

**PUBLIC WORKS
AND
TRANSPORTATION COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, February 27, 2007.

MEMBERS PRESENT:

Legislator Jay Schneiderman - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Jack Eddington
Legislator Joseph Caracappa
Legislator Rick Montano

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
Kevin Duffy - Budget Review Office
Gil Anderson - Commissioner - DPW
Lou Calderone - Deputy Commissioner - DPW
Catherine Stark - Aide to Chairman Schneiderman
Richard Baker - Deputy Clerk - Legislature
Ben Zwirn - County Exec's Office
Gail Lolis - County Attorney's Office
George Hafele - Fire Island Ferries
Joseph Carabott
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:13 P.M.*)

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to call the Public Works and Transportation Committee to order. If you all will rise and join us for the Pledge of Allegiance led by Legislator Rick Montano.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Okay. We're going to start today's meeting a presentation. We are joined by both of our Board of Election Commissioner, Commissioner Anita Katz and Commissioner Cathy Geier. If you will come forward to the table. If you would like to sit here, it's probably best. Just make sure those two microphones are on. You may begin when you are ready.

MS. KATZ:

Good afternoon, Mr. Chairman, Legislators, thank you for inviting us to come speak at today's meeting. We're here to address the two resolutions on agenda, 1138 and 1139. On resolution 1138, it to appropriate \$120,000 for planning and design for structural improvements to the Board of Elections

I think the point we really need to stress is that these are not cosmetic changes, this is not paint, ceilings, lighting. We have such serious problems with leaky windows at the Board of Election that pretty much it rains inside when it rains out. When I first came to work at the Board of Election, the first thing my secretary taught me was how to jimmy the window closed in my office with a letter opener. This is a key thing you need to know when you work in the building, because at the first storm, the windows blow open voluntarily and rains pours in. So this resolution would give us enough money to fix the window situation.

Also, we are asking some HVAC work. This will come up in second resolution. But there's something about the Board of Election and duct work. There doesn't seem to be any in the front offices. If you are in the Commissioner's Complex, we all are fortunate to have window office and we have window units. But in the interior offices, there's no duct work, no air conditioning, and it is 95 degrees. The only reason we open on a daily basis once we hit about April is because we are not a unique shop. Believe me, if the union were there, we would be closed down and this problem would be fixed. So HVAC work is also part of it.

We also have issue ADA requirements. The bathrooms -- and remember we are a public building as well a governmental office -- the doors to the bathrooms at the Board of Election are not handicapped accessible, and we are in violation. This is a big issue that's been coming up lately since obviously we talk about the Help America Vote Act and the Americans with Disabilities acts. So the money would also to be put in automatic doors in the bathrooms.

And according to FRES and DPW, we do not have fire alarms or proper sprinklers in the front of the building. So the \$120,000 for Resolution 1138 is to appropriate the money for planning and design, and then the money would be there for 2008. So on behalf of all of the workers at the Board, anything you can do on this resolution, we would certainly appreciate. I don't know if there any questions on this one.

CHAIRMAN SCHNEIDERMAN:

Any questions?

LEG. MONTANO:

No.

MS. KATZ:

Okay. I'll move on to Resolution 1139. This is obviously a much more controversial resolution for us. It is not the first time, although it's the first time I've spoken at Public Works -- it's not the first time that this resolution has been in. This is for Capital Project 1461. It is to both amend the Capital Budget and appropriate the funds to air condition and upgrade the electrical wiring in the second warehouse at the Board of Election.

The key is that we need to have it included in 2007 and appropriated in 2007 from 2006, where it did not get moved out. We usually speak at -- the Board of Elections, we speak at Ways and Means. This is, as I said, the first time at public works. So I'm going to just take a couple of minutes if you won't mind, Mr. Chairman, to just give everybody a quick HAVA update. Some of you are Ways and Means Committee Members and some of you are not. And since our pitch is based on HAVA requirements, I thought would be a good place to start.

I'm sure you are all familiar with the fact that due to the HAVA requirements, which is the Help America Vote Act, we must, and I underline must, we must have electronic voting machines in the State of New York due to the Federal requirements and due to the legislation passed by the New York State Assembly and the Senate. About a month ago, we had a meeting with the Department of Justice and the Attorney General's representatives. And they wanted an update from the three Downstate Boards of Elections and a couple of the Upstate once as to when we think we would prepared to actually institute the new machines.

Some of you may know there is a -- the legislation says 2007 at this point. It does not look like it will be 2007 since obviously it almost March 1st. One of things I always talk about when I go to Ways and Means is the fact that I have given this speech to all of you before in some version, either individually or as Legislative body. I understand the fact that you feel as though this will never happen. Believe me when I tell you 2008 is a Federal year with a Presidential Election. This is a Federal law, the HAVA piece. This will happen in 2008. And that's why we're here today to talk about what we need on this resolution to make sure that it does.

The Department of Justice was very clear. And obviously, lawyers change their mind, judges changes lawyers minds, and Legislatures change their minds as well. So I can tell you what they told us. The Justice Department is pushing very hard for us to have electronic machines for the Presidential Primary, which would be March of 2008. All of the Commission there felt very strongly that is probably not doable, because we won't finish the recanvas until December 1st in the 2007 election. But there is no question -- so that is clearly something that's in play, particularly if the Legislature changes the Presidential Primary to the Super Tuesday February date, there's no chance that the various boards such as New York City would make in time.

But the Department of Justice was very clear that because this is a Federal Law and we've already got a consent decree, because New York State is the last state to get this done, we will have to have it for September Primary and the November election of 2008. We may squeak by on the Presidential, particularly if it's February, but there is no chance that we will not have to have these new machines in the Presidential Election of '08. I mean, think about the volume of people who vote.

This resolution will give us air conditioning and electrical wiring in the second warehouse. For those of you come for recanvas at the Board of Elections, we've got three warehouses. They're consecutive, you walk through one, then two, then three. Much like my previous resolution's comments, I cannot explain why there is air conditioning and duct work in warehouse one and warehouse three. There is no duct work in warehouse two. There is chiller or air conditioning unit in warehouse two. I've spoken to DPW, obviously no one has an explanation, and it is not relevant. The point is that there is no air conditioning in the second warehouse.

Common sense tells you, all the Legislators have laptops, some of you are using them, no one leaves their laptop in their car in the summer. We all know ourselves that that is just not a logical thing to do, it's just too hot. We do not want to have electronic voting machines, regardless of

which kind they are, stored in a warehouse with no air conditioning. This is just not a logical presumption. I realize the total \$924,000, that is both a lot of money and very little money when you're talking about a Capital budget.

There's also a request for electronic upgrade. Outline of these machines obviously need to be plugged in, battery packs in case there is some kind of electronic outage on Election Day, all batteries need to be charged and constantly recharged and the machines need to be charged when we do the recanvas so that we can get all the information out.

For those of you who have been at the Board, the building was born -- born -- it was built in '59. It is a very old building. My entire staff is not using their little tiny office heaters, because each time when you plug it in it blows the fuse out in half the front of building. So we have to have serious upgrades of electrical wiring in the warehouse. That is what this resolution is for.

Our last meeting with the Department of Public Works, they made it very clear, and they have been fabulously supportive, they've made it very clear that it will take a minimum of 18 and more likely 24 months from when the money gets appropriated to when this project is completed, until they get the consultants, until they get the bid. We all understand government moves very, very slowly, even on a project like this where you're not building a building, you're just putting in repairs in a building that exists.

If we do not pass this resolution in this go around of Capital Budget hearings, that -- those changes will not be done until 2009, according to the Department of Public Works. If the machines are here in 2008, that becomes a serious problem for us. By the way, the Presiding Officer was very helpful and found us an offset coming out of the Traffic Project 1755 so that this resolution could be put in. I understand that this resolution is necessary, because in 2006, our appropriation was basically tabled to the point where it longer existed. I understand the controversial nature of it. I understand that the County Executive has sued the New York State Board of Elections. He did not sue the Suffolk County Board of Elections. We are not a party to lawsuit, and we do not officially have an opinion on that lawsuit. We work for the New York State Board of Elections. If they tell us to buy these machines, we will have to buy these machines. And then we will have to store them in the warehouse with no air conditioning.

I'm asking all of you to take into serious consideration the fact that you do not want to vote against your own interests, and you do not want to vote against the interest of voters of Suffolk County. As difficult as it might be to spend this money and put in the budget, how many of us want to be -- and it is us all together, even though we're the Commissioners, it's all of us -- want to be in the position of having to answer to the voters that something happened on Election Day when the machines malfunctioned because they were stored in a hot warehouse.

This is not really worth the expense of \$924,000 to have that as outcome. Suffolk County has always been very proud of the fact we run a good election, we have one of the best reputations in the state. Believe me, if it was up to us, we would keep the old machines. It is not up to us. The State has -- the state had passed this law, the Federal Government has passed this law. It is not the smart move to exclude this item from the budget and then have nowhere to store machines. So I appreciate your consideration. Any questions you have need to be answered, we're more than available.

CHAIRMAN SCHNEIDERMAN:

Let's go to questions starting with Legislator Montano.

LEG. MONTANO:

I have two quick questions. One you may have answered. What's in the second warehouse now? What's it being used for?

MS. KATZ:

We store our machines there now, our lever machines. The difference is those are mechanical machines, they're not electronic machines, they're not computerized. So at this point, it's clearly never been a problem. I can't say that for the future machines.

LEG. MONTANO:

That's all that's in there now, just the warehousing of the lever machines.

MS. KATZ:

Eight. Just rows and rows and rows of machines.

LEG. MONTANO:

The other question I had is in terms of the lawsuit that you mentioned. When you met with DOJ and the Attorney General's Office, did that have anything to do with the lawsuit itself, or that just had to do with your compliance under HAVA and the lawsuit, you know --

MS. KATZ:

That has to do with the consent decree. We've got several issues. County Executive's lawsuit is against the state Board of Elections for the legislation that themselves have passed at the State. The Department of Justice is dealing with the consent decree, which says that in 2007, New York State has to have new machines. And obviously, we're not going to make that. We have yet to even get a list of certified machines from the State Board. That will not be out until June. So clearly we will not make 2007. So they wanted to meet with some of the larger counties to try to find out when we thought we could be ready, and then someone will have to go to judge and try to get him to make a change in the consent decree that was signed.

LEG. MONTANO:

But you're really not in a position to comment on the interplay between the lawsuit and the consent decree, are you?

MS. KATZ:

No.

LEG. MONTANO:

Okay. One last thing. I know you've waited a while. This was in the 2006 Capital Budget and wasn't appropriated, but we're coming back in two weeks. If this doesn't get approved today, it's not like -- you know, two weeks from all the time you waited is not -- I don't want to use word critical -- but I think you understand that, am I correct on that?

MS. KATZ:

Right. What's critical is getting into 2007 Capital Budget through an amendment and then getting it appropriated for 2007. The specific day it gets voted, obviously, is not relevant as long as we make that deadline.

LEG. MONTANO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Caracappa.

LEG. CARACAPPA:

Just quickly, Budget Review, Capital Project Number 1755, which is the offset, could you tell us what it is, please? Or Ms. Katz, if you know.

MR. REINHEIMER:

That's a Legislative offset, Capital Program.

LEG. CARACAPPA:

And what's the total again? I'm sorry.

MR. REINHEIMER:

For this, \$924,000.

LEG. CARACAPPA:

And we have approximately for '07, five million in the offset account. Well, basically usually every year we have around that much. Is it less this year?

MR. REINHEIMER:

We'll check that. Three million dollars.

CHAIRMAN SCHNEIDERMAN:

Commissioner, you have currently three warehouses; is that correct?

MS. KATZ:

Yes.

CHAIRMAN SCHNEIDERMAN:

Two are air conditioned and one is not. Can you just describe how the three are -- you said that the one is not air conditioned is used to house the lever machines.

MS. KATZ:

All three of them house lever machines. It takes up a great deal of space.

CHAIRMAN SCHNEIDERMAN:

Okay. Now, I was here when they had some demonstrations in the Legislative Auditorium. There were a bunch of different machines, optical scanning machines, there were all kinds of electronic entry machines. One observation was that they take up different amounts of space. Some seem to take up a lot of space, some take up very little space. I don't know that -- what decision has been made yet in terms of what machines were getting, but I would say on the whole the machines were significantly smaller than our lever machines, which means that when we have those machines it seems we'll be able to get rid of our lever machines, and we may not need three warehouses full of lever machines. So have we done a space analysis based on what we might be procuring and to determine whether we're going to need all three warehouses.

MS. KATZ:

The DREs, which are the large electronic machines, have almost the same exact same footprint as the lever machines. Were we to go with that, it takes exactly the same amount of space. Scanners, obviously, do have a somewhat smaller footprint. Once you go with the scanners, the other issue becomes the fact that not only do the machines need to be stored in a climate controlled, but those of you -- some of you may remember there was a bit of scandal in New York over the SAT Tests where all the results came out incorrectly in several areas. And when they tried to investigate what happened, it came back that the paper had gotten humid and wet. Everything including all the ballots that get fed through the scanner machines also have to be stored in an environmental appropriate area.

CHAIRMAN SCHNEIDERMAN:

I'm not sure that I'm getting the full answer. I guess what I'm trying to figure out is based on this unknown decision, are we going to need three warehouses. If we can get buy with two warehouses then we have to spend all this money air conditioning the third warehouse.

MS. KATZ:

The problem is that we will not even have the opportunity to choose which type of machine we're going with until after June when the State comes out. If we decide to go with DREs, we will then

obviously have missed the window of opportunity for the Capital Budget for 2007. It will be over with. It is realistic to think that air conditioning a warehouse is not such an extreme measure to be sure that if we go with DREs, the machines don't melt down.

CHAIRMAN SCHNEIDERMAN:

So basically, you're saying it's -- it's likely or there's a reasonable possibility that you will need to air condition the third warehouse, and getting it authorized is not the same as building it. So by June when you have the decision, if it turns out that it's less space and it's not needed, the project can still -- probably has not gone out to bid at that point, so you might have time to cancel it.

MS. KATZ:

Absolutely, but as you all know, you have to be in to win it. If we don't get into the Capital Budget, there's nowhere to go for us.

CHAIRMAN SCHNEIDERMAN:

I understand it. So it's a question of sequencing or timing. All right. You said something in your presentation a moment ago that you would be buying -- whatever the machine is, you would be buying them. Yes, there's a County lawsuit. How do you buy them if you don't have the money to buy them. It will be County funds that will be used to purchase them, right?

MS. KATZ:

No, it's not County funds. Those are the Federal HAVA funds, that's the \$12 million from HAVA, and then there's additional money for training and education of the public. But the \$12 million actually never even gets into the County budget. The State, you will be not surprised to know, is keeping the money. And, of course, I assume keeping the interest. And they have all of the HAVA funds in the State.

CHAIRMAN SCHNEIDERMAN:

Do you have the capabilities to purchase them without the County?

MS. KATZ:

Right. Obviously, if the County Executive wins the lawsuit and lever machines exist, we're not going to go out and buy other machines. That would change the entire position of the State of New York.

CHAIRMAN SCHNEIDERMAN:

We do have a representative from the County Executive's Office here. I don't know, Mr. Zwirn, did you want to comment on this at this point? You don't have to.

MR. ZWIRN:

With respect to this, the County Executive would just ask the committee to keep this tabled for the time being. We should be hearing on the lawsuit rather shortly. Nassau County also has a lawsuit pending on the same issue. I know the County Executive talked to other County Executives around the state, they are very supportive of this measure and hope that we are successful and don't have to give up lever machines. But at this time, we're still not at the critical stage, so we would just ask if this could stay in committee another -- another round.

CHAIRMAN SCHNEIDERMAN:

Do you expect a decision within the next two weeks?

MR. ZWIRN:

I don't know about the next two weeks, no. But certainly I think -- I'll double check, but I think before the -- certainly in the next couple of months.

CHAIRMAN SCHNEIDERMAN:

How does that play out with the timing that was laid out before with the Capital Budget?

MR. ZWIRN:

Our understanding is that there would be enough time to go forward with this project in the event we lose the lawsuit.

CHAIRMAN SCHNEIDERMAN:

I see Commissioner Katz shaking her head.

MS. KATZ:

I'm sorry, Legislator Schneiderman. I don't pretend to know about putting air conditioning in a warehouse. I go to the professionals. The great thing about the people who work at DPW is they don't seem to really have, you know, an ax to grind or a position, they don't care which machines we pick. They have told me very clearly just a week and a half ago, 18 to 24 months.

MR. ZWIRN:

That's before they spoke to me. From here we go to PC Richards, we get some window units, they're in, 48 hours we're done.

MS. KATZ:

Spoken by a person who does not have to get elected, Mr. Zwirn.

CHAIRMAN SCHNEIDERMAN:

I guess Ben doesn't have Central AC in his house.

MS. KATZ:

And by the way, the Nassau County participation, I believe, is in the federal lawsuit.

CHAIRMAN SCHNEIDERMAN:

Fans are cheaper. I have a bunch of questions -- not myself. Let's start with Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. Commissioner, has there been some analysis as to the timing here? When would we need to get the machines, have the training, deal with the software? How much time would we need prior to the first election that these machines would be used in?

MS. KATZ:

We're certainly thinking between, what, six to nine months? I mean, you're talking about training, poll inspectors who are of a certain age who may quit after they get the new machines if they get intimidated, and we're talking about training the public and training our own employees as well.

LEG. STERN:

So you really have to look from the time that the first election where these new machines will be used and kind of work backwards there to determine what the real timeline is here.

MS. KATZ:

Right. That's why we're more realistic. Most of the Commissioners felt that they could not make the presidential primary date, either February or March, because we would not have enough lead time. You can't train people on two different kinds of machines or expect the public to be able to vote and learn about a different machine at the same time. That's why the Department of Justice understood that perhaps the primary of 2008, September, would be the realistic time. Even New York City said they could make that line.

LEG. STERN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

Ben, with respect to the lawsuit, I guess you are not -- I don't know if anyone from the County Attorney's Office is here, but the bottom line is I don't think it's realistic to expect that we're going to get a decision from the court, a final decision within two weeks. Gail? Don't leave, Ben.

MS. LOLIS:

Everything was fully briefed in the State Court action. There's two actions; the Federal Court and the State Court. The State Court was fully briefed and was submitted, I believe, on January 9th or 19th. We were led to believe that the Supreme Court Justice in Albany was treating this on an expedited basis as an election matter, but we don't have any decision yet. Nassau filed an Amicus Brief on that -- just to comment on some of the things that you just raised -- there's --

LEG. MONTANO:

Well, it is conceivable that we would get a decision, you know, soon, maybe not within two weeks, but --

MS. VIZZINI:

We are hoping that we're getting it within the next month.

LEG. MONTANO:

Thanks, Gail.

MS. KATZ:

If the State Board does not appeal that decision.

LEG. MONTANO:

Right. That's why I said a final decision. Just because we get a judge's decision doesn't mean it's going to be final. This thing could linger on for -- you know, can go to the higher court, etcetera. So I don't anticipate -- though even you're optimistic, I don't anticipate that by the time we as a Legislature come back here in two weeks we are going to have a final decision. And even if we have a decision, it may not be final.

MS. LOLIS:

Absolutely.

LEG. MONTANO:

The question I had is actually to Ben that's why I asked him not to leave. Ben, just procedurally, because we have been down this road before. We had this appropriation in the 2006 Capital Budget. At the end of the year, we decided for whatever reasons that we weren't going to appropriate with the understanding that if we needed to appropriate it this year, we can always amend. That's where we are at now.

But, you know, the reality is that just because we appropriate the expenditure doesn't mean that this project is going to commence immediately. And as far as I understand, we have some capital projects that are in -- you know, that fall into that authorized, but unissued debt category, which simply means that we're prepared to do this project based on where we are six months or a year down the road. And some of these projects have been in the pipeline five years. And as I understand the process, after five years, they sort of fall off the column.

So if we were to appropriate this money now, it doesn't necessarily mean that we're going to go out and expend this tomorrow. On the other hand, just so I'm clear, if we did appropriate the money, we would begin the process -- if we pass this resolution we would simply be beginning the process of getting ready to make the expenditure. And if the lawsuit were decided ultimately that the County

didn't need to make -- or the State wasn't going to buy these computerized machines, we could simply put the breaks on the projects. Isn't that -- is that more or less an accurate description of the process?

MR. ZWIRN:

A good part of what you said I know is true. We would be adding to the pipeline debt. I don't know if Public Works would commence any expenditures with respect to plans or bid work for that. I don't know if the money were appropriated what steps they would take with the money once it's appropriated. They may not do a lot of work, but they may --

LEG. MONTANO:

That's what I'm thinking. I mean, I have some projects in the pipeline -- not me, but some projects that pertain to my district. And, you know, we're nowhere near -- by the time we appropriate it and by the time we start to break ground, we're talking about a lot of -- a lot of space in terms of time. So what's the down side of appropriating if, in fact, we know not we're going out there tomorrow and spending any money?

MR. ZWIRN:

Well, we just didn't want to add to the pipeline debt that's sitting there now if we're not going to go ahead with the project and we don't have to. And since we didn't think we were at a critical time, we figured we had the opportunity to wait. It's not as if we don't want to do the project. If we lose the lawsuit, the County Executive is, you know, prepared to have Public Works, you know, go full speed ahead getting this project done. But if it wasn't necessary, we weren't going to spend the time on it unless we had to.

LEG. MONTANO:

Right. But in view of what the Commissioner said in terms of the time frame and how long it takes from the appropriation to the completion and the pressure that apparently is being brought to bear by the Justice Department, other than -- other than adding approximately a million dollars to our authorized but unissued debt column, which I agree is high, I mean, you know, it's where, \$300 million or something like that? Other than that, there really is no down side as I see it in terms of appropriating this unless you can tell me otherwise. Commissioner.

MR. ZWIRN:

I'll ask Gil Anderson from Public Works. Let me just add to Anita that I am no fan of the lever machines. I lost my last election on those damn machines, and I know it was the machines.

LEG. MONTANO:

Of course.

MS. KATZ:

Everyone blames the Board.

LEG. MONTANO:

I actually like the lever machines. I've been voting on them all my life.

MS. KATZ:

As do we all. As do we all.

LEG. MONTANO:

Commissioner, with respect to the question if we were to authorize this within the next two months, three months, other than doing paperwork, would we really be expending any funds? And number two, once we authorize this, assuming that we did, how soon before you actually get to it? There are, like, a number of projects in between here and this.

COMMISSIONER ANDERSON:

We're speaking about the current resolution that's before the committee today on this?

LEG. MONTANO:

We're talking about 1139, which is the \$920 million.

MS. KATZ:

Nine hundred and twenty four thousand.

LEG. MONTANO:

Not quite a million, \$924,000. And this was part of the 2006 Capital Project, which we had put in back in 2005.

COMMISSIONER ANDERSON:

Yes. The money still hasn't been appropriated. If it was appropriated, it would -- presuming that the plans -- and actually, I believe the planning stage still has to proceed. So that would take a number of months before we got to the point where we could even go out to bid. So at this point, you know, we don't -- I didn't realize that 1139 is on.

LEG. MONTANO:

So I guess to be brief, my point is that if we appropriated the money, we necessarily wouldn't be making an expenditure and we could have a decision within -- between the time we appropriate and the time you start that could put the breaks on the project, and we'd simply cancel the project as unnecessary at that point, am I correct on that?

COMMISSIONER ANDERSON:

Well, yes. Right now we would be going into planning stage, the money doesn't have to be appropriated immediately. The planning stage can proceed, and then depending on the outcome of the lawsuit, either ceases or we continue with in.

LEG. MONTANO:

And that's in-house?

COMMISSIONER ANDERSON:

I believe so.

MS. KATZ:

You want to appropriate in this current go around. That's really the key as well as amending and putting it back in rather than waiting.

LEG. MONTANO:

What you're asking for is to put it in the pipeline so that if, in fact, decision -- if, in fact, we have to enforce the consent decree that we're much further along in the process than starting all over again five months down the road.

MS. KATZ:

Absolutely.

LEG. MONTANO:

And if we get -- if the lawsuit is successful, then we can come back and say, "Hey, you know what? We don't really -- we're not going to spend that money, we're just laying it aside for now for at least the authorization, but we're not going to spend it."

MS. KATZ:

You absolutely -- I think I can speak for Cathy on this. As I said, this is not in any way cosmetic, there are no offices in that, it is strictly for storing what would be the new electronic machines. If

we are fortunate to keep the lever machines through whatever legal maneuvering anyone can come up with, we will not be air conditioning the second warehouse, because the lever machines do not need air conditioning.

COMMISSIONER ANDERSON:

If I may. Could if I could, I believe that the current monies appropriated here, it was my understanding weren't going to be -- construction really wouldn't start until 2008. So this is what I'm told by my people. I'll go back and check.

MS. KATZ:

No. That was the whole point, that it takes 18 to 24 months, and that it will not be started Thursday.

COMMISSIONER ANDERSON:

Understood. But we have to go through -- 1138 is actually the money for the planning portion, 1139 is for the construction.

MS. KATZ:

No. 1138 is for a completely different project, and that is planning for work in the front of the building. 1139 is the warehouse, and it is both planning and construction.

LEG. CARACAPPA:

Mr. Chairman. People need to understand, and Budget Review, correct me if I'm wrong, we do -- whenever we borrow money through our Capital Project process, we do two borrowings during the year. And if we're moving forward with those projects, we have a spring borrowing based on the projects that are going to move forward and the money we need cash for, and then a fall one. And then we do that business, of course, with Wall Street. So we need to keep in mind if we're appropriate money and you're going to get it in the pipeline sooner than later, you would want it to be part of the spring borrowing, which is coming up rapidly, as opposed to the fall borrowing cycle. Just something to keep in mind.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Thank you. Commissioner, how long is the planning process supposed to take?

COMMISSIONER ANDERSON:

The planning process, while I don't know specifically, would normally take a number of months, then you have the bidding process. I can't imagine honestly, you know, while I do agree with the project, we're going to get to that point where we're going to need the money before the fall. I don't see it happening. The bidding process alone is so sensitive.

MS. KATZ:

I think he is making my point, when Public Works talks about how long it takes to get started. If it is not included now Legislators, it will not be include later this year. That is often the reality of it. This is what we were told last year. And I certainly do understand that there is a credibility gap for anyone who works for a Board of Elections, because the State has not gotten their act together, and we can't move without them.

But it is really amazing what kind of a fire can be lit when you have both the Attorney General's Office and the Department of Justice at a meeting. And things are moving very quickly now. We will have a list by June, and we have been told by the State Board that Commissioners will have two whole weeks to pick the machine when the certified list comes out. That's the kind of timeline they're talking about. They waited all these years, and we will have two weeks to choose.

CHAIRMAN SCHNEIDERMAN:

I want to say one thing on that too because I know so many people love these lever machines. I'm not a huge fan of the lever machines. Actually some of the technology, particularly the optical scan technology has some distinct advantages in terms of timing, in terms of people being able to vote in a reasonable amount of time and not having to cue up on line for hours. You can have everybody on line voting at once in separate little areas, and those paper forms can then be scanned in. So we are all accustomed to the lever machines, but it doesn't necessarily mean that it's the absolutely best system out there for democracy.

MS. KATZ:

In the end, Commissioners do not get to chose which type. It comes down from the State Board based on the various legislative -- legislation that's passed. And we will follow what they tell us to do. We get to pick whether it's DREs or scanners.

CHAIRMAN SCHNEIDERMAN:

And, you know, lastly, this lawsuit is not our lawsuit, although we may support it or some of us may not, I don't know, it's the County Executive's lawsuit. This Legislature is a separate body and will act on this when it comes up in the agenda. I want to thank you, both Commissioners, for your time. You might want to stay to see the results of your labors here.

MS. KATZ:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Do you want to take them out of order?

LEG. STERN:

I'll make a motion to take out it out of order.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion by Legislator Stern to take Resolution 1138 out of order and a second by Legislator Eddington. All in favor? Opposed? Abstentions? 1138 is now before us.

1138-07. Appropriating funds in the 2007 Capital Budget and Program in connection with improvements to Board of Elections (CP 1459).

Is there a motion.

LEG. MONTANO:

Yeah. I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

What's the motion?

LEG. MONTANO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Montano to approve 1138, seconded by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions? 1138 is **APPROVED (VOTE:5-0-0-0)**.

I'll make a motion to take 1139 out of order.

LEG. MONTANO:

I'll second it.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions? 1139 is now before us.

1139-07. Amending the 2007 Capital Budget and Program and appropriating funds in connection with modifications to warehouse at the Board of Elections (CP 1461).

Is there a motion.

LEG. STERN:

I'll make a motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN SCHNEIDERMAN:

A motion to approve by Legislator Stern, seconded by Legislator Montano. Any discussion?

LEG. MONTANO:

Just on the motion. The bill is to approve -- to amend and to appropriate, but that doesn't -- this is simply going to go to the category of authorized project, but it doesn't necessarily mean that it's going to start soon. And if the lawsuit is decided, if a final decision is made in the interim, I believe that we can -- we are able to put the breaks on this project.

MS. KATZ:

We will certainly not be spending this money if --

LEG. MONTANO:

Exactly. We're not going to spend the money --

MS. KATZ:

It's lever machines.

LEG. MONTANO:

If the lever machines become the final product, we're not going to be expending this money unless we choose otherwise. But in the mean time, it's now in that category of authorized but unissued debt.

CHAIRMAN SCHNEIDERMAN:

The planning alone has got to take months and putting the bid specs together and going out to bid, it's months and months.

LEG. MONTANO:

I agree.

CHAIRMAN SCHNEIDERMAN:

All right. So there's a motion to approve and a second. This is for 1139. All in favor? Opposed? Abstentions? 1139 is **APPROVED (VOTE:5-0-0-0)**.

MS. KATZ:

Thank you very much. We appreciate the support.

CHAIRMAN SCHNEIDERMAN:

Okay. Although this isn't listed on the agenda, I do have one other presentation before we go into public portion. Is Commissioner Morgo -- yes, he's still here. Commissioner Morgo has asked for a

moment to address the committee.

COMMISSIONER MORGO:

Good afternoon.

CHAIRMAN SCHNEIDERMAN:

Good afternoon, Commissioner.

COMMISSIONER MORGO:

I'm here to talk about two resolutions, one of which is before you today, the other was tabled at the full Legislature. They are -- the one that was tabled at the full Legislature is IR 2589. And the one on your agenda today is IR 1083. And they are similar in that they address a critical issue, an economic development issue that I think you are familiar with. And that's the critical need for wastewater treatment if we are going to have a sustainable economy.

I'm aware of the debate concerning the capacity available in Sewer District 3, the Southwest Sewer District. I am not going to even approach that issue in my discussion, because when I was up there more than 20 years ago, I learned to depend on Ben Wright when it came to sewer district issues. And I've had several conversations with Ben and the conversation of available capacity within the district and out of the district. And I feel confident depending on Ben. And when Ben tells me that the capacity would be available without negative affect on people who are businesses within the district, I believe that because of the track record of Ben and the Sewer Agency.

Let me talk about both of these resolutions if I could. IR 2589, which I'm going to try to be at your full meeting to discuss it in the public portion, it was tabled. And this is the connection for the HUB building at which Honeywell is looking to relocate their operations from Nassau County. Honeywell has had several discussions with my department. They have talked about -- it would make some economic sense for them to move their entire operation to Morristown, New Jersey, where they have company, their United States headquarters.

The reason they don't want to do that, frankly, is because of their workforce here on Long Island. They have 600 jobs on Long Island. And as you probably know, the building they're looking to relocate to is the same building where Olympus was. And it was not one of our great moments in Economic Development when we lost 850 jobs from Olympus. In addition to the 600 jobs, there's a biotech company looking to locate on 110 in the same building. You know, because of OSI and the Broadhollow Technology Center, we're trying to become a center for Biotech Life Science Center. And this company was joining as a tenant for Honeywell, but they became skittish when they learned that this 2589 was tabled by the Legislature.

So it's not only the 600 jobs that are in jeopardy from Honeywell, but it's also another 600 from this biotech company. And these are high paying jobs. Honeywell said it will invest \$39 million in renovating the office space and equipment. All their jobs will remain on the Island. I misspoke, I said 600, I was thinking of the jobs we lost by Olympus, it's 434 jobs. I want to make sure I have that correctly. The retained jobs, therefore, would be 434 and the 600 jobs, new jobs, from the biotech company. So although, as I said, this is not before you today, I want you to consider it because it's the same theme.

What is before you today is 25 -- I'm sorry -- is IR 1083, which is a building on the southwest corner, a new building, on the southwest corner of the South Service Road on Route 110 in Melville. And the building is -- the intent is for Ruby's Costumes to construct a 103,000 square foot building on this corner. And the conceptual and the final approval went through the Sewer Agency, so this is before you today. You may not have heard of Ruby's. I really, frankly, didn't before they came to the IDA. But I learned that Ruby's is the world's, the world's largest manufacturer, distributor and exhibitor of costumes. Their big holiday is not Christmas, it's Halloween.

And What they are looking to do in 30,000 square feet of this building is to consolidate their Nassau

and Suffolk operations and then they would lease out the rest of the building. They will be adding -- well, I shouldn't say adding -- there will be almost 700 jobs at the facility by 2009. They will be bringing their Long Island jobs there and adding about another 50 new jobs. They're going to consolidate their sales and their Executive Offices, and they will have manufacturing. The jobs are not the high -- as high paying jobs as we're talking about with Honeywell, but they're important jobs for economy nevertheless.

The message that we would be sending by not allowing these developments to go forward would be very negative. The ripple effect from losing Olympus hurt us in the attempts to attract other high tech companies. As I said, both of these are involved in the same issue. And I would urge you for the sake of our jobs and for the sake of a sustainable economy to approve 1083 today and to let out of committee and to act on 2589 next Tuesday. Thank you.

CHAIRMAN SCHNEIDERMAN:

The Olympus deal is off you mentioned.

COMMISSIONER MORGO:

They moved their last jobs out last October. They've gone to Pennsylvania.

CHAIRMAN SCHNEIDERMAN:

Is Canon still coming in?

COMMISSIONER MORGO:

Canon is -- looks like they're coming in on 52 acres on Walt Whitman Road right off of the expressway. Canon makes these two developments pale in comparison. But when Canon does get established in their building, their -- their Western Hemisphere headquarters in Suffolk County is going to be over 800,000 square feet. There will be almost 1100 jobs, which right now, those jobs pay 75,000 average. By the time they're established, it's going to be six figure jobs, but you'll be facing the same issue there, because they are outside the sewer district too. That 52 acres is outside the sewer district.

CHAIRMAN SCHNEIDERMAN:

Any questions for Commissioner Morgo? While I have you here, I've got a bill, I've discussed this with you on the phone the other day, I don't know if you'd had a chance to review it, dealing with sewer connections to promote affordable housing. It's 1079, it requires a minimum of 20% for a housing project over ten units of size in terms of they would have to have at least 20% of those units meeting the County's definition of affordable housing. I know you wear two hats as the economic development guru as well as the Housing Commissioner, so do you have any comment on that?

COMMISSIONER MORGO:

I haven't read it, but my knee jerk reaction is that if you're doing something that will provide an impetus for our workforce homes, then I think it's a good thing. And you could argue, and I'm sure I don't have to tell you this, Legislator, that this connection is an incentive. So you are given an incentive, and in return you're getting workforce homes. So many, many initiatives to promote workforce homes are based on that. A density bonus is based on the same kind of thing. So my knee jerk reaction, of course, is supportive. One of the things I've been talking about, as you know, Jay that --

LEG. MONTANO:

I heard the knee jerk reaction, I'm waiting for your official comment.

COMMISSIONER MORGO:

Officially, I like the concept. How's that for profile in courage? I do like the concept. But I was going to say, Jay, as you know, we are looking for more comprehensive approaches and where we -- because inclusionary zoning, density bonuses, incentives like sewer hook-ups, creating more homes,

they're all good, but I think should have some overall plan. You and I have had that conversation many times.

CHAIRMAN SCHNEIDERMAN:

Any other comments, questions? Thank you, Commissioner. We'll go to the public portion, I have two cards. Let's start with George Hafele from the Fire Island Ferries.

MR. HAFELE:

Good afternoon, Mr. Chairman, Members of the Committee. Even though we are not on the agenda for this committee, I did want to come by today because I promised at the General Meeting that I would be here to answer any questions that any of the Legislators had regarding our fair increase petition. I have put in an amended resolution. And as part of that, we've adopted the Budget Review Office's recommendations. We've also removed the COLA, which generated little bit of controversy. So I just wanted to let Legislators that know we are being responsive to Budget Review. And if you have any questions or problems, I'd be happy to answer them.

CHAIRMAN SCHNEIDERMAN:

Any questions? I know BRO has issued a memo on the amended copy. Mr. Duffy, is there anything you want to say at this point? Have your concerns been addressed?

MR. DUFFY:

The only concern we still have is about the village discounts. They are still part of the resolution, but that's a Legislative policy decision. But they have agreed with the rates that we had proposed, which would be approximately 6%, and they have taken out the COLA provision.

CHAIRMAN SCHNEIDERMAN:

Thank you, Kevin. Any questions for either party? Legislator Montano.

LEG. MONTANO:

With respect to the village discounts, is there anything, you know, that you care to comment on with respect to that? Because I believe these are contracts that were already in affect.

MR. HAFELE:

Yeah. These contracts -- one of the suggestions I've made is that as these contracts expire that we sunset the reduced rate books[.].|.]. But that would have to come from the Legislature, it can't come from me. Maybe a separate resolution with the Legislature making a stand saying that reduced rate books of tickets for particular groups of homeowners is not legal or for whatever reason that you would frown upon them.

LEG. MONTANO:

Well, I don't know that we'd say that. So there is no comment with respect to prospective contracts on that provision. You're leaving that to the Legislature.

MR. HAFELE:

Yes. These contracts are legally binding to us. I can't change them at this point.

LEG. MONTANO:

Right. Okay.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Hafele.

MR. HAFELE:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Next up -- this is our last card -- Joseph Carabott.

MR. CARABOTT:

My name is Joseph Carabott. I reside at 135 VanBuren Street in Mastic. Today I tried to solicit a civic leader and he told me, "Joe, you will be wasting your time," and I don't want to waste my time because you people don't care. I told him, "That is not going to discourage me," because I know that you are elected officials and you volunteer for this job. So I don't share those sentiments that you people don't care.

I speak on behalf of the residents along Floyd Road and Somerset Avenue. We are concerned about the volume of traffic including heavy commercial vehicles that on the eastbound artery of William Floyd Parkway, CR 46, that consists of Surrey Circle, Floyd Road and Somerset Avenue. These residential roads carry on a daily basis between 10,000 and 12,000 vehicles for a distance of less than a mile. The level of traffic needs to be reduced, redirected and shared by other eastbound arteries and not be increased by the possibility of adding another additional left lane from CR 46 into Surrey Circle.

We urge you to abandon the proposal and to install an additional left turning lane from Surrey Circle into -- I'm sorry -- to abandon the proposal to install an additional left lane from Surrey Circle into -- from CR 46 into Surrey circle. This proposal includes eminent domain that will take property from a car wash company that currently during a business day does not ample parking space for drying vehicles. It will serve to increase the level of traffic and the danger on this already congested route.

According to Legislator Browning, this proposal is very expensive, and that's according to her. And if it would not work, then DPW would consider opening Linden Avenue. Occasionally vehicles queued to make the left turn into Surrey Circle get off and head south. Would it be wiser to solve the problem by spending as little as possible first? She confirms our opinion that this lane would add more traffic to our residential roads.

We advise the board to make provisions for an additional eastbound route from CR 46 into the nearby and parallel Linden Avenue just south on the current congested route. This additional route will reduce the current traffic on to Surrey Circle. We suggest a left turn arrow to at Linden Avenue be affective between 1:00 and 8:00 in the afternoon. In this manner, CR 46 northbound lane would not be hindered during the morning rush hour and the southbound lane will never be interrupted.

During the afternoon, the rush hour ones, the left turn arrow on Surrey Circle and Linder Avenue simultaneously turn green, there will be two eastbound lanes. Vehicles using our residential roads do so to head south. And by doing so, they will be traveling parallel with CR 46 crossing Linden and/or Pawnee Avenue. Our suggestions would divide and reduce the danger inherent in the idea of providing two lanes including merging lanes on residential roads that turn on to Surrey Circle.

We believe that our proposal is less extensive that the one proposed by the Department of Public Works. If the department were able to accommodate Home Depot, we see no reason why they would not accommodate our request. The nucleus of this problem is that there is only one major eastbound artery, which happens to be too close to railroad tracks. We thank you for your attention.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. Okay. At this point I'd like to ask the Commissioner to step forward, Commissioner Anderson and any of your colleagues that you wish to join you. Do you have anything you want to say before we get started? If not, I'll just call upon you as we go. Okay.

2139-06. To dedicate corner of Pulaski Road and New York Avenue in Huntington as the "Carmen Ramos Calixto-Laas Corner."

That now has been approved out of the Sitings and Naming Committee. Is there a motion?

LEG. MONTANO:

I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Montano, seconded by Legislator Stern. On the motion, Legislator Caracappa, you wanted to know who the individual was? Anybody know who we are naming this corner after?

LEG. MONTANO:

Well, it's in the resolution. I had a question though. This came out of the Naming Committee positively, am I correct? Okay. So it did go through the process, because we had tabled it before.

CHAIRMAN SCHNEIDERMAN:

It's a corner that's being named after -- not a street, but a corner. All right. Any other discussion? All in favor? Opposed? Abstention? 2139 is **APPROVED (VOTE:5-0-0-0)**.

2171-06. Adopting Local Law No. 2006, A Local Law to establish a Safe and Sustainable Procurement Policy.

The public hearing is closed. There's been an amended copy though, right?

MR. ZWIRN:

Yes.

CHAIRMAN SCHNEIDERMAN:

Now, wouldn't that require us to go back to public hearing, Counsel? No? Under our new rules I thought we have to go to public hearing on the final form.

MR. BARRY:

It only has to go back to public hearings if the changes were substantial, and these are not.

MR. ZWIRN:

If I might. There has been an agreement reached, I think, by all the parties, right? I can ask Counsel because I think he was a party to the last meeting.

MR. BARRY:

As of yesterday when we made the amendment, both the sponsors were in agreement on the issues. And as we understand it so is the County Executive.

LEG. CARACAPPA:

To move forward or to table?

MR. ZWIRN:

To move forward.

CHAIRMAN SCHNEIDERMAN:

To move forward.

MR. BARRY:

To move forward.

MR. ZWIRN:

I want to thank everybody for their help in that. It was a very productive -- it was a major undertaking. But I thank Ian as Counsel of the Legislature and all the parties that were involved,

that's Legislator Romaine's staff, the Health Department, DPW, really came together and did a nice job. It was a couple of meetings, but everybody worked together. And we think have a bill that everybody can work with, and it's very positive.

CHAIRMAN SCHNEIDERMAN:

Great news. Motion by Legislator Stern to approve, seconded by myself. All in favor? Opposed? Abstentions? 2171 is **APPROVED (VOTE:5-0-0-0)**.

2299-06. Adopting Local Law No. 2006, A Local Law to strengthen the policy for connections by premises outside of sewer districts.

This is Cameron's bill. I don't think it actually sets a policy, but it puts some parameters, I think, in place, things that we ought to be considering when approving connections.

LEG. STERN:

I'll make a motion to table. I know that I wanted to continue to have conversations with the sponsor, and he was agreeable to that. And we're only two weeks out, so.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion to table by Legislator Stern, seconded by Legislator Montano. On the motion? No discussion. All in favor? Opposed? Abstentions? 2299 is **TABLED (VOTE:5-0-0-0)**.

2431-06. Adopting Local Law No. 2006, A Local Law to reduce the emission of pollutants from diesel-fueled motor vehicles operated by or on behalf of Suffolk County.

There's a motion to table by Legislator Caracappa. The public hearing is not finished.

LEG. MONTANO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

There's a second to the tabling motion by Legislator Montano. All in favor? Opposed? Abstentions? 2431 is **TABLED (VOTE:5-0-0-0)**.

2594-06. Directing the Department of Public Works to conduct a traffic study of County Road 111 from the Long Island Expressway to Sunrise Highway.

CHAIRMAN SCHNEIDERMAN:

Commissioner.

COMMISSIONER ANDERSON:

This resolution is redundant. We've looked at -- this resolution directs us to conduct a traffic study the entire length of Route 111. We've looked at the road, the accident data, as well traffic data to say what, you know, any problems with volumes. The only problems with volumes you have are up at the interchange with 111. Accident data we find only impacts intersections to the north end where we've -- we've proposed and it's a forthcoming resolution to be talked about today, we're looking at doing a traffic study and an interchange improvement as well.

CHAIRMAN SCHNEIDERMAN:

We have no motions yet.

MR. ZWIRN:

If I might, Mr. Chairman. As you know as my Legislator, we travel this road, because it's out in our area, it's the way to get to and from homes and to Hauppauge. Originally there was one traffic light on this road. There are now three, and before DPW is done, probably before the year is out there will be three more. So on a five mile road, there will six traffic control devices. There will be very

little left to study, because you won't be going anywhere.

They're adding two traffic lights up by County Road 111 and the Long Island Expressway, at the community and Legislator Romaine's request, on either side, on the north and south side of 495. The surveying, I know, has been done, because I saw that. And I believe down at Halsey Manor Road, which also intersects County Road 111, there's going to be another traffic light going in there because there's a firehouse going in at that location. They've requested that a traffic light go there. We now have one down Sunrise Highway and County Road 111. And there's one other one. I think it's Eastport Manner Road. There's another traffic control device in the middle to slow traffic down. And effectively, we will have slowed traffic down immensely.

CHAIRMAN SCHNEIDERMAN:

That will be the new bottle neck now.

MR. ZWIRN:

My personal feelings, it will push traffic off of County Road 111, which is probably part of the design, on to William Floyd Parkway. I mean, there are going to be other roads that people are going to look to go to because it will be --

CHAIRMAN SCHNEIDERMAN:

Some of it's going to go the Route 24 -- County Road 24.

MR. ZWIRN:

Yes, that's probably true. People are going to look for alternatives, because there are going to be a number of traffic lights that are just going to bring -- you will not be able to flow. It's a 55 mile an hour speed limit. And I think one of the things that they thought about is reducing that. You won't have to because you won't be able to go very fast for very far. But that road is going to be -- understanding this is probably premature and would ask for this to be tabled at this time at least until we get the traffic lights up and see how traffic is affected before they complete the study.

CHAIRMAN SCHNEIDERMAN:

I have no motions yet.

LEG. EDDINGTON:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Eddington.

LEG. MONTANO:

I'll second the motion.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Montano. On the motion, Legislator Montano.

LEG. MONTANO:

Yeah. And this is not necessarily on -- this is related to the motion my question that I'm going to come out with. Your basic position is that we don't need this at this point in time; is that correct?

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

All right. I have in front of me, and I got this from my mailbox a little while ago, it's a budget -- it's called Budget Memorandum Number 1 of 2007. Have you seen this? This is a memo by -- I don't know if my colleagues have seen this. It was in my mailbox that I picked up right after my lunch

break. And I guess the question I'm asking is that we made a motion to table. But assuming that we approve this, the budget memorandum I have in front of me essentially says that even though the Legislature appropriated -- passed a resolution for a sound wall study and passed a resolution to bond it, the County Executive is not going to -- is not going to conduct the cost benefit study -- and this is offered by Mr. Sabatino -- for the caption project because it's going to be done on an in-house basis, thus avoid the unnecessary expenditure of \$100,000 serial bonds and associated interest. So what it essentially is saying that we don't care what you appropriate or what you approve, we're just not going to do it. Have you seen the memo I'm talking about?

COMMISSIONER ANDERSON:

No, I haven't.

LEG. MONTANO:

And that has to do with County Road 97. So although the question isn't really related this particular resolution, the issue is the same in my mind, in that if we're directing some action, you know, we're getting a reaction that the County Executive simply isn't going to do it. And I understand that this memo -- and I don't want to -- I don't mean to catch you blind, Ben.

MR. ZWIRN:

I can respond to that, because I think --

LEG. MONTANO:

By the way, I don't know what a Budget Memorandum Number 1 is.

LEG. CARACAPPA:

Was the resolution vetoed or approved? We need to know that first.

MR. ZWIRN:

Excuse me?

LEG. CARACAPPA:

Was it vetoed or approved?

MR. ZWIRN:

I don't know.

LEG. MONTANO:

I believe it was pocket -- it wasn't signed, but it was not vetoed. So that means it was approved.

MR. ZWIRN:

Let me go with -- if I can talk a little bit about the sound wall, because I know Legislator Caracappa --

LEG. MONTANO:

Do you see the nexus between the two issues? I don't want to go far afield.

MR. ZWIRN:

No. But I can respond to --

LEG. MONTANO:

If you don't see it --

CHAIRMAN SCHNEIDERMAN:

It's a larger issue.

LEG. MONTANO:

I see a nexus and that's why -- I don't want to take up the time on the resolution.

CHAIRMAN SCHNEIDERMAN:

It's worthy of discussion, but maybe at the end of the meeting after we've gone through the agenda you can bring it back up. I know there's a reappointment or an appointment that's waiting, you know.

MR. ZWIRN:

We see the direction and the policy that the County Legislature has put forward, but sometimes I think the County Executive as the Budget Officer says we can do this in-house -- and I'll give you an example of originally Legislator Crecca's sound wall study that he wanted in -- just down the road here, then the County Executive vetoed it, the veto was overridden. What we did, instead of going out spending the \$140,000 that was in the sound wall study, we asked Public Works if they could conduct it in-house and they did. And we came up with a solution with the community where we used the \$140,000 that was going to be used for the sound wall study as part of the construction proceeds to put up a safety wall in Smithtown to accomplish what we feel would be the same -- same thing. So it's not as if we ignored --

LEG. MONTANO:

All right. Because I don't think --

MR. ZWIRN:

Is this Legislator Lindsay's?

LEG. MONTANO:

And I think Bill Lindsay has made it clear, he doesn't care who pays for it and how it gets done as long as it gets done.

MR. ZWIRN:

And I think that's -- we're going to try to do it the same way. And I think with Legislator Caracappa's, that's also -- we're going to try to do it in-house if at all possible to save the money. And whatever money that we do save, that can be applied to any construction that's done further down. You know, County Executive is opposed to these, but having said that, he has moved forward with construction on the one down here in Smithtown. If it hasn't begun, it will be begun shortly.

LEG. MONTANO:

The own reason I bring it up is that apparently this memorandum was issued pursuant to Section 149(2) B of the Suffolk County Code, which in essence says that, "County Executive shall issue" -- I'm going to read from it -- "shall issue a written report to each Member of the County Legislature on March 31st, June 30th, September 30th and December 31st each year outlining the status of legislation," blah, blah, blah, "including but not limited to a written statement as to which laws or resolutions the County Executive has determined not to implement, enforce, administer or carry out." So I'm just trying to figure out, you know, what this memo really is saying, because if you're telling me that he's not going to not enforce it -- in other words he is going to do the study, he's just not going to do in the fashion that we directed, that's one thing. If he is not going to do it because he decides not to, that's a separate issue.

MR. ZWIRN:

Aside from budgetary matters, where if the Legislature put forward -- said we want to hire X amount of personnel, as the Chief Budget Officer, if the County Executive doesn't have -- doesn't believe that the resources are there to pay for that personnel, he has certain discretion as the Chief Budget Officer of the County to do what he has to do to keep the books balanced. I don't know if that's what that refers to in general.

But I know in specific -- I'll give you a good example we talked about today, which was the mercury-free vaccines. The Legislature set a policy, the County Executive and the Health

Department thought we could go another way, the money was not put in the budget for the mercury-free vaccines, we put a bill in to pay for it with an offset for about almost \$500,000. Again, this is where policy differed between the Health Department and the Legislature. The Legislature set the policy, the County Executive came up with the money to pay for it. So, I mean, the County Executive hears and understands -- look, he came from this body, he has great respect for it, even though there are oftentimes that they'll disagree, because that's part of the process.

LEG. MONTANO:

Ben, my only point was that, you know, you asked us to table this resolution, and, you know, we're cooperating. And, you know, we listen to the reasons, and sometimes we -- you know, most of the time we go along, sometimes we think different. But when I look at this one and you're saying, you know, table it, but then I look at another that says we don't care what you did, we're not going to -- you know, it kind of just -- I want to make sure I'm getting the right message.

MR. ZWIRN:

Take it from where it comes I think sometimes too.

LEG. MONTANO:

I don't think my colleagues have seen this. It's probably in your mailbox.

CHAIRMAN SCHNEIDERMAN:

We have a resolution in front of us. We have a body of discussion that's being recorded all related to 2594. Although this is an important topic, it really doesn't belong in our discussion of 2594. And we have -- did we get a motion to table? We have a second. Donna, you have that? We have a motion by Legislator Montano, seconded by Legislator Eddington. All those in favor? Opposed? Abstentions? 2594 is **TABLED (VOTE:5-0-0-0)**.

1023-07. Reappointing member to the Suffolk County Traffic Safety Board (William A. DeVore).

CHAIRMAN SCHNEIDERMAN:

Mr. DeVore is here. Though he doesn't have to as a reappointment, we appreciate you being here. And thank you for your service and your desire for continued service. Any questions as long as Mr. DeVore has been patiently waiting? Are there any questions for Mr. DeVore? If not, Mr. DeVore, is there anything you would like to say? If not, okay. Is there a motion to approve?

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Eddington to approve. Can I have a second? Is there a second?

CHAIRMAN SCHNEIDERMAN:

I will second. Wake up, everybody. I'll second 1023. All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0)**.

Congratulations. Mr. DeVore, you do not need to come to the full Legislature when it goes there. It's not necessary. Unless you enjoy that kind of thing. Congratulations.

1034-07. Appropriating funds in connection with construction of noise abatement structures on CR 83 North Ocean Avenue (CP 5556).

LEG. CARACAPPA:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Caracappa, seconded by Legislator Eddington.

LEG. CARACAPPA:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion.

LEG. CARACAPPA:

To my colleagues, you know, we have been talking about this sound wall study and project for sometime now. This money is \$50,000 for land acquisition, for the actual, and believe it or not, I have in my hand the first completed sound wall study ever to get through the Legislature, through Public Works and delivered to a Legislator. And it was delivered to me just yesterday. And I'd like to thank department, especially Mr. Hillman in his cooperation in getting it to me.

It's interesting. They did -- it was an outside consultant group that did it. And their report came back in the most, I guess, affected area of the roadway where I'm trying to get the wall up, they say definitely meets their criteria. In some areas, they say it didn't, but I wasn't looking for that to happen in those areas. So again, this is in the Capital Budget, we're not amending it, it's in there. The construction money comes next year or the year after that, and that's something my successor will take up along with all of you go if you want to route. But right now this is in the Capital Budget, it's \$50,000 for land acquisition, the report is done. It is, again, a very promising report as it relates to the sound and the decibel levels. And I think it's appropriate to move forward now. So I make, again, the motion to approve.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion and a second. Any other discuss?

CHAIRMAN SCHNEIDERMAN:

Commissioner Anderson.

COMMISSIONER ANDERSON:

I'm going to defer to Bill on the detail, but it was our intention not to proceed with the retaining wall. We've scaled the project back. We are basically going with -- in lieu of the wall, we feel we can get the same -- achieve the same results with what's known as a low noise asphalt pavement, a noise reduction asphalt pavement. At this point, I'll turn it over to Bill, because he can better explain it than I can.

LEG. CARACAPPA:

Mr. Chairman, this goes right back to what we were saying about Budget Memorandum Number 1 and what went through three years ago. It's not a question of what you are telling me what you want to do. This is a bill before the Suffolk County Legislature. There's been a study done by the Suffolk County Legislature. There is a bill before us now for land acquisition money by the Suffolk County Legislature. You say you are opposed to it, fine. Don't tell us you are not going to do it if we approve it.

Now, again, the County Executive has the right to veto, he has the right to try and do Budget Memorandums, he has a right to do it all. That's how government works; we approve and then he vetoes or approves it himself or pocket approves it. Please don't come here and say, well, yeah, the study is done, the findings are actually what Legislature Caracappa has been saying for all these years, and it's true on other County roadways too, but, you know, we're not going to do it. What is this?

COMMISSIONER ANDERSON:

That wasn't -- I misspoke. Our recommendation is not to do it. The reason being, again, I'm going

to defer to Bill. I don't want to put him in this position, but he can clearly define it better than I can.

LEG. CARACAPPA:

Before you go on, Mr. Hillman, let me just read some of the report. It says in figure three that at numerous locations the projected levels equal or exceed the noise abatement criteria for the respective land use category, and that's on Page 11.

It gives all the backups and the maps and where the sound receptors were. It shows also and it says it's determined by state noise analysis policy that a sound wall has to be considered economically reasonable and should do its job basically. It says right here, as shown table four, barriers one, two, three and five, and I only asked for two, are acoustically effective and economically reasonable. All right. We agree on that?

COMMISSIONER ANDERSON:

Correct.

LEG. CARACAPPA:

That's on Page 14. Page 13 -- I think I skipped over it -- six barrier locations were investigated, as I mentioned earlier, and I only asked for two. They're shown in figure four. And it says the barrier height, acoustic and economic analysis of the barrier location -- all barrier locations produce acoustic benefits with the maximum noise reduction produced at the barrier height of 14 to 20 feet. Through and through in this report that I commissioned through cash, what, back in 2003, four, says noise walls. It says primarily in those two locations between Granny Road and Bicycle Path exit. So why through a low -- a low volume pavement is how you are going to combat this study? I've got to hear this.

MR. HILLMAN:

Okay.

LEG. CARACAPPA:

This magical pavement.

MR. HILLMAN:

I'd like to just first start by putting the study in its context. When we do -- we follow the Federal Highway Administration guidelines for noise wall studies, and that dictates when any -- you add a third lane or you have a change, dramatic change, in either horizontal or vertical alignment, you address noise issues. And the original project we had intended here was to add an additional through lane. So we gave the consultant that alignment for that additional through lane, and they generate through a model, they generate what that -- the additional noise that that through lane would contribute to the existing noise, and you build the model and see how it's going to affect the surrounding areas. So that was all done.

And Legislator Caracappa is exactly right. It shows four locations that if this third lane was constructed would warrant noise walls. However, since we have completed the noise wall study in conjunction with that, we've also scaled back the highway job. So we're progressing two jobs simultaneously; the highway job and the noise wall study. They weren't done concurrently at the same time. We now scaled back the highway job to be three intersections locations, which does not dictate that noise wall assessment be required.

Therefore, that's -- the department's position is that since it's not required, we would not wish to progress with that, not that we won't if directed, and I didn't hear that when the -- I didn't hear the Commissioner say that, I think it was just a miscommunication. But if we don't add the third lane, we don't know what the noise is. The analysis is very clear. If we add the third lane, the noise levels are sufficient to warrant noise walls. What we're proposing is a noise reduction pavement, which can -- there have been numerous studies in three different continents, quite a few done here in the US, quite a few in Europe that have identified noise reduction pavements can reduce the

decibels by up to 50%, and it would range anywhere from five to ten decibels.

CHAIRMAN SCHNEIDERMAN:

Bill, just to be clear, you're talking about the actual road surface material would be a different that does not create as much noise as the roll over it.

MR. HILLMAN:

That's correct. And we presently, this year, have plans to resurface this section of roadway. And I've already instructed our highway group to install this type of pavement. So the only thing we're identifying is that we'd like to see how that progresses. And if that has a substantial -- it can dramatically decrease the noise and at a much, much more cost effective approach. So if -- you know, what we're saying it let's resurface it and maybe take a second look at this.

LEG. CARACAPPA:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator Caracappa.

LEG. CARACAPPA:

Those of you know the area I'm talking about, and most of you probably do if you've been to Bald Hill, you know, where the monument is, the Suffolk County Vietnam Memorial, we're talking about Granny Road to the South Bicycle Path exit, which is a tremendous -- if you're heading northbound, a tremendous upgrade, heading southbound, a tremendous downgrade; trucks, cars, motorcycles. It's the revving of the engines or the downshifting of these trucks that creating this massive noise level.

In fact, there were preexisting levels taken during the study. That's what it was about. And they came in over 80 decibels a point -- at one point, where a jet aircraft landing is just over 100. So there was preexisting noise study done. It wasn't based on possible road projects. They did do some analysis based on what the future might hold, but they did do it on what the current conditions are. You can put down rubber coating on the road, in this area because of the grade, because it's three lanes, which is another rarity on a County Roadway with no shoulders and barely no right-of-way access between the houses, the real property of these homeowners and the County Roadway has created this significant noise problem.

County Road 83 in this juncture is a very unique situation by way of these trucks, cars, motorcycles making noise. On top of that, the Bald Hill Amphitheater hosts a cruise night once or twice a week in the summertime, through the spring, through the fall, where you have every hot rod, suped-up motorcycle, suped-up truck heading up and down that Hill. And that was taken into account in the study too. They did a special reading on that night, and guess what? We're close to that -- over that 80 decibel level. So I appreciate -- I hope that you do this noise reduction pavement with the wall, because that might even help even further, because it's going to take both of those efforts most definitely to get the noise down for those poor people. And if you've been out there and you stood in their backyard, you know exactly what I'm talking about.

CHAIRMAN SCHNEIDERMAN:

Legislator Eddington.

LEG. EDDINGTON:

Thank you. Luckily this is two blocks out of my district. However, I travel it all of time. I want to reiterate what Legislator Caracappa is saying. It's like planes talking off because everybody accelerates. And it doesn't matter what kind of vehicle, it is vibrating, the houses are like where that wall is in the back of our room, that's how close they are. I just -- we're not talking about tire noise. We're talking -- it's coming out of the back of these vehicles. Legislator and like Caracappa said, when they have events in Bald Hill it gets worse. Generally it's terrible, but when they have

these events, it is a horror for these 20 or 30 homes on that block. And I don't see how you could make it out of rubber. It's not going to eliminate that noise coming out the back. I just don't see how that can work.

LEG. CARACAPPA:

And again, this study does say it's appropriate to do these sound walls. They do talk about other mitigating factors, but sound walls at six different locations along the corridor between Granny Road and Route 25. It's not what we're looking for here. We're looking for the one area -- the two areas where they say it's highly recommended between Granny and the monument. And I'll leave it at that.

MR. HILLMAN:

I'd just like to make one more point that the report also does address, as Legislator Caracappa has indicated, with regard to the hot rod show that frequently occurs at Bald Hill, but they did go on to say that that was excluded from the noise analysis essentially, because you can't take one special event that happens infrequently and try to engineer around that. So although it was looked at, it didn't enter too much into the equation.

CHAIRMAN SCHNEIDERMAN:

It sounds to me if you're combining the noise reduction pavement with the sound wall you'll have a good project, so.

LEG. CARACAPPA:

Damn, you are a good Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

I'll leave it there.

CHAIRMAN SCHNEIDERMAN:

Any other -- Legislator Stern.

LEG. STERN:

Yeah, because I just don't know if there was any answer to the question. But we're talking about potential changes in circumstances here and the proposal to lay down this resurfacing. So I guess through the Chair, is there an answer to the question of whether or not this resurfacing will have any appreciable impact on not just the tire noise, but all of the other sources, you know, of noise along the way? Is that even going to be a factor here?

MR. HILLMAN:

The asphalt -- the rubberized asphalt pavement will not in way affect the noise from the exhaust or the acceleration noise, it only reduces tire pavement noise.

LEG. CARACAPPA:

Which is the main problem, the acceleration noise and the deacceleration noise.

LEG. STERN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Okay. So we have a motion to approve and a second on resolution 1034. All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0)**.

1079-07. Adopting Local Law No. 2007, A Local Law to amend the County policy for

sewer connections to promote affordable housing.

This hasn't had a public hearing yet, so I'll make a motion to table.

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Eddington. All in favor? Opposed? Abstentions? **TABLED (VOTE:5-0-0-0).**

1082-07. Amending the 2007 Capital Budget and Program and appropriating funds in connection with improvements at Raynor Beach County Park (CP 7175).

LEG. CARACAPPA:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Caracappa.

LEG. STERN:

Motion to table.

LEG. CARACAPPA:

On the motion.

CHAIRMAN SCHNEIDERMAN:

Hold on. We have one motion to approve and one motion to table, so we need a second somewhere.

LEG. EDDINGTON:

I'll second to table.

CHAIRMAN SCHNEIDERMAN:

All right. We have a second on the tabling. Legislator Eddington seconds the tabling motion.

LEG. CARACAPPA:

Thank you. A couple of us share this area; Legislator Alden, Legislator Lindsay, myself and Legislator Kennedy. We're basically dragged through the mill on this appropriation for, I guess, almost a year now. Granted we've done a tremendous amount of improvements at Raynor Beach Park. In fact, it's one of the premier County Parks within our park system right now. We told him go get some assistance from the Town of Brookhaven, whether it be through the Supervisor's Office or the Highway Department, he did that. And there's a letter in the backup from Supervisor Brian Foley in the Town of Brookhaven saying it's a warranted project and we're going to kick in, I believe it's either 20 or \$50,000 to these needed improvements for additional sidewalks and \$50,000.

So we asked Legislator Kennedy to do this to make it more feasible to us to approve it. And I was one of them, and I represent that area. And he did it, and I think because he's done that and we've asked that of him we should approve it.

LEG. STERN:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Yeah. That was my understanding as well, until I started to look at this letter today, which shows that there's been I think an amendment to my understanding of what that agreement was with the Town of Brookhaven. So now it says that there won't be an accompanying appropriation from the Town of Brookhaven for \$50,000, but rather it requires the Town of Brookhaven do provide a match in the amount of \$50,000, or its equivalent of in-kind services. So I don't know what that means.

MR. REINHEIMER:

I can speak to that. The discussions with the Executive's Budget Office had brought to the attention the question was the Town of Brookhaven remitting \$50,000 to Suffolk County and Suffolk County was making the improvements, or was the Town of Brookhaven providing \$50,000 in services to make improvements? The discussions with the sponsor, he got the approval letter from the Town of Brookhaven that they are, in fact, going forth with \$50,000 in funds to make the improvements. The Town of Brookhaven will be spending that money.

The change really was a technical change on the appropriation, the original resolution appropriated \$100,000 from Suffolk County, 50,000 was going to be bonded and 50,000 was provided by the town with other funds. So it's a minor change. It really is not a change in substance in terms of the commitment from the Town of Brookhaven. They're still committed and will provide 50,000. From talking to the sponsor, they are providing \$50,000 in funds, not in in-kind services.

LEG. STERN:

That commitment comes in -- that commitment comes in what form? Because clearly this gives the Town of Brookhaven the option.

MR. REINHEIMER:

The commitment, I believe, as Legislator Caracappa said, was a letter attached to the -- as the backup to that resolution, which I have not seen that letter.

LEG. STERN:

To the amended copy? I saw the original letter --

MR. REINHEIMER:

Right --

LEG. STERN:

We had that, until this to me was a significant change.

LEG. CARACAPPA:

Equivalent verifiably in-kind service.

MR. REINHEIMER:

The letter was actually received prior to those changes, prior to the in-kind services. The Town of Brookhaven is committed to \$50,000. That's the intent from the town.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. STERN:

This is from our Counsel dated yesterday.

LEG. MONTANO:

Okay. I'm getting this. And I apologize I haven't read the letter sooner, but it's 50,000 cash or 50,000 in-kind? I mean, that's -- isn't that the question?

MR. REINHEIMER:

The Town of Brookhaven is committing \$50,000 towards the project. Our concern --

LEG. MONTANO:

Right. But in what form?

MR. REINHEIMER:

In cash. In funds.

LEG. MONTANO:

In funds. They're appropriating a 50,000 --

MR. REINHEIMER:

They are spending \$50,000 for improvements.

LEG. CARACAPPA:

In other words, they're not sending Suffolk a check for 50 grand, and we're going to do --

LEG. MONTANO:

That's what I'm saying, we're schematics . When you say they're spending -- I'm asking how are they spending it; in-kind versus appropriation?

MR. REINHEIMER:

They are going to spend \$50,000 to make improvements, rather than give Suffolk County the funds and Suffolk County make the improvements. The Town of Brookhaven is going to spend \$50,000 in improvements.

MR. ZWIRN:

Mr. Chair, if I might suggest, maybe we could discharge this without recommendation, get someone from the Town of Brookhaven at Tuesday's meeting to go on the record and make it clear so it gets to the floor.

LEG. CARACAPPA:

I'll make that motion, Mr. Chair, discharge without recommendation.

LEG. MONTANO:

I'll second it.

CHAIRMAN SCHNEIDERMAN:

We still have a tabling motion which supersedes. You want to withdraw the tabling motion?

LEG. STERN:

Withdraw the tabling motion.

CHAIRMAN SCHNEIDERMAN:

The tabling motion is withdrawn.

LEG. STERN:

But, yes, if we can be sure that there is a representative from the town to come forward on Tuesday and let us know what those in-kind services are. And I think Legislator Caracappa is right, if someone comes in with this laundry list and tells us what they're going to be doing, that would be fine.

LEG. CARACAPPA:

That would be great.

CHAIRMAN SCHNEIDERMAN:

Okay. Motion to table is withdrawn. There is a motion -- who made that motion to discharge without recommendation? I think Legislator Caracappa.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Eddington. All in favor? Opposed?

MR. ZWIRN:

Mr. Chair, if I might, will someone call the Town of Brookhaven and just ask someone to show up, one of the Commissioners or the Supervisor?

LEG. CARACAPPA:

I think someone will get in touch with Legislator Kennedy. I'm sure he has all that already.

MR. ZWIRN:

Somebody -- we don't remember not to call somebody, that's all.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? 1082 is approved -- - I'm sorry -- **DISCHARGED WITHOUT RECOMMENDATION (VOTE:5-0-0-0).**

1083. Authorizing the execution of an agreement by the Administrative Head of the Suffolk County Sewer District No. 3 - Southwest with Rubies Costumes.

This is what the Commissioner spoke on earlier -- Commissioner Morgo spoke on.

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Eddington.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0).**

LEG. CARACAPPA:

Just on the motion real quick.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. On the motion, I already called the vote, but --

LEG. CARACAPPA:

I'm sorry. They were already in the process, they had preapproval, so this doesn't fall under the Alden law, because this is outside Southwest?

CHAIRMAN SCHNEIDERMAN:

In terms of the price?

LEG. CARACAPPA:

Yeah.

COMMISSIONER ANDERSON:

This was prior to.

LEG. CARACAPPA:

Thank you.

CHAIRMAN SCHNEIDERMAN:

They were grandfathered. So that was approved.

1103. Directing the Department of Public Works to expand the 7D Bus Route.

LEG. EDDINGTON:

Motion to table.

MR. ZWIRN:

If I might.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Eddington.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Stern. On the motion, I'll recognize Ben Zwirn from the County Executive's office.

MR. ZWIRN:

I spoke with Bob Shinnick, who's here today, but just to expedite it, we're going to make changes to this bus route, but he has -- DPW has to go into the industrial park, talk to the owners of the businesses, find out what their schedules are. We're going to need some funding to do it. It's going to be some minor adjustments, but it will be done. It's just a little premature at this time.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion to table and a second. All in favor? Opposed? Abstentions? **1103 is TABLED (VOTE:5-0-0-0).**

1119. Appropriating funds in connection with improvements to the County Correctional Facility C - 141, Riverhead.

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator Eddington, seconded by Legislator Stern. Commissioner, can we get an explanation?

COMMISSIONER ANDERSON:

Just bear with me one second. This is work that is being done at the Riverhead Jail at the request of the Sheriff's office. It involves numerous construction activities, including repairing the roof, plumbing leaks, some floor repairs, reconfiguring a second pod housing area for direct supervision, air handlers, 24 air handlers to be exact and duct cleaning as well as replacing perimeter heating and controls, replacing the main electrical switch and automatic transfer switch and modifying the

parking lot and providing a sanitary connection for the existing security booth in -- at the facilities front entrance.

CHAIRMAN SCHNEIDERMAN:

Thank you. All right. There was a motion and a second. All in favor? Opposed? Abstentions? 1119 is **APPROVED (VOTE:5-0-0-0)**.

1121-07. Amending the Adopting 2007 Capital Budget and Program and appropriating funds in connection with interchange improvements for CR 111, Port Jefferson-Westhampton Road, at the LIE Service Roads, Town of Brookhaven (CP 5123).

LEG EDDINGTON.

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Eddington, seconded by Legislator Stern. On the motion, could we have an explanation?

COMMISSIONER ANDERSON:

This was worked out -- Ben was speaking about earlier. These are improvements to intersection at -- excuse me -- at the intersection with the Long Island Expressway. This is work that we feel, you know, is necessary and will not only help traffic flow through, but it will also be some safety improvements as well.

MR. ZWIRN:

It came out of meetings with the communities. We had a number of in Manorville. For the those of you who are familiar with this particular road, there is an island right now that sits on the overpass. That's going to be removed. They're going to add a double turn lane going left to get primarily the Hamptons' traffic getting back going west on the weekends. And one lane will be able to go straight through so the people can get back into Manorville, otherwise they get jammed up there where there are a lot of illegal turns and traffic just doesn't move.

So there will be two traffic control devices, one on the south -- on the service road on the south side and also a traffic control device on the north side so that cars that are heading west on 495 that exit to County Road 111 will be able to make a left-hand turn during the summer without having to go down the church there and make a u-turn and then come back up the road. So that -- the community has requested this. And the work is already -- as I said, the surveying has been done. This is the final piece, because we're going to try -- we need the money to do the construction.

CHAIRMAN SCHNEIDERMAN:

Have you checked to make sure that it's not going to back traffic up to the LIE while they're waiting at the light to make the right?

MR. ZWIRN:

Will it back traffic up? Traffic is backed up on the LIE now.

CHAIRMAN SCHNEIDERMAN:

It's already bad.

MR. ZWIRN:

It's very bad. They are looking at a long-term solution to try to see if they can somehow improve the exit off the Expressway, but they will need the State in order to do that. But this is some temporary relief in the short term for the people who are crying out who can't get in and out of their homes, out of their driveways off County road 111, off Bower Avenue. I mean, it's a reaction -- we're trying to help out the community as best we can without -- without -- with the power that the County has without getting the State involved. Ultimately, this is an area that will probably need

clover leaves. I mean, the traffic is so heavy, but you're talking about such a massive project, they may have to wait eight to ten years for that to take place. They weren't in the mood.

COMMISSIONER ANDERSON:

That will progress under a long-term plan.

LEG. CARACAPPA:

Mr. Chairman, shouldn't we do a study then?

CHAIRMAN SCHNEIDERMAN:

We have a motion and a second. All in favor? Opposed? Abstentions? 1121 is **APPROVED (VOTE:5-0-0-0)**.

1128-07. Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for a Safety and Security Improvements Program for sanitary facilities in Suffolk County Sewer Districts (CP 8103).

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Eddington, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0)**.

We took care of 1138 and 1139.

1151-07. Authorizing transfer of ten (10) surplus County computers to Town of Brookhaven St. Michael's recreation center.

Motion to approve by Legislator Eddington, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0)**.

1159-07. Approving funds in connection with traffic-signal improvements on various County roads (CP 5054).

LEG EDDINGTON.

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator Eddington, seconded by Legislator Stern. Commissioner, any information?

COMMISSIONER ANDERSON:

Let me check with Bill.

MR. HILLMAN:

This is our annual fund for traffic signals, and it's at various locations. I believe there was a list attached to the resolution giving specifics. But it's -- this is ongoing. We take the highest priority -- we set our priorities in the beginning year, and as the year goes on, sometimes they change. The County Road 111 signals will actually be funded out of this. That's why it's of such urgent nature at this point.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to approve and a second.

LEG. EDDINGTON:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion.

LEG. EDDINGTON:

Just quickly, can things still be added to that list, like Woodside Avenue, Pennsylvania Avenue?

MR. HILLMAN:

We have approximately \$500,000 per year. We appropriate a million dollars for two years. We prioritize the list as best we can, and it does change -- it does change at times, yet things can be added and other things have to slip.

LEG. EDDINGTON:

Is the funding, like, for restriping wasn't used, that \$150,000, would that -- could it be appropriated for this?

MR. HILLMAN:

It could be added to -- yes. Those funds could be added to this Capital Program to facilitate additional traffic signals.

LEG. EDDINGTON:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0).**

HR01. Home Rule Message requesting State of New York to establish the Peconic Bay Regional Transportation Council.

I'll make the motion to approve, seconded by Legislator Eddington. Discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE:5-0-0-0).**

All right. We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 3:56 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY