

**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, April 17, 2007.

MEMBERS PRESENT:

Legislator Jay Schneiderman - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Jack Eddington

MEMBERS NOT PRESENT:

Legislator Joseph Caracappa
Legislator Rick Montano

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
Kevin Duffy - Budget Review Office
Gil Anderson - Commissioner - DPW
Tom Laguardia - Deputy Commissioner - DPW
Catherine Stark - Aide to Chairman Schneiderman
Tim Laube - Clerk - Legislature
Ben Zwirn - County Exec's Office
Gail Lolis - County Attorney's Office
Donald Fiore - IBEW Local 25
Kevin McAllister - Peconic Baykeeper
Mike Giacomaro - East Yaphank Chamber
Robert French - Empire State Carpenter
Joseph Carabott
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

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

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to call this meeting of the Public Works and Transportation Committee to order this 17th day of April, 2007. Forgive some of us Legislators, we just got back from a trip. Those of us who are Veterans and Seniors, we were touring the VA Facility out in Northport-Centerport area. Please rise and join us for the Pledge of Allegiance led by Legislator Stern.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

If you will remain standing, I'd like to ask, first, for a moment of silence for the 32 young students from Virginia Tech who died in the shocking violence. I'm sure you all heard about that at this point. A moment of silence for them and prayers for their families.

MOMENT OF SILENCE

CHAIRMAN SCHNEIDERMAN:

I'd also ask for one more moment of silence for all of our troops who have died and paid the ultimate sacrifice in Afghanistan and in Iraq. If we could have a moment of silence to thank them and pray for them as well.

MOMENT OF SILENCE

CHAIRMAN SCHNEIDERMAN:

Thank you. Thank you for coming. Again, apologies for the delayed start. We're going to start with the public portion. I have a handful of cards here. We allot each speaker three minutes to make their comments or ask their questions. We're going to begin with Kevin McAllister. Kevin, if you will step up to the podium. Just identify yourself for the record.

MR. MCALLISTER:

Good afternoon. My name is Kevin McAllister, President of the Peconic Baykeeper, and I'm here to talk a little bit about stormwater. Very timely discussion. I look forward to the presentation. As many of you know, stormwater is a major pollution in our estuaries. A number of years ago, I actually did a mapping exercise for Suffolk County where at least over 300 pipes were identified in the Peconic Basin. And I would guess that, you know, we're probably on the order of a thousand for the South Shore or greater.

Relative to the runoff and major concern, and you will see, I guess from the presentation, certainly the amount of debris, but the bacterial loading that's impacting our bathing beaches, as well as our shellfish beds. Approximately a third of all the shellfish beds are closed due to high bacteria levels. And over the course of the last couple of years, I think particularly last summer with the wet season that we had, there were numerous days where the bathing beaches were closed. So it's a real problem.

Mr. Hillman and I spoke approximately a week ago, and I was very pleased to hear that the County is aggressively pursuing stormwater remediation, certainly looking at the pipes and recognizing that this is a serious problem. And also, I was pleased to hear that consideration for more advanced technologies. It's not an easy fix, particularly where the infrastructure is in place and the ability to rip up roadways and pipe ways to divert water into wetlands or, you know, grassy swails, more of the biological remediation. But there are technologies that are out there that are in use in other parts of the country with a great deal of effectiveness, particularly some of the filters or sponges, as they're described that will absorb and break down ultimately or capture many of the volatiles, the oils and greases and fuels that are in stormwater as well as the ability to knock out the bacteria levels. So, again, I applaud Suffolk County for pursuing this issue aggressively, certainly the Department of Public Works and Mr. Hillman for, I think, his leadership role in this. Thank you.

CHAIRMAN SCHNEIDERMAN:

Kevin, can I just ask you really quick, as the Peconic Baykeeper, in the area of the Peconics where we have the Peconic Estuary, and knowing how expensive some of this stormwater remediation abatement programs can be, since we do have a federally protected estuary, has there been much in terms of federal funding to help with this kind of thing? Because we're bearing brunt of it on the County trying to take care of the problem.

MR. MCALLISTER:

As a matter of fact, I think it was approximately a year or two ago, Congressman Bishop was successful I think in the -- through the Transportation Committee, I believe, in securing a million dollars for the Estuary Program to ultimately be implemented for stormwater remediation. So certainly, I believe the Federal funds are out there. Just, I think, aggressive representatives to bring some of those fundings locally.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MR. MCALLISTER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Donald Fiore.

MR. FIORE:

Good afternoon, distinguished members of the Public Works and Transportation Committee. My name is Donald Fiore. I'm the Business Manager of Local Union 25, and I'm here to talk about the tabling of the sewer hook-up, the permit for the sewer hook-up for the Tanger Mall. I don't have a prepared speech, but I want to talk about in the past what had happened that this hook-up went before this committee, went before the full Leg, and it was approved. And because of time -- it was time-barred because of the permit, I believe, was extended over a year, that the permit had to be extended. And when they went for the extension of the permit, it was to my knowledge that the extension was denied.

CHAIRMAN SCHNEIDERMAN:

It was tabled.

MR. FIORE:

It was tabled. Denied, tabled, it's the same thing as far as the business trades go building trades go, because, you know, every time we lose a day for a project to start, not only does it hurt our people, but it hurts Suffolk County in the long run, because, you know, we're hard working individuals. All the people in the trades are hard working individuals. We pay our taxes, we recycle the money that's in this County right here. Naturally, we have some people Nassau County, but we're talking about Suffolk County right now.

And if it was tabled, I'm not sure why it was tabled. And I think -- I think I'd like to have an answer if you could possibly help us, because it seems to me like we have a tail wagging the dog. And if this went through the Leg, and it was okay with the Leg., I mean, I don't see why that extension could not have been given. And what it's doing right now, it's delaying that project. And, you know, we need our people to go to work. We've just come off a long cold summer (sic). And some of the trades have been hurting for a long, long time including the electricians. And this project was a bright light for us. And now, what it's doing -- what the committee is doing is they're actually holding this project up, and it's creating hardship for people in Suffolk County that -- that spend money in Suffolk County. Do we have any reason why that was -- why that was held up?

CHAIRMAN SCHNEIDERMAN:

I was there at the meeting. It wasn't the Legislature or the Legislative Committee, it was the Sewer Agency. I sit as a representative as Chair of this Committee, so I can share some of the dialog. I tried to put up a bit of a fight against the tabling, because I felt like it should be extended. The concerns that were raised in conjunction with those who were asking for it to be tabled was that the County Attorney's Office and the applicant, those representing Tanger, there were some details that -- within the contract -- the contracts hadn't been signed, and there were some details that they were still trying to iron out or negotiate, whatever it might be. They wanted more time.

I had felt that it's fine if they needed a little more time, then we ought to extend so they would have more time, but I think that they felt -- those who were on the side of tabling it felt that the best mechanism to assist them at this point would be to table it. There are some people here who were at that meeting. If they want to speak when it's their turn, they might be able to provide some light. But that's -- you know, the meeting was just a couple of days ago, and that is my recollection of the discussion.

So I really haven't got a clear answer as to why it was tabled, why it could not have been merely extended. Usually these things are extended, so it's a little bit unusual. But you'll have to ask somebody from the prevailing side as to what their reasoning was in detail.

MR. FIORE:

And I thank you for your support. And, you know, I agree you wholeheartedly that, you know, even if you were to extend that and continue talking, I think that's where some of it breaks down. When the communication stops and there's no more dialog, that when things start to fall apart. And, again, I applaud you.

CHAIRMAN SCHNEIDERMAN:

I don't want you to interpret this tabling as that the project is dead in any way. I think that would be -- that would be unfair. This Legislature has approved the hook-up almost unanimously, I think it was 17 to 1. The project, I believe, is going to move forward. I believe all parties are negotiating in good faith. Some of the details are missing, and I think it's important that you have them. But unfortunately I won't be able to provide them, because I don't know all those details.

MR. FIORE:

Can you give us somebody that we could talk to that provide us with that.

CHAIRMAN SCHNEIDERMAN:

Well, the Chair of the Committee is sitting two rows behind you, Commissioner Anderson. I don't know, Commissioner, if you want to address any of it, but -- do you want an opportunity to speak to this?

COMMISSIONER ANDERSON:

Gil Anderson, Commissioner of Public Works. Yeah. Essentially what you outlined was exactly what happened. There were some questions from the County Attorney's Office regarding issues that had to be resolved in the various contracts, and it was a request on their part to table it at that time. Upon that request, everybody basically took -- you know, we took our vote and the vote was agreed to.

MR. FIORE:

I apologize. I don't want to get into a debate here, but three of the people on that committee, you know, thought that it didn't need to be tabled and it could move forward even though it had expired. And I fail to see the reason. Help me understand the reason why the other four commissioners said, "No, we're not going to extend that permit," when three said it was okay and four said no, it wasn't okay. If you can help me to understand why -- I mean, what would be the harm extending the permit and talking at the same time?

COMMISSIONER ANDERSON:

I don't know that harm is the right word to use. One way or the other, I mean, you know, essentially, you know, our understanding of it was that there were these issues that were out there, there would be no harm in tabling it until the answers were received. And upon the recommendation, we made the vote accordingly.

CHAIRMAN SCHNEIDERMAN:

Now, there will be another meeting of the agency in a month.

MR. FIORE:

Let me just go on record that harm is probably the right word to use as far as the building trades go, because it harms our people when we do not get a chance to go out on that job and work and do what we do best, and that's build Long Island. Thank you very much, appreciate it.

CHAIRMAN SCHNEIDERMAN:

Appreciate that. Let me ask Counsel a quick question.

APPLAUSE

CHAIRMAN SCHNEIDERMAN:

Being that this was tabled and the Legislature had already voted, the Legislature has voted for the hook-up, but the initial, I guess, final approval that was done by the Sewer Agency had a year and then that expired.

MR. NOLAN:

That expires. It's not unusual for -- at least in my understanding, it's not unusual for there to be these type of votes to extend the time period to finalize the contracts to the do hook-ups, generally done on a pro forma basis.

CHAIRMAN SCHNEIDERMAN:

In this case too, I think it took a while to get -- it took a while to get through the Legislature and be approved. So they only had, I think, a couple of months from the time that they actually had Legislative approval to try to finalize the contract. There was a difference opinion clearly as to what the right course was. Okay. The next speaker I have is Joseph Carabott.

MR. CARABOTT:

My name is Joseph Carabott. I reside at 35 VanBuren Street, Mastic, New York. On November 18th, a meeting took place at the Brookhaven Town Hall at five o'clock. It was conducted by the Department of Public Works. Prior to this meeting, Vincent Kinieby and I argued that the new lane at Surrey Circle -- he's saying that it will not add more traffic, and they insisted that it will add more traffic. When the meeting started, I started a letter that I wrote to the South Shore Press, Mr. Mascaro, the chair, asked me -- asked Vincent, "Are you sure this is not going to add any more traffic?" Now Vincent answered, "Maybe 1%." My comment was, "Maybe I rather have 1% less than 1% more."

At a meeting that took place on the 15th of June last year at Kate Browning's Office, mister -- this Vincent Kinieby denied that he ever said that. So I came to the Legislator's office, read the meetings. The questions that I was asked, Vincent was asked, the answer that -- the answer that Vincent gave and the comment that I made on it are not part of those meetings. Not only that, the meeting took place at five o'clock in the afternoon. According to the document, the meeting took place at 1:30 in the morning. And because no meeting took place at 1:30 in the morning, I consider that they have over here never took place, because this is document says it took place at 1:30 in the morning.

CHAIRMAN SCHNEIDERMAN:

For the record, that's a Brookhaven Town meeting, right?

MR. CARABOTT:

No. It was a Department of Public Works meeting held at the Brookhaven Town Hall conducted by Mr. Mascaro, Jeffrey Mascaro.

CHAIRMAN SCHNEIDERMAN:

And you had wanted to offer your comments at that meeting.

MR. CARABOTT:

The comment -- the question that was asked to Vincent is not part of the meetings, the answer that Vincent gave to Mr. Mascaro is not part of that meeting, the comment that I made regarding seeing 1% less traffic than 1% more traffic is not part of that meeting. Not only that, Mr. Mascaro also asked me, "Where are these roads," when I mentioned these roads. I said, "These people are making such a major change and they don't know where these roads are?" Okay.

I explained to them that both of these roads are eastbound roads. That again, is not part of the meeting. So, again, I insist, because the meeting took place -- according to your document, the meeting took place 1:30 in the morning, and no meeting took place at 1:30 in the morning. That document is false.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. Are you going to show us a video?

MR. CARABOTT:

While I have some time, because this is what prompted Mr. Mascaro to ask him question.

CHAIRMAN SCHNEIDERMAN:

You don't have a larger screen, do you?

MR. CARABOTT:

When the video was going on the this is what was -- the Chair never asked that question unless I was convincing him that this new lane was going to dump more traffic on our roads.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

MR. CARABOTT:

You are welcome.

CHAIRMAN SCHNEIDERMAN:

Maybe when the Commissioner comes forward -- I'm not overly familiar with that Surrey Circle-Lined Avenue and the issues there.

MR. CARABOTT:

You have a very astute aide who's knows what I'm talking about.

CHAIRMAN SCHNEIDERMAN:

Our next speaker is Mike Giacomaro.

MR. GIACOMARO:

Thank you. My name is Mike Giacomaro. I'm President of the East Yaphank Civic Association and also the East Yaphank Chamber of Commerce. I'm here for the East Yaphank Chamber of Commerce. I'd like to thank County Legislator Kate Browning also County Legislator Ed Romaine as well as the County Legislature for conducting the feasibility study for the expansion of Bus Route 7-D. And like some other people, it's been tabled for the implementation of that bus route.

Part of the what the study has shown is that there are -- and it doesn't spell it out specifically. It mentions that there are several employers at the industrial park that have between 200 and 500 -- 400 employees, but the grand total is well over 1000 employees at the industrial park that could be potential riders or for the implementation or the expansion of Bus Route 7-D. But also what is not shown is that many of those people who work, and we're talking about workers, not the executives at the industrial park, are also people who live in the area that is serviced by Bus Route 7-D, including East Yaphank, Manorville, Manor Park, Mastic, Shirley areas. So I would ask that you please untable -- if that's a correct word -- or move along the expansion of Bus Route 7-D.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

MR. GIACOMARO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

And I know when that resolution comes up I will be asking some questions of the Commissioner who I know has been working on that issue. Okay. Lastly, Robert French from the LIU Number 7.

MR. FRENCH:

Yes. Good afternoon, Committee Members of the Public Works and Transportation Committee. My name is Robert French. I'm a Council Representative for the Empire State Carpenters Local Union 7.

I'd also like to express my displeasure in the recent tabling of the permit for the sewer hook-up on the Tanger Mall project. This also affects my carpenters, 2500 which are members of Long Island, they work here on Long Island, most of them live and work in Suffolk County. And any delay in this project would be detrimental to their economy and wellbeing of their immediate families.

Mr. Fiore had brought up that there was some issues -- excuse me -- rather the commission -- Commissioner had stated that there were some issues that needed to be resolved regarding the permit. I was wondering if he could expand on what those issues are and the reason behind the tabling of the permit.

CHAIRMAN SCHNEIDERMAN:

I'll leave that up to the Commissioner. If you wish to.

COMMISSIONER ANDERSON:

At this point really, it's -- from what I understood, and I don't know specific issues that were involved, but the agreements weren't whatever -- you know, there were agreements that were mentioned that had not been completed, and it was our understanding and at the request of the County Attorney's Office that until they were resolved, we should hold off on basically approving the request. So based on that request of the Attorney's Office, we basically, you know, agreed to it.

MR. FRENCH:

Maybe you can explain to me, if you don't know what the specific issues were, how you can go forward and table a permit that is important to all of the local tradesmen on Long Island?

COMMISSIONER ANDERSON:

Again, at the same point, I could not in good conscience go against the County Attorney's Office if they made the recommendation to table it, and that was basis for our approval (sic).

MR. FRENCH:

Well, in my opinion, there were some -- some things that were overlooked great. And the greater good and interest of the community of Suffolk County was overlooked in this tabling of this permit. I would hope that at the next meeting, that this commission and the Commissioner would take a more serious look at this and take the interest in the tradesmen of Long Island into account and

allow this project to go forward and have this permit extended. Thank you.

APPLAUSE

CHAIRMAN SCHNEIDERMAN:

Thank you. Okay. That's all the speaker cards I have. Was there anyone else for the public portion who didn't fill out a card? Okay. Then let's move on. We have some presentations. At this point I'd like to ask Commissioner Anderson to step forward. I think you will be joined by Bill Hillman, Chief Engineer. I have some other people too, Bill Colavito, Jeff Dawson and Eric Bergey.

COMMISSIONER ANDERSON:

If the Chairman and the Committee would please, I'd like to first introduce our new Chief Deputy Commissioner for the Department of Public Works. Tom Laguardia is now our Chief Deputy, welcome and a good addition to the Commissioner's Office and the department.

CHIEF DEPUTY COMMISSIONER LAGUARDIA:

Thank you, Commissioner.

COMMISSIONER ANDERSON:

Chairman Schneiderman, Members of the Public Works Committee, thank you for the opportunity to provide this presentation on the status of the County's Stormwater Management Program. Over the course of this presentation, we will cover the following topics: What's in stormwater, how we remediate stormwater, the history of the Department of Public Works Stormwater Management Program, project implementation in the past, Legislative initiatives and the inception of the Water Quality Protection and Restoration Program, project implementation in the present, the Environmental Protection Agency Phase II and the Stormwater Management Program, the Department of Environment and Energy, project implementation in the future.

The current mandates to control and remediate stormwater discharging from municipal storm sewer systems to open waters originated out of the Federal Government's Clean Water Act. The statutes mandates that the states implement a Stormwater National Pollutant Discharge Illumination System Permitting Program. Starting in 1990, phase I regulated large municipal systems serving populations of 100,000 or more as well as construction activities disturbing five acres or larger.

In 2000, Phase II was set into motion which required administration of small municipal storm systems known as MS 4s and the construction activity disturbing between one to five acres of land. However, Suffolk County's efforts to control pollution discharge go back into the '80s with enacting Resolution 1435-1988, originally implemented as a result of the Long Island Regional Planning Board's findings that the stormwater runoff is the single largest reason for the closing of shellfish beds in Long Island waters.

This resolution altered Public Works construction methods and -- which eventually became known as Best Management Practices from water quantity control to water quality control. Corrective measures were identified in the legislation such as leaching pools, recharge basins, detention ponds, biofiltration ponds and sedimentation ponds. These measures are methods which are still considered part of the tools of remediation of stormwater pollution.

As previously stated, this legislation as well as current mandated regulations look to address pollutants that enter surface waters through 209 direct outfalls throughout the County. What are the pollutants that are addressed? The first is oil and grease, which comes from automotive leaks and spills as well as boat traffic; heavy metals from automotive and railroad break pads; soils and sediments, which comes from erosion of undervegetated or unreinforced slopes, floatable debris; nutrients from fertilizers used on golf courses and residences; pesticides; road salts; biodegradable matters, such as leaves, grass clippings and other organic matter; bacteria from pet waste and wildlife waste.

How is the stormwater remediated? The primary goal is to remove suspended solids and debris to which a large percentage of other pollutants adhere, remove the suspended solids; remove the suspended solids, remove the majority of pollutants. This is done through a number of methods that can be segregated into two groups. The first group is traditional Best Management Practices, BMPs, such as stormwater ponds. These ponds provide an excellent treatment for large highway drainage areas between ten to 25 acres. The systems accomplish this task through a settlement -- through settlement provided by a forebay that can handle small to average storm flows, followed by a permanent pool, which handles the larger storms as well as biological uptake which is accomplished by native wetlands that surround both ponds.

Floatables are removed through entrapment at the outlet structure, if you notice, the high percentage of pollutants that are removed through the system. Stormwater wetlands are another good option for treating flow from small -- small tributary areas less than ten acres. Although some sedimentation is provided through the forebay, treatment is primarily accomplished through biological uptake from the wetland plantings.

Here are the efficiencies by this system. Infiltration practices are considered to be premiere method -- the premiere method of remediation. These are best suited for parking lots where native soils are permeable, such as here on Long Island and where space is limited. As in the others, the efficiencies are great. Filtering practices are another good way to treat all anticipated pollutants in urban dense area where native soils have good permeability. In this method, filter contact or retention time is the key to efficiency. The slower water passes through the system -- through the filtering material, the more effective the pollutant removal.

Open channel practices are used in highway drainage systems combining flow patrol with treatment. These facilities are very effective as a pretreatment mechanism if used upstream of secondary treatment facilities, such as those noted previously. As you can see from this chart, the traditional BMPs have the highest rate -- very high rates of pollution efficiencies.

The second group are also alternate mechanisms which remove pollutant, are the following: Hydrodynamic separators act similarly to small stormwater ponds providing settlement through a vortex or swirl chamber as well as floatable retention. This picture in the lower left shows floatables and was taken at a structure that was installed on County Road 12 at Santapogue Creek in Babylon prior to clean out. Wet vaults are another system which is installed upstream of discharge providing gravity settlement as well as floatable retention.

In-drain treatment technologies are installed within drainage systems primarily within catch basins. However, we would note that testing by the EPA and other third party verification agencies have shown lower pollutant removals due to insufficient contact time and higher maintenance requirements. These factors impact effectiveness to the point that they are not considered stand-alone facilities. However, this is not an attempt to negate these facilities. The Department of Environmental Conservation notes that they are effective as a pretreatment and hot spot areas, such as in salvage yards, highway yards, vehicle equipment facilities, fueling stations, golf courses, airports and so on. From here I will pass the mike over to Chief Engineer Hillman who will continue our report.

MR. HILLMAN:

Thank you, Commissioner. The Department of Public Works has been -- has had an ongoing program since the early '80s, and we have completed 39 projects from 1984 to '99. From 2000 to present, we've completed 29 projects that have remediated stormwater runoff, for a total of 68 projects.

A few examples of these; County Road 16, Portion Road, which is adjacent to Lake Ronkonkoma. We've removed every discharge, direct discharge into the lake, and that's a prior -- prior-to-construction picture. And you can see we've constructed a wetlands in accordance with the guidelines of the DEC. County Road 48, Middle Road, Hashamomuck Pond, we created a stormwater

pond. We used Clean Air-Clean Water Bond Act Funds, and that was completed in 2004. This photo was of the grating, this is preliminary grating complete, sediment and forebay immediate after completion, one month after construction, and two years after construction. As you can see, it's functioning very well and doing exactly what it was intended to do.

County Road 98, Frowein Road at {Terrell} River, we constructed an infiltration basis, again, using Clean Air-Clean Water Bond Act Funds. That was completed in 2005. The photo you see here is of grating, this is a phot of the headwall. Two months after construction, photo of the infiltration basin. Again, County Road 48, Middle Road at Mattituck Creek, we constructed a stormwater pond in conjunction with a wet vault separator, again, using Clean Water-Clean Air Bond Act Funds. Construction was complete in 2006. This is a photo of the wet vault as it's going in the ground and a photo of the grating of the wet pond, And again, after completion, some number of months later.

So the 68 projects, 29 were completed in the 2000s. In the '90s, 24 were completed, and in the '80s, 15 were completed. So as you can see, DPW has been doing this for a number of years, and we will continue to move in a positive direction. Recent Legislative initiatives, in 1998, Resolution 1100 expanded the Quarter Percent Sales Tax Program to include sewers and environmental protection. In 1999, the Legislature approved extending the program to 2013. The initial implementation of the Water Quality Protection Program, the Planning Department was essentially directed to implement the program. They developed a report, which was submitted to Legislature in 2001.

In 2002, Resolution 659 actually implemented the Water quality Program. It created a Water Quality Review Committee made up of eight members of various County agencies. The Department of Public Works Commissioner was appointed the Chairman. And the purpose of this committee was to solicit, review and recommend projects to the Legislature for approval. Public Works and our staff have administered this program and the committee since that program was initiated in 2002.

It was an extensive project to implement. We modeled it after the Stormwater Bond Act Funds. Jeff Dawson, one of our bright young engineers, basically brought this program to life from scratch through a lot of hard work, everything from creating applications to project work plans and developing a website. Tremendous amount of work involved with that.

Since 2002, DPW has solicited review -- reviewed 42 projects. We've -- I don't want to say approved -- but we've moved forward on 35 projects to the Legislature, which were eventually approved by the Legislature, totaling \$25 million and prepared meeting notes and agenda and minutes for 19 Water Quality Review Meetings from 2002 to 2006. The project types that are generally approved under this program are non point source abatement and control, aquatic habitat restoration, agricultural non point source abatement and control, pollution prevention initiatives, non discharge zones and educational outreach.

The 2006 Annual Report for Water Quality was submitted to the Legislature in 2000 -- February of 2007. Suffolk County DPW has completed 13 projects worth \$10 million utilizing Quarter Percent Water Quality Funding. A few of those projects that are upcoming are in the design stage. County Road 35, Mill Dam Road in Huntington Harbor, we will be constructing a stormwater pond in conjunction with new drainage systems. The bids will be received in March -- were received in March of 2007, and construction will begin in June of 2007.

Another project is County Road 63 in Riverhead. We'll be installing a wet vault at the end of the pipe. And that bid will come in April of 2007, construction to begin to in July of 2007. Finally, our last example, hydrodynamic separators will be installed at six direct discharges along County Road 36. And this will remediate discharges to the Patchogue Bay. So 39 projects are presently in the planning stages, and that's in addition to the 68 already complete. And I'll turn the mike back over to Commissioner Anderson for EPA Phase II.

COMMISSIONER ANDERSON:

As part of the Environmental Protection Agency's mandates under the Phase II Program, they have required six minimum control measures that must be implemented by January of 2008. Suffolk County's Stormwater Management Program is in the process of completing all requirements for compliance, and I'll provide a brief overview of what's been accomplished.

Minimum Control Measure Number 1, public education and outreach. We've met these requirements by developing our stormwater management website. We've printed over 12,000 brochures and childrens' activities pages and reached out to the public on these matters through civic groups, local fairs and free school programs. Minimum Control Measure 2, public participation and involvement. To meet this Suffolk County -- to meet this measure, Suffolk County created a volunteer citizen advisory committee to provide input on our Stormwater Program. The County's Adopt-A-Highway Program uses volunteers to help clean over 100 miles of County highways, and the general public has been utilized to help identify illicit discharge.

Minimum Control Measure 3, illicit discharge detection and elimination. We have searched over -- we've searched for outfalls on all 99 County roads. Here we see one of our staff, Carmine, cleaning off debris from a County catch basin. We searched for outfalls on plus or minus 11,000 County owned properties. Here's Chester examining an outfall by a Suffolk County boat ramp. Staff has found a total of 250 outfalls. Of these we are monitoring those in sensitive areas. Here, Linda and Ryan are opening a catch basin to verify the piping and direction of the flow.

The Department of Public Works has created an information management system to catalog and help monitor the stormwater structures. Here is Ryan collecting GPS from an outfall at {Hashomomack} Beach. In conjunction with the Department of Health Services and Department of Environment, we are currently drafting legislation that will create ordinances to prohibit illicit discharges into County-owned stormwater systems, and here's a picture of Ryan collecting a GPS location of an outfall.

Minimum Control Measure 4 and 5, construction site and post-construction runoff. A Stormwater Pollution Prevention Plan has been created which addresses County construction and mandates conformance to same. The Suffolk County Planning Commission will adopt language that ensures non County projects comply with all mandated regulations. Minimum measure -- Minimum Control Measure 6, pollution prevention and good housekeeping has been accomplished through staff training, continual road maintenance, a salt storage program, litter cleanup and maintenance of all County-owned stormwater facilities. I'll now turn over the remainder of the presentation to Chief Engineer Hillman.

MR. HILLMAN:

Thank you, Commissioner. Just going to go over very briefly a few projects that will be coming before the Legislature. They were recently approved by the Water Quality Review Committee. The first one, CR 100 at Patchogue-Yaphank Road, Mud Creek. It's the installation of a stormwater pond. Again, the water will flow into the sedimentation pond here through four different chambers, and then it will be eventually discharged into the existing wetlands once it's cleaned.

CR 65, Middle Road at Brown Creek. We propose to install a hydrodynamic separator at this discharge. And County Road 36, the second phase of the County Road 36 project that was previously identified. Again, a hydrodynamic separator at two locations to remediate two discharges. The Department of Energy and Environment was recently -- has recently -- was recently formed and has taken over the administrative duties for the Water Quality Protection Program. So they will prioritize future Water Quality projects, support the Water Quality Review Committee and coordinate contractual matters with outside agencies. And the Department of Public Works will continue to provide the technical expertise as far as road runoff.

So there's still 102 discharges. Of the 209, 68 are complete, 39 are in the planning stages. That 102 to be still remediated. So we still have a long ways to go, but we're working hard at completing that. We have three main tools that we use to remediate stormwater. The first is a stormwater

pond. If we have land available, this is an excellent choice. It removes the direct discharges sometimes in its entirety if we have enough property. And if not, it flows through and is treated prior to discharge. And it address all the constituents in pollution.

The excellent choice, again, is infiltration practices. Addresses all the constituents in pollution. And if given enough space, you can remove the direct discharge in its entirety. And finally, with restricted space we recommend a wet vault. And we install an absorbant media in this chamber here. After the swirl separator removes the suspended solids and debris, this chamber is designed to retain the oils and greases. And to ensure that we capture those, we use an absorbant media in that chamber, and it's replaced on an annual basis.

So these are the three main technologies. As Commissioner Anderson said, the inserts, as we commonly would call them, are primarily utilized for hot spot locations. But for our roadways and our large flows that we have, these are the three that we recommend and will be moving forward with.

CHAIRMAN SCHNEIDERMAN:

The insert, if you go back to the last photo, that's not shown. So the infiltration is not same thing as the insert?

MR. HILLMAN:

No. That's correct. The infiltration -- this is what we call a leaching basin structure. An insert is a small device that would be put into a catch basin that would have almost like a Brita Filter, if you can picture that, and it would be inserted into a catch basin to sort of filter the stormwater runoff. But the EPA and the DEC have analyzed these products, and they concur that the high flows of normal roadways, they are ineffective. And due to high maintenance, they become ineffective very quickly. But they are a useful tool for salvage yards, fueling stations, thing of that nature, which the DEC and the EPA have designated as hot spots. And that's the appropriate use for an insert.

CHAIRMAN SCHNEIDERMAN:

In terms of cost, the insert is probably the least expensive of the --

MR. HILLMAN:

As far as cost --

CHAIRMAN SCHNEIDERMAN:

Because you already have the catch basin in place, where these other things you have to build the structures in all three of these cases.

MR. HILLMAN:

That is correct. That's correct. So in summary, to date, 68 of 209 direct discharges have been remediated, 39 are in the planning stages, and 102 still will be remediated with one of three technologies that we -- most likely, one of the three site-specific technologies that we previously discussed. And DPW will bring Suffolk County into compliance with EPA Phase II by January, 2008.

LEG. STERN:

Bill, I'm sorry. Does that mean that of the 102 remaining sites that you have chosen one of the three tools to be implemented by January, 2008, for all 20 sites?

MR. HILLMAN:

No. No. There's two separate programs here. The EPA PHASE II Program does not require us to actually remediate all the sites by January, 2008, it just identifies that you must have a program in place and be moving in that direction, which the County definitely is.

COMMISSIONER ANDERSON:

And you have to be addressing the six minimum control measures that I spoke about earlier.

CHAIRMAN SCHNEIDERMAN:

Or what?

MR. HILLMAN:

Or you open -- the County will be open to lawsuits and the like for -- from environmentalists and other concerned parties.

CHAIRMAN SCHNEIDERMAN:

We would be non compliant.

MR. HILLMAN:

We would be non compliant, correct.

CHAIRMAN SCHNEIDERMAN:

And in terms of funding, those additional 102 -- and, I guess, finishing up the 39 that you said are in the works, and then 100 -- is that what you said?

MR. HILLMAN:

Yes. Thirty nine are presently in the planning stage.

CHAIRMAN SCHNEIDERMAN:

In the planning stage. So in terms of funding those 39 plus the 102 other sites, where is this money coming from?

MR. HILLMAN:

Water Quality. Every time we go in to do a roadway job, we -- again, since the '80s -- this is nothing new to the Department of Public Works. We have been remediating stormwater since the '80s. So every time we go in to do a job, we take that into account, we plan it into our budget.

CHAIRMAN SCHNEIDERMAN:

Gail is here. She's probably not expecting any questions on this, but on the 477 Funding, do we -- when you say Water Quality, you mean 477, right?

MR. HILLMAN:

Correct.

CHAIRMAN SCHNEIDERMAN:

And I know those funds have gone to pay employees in various departments that are in water quality-related functions. Do we have money there? Do you want to step forward? If you want to answer this later after the presentation when you have your computer screens up, but it sounds like an expensive undertaking.

MR. HILLMAN:

I can briefly speak to some of your questions. We held a recent Water Quality Review Committee and identified that there was \$3 million available at this time. And there will be several projects coming before the Legislature utilizing those funds. Three of them I spoke about today. On an annual basis, those funds are renewed all the way through 2013. After 2013, if the Legislature agrees to extend it, it would be extended. So I can't estimate how much funding will be available every year, but this year there is \$3 million. And as far as --

CHAIRMAN SCHNEIDERMAN:

But now also, as these structures get built and they require maintenance, then the funds for the maintenance are also going to come out of same pot presumably, this 477 Fund. So it's going to -- there will be less each year to fund new projects based on that thinking.

MR. HILLMAN:

The toolbox that we have is very maintenance-friendly -- or the toolbox that we've identified is very maintenance-friendly. The three primary structures that we would implement require very little maintenance. So we would not expect to utilize 477 Funds for maintenance of these products.

CHAIRMAN SCHNEIDERMAN:

Okay. For those who don't know what 477 is, it's basically part of the sales tax that committed to water quality, and it gets split in a couple of different ways; some toward land presentation, some toward water quality projects, and some toward, I think, the sewer systems; Southwest and other sewer districts -- maybe it's just Southwest Sewer District. But that pot gets divvied up, and I think it's about a quarter of a penny; is that right?

MR. HILLMAN:

I believe it's 11% of that quarter penny that comes to Water Quality, 11% of the overall funding.

CHAIRMAN SCHNEIDERMAN:

Ms. Vizzini, you want to comment?

MS. VIZZINI:

Bill actually did a pretty good job. It is a quarter cent of sales for the Water Quality Protection Program. He is talking about the Water Quality Program, which is 11.25%. The rest of the quarter cent, which is about \$64 million is allocated --

CHAIRMAN SCHNEIDERMAN:

Yearly 64 million? So 11% of 64 million?

MS. VIZZINI:

Correct.

CHAIRMAN SCHNEIDERMAN:

So it's about six plus million, six, seven million.

MS. VIZZINI:

It gives you revenue of about seven and a half million dollars for the water quality component.

CHAIRMAN SCHNEIDERMAN:

How much of that is being used for salaries at this point each year?

MS. VIZZINI:

In 2007, we have about \$6.7 million committed of -- that's not for salaries. Salaries is \$2.3 million, benefits is an additional \$710,000.

CHAIRMAN SCHNEIDERMAN:

All right. So we're up to three million. All right. So three million a year is going towards salary-related expenditures.

MS. VIZZINI:

Correct.

CHAIRMAN SCHNEIDERMAN:

Leaving roughly 3.7 to 4 million for physical projects?

MS. VIZZINI:

No. There are other projects. We have -- we buy equipment, roughly \$312,000 in equipment, \$570,000 in supplies.

CHAIRMAN SCHNEIDERMAN:

Is that related to those salary positions?

MS. VIZZINI:

The equipment is, yes.

CHAIRMAN SCHNEIDERMAN:

So, for example, a lawn mower in the Parks Department that's involved in an organic lawn maintenance program would be paid through 477 Funds?

MS. VIZZINI:

It could be, as could a vehicle or something of that nature. But it's related to the job that the Water Quality staff have to do.

COMMISSIONER ANDERSON:

Right. Primarily they've been -- we've actually, I think recently, recently acquired a number of Vac Hauls to basically facilitate cleaning catch basins and the like under the Water Quality folks.

CHAIRMAN SCHNEIDERMAN:

The Vector Control Program staff, is that coming out of this too or no?

COMMISSIONER ANDERSON:

No. No. No.

CHAIRMAN SCHNEIDERMAN:

The people who do the ditching?

COMMISSIONER ANDERSON:

No. No. That's strictly Vector Control. This is for the DE people that are working for quality -- strictly for quality -- water quality purposes.

CHAIRMAN SCHNEIDERMAN:

That's in Department of Energy and Environment, is that what you said. So how many -- do you how many people in your department are working -- are being paid with 477 Funds?

MR. HILLMAN:

I believe most of you probably remember last year several of the people were transferred from the Labor Department, several transferred were to DPW, and subsequently they were transferred to DEE. So presently DPW doesn't have any. But prior to last year, there were DPW employees. It totals probably seven or eight. And the Commission, in our presentation, reviewed what they were doing. They were helping us with the EPA phase II. All those people he named were DEE employees working on the water quality -- EPA Phase II and Water Quality. I can assure you they do work on water quality, and that's their -- that's their task.

CHAIRMAN SCHNEIDERMAN:

I think the Parks Department has some too.

MR. HILLMAN:

So does the Health Department. I don't know the numbers there.

CHAIRMAN SCHNEIDERMAN:

Gail, do you know?

MS. VIZZINI:

Yeah. There are about 69 positions. At the time we did our operating review, 13 of them were

vacant. The distribution is two in Planning, 40 in Parks, six in Health and --

CHAIRMAN SCHNEIDERMAN:

I'm sorry. Can you say that again?

MS. VIZZINI:

Sure.

CHAIRMAN SCHNEIDERMAN:

How many are vacant did you say?

MS. VIZZINI:

At the time we did our report, there were 13 vacant.

CHAIRMAN SCHNEIDERMAN:

And what happens to that money if it's funded through 477 and the position is vacant?

MS. VIZZINI:

It would go to the fund balance in the 477 Account, and it would be recycled so to speak. Energy and Environment has 20; Parks, 39; Health, eight.

CHAIRMAN SCHNEIDERMAN:

Is there any way that I can get a more specific break down in terms of what the job descriptions are that being funded out of 477, not today?

MS. VIZZINI:

Not a problem. We can give you the titles and what department, etcetera.

CHAIRMAN SCHNEIDERMAN:

Okay. I appreciate that.

COMMISSIONER ANDERSON:

Jay, if I could just make one correction to it. There is one Department of Environment and Energy personnel that does work in Vector.

CHAIRMAN SCHNEIDERMAN:

Okay. Do we have other questions for the Commission, Mr. Hillman, BRO? And the status of the -- the \$3 million you mentioned before, which was allocated toward stormwater remediation, you said you had a certain amount of hot spots that you are looking to put these inserts in.

COMMISSIONER ANDERSON:

Yes. Actually we're in the process of completing a contract. There's about 200 and change locations or basins where we're going to install the filter systems, and that should be -- we should be receiving bids for that May 10th.

CHAIRMAN SCHNEIDERMAN:

Now, the three million, we had already authorized; is that right?

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Now, of these 200 locations, what do you anticipate -- to do these 200 inserts, what type of dollars are you looking at?

COMMISSIONER ANDERSON:

Well, to install them and then maintain them for two years, I believe we're --

CHAIRMAN SCHNEIDERMAN:

Approximately, because I know we're subject to bid.

COMMISSIONER ANDERSON:

Yes. We're estimating it's going to be in the range of one and a half million. And then with the remainder of the funds, we're hoping that we can go out to -- you know, prepare a contract, documents for what we would consider to be alternate system where you have the hydrodynamic separators and some of the -- you know, some of the filter units, almost like a train where we would, you know, try to collect or -- you know, as much pollutants as we could under one system, and with the money remaining, installed them in various locations.

CHAIRMAN SCHNEIDERMAN:

And are you doing the locations on a priority basis in terms of contaminant levels?

COMMISSIONER ANDERSON:

At this point, it's unclear.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER ANDERSON:

It would be, you know, any of those remaining sites that we haven't completed, you know, the remedial affects.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. And then from the time that you receive all of the materials to install the filters, how long will the whole process take from the first installation to the last?

COMMISSIONER ANDERSON:

Well, essentially it's -- bear with me a second. We're looking to have the catch basin inserts installed prior to the end of this year, if I'm reading this correctly. And then there would be a two year maintenance period with three additional years maintenance optional, depending on how it goes, you know, what we see, what we find. So there is a potential to -- you know, through 2011, 2012 for this project.

LEG. STERN:

And at the end of the first two year period when, I guess, we're going to be doing some kind of an analysis to see how effective these inserts were; is that correct?

COMMISSIONER ANDERSON:

Yes. It will not be a detailed testing only because there are, as we mentioned, the EPA and there's third party verification entities out there that are doing the same testing we are, and it would be redundant. But, you know, we're hoping that, you know, as we maintain these and, you know, we see how they hold up, you know, we see -- hopefully we'll be able to do maybe a little bit of testing to see what the water quality coming is, the end -- you know, system, if you will, you know, how that improves.

LEG. STERN:

So there could be some system in place for doing that kind of analysis and we can take a look periodically -- I don't know it if works monthly or every six months or every year during that period. I mean, do you have any idea how often we would be able to take a look to see what the

effectiveness of that system is?

MR. HILLMAN:

The type of analysis I think we would be trying to quantify is more on the suspended solids and debris. We would quantify the tonnage or the weight of debris that were removed from the water -- the stormwater stream. The majority of the pollutants adhere themselves to suspended solids and floatables. So when you remove that, you remove the pollutants along with them. So, again, as Commissioner Anderson said the EPA and the DEC are set up for this type of testing. When you talk about, you know, putting some sort of soup that we call or dirty water through the filter and then trying to test and see what it removed, we've done that in the past, and we've had long discussions here at DPW Committee regarding that. And it's an extremely scientific process that it's not nearly as simple as we make it out to be.

It only opens up us for battles with the manufacturers, because when we come up with something, they always have, "Well, you didn't do this, you didn't do that." The EPA and the DEC, they are equipped to do this type of intricate testing. And we believe it's best left up to those two agencies to come up -- they have -- presently have a list of approved insert manufacturers. And we encourage all the manufacturers that we encounter to approach the EPA and the DEC and find out how to get on that list.

LEG. STERN:

You had in your presentation, your slide show, you had a graph that showed best practices and certain percentages that were hit, and some were quite high. When we're talking about this type of system, these kinds of inserts, is there some kind of industry standard where we should be able to see what best practice percentage is, and then with the addition of these kinds of inserts, is there some kind of number that should be hit that will effectively quantify the effectiveness of that system?

MR. HILLMAN:

Presently the DEC and the EPA, because these systems have a lot of difficulty targeting other pollutants, they don't have a standard for say pesticides or phosphorus or anything of that nature. The only thing that they quantify is removal of suspended solids and debris. And that's because these units typically -- again, this is -- this is a cutting-edge technology and it changes on a daily basis. So the research that I have could change tomorrow, and the products are changing dramatically. But as of right now, the products generally do not target removal of say hydrocarbons and other types of pollutants like that as effectively as some of the other measures that we have identified.

CHAIRMAN SCHNEIDERMAN:

Going back to the money for a second. I know sometimes towns have specific projects, putting in culverts or other stormwater remediation type of devices. I just want to know will money be there should, let's say, the Town of East Hampton has a project where they're trying to remediate runoff into Lake Montauk or Three Mile Harbor or something like that or the Town of Southampton or any other town? It sounds like you've got -- your program that you're analyzing, it sounds like there's not enough money to take care of the 39 plus the other 109 or so sites. We've got three million or so going toward salary related issues and more if we add up the equipment. It doesn't seem like there's a lot of money left to be introducing 477 projects or even completing the once that are out there.

COMMISSIONER ANDERSON:

Again, I believe it's a renewing fund. So, you know, each year, the fund does basically renew. Any outside projects from town, I believe have to go before the Water Quality Review Committee. And I believe that at point, there's a 50-50 match that has to be made from the community.

CHAIRMAN SCHNEIDERMAN:

I guess what I'm saying is will there be money out for that 50-50 match for those types of projects?

COMMISSIONER ANDERSON:

Again, you know, it's --

CHAIRMAN SCHNEIDERMAN:

It renews every year. It renews, but at the same time, half of it is immediately taken for salaries every year, because those expenses renew every year too, plus you've got a long line of projects that you're looking to do.

COMMISSIONER ANDERSON:

Understood. But, I mean, that's, you know, again, first that's a policy issue, but it's also -- that's why we don't -- we look towards, you know, facilities, as we said, in our toolbox like hydrodynamic separators, the sedimentation ponds, those things.

CHAIRMAN SCHNEIDERMAN:

Is there any other comment or question? Okay. Let's move on. Commissioner, if you will stay right where you are then. Before we get into the issues of dredging, can you update us on the status of the traffic light at County Road 48 in Mattituck. And that's Westphalia Avenue. Do you know anything about that? The request came from Legislator Romaine, so I'm not --

MR. HILLMAN:

We have been coordinating with LIPA to raise their utility lines so that we could get our traffic signal pole in. And unfortunately, there was a miscommunication between LIPA and their own staff. They raised -- they did raise the lines, but they didn't raise them high enough. So they need to go back and redo that. The good news is County Road 48 at Cox Neck, they did raise them to the proper height, and we will be installing -- we will be able to install a temporary signal at that location within a matter of weeks.

CHAIRMAN SCHNEIDERMAN:

Bill, did you hear that? The question came from Legislator Romaine. I'm sorry, my ear was taken.

COMMISSIONER ANDERSON:

Bill, essentially LIPA raised their lines so we can install, you know, our signals, but unfortunately, they didn't raise them high enough. So they have to go back and raise them again, and they are in the process of doing that now. So that's really where it is. I believe Bill mentioned another one on 48, Cox Neck. That one is going to be installed very shortly. They did do -- they did raise it to the proper height, and we will be able to, you know, install that light. But as for time frame on Westphalia, I don't know that we have anything from LIPA yet.

MR. FAULK:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Can you give me any insight into what going on in that Surrey Circle area that that gentleman keeps coming to each Legislative Committee Meeting for Public Works? I don't know if he's still here, but is there anything that I need to know about that? That's a town issue or a County issue? What's that County doing there?

COMMISSIONER ANDERSON:

Well, we do have a project on 48 in that area. We're looking to -- Bill, correct me if I'm wrong -- we were going to install a signal to basically facilitate getting, you know, ingress and egress on to William Floyd. And unfortunately, I believe this gentleman lives in the area where we're putting the -- I'll let Bill take it.

MR. HILLMAN:

We're going to be installing -- there's presently a left turn lane. We're going to be doubling that left

turn lane. They are backing -- presently are backing out on to William Floyd Parkway and stacking back over the railroad tracks. This is the signal that's just south of the Long Island Railroad. So it's an unsafe condition. So the solution is double up the left turn lane by acquiring property. And when we're able to do, we'll be able to safely store those vehicles that are waiting to make the left.

His contention is that by that we're going to double the traffic going down his road. We're going to cut the signal time in half. He happens to live on a -- after you make the left off of William Floyd Parkway and you make an immediate right, he lives at the juncture of the -- right on the corner of probably one of busiest neighborhood streets in the County. It's just a bad location. But the County, really, we're not doing anything to make it worse. We're not going to be putting additional traffic in front of his house, but he believes that we are, and there's no dissuading him.

CHAIRMAN SCHNEIDERMAN:

Anything else before we get into the dredging issue? If we Can move them to some of the dredging questions. I know there was some -- a recent article appeared in Newsday regarding where we are in terms if dredging some of our inlets. Apparently we're significantly behind. And about half as many that were scheduled, I think -- are actually getting done. I know there's various reasons. I wanted to give you an opportunity to address what's going on, how it's impacting us, how we fix this situation and where we go from here.

COMMISSIONER ANDERSON:

What's happened, especially over the past year, is the regulating agencies that oversee the dredging have become more restrictive and limited the window that we have to dredge. We had a meeting today with various agencies; the Army Corps of Engineers, the Department of State from New York State, DEC and marine fisheries and a number of others that we basically sat down and went over what the issues.

Originally their prime concern was upland habitat. You know, the Piping Plovers everybody knows about. Now, because of various Federal acts, they've become very concerned with fish habitats. And as such, the time that fish spawn, you know, and grow and need to essentially, you know, thrive and basically then move out to the ocean to live, we've been restricting out of that window. And it varies depending on which water body you're talking about. It's different in different areas along the ocean, the Peconic Bay and the Long Island Sound. So each area impacts a different, you know, animal or fish, and that, in turn, you know, limits the amount of restriction.

CHAIRMAN SCHNEIDERMAN:

Gil, are these new restrictions? How long has your department known that the window was shrinking?

COMMISSIONER ANDERSON:

Well, it really came -- we were made aware of it last year after this, you know, basically the season when we would have anticipated the season being -- beginning.

CHAIRMAN SCHNEIDERMAN:

Can I ask you, from a planning perspective, if you only so much money and you only have so much equipment, and I know you subcontract out, and if you know you've got a shorter window, let's say you have half the time to do the work, that means only half the work is going to be done, or are you going to get twice as many crews going to get the same amount of work done in that shortened time?

COMMISSIONER ANDERSON:

Well, after the information we found -- you know, we were advised of it. And it was a very detailed and, I think, a very good meeting. I think we need to, as a department, regroup and look at our method. One of things we spoke about -- I mean, it's not just a matter of getting more money and going out and, you know, dredging everywhere we can. I mean, there's resources that not out there right now. You know, there are only so many dredgemen that are working.

You know, they're -- we need to look at -- you know, we are talking amongst ourselves about possibly looking at, you know, maybe trying to initiate a ten year plan. You know, we need to look at project cycles, each river needs to be dredged or, you know, rehabilitated at different times, maybe two years, maybe one year, depending on the water running through it. We need to prioritize this, and I don't know that, you know, that's strictly the Department of Public Works venue either.

So what I would like to do is I'd like to kind of regroup from the information we received today, which was pretty substantial, to be able to regroup and come up with a proposal on, you know, what we think is the best way to proceed from this point forward.

CHAIRMAN SCHNEIDERMAN:

The clock, though, is -- the clock is already done, right? The window is closed now.

COMMISSIONER ANDERSON:

Yes. The last window is closed.

CHAIRMAN SCHNEIDERMAN:

And in that -- when the window is open, is that what Newsday reported, we got about basically 12 out of 23 or so done?

COMMISSIONER ANDERSON:

I don't know the exact number, but that sounds correct.

CHAIRMAN SCHNEIDERMAN:

And with the storm and other impacts, there might be some areas that become unnavigable. Is it possible or?

COMMISSIONER ANDERSON:

Yes. There is areas, you know, that could happen. Essentially what we discussed at the meeting was the possibility of creating -- installing channel markers until the breeding season or the habitat season, the critical season passes, but, you know, we'd have to apply.

CHAIRMAN SCHNEIDERMAN:

If boats start running aground, are we able to go in there and dredge them on an emergency basis, or are we still barred by the windows?

COMMISSIONER ANDERSON:

Again, they basically advised us that when we do the applications or when we go to them to do this, they are going to want to -- the burden of proof is on us to show that the environmental need is outweighed by the navigation need. And I don't know where that's --

CHAIRMAN SCHNEIDERMAN:

Or visa versa.

COMMISSIONER ANDERSON:

Yeah.

CHAIRMAN SCHNEIDERMAN:

What about the financial consequences? I mean, obviously the financial consequences in terms of how it affects the marine industries, but I was thinking more in terms of the fact that how has your department been impacted by the fact that your budget for dredging was, I think, shrunk by 50% this year over last year. Have you felt that? Is that one of things that are contributing toward that backlog?

COMMISSIONER ANDERSON:

At this point, our biggest and our prime -- I don't want to say problem -- concern is, you know, the restrictions from the regulatory agencies and how we address them. You know, and I don't see the amount of money we have as being a problem come this coming dredge season as much as we need to look at what we're able to do within the limit -- you know, what we're able to do within the limit that we're allowed to do it and what's out there. I mean, you know, there's only, again, resources, you know, is a big issue.

CHAIRMAN SCHNEIDERMAN:

Well, I'm just thinking, if you had more money, you might be able to get, you know, more crews going during that time.

COMMISSIONER ANDERSON:

Number one, we don't have the permits. But even if we had the permits, then there aren't that many -- - again, by resources, I mean. There aren't that many companies --

CHAIRMAN SCHNEIDERMAN:

Really, I guess, I'm thinking about next year, because this year is done.

COMMISSIONER ANDERSON:

Right. Right. We basically have to now look and look at our priorities and see what we can get in.

CHAIRMAN SCHNEIDERMAN:

What about areas like the Peconic Bay? I think that might have been one of the things covered in the Newsday article. Is there any chance that that may get dredged, or is that --

COMMISSIONER ANDERSON:

Honestly, there's not going to be any dredging until this next season coming up in October. They were very adamant on the Peconic, because it is a national estuary, and it is one of the remaining unspoiled waterways, you know, around Long Island.

CHAIRMAN SCHNEIDERMAN:

Right. Now even if areas become navigational hazards --

COMMISSIONER ANDERSON:

Really it's the Coast Guard being unable to get in where they need to get in. It's going to be a very difficult argument to make. That's essentially what they told me.

CHAIRMAN SCHNEIDERMAN:

We have other people with questions on this issue. Legislator Stern.

LEG. STERN:

Just one quick question. Thank you. Would there be some kind of formal procedure that the Coast Guard would have to follow if the Coast Guard finds that there's an impasse that becomes difficult, if not impossible, for them to carry out their duties? Is there some formal request that they would make then of the County or any other level of government? How ultimately do we find out about that? How would that work?

COMMISSIONER ANDERSON:

Again, I can't say for certain, but I would assume the Coast Guard has a direct channel to the Army Corps and the DEC. I mean, they would have -- you know, they would know what they need to get through and they would deal directly with them. If there was an issue and it was a County water body, we would probably be notified, you know, as -- just out of courtesy. But I believe they would deal directly with the Army Corps.

LEG. STERN:

Would then the only entity that would have the ability to do that, would that be the Coast Guard only, or what about our own Suffolk County Police Department?

COMMISSIONER ANDERSON:

From what I gathered today, I think even the Coast guard would have a difficult time proving that -- you know, their needs outweigh that of the environment, because of the conditions, especially, like -- you know, we really focused a lot on the Peconic Bay. And, you know, because of the winter flounder is currently -- you know, they're collapsing in numbers, and because of that, the restrictions are so strong, because the winter flounder impact the national fisheries. And, you know, it would be -- and, again, if we could come up with a good enough argument that could be made to them, yeah, then, you know, we could try it. But at this point from what they told us, it didn't sound like we'd have much of a chance.

CHAIRMAN SCHNEIDERMAN:

Can you describe the permitting -- not in detail -- but the permitting progression? It seems to me it's a multi-year process at this point, right? Is that fair to say, it's like a two year process to get the permits for a dredging project?

COMMISSIONER ANDERSON:

I'll defer to Bill.

MR. HILLMAN:

It's very difficult to say. Some location go a lot smoother, other locations are much more difficult. As the Commissioner has indicated, the Peconic Estuary is scrutinized much more. It all depends upon what we call the critters in and around this. If there's no Plovers, it goes much more smoothly.

CHAIRMAN SCHNEIDERMAN:

But if a town were to make a request today to dredge an inlet, is it a two year wait, three year wait?

COMMISSIONER ANDERSON:

I mean, you'd have to go before the water -- I'm sorry, the Dredge Screening Committee. Once we got that, then we would --

MR. HILLMAN:

If it's a new location.

COMMISSIONER ANDERSON:

Right. If it's a new location then we would prepare the permits, they would be submitted, you know.

But from a standpoint of, okay, this is a location that's already been dredged before in the past, and it's just schooling over now, they would call us -- they would send in a letter, and it would go out on a priority list. Our priority list is, I think, upwards of 70 locations at this point. We dredge over 200 locations in the whole County. And we have basically anywhere two -- now we have anywhere from two and a half months to three and a half months to get that done. It's really just not --

CHAIRMAN SCHNEIDERMAN:

So if it's an inlet that's already been historically dredged by the County, then it's not that long of a wait you're saying?

MR. HILLMAN:

No. What I'm saying is we need to go out -- the process is we need to go out and do a formal survey of that crew does that. So they would have to go out and survey 70 -- you know, that priority -- they go on the bottom of that priority list when they tell us it's shoaled up. Depending on where we are on that list with the survey, they first thing is we've got to go out and survey it, then we need to draft up actual channel plans, where are we going to dispose of the material. If there's

no disposal site, maybe the last disposal site the DEC or the Army Corps is no longer allowing us to put material there, then we need to find a new one. So we can't even put an application in until the disposal site is identified. So, you know, if every -- if the survey is done and the disposal site is identified and no one had a problem with the disposal site, it goes very smoothly. So there's so many factors.

CHAIRMAN SCHNEIDERMAN:

What's like a typical wait time?

MR. HILLMAN:

From when the town first notifies us? Two, three years might be an accurate wait time. Now, there are a number of locations that we know we have to go back every year and do though, and those are just on a, you know, repetitive basis.

CHAIRMAN SCHNEIDERMAN:

Right. Okay. Any questions on dredging? All right. Let's go to the agenda. Before I start, for the record, Legislator Montano has an excused absence for today's meeting. Commissioner Morgo could not make it, and that's why he wasn't able to present. Starting with Tabled Resolutions.

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

CHAIRMAN SCHNEIDERMAN:

Is there a motion?

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Stern, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? 2299 is **TABLED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa).**

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.

LEG. EDDINGTON:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second, same vote. **TABLED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa).**

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

CHAIRMAN SCHNEIDERMAN:

Same motion, same second, same vote. All in favor? Opposed? Abstentions? **TABLED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa).**

1079. Adopting Local Law No. 2007, A Local Law to amend the County policy for sewer connections to promote affordable housing.

Okay. It's going to have to be tabled, because I've amended the bill to try to address some of the concerns that my colleagues have raised regarding continued enforceability, and then there's also an error that I'm trying to correct in terms of the original bill seemed to only apply to homes that were sold, and I wanted the bill to also apply to rental units. So I'm being told that we need to do a new

public hearing because of that.

MR. NOLAN:

Yes. The change is so substantial we have to reopen the public hearing. We're going to set the public hearing this coming Tuesday for the meeting in May.

CHAIRMAN SCHNEIDERMAN:

It certainly was my intent to cover all residential types of units, but the bill didn't specifically say that. So we're clarifying that. So there's a motion -- I'll make a motion to table, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? **TABLED** for a public hearing **(VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa)**.

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

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Stern.

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Eddington. On the motion, Mr. Anderson, if you could update us on that 7-D bus route.

COMMISSIONER ANDERSON:

In fact I have the letter that we discussed at the last public hearing -- I'm sorry -- the last Public Works Committee. Essentially the -- we estimate that we will have completed our review the buses accessing the industrial park. It's going to take about six to eight weeks, and we should start operating after that. I have the report here.

CHAIRMAN SCHNEIDERMAN:

Do you know the frequency of that operation?

COMMISSIONER ANDERSON:

No, I don't.

CHAIRMAN SCHNEIDERMAN:

But obviously, it will do something, which is a standard bus route?

COMMISSIONER ANDERSON:

Right. What we don't want to do is we don't want to -- we're trying to make it as efficient as we can so we don't have the buses coming at times when they're not needed. So right now we have -- we're in decisions with one of -- I'm trying to find the fellow's name -- Mike Giacomaro from the East Yaphank Chamber of Commerce to work with us on obtaining, you know, what the best times would be from the individual industries in the -- in the industrial park.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER ANDERSON:

I have the letter here I can give to you afterwards or now.

CHAIRMAN SCHNEIDERMAN:

So you guys are going to be adding that extension? You are doing it?

COMMISSIONER ANDERSON:

We are doing it, yes. Right now, it's a little bit timely.

CHAIRMAN SCHNEIDERMAN:

It should be up and running in six weeks?

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to table and a second. All in favor? Opposed? Abstentions? 1103 is **TABLED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa)**. I know that -- from the sponsor I know his concern is that it happens, not necessarily that it's his bill. Although, I'm sure he'd like to see his bill go through.

1269. Amending Resolution No. 195 of 2006 for participation in engineering in connection with the reconstruction of CR 57, Bay Shore Road, Towns of Babylon and Islip (CP 5523.111).

CHAIRMAN SCHNEIDERMAN:

Is there a motion?

LEG. STERN:

Question on it first.

CHAIRMAN SCHNEIDERMAN:

Okay. Question for Counsel.

LEG. STERN:

I guess more for Counsel and for BRO at the same time. I guess a couple of issues on 1269. First of all, I guess, some change here perhaps and some amounts that are in question and some percentages. I mean, this is supposed to have percentages under a certain state program. And, I guess, my first question was regarding the total amount here. The resolution calls for bonding of 1.2 million, but there's a Resolved Clause in the original resolution that talks about \$1.5 million. First of all, I guess I would want to know what the total number we're talking about is.

MR. REINHEIMER:

I believe we spoke to the Executive's Office about this a couple of weeks ago, and I believe they have made changes to it going through, you know, the top of my head here. But I think those corrections were made, and the percentages of the aided part were also changed to be consistent with the Whereas and Resolved Clauses. Okay. But it looks like, from the one that we just printed, that they didn't make those changes, but we did notify them.

MR. NOLAN:

No. There's been no amended version.

MR. REINHEIMER:

We did call them on that about two or three weeks ago. As soon as it was laid on the table, we noticed that there were some problems with it.

LEG. STERN:

All right. So some changes still need to be made?

MR. REINHEIMER:

Well, it's the Executive's resolution. We notified the Executive's Office, Budget Office, and it's up to them to make the changes.

MR. NOLAN:

I don't have the original resolution in front of me, so I don't know about the discrepancy between the 1.5 and the 1.2, but it's done in an unusual way in that it's purporting to amend a prior resolution. But it really doesn't technically make the amendments. It talks about the amendments, but doesn't make them.

I think it could be tabled, and perhaps it could come on by a CN if they did it the right way, because it's good for the County, because it just reflects some additional State monies. So the amount the County is going to be spending is less, so it's a good think.

LEG. STERN:

Yeah. Yeah.

CHAIRMAN SCHNEIDERMAN:

Ben? Mr. Zwirn, if you would step forward. We're trying to not hold this up or lose the money, but we have some technical problems with the resolution before us. Can we do this by CN?

MR. ZWIRN:

We could always do it by CN, or you can discharge it without the recommendations, if the changes have to be made, to get it to the floor.

MR. NOLAN:

The numbers are off, Ben.

MR. ZWIRN:

Yeah. I trust that your comments are correct.

CHAIRMAN SCHNEIDERMAN:

If they're off, we could -- it seems like it would have to be done by CN if it's going to this cycle.

MR. ZWIRN:

I wasn't aware that there was a problem with it. But we'll go back and check.

CHAIRMAN SCHNEIDERMAN:

If we discharge it without recommendation, we could fix the numbers.

MR. ZWIRN:

No. You would have to do it by CN anyway.

CHAIRMAN SCHNEIDERMAN:

Why don't we table it and we'll do it by CN? So is there a motion to table?

LEG. EDDINGTON:

Motion.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Eddington, seconded by Legislator Stern. All in favor? Opposed? Abstentions? 1269 is **TABLED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa)**.

1301. Transferring Assessment Stabilization Reserve funds to the Capital Fund, amending the 2007 Operating Budget, amending the 2007 Capital Budget and Program, and appropriating funds for Suffolk County Sewer District No. 15 - Nob Hill (CP 8138).

Is there a motion.

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by --

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

-- Legislator Stern, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

APPROVED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa).

1302. Amending the 2007 Adopted Operating Budget, amending the 2007 Capital Budget and Program and appropriating funds for the purchase of sewer facility maintenance equipment (CP 8164).

Same motion, same second. Mr. Anderson, do you want to say anything about what type of equipment or --

COMMISSIONER ANDERSON:

Yeah. The equipment to be purchased are a number of pickups, a trailer for Bergen Point and two tractors for sludge hauling, a couple of larger utility trucks and three larger pickups for various sewer districts.

CHAIRMAN SCHNEIDERMAN:

Any discussion? All in favor? Opposed? Abstentions? 1302 is **APPROVED (VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa)**.

1318. Supplementing Resolution Nos. 801-2006 and 1059-2006 which authorized the commencement of Eminent Domain Proceedings and public hearings for the Plaza Theater (SCTM No. 0200-977.50-04.00-038.000) by the addition of related property known as (SCTM No. 0200-977.50-04.00-020.000, 028.000, 040.000,041.000 and 043.000).

Is there a motion?

LEG. EDDINGTON:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Eddington, seconded by Legislator Stern. Do we need to know anything on this that we don't know? Mr. Anderson, this is -- do you have anything to add on this eminent domain?

COMMISSIONER ANDERSON:

This, if I'm not mistaken, is for the obtaining of additional purpose next to the Plaza Theater these will be used, if I'm not mistaken, for parking.

CHAIRMAN SCHNEIDERMAN:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions? 1318 is **APPROVED** (**VOTE:3-0-0-2 - not present: Legis. Montano and Caracappa**).

That concludes our agenda. If there's no further business, we are adjourned.

(*THE MEETING WAS ADJOURNED AT 3:53 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY