local shipyard on •• in Greenport.

CHAIRMAN SCHNEIDERMAN:

Okay. So it is stationed on the East End as well.

MR. HILLMAN:

During it summer, yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions? Mr. Zwirn.

MR. ZWIRN:

I think the one thing that the County Exec will be concerned about, and I think the Legislature as well, you can't take look at this in a vacuum. In the next couple of days or the next week, we're going to be looking at a number of bills that are going to be cutting revenue sources to the County. And there was talk today about getting more probation officers, I mean, there's talk about getting more public health nurses. At some point somebody •• everybody is here saying yes to everything, and at some point, somebody is going to have to say no. Or else they're making a conscience decision to raise taxes or cut expenses somewhere else.

But not only is this dredge expensive, it also will require additional personnel to do that. And, you know, where the money is going to come from all this with the budget coming up and with the Capital Budget being discussed now, maybe it would be better served to put that all together.

CHAIRMAN SCHNEIDERMAN:

I think we heard testimony that this would pay for itself in the first year or a relatively quick time frame, and then we will be ahead. So it sounds like the financial impact is positive for this.

MR. ZWIRN:

It may be, but there's a whole outlay or personnel that you are going to have to pay and debt service on the ••

CHAIRMAN SCHNEIDERMAN:

Commissioner, in your comments before about it paying for itself, did you include the cost of personnel in that?

COMMISSIONER BARTHA:

No, because that wasn't the question at the time, but I did point out when we very first started speaking about this this afternoon that this would require an additional person and that when you get to the Operating Budget hopefully you would consider that provided this passes.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Montano.

LEG. MONTANO:

Just as follow up. Is this something that •• maybe Legislator Romaine, was this taken up in the Capital Budget Committee, because I don't recall it?

LEG. ROMAINE:

No, I don't believe it was. This is a resolution to amend the budget •• Capital Budget for 2006 so that Public Works could go out, put it out to bid and

purchase this booster pump, which is going to cost between three and 400,000 to give the County dredge more flexibility to allow it to do more jobs that it now has to contract out. As the Commissioner said, this dredge •• this booster pump will pay for itself within the first year or so. And while we may need an additional person to staff this, there are vacancies that exist now in Public Works that if one of them were filled, even with that one person, would you say that this would pay for itself as opposed to contracting out, Commissioner?

MR. ZWIRN:

If I might respond before the Commissioner. With respect to the vacancies, we passed a bill not too long ago, at the last General Meeting 15 to 3 to freeze hiring and to save that money for 2007 as carry•over savings in order to balance the budget in 2007. There are very few positions that are going to be hired.

CHAIRMAN SCHNEIDERMAN:

Can we get clarification on that, because I don't remember passing something that freezed all hiring?

MR. ZWIRN:

Not all hiring, but we're trying to keep the turnover savings at a maximum.

LEG. ROMAINE:

We would not have this anyway •• we would not have this •• probably would

not have the •• by the time it was set up and ready to go, you're really talking about 2007, because at this point, if it's approved, it's June, by the time it goes out to bid, the bids are accepted, the bids are open, equipment delivered and set up, we're talking really about 2007, and that's obviously something that we will be aware of and try to address in the 2007 Operating Budget.

What's important to keep in mind is we don't want to trip over dollars to pick up pennies, which seems to be a very strong policy decision. We want to take a look at the long term affect, that this is going to save money. When we start becoming so short, well, if we spend money here, yeah, but if we spend money here, that's less we have to contract out, it's more than the County dredge can handle. The other option was to buy a second dredge, which was too expensive. This is a compromise in the sense that it would give our existing dredge more flexibility and it would save us money by the Commissioner's own testimony. Bottom line is that this should pay for itself certainly within the first year or two of operation. It makes sense.

CHAIRMAN SCHNEIDERMAN:

There's also, you know, overall an economic impact. If we're not able to keep up with the dredging, then we effect the boating industry, the fishing industry, then we're talking about a huge impact in terms of sales tax revenues. So I think we have to look at, you know, the big •• the macro economic picture here as well. I understand what you are saying, Ben, in terms of spending, but some spending makes sense in terms of keeping the economy moving, limiting future expenses in other areas, and I think this is one of those cases personally.

LEG. MONTANO:

One question, Jay.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

MR. ZWIRN:

I'd just like to keep it in perspective. I mean, we're talking about you want Sunday bus service, you know, there's so many •• I'm not saying this is a bad project, but there's so many good projects out there, but we don't have unlimited revenue. And that revenue stream is going to get a lot smaller in the next, you know, starting probably in July. And just keep all these projects and all these hiring's and positions that want to be filled and open space acquisitions that want to be made in mind, because the budget is going to have to be balanced. I'm just saying, I'm just letting people know that we're concerned about it. And it's easy to spend money. It's very hard to say no to any project that is worth while, and there are lots of projects out there and lots of groups that may not be funded next year because there just won't be enough money to do it.

CHAIRMAN SCHNEIDERMAN:

We have a couple of people who want to speak. Legislator Montano.

LEG. MONTANO:

I just had one question. I'm not really up on this, and I apologize for that. But this item was included in the 2006 Capital Budget?

CHAIRMAN SCHNEIDERMAN:

No.

LEG. ROMAINE:

I'm adding it now.

CHAIRMAN SCHNEIDERMAN:

No. The money is being taken from another area, the furniture and equipment line of DPW •• I'm sorry, from the Southwest Sewer District line and being shifted for this purpose. It was not in the 2006 Capital Budget. We would be amending the Capital Budget to include the item.

LEG. MONTANO:

Okay. All right. That's my point. It wasn't included in the 2006 and it wasn't considered in the 2007?

CHAIRMAN SCHNEIDERMAN:

I won't say that, because there was some discussion on ••

LEG. MONTANO:

Well, I'm on the Omnibus Committee, I don't remember, you know, having this discussed. Maybe Legislator D'Amaro, do you know whether or not this was discussed?

LEG. D'AMARO:

You mean ••

LEG. MONTANO:

During our Omnibus.

LEG. D'AMARO:

The last round that we had?

LEG. MONTANO:

Yeah.

LEG. D'AMARO:

I do not believe it was.

LEG. ROMAINE:

It probably wasn't, because if we put it in the 2007, by the time you went out to bid and purchased it, you would be into May by the time it was delivered, which is the off season. You would lose half a year. By purchasing it now, you can start, because we do dredging in the winter of 2007, you could start in 2007. If you postpone it, you lose half a year, because by the time it comes in, the bid is done and everything else like that, you're not going to get it until May or there later, which means that you've lost the winter•spring of 2007 to do the dredging and that means that much more that you would have to contract out.

LEG. MONTANO:

My only point is, and I've said this before, so I am in consistent, we have a budget process, we go through this every year, and I believe, you know, number one, as Chairman of the Budget Committee, but number two, in terms of looking at our total fiscal package that all of these items should be taken care of, and we've said this before, in the budgetary process, whether it's the omnibus, whether it's, you know, through committee. But to be •• you know, it's not that it's not a good project, and it's certainly reduced from where it was, but to be coming in mid year, you know, every month pulling money here and there, I don't think is the way that we should approach it.

And I guess that falls in line with what Ben said, I'm not agreeing with you, because you are Ben, but I just happen to think you're right on that, to look at these items from a macro perspective and deal with them in an appropriate fashion, which is the budget committees, whichever way we set it up. And that's really, you know, the only issue I have with it. It's hard to make a decision where it wasn't included in last year's budget, Capital Budget, and it wasn't even discussed in the Omnibus Committee of which I'm a member. So here we are making decisions on capital projects County•wide going into five years, and this items comes before us in a totally isolated context. That's the only concern I have with it.

CHAIRMAN SCHNEIDERMAN:

All right. I'm going to make a motion to discharge it without recommendation.

LEG. D'AMARO:

I'll second. All in favor?

LEG. D'AMARO:

Just on the motion very quickly. I just wanted to reiterate that it's not that we're not dredging, we're just trying to dredge a little better and save some money. And I think that •• you know, I agree with what Mr. Zwirn is saying that at some point, we're going to have to look at our priorities and make a determination when we're going to stop with adding to the debt service.

You know, again, and I brought this up last week in the face of the BRO Report that is telling us that debt service is scheduled to go up \$15 million over the next •• each year over the next five years. And I think that as the Chairman says, you know, this is a laudable, you know, project that we should consider, that's fine, but it's not that we're not dredging. We are dredging. We do have the capacity to contract out if there's a project that really requires what this pump may do. And I think this is exactly the kind of prioritization that we have to start thinking about going forward, because that debt service is going to come back to haunt us over the next three to five years through the Operating Budget on costs that we have no control, such as the jail, our open space programs. And I think this would be the type of project that we would need to consider where it falls on that priority list.

CHAIRMAN SCHNEIDERMAN:

My only response is that we just need to look at all numbers and make an informed decision, because it may turn out, as has been said by the Commissioner, that we actually come out ahead by doing this. Obviously, we have to dredge. We can't let navigational inlets become unnavigable. And if we have to go out to other contractors and pay a higher cost, you know, we're going •• though it may not be in the debt service end, we're going to be paying in the Operational Budget end. I'm fine with your comment, I agree with it basically. We just have to make sure we have all the numbers and we make the best fiscal decision. So there's a motion and a second, all in favor of discharging without recommendation? Any opposed? Okay. 1591 is **discharged without recommendation (VOTE:6•0•0•1 • Not present • Legis. Browning)**.

1592 (Appropriating funds in connection with improvements to lighting and paving on CR 100, Suffolk Avenue, Brentwood, Town of Islip (CP 5185)).

LEG. MONTANO:

I'm the sponsor, I'm going to make a motion to table this. My understanding is that the Town of Islip will be •• vice versa, DPW will be in contact with the Town of Islip to get some estimates and clarify exactly what the improvements will be. I'd like to get this out at the next •• I'd like to have this voted on at the next meeting, which is, I guess, two weeks from now. If you could help us out on that. I understand that the lighting aspect is really a town function and not necessarily something that the County would entertain.

COMMISSIONER BARTHA:

That's certainly the way we would typically go about a project, and I know staff has been in contact with you, and we will endeavor to have that information for the next meeting in two weeks.

LEG. MONTANO:

Two weeks, Charlie. All right. I'll move to table it.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1603 (Appropriating funds in connection with replacement/clean up of fossil fuel, toxic and hazardous material storage tanks (CP 1706).

CHAIRMAN SCHNEIDERMAN:

Is there a motion? Motion by Legislator D'Amaro, seconded Legislator by Legislator Montano. On the motion, Commissioner, if you can provide any

explanation.

COMMISSIONER BARTHA:

This is an ongoing program. And out of these funds, we plan to abandon the fueling facility that had been at the old Sixth Police Precinct as well as the Indian Island •• the previous Indian Island fueling site in Riverhead.

CHAIRMAN SCHNEIDERMAN:

Any discussion? I'd like to wait a moment for Legislator Horsley to join us for the vote. Okay. We are on 1603. There's a motion and a second to approve. All in favor? Opposed? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1605 (Amending the 2006 Capital Budget and Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 11 • Selden (CP 8117)).

Is there a motion? Motion by Legislator D'Amaro, seconded by Legislator Horsley. Any discussion?

LEG. ROMAINE:

Just a quick question for the Commissioner. This was or wasn't in the 2006 Capital Budget? I'm looking for Ben. It's in the adopted budget.

LEG. ROMAINE:

For 2006.

COMMISSIONER BARTHA:

For 2006.

LEG. ROMAINE:

Then why would be amending the Capital Program if it's in? Are we adding or deleting funding or changing the scope of the project?

MR. WRIGHT:

It must be a typo, because it is in the adopted program for this amount.

LEG. ROMAINE:

Okay. Because what I'm reading on the agenda, it says amending the 2006 Capital Budget.

COMMISSIONER BARTHA:

That's what the resolution says.

CHAIRMAN SCHNEIDERMAN:

But it's really just an appropriation.

MS. GAZES:

It's technically an amendment because it redirects some funding that had been adopted in construction to planning, that's all it does.

LEG. ROMAINE:

Thank you. I just raise that question.

CHAIRMAN SCHNEIDERMAN:

Okay. We had a motion and a second. All in favor? Opposed? **APPROVED.**
(VOTE:5•0•0•2 • Not present • Legis. Browning and Montano).

1606 (Transferring assessment stabilization reserve funds to the Capital Fund, amending the 2006 Operating Budget, amending the 2006 Capital Budget and Program, and appropriating funds for Suffolk County Sewer District No. 15 • Nob Hill (CP 8138)).

CHAIRMAN SCHNEIDERMAN:

Same motion, same second, same vote. Any discussion? Commissioner, any comments?

COMMISSIONER BARTHA:

No.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1608 (Authorizing the purchase of up to four paratransit vans for its Senior Citizens Transportation Program and related equipment on behalf of the Town of Smithtown and amending the 2006 Capital Budget and accepting and appropriating Federal Aid (80%), State Aid (10%) and Town funds (10%) in connection with this purchase (CP 5658).

LEG. KENNEDY:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Kennedy.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. All in favor? Opposed? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1609 (Accepting a Clean Water/Clean Air Bond Act grant from the New York State Department of Environmental Conservation and authorizing execution of agreements to accept grants to improve Sewer District No. 1 • Port Jefferson).

LEG. D'AMARO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro, seconded by Legislator Horsley. Any discussion? Any comment by the Commissioner? All in favor? Opposed? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1616 (Transferring Escrow Account Revenues Funds to the Capital Fund, amending the 2006 Capital Budget and Program, and appropriating funds for improvements and/or rehabilitation of existing facilities in the Suffolk County Sewer District No. 3 • Southwest (CP 8170)).

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. Any discussion? Any comments? All in favor?

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just a quick question, I guess, for the Commissioner. When I went through the backup, this transfers escrow, I guess, from a variety of contractees, I guess, who are connected?

COMMISSIONER BARTHA:

That's correct. They pay a \$15 dollar per gallon one time connection charge besides paying their annual use charges each time a connection from outside

the district is approved, and that has allowed us to make many improvements at the district over the years without impacting the taxpayers in the district.

LEG. KENNEDY:

So this is funding associated with that one-time connection charge?

COMMISSIONER BARTHA:

That's correct.

LEG. KENNEDY:

Okay. So then my question goes to •• just a curiosity •• we have a connection charge that's been levied on the Community College?

COMMISSIONER BARTHA:

That's correct.

LEG. KENNEDY:

Suffolk Community College, Western Campus posted 15,000 in order to go ahead and achieve connectivity with Southwest; is that correct?

COMMISSIONER BARTHA:

That's correct. Southwest Sewer District is a •• each sewer district is a separate taxing entity and has an asset, which is not a County•wide asset, it's really a district asset. And similarly, we have the New York Power Authority and other public entities at the district.

LEG. KENNEDY:

No. I have no questions about the balance of the entities, I was just curious with the Community College. But your explanation clears it up. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. We had a motion and a second. All in favor? Opposed? Abstentions?
Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).

1617 (Amending prior capital authorized appropriation for storm remediation improvements for CR 94A, Center Drive South at Little Peconic River, Town of Southampton (CP 8240.312)).

Commissioner, can you provide some more information on this one?

COMMISSIONER BARTHA:

Well, it's a stormwater remediation project that has gone through the Water Quality Committee as well as the Legislature before. What this does is

reappropriate the money in a fashion that allows us to use a portion of it to hire an engineer to progress the project so we can use a consultant rather than do the work in-house, which is beyond our capability at this time.

CHAIRMAN SCHNEIDERMAN:

It is? That would be my question. It can't be done in-house. Will that take money away from the actual construction portion?

COMMISSIONER BARTHA:

Yes. But we believe there are sufficient funds in there.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. Based on that, I'll make motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1620 (Amending prior capital authorized appropriation for storm remediation improvements for CR 96, Great East Neck Road at Evergreen Street, Town of Babylon (CP 8240.313)).

Is there a motion?

LEG. HORSLEY:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Horsley.

LEG. D'AMARO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator D'Amaro. Again, Commissioner, any more information?

COMMISSIONER BARTHA:

Similar situation.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1621 (Transferring Assessment Stabilization Reserve Funds to the Capital fund, amending the 2006 Capital Budget and Program, and appropriating additional funds for construction of a marine boat pump out facility in the Suffolk County Sewer District No. 3 • Southwest (CP 8170).

Commissioner.

COMMISSIONER BARTHA:

This is to provide a public boat pump out on the creek right adjacent to the Bergen Point Treatment Plant, something that's been talked about for many years. We had a grant for a small portion of this, and this is provide the balance of the funds.

CHAIRMAN SCHNEIDERMAN:

Can I ask a couple of questions? Is that a no discharge zone?

COMMISSIONER BARTHA:

Yes, it certainly is.

CHAIRMAN SCHNEIDERMAN:

Okay. So this actually has a revenue component to it, does it not? We charge the boats that pump in.

MR. WRIGHT:

There hasn't been one proposed for this, no.

CHAIRMAN SCHNEIDERMAN:

Typically there would be a fee, right?

MR. WRIGHT:

Not in every boat pump out. This is not one that was going to propose a fee.

LEG. HORSLEY:

The town doesn't charge.

CHAIRMAN SCHNEIDERMAN:

The town doesn't charge. But there's a cost to the County to actually process this, no?

COMMISSIONER BARTHA:

The volume is very small. There certainly is some small cost associated with it, but given the alternative of it being so easy for boats to discharge in a no •discharge zone and having this treatment plant sitting right there ••

CHAIRMAN SCHNEIDERMAN:

No, I mean, philosophically it sounds okay. You know, I'm just trying •• some of these are done by private businesses. They go around and they pump out and they have to come now and they bring it to Bergen Point and they have to pay for it, and we're going to directly compete with those companies. Maybe they're non existing in this area, but I just want to be careful that we're not undermining private enterprise and creating an unfair competition situation.

LEG. HORSLEY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

Yeah. I'd like to •• it's not often that I speak of things that I want in the Southwest Sewer District, but this is certainly a good idea. What •• we have a situation that people are being •• will pump out literally in the Bay, and to have a situation where it's making it easier for our boating public to discharge, it certainly makes sense. The Town of Babylon has several at

some of their parks who do not charge also. So it's a very common practice around to the Bay in the hopes that we can help clean up the Bay. I will wholly support such a movement. In fact, I was asked just the other day by a constituent, you should be doing this at Bergen Point, so it's good to see.

COMMISSIONER BARTHA:

We're ahead of them.

LEG. HORSLEY:

There you go.

CHAIRMAN SCHNEIDERMAN:

If it's free, it's certainly going to encourage people to use it, so it certainly provides an incentive to clean up the environment. I'm certainly going to support it. I thought it was important to at least understand if there's other competing businesses that we're out•competing. But it doesn't sound like there. Any other discussion? All right. There's a motion by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1631 (Amending Resolution Nos. 492•1999, 1299•2000, 516•2001 and 1158•2005, for participation in engineering in connection with the reconstruction of bridge on CR 83, North Ocean Avenue, over the Long Island Expressway, Town of Brookhaven (CP 5849)).

CHAIRMAN SCHNEIDERMAN:

Commissioner, do you want to provide any information on this?

COMMISSIONER BARTHA:

Sure. This resolution and the next resolution are for this very important project which we have received bids and are in the process of awarding the contract to widen the bridge over County Road 83. It's a major source of congestion, both on County Road 83 and backs up on to the Expressway at times during rush hour. There is no additional County funding involved in either of these resolutions. We managed to secure more state aid, the {Marcellino} funds, which reduces the County share, and that's what these two resolutions do.

CHAIRMAN SCHNEIDERMAN:

1631, is there a motion? Motion by myself, seconded Legislator Kennedy. All in favor? Opposed? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1632 (Amending Resolution Nos. 884•1996, and 1037•1999 for participation in engineering in connection with the reconstruction of bridge on CR 83, North Ocean Avenue, over the Long Island Expressway, Town of Brookhaven (CP 5849)).

Same motion, same second, same vote. All in favor? Opposed? Abstentions?

Approved (VOTE:6•0•0•1 • Not present • Legis. Browning). Hopefully one day something we'll be doing something similar on 39 as well in my district.

1633 (Amending Resolution Nos. 1157•2002, and 1138•2004 for participation in construction in connection with a closed loop traffic signal system (CP 3309).

Commissioner, information, please.

COMMISSIONER BARTHA:

Once again, we were successful in securing more state aid, and this allows us to reduce the County share from \$200,000 to \$50,000 on this million dollar project.

LEG. KENNEDY:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Let's have a motion and a second, then we will have discussion. Is there a motion?

LEG. KENNEDY:

I'll move.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Kennedy, seconded by Legislator Roamine. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Charlie, my question to you is just a little bit •• some explanation on this. I read about the reference in the Capital Program and BRO's, is this somehow linking all the signals on County roads? What does it do?

COMMISSIONER BARTHA:

This really upgrades the signals on all the County roads and allows us to be able to control them from the office.

LEG. KENNEDY:

So you've got remote connectivity with them as well as enhancing them within themselves where they sit?

COMMISSIONER BARTHA:

When this is done, that's what this will provide and allow us to adjust the timing from our office on the signals.

LEG. KENNEDY:

Does it also give you some kind of notification or alarm is you have malfunction?

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Can I ask, do these signals •• are they changeable by Emergency Services as well, can they turn the lights from red to green as they move forward?

COMMISSIONER BARTHA:

That's a separate issue. And in most towns we have worked with the towns to, you know, allow Emergency Services to do that.

LEG. KENNEDY:

And obviously, I mean, this is a good thing for us, this is very admirable. Our policy continues to be that the towns will maintain the traffic signals on County roadways?

COMMISSIONER BARTHA:

It's not a policy, it's state law, which we would like to see changed. We believe it would be better •• it would be more costly, but it would also be more uniform, you would have better maintained system and a more uniformly maintained system with parts and everything if the County maintains it.

LEG. KENNEDY:

I see. But implementation and support of this system here doesn't clash with, you know, what the towns are or are not doing? They'll be aware of and be able to go ahead and do whatever is necessary?

COMMISSIONER BARTHA:

Yes. It's an upgrade. It's certainly something they support.

LEG. KENNEDY:

Okay.

CHAIRMAN SCHNEIDERMAN:

We have a motion and a second, I believe. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1634 (Amending Resolution No. 1325•2005 for participation in construction in connection with the reconstruction/widening of CR 3, Wellwood Avenue bridge over the Southern State Parkway, Town of Babylon (CP 5851).

Commissioner.

COMMISSIONER BARTHA:

Similar to the other resolutions that we've secured additional state funding, this reduces the County share on this project.

CHAIRMAN SCHNEIDERMAN:

Very good. Motion by Legislator Horsley, seconded Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1635 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the County share for participation in a closed loop signal system (CP 3309).

CHAIRMAN SCHNEIDERMAN:

That sounds familiar. Is that the same closed-loop signal system we talked about in 1633?

COMMISSIONER BARTHA:

The same system, it was funded under more than one resolution over a period of couple of years.

LEG. KENNEDY:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Kennedy, second by Legislator Romaine. All in favor? Opposed? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1636 (Appropriating funds in connection with interchange improvements for CR 111, Port Jefferson•Westhampton Road, from the Long Island Expressway Exit 70 to Chapman Blvd., Town of Brookhaven (CP 5123)).

Commissioner.

COMMISSIONER BARTHA:

I'm sorry. You got ahead of me.

CHAIRMAN SCHNEIDERMAN:

Take your time.

COMMISSIONER BARTHA:

This is a project that is in the Capital Program, and we have had interest certainly from the community in this project. There's tremendous traffic on County Road 111 at the Long Island Expressway, particularly on weekends, the extended weekends. This will allow us to make improvements in that area. This is for the engineering portion of it. We will have outreach to the community to determine what ••

CHAIRMAN SCHNEIDERMAN:

Good. These are kind of traffic safety improvements?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN SCHNEIDERMAN:

We've had some accidents there.

COMMISSIONER BARTHA:

Yes.

CHAIRMAN SCHNEIDERMAN:

So this is to address that situation?

COMMISSIONER BARTHA:

That and congestion, safety and congestion, yes.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Romaine, seconded by myself. On the motion, Legislator Romaine.

LEG. ROMAINE:

Thank you very much, Mr. Chairman. By hiring the engineer, the engineer, if

this resolution passes, will begin to start work when?

COMMISSIONER BARTHA:

If the resolution passes, it would be late this year we would expect to have an engineering contract signed.

LEG. ROMAINE:

How long does it usually take to prepare an engineering contract?

COMMISSIONER BARTHA:

Well, we have to seek a waiver from the non professional RFP process and then we would issue an RFP.

LEG. ROMAINE:

Who would give you that waiver?

COMMISSIONER BARTHA:

The County Executive's Office.

LEG. ROMAINE:

The County Executive's Office would give you that waiver. Is that waiver a requirement of law?

COMMISSIONER BARTHA:

Yes. Yes.

LEG. ROMAINE:

Could your office do me a favor at some point? Maybe if someone from your office in the next week or so could contact my office and specify the resolution that requires or necessitates that waiver, I'd appreciate that, I'd like to examine that.

COMMISSIONER BARTHA:

Sure. It's a combination of resolution as well as SOP. We'd be glad to make your office aware.

LEG. ROMAINE:

SOP doesn't have force of law.

COMMISSIONER BARTHA:

Right. We will give it to you.

LEG. ROMAINE:

Okay. Thank you. And I would simply say that this project is desperately needed. It was rated one of more difficult highways with a great deal of fatalities on this. If anyone's familiar, this is Exit 70 of the Expressway when you get off. The traffic on the weekends, and actually becoming year round now and becoming week long, the traffic at that particular exit, because that's used as an exit •• quick exit to go the Hampton. It's extremely heavy, and there's been a number of fatalities on that road in that first mile after you get off. There's obviously a need to redesign the way that road flows.

CHAIRMAN SCHNEIDERMAN:

Commissioner, this money is being used to study the issue •• it says improvements, but we don't know what the improvements are yet.

COMMISSIONER BARTHA:

That's right. The first step would be to do a study to determine what improvements are necessary, then we would seek ••

CHAIRMAN SCHNEIDERMAN:

So it could be things like lighting or rumble strips.

COMMISSIONER BARTHA:

It could be that, it could be an additional lane to turn on for the merge.

CHAIRMAN SCHNEIDERMAN:

Okay. So we don't •• is there money put in this for construction itself or just for ••

COMMISSIONER BARTHA:

Not yet, no.

CHAIRMAN SCHNEIDERMAN:

The title is a little bit misleading in the sense that it makes you think that's it ••

LEG. ROMAINE:

You can only hope.

CHAIRMAN SCHNEIDERMAN:

•• interchange improvements, but it really is not. It's to study potential interchange improvements.

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN SCHNEIDERMAN:

And how much money are we talking about?

COMMISSIONER BARTHA:

\$200,000.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Okay. And you said there would be some kind of community cherette or there would be some kind of input into this?

LEG. ROMAINE:

I'm planning to appoint an advisory committee to advise myself and to work with DPW. Hopefully, once the engineer is in place, that's why I asked for the timing of that, because once that's done, I will have an advisory committee that will work with me made up of member from the fire department, the school District, the Chamber of Commerce, the local civics to meet and discuss, because they know very well difficulties of this roadway.

CHAIRMAN SCHNEIDERMAN:

But there are provisions for community input.

COMMISSIONER BARTHA:

Absolutely. Yes. We've been working with Legislator Romaine on this for a while.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, just a simple suggestion to yourself and certainly Legislator Romaine who know this roadway and area very well, but having done a commute for nine years, and the Commissioner knows, not only do you get a backup in traffic on County Road 111, but you actually get a cueing on the Expressway itself in thru•lanes as you are coming to actually get on to the off•lane. So when the study work is being done, will there be any collaboration with state DOT associated with this, or is this limit exclusively to the County Road itself.

COMMISSIONER BARTHA:

Well, at this stage, ti's the County Road, but the study may recommend work

that would extend into jurisdiction of the state, and we would certainly seek to get state involved and participate in any major construction costs.

LEG. KENNEDY:

Good.

LEG. ROMAINE:

Clearly, John as you and I both know and anyone knows that travels east on the Expressway and passes Exit 70, what the state has to do is build a longer ramp, and they might consider building a service road from 69 to 70, because those two exits are very close, it backs way up. You should see it on a Friday evening, it's just amazing in the summer time.

LEG. KENNEDY:

It's dangerous.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion and a second. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

LEG. ROMAINE:

Would the Clerk kindly mark me as a cosponsor for 1636.

CHAIRMAN SCHNEIDERMAN:

Myself as well.

1637 (Appropriating funds in connection with the reconstruction of CR 11, Pulaski Road, from Woodbury Road to Depot Road, Town of Huntington (CP 5168)).

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro, seconded by Legislator Montano.
Commissioner, do you have any more information?

COMMISSIONER BARTHA:

This is the last piece of Pulaski Road that we would •• and this would bring us to complete the engineering, preliminary and final design on the project.

CHAIRMAN SCHNEIDERMAN:

Very good. There was a motion and a second, all in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1638 (Amending Resolution Nos. 1306•1996 and 778•2000, for participation in engineering in connection with the reconstruction of CR 67, Motor Parkway bridge at the Long Island Expressway Exit 55, Town of Islip (CP 5172)).

LEG. MONTANO:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Montano.

LEG. KENNEDY:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Kennedy.

LEG. KENNEDY:

I'm just going to ask the Commissioner for a quick status on this. This is something that's been in the works for ten years, Charlie?

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

Is it ever going to happen?

COMMISSIONER BARTHA:

The DOT changed •• we were ready to bid this project, and DOT changed their whole approach and got us into some seismic design criteria, which required the bridge to be redesigned. We have had some property acquisition issues, which we're working with DOT on. As far as the schedule, Bill, can you tell us what the schedule would be to see some construction here?

MR. HILLMAN:

We will be going to a public hearing, we hope, towards the end of August, beginning of September, be completing the design approval document by the end of this year, begin the right•of•way action process, which will take about two years. So we believe summer•fall of '08 we will be letting the project.

LEG. KENNEDY:

We recently these right-of-way acquisition resolutions that gave authority, right? So you're actively seeking now or starting the eminent domain process?

MR. HILLMAN:

We need to complete the public hearing prior to beginning that process. As soon as that public hearing is completed, we will begin eminent domain process.

LEG. KENNEDY:

You figure August-September for the public hearing.

MR. HILLMAN:

Correct.

LEG. KENNEDY:

Okay. Thank you.

COMMISSIONER BARTHA:

And you realize this reduces the County's share. Again, this is

reappropriating money.

LEG. KENNEDY:

Yes.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1639 (Amending Resolution No. 990•2004, for participation in engineering in connection with the reconstruction of CR 80, Montauk Highway, Town of Brookhaven (CP 5516.111)).

Commissioner, any additional information?

COMMISSIONER BARTHA:

This is again, the result of securing additional state aid. This reduces the County share for a project that, you know, we are working on on Montauk Highway.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Romaine, seconded Legislator Kennedy. All in favor?

Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1640 (Amending Resolution No. 1159•2003, for participation in engineering in connection with safety improvements at various locations (CP 3301.343)).

Commissioner.

COMMISSIONER BARTHA:

Again, this reduces the County share on funds that were previously appropriated. The County share is down to \$36,000 on this project that approaches a million dollars.

LEG. D'AMARO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro, seconded Legislator Horsley. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•1 • Not present • Legis. Browning).**

1645 (Adopting Local Law No. 2006, A Local Law to reduce the emission of pollutants from diesel-fueled motor vehicles operated by or on behalf of Suffolk County).

LEG. D'AMARO:

Motion to table for a public hearing.

CHAIRMAN SCHNEIDERMAN:

Motion to table for a public hearing by Legislator D'Amaro, seconded by Legislator Horsley. All those in favor? Opposed? 1645 is **tabled (VOTE:6•0•0•1 • Not present • Legis. Browning)**.

COMMISSIONER BARTHA:

Mr. Chairman, I would just like to point out in this resolution that we're working to get a handle on this, because this may have impact to the County with respect to the cost to convert buses and our fleet of trucks and contractor vehicles. So I hope at the next meeting to be able to give you what the impact would be on the County.

CHAIRMAN SCHNEIDERMAN:

Does this apply to every truck and backhoe and crane and snow plow and everything?

COMMISSIONER BARTHA:

And hired snow plow, we believe it does.

CHAIRMAN SCHNEIDERMAN:

We're going to need a pretty good cost estimation for that.

LEG. ROMAINE:

And a financial impact statement.

CHAIRMAN SCHNEIDERMAN:

Not that it's not a good idea, but we need to know the cost.

1650 (To accept the surrender of cross bay ferry license by Bay Shore Ferry, Inc.).

This has to have a public hearing too. I wouldn't mind some explanation as to what the bill is doing. Is it two different companies, Cross Bay Ferry and Bay Shore Ferry? The Presiding Officer is here.

P.O. LINDSAY:

We get a letter from this company. They want to surrender their license. They're not in the ferry business any more.

CHAIRMAN SCHNEIDERMAN:

I see. The cross bay ferry license, that's what we call the licenses and Bay Shore Ferry is the company. They're no longer in the business.

P.O. LINDSAY:

Evidently not.

CHAIRMAN SCHNEIDERMAN:

Okay. You surrender your •• is that a service that no longer exists or is another company taking it over?

P.O. LINDSAY:

As far as I know, it doesn't exist.

CHAIRMAN SCHNEIDERMAN:

So now is there an area on, I guess, Fire Island somewhere that you can't get to anymore?

P.O. LINDSAY:

I don't know. I don't know.

CHAIRMAN SCHNEIDERMAN:

Okay. Somebody tell the crowd of people who are cued up there waiting for the ferry that they don't exist. Okay. 1650, we need to table, so we have a motion by Legislator D'Amaro, second Legislator Horsley. All in favor? Opposed? Abstentions? Tabled for a public hearing. **TABLED. (VOTE:6•0•0•1 • Not present • Legis. Browning).**

Thank you for that information Mr. Presiding Officer.

M.033•06 (Memorializing resolution requesting State of New York to share County jail construction costs).

And the sponsor is not here. I'm not familiar with the resolution, is anybody prepared to explain it?

LEG. MONTANO:

I just read it. It simply says that there's a bill in Assembly that would allow the state to share in the cost. I don't think there's any dollar amount. It simply says that they will share in the cost as appropriated, I guess, by the commission. So I don't know that it has any •• it basically just asks the state to share in the cost of the construction of the jail, which I don't think anyone

is willing to vote against.

P.O. LINDSAY:

We don't want that, we want to pay for it ourselves.

CHAIRMAN SCHNEIDERMAN:

Okay. Sounds good to me.

LEG. MONTANO:

I'd like to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Romaine.

LEG. ROMAINE:

I assume there's no bill on the Senate side.

LEG. MONTANO:

I don't know. It's Assembly Bill 10546.

LEG. ROMAINE:

Is there any Assemblyman from Suffolk County?

LEG. MONTANO:

Yes. Assemblyman Theile is one of the cosponsors. I think Theile is the only one from Suffolk on this bill.

CHAIRMAN SCHNEIDERMAN:

And we would like the entire committee to be cosponsors. So put us all down as cosponsors. All in favor? Opposed? Abstentions? **APPROVED (VOTE:6 •0•0•1 • Not present • Legis. Browning).**

That concludes our agenda. There's no further comment. We are adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 3:27 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY