

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, September 12, 2006.

MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairman

Legislator Wayne Horsley • Vice•Chairman

Legislator Kate Browning

Legislator Edward Romaine

Legislator Jack Eddington

Legislator John Kennedy

Legislator Louis D'Amaro

ALSO IN ATTENDANCE:

George Nolan• Counsel to the Legislature

Kevin Duffy • Budget Review Office

Gil Anderson • Chief Deputy Commissioner • DPW

Lou Calderone • Deputy Commissioner • DPW

Richard Baker • Deputy Clerk • Legislature

Ben Zwirn • County Exec's Office

Julie Ben•Susan • North Ferry

Jennifer Valentino • Orient Resident

Kim Agell • Orient Resident

Miriam Bissu • Orient Resident

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 1:45 P.M. *)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting of the Public Works and Transportation Committee to order this 12th day of September, 2006. If you all will rise and join us for the Pledge of Allegiance led by Legislator Lou D'Amaro.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

If you will remain standing for one moment as it is the first meeting of this committee to follow the fifth anniversary of September 11th, which was just yesterday, I wanted to pause for a moment of silence to remember all those who lost their lives all those who continue to lose their lives in our fight for a freer world.

MOMENT OF SILENCE

CHAIRMAN SCHNEIDERMAN:

Thank you. I have several speaker cards. We will start with the public portion. First speaker I have is named Jennifer Valentino. I'll ask that you come up to the podium.

MS. VALENTINO:

If it's okay, I'd like to defer the order for Miriam Bissu.

CHAIRMAN SCHNEIDERMAN:

Not a problem. Miriam Bissu, if you'll step forward. Is that microphone on?

MS. VALENTINO:

Maybe it's Kim Agell. I apologize.

CHAIRMAN SCHNEIDERMAN:

Ms. Agell, you have three minutes to make your presentation.

MS. AGELL:

Okay. My name is Kim Agell, I live in Huntington, New York. I'm also a resident of Orient Point. I'm here to discuss two undedicated roads that are situated in Orient Point that have fallen into a serious hazard and disrepair. I just want to give a little of the history of what had gone on, and my other fellow neighbors do want to speak regarding this also, regarding this liability and the unsafe roads.

We're a community of 138 people, most of us being full time since 1957. A builder, (Walter Uhl) built this development in three sections. The first two sections, one in '57 and '61, were completed and with the release of bond, the roads were taken into the Town of Southold system. Section three was built in 1974, which consists of three roads. And upon completion, this is regarding the files from Town of Southold, the bond was released to the builder, and one of the roads was dedicated, and the other two roads were not dedicated. It's 3.2 acres of undedicated road.

Then with the builder having this released, the Town of Southold decides to

tax these roads. When Scott Russell, town •• which Scott Russell, Town of Southold Supervisor in Suffolk County admits was an anomaly back then, and with nobody paying taxes on them, they fell into Suffolk County, which •• where they sit now, May 18th of 1990.

Now, with the County owning these two roads for nonpayment of taxes, Suffolk County places these roads in the Real Estate Division, and we're not sure why in the Real Estate Division, because according to the tax when Suffolk County was paying the tax for the first five years, it was marked on there that it was a road. Again, we asked Suffolk County why it was in the Real Estate Division, and they say they look at it as a piece of property, but this piece of property has a subrecharge basin, curbs, drainage and street signs. All of the above is something the people, our neighbors, have no control over.

And as you will see in the photos that my neighbor will show you, that these roads are in a serious state of disrepair. Scott Russell, Town of Southold Supervisor has promised us that he would accept these roads, which we have a letter from him, which is in your file that I gave you. You do have folder in front of you. And also •• I'm sorry •• the map that's in there that's highlighted are the two roads that are undedicated.

Many of us vote for you, and we need your help. A good majority of us that are part-timers in Orient also live in Suffolk County. All of us paying our taxes, which includes a road tax, can't even enjoy a stroll or a bike ride in the roads that sit right in front of houses. The children are being hurt, people are tripping and falling, cars are getting damaged, emergency vehicles cannot get down the roads, they're not plowed in the summer •• in the winter, and the seniors that are on there, can't afford to have their own roads plowed and are trapped.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, Ms. Agell. That's time. I know there are other people speaking. If i could ask you a question. You did say that the town board in Southhold is willing to take these roads?

MS. AGELL:

Yes, they are.

CHAIRMAN SCHNEIDERMAN:

In the current condition?

MS. AGELL:

No. Once you bring them up to spec, which is about 145,000. So that's why we're asking you to amend the budget and to please do this for us, because this has just been going on for too long. The roads were up to spec in 1980, they were in very good shape in 1990 when Suffolk County took these roads over. And nobody has come to do anything. And as you will see in these pictures, it is a serious situation. This is a neighborhood, this is 138 homes. We are the biggest development in Orient Point.

CHAIRMAN SCHNEIDERMAN:

Is the town •• I know you can't speak for the town •• you're saying the town is unwilling to take then in the current condition?

MS. AGELL:

Yes.

CHAIRMAN SCHNEIDERMAN:

And fix them themselves?

MS. AGELL:

Yes.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

MS. AGELL:

Hi, Mr. Romaine.

LEG. ROMAINE:

Hi. How are you?

MS. AGELL:

Good.

LEG. ROMAINE:

I've met with the Supervisor and the residents. What happened here is a developer came in, developed an entire community. And there were two roads in that community that the town did not accept for dedication, but did release the builder's bond from what I'm told. And as I indicated, because they were described property and these roads are tax maps, actual physical tax maps on the Suffolk County Tax Map, the County eventually developed a tax bill for these.

Then •• by the way, there's a couple of these hanging around, but this one is in middle of a developed development where there's homes on these streets now. And these roads have not been maintained for 26 years at this point, and Berit has nothing on these roads. They have craters, they have holes, you can't even find the curbing, it's overgrown, there's a nearby sump that hasn't been maintained, etcetera, etcetera, etcetera. So I met with the Supervisor, and of course, he said, "Well, that's a County responsibility." And I said, "Okay, I understand we own it bring, but if we bring it up to code, will you accept it as a donation into the town road system?" And he said, "Yeah, I will, and that way the County will have no longer requirements for maintenance that they've never maintained or they will have no requirement

for liability."

Now, a number of people from Orient have already written the County Attorney to put them on notice, because already some people have tripped and falled (sic) or there have been some car accidents. So in the future, the County is on notice of the deficiencies of these roads that is in the County name that the County took for back taxes. I know Mr. Dumas when confronted with this, when called by a newspaper reporter said, "Oh, we took for back taxes, that doesn't mean we own them."

Having been County Clerk, I will tell you that when you take something for back taxes, there is a tax deed that is filed and you do own them, and it is in the ownership of the County of Suffolk. I think the best solution is to take these two streets, actually parts of two streets, and pave them, we can enter into a contract •• either we can use our bidding system or we can enter into a contract for Southhold Town to pave them. And the town will then accept them into the dedication. And we no longer have liability, and the residents have their problem resolved.

However, it may behoove the members of this committee •• and this is maybe for Ways and Means, and I know that Mr. D'Amaro and Mr. Kennedy serve with me on that committee •• to pass a law that we don't take roads, we don't take sumps, we don't take parks, and take them because they failed to pay back taxes. We should be selective about what we take for back taxes so it doesn't become a liability to the County. Thank you.

MS. AGELL:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I've seen things like this before. I used to serve as Supervisor in the Town of East Hampton, and there were many similar situations. But typically the town would take the road because it was in the interest of the town to manage that road. The County •• County runs main roads and highways, it doesn't run little residential neighborhood roads. But we're disputing \$150,000. It seems to me something, you know, something ought to be worked out, you know, with the town. I'm not sure because the County took it for back taxes that the County now has to ••

MS. AGELL:

It is. They did take it for back taxes.

CHAIRMAN SCHNEIDERMAN:

I understand that, but is it the County's responsibility now to fix up highway •
• Town Highway standards so that it could give it to the town? I'm not sure. I mean, I'll support the resolution, but it seems like the town ought to step up a little more here and not just say we'll take the road. The town is going have to maintain and repair that road in my opinion. Otherwise, why wouldn't the County just auction it off to the highest bidder like it normally does with tax default parcels? It either gives them away or it auctions them.

MS. AGELL:

I don't ••

LEG. ROMAINE:

I doubt you would get too many people bidding on the road.

CHAIRMAN SCHNEIDERMAN:

Nobody wants it. That's why the town has to play a bigger role here than just saying we'll take it when it's fixed.

MS. AGELL:

Well, he did mention he would take the roads. There was talk of him putting up 25%. Town of Southold Supervisor Scott Russell said it in front of 40 people that he's willing to put up 25%.

CHAIRMAN SCHNEIDERMAN:

It's getting better.

MS. AGELL:

Thank you.

LEG. ROMAINE:

One•forty five is a low estimate.

LEG. HORSLEY:

I figured that.

CHAIRMAN SCHNEIDERMAN:

Does that •• is that •• is that for 75% of the road?

LEG. ROMAINE:

One•forty five is a low estimate. And I would hope that the town would provide the rest of the funding. But I haven't made that a condition of my resolution. We'll just provide that amount of money and no more. And if it's more than that, then the town has to step up to the plate.

MS. AGELL:

I mean, we just would like to have our roads back. The neighborhood is falling apart, it looks horrible. Other members will talk to you regarding that. But, you know, we just feel •• can you please get this done. And if you have a problem with the Town of Southold, then leave us out of it. Just fix our roads. Thank you.

CHAIRMAN SCHNEIDERMAN:

I appreciate that. I'm not going to •• clearly •• because we'll discuss say the

bill later when it comes up. Legislator D'Amaro.

LEG. D'AMARO:

Yes. Thank you. Excuse me, ma'am. I just had a quick question.

CHAIRMAN SCHNEIDERMAN:

Ms. Agell, just answer one more question.

LEG. D'AMARO:

Thanks. I appreciate it. The builder •• this happened back in the early '90s?

MS. AGELL:

1957 is when he started when the first •• the first section. It was built in three separate sections.

LEG. D'AMARO:

All right. When was the last section completed roughly?

MS. AGELL:

1974 he started it, he had the tax maps, and he was about done in '75,

because the first home went up in 1971 •• I'm sorry •• 1977. From 1977 to 1989, there were 11 homes on those lots out of 16 or so. So the assessment was there.

LEG. D'AMARO:

Have the homeowners adjoining the road ever done anything to try and maintain the road?

MS. AGELL:

Yes. There has been •• there's a letter from Mr. Frank {duhr} in the folder from '89 trying to contact the builder that obviously left in 1987. Then there was no taxes paid on it. And in 1990, Suffolk County took them.

LEG. D'AMARO:

And to the best of your knowledge, the builder is nonexistent anymore.

MS. AGELL:

I've spoken with the grandson. He's located in Syosset on Split Rock Road. And he tried very hard for me to get the files together, but obviously, the business, which is Wood Hollow Properties, which this all pertains to, is not in existence any more. The grandfather has passed away as has his father.

LEG. D'AMARO:

Do you know if •• when the project was pending if the town had a requirement at that time for the posting of any kind of completion bond, anything like that?

MS. AGELL:

What I understand, if I'm understanding your question ••

LEG. D'AMARO:

In other words, the town would have a bond to go ••

MS. AGELL:

Yes. They had a bond.

LEG. D'AMARO:

•• against in the event the developer did not ••

MS. AGELL:

Yes, they did.

LEG. D'AMARO:

•• finish the project or dedicate the roads as required probably by the town approvals.

MS. AGELL:

Can you say that again. I'm sorry.

LEG. D'AMARO:

Sure. Usually as a condition of getting approval from the town to build the homes, you have to post a bond ••

MS. AGELL:

Yes, he did.

LEG. D'AMARO:

•• to guarantee that you conduct the necessary follow•through to dedicate the roads to the town. It could be posted with the Highway Department if there is one.

MS. AGELL:

Right. It's right in this file that bond ••

LEG. D'AMARO:

There is a bond?

MS. AGELL:

•• \$97,750. It was released to the builder in 1980. You have the records in your file right there.

LEG. D'AMARO:

Is there anything indicating the reason for releasing the bond?

MS. AGELL:

The roads were completed. The roads were up to spec, and they were completed. And it's in your file right there. I made a copy of those.

LEG. D'AMARO:

Okay. So at the time the roads were completed, do you know why there was never any formal resolution made to the town to accept the dedication of the roads?

MS. AGELL:

There is not enough tax assessment on the roads at that time, is that the right answer?

LEG. D'AMARO:

I don't think so. If the town released the bond, then roads must have been in the proper condition at that time.

MS. AGELL:

Yes. You have the records of the inspection report from the Highway Department of Town of Southold right in front of you. They inspected it and they •• the curbs, the signs, the drainage and everything was up to spec, and they recommended the bond being released. And the paper is right in front of you. I copied it right out of this file. This is section three.

LEG. D'AMARO:

Do you know if there was ever a resolution to accept •• accept the roads into the town, or there was no resolution, or there was opposition to the resolution? Do you have any knowledge about that history?

MS. AGELL:

Just that I know there wasn't enough assessment, if I'm answering it •• there was enough assessment on those roads. And I don't •• I'm not sure. Am I •
• I don't know.

LEG. ROMAINE:

You are doing fine.

LEG. D'AMARO:

That's great. I appreciate it. Thanks.

MS. AGELL:

If anyone wants the whole file, I can have it copied.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

No. Legislator D'Amaro •• you answered the question in that apparently the builder did •• you've answered the question in that the builder apparently did go forward and grade and asphalt the roadway and install curbing. It doesn't seem to me to be an issue as to whether or not the builder completed his obligation in the first instance. It sound as if the anomaly comes from this partial dedication or less than a total amount of tax •• I'm sorry •• roadway dedication associated with the subdivision map.

The issues lies apparently •• probably in the subdivision as it was originally

filed with the town, and then subsequently, the final approval from whomever the town inspectors were at that point. Nevertheless, that's not something that the homeowners necessarily •• at this point, how long have you owned your property, ma'am?

MS. AGELL:

My husband's family owned it since 1957. We're the second home that was build in the association. I've been going out there since 1988, and I could swear that I know the roads very well out there. And in 1990 ••

LEG. KENNEDY:

Okay. So you are one of the original families in the community. Okay. Thank you.

MS. AGELL:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. We're going to end up coming back to this. I'm going to ask me colleagues to grant Legislator Losquadro a courteous. He has a personal family matter he needs to tend to, and he's interested in Resolution 1880. If we could take that out of order so that he can •• he can leave this meeting, which he is here waiting to hear, then we'll come back to the public portion if that's okay. So I'm going to make a motion to take 1880 out of order. Is there a second? Seconded by Legislator Eddington. All in favor? Opposed?

1880 is before us. **1880, To require the percentage of recycled paper used to be indicated on all publications of the County of Suffolk.**

LEG. ROMAINE:

Motion.

CHAIRMAN SCHNEIDERMAN:

Okay. A motion to approve by Legislator Romaine, I will second that.

LEG. D'AMARO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, could we hear from the sponsor?

LEG. D'AMARO:

Yes. Where is he? There he is. Go ahead, sure.

LEG. LOSQUADRO:

I know this was tabled at the last committee meeting as there •• some people were just looking for an explanation. I can assure you this is very unambitious and very innocuous. It is simply to require that the print shop put on County publications, as you see on the bottom of publications you get everywhere where it says printed on 20% post•consumer recycled product or 40% or 10% or whatever it happens to be. I think that as a County, in •house printed documents should say what percentage of recycled paper that product is that we are using. It's just another example •• another opportunity for us to lead by example. And I think that this is something that we should have been doing. And I was just surprised in requesting the publication of one of my newsletters to find out that this is not routine practice for County publications. It's as simple as that.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

I appreciate the explanation. Do we know presently the percentages that the County is using recycled materials?

LEG. LOSQUADRO:

Certain products cannot have as high content just for the types of inks we use, such as our newsletters are printed on 20% post consumer recycled content paper. And that would be printed at the bottom.

LEG. D'AMARO:

But there are not •• there are standard percentages throughout the different items that are printed throughout the County? I mean, we don't want to have •• we don't want to have statements that are making misrepresentations.

LEG. LOSQUADRO:

Yes. When our print shop or any printing facility buys paper in bulk, those cartons or that packaging tells you the percentage of post consumer recycled content. What you do is when you take that product and then print on it, on the bottom of that, you just say what percentage recycled content is the product that you are using.

LEG. D'AMARO:

And what about •• is there any additional cost to the County in implementing this type of bill?

LEG. LOSQUADRO:

Perhaps I could figure out that thousands or billions of cents of the additional ink that it would cost for that little bit on the bottom ••

LEG. D'AMARO:

Could you do that? I would like to see you try and do that.

LEG. LOSQUADRO:

I would actually request Budget Review to see if they could figure out that additional ink cost. Really there's •• there's •• being that everything is laid out electronically, all of the desk top publishing systems that are used, it's a not a line of type system where you would physically have to put plates in, you know, where there's labor involved in that. Everything is laid out electronically with desk top publishing now. So this is just a matter of making this something that's just included on all of our publications. And when it's printed out through these systems, it will just appear there.

LEG. D'AMARO:

Thank you. I appreciate it.

CHAIRMAN SCHNEIDERMAN:

A similar line of questioning. I want the print shop to be able to •• I don't want to create an impossible task for the print shop. So as you have your graphic design people designing a particular publication, they need to know, obviously, in advance what paper it's going on and what percentage is recycled. And I just want to make sure that it's pretty standardized within the industry that ••

LEG. LOSQUADRO:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

•• newsletters will always be 20% recycled and fliers may be another thing.

LEG. LOSQUADRO:

And, you know, what you are printing out, if you're going to use a one color or two color or four color process, whatever it is, each of those specifics processes requires a specific type of paper. So whatever you are laying out, you're knowing what product you are going to be using to accomplish that task.

CHAIRMAN SCHNEIDERMAN:

So the print shop doesn't have •• have you talked to anybody there? Do they have a problem with this?

LEG. LOSQUADRO:

I had only spoken to them when I requested that it be printed on my newsletter. And they said, oh •• they answered the question. They said, "Yeah, we know the content of all the paper that we use." Like I said, it was a very innocuous sort of request.

LEG. D'AMARO:

Mr. Chairman, I just had one more question through the Chair of the sponsor, Legislator Losquadro. Do we know •• does the bill define what a public document is? You know, do we know which documents this would be printed on as opposed to what's private?

LEG. LOSQUADRO:

I'll defer to Counsel on that

MR. BARRY:

This would apply to publications of the County. It doesn't apply to documents used for internal use. So basically, our Legislative packets wouldn't require that.

CHAIRMAN SCHNEIDERMAN:

I'll recognize Mr. Zwirn from the County Executive's Office.

MR. ZWIRN:

I just have a question. For publications that are done outside the County, that are not done in-house where the County may not be purchasing the paper directly, the budget, for example. That's a publication of the County, I don't know if the budget is done in-house or we have sent it out to a printer to be done. Some things we can do, some things we can't. I don't know if that would apply to publications that are done outside of the Department of Public Works.

LEG. LOSQUADRO:

Well, I'll defer to Counsel, but the intent here was for publications that we print ourselves.

MR. BARRY:

Again, the First Resolved Clause says that the Suffolk County Department of Public Works shall cause to be printed on every publications of the County of Suffolk. If the print shop isn't printing it, then they can't cause to be printed.

MR. ZWIRN:

As long as we know the percentage of the paper that we're using, I don't think that's •• then it would be a problem for Public Works.

LEG. LOSQUADRO:

No. And as I said ••

CHAIRMAN SCHNEIDERMAN:

Mr. Anderson is here. On behalf of Public Works, if you have any objections, speak now or forever hold your peace.

LEG. LOSQUADRO:

Again, I'll just take the opportunity to reiterate when I had spoken to the print shop regarding this matter, the first time I spoke to them about it about

mine, they were able to answer the question very easily and said, no, that's not a problem.

CHAIRMAN SCHNEIDERMAN:

Is there a motion to approve?

LEG. LOSQUADRO:

We already had a motion and a second.

CHAIRMAN SCHNEIDERMAN:

Tot take it out of order, I think. Oh, and we had a motion and a second to approve. All in favor? Opposed? **Approved.**

(VOTE: 7•0•0•0).

LEG. LOSQUADRO:

Thank you very much for taking that out of order and goodbye.

CHAIRMAN SCHNEIDERMAN:

Go recycle. We're going to go back to public portion now. My second card •• I don't know what order. Let's try Miriam Bissu.

MS. BISSU:

Good afternoon. I want to thank you for setting aside the time to speak to us. We brought a whole crew with us to show the support and need that we have. You've heard some of the history. What I would like to talk about is the condition of these potholes and the condition of the road. I have some photographs on a board that I'd like to pass around. I took these photographs late June of this year.

I've been living in the house on Park View Lane since 1990 •• I'm sorry, since 1999. As you can see, these roads while at one time were beautiful roads, they were wide, they had curbs, they had no growth on them, it was all asphalt, over the past 20 years or 16 years since the County took it over, there is no maintenance on these roads. When the Southold comes around to fill in potholes, I and my neighbors go out and we beg the workers to throw a little sand and asphalt and so on into those potholes, and they do what they can, but they know they are not supposed to.

When it snows, my elderly neighbors to the east call someone at the town and asks them and begs them to come and remove the snow. And generally, they can't. So we have to hire private people to clear the road or to clear •• so that we can get through. We've received letters from the United States Postal Service about five years ago telling us that they couldn't come through any time of the year because of the overgrowth on to the road. When we bought our house, we thought we had a narrow little country road. Well, we found out after paying to have it •• have this vegetation removed at our expense, we found out we have this boulevard, and now suddenly all these tourists are coming through and low and behold the properties across the street were sold and houses put on there largely because we opened up the road.

Since then the Postal Service has written us letters, last year and the year before, that they will not provide mail service because the road is impassable in winter. Yet, we have to come and go on this road. We have handicapped individuals living there, we have young people like myself, we have World War II Veterans who gave •• you know, who served there time on behalf of this country, and they are afraid to go out of their homes any time of the year because of these potholes. They're afraid to go for a walk. I ride my bicycle, I take my life in my hands riding my bicycle. We have motorcyclists who love the neighborhood and love all of the East End of Long Island, and I'm terrified that some day some one is going to come through on a motor cycle at night and get into one of these potholes and end up dead.

CHAIRMAN SCHNEIDERMAN:

That's time.

MS. BISSU:

Okay. It's a very serious situation. Now, the Town of Southold ••

CHAIRMAN SCHNEIDERMAN:

Since your time is up, I'm sorry, if you want to say one or two more sentences just to finalize, that's okay. We have one more speaker on this issue, so.

MS. BISSU:

The one thing I would like to say is that as taxpayers we are entitled like

everyone else in the County of Suffolk to have roads, we are entitled to equal treatment under the laws. We are considering •• we have an attorney who's working for us pro bono, John Frank, he has suggested that we file an Article 78 proceeding asking the County to follow its own rules and regulations as required by State Law. In addition, Ms. Valentino will talk to you about the affect on property values, that when the Federal Government says we won't come down your road, that really diminishes your property values. And we are entitled to the protection of the Laws of the State of New York and of Suffolk County. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. I have one more speaker on this issue, Jennifer Valentino.

MS. VALENTINO:

My name is Jennifer Valentino. I reside in Orient and also own a home in Huntington, New York. I have my own visual aid. He might not be on a poster board for easily passing around, but he's here nonetheless.

We purchased our home seven years ago and have noticed that there have been some changes in the neighborhood. It was predominantly for many years a retirement community, there were mostly elderly folks that lived there. And it is a safety issue for them. I don't need to belabor the point. The neighborhood is turning over, and there are considerably more younger families moving in with smaller children. I can't let my two children ride their bicycles.

A neighbor of ours lives right in front of the potholes. To call them potholes

is almost a misnomer. They are craters. If our children fall in them, they're going to hurt. A child almost broke an arm earlier this year. There have been accidents over the years. I cannot give you documentation. But, you know, in the neighborhood we hear of different people who do get hurt.

It is a safety issue and a liability for the County in terms of our children getting hurt. I can tell you myself, and you would feel same way if your child was seriously hurt there, you would have no fear about filing suit against whoever was responsible looking into the eyes of your child having some kinds of pain knowing that it was needlessly caused. I know we've spent an awful lot of time and you've been very patient listening to the back and forth about the details of what has gone wrong to bring us to the date. But the fact of the matter is, is that obviously something fell through the cracks. But this Legislative body right here has an opportunity now, none of you were involved in the mistakes that happened in the past, but you have an opportunity now to do something about making things right for the residents of Orient and for all of Suffolk County.

We are not the only ones who use these roads. It is right near the ferry. There are a number of Suffolk County residents who use them and consider them public roads whether they're mapped, not mapped, taxed, not taxed, whatever the situation is. And these vehicles are unable to traverse the road. Property values have diminished. There are •• at least I can think of three houses immediately in front of those craters right now, and they have been on the market for more than a year at a time when out east properties are flying, you know, left and right, vacation •• the vacationland of the East End is a very popular place for people to be buying properties right now. Those properties aren't moving, because nobody wants to get out of their car when they're realtor takes them there to look at homes because of the state of the roads that are in front of them.

I just think that, you know, a number of points have been made. Ms. Agell and Ms. Bissu have said some very important points. We've given you a lot of literature about it. We definitely want to thank Legislator Romaine for getting involved in this and Supervisor Russell of the Town of Southold has also been very involved in this, and we do appreciate people getting involved in this. But when you asked earlier has anything ever been tried before, for 26 years the residents of this community have been coming to different government entities and pleading for help. If it's gone on for one year, I can see how it was mired down •• all the taxpayer residents of the area could see how it was mired down in paperwork and government bureaucracy. When it's gone for more than a decade, that's embarrassing. It needs to be addressed, whoever's fault it was. And I know that you all understand and appreciate that and there's a fiscal impact, but something needs to be done. Thank you.

CHAIRMAN SCHNEIDERMAN:

It's clear to see the problem you're experiencing. It's also clear that the County should not be owning and maintaining these roads, and they ought to be part of the town. They probably should have been taken into the town system a long time ago, in which case the town would be maintaining, plowing, doing all they need to do with these roads for all these years. I wonder if there's somebody from the County Executive's Office to see their position on this bill and what the recommended course of action from the County Executive is.

Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. Let me just say, pardon my back. But it is an issue that is •• this certainly puts a face on the issue in this particular spot, but there are about 50 or so of these roads apparently across the County

where we have •• took them by tax deed. They're not part of the County Road system. Apparently this fell through the cracks when the Town of Southold didn't take title to the roads and take responsibility for the roads, because they're really more part of the town system. They feed into town roads, and as you stated earlier, not the nature of the County roads. We have County Road 39, County Road 111, which are main thoroughfares usually on their way to and from major roadways, like Sunrise Highway and the Long Island Expressway.

The County has no problem transferring these roads naturally to the town, that wouldn't be a problem. The question is, you know, how much is it going to cost us to start bringing these roads up to grade when they were never part of the County Road system in the first place? What I would ask at this time is if we could table this bill to give the County Executive's office an opportunity to reach out to the Supervisor's Office and have our DPW Office talk to the Town of Southold Highway Department, and perhaps we could move this along and get a resolution that would be beneficial to all and also not as a burden to the taxpayers of County as a whole.

This has not come before us, as far as I'm aware ever since Steve Levy has been in office until we have seen it here at the Legislature. So we'd just like to have an opportunity to talk to the Town of Southold. We think they should be playing a major role here and sitting down and having an opportunity to talk with them, especially the Highway Department, to see if we could work something out.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Thank you, Mr. Chairman. I know the County Executive is aware of this. I brought to his attention in several letters. The first one that was drafted was in April of this year making him aware. And while I understand that Southold should have taken this road into the system, they did not, the County was equally at fault for accepting these roads into its land ownership by tax default, tax default deeds were filed on each of these properties. They are in County ownership. If someone trips, falls or has a car accident that in some way can be contributed •• and believe me, I used to serve on the committee in the '80s, the Insurance Committee that used to meet in private, we would make that awards, and I would hear how people would just sue the County ••

MR. ZWIRN:

Be careful where you go with this about obligations and responsibility and liability of the County. I appreciate, you know, the legal opinion that you have, but be very careful before you put the County in a place of liability that we may not necessarily be in.

LEG. ROMAINE:

Right. I'm not attempting to put the county into liability. But usually when you have ownership of property, there is a liability that goes with the ownership. How that determined, I'm not a lawyer, I'm not going to get into that debate. But clearly there's a situation here, and, yes, there's other situations in the County, but those are usually dirt roads, non inhabitable, no one is living on them. This is a unique situation that's been kicking around for a number of years, and I will just say that I wanted to limit the amount of money the County would be liable for to bring these roads up, and that's why I set the peg at 145,000. If that's not enough money, believe me, I've had conversations, and the people in the audience know this, because we've gone out there to look at these roads with the Supervisor, where the Supervisor

said, "If there's more money needed than that, the town would move forward and try to do their best in providing the rest of the money to bring this road up to code."

MR. ZWIRN:

I would just like to have the County Executive to have opportunity to have that conversation himself with the Town Supervisor so that •• the County puts up \$145,000, that's not enough money, the Town Supervisor says, I never signed an agreement where I would put up the additional money, I'm not going to obligate the Town of Southold taxpayers.

LEG. ROMAINE:

I know Mr. Russell to be an honorable man.

MR. ZWIRN:

He may not be able to speak for the entire town board in the Town of Southold. He's one member of the town board. I don't think we've asked something that's unreasonable for the County Executive who the earliest would have heard about this in April after two decades ••

CHAIRMAN SCHNEIDERMAN:

I just want to clean up the procedure for a second, because we're talking extensively about the bill, which isn't in front of us yet.

LEG. ROMAINE:

Can I make a motion to put it in front of us?

CHAIRMAN SCHNEIDERMAN:

Let's bring it in front of us.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

We do have someone here with a small child. And if we could •• I don't want to have to wait until the end, we have presentations and things like that. However it gets disposed of, we'll at least bring it in front of us. So I'm going to make a motion to take 2044 out of order, second by Legislator Romaine. All in favor? Opposed? Abstentions? Now the bill is formally in front of us.

2044, Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to Park View Lane and Ryder Farm Lane in the Town of Southold (CP 5135).

And I'm not sure that •• I may have cut your comments short, Mr. Zwirn.

MR. ZWIRN:

No. I'm just saying that I think we ought to have the opportunity to have the

Department of Public Works meet with the town •• Highway Department of the Town of Southold to see if we can resolve this. We're not in an adversarial relationship with taxpayers of Suffolk County, but we also have an obligation to do this the right way. I'm sure Mr. Romaine •• Legislator Romaine has got the best intentions and the Town Supervisor probably has the best intentions, but they cannot obligate their entire town simply on their word. They have to have a town board resolution, we have to have it before us. You know, I don't know if any of that is in the backup, but I certainly would ask that the County Executive have an opportunity to get involved.

CHAIRMAN SCHNEIDERMAN:

I have multiple Legislators on the list. We'll start with Legislator Horsley, then D'Amaro, then Eddington, then Kennedy.

LEG. HORSLEY:

I think you answered my question concerning the \$140,000, you just made that up, is that what it boils down to?

LEG. ROMAINE:

No. The estimates for doing this highway •• we met the Highway Superintendent as well, we've met with several people, officials of Southold Town, it was somewhere between 155 and 170. The supervisor committed publically in newspaper articles. I'm sure the town board would have overrode him at this point, because these are earlier in the year. The County put up that 140, 145,000, whatever was left over, the town would handle any •• and he made that commitment because I said, you know, yes, we own it, we've owned it for many years, but still it seems like back in '80 you guys

should have accepted these roads.

LEG. HORSLEY:

Do you know the length of the street, the mileage on this, one mile, two miles?

LEG. ROMAINE:

No. You're talking about a quarter of a mile between both of them, at most a quart of a mile between both the them. You're not talking about •• this is just a patch of road that's left out two roads.

MS. AGELL:

Three point six acres.

LEG. ROMAINE:

Okay. But it's less than a quarter of a mile. I mean, I didn't do a measurement. I walked both of the roads with the residents out there. And it's a way just to resolve this problem. As I said earlier, and I hope my colleagues would support me, I intend to offer a resolution, which i'll ask the County Attorney, I there's a representative there from the office and the Real Estate Department to help me draft legislation. We should not be taking roads, sumps, parks, culverts an and other things for back taxes. I mean, that's ••

LEG. HORSLEY:

Dangerous.

LEG. ROMAINE:

And not a good precedent, and that's what got us into trouble with this situation. And it's create {augida} for these people for the last 26 years. So I'm just trying to solve the problem. Now, I would say to Mr. Zwirn, I think all those conversations can take place within the next week. Maybe we vote this out without recommendation, and at the meeting, you could report back to us a week from now about how those conversations went.

CHAIRMAN SCHNEIDERMAN:

The debate is not that the town should have it, we all agree. The question is how much should the County pay as their obligation.

MR. ZWIRN:

Mr. Chairman, they're also •• there are different standards for road construction. Nassau County •• Suffolk County has different standards than the Town of Southold. The County standards are usually much more stringent, much more expensive.

CHAIRMAN SCHNEIDERMAN:

This clearly would have to be brought up to town standards if it would be town road. Let's finish the list here. The next is Legislator D'Amaro.

LEG. D'AMARO:

No. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Eddington.

LEG. EDDINGTON:

I like what Mr. Zwirn said about having the communication, and I'm hearing what Legislator Romaine said about a timely fashion. Why don't we say they have waited 26 years, let's say that within 26 days that communication will have taken place and we will be notified about what the result will be. Can we commit to something like that?

MR. ZWIRN:

Sure. We will contact the Town of Southold, you know, immediately and try to get this matter resolved. We'll go through the files. I'm glad these folks came in. As I said, it puts a face on the issue. Nobody should have to live with the situation they have. The builder who built these homes or built the development is, Walter Uhl, was well known in my community up in Port Washington. He built lovely communities. I mean, so, I don't understand why the road wasn't accepted in the very beginning.

LEG. EDDINGTON:

Well, you know what? I don't thin we're looking to blame, we're looking for fix. I see that the number 26 days, they would be happy, and I think we would be happy if we know where this is going. And I think will resolve this.

MR. ZWIRN:

Absolutely.

LEG. EDDINGTON:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy is next.

LEG. KENNEDY:

The only thing I's add to this is that while the communication aspect of this is •• seems like it's warranted, I know Legislator Romaine, I guess, had already started the dialog, and as a matter of fact has had probably several conversations with the Supervisor. We look at the element of time. If we go ahead and we postpone here, and we get consensus in 30 days, regardless of what the outcome is, we get into to the bid process and we'll be smack in the middle of the winter. And nobody paves in December or January.

So it's like many of the things that we talk about here where in a perfect world we would like to go ahead and have the time to develop the consensus, embrace all of the things we should have, but we're also speaking about something that's subject to a cycle. And Mr. Anderson can speak to this. We at your own level, on the County level, are up against a clock that's ticking as far as road paving that did or did not occur for a variety of reasons. Here we're talking about something at a more base level where perhaps if we do the discharge without recommendation, we do get some quick and cogent conversation, we may get that much more time that allows the mechanics to go forward then with the intermunicipal agreement or bidding process that's got to occur. None of this can go ahead and bypass that. That times fixed.

CHAIRMAN SCHNEIDERMAN:

I appreciate that comment. I'm wondering •• I don't think it's unreasonable to wait a month to allow the County Executive to weigh in on this and talk with the town board or the Town Supervisor to maybe come up with a more amicable cost sharing arrangement. But I'm also concerned as Legislator Kennedy said, you know, with the winter coming and the potholes. I wonder is it possible in the interim can we, DPW, fill in some of the holes I just saw with some asphalt and put in little bit more of a ••

MR. ZWIRN:

It's not part of the County Road system. Do we take on more liability •• I will check, and I will see what we can do in the interim. But we have to find out what the project is going to cost. I mean, there is a lot of work that has to go into any Public Works project, even one as simple as building a road. We have to go out •• you know the process. You know, we're been through here a lot. You know, these people have been very patient over the last couple of decades. Give us an opportunity to respond and see if we can come up with the good Office of the county Executive and the Town Supervisor and the Town Board of Southold that we can reach an accomodation and make these

people whole.

CHAIRMAN SCHNEIDERMAN:

Last comment will be Legislator Romaine.

LEG. ROMAINE:

Very quickly. Thank you for making my argument, Ben, that Public works projects have to go out to bid, they take a lot of time, they have to be kicked around. And Legislator Kennedy's argument was superb that we are facing a deadline, asphalt plants close down at the beginning of December.

What I'd like to do, if there's a consensus, is vote this legislation out of committee so it will be considered next week in Riverhead at our General Meeting, vote it out without recommendation. At that time, sir, have you come back as the County Executive's representative and report back, because the County Executive has a large staff, he doesn't have to personally contact the Supervisor or Pete Harris the Highway Superintendent. He can have his aides do that. And Mr. Anderson can work on that effort. And then report back to us, because we have one last opportunity to try to get this resolved before the winter comes on, in which case, even if we agreed, it's not going to be done until the spring.

CHAIRMAN SCHNEIDERMAN:

I'll take that as a motion to discharge without recommendation.

LEG. ROMAINE:

Yes. Thank you.

MR. ZWIRN:

Mr. Chairman, we don't even know what the cost is of this project.

LEG. HORSLEY:

Don't worry about it. We'll take care of it.

CHAIRMAN SCHNEIDERMAN:

There's a motion to discharge without recommendation. Is there a second?

LEG. KENNEDY:

Yeah, I'll second it.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Kennedy. Any in favor? Any opposed. Three opposed. It is **discharged without recommendation. (VOTE: 4•3•0•0 • Opposed • Legis. D'Amaro, Horsley, Browning).**

LEG. ROMAINE:

I would ask, Mr. Zwirn, if you would be so kind as to come, I know you'll be there next Tuesday in Riverhead. The meeting starts at 9:30, that you'll be there to report back on the County Executive or his staff's dialog with the Supervisor, Scott russell, the Highway Superintendent, Pete Harris. Thank you, sir.

MR. ZWIRN:

Hopefully we'll have some idea •• the Town of Southold has •• knows what this is going to cost? You've discharged a bill without knowing what the amount of money.

LEG. ROMAINE:

No. There's a limitation in the bill that limits the County expenditure.

LEG. D'AMARO:

Mr. Zwirn, I agree with you. I think we just weakened our hand with the town tremendously. That was an error. That was terrible.

LEG. HORSLEY:

That was an error.

LEG. D'AMARO:

Bad policy.

CHAIRMAN SCHNEIDERMAN:

We're going back to public portion. Those who are here for 2044,

You don't need to stay passed this. It will go to the floor next Tuesday. There is a public portion if you want to speak in Riverhead. My professional guess is that, you know, until we have some of these questions answered, it's not likely to move to the next level. So it could get tabled at the floor next week. Or it could end up back here in committee to resolve some of these issues. So it may take some time, but it will move to the floor. Back to public portion. Julie Ben•Susan.

MS. BEN•SUSAN:

Jay, would you prefer that I speak now or when it comes up on the agenda.

CHAIRMAN SCHNEIDERMAN:

You may not get an opportunity to speak when it comes up on the agenda. Now is the appropriate time to speak.

MS. BEN•SUSAN:

Okay. Good afternoon. I'm Julie Ben•Susan, general manager of the heights •• Shelter Island Heights Property Owners Corporation, which owns the North Ferry. Ed { Bahr} our president and Bridge Hunt the general manager of

North Ferry are with me here again today to address North Ferry's rates, IR 1752, which is before you. We hope that you will discharge this from committee with a positive recommendation.

I believe that we have provided to you all of the materials that support our petition. We have met the criteria to garner the recommendation from the BRO and our Town Supervisor Al Kilb and also one of the local ferry advisory committee have endorsed the proposal as is.

You the Legislature and we the North Ferry Management Team share a responsibility to plan and to equip our company in such a way that it can provide consistent, safe service across the Bay for our 1.2 million customers. We sincerely believe that a third large boat will complete our modernization program and thereby enable us to provide efficient service all of the time. People on Shelter Island are not shy. When the service was terrible no one spared us. Now that the service is great, they are quick to compliment the operation. Our new service level is all about the big boats. And the people who use the ferry frequently know that instinctively. No one likes to pay more, and we don't like to raise the rates, but we cannot provide the service without this new facility.

We're right on the brink on falling back to the bad old days of long wait times. This past six years has been a great turn around, and we hope that you will exercise your part in the stewardship role and help us finish the job. Thank you. And we welcome your questions.

CHAIRMAN SCHNEIDERMAN:

Any questions? Legislator Romaine.

LEG. ROMAINE:

Quick question. A great deal of this rate is going to be dedicated to funding a new large boat.

MS. BEN • SUSAN:

Correct.

LEG. ROMAINE:

All right. Small boats carry about 12 cars, large boats carry 25, and that has nothing to do with trucks, which many trucks because of their weight can't even use a small boat because of Coast guard regulations.

MS. BEN • SUSAN:

Correct.

LEG. ROMAINE:

So this would allow you three boats, three large boats and two small boats.

MS. BEN • SUSAN:

Correct.

LEG. ROMAINE:

When it's finished. Thank you. And we did have a public hearing on this in Shelter Island where residents did show up, and it was widely covered in the newspapers. And while there have been alternative methods that have been put forward in recent days •• and I see our ferry expert Kevin is here •• that while there have alternative methods, those alternative methods would tend to benefit commuters from the island and not the occasional visitor.

MS. BEN • SUSAN:

Right.

LEG. ROMAINE:

Thank you.

MS. BEN • SUSAN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other questions? Julie, can I ask one more time, you are increasing your passenger fee to \$2, which is really a first, you're doubling that fee, and that's applying both to walk-ons and to car passengers?

MS. BEN • SUSAN:

Car passengers and walk-ons with the exception of Shelter Island residents and commuters in cars. So if I'm a •• if I'm a commuter and I have my colleague or helper with me, it's a \$1.50. If i'm a resident and I have my family member with me going to the doctor, it's \$1.50

CHAIRMAN SCHNEIDERMAN:

What was it, a dollar.

MS. BEN • SUSAN:

A dollar.

CHAIRMAN SCHNEIDERMAN:

And children, there's no charge at all for.

MS. BEN • SUSAN:

Children above ten there's no charge •• children below ten there's no charge.

CHAIRMAN SCHNEIDERMAN:

Ten and over or eleven and 11 and over. Okay. The gray area is if you're ten. Thank you.

MS. BEN • SUSAN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay that concludes our public portion. Why don't •• why don't we take that one out of order too, because we're going to have a presentation on a moment on Public transportation that may go on for some minutes. That would be Resolution 1752.

LEG. ROMAINE:

I make a motion to talk that out of order, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to take 1753 out of order. So the motion is to take 1753 out of order by Legislator Romaine, I'll second that motion. All in favor? Opposed? Abstentions?

1753 is before us. **1753, Authorization of alternation of rates for North Ferry Co., Inc.** There is a motion to approve by Legislator Romaine, I will second that. On the motion? All in favor? Opposed? Abstentions? 1753 is

approved (VOTE: 7•0•0•0). Thank you. It now goes on to the full Legislature.

Continuing on we have a presentation on the agenda. Clifford Hymowitz, who is the Chair of the Suffolk County Public Transportation Committee.

MR. HYMOWITZ:

Suffolk County Legislative Transportation Advisory Board.

CHAIRMAN SCHNEIDERMAN:

Suffolk County Legislative Transportation Advisory Board. Cliff has asked for a few minutes to provide a summary public comments that were made at the two public hearings on May 5th on public transportation. One was held in this auditorium and one was held out at the Riverhead auditorium. And you all should have in front of you those •• part one of the policy recommendations. If you haven't, let me know. Cliff, I'll turn the floor over to you.

MR. HYMOWITZ:

Okay. I'm going to make this real fast, under my five minutes. What I am asking is to allow me today to give you a brief summary and then give yourself an opportunity to review, and then next month to prepare the questions or clarifications that you want. If you can forward them to me ahead of time, I'll have time to prepare. I can refer back to every public •• every recommendation I can refer back to the comment that was made.

The format of this is •• has the executive summary and then a list of the membership, an introduction about the process, a little bit about the public hearings, and then we give detailed recommendations, which are followed by summary of testimony. So I'm going to go to the main •• three main recommendations that the board prioritized for your consideration.

The first one concerns bus stops. We recommend that Suffolk County adopt a policy to provide guidelines for location of bus stops, bus shelters and their benches. Suffolk County •• the next one is Suffolk County look into coordination of land use with local municipalities. And in the back, you will find the summary of the comments that relate to those recommendations. The next one is about coordination. Suffolk County should take a more active role working with public and private transportation companies promoting the coordination of human services and be a model for other rural areas as well.

The last is one on transfers. Suffolk County increase length of time that transfers are valid. In there we're asking for •• up from two hours to three hours. Last one is Suffolk County Transit adopt a system-wide policy for drivers to ensure that they do not leave a transfer location without confirming if the connecting bus has arrived yet.

The next group of recommendations are ones that we request that the Legislature seek guidance from the Budget Review Office. And then we list them all individually. The next is issues that •• recommendations that we request that the Public Works and Transportation Committee support, and those are listed individually. Then there's two recommendations that we make •• they we feel should be addressed through driver education, which already takes place.

And then the last set are recommendations that are in the process of being addressed now and that we will report back to this committee upon the completion of the work of the committee. So that's the quick and short of it. As you can see, the Advisory Board felt regarding policy that the three main • • based on the testimony we got from the public • • that the three areas that we recommend that policy be adopted now is regarding bus stops, coordination and transfers. If you have any questions now • • I hope that you have an opportunity to review it more thoroughly. I can answer any questions you have now.

CHAIRMAN SCHNEIDERMAN:

Legislator Browning.

LEG. BROWNING:

I see • • you have something here that says Suffolk County should consider coordination with school bus providers.

MR. HYMOWITZ:

Like I said, everything in here is recommendation that came from the public. That's one of the things that we're asking for the Budget Review Office to consider. Is they come back with a recommendation that there's no sense in it, then, you know, we are not going to make that recommendation.

LEG. BROWNING:

No sense in the school buses or the ••

MR. HYMOWITZ:

We're asking that •• to get guidance from the Budget Review Office on those recommendations, which includes coordination with school bus companies. We didn't feel we had enough information to make a recommendation, and that's why we asked that additional guidance be given from the Budget Review Office.

LEG. BROWNING:

Okay.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Sure. Legislator Kennedy.

LEG. KENNEDY:

Cliff, I'm just curious. You and I happen to be at the public hearings for the upcoming 347 project, a fairly large project that's going to be conducted by the state over a series of years. And both of us were kind of mystified by the

complete lack of any inclusion of bus stops, bus shelter or really any reference whatsoever to alternatives to conventional single passenger automobile or what have you. In your recommendations or report here, is there anything that reflects your board having somewhat more of a formal role or having some kind of a stakeholder position as far as these state-based or federal-based projects?

MR. HYMOWITZ:

Right. Okay. Under requests for Public Works and Transportation Committee support is clarification of communication between Suffolk County and New York State DOT to ensure transit access is addressed in the future road schedule to be done •• road work schedule to be done. First, we would like this committee to find out is there any communication that's presently going on. We don't have that information available to us. So that's one of things that we listed here as we're requesting your support on.

LEG. KENNEDY:

Okay. If I can go just one step further. I don't understand why your committee would not be aware of whether or not there's communication that's going on regarding that. My way of finding that out would be to go ahead and either pick up the phone or ask directly to Deputy Commissioner Anderson or Mr. Shinnick and •• do you have that same ability to have dialog?

MR. HYMOWITZ:

We have a relationship. There is a member of the board that sits on the Transportation advisory Board as a non-voting member. And based on the feedback I got from New York State DOT, it leads us to believe there isn't a

clear, you know, level of communication regarding •• so that's why we're going the support of this board to look into it further.

LEG. KENNEDY:

I'll send a letter to Ms. Koss, but I'm sure we'll take it under consideration as a committee as well. Thank you.

MR. HYMOWITZ:

Legislator Browning, did you understand what I was regarding those •• that are listed underneath that portion that we request further guidance from the Budget Review Office to see whether or not, you know, it's economically feasible to, you know, make these recommendations?

LEG. BROWNING:

As far as the school buses are concerned?

MR. HYMOWITZ:

Yes?

LEG. BROWNING:

Well, I know that school bus companies are contracted with the school district. I don't know, I just don't understand how you can use the public buses with the school buses.

MR. HYMOWITZ:

Well, there's been brought to our attention not necessarily in this forum, but there's a study going on called the Non Motorized •• no •• the Transportation Accessibility Study being done by the New York DOT, and there are representatives from school bus companies who are not dedicated to one school district who feel they have the resources that they could coordinate for human service transportation. So that's why it was brought up as a recommendation, and we felt an obligation to bring it up.

I don't know if I •• I spend so much time going over this, I just want to point out there was one recommendation that may not be listed in here regarding policy, and that was that the County use is dedicated portion of sales tax for fuel for transportation. We as a board didn't feel that that was in our purview to make a recommendation on. So if I spell it out on here, just for •• so there's clear transparency, that was a recommendation made, but that the board didn't feel that it was in our purview to make a recommendation to this committee about.

LEG. BROWNING:

Thank you. I'm interested to see what happens.

CHAIRMAN SCHNEIDERMAN:

Cliff, a couple of questions. I see the writing in here about some of the requests for bus stops, but I was at the Riverhead Meeting, and there was quite a number of requests for buses stops.

MR. HYMOWITZ:

As you see •• if you go to process ••

CHAIRMAN SCHNEIDERMAN:

That's got to be another subsequent report. I understand that.

MR. HYMOWITZ:

And in more detail.

CHAIRMAN SCHNEIDERMAN:

There were quite a number of people in Riverhead who spoke about specific locations where they needed sheltered stops.

MR. HYMOWITZ:

We've asked the Department of Transportation to review the locations. I believe they're taking pictures, and they're going to report back to us about whether or not they are legitimate locations that could be done. So we're waiting for that information.

CHAIRMAN SCHNEIDERMAN:

And two other points. One I don't see reflected in here about SCAT. There was quite a bit of testimony about the scheduling of SCAT and this requirement that people seem to feel that they had to call seven days ahead of time. And if they called less than that, they couldn't get the SCAT to pick them up, and it was causing all kinds of logistical problems for people.

MR. HYMOWITZ:

I could address that. If you go to page nine, okay? Page nine talks about things that are in the process of being addressed and that this committee will get more information as we •• as they are resolved. You will see that the number one thing, the adoption of a resolution by the Legislative Health and Human Services Committee to ensure the dissemination of information to SCAT eligible citizens. That will do a lot to address the misnomer that people have about what is required to make a reservation. I personally have been tracking no•shows and cancellations and have found that actually it's easier to get a reservation if I call two days before because so many people cancel during the week. So that we believe will be addressed when the Health and Human Services Committee passes that resolution.

CHAIRMAN SCHNEIDERMAN:

It may be easier, but the way I understand the system is that you are only guaranteed a pick up if you call seven days in advance.

MR. HYMOWITZ:

That's not true.

CHAIRMAN SCHNEIDERMAN:

And if you call two days, there might be, but you might be out of luck and they'll say, sorry, you didn't schedule this far enough in advance.

MR. HYMOWITZ:

That's not true.

CHAIRMAN SCHNEIDERMAN:

Well, we need to get •• you know, because I had talked one of the SCAT providers too on this issue. I can't that I •• you know, clarified •• I'm not sure which is the truthful position at this point in terms of what is happening on the ground with SCAT.

MR. HYMOWITZ:

I can show you numbers.

CHAIRMAN SCHNEIDERMAN:

Maybe Mr. Shinnick could answer. My last question had to do with this three hour transfer time. I know you and I have been talking about this issue. What I heard in Riverhead was also there ws concern about the additional transfer fees. But three hours may not be enough. Some of these people we're talking about staying on that public •• on the Blue Bus for four hours, five hours, and maybe it ought to be a single •• you know, one single transfer fee, and that's it, that covers you for the day.

MR. HYMOWITZ:

Well, we felt that based on the testimony we had, we felt an obligation to request three hours.

CHAIRMAN SCHNEIDERMAN:

You have to understand, my constituents are often coming from places like Montauk, and they have to go to Hauppauge. And they're going to •• it's going to be a four hour trip, it shouldn't be, but it is.

MR. HYMOWITZ:

Well, I think you will see under the report on bus services and routing, you'll see that that's something that's being addressed. And also there is going to be a comprehensive bus route analysis being done. But we feel that minimum, at minimum we're requesting it to be three hours. Certainly not •• we would be happy if it was greater, but a minimum we're looking for three hours.

CHAIRMAN SCHNEIDERMAN:

I appreciate you putting this together.

MR. HYMOWITZ:

Can I just finish with SCAT. Next thing is one of the biggest things that was

brought up by riders was the fact that they should adopt a policy of providing receipts, okay, as payment when they make the trip. That's something that is in dialog right now with the Division of Transportation and the provider. So we agreed to wait for them to call back to us on the status of that conversation. And then the other thing is •• the third one was SCAT should adopt a policy to allow riders to modify an existing reservation without cancelling the original reservation and making is new one. That's something that is also in dialog between Division of Transportation and provider. So we will report back. These are listed as things that are in the process of being addressed.

CHAIRMAN SCHNEIDERMAN:

There was one other SCAT issue, I don't know if it came up at the hearings, it might have come up separately with •• there's a handful of people that are ineligible for SCAT, they qualify in the sense that they need service, they're dependent upon the service, but they fall outside the perimeters of where SCAT goes by a couple of hundred feet or, you know, whatever it is. And I'm sure there's less than 100 of these folks in Suffolk County, but if we could somehow modify •• expand SCAT to cover those people, I think it would •• so that at least everybody in Suffolk County who qualified in terms of physical need could be covered by that service.

MR. HYMOWITZ:

I think you asked me numerous times to try to be, you know, focused on a specific thing.

CHAIRMAN SCHNEIDERMAN:

That's fine. I don't mean to belabor this.

MR. HYMOWITZ:

So therefore, we tried to focus in on what we felt and got the most amount of comments. There were a lot of recommendation we can make, but we just felt that in order to be succinct to give you concern things to address, we felt that these were our priorities. That's why we did list the things that are in the process of addressed as well as issues that we would like your future support on. So I hope that.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy has a question.

LEG. KENNEDY:

Thank you, Mr. Chairman. Actually, I just had a chance to scan under you summary of testimony, Cliff, about the bus stops, and I see the comments about the 3•D with a stop on the Smithaven Mall side, but not on the route •• I guess on the north side of Route 347 where the Borders is and then a similar comment about Jefferson Ferry.

I know that the Division of Transportation has told us that there is this study that's underway, I guess. And I'm assuming that items just such as this are going to be some of the things that our consultant will be coming out hopefully. But I also imagine, and I see the gentlemen nodding their heads in the back there, I'm hoping that there's an opportunity as this study is underway that where items like this emerge that seems pretty self evident we may be able to do some adjustment or correction prior to the conclusion of the study.

MR. HYMOWITZ:

Let me give you a little insight into the report that's going to be about routing. Basically what we're going to is we're going to break down recommendations to which ones do not require additional buses but just a modification of routes, which would not. And then anything that requires more buses, we're going to say it, and then basically we're going to request that this board find out the cost. So that's how really the recommendations for routing will be done is that we're going to •• these are the ones that we highlighted as we suggest •• we recommend that this board seek to find out this cost, because we don't know the cost. But it will be broken down by ones that require additional service and which ones don't that just require a slight modification of route. For example, if you have a bus that's going to the West End, a deadhead, without any passengers on it, we're suggesting add additional westbound routes to carry those passengers.

So those kinds of recommendations will be separate from ones that require an additional bus. And then there's a whole segment in there which we are requesting that this board assure will be addressed in that study. So you'll see that in the bus routing, you know, report. Okay.

CHAIRMAN SCHNEIDERMAN:

Thank you, Cliff.

MR. HYMOWITZ:

So I hope that next week everybody has more questions for me after having a chance to read this.

CHAIRMAN SCHNEIDERMAN:

Okay. I'm not sure if Mr. Shinnick wants to come up and add anything to this as the head of the division.

MR. ANDERSON:

Thanks for this opportunity. We just wanted to make •• for the record, we just wanted to make everyone aware that we also just received this report yesterday morning. We are in the process of reviewing it and will provide comments. Noting a couple of things that were said while, you know, Cliff was speaking, with regard to the State's project on 347, there are •• obviously there are no plans yet. We will during the development of the project only be involved at that point where they essentially let us be involved, where they ask us for comments as the project develops. We would obviously look to incorporate, you know, any recommendations into their plans. I just wanted to make, you know, everybody aware of that.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

I can tell specifically you as a matter of fact that the development with DOT has progressed quite away. As a matter of fact, as you must know, they had a public hearing, I believe it was the last week in August or maybe the first week in September, and actually I think •• although I may not have done it in it writing to you yet, verbally I'm going to ask you now to please go ahead and initiate some contact with Marian Kost, K•o•s•t, who is the project director of DOT.

I requested she as a matter of fact reach out and nab the third one of you folks who's here who's playing quiet in the back, and Mr. Hillman may or may not have had some contact with her yet, but if not •• okay, if she's not done that, I'm going to ask specifically that you please reach out to her. Reason being is because the latest version that they have put forward not only demonstrates the width of the right•of•way that they're contemplating, the volume of takings, they've now moved to a scenario associated with construction of sound barriers. And as a matter of fact, intersections with County Roads, in particular CR 16/347 intersection has an extensive amount of takings that are represented by the state moving both east and west several hundred feet off of the primary 347 right•of•way.

So I do believe that there is a fairly significant amount of involvement. Even when you look at the course of the waterway, as a matter of fact, the Nissequogue River Tributary and its culvert system, much of that property on either side there at his point is County parkland. So if they have not reached out to you, shame on them. And please send them saying we want to be a part of this, because it's going to impact us one way or another.

MR. ANDERSON:

I know •• and Bill, correct me if I'm wrong •• one of our staff, Jim Peterman

has been in discussions, but as far as formal plans or anything like that, we have not seen anything •• • nothing has come across our desk as of yet. We will follow up.

LEG. KENNEDY:

I've got a set of 19 maps in my office they just dropped off as a matter of fact with aerial overviews representing width of taking, prospective areas for construction of noise barriers or lack thereof. And it seems in my opinion it has substantial involvement associated not only the state right•of•way, but certainly any time that you have crossing here with our County Roads, in particular, I know CR 16 •• we've talked about that extensively •• several hundred feet in either way that that state is making plans to go ahead and widen it, reconfigure lanes and do quite a bit associated with it. So it's got to have direct impact on us.

MR. ANDERSON:

Absolutely. We will follow up with that.

LEG. KENNEDY:

Thank you.

MR. ANDERSON:

Again, addressing a question you brought up, the study •• or maybe Cliff brought it up •• the bus study that we are doing County•wide will address these issues like at borders and Jefferson Ferry where, you know, you want

to tweak it. There will be a substantial amount of public involvement, so prior to the final product, everybody will have had a chance to look at the document and, you know comment and ••

LEG. KENNEDY:

Like any good study, as a matter of fact, the more input you get, the better product you get at the end of it, which, you know, i'm certainly, you know, a fan of, and I believe in inclusion and having it vet by as many different user groups and other folks with vested interests as possible.

However, if during the course of this 24 months, we get something that gets presented that on its surface appears to be a fairly minor tweaking as far as a bus swinging north and then going south on the same east•west roadway, I would hope that we would be able to address a request like that prior to the conclusion of the 24 months.

MR. SHINNICK:

That's exactly what we do. You know, we are constantly tweaking the system. And if I can just say, you know, we've had a staff member attend virtually every meeting of the Suffolk County Transportation Advisory Board, we've been active members, we've contributed what we can to move this forward. You know, it will be a good product, I think, like everything else. And you just said, there's tweaking involved, there's needed commentary, it's a new report.

One of things I would ask, much of this report is based •• and coming reports •• will be based upon input from the public hearings. It will be very helpful

to us if we could receive the testimony from those hearings so that we could better understand what it is that some of the individuals were actually asking for. Sometimes when things get interpreted, which is the information we're getting now, it's not always a whole piece of information that we're getting, a whole picture.

CHAIRMAN SCHNEIDERMAN:

There's a full stenographic record of it. I don't have it, but I would think the Clerk's Office has a full stenographic record of that public hearing.

MR. SHINNICK:

All right. If that's the place to request it, we will do that, because we don't have it yet. It will be very helpful to us. And another comment, it's just a minor detail, but Jefferson Ferry was mentioned. There is service from Jefferson Ferry right at their entrance to that complex over to Research Park as well as Stony Brook Hospital Center and the Veterans home up there. So, you know, the comment that was made apparently at the hearing referred to something that that individual was not necessarily aware of. And that's the kind of thing, you know, we'd like to look into, because we can correct things that are within our ability to correct, and if it's misinformation, we like to do that, obviously, first.

LEG. KENNEDY:

And you office, Bob, is continuing to go ahead and monitor the whole reconfiguration at the Lake Grove Smithaven Mall associated with the transportation hub there or exchange area that we've spoken about?

MR. SHINNICK:

Yes. Right. We've had a good and active dialog with the mall management. We, as I mentioned to you recently, will be renewing that •• it's been dormant for a short period of time, but we'll be back with that.

LEG. KENNEDY:

Thank you. I appreciate that.

CHAIRMAN SCHNEIDERMAN:

Can you speak briefly to that three hour transfer. That seems like a minor issue, Mr. Shinnick. What, it's currently two hours? You can •• you get a transfer ticket, it's good for two hours. I can't imagine it would have much of a financial impact on the County to extend that to three.

MR. SHINNICK:

Well, the original two hour limitation was imposed to give people the opportunity to extend their trip and use a second bus because of the frequency of the system. Normally at the time •• this goes back away •• normally at the time, a one hour transfer was pretty standard. And the two hour was basically to overcome the basic frequency that we have, which is roughly an hour. So it's easily seen how somebody can get off a bus and miss a connection. So the two hours was an accomodation of doing that.

The three hour issue, I respectfully would like to have that deferred to the study. And the reason I'm saying that is there are broader issues. You had mentioned the possibility of extending it beyond three hours. There's technology that can allow that sort of thing. There are also issues regarding how you administer a program like that. But we could use electronic cards possibly for something more than simply a single transfer.

One of the things we are doing now is trying to be •• remain somewhat consistent with our neighbors in Nassau County. We've been asked for many things for some sort of reciprocity. They have a two hour limit on their transfers. But more important, and I'm hoping that this doesn't come true, but when things become available that are not necessarily needed, but have value, a grey market appears. And the three hour transfer may have the possibility. And I'm •• this may be extreme and maybe it doesn't really exist, but I'd like a consultant to give us what the opportunity is for somebody •• for these things to show up on the street and be sold. We have tokens from time to time that are sold that way.

CHAIRMAN SCHNEIDERMAN:

I know we have some new Legislators, and I actually have some questions too regarding SCAT. Can you explain what SCAT is and then how the scheduling works and who qualifies for SCAT service?

MR. SHINNICK:

Fundamentally, SCAT is required by the Americans With Disabilities Act of 1990. It's intended to provide an equivalent transportation for people who have disabilities that cannot use the regular bus system. It's to operate during the same hours as the bus system, basically go to the same places on the same days that the system operates.

We're required to give people the ability to make a reservation within one hour of the time period that they'd like to travel. So if they'd like to be picked up •• to simplify •• at nine o'clock to be brought to the Smithaven Mall or to any other location in the County, we've ramped up to the system sufficiently so that when they ask for that trip, they get a trip within one hour of the requested time.

There's a lot of other regulations. We're not •• we could give somebody a 9:59 pick up and accommodate that requirement. But if they're going to work and need to be there at five o'clock, and we say we can get you there at 5:30, we haven't accommodated that requirement. So there's some subtleties and innuendos in there. Basically, it is strictly for the disabled population, although people can bring companions with them. If they require a personal care attendant, a personal care attendant for the same trip will ride free. A companion rides for the same price as the individual who's registered with the County to use the service. It is a federal requirement that people have to be registered to use the service, which basically consists of an application, people evidencing that they fall within certain categories that would prohibit them from using the regular bus system.

CHAIRMAN SCHNEIDERMAN:

Do they have a certain distance from the bus stop to qualify?

MR. SHINNICK:

The system is structured so that we'll provide service within three quarters of a mile of a bus line, which is basically spelled out in federal regulations. We can go beyond that as a system if we wish.

CHAIRMAN SCHNEIDERMAN:

You can? So this is just a policy issue, right?

MR. SHINNICK:

It's a policy, but it also goes back to our compliance with the ADA. Until we ramped up fully to the requirements, and there's several more than I've mentioned, what the Feds would like us to do and want us to do is be sure that we are directing all our financial resources to providing the core service that we're to provide and absolutely be in compliance with those requirements. So we could allow other riders on the vehicles, we could operate on days technically that the bus system doesn't operate, but if we go back and we're not meeting our minimum requirements, which is to give everybody a ride for next day travel, and that's the federal requirement, just next day, we allow up to seven days, but within that one hour •• and all the other things I mentioned, And not prioritize the trips •• see we can't •• because it's a Civil Rights Law, we cannot give a recreational trip less priority than a trip to the doctors. We can only take people as they ask for the ride, as public transportation does, people aren't asked why they get on a train or why they get on a bus. And that's what it's to do, it's to emulate something similar to the regular public transportation system.

CHAIRMAN SCHNEIDERMAN:

Do you know how many individuals in Suffolk County, handicapped individuals, disability individuals, are outside of that three•quarter mile from a bus route?

MR. SHINNICK:

I do not. I do not, no.

CHAIRMAN SCHNEIDERMAN:

Okay. And in terms of •• several people were saying in Riverhead about the scheduling and if they didn't call exactly seven days ahead of time, then they were being told they couldn't •• • they couldn't reserve.

MR. SHINNICK:

That's a very difficult •• I don't even know what the proper word is, rumor. In the past, we may have had bad information being given by telephone operators giving the reservations. Perhaps, and I'm just speculating, on the basis of good advice, to get the trip you want, call as soon as you can, which in this case, turns into seven days in advance. But Clifford Hymowitz is absolutely correct. We do provide next•day transportation, we do provide transportation up to seven, but it's a mentality that's out there, and it gets transferred from one person to another that you need to call seven days in advance.

CHAIRMAN SCHNEIDERMAN:

Any other Legislators for questions? All right. Thank you.

MR. SHINNICK:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I'd like to go to the agenda now. I'm sure my colleagues do as well.

1645, A Local Law to reduce the emission of pollutants from diesel • fueled motor vehicles operated by or on behalf of Suffolk County.

This had been tabled in the past.

LEG. HORSLEY:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Was the hearing recessed? The hearing was recessed, so it has to be tabled. Motion to table by Legislator Horsley, seconded by Legislator D'Amaro. Actually, before I vote, I want to also clarify something for the record, because we have had a change in membership. And unless it's reflected, it's going to appear that we would need five votes to pass a resolution. In other words, it looks like we have eight members when we don't. Legislator Montano is no longer a member of this committee, and Legislator Eddington is a member of the committee. Okay. So we still have seven members. Okay. So we have a motion and a second to table. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•1 • Not Present • Legis. Romaine)**

1808, To take emergency measures to mitigate traffic congestion on County Road 39 in the Town of Southampton.

CHAIRMAN SCHNEIDERMAN:

I'm going to withdraw that. That's the resolution that led to the cone project, which was successful. It's no longer necessary. I guess we have a few more days on that project, and then we can talk about next year.

1854, A Local Law to increase connection fees for sewer district contractees located outside the geographic boundary of a sewer district.

LEG. D'AMARO:

Motion to table.

LEG. HORSLEY:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? 1854 is **tabled (VOTE:6•0•0•1 • Not Present • Legis. Romaine)**

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

This needs to be tabled as well. The public hearing is September 19th. So I'll make a motion to table, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•1 • Not Present • Legis. Romaine)**

1977, To conduct pilot program for S92 Bus Route.

The sponsor is not here at the moment. I have a slightly different way of handling this, so I'm going to make a motion to table 1977, and hopefully we'll put our heads together and get behind one program. There's a second to table by Legislator Eddington. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•1 • Not Present • Legis. Romaine)**

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

This was that small section of road. I'm going to make a motion to table again.

LEG. D'AMARO:

1984?

CHAIRMAN SCHNEIDERMAN:

1984. The question was what happens to the other section of this road. Legislator Kennedy, on the motion.

LEG. KENNEDY:

Yeah. I recall in earlier meetings that we had discussions about •• there would need to be some kind of resolution with the Town of Southampton. This was for the Riverhead portion only. And this involved, I guess, to the mid line of the bridge over the Peconic River there. I just wondered whether or not there had been any further discussion within the department or any change in the thinking. I also know that there was extensive work, I believe, on the part of the town associated with some of the culvert repair and even some of the support stantions and things associated with the bridge.

CHAIRMAN SCHNEIDERMAN:

Let me note, the sponsor is present now.

LEG. KENNEDY:

Maybe he can shed some light on it.

LEG. ROMAINE:

Yes. The town has asked to take possession of this road. It's about 250 feet from the townline, which is the Peconic River to 25. As you know, they have been doing some extensive renovations and planning some renovations to downtown. They've just improved the parking lot behind •• near the river behind the buildings. And they have now a road coming out of there where you •• I don't believe you can no longer make a left turn as a result of that. However, they are looking to take control of that.

The problem was that the Public Works Commissioner originally was very favorable in his correspondence back to January to that, but then for some reason there was a change of heart and said, oh, well, if you're taking control, we want you to take all of the road. And as Jay will know, half of that road is in the Town of Southampton. And we •• by the way, we want you also to be responsible for the culverts in which the river runs under. Well, the County has never been •• never made that requirement. They are just looking to take the road from the town line to 25, which is less than 250 feet. They don't want to be responsible for the Southampton side of it, and they don't want to be responsible for the culvert, which they shouldn't be, that's a County responsibility.

They are willing to take the road, and that's all they've asked. And, you know, I guess, no good deed goes unpunished. They're looking to relieve us of a responsibility. Yes, it's a small stretch of road, maybe just a little bit longer than this room here, but then to turn around •• and while it was an original favorable opinion of that, to turn around and now say, well, by the way, we want you to take care of the Southampton side as well. Riverhead Town is not empowered to do that or to take care of the culvert. Well, it's a County culvert. Why would they do that? They just offered to take the road, and that's what this resolution is all about.

I introduced this, the town board passed the resolution offering to take this

road from the County, I thought it was a good thing at the time, I think most of us thought it was a good thing at the time. I think the requirements that the Public Works •• and I'm not referring this to Mr. Anderson, because I know he is new •• are now putting on it to •• well, if you're going to do that, we want you to do the Southampton side as well, we also want you to take the culvert. Well, I mean, it's not going to happen, and this resolution isn't going to go forward if that's the condition.

CHAIRMAN SCHNEIDERMAN:

All right. So are you adverse to tabling it?

LEG. ROMAINE:

I'm not adverse to tabling it, but I would say in good faith there's seemed to have been change, because I am privy to the correspondence •• Mr. Hillman's in the audience •• I'm privy to the correspondence that was taking place earlier this year, in January of this year, where there seemed to be a very favorable response to this effort. And then all of a sudden, there was a change when my resolution came forward and said, oh, no, well, now besides taking the Riverhead side, we want you to do the Southampton side. How do you make a town take care of roads that aren't in that township? And how do you make a town take care of a culvert that isn't part of the town system, but part of the County system? I mean, so I have no •• you know, I'm not opposed to ••

CHAIRMAN SCHNEIDERMAN:

Why don't we hear from some of the DPW guys ••

LEG. ROMAINE:

I'm not opposed to tabling it. I don't want to have a debate. But this is what I would ask. Why don't you meet with the Town of Riverhead, try to work out this problem. If it can't be worked out, you know, I will probably withdraw this resolution, because it's not in the town's benefit. They passed this under previous discussions that they had that led them to believe that they •• that the County was favorable to them assuming the Riverhead portion of this road. That's all I'd say, just have some discussion with the town.

MR. ANDERSON:

I have no problem discussing it with the Town of Riverhead.

LEG. ROMAINE:

And by the way, Mr. Anderson, thank you very much for your letter on County Road 111. It was extremely helpful, and I appreciate the courtesy. And I would ask only one thing since I have the mike for two more seconds. September 18th at 7:30 in the Manorville Fire House, there will be an advisory committee on County Road 111. If you can send a representative that could speak for the department, Mr. Hillman or someone of that caliber, I would certainly appreciate it because that advisory committee could definitely use Public Works guidance. Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. So there was a motion to table and a second. All in favor? Opposed? Abstentions? **Tabled (VOTE: 7•0•0•0).**

1993, Mr. Anderson, any comment?

LEG. HORSLEY:

We already passed that.

MR. ANDERSON:

This is a DPW resolution.

CHAIRMAN SCHNEIDERMAN:

It was done by CN. Thank you. It would need to be withdrawn. I'll make a motion to table it then. It just disappears from the agenda.

2023, A Local Law to add ecological health and marine productivity as acceptable criteria for county dredging projects.

CHAIRMAN SCHNEIDERMAN:

We've held the public hearing and closed it, so I will make a motion to approve.

LEG. ROMAINE:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Romaine.

LEG. D'AMARO:

On the motion, please, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

This is an IR that's calling for increased dredging, is that •• is that correct?

CHAIRMAN SCHNEIDERMAN:

Not necessarily. To qualify under the County's program, you have to go through the Dredge Project Screening Committee. They look at, I think, ten different criteria mostly having to do with navigation, there is a criteria that has to do with public health. There is no criteria for the environment. This has a pretty high threshold, though, to qualify under that criteria. It would require a determination by Vito Minei or whoever id the head of the Office of

Ecology or the Department of Environment to make that determination, that it looks at various factors, like flow rates and pathogens, dissolved oxygen temperature, various things that could really undermined marine fishery type of situations, where you could have a large die-off of an area and lose that productivity or, you know, other aspects of that marine system. Vito •• I did speak with Vito Minei, who •• his comment was, "It's about time." So he was very supportive and felt it probably should have been done a long time ago.

MR. ANDERSON:

It does give the Dredge Screening Committees that additional flexibility to do what they call flushing projects. I mean, there will be, obviously additional funds required, but, you know, this does give that Dredge Screening Committee that ability.

CHAIRMAN SCHNEIDERMAN:

I just want to make sure that I've answered all of Lou's questions.

LEG. D'AMARO:

Yeah. I was just •• so what you're doing is your expanding the criteria used to determine whether or not to dredge, is that what's happening?

MR. ANDERSON:

Yeah. This expands the criteria to enable the Dredge Screening Committee to approve a dredge project.

LEG. D'AMARO:

Will that result in an increase in dredging projects?

MR. ANDERSON:

It could. It's a possibility, which in turn would, you know, lead to additional cost.

LEG. D'AMARO:

Yeah, I'm just looking at •• maybe the Budget Review Office could address the fiscal impact statement, if I'm looking at the right one. 2023, yeah, it says that there is no additional fiscal impact from this resolution. Is that •• is that a conclusion based on the fact that there's be no additional dredging?

MS. VIZZINI:

No. It's based on •• it expands or adds additional criteria. There's no fiscal impact from doing that. The subsequent events that the Dredge Screening Committee take now that they have an additional criteria, those are separate and distinct actions.

LEG. ROMAINE:

If I may, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Counsel, correct me if I'm wrong, the Dredge Screening Committee, they can't on their own cause something to be dredged. It still comes back to us for the approval. It's just that we cannot approve it unless it has the approval of the Dredge Screening Committee; is that correct?

LEG. ROMAINE:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Okay. So ultimately, decisions will be here, and that financial impact with the particular project will come at a later date should we approve a project.

LEG. D'AMARO:

All right. Thank you. Just one more question, through the Chair and to the sponsor through the Chairman. Was there any particular project in mind when this legislation was drafted or is it just a policy decision?

CHAIRMAN SCHNEIDERMAN:

There have been some projects that we've already kind of looked at for environmental types of remediation, you know, heavy nitrogen loading. But for me, yes, there was a particular project out in Napeague that came before

the Dredge Screening Committee, which had in the past, two navigable inlets, basically had an island in the center of the opening into Napeague Harbor. And one of those •• one side of that island has been filled in, and the other side has been dredged. So you can still technically get a boat in, but the flushing rates are so diminished that we're going to lose this entire fishery.

It was once a very productive area for eel grass and scallops and oysters and clams. And the flushing rates are so diminished, and the County •• the Dredge Committee was not sure whether this could qualify, because it was technically navigable. But the island is no longer an island. One side of it is completely shoaled in. And so a project like that could be looked at now beyond just and the navigable aspects.

You might be able to prove it under the old criteria, because the inlet that's filled in was the deeper and straighter channel. The channel that's open is pretty tough because the flow rates are so •• it's kind of windy and the water is moving through there fairly quickly because it's shallow, that it's pretty hard to navigate. But either way that kind of did trigger this for me, to answer your question, that that •• it would help that project qualify if you clearly had environmental criteria built in. And I don't want to see that harbor die.

LEG. D'AMARO:

My only comment then is that this could •• I mean, it seems like an expansive broadening of the definition for dredging projects; ecological, health and marine productivity. And I don't think there's a dredging project out that wouldn't meet that standard.

CHAIRMAN SCHNEIDERMAN:

The standard actually •• the threshold is pretty high. It requires a determination by Michael Deering in this case or Vito Minei that it's critical to maintain that environment. So it's not really some •• you know, anybody out there in the field saying, oh, dredge this for environmental purposes. It really has to rise to a particular level where the •• you know, that •• the basic health of that system is in serious jeopardy.

LEG. ROMAINE:

Mr. Chairman, if I could.

LEG. D'AMARO:

And then the Legislature would have the opportunity to review that anyway.

LEG. BROWNING:

Yes.

CHAIRMAN SCHNEIDERMAN:

Legislator Browning is next.

LEG. BROWNING:

Yeah. I'd just want to say I'd like to be cosponsor on this, because as many

of you hear, Forge River would be a perfect example on this •• this bill.

LEG. HORSLEY:

Cosponsor also.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

I was going to ask to cosponsor. And I would simply say that dredging is limited by how much we put in the Capital Budget, and in past years, we've put in about 1.2 million. But as you know, this Legislature adopted 610,000 cutting dredging in half for 2007 for the Capital Program and by what we put in the Operating Budget for Public Works. So we control dredging right now at our funding •• current funding levels. There's a minimum of a three year backlog. With the new reduction in Capital Funding, that backlog will grow to five years. So we do control it, but you should know that there is a backlog on it.

P.O. LINDSAY:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Mr. Presiding Officer.

P.O. LINDSAY:

The question I have is could this criteria be used for a reason not to dredge? What happens if the bottom of the waterway has polluted silt in it? If you dredge it and stir it up, you know, it could cause fish kill. I mean, is that •• I mean, when I first read it, that's what I thought you were going after. I didn't ••

CHAIRMAN SCHNEIDERMAN:

Right. Well, if you have that situation where you have an environment that's already been compromised in the past, but there's an inlet for navigation purposes, it would qualify under that navigational criteria. However, it is a very lengthy ••

P.O. LINDSAY:

But by adding this new criteria, I mean, this would open the door to say we're not going to dredge that waterway, because it could ••

CHAIRMAN SCHNEIDERMAN:

If I may. It wouldn't be being dredged for environmental purposes, it would be dredged as navigation purposes. And as you know, there's a three year process. And part of that is that DEC process, sometimes fish and wildlife •• US Fish and Wildlife is a very long review and determination of that whole bottom land, environmental benthic communities, I think they call them, and,

you know, when is the proper window in terms of, you know, summer flounder or shellfish. All those things are heavily considered. So I don't see how it could be used as a reason why not to dredge in any other way than the DEC Would already might say you can't dredge during that period, because you're going to be introducing all these contaminants into the water.

LEG. ROMAINE:

Through the Chair. I just would respond to our Presiding Officer by pointing out that the DEC is extremely restrictive. In fact, Mr. Anderson will tell you that there are dredging projects not going forward in the Town of Southold now because of DEC restrictions, which DPW is, I guess •• I won't say fighting against, but trying to make an argument or case for dredging. So if anything, this would be beneficial.

I would refer you also to Meeting House Creek, which is in the Town of Riverhead, where we have a similar problem where we have a lot duck sludge of that creek. And what we made a decision to do is earlier this year, this Legislature was kind enough to pass a resolution to appropriate \$75,000 for Vito Minei's group to study this. And there's three essential decisions; either cap the sludge, aerate the sludge or dredge the sludge. And there's a \$75,000 study in which I'm hoping to get report from that will make that determination. If we ever have that, and I believe, and I don't want to speak for the gentle lady from Shirley, but I'm sure that she will tell you that they're doing •• I think there's federal money involved in Forge River to do the exact same thing, because essentially you have three options when you have bottom sludge of that magnitude.

It's not going to slow it down. If anything, we're going to take a look at things that we should be taking a look at like Goldsmiths Inlet, which DEC restricted, considerable restriction on DPW, about dredging. And their

restrictions resulted in a problem that that creek is still silting up, and the pond that it flows from is •• has higher levels of contaminants and pollutants in it than its ever had before. So they didn't resolve the problem. They should have looked at the ecological impact of their limitation on the dredging that DPW wanted to do with the Town of Southold. So this is a •• this is a very good resolution.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. HORSLEY:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

I have made a motion to approve, Legislator Romaine seconded. 2023, all those in favor? Opposed? **Approved.** (VOTE:7•0•0•0). Unanimous. Thank you.

Moving on to 2043, Appropriating funds in connection with safety and drainage improvements to center medians on various County roads (CP 5116).

LEG. BROWNING:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Browning to approve, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? 2043 is **APPROVED (VOTE: 7•0•0•0•0)**.

2059, Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to CR 39, North Road, Town of Southampton (CP 5528).

I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved. (VOTE: 7•0•0•0•0)**. Please list me as a cosponsor.

2060, Amending the 2006 Capital Budget and Program and appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP

1737).

LEG. BROWNING:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Browning.

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?
Approved (VOTE: 7•0•0•0).

2061, Amending the 2006 Capital Budget and Program and appropriating funds in connection with painting of County bridges (CP 5815).

LEG. BROWNING:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

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

2062, Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to County Environmental Recharge Basins (CP 5072).

LEG. BROWNING:

Motion.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yeah. If I can just get a brief explanation, I guess, from the Commissioner. When you talk about improvements, this is work being done to existing County catch basins •• give me a little bit of an idea.

MR. ANDERSON:

Yes, sir. It involves essentially cleaning out the existing basins and revegetating them. There's •• if I may, I'll read a letter from Commissioner •• in a memorandum •• well, I'm going to quote Charlie Bartha, my predecessor or actually, former commissioner, I apologize. "The program provides funding to maintain 250 County recharge basins, most of which are 25 years old. The natural growth of vegetation has encroached into holding area, reducing the rechargability of the basins. The vegetation has also encroached on the security fencing around the basins. The locations to be proposed to be improved are •• under this appropriation are on County Road 2 and County Road 67." Both are essentially what I explained before.

LEG. KENNEDY:

I'm not familiar with Vandercrest, though. Is that •• perhaps my colleagues might know, Smithtown, Huntington? I'm just curious where the area is.

MR. HILLMAN:

Vandercrest Court is in the Town of Huntington.

LEG. KENNEDY:

Okay. All right. Thank you very much. I appreciate it.

CHAIRMAN SCHNEIDERMAN:

Any other questions? Legislator D'Amaro.

LEG. D'AMARO:

Forgive my ignorance on this. I'm not that accustomed to talking about cleaning up or working on a recharge basin, but what exactly does that involve? And how many are targeted by this particular appropriation?

MR. ANDERSON:

Under this particular appropriation, I believe the number is two. There are two recharge basins that will be essentially cleaned.

LEG. D'AMARO:

A recharge basin is a hole in the ground, a sump.

MR. ANDERSON:

Yeah. Where the drainage eventually connects.

LEG. D'AMARO:

Right. I just •• so it's \$125,000 to do the work in each recharge basin?

MR. HILLMAN:

In the vicinity of Vandercrest Court, which abuts a County Road, there is severe drainage problems. In the vicinity of a lot of areas in the Town of Huntington, there's a substantial clay layer. And when we have a drainage problem, we can't always disperse the water appropriately, because we can't get passed the clay layer. Sometimes it goes as far as 80 feet deep. In this vicinity, that's exactly what we have. At the end of Vandercrest Court there's actually a recharge basin, town owned, that is not over the clay layer, and we can •• or has a minimal clay layer, and we can puncture through it. So what we're doing is piping our water into a town recharge basin, and we're going to be expanding the recharge basin. So this •• these monies will be used to, number one, expand the recharge basin, and number two, connect to that drainage system.

LEG. D'AMARO:

So •• but my issue was with the cost of doing this. How do you determine the cost? Why did you request \$250,000?

MR. HILLMAN:

This is the amount that will be required for the work.

LEG. D'AMARO:

How do we know that?

MR. HILLMAN:

We've done a cost estimate.

LEG. D'AMARO:

Who?

MR. HILLMAN:

The Department of Public Works.

LEG. D'AMARO:

Okay. And where do you get the cost estimate figures from?

MR. HILLMAN:

We have designed the job, and that's the cost for installing the drainage pipe and expanding the size of the recharge basin. We have historical information on how much all this costs, and we put together a standard construction cost estimate.

LEG. D'AMARO:

And this type of project would then be bid; is that correct?

MR. HILLMAN:

That is correct.

LEG. D'AMARO:

So based on historical data, you've put together the cost estimate for these two projects?

MR. HILLMAN:

Yes.

LEG. D'AMARO:

And they are \$125,000. It's more than just cleaning up or •• what's the word?

MR. HILLMAN:

Cutting down shrubs, yes.

LEG. D'AMARO:

It's expansion of the actual recharge basin. So what's involved to do that?

MR. HILLMAN:

Essentially excavation. They have the property, they have a smaller recharge basin ••

LEG. D'AMARO:

Is it an equal amount for each project, 125 each?

MR. HILLMAN:

I don't believe so.

LEG. D'AMARO:

Do you know the breakdown?

MR. HILLMAN:

I don't know the numbers off the top of my head, but I don't think it would be very odd if it was just equal.

LEG. D'AMARO:

Did you supply the backup data that shows how you arrived at the cost?

MR. HILLMAN:

I don't believe we did. That's not typically done on the projects.

LEG. D'AMARO:

Why not?

MR. HILLMAN:

I don't think it's ever been requested. I mean, we'd be more than happen to supply the construction cost estimate.

LEG. D'AMARO:

Thanks.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

You have peaked my interest now, especially talking about clay leads. This project is or is not going to involve actual puncturing work associated with

improving percolation and drainage through either a County-owned storm basin and/or the town? As I understand it, you are partnering with the Town of Huntington now for the movement of stormwater; is that correct?

MR. HILLMAN:

That's correct.

LEG. KENNEDY:

Okay. And you're doing that through some kind of an intermunicipal partnership or arrangement or agreement?

MR. HILLMAN:

That is correct. Everything is in place.

LEG. KENNEDY:

All right. Is the Town of Huntington collaborating with the cost associated with these projects, or is this something that's exclusively County borne?

MR. HILLMAN:

Exclusively County, because they are really not benefitting. They have a system that works, handles their water. We will be adding additional water to it, so that's why we've agreed to expand the recharge basin.

LEG. KENNEDY:

So the runoff is only from CR 67, you're not looking to go ahead and accommodate interior town road runoff that's then going to move down to that drain? This is exclusively just CR 67 runoff?

MR. HILLMAN:

Yes.

LEG. KENNEDY:

Okay. And in addition to the concrete piping and expansion of the dimensions and connection, where is the puncturing work associated with the clay lens going to go on?

MR. HILLMAN:

I believe they already have that right now, they do go through the clay layer, but when we expand it, we will have to, in the expanded portion, probably puncture through that clay layer.

LEG. KENNEDY:

So that's going to mean that there's going to be puncturing in our own County storm basin; is that correct?

MR. HILLMAN:

No. And the recharge basin •• picture this box being the recharge •• the existing recharge basin. We're now going to make it ••

LEG. KENNEDY:

You're going to broaden the dimensions.

MR. HILLMAN:

•• the size of the table, okay? And we're going to now puncture through there in the recharge basin, not in our catch basins.

LEG. KENNEDY:

I mispeak, I used the wrong terminology, I'm sorry. The sump, the newly expanded sump, is going to have not only excavation, but you're going to have auguring or drilling associated with puncture of clay lens?

MR. HILLMAN:

Yes.

LEG. KENNEDY:

Is that •• now I'm going to ask BRO, is that within the context of the type of work that would be contemplated for a Capital Project like this, because I'm assuming, of course, there's going to be bonding associated with this?

MS. VIZZINI:

Generally speaking the Capital Program includes about \$250,000 each year to address the recharge basins, the numerous recharge basins, that we have in the different area of the County. This is the type of work including, you know, illuminating the standing water and getting rid of the silt that develops to make sure that there's no public health problems.

LEG. KENNEDY:

Of course. And as a matter of fact, that's very logical, and that, of course, something that we would want to promote. And I'm sure that this is being done based on some kind of a privatization schematic that you maintain out there as far as the inventory of, what, 300, 400 catch basins? How many sumps does the County own?

MR. HILLMAN:

I believe that's fairly accurate, three to 400.

LEG. KENNEDY:

Okay. So these two are in the worst condition or in the most need of assistance?

MR. HILLMAN:

Well, we're doing it for really for additional reasons, that our existing drainage system cannot handle the consistent runoff.

LEG. KENNEDY:

Okay. I follow that. But then I'm going to go back to BRO again, and, I guess, you know, perhaps indulge me, I'm not understanding. What I'm saying is the bond structure underlying this Capital Project is broad enough and would •• would support actual physical drilling and auguring and expansion of a catch basin, because removing silt is a much different task than heavy duty excavation?

MR. ANDERSON:

I would actually disagree with that. I mean, an excavation of this type, of this nature and of this size is going to involve •• is the very nature of heavy construction. You know, you're ••

LEG. KENNEDY:

Well, when I think silt removal, I think of a crew that's coming along with simple hand tools perhaps or something to go ahead and clean out existing catch basins. And I don't want to get into a long protracted soliloquy, however, I guess what I am asking is, and perhaps maybe somebody can go ahead and just provide this information to me on Tuesday, two things; one, you've clarified that this seems to me to be extensive work, and I know of particular sumps in my district that that could benefit from this type of

puncture work, so I'll certainly be looking to try to go ahead and move in that direction; and then secondly, I just want to make sure from a process perspective that the bonding language or configuration language associated with this bond would be something that would support that •• that intense an activity. That's all.

LEG. ROMAINE:

Mr. Vice•Chairman, Wayne, if I may. Just to follow up on Legislator Kennedy. I think maybe some of the things that you may want to look at, John, at the poor Department of Public Works has so many tasks, but if we provided some funding or whatever, to do an evaluation of every sump to create a baseline in the County, because, first of all, we should know how many sumps we have and where they are located, number one. Number two, if we did an evaluation of every sump in the County, we'd establish a baseline. And we could select criteria to determine the condition of each sump. And that would be perhaps the best way to approach capital funding projects for sump improvement. So I would say if you draft the legislation, I'm happy to be your cosponsor.

LEG. KENNEDY:

Thank you. That's a good suggestion. I appreciate that, Legislator Romaine. There's another reason, I guess, that I ask about this. I was approached by folks with {Nelson and Pope} at the Lake Ronkonkoma Advisory Task Force, and they actually did speak about trying to go ahead get a complete inventory of storm drain recharge, both at state, town and County levels. And they had indicated to me that in their context there was nothing that was comprehensive as far as a readily assessable inventory of County sumps? Yes, no, maybe?

MR. HILLMAN:

That would really be under the jurisdiction of Loraine Hickey, who is not here. But I would find that very hard •• I have not personally seen it, but I would find that very hard to believe.

LEG. KENNEDY:

So you think we do have something?

MR. ANDERSON:

If only in the •• you know, I'm sure Loraine has an inventory of the recharge basins. I would also hazard to say that through the GIS, Geographic Information System, that would also be something that should be generally •

LEG. KENNEDY:

I would think so as well. All right. I'll try to make the contact with her. Thank you.

MR. ANDERSON:

I'll talk to her about it as well.

LEG. KENNEDY:

Thank you.

LEG. ROMAINE:

Mr. Vice-Chairman, through you to Mr. Kennedy, perhaps Legislative Counsel could draft a resolution for myself and Mr. Kennedy directing Public Works to prepare an inventory of every sump and an evaluation criteria and a study that would be done, and then we'd create a baseline. And I think that would be extremely helpful in determining our future capital expenditures. I mean, you really don't know what to spend on until you have a study of what you have and the conditions they're in. And doing that would create a very helpful baseline. It may involve some funding, and clearly I would encourage you to talk to the Commissioner of Public Works to determine •• because I would not want to put a burden or responsibility without the sufficient funding there.

LEG. KENNEDY:

I appreciate the suggestion, Legislator Romaine. And I think what I'm going to do is I'm going to suggest that certainly we should have dialog with Legislative Counsel, but I'd also like to take the opportunity to speak with Ms. Hickey to find out what she has available since we seem to have some •• some uncertainty as to what maybe or what we may need. Clearly if we don't have it, we should.

MR. ANDERSON:

If I could interject. Additionally, if I could ask for a little time here to look into the matter myself and then I will advise you, you know, what we do have. And then we could maybe plot the best way, because this would be •• what you are requesting would be very labor intensive, and we don't really

have the staff for something like that right now.

LEG. ROMAINE:

No. We would try to provide you the funding.

LEG. D'AMARO:

Mr. Chairman, if I can chime in on that. The whole reason why I brought up the issue on this particular bill was about cost and to control cost and to question the cost, I think that's part of our function. I am not sitting here advocating for yet another study with more personnel to do that study. I have no problem dealing with these on a case•by•case basis as and if and when they come up or if they're brought up by particular Legislators. I was merely questioning the \$250,000 appropriation, which I think is something that we should be doing and questioning that on projects. And I'm not certainly not, again, advocating for any kind of study, which could be extremely time consuming and costly to do. I don't think we need to go down that road, not with basins anyway.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, your last comment.

LEG. KENNEDY:

Through the Chair. I appreciate the initial query by Legislator D'Amaro. And I neither am an advocate of protracted studies. However, I think that the Department brings out some goof information, and if it is something that just

needs to be made readily assessable, such as a GIS inventory, then that's something that should be available for all folks to see. I also would hope that that would be something that would go into the recommendation or decision making criteria rather than it be a race of 18 to the door to see who gets what sump fixed in whose district. It should be something that's prioritized at particular need, certainly in this time where we're always fiscally conscious of what cost will be.

CHAIRMAN SCHNEIDERMAN:

So refresh my memory. Did we have a motion on this one?

LEG. BROWNING:

I believe we did.

CHAIRMAN SCHNEIDERMAN:

There was a motion and there was a second. I'll call the vote on 2062. All in favor? Opposed? Abstentions? **Approved (VOTE:7•0•0•0).**

2064, Amending the 2006 Capital Budget and Program and appropriating funds in connection with energy conservation at various County buildings (CP 1664). Is there a motion?

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Eddington, seconded by ••

LEG. ROMAINE:

Myself.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Romaine. On the motion? No. Okay. All in favor? Opposed? Abstentions? **Approved (VOTE: 7•0•0•0).**

2072, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2006 Capital Budget and Program and appropriating funds for sewer construction in Suffolk County Sewer District No. 3 • Southwest (CP 8110). Is there a motion?

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator D'Amaro, seconded by •• is there a second?

LEG. HORSLEY:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Horsley. All in favor? Opposed? Abstentions?
Approved (VOTE: 7•0•0•0).

2074, Appropriating funds in connection with the dredging of County waters (CP 5200).

LEG. BROWNING:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Browning, seconded by Legislator Romaine •• Eddington. On the motion, any discussion? Which waters are we dredging?

LEG. ROMAINE:

East Hampton and Babylon.

CHAIRMAN SCHNEIDERMAN:

Those two?

LEG. ROMAINE:

Three Mile Harbor and Fox something.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's been a motion and a second. All in favor? Opposed? Abstentions? List me as a cosponsor if you will. **Approved**

(VOTE: 7•0•0•0).

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

For discussion purposes, I'll make a motion. Is there a second? Motion to approve. I know there's going to be plenty of comment, and this probably will end up being tabled, I suspect. But I wanted to discuss it for a second. So can I get just for discussion purposes a second? Seconded by Legislator Eddington.

The last •• this is different than the last resolution, which I've withdrawn over the concern about the morning hours and the jobs at the Department of Public Works, who seem willing to continue on for next year with •• providing the cones. I had been told by the DPW on several occasions that they couldn't do Friday nights because of safety concerns. And so I amended this bill to •• just basically, there's no financial impact, it just basically looks at what it could cost for a private company to come in and set up the cones or other devices and illuminate this devices so that we can have Friday nights.

Friday nights is particularly important. It was part of the original idea in terms of opening up that extra lane. Yes, there are a lot commuting to my district, and what we did this year really did help an awful lot, made a fundamental difference in a lot of people's lives getting to work. But we do have a lot of people in the evening who are second•homeowners, also the whole tourist community really depends on that ability. Friday night is the worst, that's when most people are coming out for the weekend. And we've got to do something until that road is widened, which is only another year away.

But if we could provide some relief on Friday nights, I it would make a tremendous difference. And I think you will see the impact in terms of stimulating the economy on the East end, you will see it in sales tax revenues substantial •• I believe will have a substantial affect in getting people to come back to the Hamptons. So I'm hoping we can do something. And that really was the impetus for this bill. Now, I'm hearing that maybe DPW has changed their opinion a little bit about Friday nights, so I'd like to get some testimony. And if it's something DPW can do, I certainly would prefer we do it in•house than somebody else do it. Mr. Anderson.

MR. ANDERSON:

Understood. Again, with regard to using our own staff, we still have the same problems that we had initially said when we were discussing this previously. What has been brought to my attention is, again, more for your information with regard to any RFP we send out. According to New York State Highway Design Manual, which is the manual we would use to hold as the Bible for this project, it would dictate that barrels would have to be used for traffic control. Right now we're using more or less cones, which have reflectors on them. We have that discretion because we're doing the work ourselves.

Using barrels, which is what we would have to mandate, would reduce the width •• because again, now we're working within a restricted width •• would reduce the lane width down to about nine feet, which at the speeds we want to increase, you know, it becomes conflictory. It would •• it would also create the possibility of unsafe conditions. And I'm not sure what that would do with regard to the insurance requirements of any contractors who bid on this. So I just want to make you aware of that.

CHAIRMAN SCHNEIDERMAN:

So you're saying a private company would have to use barrels, but the County can use cones. Why is it that the County feels or maybe doesn't feel anymore that it can't do Friday nights? Is it you don't have the equipment to illuminate it?

MR. ANDERSON:

If we go back to Friday night and we're going to do this until ten o'clock ••

CHAIRMAN SCHNEIDERMAN:

Because maybe we can use the equipment to illuminate it, if that's the issue.

MR. ANDERSON:

Well, I think it's •• I've seen the operation out there, and in the daylight, setting up especially taking down is really problematic. You have, you know, guys sticking their heads out where cars are within inches as they try to reach for these barrels. It really comes down to a safety issue. If we're using •• right now, we've had some smaller cones that we've used, which are thinner. They have, like, grips, which we can pick them up with. And it becomes workable, because it's •• you know, you're in the daytime. Now we're reversing that. Now it's an evening situation. We essentially would have shut the road down to take these cones down. So at ten o'clock we would effectively have to shut the entire road down, pull the cones out, open up the road to really do it and keep our fellows safe. So I am very, you know ••

CHAIRMAN SCHNEIDERMAN:

You do it now. I mean, you take the cones down at nine o'clock in the morning (sic).

MR. ANDERSON:

Again, it's during the day where their visibility is a lot better. You have, you know, police around. At night on a Friday night, you still got, you know, a large number of people coming in. I believe it's going to •• you know, it's a hazardous situation.

CHAIRMAN SCHNEIDERMAN:

Well, what if it was extended to a later hour than at night, instead of ten o'clock maybe midnight.

MR. ZWIRN:

The only thing I would add is that we also have to bring in the Town of Southampton with respect to law enforcement, because, as you know now, the program has been so successful that the police there run pace cars on a continuous loop. They must have three or four, maybe five Town of Southampton police or motorcyclists who actually straddle the lines on both directions, east and west, to try to keep traffic at 35 miles an hour, where a year ago, it would be two miles an hour. And we discussed earlier today, there were a lot of cones down for some reason today that I hadn't seen earlier. And the Deputy Sheriffs would also have to be coordinated with this, because they've at least two Deputy Sheriffs there for every minute that this project has been in the experiment so far. There's a law enforcement component that would also have to be figured in with the local •• local law enforcement aside from the County.

CHAIRMAN SCHNEIDERMAN:

All right. I think figuring out how to pay for this, obviously, is important, but this •• this bill essentially didn't deal with that issue other than trying to find what it would cost for somebody else to do it. And that was •• that was based on the fact that I was being told that the County simply would not do that on Friday nights. Now, I know this year when we set the cones out, sometimes in the mornings it was dark. So obviously you can set the cones out in the dark. That was moved from 5:30 later on to •• I think they pushed it back a little bit to six o'clock.

But I really think this is something we've got •• we've got to provide some relief there on Fridays. It's just one additional day per week over a short period of time. And I'm really asking you, how do we proceed to do that? If you guys aren't willing to do that, I think we ought to find out what it would cost somebody else to do it. If you are willing to do that, what equipment would you need? We will work out the details. I'll go to •• I'll talk to Southampton, i'll talk to various people to see if we can come up with the money. Maybe there'll be some state money, some federal money, maybe there are other ways, create ways, to pay for this. Maybe some of the business community would take on some of the responsibility, I don't know. Maybe East Hampton Town, which also benefits, might contribute.

We could put the piece together, but we need to know how it's going to happen. And as we go into the budget, it would be great to know what to budget if it's going to happen in terms of added equipment or added personnel or additional salaries, those types of things. I'm turning to you for •• if this isn't the answer, what is the answer? I don't think to just say we're not going to provide all relief on Friday nights is the answer. You are going to see, I think this year, the economic impacts as sales tax revenue come in from the East End that it was a hard year, I don't want to see that again. I think we have to do something.

MR. ZWIRN:

You think this year in particular it was •• it was because of the •• even though traffic was moving better during the •• during the daylight, you think •• but it's been no different than any other year as those sales tax numbers would be fairly consistent. I would think maybe gas prices had some impact.

CHAIRMAN SCHNEIDERMAN:

People have been getting frustrated with the traffic and the amount of time it's taking. It should take five hours to go from Manhattan to Montauk, and that's what it's been taking them. It's simply too long, and people are choosing other destinations. It gets aggravating. If people •• you know, you pay the price in civility as well when they get out there.

MR. ZWIRN:

Only anecdotally, I know going Ogunquit Beach in Maine on Route 1, you go to Cape Cod in the summertime on Route 28 or you go to Rehoboth Beach in Delaware, I've been to all of them, and it's very similar to my ride home on Friday nights on weekends. I mean, it's just •• those resort communities that just have the old two lanes roads that are going into the beaches are pretty much the same, and they all get ••

CHAIRMAN SCHNEIDERMAN:

You probably beat most of it on Friday nights.

MR. ZWIRN:

I do. I try to beat them on Friday nights by staying home.

CHAIRMAN SCHNEIDERMAN:

I'm looking for help on this one. So I'd like to •• I'd like to either move forward with this or come up with another way to handle it.

MR. ANDERSON:

At this point, I just really wanted to make you aware of the, you know, issue with the barrels. Right now we don't •• you know, we can certainly put together an RFP and see what comes in. Short of that, you know, I can go back to my department and see what else is feasible. I don't know.

CHAIRMAN SCHNEIDERMAN:

Can you put together a list of equipment that you would need?

MR. ANDERSON:

Some options?

MR. ZWIRN:

All I would say is the County Executive has made a major commitment in trying to get this project resolved. First, a lot of cooperation we got for this experiment. This year, he's got \$39 million committed to making major improvement to the road, County Road 39. And let's •• you know, I know he's doing the best that he can and trying to keep a handle on expenses at the same time.

CHAIRMAN SCHNEIDERMAN:

Thirteen million. And, you know, I have to say, the County Executive really

has moved swiftly on this as well as DPW, Jim Peterson, who, you know, really did a great job in terms of figuring out how we could do this or get these lanes in without •• within the County's right•of•way. I'm very pleased with what's been going. And, you know, there is relief two years from now as long as we stay on that schedule. And all I'm asking for is if we could do something •• I'm assuming that we're going to keep the cones out there in the mornings next year. I hope that project •• it was so successful that, you know, we continue that for next year, maybe expand it, start a little bit earlier, you know, maybe by •• you know, by April we can get those cones out there.

MR. ZWIRN:

The County Executive has talked about Friday nights on the County Road 39. Maybe DPW can kick it around, I mean, like the way they did the first project. I would ask that again •• let, DPW have a •• take a good look at it and see if there's a way we can come up with it.

CHAIRMAN SCHNEIDERMAN:

You know, I'm certainly willing to work with everybody. So why don't •• you know, I'll make a motion to table the bill.

LEG. EDDINGTON:

Second.

LEG. ROMAINE:

Second.

CHAIRMAN SCHNEIDERMAN:

And hopefully by next time we'll have more information. Again, I hope we can do this in-house, I'd prefer that, but if we can't I think we need to look at that possibility.

MR. ANDERSON:

Again, not to be, you know negative Nelly, but just again, if our guys are doing this next year for an extended period, this is also taking away from their ability to do other things with regards to maintaining roadways, you know, cutting lawns, everything else that they do make over the course of their •• so just to make you aware.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstention? **Approved (VOTE:7•0•0•0).**

That concludes our agenda. Motion to adjourn and a second. We are adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 4:10 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY