

**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, September 11, 2007.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Ian Barry - Assistant Counsel to the Legislature
Kevin Duffy - Budget Review Office
Rosalind Gazes - Budget Review Office
Gil Anderson - Commissioner - DPW
Tom Laguardi - Chief Deputy Commissioner - DPW
Catherine Stark - Aide to Chairman Schneiderman
Bob Martinez - Aide to Legislator Montano
Renee Ortiz - Chief Deputy Clerk - SC Legislature
Ben Zwirn - Assistant Deputy County Executive
Gail Lolis - County Attorney's Office
Bill Hillman - Chief Engineer - DPW
Ben Wright - Sanitation Department - DPW
Bob Shinnich - Transportation Department - DPW
Bruce Blower - Director of Handicapped Services
Debra Alloncius - Legislative Rep for AME
Michael Seilback - American Lung Association of NY
Eugene Wishod - DiCanio Residential Communities
Walter Cherwony - Abrams, Cherwony and Associates
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

(*THE MEETING WAS CALLED TO ORDER AT 2:23 P.M.*)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call the meeting of the Public Works and Transportation Committee to order. If you all will rise and join us for the Pledge of Allegiance led by Legislator Steve Stern.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

If you will remain standing, please. Today, of course, is the six year anniversary of the tragic events of September 11th, although it seems like just yesterday. I am sure we all remember vividly that day and where we were and how that day has really changed our world. And I'd like to pause with you all for a moment of silence to remember all of the innocent people who died that day in the Twin Towers as well as the aircrafts that went down in the Pentagon and in Pennsylvania. So if we could have a moment of silence in their memory for all the lives lost.

MOMENT OF SILENCE

CHAIRMAN SCHNEIDERMAN:

Thank you. I'd like to start with the public portion. Why don't we take -- I have them numbered. I am going to ask that the speakers limit their comments to three minutes. The topic of the first speaker is a topic we've been hearing over and over again dealing with the two competing bills on a particular sewer district. And I think there's a consensus among the committee that there won't be action today on either one of these bills. So, Mr. Wishod, if that limit some of your comments, I'll ask you at this point, if you wish to step forward -- if it's unnecessary to speak, then we will see you at the next committee meeting.

MR. WISHOD:

Can you hear me?

CHAIRMAN SCHNEIDERMAN:

I can hear you, sir.

MR. WISHOD:

This has been tabled three times. I have been here three -- three or four times. I don't know who could be harmed by a public hearing, which is the resolution that we're in favor of. The first time it was tabled, Legislator Kennedy wanted to eliminate non direct costs and compel the Suffolk County Sewer Agency and Department of Public Works to finalize the creation of this -- the activation of this district at a cost of \$450. Department of Public Works said that's impossible, the rate will be \$1020.

The second time it was tabled, Legislator Kennedy suggested that we raid the Sewer Stabilization Fund. That, we were advised, is not legal. The third time it was tabled, the suggestion was to merge with another sewer district. That's a crazy idea that will never work. I don't know what the suggestions going to be for the fourth time. And I don't know why anyone would object to a public hearing where other segments of the community being serviced by the Galleria Sewer District can be heard.

Legislator Kennedy speaks to one-third of the gallonage, 187 condominiums. Nobody's heard from the 312 apartments in Avalon as well as the rest of the gallonage. And I don't know what purpose delay continues to serve except to prejudice the rights of my client. The Legislature has approved the connection to this district of two restaurants on 347, but that can't be implemented until this issue is resolved.

In the meantime, my client has very valuable property that's sterilized because of the temporary system. So where do we stop? I mean, every time it's tabled, there's another idea. Why? Why not go to a public hearing? Or if the Public Works Committee doesn't want to do it, why not discharge it to the Legislature? I just don't understand why this thing continues to get tabled. There have been at least five public information meetings. How many more meetings are going to be had with one segment of the district that's being served? So I would urge the committee not to further table this. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. Anthony Mignone.

MR. MIGNONE:

My name is Anthony Mignone, and I live on County Line Road. I represent the people that reside and use County Line Road. County Line Road is a major north and south minor arterial highway that does not conform to the Americans with Disabilities Act or Highway Standards, Federal or State Laws in regards to the way it's supposed to be as a highway.

I've been fighting with the Town of Babylon for ten years, over ten years. The late Senator Norman Levy appointed me the spokesperson for those residence, because I'm a -- I guess because I'm persistent and I have a loud mouth and I don't take no for an answer. And for those ten years, the Town of Babylon has given me resistance. I went to my County Legislator, and he's not responsive. I went to Wayne Horsley, who used to be the Councilman, but now he's in charge of Public Safety. His aide told me he's not going to do anything, because I don't live in his district. I contacted the Presiding Officer's Office, I spoke to Meghan O'Reilly and a Terry -- I don't know Terry's last name.

CHAIRMAN SCHNEIDERMAN:

Pearsall.

MR. MIGNONE:

But Meghan told me basically he is not going to meet with me or do anything in regards to the roadway either.

County Line Road, there's been major accidents where cars have come -- it's connected to Southern State Parkway. There's one stop sign off the parkway that prevents the people from going down that roadway really fast. The rumble strips are gone. The town refuses to put the rumble strips back up. There's two churches, two adult living centers, assisted-living center, an elementary school, three recreational parks on County Line Road, and we cannot use the roadway to access these facilities, because we don't have sidewalks, proper sidewalks or curbs, we don't have a safety zone.

Wayne Horsley is responsive for some of the traffic now, the increase in traffic on County Line Road because of the 110 Development Program. Okay? The Winds Project on County Line Road on Sunrise Highway has created more traffic. I have a survey done in 1994, a Traffic Analysis Survey, saying County Line Road cannot accommodate the amount of traffic and needs to be reconstructed. Behind me is a large box that I cannot present to this board right now, but I'm here to try to make an appointment to meet with someone and discuss this and write a letter on behalf of the residents or between Intergovernmental Relations for funding.

Now, I understand the portion of County Line Road I'm talking about is under the jurisdiction of the Town of Babylon, but there's another half of the portion that's under the jurisdiction of Suffolk County Highway. That portion was reconstructed and is up to code, to the Americans with Disabilities Act with the handicapped ramps, the curbs, the sidewalks and everything. That was done many years ago. Town of Babylon Public Works Department refuses to do anything about it. And there's too many accidents occurring now because of the increase. In 1999, I know Suffolk County afforded funding to East Neck Road in regards to the condition of that road, because the same thing -- what happened in '99 on East Neck Road is happening on County Line Road.

Now Supervisor Bellone, basically I met with him in '92, I believe, in November, he told me if I made this a minority issue, nothing would be done about it. And it seems like for the past ten years, all my letters I've written to the town, nothing's been answered. I FOILED everything and nothing. So I'm here today to see if any one from the Public Works Department is willing to sit down with me, meet with me, go over this and help the residents that reside on County Line Road and write a letter on behalf of the residents or inform town they're violating the Americans with Disabilities Act and Federal and State guidelines and laws in regards to the roadway.

I know there's only three minutes, I have more than three minutes to talk about, but I heard the buzzer, so I have to stop. That's why I'm here today to see if someone can meet with me. I called your office, I don't know who I spoke to, and I haven't gotten a response from the Public Works Commission --

CHAIRMAN SCHNEIDERMAN:

You called which office, my office or the Public Works Office?

MR. MIGNONE:

-- Public Works Committee. Suffolk County Public Works Committee Office I called.

CHAIRMAN SCHNEIDERMAN:

There's no such thing, but there is a Public Works Department. And I have an office as a Legislator and Chair of the Committee. I don't know that you've called.

MR. MIGNONE:

I think that's why -- I think because you're the Chair of the Committee or something like that.

CHAIRMAN SCHNEIDERMAN:

That's possible.

MR. MIGNONE:

All I know is what I was told, I contacted --

CHAIRMAN SCHNEIDERMAN:

I'm not aware that you called, but either way --

MR. MIGNONE:

I contacted Public Works. When I went to the Public Works Department in Suffolk County, they treated me like I was a god. They brought me into the office, they sat me down.

CHAIRMAN SCHNEIDERMAN:

Not bad.

MR. MIGNONE:

They sat me down they gave me the bible, the green book, it's the Federal guidelines for the highway roads, and they let me use their photomat -- their photo machine, and I photostated everything on the guidelines. County Line Road does not comply with any of the guidelines or laws or rules. And I don't understand why Suffolk County Public Works Department is able to tell me what was done on County Line Road is wrong and the Town of Babylon is not -- is refusing to do anything to make the roads safe. It's a hazard.

CHAIRMAN SCHNEIDERMAN:

It sounds like your issue is with the Town of Babylon, not with Suffolk County.

MR. MIGNONE:

Well, I contacted Albany and Washington and all that, and they told me I has to see my Legislators

now, because you have to take the steps up, because it's intergovernment -- the County can afford funding -- assign funding.

CHAIRMAN SCHNEIDERMAN:

It's not the County that enforces the Americans with Disabilities Act.

MR. MIGNONE:

I understand that.

CHAIRMAN SCHNEIDERMAN:

When he said your Legislators --

MR. MIGNONE:

That's Americans with Disability's Act Committee, I understand that.

CHAIRMAN SCHNEIDERMAN:

He may have been talking about your -- is that Federal or State, it's both?

MR. MIGNONE:

Federal.

CHAIRMAN SCHNEIDERMAN:

Federal.

MR. MIGNONE:

But what I'm here today is to see if the Suffolk County Public Works will take a look at the roadway, assist the town, because inter -- I know about the --

CHAIRMAN SCHNEIDERMAN:

Again, it's not our roadway. The Commissioner is here, the Chief Engineer is here, but it may be outside of their jurisdiction.

MR. MIGNONE:

I understand it's not your roadway. I'm asking if someone here is willing to meet to see if they can either grant funding or show the residents it's not up to code, up to State Law, because basically what I'm hearing from the Legislators, because Maxine -- Maxine Postal helped me out many years ago, Senator Levy helped me out many years ago. When they passed away, forget it. Legislator Mystal, he hasn't returned my phone call. We set up a meeting, a meeting was held. After that nothing. He got married and I still haven't heard from him. It's been four months. I FOILED the information, I got nothing.

CHAIRMAN SCHNEIDERMAN:

Okay, okay. When the Commissioner is up, I will ask him about this. I'm going to have to ask you, though, at this point the three minutes are over and we do need to move on.

MR. MIGNONE:

Who do I contact to set up a meeting to go -- to look over the file I have? As you can see, this file is a 3 X 2.

CHAIRMAN SCHNEIDERMAN:

Commissioner Anderson, do you want to assign a contact to this?

MR. MIGNONE:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. You don't need to speak to it now unless you want to.

COMMISSIONER ANDERSON:

The only thing I would say -- and I'd be glad to meet with this gentleman -- is that I believe that part of this section of roadway may be under lawsuit, and we really can't comment here. But I will be glad to meet with Mr. Mignone.

CHAIRMAN SCHNEIDERMAN:

Doesn't necessarily have to be the Commissioner, but somebody from your office.

COMMISSIONER ANDERSON:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you, Commissioner. Michael Seilback.

MR. SEILBACK:

Good afternoon. My name is Michael Seilback, Senior Director of Public Policy and Advocacy for the American Lung Association of New York State. I'm here to speak on -- in favor of IR 1623.

Hopefully this is the last time that I'm here to speak in favor of this bill. You all have heard me many times, so I'm not going to go through all the public health benefits of this bill.

But I do want to say we worked with DPW on the latest version of this bill, and while it's weaker than some of the versions that we had originally pushed, we support it wholeheartedly. We think this bill is crafted in a way that will allow Suffolk County to act in the unique way and the unique circumstances that it has regarding snow removal, it also lets Suffolk County DPW to continue the good hard work they do while at the same time, drastically improving public health benefits. So I'm asking you to please vote in favor of this bill, send it to the floor, and let's close out this part of our work together. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. That concludes our public comment period. Let me point out that we are being joined today by a class from Suffolk Community College in State and Local Government. I think it's Professor Steve Schreir's class. So welcome, those in the back.

We're going to move the agenda. At this point I'd like to call Commissioner Anderson forward and anyone you wish to join you. Oh, I'm sorry, we do have a presentation as well. So I take that back. We have one presentation. I'm just so anxious to thank you for the cones. Okay. So we have Walter Cherwony, if I'm saying that correctly.

I've been asking Mr. Shinnick for, I guess, a few sessions here to bring in the consultant that we hired to conduct a comprehensive needs assessment or overview of our Suffolk County Transit System. Mr. Cherwony is the consultant who's been selected, and I think is beginning his work. And I thought at this early stage, he should present a bit of the scope as well as hear from us as the Committee for the Public Works and Transportation Committee what some of our concerns are and what some of the things that we're looking to have him address in this study. So at this point, I will turn things over to you, Mr. Cherwony, and then we'll have plenty of time for comment.

MR. SHINNICK:

I would like to thank you very much for giving us the opportunity to talk about this today. Walter Cherwony is here as a result of the invitation from the Chairman to make a presentation on the status of the comprehensive bus transportation study, which he will do. And I'm going to turn this over to him in a second or two. Walter is a partner of Abrams, Cherwony and Associates, which is the primary consulting firm, but they lead a team of two other consulting firms, Urbitran Associates, which is a very large transit consulting operation as well as Howard, Stein, Hudson, which will be involved in some of the public outreach.

We, in addition, have another consulting operation, Dikita Corporation, which will be conducting passenger accounts, which are the tallying of individuals getting on and off the buses by bus stops, by time relative to the schedule. The reason I mention that is they're starting that work this week. There are two times of the year that this kind of work can be done where you get your most representative data; one is in the spring and the other is now in the fall, September and October.

So some of the work that would have already been done had to be postponed for a short period of time so that we could capture this data and analyze it. So that work is starting this week and will probably continue to mid October in terms of collecting the data. With that, I'm going to turn this over to Walter just to basically give you a good view as to what the project is all about, where we are now. And I will say we are not at a point where any recommendations or any proposals are being formulated for how the system, or how the study will come out. So this is a very good opportunity for you to see what they're looking at, how it's being approached and understand that it will be a while before the recommendation period starts to comes together. Thank you.

MR. CHERWONY:

Thank you, Bob. What I thought I would do is put together a few slides that indicate the scope of work and what we're trying to accomplish. They are basically seven steps to the process. And at the conclusion, what we hope to present to the County is a recommended plan, which will indicate where the bus routes should go, when they should operate, how often should they operate and various aspects of sort of what will it cost, what will be the benefits and sort of give you a complete blueprint of where the bus system should be going over the next several years.

If you look at the task, it's sort of -- we're in the first few tasks, sort of the baseline conditions, what's happening now in Suffolk County, and I'll talk a little bit more as we go through that. We've also examined sort of what funds might be available, particularly from the State and Federal Government. And we've done a lot of the evaluation of the existing public transportation system. And if I can skip down to task six, we are also getting underway with an outreach program. And probably in about three to four weeks, we'll be calling in different people holding panels, stakeholder interviews, to get an idea of what peoples' expectations for the system are, where they think the improvement should be made. So that will be sort of a qualitative input to our process.

The fourth step is the recommended plan. As Bob indicated, we're really not at that stage. We're pretty much at the data collection phase doing some analysis, and a key piece -- you know, missing piece of that puzzle will be the results that will be presented to us at the end fall when we have this ridership information about where people are getting on the bus system and at what times. Probably one step of the project that's a little bit different from developing a plan is to leave the County a computerized scheduling software. And, in essence, what we're doing is serving as a pass-through. So we'll be hiring a firm, a vendor, that will provide the computerized scheduling. So it's not part of the planning process but nonetheless will help the County implement the program that we come up with. And at the very end would be a final report.

If you look at the first step, the baseline conditions as Bob indicated the ride check data, which is really not part of our effort it's a separate contract but it will be coordinated with us and what is going to happen is people will be placed on every bus trip every weekday and Saturday trip and then record where people get on and off. Right now the system records how many people get on for each bus as it goes from let's say point A to B but it doesn't record where people get actually physically get on and off that bus and what segments of the bus route are utilized. So we'll have that information.

Also have information on loads, you know, how many people are actually physically on the bus at that particular time and there are some locations where buses are experiencing overcrowding. So it will be helpful to know that.

The other thing we'll get from that information will be the running times. How long does it take to

go from one point to another, and is the bus system running in accordance with the schedule. So we're going to get a lot of detailed information about where people are traveling from, and to, and a lot of information about the travel times.

We've also gathered a considerable amount of information on the existing system, the various bus routes, how often they run, when they run and we've gone back and look at taking a look at the system from 2002 to 2006 to get an idea in terms of key operating statistics, the expenditures on the system, how many people ride and those kinds of key numbers. What has been the trend between 2002 and 2006?

The one thing we are looking for is to sort of get an idea of the absolute numbers but also to look at things like efficiency, from our standpoint what's the cost per hour, how it's tracked over time, things like effectiveness, less the cost per passenger. So these are kinds of numbers that we want to see where system has been in the past five years and use that as sort of a pivot point and see where it should be going over the next five years.

And the other thing we've done is we've tabulated a great deal of census information, I guess sort of the good news about the census data is it's very comprehensive, it's very detailed. The bad news is, of course, it goes back to the year 2000. So it's seven years old and in many parts of the County where there's been experiencing quite a bit of growth, it's not quite as useful as we'd like but we have tapped into other sources. There's other sources that are in the Planning Department and the other sources of data from LIPA as to what happens in terms of population and employment and where people are going to.

We also have information, where the journey to work, where people who work in this County as well as live in this County, where are they going to and how they made trip. So it's a good basis for our work. In addition, there have been a number of studies done and you can see them listed on the chart.

The first one was the Task Force Report, which gives some direction for transit. And several years ago there was a study called the "Long Island Bus Study", which looked at the transit issues in Nassau and Suffolk County and one of the conclusions was several route proposals that came out of that study and those will be sort of part of the input to the work we've done. And you can see on the chart, I won't go through all of them, but basically there's been a number studies of done and so at least when we start our work one of the things we want to look at is what has been proposed in the past and test it for its relevancy.

In the second task we're looking at funding and clearly a, you know, major input to the plan will be how many dollars are available and where will those dollars come from. As it stands today in terms of operating expenditures, round numbers, the Federal Government's putting in maybe seven to ten percent, the remainder of the funds split not quite evenly but pretty much between the State and the County. So the County is paying a fairly substantial cost to underwrite the system. And we've looked at sort of what the trends have been in funding, both operating assistance as well as capital and we've also looked at the current federal programs as a potential source of funding and the current programs really don't offer in terms of new programs they're very limited; what you see is more of the programs that existed in the past, although the funding levels have increased and so you can expect there's some escalation in funding over the next few years.

Probably the one place where there has been change is, on the chart, is what we call the New Freedoms Program, which is the idea develop a Coordinated Human Service Transportation Program, but it does provide monies for people with disabilities. So there are some new sources of money, but in terms of overall dollars they're not a substantial amount.

The other thing we looked at is what are some of the things that could be done in the County in terms of funding of the transit system, are there other financing mechanisms and we presented some results, I think though they're kind of limited. There are some possibilities in terms of fair

policies things that might worth considering and I've listed them on the chart, such things as a weekly or monthly pass, possibly enter into a unit ticket arrangement.

The other things, I think you're well aware of is that Metro Card, which Nassau County participates in, and a U-Pass Program where you might get into an arrangement let's say with the university such as Stony Brook where the students there would be a fee paid for each student. And as part of that fee they would be entitled to rides on the bus system without having to pay the fare. And that's something that's been tried in many places where there's been a large university that might want to take advantage of that program.

In the third task, there's a number of things going on. The first thing you see under 3A, is that's where we take all this information that the people have the written, the buses in terms of where people are getting on and off and we subject that to the analysis. So we'll get a sense of where the system is being utilized to a great extent, where it's being utilized to a lesser extent and then sort of in between so when we design a program our recommendations will be geared towards who's riding today, but hopefully also look at some other things that who could conceivably be riding in the future.

We will be preparing -- we have prepared a set of service standards; a guidelines. And we look at it in maybe four specific areas, but generally these are things like how often should the buses run, when should they run, what is directness, what is a reasonable measure of on-time performance, when is a bus overcrowded. And so these are things that will help us assess the existing system but more importantly be a guidelines that we can use to develop new programs for the County.

The other thing we've done is we looked at each individual bus route that the County operates and these names on the chart may not mean much but generally what we're looking at is each bus route as a unique entity and what is its costs, what's its revenue, what's the productivity of that route and the idea is that we're dealing with a certain level of resources that go into the system are those resources being applied properly or there's another mix of the way they should be. So this is a very effective tool for us to sort of do the X-rays of the system and do some diagnostic work as to where things are.

The next point on the chart, 3D says well we know who we're carrying today but, you know, what are the opportunities in the future. And so we have a couple of techniques that we can look at to say what are the opportunities for the future, where will there be new growth, where will be some places that maybe warrant mobility where there currently isn't sufficient transit access.

The one place we haven't gotten into, which I guess is sort of the conclusion of the study is the recommended plan. So we're really at the data gathering and analysis phase but we're not into the part where we're going to develop the plans. As I said, just looking at sort of the steps and the processes and procedures we'll go through there have been some other studies, one in particular was the Long Island Bus Study, they looked at various measures that could be taken in Nassau and Suffolk County. Some of them what they called gap closures; the idea is you can't get from A to B, maybe there's a possibility to link those two areas with bus service.

Network enhancers are ways of improving the existing system by providing either more service or service at different hours. So there's a number of things we can look at in that -- coming out of that study and including feeder bus arrangements for the rail.

But we are going to develop our own plan and present that to County for comment and refinement and review and those will consist of a number of things. Some of the things will be changing the operating strategies maybe new bus routes, maybe revising where the existing routes go, changing the frequencies and the span of service when they operate and we'll also look at some things other than fixed route service, maybe there's some areas that don't warrant having a bus running, you know, every 30 minutes, 12 hours a day. Maybe there's some other innovative solutions where they bus deviates from the route but these are things that we'll be looking at to see which is the best

solution for each part of the County.

When we develop our initial thoughts on the plans, I think we see this is an incremental process. First, we develop our initial thoughts, our thinking and then back and fourth through a review process sort of fine tune that plan and come up with something that I think we're all in agreement is what should be implemented. What we do plan on providing though is for each of these proposals is what will be the operating statistics, how many hours and miles of service will be provided, how many buses will we need to operate that plan. We'll also come up with some estimates of what we think the ridership will be to warrant this service and then the cost.

And so when we get done we sort of have an estimate of sort of the impacts of proceeding with each of the plan and then using maybe two or three criteria, we have three here, evaluate how well the plan satisfies the transportation needs of the County, the economic needs and the likelihood of getting it implemented. Since the ultimate test of the plan will be what happens to service on the street.

Eventually in the last phase of the recommended plan we put this together in a complete document. The service plan says where the bus route should go, how they should operate and we'll look at those things it could be done near term within a couple of years and those things may be several years out.

Also need Capital Programs things such as buying vehicles, facilities such as terminals, shelters, other amenities for the riders and then I guess the \$64,000 question, although it won't be quite that small is what is the financial plan, what are the revenues associated with the plan, what are the costs and then where are the funding sources, where are the funds going to come to not only pay for the operating assistance but also the capital.

And then we will also give you an implementation plan which says, you know, when do we think things should be implemented. Clearly all these things will be subject to review and refinement as we go.

And then the last thing is a Monitoring Program, which says what should the County be doing to sort of monitor the success of the program and possibly make some fine tuning adjustments as the plan is implemented.

The fifth task is like I said, it's a little bit different, it's not part of developing a recommended plan it's sort of providing the County with tools that they can utilize to implement things. And it's called for computerized scheduling. Right now the scheduling process is completely automated with ground numbers of 160 buses, six companies providing the service. It's a fairly elaborate process, very time consuming and so we see doing here is sort of looking at what the industry provides, what are the capabilities that should be built into the software, who are the people who are assigned the software and it's a very limited number of people that sell the software. There are two major providers and then there's other smaller systems. So we'll have to look at what those are and then ultimately end up with the procurements. So that is part of this task, the County will have the software, we'll have the hardware to run the programs and well as sufficient training and hands-on experience to make sure that the program can be implemented.

In the sixth task, which is ongoing with really the development of the plan, primarily is geared towards meetings and outreach as I mentioned before in about a few weeks we'll be doing stakeholder interviews and we've developed a list of maybe eight or nine topics, peoples' assessment of the system, what are its strengths, its weaknesses, what are the, you know, the necessary improvements, what are potential markets for the system and what are the beneficiaries of having a transfer system in Suffolk County. So we'll be doing that in a few weeks.

We also would like to meet with the drivers. We found that's a very effective way to sort of solicit comments from the people who are dealing with the system on a day to day basis, as well as rider

walk-up sessions. Having people at various places throughout the County interviewing riders to get their opinion and then in six D, we'll go through a more traditional approach where we have either the Steering Committee, which the study has as well as public meetings and preparing information to encourage a dialogue, get comments, explain the study and conclude.

At the last part of the study the 7th part, which is sort of the anticlimactic at this stage because hopefully the real gist of this is in task four and five is to develop a final report, which documents all our findings, the analysis techniques and the recommendations.

So this is an overview of the study process and I had indicated we're sort of fairly far along in data collection and analysis we're getting ready once we have some of the information that Bob talked about to get into sort of developing some thoughts and ideas as to how the system should be revised and then ultimately leading to our recommended plan.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you, Walter.

MR. CHERWONY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

If I may, I know we are going to have a bunch of questions. If I could start, you know, it's a very extensive outline. And thank you for that and thank you for coming. I have several different questions. Let me start with the stakeholder meetings, in terms of getting public input, who are you identifying as your stakeholders? And I guess the reason I'm asking cause I'm imagining you have obviously people who ride the bus now but you also have people who are potential riders who don't ride the bus but might if things were slightly different. You have employers, you have people in the transportation business, there's a lot of people who potentially could fall into the stakeholders. So let me let you answer how you're reaching out to stakeholders and how you're defining stakeholders.

MR. SHINNICK:

I can answer that partially and I'm going to let Walter finish. We contacted between 90 and 100 individuals in corporations, various entities explaining what the study is all about and asked them if they'd be willing to participate on a panel where -- something like a focus group. I'd be an hour, hour and a half meeting. And individuals of -- who like participation in the industry would have people from hospitals and health care at one session, universities and colleges and other an so on. As of now we've got about 41, 42 people who have agreed to participate, which is a sizeable number and we're scheduling those panel discussions to occur early October.

CHAIRMAN SCHNEIDERMAN:

Okay. Looking more comprehensively for a moment at the study and the recommendations, which I know it's premature for recommendations but what is going to be driving those recommendations? Is this going to be a needs driven study or this going to be a cost driven study? In other words, I understand that providing public transportation is not a money making proposition that adding more buses is going to cost the County more money. Yet, it's our obligation to provide a certain level of service -- public transportation service to our residents and it has other positive effects in terms of its economic stimulus and reduction of traffic and other positive attributes in providing public transportation. So my question to you is what is driving your recommendations?

MR. CHERWONY:

What is the input to the recommendations, I think, some of that is the numerical, the quantitative information about who rides today and certainly wouldn't it make their ride enjoyable, swifter, more comfortable. At the same time we want to see who are people that don't currently have adequate public transportation service and see if we can, you know, provide that service to them.

I think when we try and sort of balance the benefits and the cost of the service I think what we're

probably going to do -- we don't have the plan in, you know, any idea of what it would be but chances are we're going to have probably more suggestions, more proposals than our dollars to be implemented. And I think what we'll have to do then is try and prioritize that. And I think what will happen then is realistically is financial issues will have to be weighed against the benefits of the plan.

I'd like to think that what we have is a plan that may guide the future of the transit system for several years so it may very well be in the first few years the plan may be more modest and then build up as we go. But I think we are going to have -- we are, you know, it's our charge to develop a specific plan, I don't think we'd be doing you any justice if we came up with a plan that was so grand in scale that there's no way it could be implemented. I think what we have to do is sort of -- is play those trade offs and see where we go. And once again, it's not just our plan we're going to be presenting you as we get proposals in mind we're going to be presenting them to you to solicit your comments and give us some directions as to which way you think we should go.

CHAIRMAN SCHNEIDERMAN:

One of the reasons I ask that question is because I have been through the years very interested in seeing the County move toward a Sunday bus service. We currently do not have Sunday bus transportation. Some areas -- I know my district in particular where it's a seasonal work force they -- strong tourism economy, I'm out on the east end of Long Island on the South Fork and a lot of the, you know, Saturday, Sunday, you know, Sunday's a big day. That's when a lot of tourists are out, a lot of the second homeowners are out, the work force needs to get out there. And I see the people who ride the bus on Saturday trying to hitch to work on Sunday, I -- it seems clear that there's a need, it might not be a need throughout the County but certain areas and certain times there is a need and if it's just a -- simply a cost driven analysis or recommendations then obviously it's going to cost money to provide additional service but it needs to me it needs to be at least in large part a needs driven assessment. And I hope that the Sunday bus service is something that you're looking at and have figured out a way to gather data in terms of what the demand for Sunday service is.

MR. SHINNICK:

If I may, Sunday service as well as later weekday service, more earlier weekday service, more frequent service, connections between bus lines, extensions, all of that are very much the building blocks that go into improving systems. So yes, Sunday service as well as all of those other things are a part of the overall menu of things that this study will be looking at.

One of the things I just want to mention that doesn't come quickly to mind but this analysis helps with is by looking at where the riders are; where they're getting on and off the buses. We're not only identifying weak links in bus lines as well as strong links -- the exact opposite, where our strengths are, what we can improve the bus lines.

But also we have a bus shelter program that is fairly extensive and we've been identifying locations first the obvious ones that were needed and more recently the ones that we know have enough ridership, enough need to warrant the shelter but more and more of the line between, which ones do you do next is not clear to us.

And this data is going to yield a priority ranking of bus stops, it will give us a picture initially and it would be one tool, it won't be the only decision making point but it will be a tool that we can look at and begin apportioning the future shelters to these sites and some basis of priority that makes sense.

CHAIRMAN SCHNEIDERMAN:

My last comment deals with connections, which you mentioned a moment ago. I just wanted to share story, an individual came to me just the other day who had lost his license and now is taking the blue bus and his commute to work by car is a 45 minute ride and it's taking him about three hours to get there on the bus. So it's, you know, certainly we need to look at those connections

and, you know, that's to and from so that's six hours --

MR. SHINNICK:

Yeah.

CHAIRMAN SCHNEIDERMAN:

-- of his day on the bus and it seems extensive and it just might be coordinating the stops and transfers a little bit better and we could make this at least this individual's life a little more liveable. I'll move on to, I guess, Legislator Stern, is up next.

LEG. STERN:

Thank you, Mr. Chairman. For the past couple of months I've had the opportunity to serve as the Chairman of Suffolk Countywide Senior Citizens Task Force, and I -- in that capacity I had asked one question and that was is it good to grow old in Suffolk County? And through several months of hearing from hundreds of seniors and their families one of the major concerns that came up over and over again throughout our public hearings was access to public transportation. And so we were able to gather an awful lot of comments, a lot of recommendations and so perhaps now is the time for my task -- for the work of my task force to perhaps get over to you and hopefully you can make that a part of the process as you go through it.

My question is what can you -- what's been done at this point meeting with those from Office of the Aging, I see Director Blower is here. How is the analysis regarding our SCAT Program? How does that all play into the process that you're going through right now?

MR. SHINNICK:

Well part of the makeup of our Steering Committee has to do with representatives of agencies that we affect as a bus system. And the director of the Office of Aging is part of that Steering Committee so she has direct input into how this project is moving along. We met with her earlier today and others to discuss the overall needs and naturally she expressed some very important points related to people with aging.

There are other things outside of this study that the Federal Government now mandates as part of its overall planning process that go to coordination between different programs, transportation programs that used to be operating in isolation now need if there to be part of the federal funding flow somewhere down the line, to begin cooperating in looking at sharing resources and that sort of thing.

So, you know, this study is going to be developed in the context of those other things going on but the senior ridership has always been an important part of any bus system and it is here in Suffolk County. So it would not be to our advantage to take lightly the presence of a growing senior population in Suffolk County. We're going have to adapt as well. I don't know how that's going to materialize in terms of recommendations.

MR. CHERWONY:

I think the one thing we have done and it's sort of anticipating that seniors are going to constitute an important market and people will need a mobility is that we did use the census information to sort of very carefully analyze where seniors live, where they are concentrated as sort of a first step to figuring out where there might be some mobility needs. And as Bob indicated, you know, meeting with sort of people who do have a stake in affairs of senior citizens, you know, between the two of those things we should have a fairly good handle as to sort of what needs to be done to solve that.

But the bus system is not the only provider of mobility for senior citizens. They have other services that are geared specifically for them but it nonetheless is, you know, is a service that is available and they should utilize.

LEG. STERN:

You had mentioned earlier the possible funding from the New Freedoms Program. Do you know if that's funding that would be just available or applicable to SCAT or would that be systemwide?

MR. CHERWONY:

Well, it's really geared towards people with disabilities so it wouldn't necessarily -- going back to the seniors, wouldn't affect them. It would basically help as Bob indicated, you're going to have to develop a coordinated Human Services Transportation Program so it provides new funding for people with disabilities that didn't exist. I think it could apply to really any kind of program as long as it's consistent with that coordinated Human Service Transportation Program.

LEG. STERN:

So under our current system really then it would be used almost exclusively for SCAT because the rest of the bus system isn't necessarily accessible.

MR. CHERWONY:

Well, all the fleet will all be assessable. You know, the SCAT Programs geared for people who can't even with the -- an accessible lifts or wheelchair access, even people can't navigate the system for a variety of reasons and that's what the SCAT system is geared for.

MR. SHINNICK:

The New Freedom money is intended to go to services beyond what the minimum requirements of the ADA are. So it's to enhance mobility, opportunities for people with disabilities beyond what an agency might provide but saying well this is all I can afford but this -- all I have to do. So there's a bit of innovation intended in terms of how the money would be spent but it could find possibly a home in supporting some of the County Transit Programs in addition to just SCAT but certainly SCAT is an obvious opportunity to make use of that service, that money.

LEG. STERN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Walter, have you had an opportunity yet to meet with the Suffolk County Transportation Advisory Board?

MR. CHERWONY:

No, we haven't. Not at this stage.

CHAIRMAN SCHNEIDERMAN:

Okay. You plan to do so?

MR. CHERWONY:

Yes we will.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. CHERWONY:

I think what we've tried to do here with the study is first of all get our feet fairly well planted as to, you know, what's going on with the transit system as well as Suffolk County. I think, you know, we worked on Long Island for a number of projects but make sure we're on solid ground before we start going out soliciting comments and meeting with other groups. We have -- a Steering Committee guides a study but I think those are the kinds of things as we sort of have gathered all the hard data we need to sort of talk to people, find out what they think the needs are.

CHAIRMAN SCHNEIDERMAN:

Just please do so at an early stage.

MR. CHERWONY:

Okay.

CHAIRMAN SCHNEIDERMAN:

You know, because we create these committees to have input on these types of issues, it's important that when it comes time that they're given that opportunity. Also there was a couple of hearings we conducted maybe a year or two ago; one in Hauppauge and one in Riverhead. We had quite a bit of attendance and I believe they're very detailed minutes that came out in terms of the recommendations or comments that were made at those. And if you haven't already seen them I want to make sure you get copies of those so that you have a, you know, you don't have to reinvent the wheel, a lot of the comments may have already been made.

MR. SHINNICK:

The Chairman of the Advisory Board, Mr. Hymowitz, is also on the Steering Committee.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. SHINNICK:

He did provide a summary of --

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. SHINNICK:

-- there were comments from that hearing, we did ask him for the full minutes though so that we could better understand the context but he's fully aware of this process --

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. SHINNICK:

-- and the invitation to the rest of the Advisory Board -- that makes sense.

CHAIRMAN SCHNEIDERMAN:

Okay. There's also some other Regional Advisory Boards you had mentioned in your presentation, the Sustainable East End Strategies -- and development strategies and I know there's a transportation council on the east end that's been working on a lot of these issues. There may be other regional transportation councils that it's worth at some point at least reaching out to them, they may have some helpful information for you in terms of addressing the needs of those regions.

MR. SHINNICK:

As you may know, our office is a regular member of the EETC, ongoing meetings for the seeds implementation and others. Tom Neely, from the EETC is sitting on our -- the Steering Committee for this study so we have that direct connection as well.

CHAIRMAN SCHNEIDERMAN:

Excellent. Legislator Montano.

LEG. MONTANO:

Yes. When is the final report going to be ready? Did you indicate that in your presentation?

MR. CHERWONY:

No. I did not.

LEG. MONTANO:

All right. I didn't think I heard it.

MR. CHERWONY:

Right.

LEG. MONTANO:

So I'm asking you, when more or less do you think you'll complete your analysis and review?

MR. CHERWONY:

Well, I think we will have some initial thoughts certainly within the next four to five months.

LEG. MONTANO:

Okay.

MR. CHERWONY:

And I think we probably -- given the time frame to sort of get comments etcetera, it might be another four or five months to wrap up the project where you have a specific plan that we could all agree is the recommended program.

LEG. MONTANO:

All right. So once you complete the report, what is the process? Where are you going to take that report and what is going to be the next step?

MR. SHINNICK:

Well, we'd make sure that it's obviously public and with all due consideration on the combination of the County administration and I suppose the Legislature proceed to implement what makes sense through the normal budgetary process.

LEG. MONTANO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Rick, though, you know, on that if we're going to do anything for -- if anything's going to happen for next year we'd almost need some preliminary recommendations and costs estimates so that when we do our budget process --

LEG. MONTANO:

Right, but --

CHAIRMAN SCHNEIDERMAN:

-- which isn't that far away.

LEG. MONTANO:

No, our budget process --

CHAIRMAN SCHNEIDERMAN:

Otherwise we're talking about not bringing -- making any changes until 2009 in terms of our budget, unless we can have some early information.

LEG. MONTANO:

Well, that's the problem. If you're recommendations aren't coming out for five months or if your report isn't coming out for five months its going to take a better part of a year before we complete the review of the report and implement some of the changes because our budget, you know, we're

going to be receiving our budget in the next week or so. So you're really looking at the next fiscal cycle, nothing for this year.

MR. SHINNICK:

Yeah, unfortunately the passenger count data that's absolutely vital to be enabled to properly analyze this system; is not yet collected. Will be as I said, be collecting that data over the next four to six weeks but then it's got to be batched and analyzed --

LEG. MONTANO:

Understandable.

MR. SHINNICK:

-- and worked and then given from one to another so there's no intent believe me to delay this but --

LEG. MONTANO:

Right. Oh no, I didn't mean that at all.

MR. SHINNICK:

Yeah.

LEG. MONTANO:

We're just looking at the time frame.

MR. SHINNICK:

Yeah.

LEG. MONTANO:

One of the, you know, the questions I'd like to ask and I really think it's premature is, you know, what the fiscal impact of the recommendations but you don't even have the recommendations. I'm sure you have an idea of where they're going, I don't know if you care to discuss that but in terms of fiscally, I mean, are we talking something huge, something moderate, and, you know, I think it's -- that's the question I'd like to ask but I'm not sure you're prepared to answer that.

MR. SHINNICK:

Genuinely we haven't even begun --

LEG. MONTANO:

Right.

MR. SHINNICK:

-- to talk about recommendations. From my side of it we're allowing the analysis --

LEG. MONTANO:

Right.

MR. SHINNICK:

-- the data collection to, you know, I don't want jump in and try to influence improperly, you know.

LEG. MONTANO:

Exactly and I agree with you. All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Schinnick. Thank you, Mr. Cherwony.

MR. SHINNICK:

Thank you very much.

LEG. MONTANO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay, Commissioner, we're going to move to the agenda. So I guess this is my opportunity to say thank you. We have the cones to, I guess, October 12th or so.

COMMISSIONER ANDERSON:

Yes, correct.

CHAIRMAN SCHNEIDERMAN:

That's a big relief for the people of the east end. Not really just the people of the east end but all the people who work on the east end, which seems to be growing in numbers who really depend on getting through traffic there in Southampton so they can get to work along with all the kids and the school buses and everything else. So on behalf of all of my constituents, thank you very much.

COMMISSIONER ANDERSON:

You're welcome.

CHAIRMAN SCHNEIDERMAN:

And that those thanks go not only to you but to your staff, Mr. Hillman, and all the other people who were involved in figuring it out and also making it happen on a day-to-day basis[.].] So, thank you. Okay, first resolution is 1556.

1556, Directing the Suffolk County Sewer Agency and Department of Public Works to finalize the creation of Sewer District No. 4 Smithtown Galleria. (Kennedy) There's a motion to table by Legislator Stern, second Legislator Eddington. All in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0)**

1575, Establishing a written notice policy for Suffolk County Accessible Transportation Services. (Schneiderman) If I might just ask, Mr. Blower, are we -- have we gotten anywhere? We haven't had our meeting yet.

MR. BLOWER:

I actually met with Cliff this morning at the Steering Committee it just discussed before that committee started. I'm also a member of that Steering Committee on the study and Cliff said he was waiting to see the changes in the bill that he had recommended and he hadn't seen them yet so he didn't want to discuss it 'till this came out. And your staff just handed me this a minute ago before I came up here. So we did have the meeting but nothing was resolved with him.

So if it would be possible my recommendation is to table it again.

CHAIRMAN SCHNEIDERMAN:

Sure.

MR. BLOWER:

Until your next meeting by then I will have had a chance to discuss this with Mr. Hymowitz.

CHAIRMAN SCHNEIDERMAN:

Thank you. I'll make a motion to table, second by Legislator Eddington. All in favor? Opposed? Abstentions? **1575 is Tabled. (VOTE: 5-0)**

1623, Adopting A Local Law to reduce the emission of pollutants from diesel-fueled motor

vehicles operated by or on behalf of Suffolk County. (Cooper)

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator Stern.

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Eddington. Commissioner, I need to hear if this is ready for prime time yet?

COMMISSIONER ANDERSON:

We did work with Legislator Cooper's office in making this as -- I'd put it unrestrictive as it can be. We've gone over the timeline, you know, there will be as in anything some impacts but as I've said this is as unrestrictive as we can make this I believe at this time.

CHAIRMAN SCHNEIDERMAN:

You can live with this?

LEG. MONTANO:

I have a question.

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN SCHNEIDERMAN:

There's a long silence before that yeah. You let the minutes reflect the long uncomfortable pause that preceded the yes.

COMMISSIONER ANDERSON:

There's certain -- I have certain concerns with regards to the bill's impact on County contractors. There is room for decisions to be made that can obviously make this workable but at the end of the day there will be some impact. There will be, you know, because if we put this into our bids there are going to be contractors who can't bid on the work that we have.

LEG. CARACAPPA:

Why not?

COMMISSIONER ANDERSON:

Well, because of the --

CHAIRMAN SCHNEIDERMAN:

I'm sorry, was that Legislator Caracappa?

LEG. CARACAPPA:

I'm sorry, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

You two want to turn the mike on so we get you on the tape? And Legislator Caracappa asked why that -- they might not be able to bid.

COMMISSIONER ANDERSON:

Well, many of the contractors that we use for snow plowing, many of the contractors that we use for

construction -- the equipment, they don't have the equipment retrofitted and we would require that as part of this. Many are, many are bringing it up to code and as more legislation such as this comes out they will start to update it as the industry will but and in the immediate --

CHAIRMAN SCHNEIDERMAN:

Legislator Caracappa.

LEG. CARACAPPA:

Was it discussed with the sponsor to exempt contractors in certain situations such as snow removal, emergency situations, things of that nature?

COMMISSIONER ANDERSON:

There is a provision within the -- there is a provision within the legislation, I don't know if I can find it, that gives us the ability -- if the work does not extend beyond 20 days it doesn't have to be mandated, and I believe that's the -- one of the ways we have to avoid this at this point.

LEG. CARACAPPA:

Large paving projects.

COMMISSIONER ANDERSON:

Well, more -- my more immediate concern is towards the snow plowing.

LEG. CARACAPPA:

Yeah, mine too. But we start talking about long term projects throughout the summer where there are -- even though there's limited time to complete these projects due to weather and the circumstances surrounding that like paving, grading, or a large project like County Road 16 that's going to be coming up next year. How will it -- do you see any like major affects from this bill that it won't be able to -- the contractors won't be able to bid? Or will it be short?

CHAIRMAN SCHNEIDERMAN:

Or we'll bid and we'll cost a lot more.

LEG. CARACAPPA:

Yeah, are we cutting off our nose to spite our face in the end when it comes to massive projects like a County Road 16 or a large paving contract?

CHAIRMAN ANDERSON:

I'm hesitant only because -- I apologize but I only got the updated copy today. So I'm just looking at right now.

CHAIRMAN SCHNEIDERMAN:

The question can be asked to Counsel too if he's prepared to answer it.

LEG. STERN:

I have a question to Counsel so I can ask.

CHAIRMAN SCHNEIDERMAN:

Well, let's stick with last question. Joe would you just repeat the question again?

LEG. CARACAPPA:

My concern is is that the Commission outlined, even though I brought it up just for a short term projects like emergencies like a snow removal, we contract most of our work out for almost all of our projects nowadays. If we do a large road project such as the one that's going on in your district, in the Hamptons or County Road 16 that's going to be happening over the next couple of years, you know, we know a lot of these contractors; and they haven't and aren't going to be retrofitting their

vehicles anytime soon. It's just too cost prohibited to them at this point in time.

And will it -- in the short term and long term hurt us in the short term by even getting them onto as contractors for certain jobs and in the long term the cost will it increase their bids so much where it really doesn't make that much of a difference. It hurts us as opposed to helps us.

CHAIRMAN SCHNEIDERMAN:

I guess, so I guess the question is more for the Commissioner.

LEG. CARACAPPA:

Yeah, absolutely.

CHAIRMAN SCHNEIDERMAN:

It's not really a legal question.

COMMISSIONER ANDERSON:

Yeah, in the long term I don't think it's, you know, going to be an issue as technology improves. Immediately it could become an issue and I say could, because I don't know what's out there. There is provision within the legislation to override in certain specific cases.

CHAIRMAN SCHNEIDERMAN:

If it becomes cost prohibitive?

CHAIRMAN SCHNEIDERMAN:

The Commissioner of Public Works I believe has the right to override it with -- yeah.

CHAIRMAN SCHNEIDERMAN:

Does it state at what point that cost prohibitive decision is made, you know, if it adds ten percent to the cost of the project or 20%, is there a number or it's just the -- you make a --

COMMISSIONER ANDERSON:

It's more of a -- if it can't be done, if there's a vehicle that can't be retrofit, if there's a, you know --

CHAIRMAN SCHNEIDERMAN:

It can't physically be done.

COMMISSIONER ANDERSON:

If there isn't -- if the technology isn't there for the available equipment.

CHAIRMAN SCHNEIDERMAN:

But if it can be done but it might add a couple of hundred thousand dollars to a contract --

COMMISSIONER ANDERSON:

That's not something under consideration.

CHAIRMAN SCHNEIDERMAN:

That doesn't prohibit it. Ian?

MR. BARRY:

I can really only answer the second.

COMMISSIONER ANDERSON:

Except, you know what, oh I'm sorry, just if I could interrupt you and I apologize for this, in the exceptions under five of C, fleet of County contracted snow removal equipment is taken out of that. So that really eliminates my major concern with this.

LEG. CARACAPPA:

Say that again, Commissioner, I'm sorry.

COMMISSIONER ANDERSON:

The -- under section five of the legislation there are exemptions and under five C, it says fleet of County contracted snow removal equipment --

LEG. CARACAPPA:

Okay.

COMMISSIONER ANDERSON:

-- is exempt from this.

LEG. CARACAPPA:

Just snow.

COMMISSIONER ANDERSON:

Just for the snow removal.

CHAIRMAN SCHNEIDERMAN:

And that would apply to also private contractors that might be hired to remove snow on emergency or emergencies are exempted anyway, right?

COMMISSIONER ANDERSON:

Yes.

MR. BARRY:

I can only answer the second half, the first half is really a policy question. But the definition of best available retrofit technology sort of does put a cost limit on it. It says that anything that's, you know, at a reasonable cost, which is defined as nothing more than 30% over normal cost.

CHAIRMAN SCHNEIDERMAN:

30%.

MR. BARRY:

So there's -- it's limited in that respect.

CHAIRMAN SCHNEIDERMAN:

Wait what do you mean? 30% over the cost of the equipment, right? So if it's a \$100,000 piece of equipment you can go up to 130,000, isn't that the way that's calculated?

MR. BARRY:

Well --

CHAIRMAN SCHNEIDERMAN:

Oh, no. It's all right then.

MR. BARRY:

Reasonable cost is technology that does not cost greater than 30% more than comparable technology.

CHAIRMAN SCHNEIDERMAN:

I don't understand that. If it -- having no filter versus having a filter?

MR. BARRY:

So if a filter would cost 50% more than a non-filter, you don't have to do it.

CHAIRMAN SCHNEIDERMAN:

Non-filters.

MR. BARRY:

If it cost --

CHAIRMAN SCHNEIDERMAN:

Nothing.

LEG. CARACAPPA:

So we can increase the bids by up to 30% over and above what we would get.

MR. BARRY:

Basically that's the answer, yes.

LEG. CARACAPPA:

That's crazy.

COMMISSIONER ANDERSON:

And if the technology is available. If the technology not there --

MR. BARRY:

If the technology doesn't exist you can't retrofit it.

CHAIRMAN SCHNEIDERMAN:

Do we have other questions?

LEG. STERN:

I'll guess I'll direct them to Counsel. There were some changes made I just wanted to be clear on some of the changes. Because we're talking about compliance that we of course would like to have sooner rather than later but it does go out several years. Right? And it's done -- it's kind of phased-in over a good deal of time. The outside date that I saw was 2014. Can you explain the significance of how the dates and percentages and what the interplay is between them?

MR. BARRY:

Sure. I mean -- I'll just tell you what the dates are. If passed, DPW would have to retrofit to the extent possible, ten percent of all vehicles by January 1st, 2009.

LEG. CARACAPPA:

In our fleet?

MR. BARRY:

Correct, in our fleet. 30% by January 1st, 2010, 60% by January 1st, 2012, 80 by January 1st, 2013 and all of them by January 1st, 2014.

LEG. STERN:

And that's our fleet. And how does that apply if at all to Legislator Caracappa's concern about those that we contract out with? There is no -- is there any type of phase-in there or any fleet that we contract with from the enactment date of the legislation, they would have to be in compliance right a way?

MR. BARRY:

Sure. Once the bill goes into affect anybody that has contracted with would have to apply right

away. There's no time scale for sewer contractors.

LEG. STERN:

We're giving our effort that kind of time going out to 2014 but not those that we may contract with?

MR. BARRY:

Correct.

CHAIRMAN SCHNEIDERMAN:

Joe?

LEG. CARACAPPA:

Steve's not done. When Steve's done.

CHAIRMAN SCHNEIDERMAN:

Oh sorry, Steve.

LEG. STERN:

Thanks. The other -- a couple of other changes I just want to be sure that I'm clear on. There's the -- the weight compliance was increased. Was that from 12,000 to 14,500 pounds? Is that how I'm reading that?

COMMISSIONER ANDERSON:

Yes.

MR. BARRY:

Yes, that's correct. For -- that's what -- that's the threshold that would apply to Suffolk County owned vehicles.

LEG. STERN:

Okay. But it also exempts paratransit buses?

COMMISSIONER ANDERSON:

I believe so.

LEG. STERN:

Is that right?

LEG. CARACAPPA:

Just paratransit?

MR. BARRY:

No. I don't think it exempts the buses, Commissioner.

COMMISSIONER ANDERSON:

The large -- the old -- you mean the SCAT buses? Or are you talking about the large bus?

CHAIRMAN SCHNEIDERMAN:

The Suffolk County transit bus, right?

MR. BARRY:

There's nothing specifically that says that it does not apply to buses.

COMMISSIONER ANDERSON:

Right.

MR. BARRY:

I think this was one of the discussions we had had with the sponsor, was whether or not he actually wanted it to apply to all the buses. If they fall under that weight, obviously, but specifically, no I don't think so.

CHAIRMAN SCHNEIDERMAN:

Do they fall under that? What's the weight limit on the bill?

MR. BARRY:

14,500 pounds.

CHAIRMAN SCHNEIDERMAN:

I think they're over 14.

LEG. CARACAPPA:

Any passenger bus would qualify under our Suffolk County Transportation Bus Program. I'm sorry to interrupt but except for SCAT buses because they're usually smaller and they usually run on gasoline as opposed to diesel.

CHAIRMAN SCHNEIDERMAN:

What's the weight of a bus? 20,000 pounds? What does a bus weigh, Bob? Or more specifically, does it weigh over 14,000 pounds?

LEG. CARACAPPA:

A six wheeled duck tractor weighs about 16,000 pounds unloaded.

MR. SHINNICK:

The paratransit vans that we use, the gross vehicle weight rated at over 14,000 pounds. A bus is well over 20,000 and completely loaded it's probably about 30, 34,000 pounds.

CHAIRMAN SCHNEIDERMAN:

So this may apply to all of our vans and definitely all of our buses.

Where are we on this -- on the economic analysis of the cost of this? Does BRO have any kind of figures? And has BRO, if they do have those figures factored in such things as the conversion of our entire fleet of Suffolk County transit buses?

MS. GAZES:

The financial information contained in the fiscal impact statement was a cooperative effort with information also provided by Public Works and the information contained in the fiscal impact statement talks about approximately \$10,000 per upgrade. I don't know if that factored in or not the --

CHAIRMAN SCHNEIDERMAN:

How many pieces of equipment are being ungraded? And how many buses do we have, Bob?

COMMISSIONER ANDERSON:

We've got 160 buses but we've also secured grant funding to upgrade 107 of them now.

LEG. MONTANO:

I have a question, Jay, on the fiscal impact.

CHAIRMAN SCHNEIDERMAN:

Oh yeah, Legislator Montano.

LEG. MONTANO:

Yeah, I just had a question on the fiscal impact statement. There's one attached to the copy, can you hear me? All right. There's one attached to the bill that I have but it's dated 6/18. Is -- and I understand the bill was amended as of 8/13. Is there any change in the fiscal impact from 6/18 as a result of the 8/13 amendment?

MS. GAZES:

I don't have the -- an updated version in front of me either.

LEG. MONTANO:

Well, is there an updated version?

MS. GAZES:

I would have to check on that. I don't have personal knowledge, I didn't write it.

LEG. MONTANO:

Well, no I understand that.

MS. GAZES:

I didn't do the analysis.

LEG. MONTANO:

I don't mean to be critical.

MS. GAZES:

But I could check on that for you.

LEG. MONTANO:

Yeah, I'm just curious because the fiscal impact statement and I remember some conversations with the -- when the Commissioner was here about the fiscal impact and I just want to make sure that before I vote that we have the fiscal impact, the accurate one. So could you check if there's one after 6/18 or if one was done or whether one should of been done because of the amendment? Because if there's an amendment there, I would imagine that the fiscal impact would change based on the amendments.

MS. GAZES:

Yes. I can check that for you right now.

LEG. MONTANO:

Would you? Thank you.

CHAIRMAN SCHNEIDERMAN:

I'm just trying to get at what the fiscal impact is, you know, whatever it is and it still might be the best thing to do even if it costs a lot of money. But I think it's important before we vote that we know approximately what this is going to cost Suffolk County. Because, you know, it may necessitate having to raise property taxes and we have a tough decision if that's the case. We have a lot of priorities and certainly air quality is one of them but I just don't think we ought to act until we have a pretty good sense what the financial impact is going to be. Joe?

LEG. CARACAPPA:

Thank you, Mr. Chairman. Also I think Legislator Stern brings up a tremendous point that it doesn't apply to outside contractors and when it comes to our bus fleet, if this was to go into effect this law very soon, we effectively shut down our bus service or we have to run out of compliance with the law.

Also does this apply strictly to vehicles on the road, does it apply to a dredge that we may have to

hire, which runs very large diesel engines. Or how about our police boats, does this come into effect? Are they affected? And we need to know that as well. Who does this affect? Is it like a feel good piece of legislation, we're doing something for air quality or, you know.

CHAIRMAN SCHNEIDERMAN:

I think we got -- I was going to say I think there's a big offshore dredge we're going to have to bring into Smith's Point, right? To rebuild that beach there, that's kind of --

COMMISSIONER ANDERSON:

Well, the -- I believe this law applies strictly to motor vehicles and not to dredge or even --

CHAIRMAN SCHNEIDERMAN:

Well what's -- believe or no?

COMMISSIONER ANDERSON:

-- now that's the title of the law is diesel fueled motor --

CHAIRMAN SCHNEIDERMAN:

No, don't go by the title. Let's go by the body.

LEG. STERN:

Must be driven upon a public highway.

CHAIRMAN SCHNEIDERMAN:

All right. Must be driven upon a public highway.

LEG. CARACAPPA:

Or public waterway?

MR. BARRY:

If I may, the bill does apply to both. Motor vehicles, defined as those which run on-road and non-road vehicles including, you know, backhoes, cranes, excavators. The dredges, good question cause granted it is a non-road vehicle, because it does go on water and the boats is another good question. I don't think that's in the spirit of it but that's a good question.

CHAIRMAN SCHNEIDERMAN:

They use a different grade of diesel too -- those dredges too, which might be the most polluting.

LEG. CARACAPPA:

You took the words out of my mouth just now, Mr. Chairman. If there's any engine or machine that the County hires that emits a very dangerous toxic type of emissions, it's a dredge based on the fuel, based on the size of the engine as well as our marine fleet being used by our Police Department. It just is not clear to me and on top of the fiscal implications that are not clear, it's obvious we shouldn't move forward with this bill at this point in time.

CHAIRMAN SCHNEIDERMAN:

Would it apply say to the contractors the County hires for waste disposal, you know, that pick up whatever it is from the County, the disposable materials, be it recycling or be it, you know, municipal solid waste? So when we go out to bid to remove those types of things --

COMMISSIONER ANDERSON:

They would also have to comply. It appears so.

CHAIRMAN SCHNEIDERMAN:

-- they would have to comply too. And in the financial analysis, was that part of the financial analysis in terms of that we might pay as much as 30% more for contracting of certain services?

COMMISSIONER ANDERSON:

I don't believe we ever got into the cost for the actual construction because we don't know what the impact at that point is. We were strictly looking at what the cost were for the County and the impact for us to upgrade our fleet.

CHAIRMAN SCHNEIDERMAN:

And again, I'm not saying that I'm not supportive of the spirit of this piece of legislation. I just think before we act we must know what it's going to cost the County. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chair. In your discussions with the sponsor, has there been any conversation about other municipalities that have similar legislation, what their experience has been?

COMMISSIONER ANDERSON:

To be honest with you, a staff that met with them, with the Legislator's staff, so I'd have to get back to you on that. I would imagine so -- but I don't -- I can't say that.

LEG. STERN:

The Chair, are you familiar, Mr. Commissioner, with other municipalities, other jurisdictions and what their experience has been?

COMMISSIONER ANDERSON:

No, I'm not.

CHAIRMAN SCHNEIDERMAN:

Anyone else?

LEG. CARACAPPA:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Caracappa.

LEG. MONTANO:

Where's the fiscal impact statement?

CHAIRMAN SCHNEIDERMAN:

Why don't we --

LEG. MONTANO:

Put it over. Let's just get back to it.

CHAIRMAN SCHNEIDERMAN:

-- yeah, let's pass over for a moment while we wait for BRO to come back.

LEG. CARACAPPA:

I think the -- just before we move on I think the economic point of view is only half of our concerns. We have no indications within the resolution itself as it's written what part of our fleet, what part of the contractor's fleet, what services, what emergencies, its not clear whatsoever. So even if we do get the impact statement on the -- on what's its going to cost this bill, is at this point still flawed in my point of view. So I should just table it.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

Yeah, no I'm just asking Legislator Caracappa, you're saying that the -- I guess what you're saying is that even if we get the fiscal impact statement because we have uncertainties in the bill it may not be accurate?

LEG. CARACAPPA:

Yeah, we can get the impact statement now and say it's going to, you know, it's such a great bill it's going to in ten years time eliminate property taxes, it still is not a clear bill when it comes to who it's going to affect, how it's going to affect and in what situation.

CHAIRMAN SCHNEIDERMAN:

Okay. So we're going to pass over for the moment, moving onto 1659.

1659, Directing a study on the feasibility of the use of propane to fuel the County fleet. (Romaine)

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table and a second. Commissioner any comment?

COMMISSIONER ANDERSON:

Again as -- at the last meeting -- we -- the Department of Public Works is not experienced enough with propane as a fuel to basically provide the requested feasibility study and we would ask that funding be made available to that. And at the last meeting I mentioned that I would get that request over to the sponsor and unfortunately, I didn't do that. I will make sure that's taken care of.

CHAIRMAN SCHNEIDERMAN:

Just one thing on that issue, propane may be even cleaner in terms of air emissions then retrofitting some of the other, you know, the diesel powered fleet. And it might be cheaper to convert them to propane. It's just a thought, I haven't really studied this issue but before --

COMMISSIONER ANDERSON:

Again, I know this --

CHAIRMAN SCHNEIDERMAN:

-- we jump into expensive proposal to, you know, retrofit everything, we ought to also make sure that we're doing the best thing for the environment.

All right. So there's a motion and a second to table. All in favor?
Opposed? Abstentions? **It's Tabled. (VOTE: 5-0)**

1697, A Resolution calling for a public hearing for the purpose of considering the dissolution of the proposed Sewer District No. 4 - Smithtown Galleria. (Co. Exec. Levy) I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. All in favor? Opposed? Abstentions? **1697 is Tabled. (VOTE: 5-0)**

1661, oh these are tabled subject to call so I'll skip those.

INTRODUCTORY PRIME RESOLUTIONS

1830, Amending the 2007 Capital Budget and Program and appropriating funds in connection with installation of guide rail and safety upgrades on CR 83, Patchogue-Mt. Sinai Road, Town of Brookhaven (CP 5180). (Losquadro)

LEG. CARACAPPA:

I'll make the motion and a question.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion by Legislator Caracappa to approve.

LEG. EDDINGTON:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Eddington, on the motion Legislator Caracappa.

LEG. CARACAPPA:

Jut quickly, Commissioner, what section of 83 would this affect?
Is that Old Town North?

COMMISSIONER ANDERSON:

It's -- yeah, Old Town North right before -- a little bit south of where it ends up on near 25A.

LEG. CARACAPPA:

Very good. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Eddington. All right. All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

1843, Amending the 2007 Capital Program and Budget and appropriating funds for the acquisition of land for intersection improvements on CR 35, Park Avenue, Town of Huntington (CP 5519). (Co. Exec.)

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Eddington (sic), second by Legislator Caracappa. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

1844, Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for the reconstruction of C.R. 67, Motor Parkway Bridge at the Long Island Expressway, Exit 55, Town of Islip, Suffolk County, New York, (CP 5172). (Co. Exec. Levy)

LEG. MONTANO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Montano, second by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

CHAIRMAN SCHNEIDERMAN:

Oh, I skipped you? Okay. Those last seconds were Legislator Stern.

1854, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the rehabilitation of various bridges and embankments (CP 5850). (Co. Exec. Levy)

LEG. EDDINGTON:

I'll second it.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Stern, is that right? Second by Legislator Eddington. All right. We had a motion by Legislator Stern, second by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0)**

All right, now we're not done. We still got to go back to the one skipped and BRO is still not here. Counsel has something he wants to add.

MR. BARRY:

I don't think it changes the policy discussion at all but I just want to make clear to the committee that the wording of the bill would apply for on County owned vehicles, it could be motor vehicle, and any non-road vehicle that weighs over 14,500 pounds.

LEG. CARACAPPA:

It's a dredge.

MR. BARRY:

Correct. It could apply to dredges. It's intended to apply to excavators, cranes, but your question about dredges is a good one. Right. And the wording of the bill also makes it apply to all contracted vehicles --

LEG. MONTANO:

Right.

MR. BARRY:

-- diesel powered that have to run on ultra low sulfur diesel, or has available retrofit technology.

LEG. CARACAPPA:

Including bus fleet?

MR. BARRY:

If the buses are powered by diesel and are contracted then the bill would apply to them, yes.

LEG. CARACAPPA:

Immediately?

MR. BARRY:

Correct. As far as the contracted vehicles go there is no weight limit, so any contractor vehicle. But the question still remains about marine engines and if marine engines are non-road engines? I just wanted to make that clear because --

CHAIRMAN SCHNEIDERMAN:

Legislator Caracappa.

LEG. CARACAPPA:

Not to go on about it but what I'd like to see with the hope -- I know everyone wants to pass this sooner than later but it needs to be cleaned up by way of what it affects, who it affects and I'd like to see on the contractors end of things, it's a mirror what we're asking -- what we're asking our own County to do and that is to phase it in over time and to have the weight restrictions involved as well. Then it would be fair and give everyone a time to retrofit their fleets, whether they're County or non-County and do so in a way that probably if over time, it wouldn't cost the County this potentially at the low end a 30% increase in any bid or project for contracted vehicles.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you, Legislator Caracappa. And Legislator Stern, I should say Eddington wants to say something.

LEG. STERN:

Thank you, Mr. Chair. I share the concerns of Legislator Caracappa. I think that's an important suggestion, if we are going to have a phase in over time for County vehicles it certainly can't be done the same way, I'm sure that there's no way for us to know what the percentage is of applicable contracting, you know, concerns that we're dealing with over time through 2014. But there has to be some way to take a look at the legislation and provide for that kind of time both from a cost perspective and just the ability to implement, you know, the underlying theory of this legislation. So, you know, I certainly support the legislation, strongly support the idea of the legislation but it does need some work.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

Yeah, I wanted to thank you for getting the revised statement. I really haven't read it but I'm looking at the last line and it says consequently the fiscal impact associated with equipment upgrades is indeterminate at this time.

LEG. CARACAPPA:

Let's not forget about our helicopters as well.

LEG. MONTANO:

That means I don't have to read the rest of it, right?

MS. GAZES:

Well, I am also reading it for the first time.

LEG. MONTANO:

All right. Okay.

MS. GAZES:

So the actual author of the fiscal impact statement is not in the office today.

LEG. MONTANO:

Not a problem.

MS. GAZES:

I was trying to contact him to see if he could help us out with this one so I was not involved in the actual data, you know, gathering.

LEG. MONTANO:

I understand. Thank you. Thank you for getting it.

LEG. CARACAPPA:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay. So there is a motion to table by Legislature Caracappa.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. All in favor? Opposed? Abstentions? Okay. So that is **Tabled** and we are adjourned. **(VOTE: 5-0)**

**(THE MEETING CONCLUDED AT 3:40 PM)
{ } DENOTES SPELLED PHONETICALLY**