

**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, November 27, 2007.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

George Nolan- Counsel to the Legislature  
Kevin Duffy - Budget Review Office  
Gil Anderson - Commissioner - DPW  
Tom Laguardi - Chief Deputy Commissioner - DPW  
Catherine Stark - Aide to Chairman Schneiderman  
Renee Ortiz - Chief Deputy Clerk - SC Legislature  
Ben Zwirn - County Exec's Office  
Gail Lolis - County Attorney's Office  
Debra Alloncius - AME  
Tony Cuzzucoli  
Lisa Browne  
Eugene Wishod  
All Other Interested Parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 2:08 P.M.\*)

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. All rise and join us for the Pledge of Allegiance led by Legislator Stern.

**SALUTATION**

And if you will remain standing for just a moment so we can pay our respects to a former Legislator. If you turn your attention to the wall to my left, to the center of that wall, there's a photograph of Joe Rizzo who was a former Legislator from the Islip area, also a former Presiding Officer of this body. If we could take a moment in his memory. Thank you.

**MOMENT OF SILENCE**

Thank you. You may be seated. I should mention for those who didn't know that Mr. Rizzo passed away, I think, yesterday. We have no presentations today. I have three cards. We'll start with Mr. Wishod. Gene, you have three minutes.

**MR. WISHOD:**

Three minutes for all three matters, Mr. Chairman?

**CHAIRMAN SCHNEIDERMAN:**

Yes. I think we've heard in the past -- I don't know if you're going to bring any new testimony, but if you need more time, we'll take it up after three minutes.

**MR. WISHOD:**

I've lost count of the number of times I've come here for the Galleria matter, and I've lost count of the number of times it's been tabled. I know it's at least six, and I think it's closer to seven or eight. And with all due respect, I think it's a disgrace that Legislative action has been paralyzed in this matter for that long a period of time.

In October -- we had a meeting in October in of 19 -- of 2005, last year, at the County Exec's Office with Kevin Law, Jeff Szabo and the then County Budget Officer, and they told us that if this district is taken over by the County, the rate would be over a thousand dollars per unit and that the only way that could be avoided would be to dissolve the district and form it later when it was expanded with more customers.

We believed that, Mr. Chairman, and we acted on it. And we acted on it after spending a year trying to clear a title. I mean, Avalon built half the plant, we built the other half. It's a complicated title situation; we had to draft easements. And the County was all set to take over the plant with our blessing at the original \$450 rate in July. I mean, we spent an awful lot of time and an awful lot of money to effectuate that. The Budget Office then got involved and said, "Forget it, we cannot operate this district as a County district for over a thousand dollars, tell me what you would like us to do."

Well, John represents an awful lot of residents at Avalon. I represent Vincent DiCanio who built the rest of the plant and has also had his property sterilized for two years until this matter was resolved. So he said -- we said there really is not much of an alternative when their people are paying in the two to \$300 category in Avalon. And in any event, we didn't think the State Comptroller would ever approve that as benefit to the district. So we said the only alternative is to dissolve the district.

Legislator Kennedy put in his resolution in June to compel the Public Works Department and the Sewer Agency to effectuate the original intent and take over this County district at a rate of \$450. Assuming that the Public Works Committee has jurisdiction to do that and to compel the County to

take over a district at a particular rate, that's precisely what John Klein and I were working for a year to accomplish and that we were told was impossible without a rate of a thousand dollars.

The County then belatedly put in its own resolution to call a public hearing to dissolve the district. Every single -- every single tabling of this matter has been with the consent of the County -- of the County and the Department of Public Works.

Rather than supporting the resolution, they've opposed it, they've consented to every adjournment, they've gone to meeting after meeting after meeting after meeting with Legislator Kennedy and this small group of homeowners, and they've accomplished absolutely nothing, notwithstanding these vague things that we're talking about the issues.

First, they told the Department of Public Works and the Budget Office, you've to eliminate the indirect costs. Budget Office said, we can't do that, we've been doing it this way for 25 years. The next approach was raid the Sewer Stabilization Fund. We were told we can't do that, that's not legal.

And then the most cockamamie recent scheme was to join the Galleria Sewer District with another community three, four, five miles away so you'll have more participants. This is after Legislator Kennedy has publically stated his bitter opposition to an expansion of the Galleria District because of groundwater concerns. So, I mean, it's totally inconsistent. They've told you in the past in support of tabling, that they're having discussions and all that. Please question them about what kind of discussions they're having. There's nothing happening, because nothing can happen unless the County is willing to say, well, it's not going to be a thousand. They've had six months to say that. They put in a resolution that says it's got to be over a thousand dollars. It is or it isn't? I mean, it's a pretty clear cut issue.

**CHAIRMAN SCHNEIDERMAN:**

If it were dissolved, which is I think you are advocating for --

**MR. WISHOD:**

Well, we're advocating that only reluctantly because we're told it's got to be a thousand dollars if it's --

**CHAIRMAN SCHNEIDERMAN:**

So what happens when it's resolved to the folks who --

**MR. WISHOD:**

Well, it would -- it would remain in private ownership.

**CHAIRMAN SCHNEIDERMAN:**

It just remains private.

**MR. WISHOD:**

Yeah. The district -- the way it was done, the district was formed before there was a transfer of the physical assets. I don't know why, but that's the way it was done. The transfer of the physical assets that John Klein and I worked on for over a year involves a lot of complex questions of easements --

**CHAIRMAN SCHNEIDERMAN:**

I understand. And you understand that we've holding it up in good faith allowing the County and the folks at Galleria to look at the numbers to see if any accommodations or -- to kind of revisit those numbers and see if it ends up being anything other than what it originally was, and we've really been waiting on that.

I agree with you that something needs to happen here. We can't hold this up forever. But when the Commissioner has an opportunity to speak, we'll find out whether there's any movement, and then

hopefully we'll --

**MR. WISHOD:**

I appreciate why you table. I only implore you, ask some hard questions.

**CHAIRMAN SCHNEIDERMAN:**

I understand.

**MR. WISHOD:**

What's going on? What are these discussions about? What are they --

**CHAIRMAN SCHNEIDERMAN:**

It's not fair to hold this in abeyance forever, there's no question. Something has to happen here. You know, holding a public hearing on dissolving it is simply holding a public hearing. It doesn't compel any actions, so.

**MR. WISHOD:**

Absolutely. And then the apartment dwellers in Avalon and everybody else in the district can have their say. And if that's what they want, that's what they want, that's fine.

**CHAIRMAN SCHNEIDERMAN:**

We will hear in a little while from the Commissioner. Thank you.

**MR. WISHOD:**

The other resolution on here is on the Holiday situation. I wrote a lengthy letter in response to Legislator Kennedy's letter to geodetic survey. I faxed and mailed copies, I hope you got them all. And I don't want to review everything in my letter, only to say that six years ago, the County Legislature approved the construction agreement to expand this district. They reaffirmed that three or four months later, increased the expansion. We entered into, as we were authorized to, five agreements with connectees, two of which are townhouse, village condominiums and co-ops who have sewage treatment plants that are held together by Band-Aids. Their only salvation is to build a new plant or to connect to the expansive plant.

After approval of the plants and specs, which took a long period of time, we signed a contract, a \$17 million contract, to start the expansion. Now, apparently there's a proposal here to set all that aside, go back to square one, because somebody's concerned about where the dividing line for the groundwater is. I can't pretend to understand that issue, I really can't. So I can't comment intelligently on it. I can only tell you the County's a party to the contract, we're a party to five contracts. This is a project that's been approved by the Suffolk County Legislature. And Holiday is a very important part of our mix. They're contributing \$2 million to this expansion. We can't build it without them. And what's before you is not the expansion, but the standard conventional agreement --

**CHAIRMAN SCHNEIDERMAN:**

It's the parties that actually hook up.

**MR. WISHOD:**

Yeah. Just to approve Holiday, which the Sewer Agency has approved.

**CHAIRMAN SCHNEIDERMAN:**

It's not the volume that we're approving, it's the individuals or the corporations.

**MR. WISHOD:**

Exactly. Exactly. And the type of agreement is not the expansion, but what we call the collection system so they can build their interior lines connect.

**CHAIRMAN SCHNEIDERMAN:**

Which is more regulated through zoning than it is through anything that we did.

**MR. WISHOD:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Mr. Wishod. Quick question from Legislator Stern.

**LEG. STERN:**

Mr. Wishod, did you know off hand when -- the date that it was approved by the Sewer Agency?

**MR. WISHOD:**

Holiday -- I put all the other pertinent dates in my letter, but I don't know if I put that date.

**LEG. STERN:**

I see those other dates.

**MR. WISHOD:**

I'm sorry?

**LEG. STERN:**

I see all those other dates, but I didn't see that one.

**MR. WISHOD:**

Well, I have a copy of the Holiday agreement if you give me a minute.

**MR. NOLAN:**

The Sewer Agency resolution is 8/20/07.

**LEG. STERN:**

All right. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

But it was 2001 that the expansion was approved.

**MR. WISHOD:**

I'm sorry I don't have that.

**CHAIRMAN SCHNEIDERMAN:**

August 20th was when the Sewer Agency approved the Holiday. Thank you Mr. Wishod.

**MR. WISHOD:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Next speaker is Tony Cuzzucoli.

**MR. CUZZUCOLI:**

Thank you, Mr. Schneiderman. You're getting much better at pronouncing that name. I struggle with it myself sometimes. Mr. Chairman, for the record too, there have been some comments maybe in a previous colloquy that would seem to indirectly splash on me in some form. And I would hope that beyond my three minutes I could at least speak to them for just a moment, if I may, above and beyond the comments I wanted to make now.

**CHAIRMAN SCHNEIDERMAN:**

You have three minutes, and then we'll make a decision at that point.

**MR. CUZZUCOLI:**

Thank you. You've always been fair, I appreciate that. First of all, good afternoon to you, sir, and to the members of the committee. During your last public session on November 13th, I raised some concerns on behalf of area residents regarding the construction of a sewage treatment plant associated with the proposed Windwatch Tower Complex.

These concerns based on historic levels of groundwater saturation in the northeast branch corridor generate an additional concern, a topological concern in the contours in the area may direct groundwater north down through that corridor. The plant's design to recharge 750,000 gallons of water per day into the ground does nothing to allay these concerns. A review of site plan did not indicate any evidence that monitoring wells had been set in place to unequivocally reflect the direction of groundwater flow. And USGS on the morning of the 13th reconfirmed that they have no data that can definitively identify the location of the groundwater divide in that area.

Since delivering my statement in this chamber, I have met with some officials in the Town of Islip as well as with a contact on the State level. In each instance, I have been informed that groundwater flows south away from the northeast branch corridor, but no written documentation was offered to substantiate the claims in either instance. It's not unreasonable to expect that if you were prepared to vote a second approval out of committee today, the committee is prepared to direct interested parties to record evidence that will ease residential concerns and remove any doubt that recharged water will be redirected north towards their collective homes.

Since County agencies are currently engaged in remediation efforts to ease groundwater encroachment in concert with the Town of Smithtown, we harbor no doubt that this arm of Suffolk County Government would not undermine those efforts. We look for your reassurance as an organ of Suffolk County Government, that your vote of approval, if given today, is a guarantee that all parties to this proposal are in conformance with local, County and State requirements regarding the sound design, the construction and performance of this sewage treatment plant.

Aldous Huxley once wrote the, "Facts do not cease to exist because they're ignored." This Legislative Body has had far greater time to inspect the plans, ask critical questions and initiate salient inquiries concerning recharge capacity in a sensitive region. Area residents have only had several weeks. We trust that your oversight responsibilities and dedication to due diligence will bring no future harm to hundreds of innocent families. The Legislature as a whole, the County Executive Branch and the citizens of Suffolk County expect no less. We're all in the palm of your hand this afternoon, and we trust in the decision that will have to be made -- will be carefully monitored in ensuing months and years. Please use your vote wisely. A great deal is riding on your testament to strict scrutiny in this chamber. And I thank you for your indulgence.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask you a couple of questions? One is, you know, you're talking two different issues that I'm not sure are linked together. One is groundwater flow direction, and two is recharge capacity. Are you seeing them as one in same or interconnected somehow?

**MR. CUZZUCOLI:**

No, sir. We see connection in that with placement of the sewage treatment plant in Blydenburgh, Mt. Pleasant as it's been called in the past, that if indeed the groundwater were to be moving north rather than south, that if indeed the design of the groundwater -- excuse me -- the sewage treatment plant has not been designed properly. You were talking about 99 leaching pools in an area of 37,000 square feet, etcetera --

**CHAIRMAN SCHNEIDERMAN:**

Would lead to what, groundwater contamination?

**MR. CUZZUCOLI :**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Flooding? What's the issue that you're looking at.

**MR. CUZZUCOLI :**

Yes. And the issue for us is the volume of water. We were not questioned essentially --

**CHAIRMAN SCHNEIDERMAN:**

What's the concern with the volume, that it will lead to flooding in your area?

**MR. CUZZUCOLI :**

Sure. The headwaters of the Nissequogue are literally there in the golf course and immediately north of Townline Road, right in that corridor. We have had a super saturated condition for a year and a half now since --

**CHAIRMAN SCHNEIDERMAN:**

Do you have a problem now with basements flooding?

**MR. CUZZUCOLI :**

Oh, yes. Yes. Throughout the corridor. In fact, you have Suffolk County Health Services, you have Suffolk County Department of Public Works in conjunction with a representative from the State DEC, the town engineers, a consulting engineer from the Village of the Branch all working on a joint task force at this very moment in an effort to resolve some of those issues. So when I say that I hope that you folks have done your due diligence and seem to at that --

**CHAIRMAN SCHNEIDERMAN:**

Can I ask, is groundwater flowing -- if it turns out that groundwater flows north, you have no objection to this, or you continue to have objections?

**MR. CUZZUCOLI :**

We have a great concern, of course. Yes, we do have an objection then.

**CHAIRMAN SCHNEIDERMAN:**

Your main concern is that -- maybe I'm getting my directions --

**MR. CUZZUCOLI :**

Yes, you are.

**CHAIRMAN SCHNEIDERMAN:**

If it flows south, then you don't have a concern if it actually flows south?

**MR. CUZZUCOLI :**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

All right. So your objection only is that if it flows north, it could add to flooding.

**MR. CUZZUCOLI :**

That's correct. It would exacerbate an already untenable situation. And USGS has already predicted that there are more rain cycles of the October 2005 variety than historical rains in the past. So it's a loaded gun there. Hundreds of families are sensitive to that.

**CHAIRMAN SCHNEIDERMAN:**

It shouldn't be too hard to put in some wells -- not wells, but they put in these heads to determine groundwater flow at a particular point. I know I've done this before on the town level, so it can be done. I'm not sure what the cost would be.

**MR. CUZZUCOLI:**

I was just hoping, sir, that reliable tests had already been taken place, that somehow we had missed those, and that you could --

**CHAIRMAN SCHNEIDERMAN:**

And you have not come across data for that specific area in terms of the groundwater flow?

**MR. CUZZUCOLI:**

No, sir. None relative to this proposal. And so it raised a flag for us. And all we're asking is that there's some evidence and proof that we may have missed in sneaking a peak at the plans. And if indeed --

**CHAIRMAN SCHNEIDERMAN:**

In the early documents that you saw -- I'm sorry to interrupt -- it indicated that the groundwater flow was south. When the earlier decision was made to allow this 100,000 gallon additional capacity, the documents that were considered showed a flow to the south; is that correct?

**MR. CUZZUCOLI:**

The plan indicates a flow to the south. I had a number of people -- I do call them my shadow group -- they're a number of engineers, hydro geologists in this group, who, by the way, are pumping groundwater families, who have a vested interest in seeing that, whatever studies may come out of town or County or State are indeed as they appear to be. In quickly looking at the plan, we're concerned that, where as I stated in November 13th, contour -- most hydro geologists and many engineers will tell you -- contour of the land overwhelmingly determines groundwater flow as opposed to groundwater divide.

The groundwater divide issue, one that I did not seek to exercise the former speaker with, was only brought up because traditionally, everyone living in that area has been sensitive to where the groundwater divide is since we have had to do deal with sewage treatment plants in the past, and because of the headwaters and the numerous springs for the Nissequogue being in that area.

The head hydro geologist at USGS has been quite consistent with the hydro geologist that has worked with us in stating that, yes, certainly topography contours of the land mitigate a great deal towards determining where the groundwater will flow. So that is why we had this initial concern that if indeed we were going to have a proposed -- and please understand this, we were unaware of this proposal until several weeks ago. We would have joined this issue a lot earlier than this.

**CHAIRMAN SCHNEIDERMAN:**

I think I understand your concern. So if you will take a seat, I'll be asking some questions of Public Works regarding whether we can get some additional before we make a decision.

**MR. CUZZUCOLI:**

Good enough. Can I just make one point, however, that was in an exchange earlier? Something about Legislator Kennedy, who, by the way, is not here. I have no --

**CHAIRMAN SCHNEIDERMAN:**

He is not on this committee.

**MR. CUZZUCOLI:**

I understand. I have no dog in this fight about the Galleria and the Avalon. I don't know anything about that, save what I have about Mr. DiCanio perhaps entering into or proposing an agreement

with the proposed 90 room hotel at 347 and Smithtown Boulevard. That raised an immediate flag for us, again, many of the same people, because large numbers of areas to the immediate north and south of that site, that proposed 90 room hotel complex, are already pumping -- have been pumping since August of -- excuse me -- October of '05. And we're quite concerned that if we had that kind of a complex recharging more water into an area that's already pumping, we would have serious problems far beyond what they already have.

And by the way, subsequently to that evening in which Legislator Kennedy challenged that proposal -- as I understand it, I not there -- Branch Brook Elementary School situated several tenths of a mile south-southwest of that proposed site has already had serious problems to the extent its septic system is backing up and now having contractors come in to the tune of 600,000 plus to put in a mounding system they're not sure is going to work. So that area does have serious concerns.

I understand where Counsel is going and what his concern are. He certainly voices some legitimate concerns of his own. We recognize those. But no one who is trying to get water out of their home is going to be sympathetic to that. They are only concerned with the fact that they're seeking to retrieve the quality of their lives. And I thank you so much for patience and your courtesy.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Mr. Cuzzucoli. All right. Lisa Brown.

**MS. BROWN:**

Good afternoon. I'm here on behalf of Marc Schneider's office and the Windcrest Galleria Homeowner's Association. Mr. Schneider unfortunately couldn't be here this afternoon. He had advised me that he's requesting that the matter be tabled with respect to Sewer District Number 4. Again, there was a meeting was supposed to be held with the County last week. It unfortunately was cancelled at the request of the County and is in the process of being rescheduled. This meeting we intend to discuss all the alternatives involved in this matter, and hopefully come to some kind of resolution, therefore, while we understand the length and the delays in this matter, we implore you to once again table this -- the resolutions. And that's it.

**CHAIRMAN SCHNEIDERMAN:**

Thank you.

**MS. BROWN:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

We have one more speaker, Joseph Piro.

**MR. PIRO:**

My name is Joseph Piro from the Smithtown School District, Plants Facilities Administrator with our Superintendent Ed Ehman. We were just concerned because we're facing a groundwater problem which is very close to the site by our Branch Brook Elementary School where we're spending almost \$600,000 to replace the septic system. We have other schools that are closer; Mt. Pleasant, that we would hate to see have the same thing happen where the groundwater would come up and we'd have to do the same type of work. So we're very concerned about anything that's going into that area.

**CHAIRMAN SCHNEIDERMAN:**

Which application are you concerned about, the Holiday hookup or the Galleria?

**MR. PIRO:**

The Galleria.

**CHAIRMAN SCHNEIDERMAN:**

The Galleria.

**MR. PIRO:**

The sewage treatment plant that's going to go in and putting in, you know, more groundwater.

**CHAIRMAN SCHNEIDERMAN:**

The sewage treatment plant, there's already one there, but it's a private facility.

**MR. PIRO:**

Right. So we're just concerned that we are facing that groundwater problem which is going to cost about \$600,000 for one of our schools. And we're concerned that any additional groundwater would cause other problems at our Mt. Pleasant Elementary School, which is not too far away from the area. So we would ask that we have some more input and more discussion, because of the fact that, you know, it is very close to -- in close proximity to our schools. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. All right. Can I ask Commissioner Anderson to step forward. Thank you, Commissioner. If I could start by asking some questions that really pertain to the speakers we had in front of us. Mr. Wishod was asking for some kind of action, I guess, one way or another for his clients. Where do we stand with the negotiations with Galleria? The last speaker just spoke -- two speakers ago -- about the meeting being rescheduled.

**COMMISSIONER ANDERSON:**

Yeah. The meeting -- I just found out on the way here the meeting has been rescheduled for December 17th, I think at 1:00, but -- involving all parties.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask you whether the County's numbers have changed at all?

**COMMISSIONER ANDERSON:**

No. In fact, the last time we were requested to look into the possibility of combining districts. We did that. It was our recommendation that there wouldn't be any substantial savings made by that.

**CHAIRMAN SCHNEIDERMAN:**

So we still have that thousand dollars number?

**MR. NOLAN:**

Yes. That's our recommendation, yes.

**CHAIRMAN SCHNEIDERMAN:**

I'm trying to figure out what discretion to go. I mean, maybe it does make sense to just concurrently have the public hearing on dissolving the district, and then we have the two things in front of us; dissolving it versus creating it, and then we can make a decision. Do you -- have they changed their position in terms of being more willing to pay that thousand dollars?

**COMMISSIONER ANDERSON:**

I believe the discussions that we're going to have -- no, I don't think they're going to go back -- or want to pay, you know, the thousand dollars. I think their intention is that, you know, they'd like to see the County reduce the rates, but --

**CHAIRMAN SCHNEIDERMAN:**

But that doesn't seem like that's happening.

**COMMISSIONER ANDERSON:**

Well, we can't make that recommendation, because the impact to the -- you know, the Stabilization Relief Fund would be too great.

**CHAIRMAN SCHNEIDERMAN:**

What can make that recommendation?

**COMMISSIONER ANDERSON:**

Well, DPW doesn't make that recommendation.

**CHAIRMAN SCHNEIDERMAN:**

So it doesn't happen without that recommendation.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

All right. So basically for the last four months we've gone nowhere on this.

**COMMISSIONER ANDERSON:**

We've been looking at any options possible. It's hoped that with County input we may be able to, you know, at least give some assurances to the homeowners that -- you know, that we will be part of the discussions as they expand. Hopefully the expansion will be enough to reduce the rates. I mean, that's, you know --

**CHAIRMAN SCHNEIDERMAN:**

On that issue there was some concern about the expansion adding more water into the system, which might cause flooding or may weaken the ability for the school's, in this case, sanitary system to operate. Is there any --

**COMMISSIONER ANDERSON:**

I don't know without looking at -- again, without looking at the Galleria's impact to the northeast branch, I don't know that one impacts the other. I know they're near each other.

**CHAIRMAN SCHNEIDERMAN:**

Right now, the issue before us isn't an expansion of that facility, it's whether the County takes it over or not.

**COMMISSIONER ANDERSON:**

Understood. Right.

**CHAIRMAN SCHNEIDERMAN:**

So they can expand as a private facility as well.

**COMMISSIONER ANDERSON:**

Right. But I would say that without studying -- I don't know that -- again, the northeast branch appears to have been created. It's not necessarily groundwater, it's perched water through a clay lens. I don't know that the clay lens extends under the Galleria. So if you expand it, whether it's us or it's somebody else, it's going to impact the northeast branch without having to really have had a chance to look at that.

**CHAIRMAN SCHNEIDERMAN:**

And if they didn't hook up to a sewage treatment and they put in a conventional system, they still would be recharging.

**COMMISSIONER ANDERSON:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

So it really gets back down to zoning, right, and Suffolk County Health Department? Another speaker, Mr. Cuzzucoli, spoke of concerns with the Holiday hookup and the concern -- the principal, basically, concern was that the water flow would be to the north, not to the -- would be to the -- yes, to the north, not to the south and would exacerbate a flooding situation that have already have. How hard would it be for us to get data in terms of the groundwater flow under where the sewage treatment plant would go there?

**COMMISSIONER ANDERSON:**

We've already done it. At the last meeting, Legislator Kennedy requested that we look into it. I reached out to Islip, although I don't have the information that they have from their landfill, because the landfill is adjacent to the treatment plant, their annual report of the groundwater states that it flows southerly. Also, Nelson and Pope did a survey of the -- we have some wells around our treatment plant -- I think there's five wells around in a circular manner -- they did some survey work, and they determined that the groundwater underneath the treatment plant flows southerly, and it's at a pretty good rate too. So it's not going towards the northeast branch. So there's no -- there's no impact --

**CHAIRMAN SCHNEIDERMAN:**

Are any of those wells located to the north?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

They are?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

So the entire area where this sewage treatment facility would be located -- actually, the sewage treatment plant is already there, right? This is just an expansion of it.

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

So the area where the expansion is is entirely to the south of where the divide is?

**COMMISSIONER ANDERSON:**

Yes. Well, it appears the flow is to the south, so.

**CHAIRMAN SCHNEIDERMAN:**

For the entire property.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And do you have a recommendation in terms of moving forward or not with these -- with dissolving versus creating of the sewer district for Galleria?

**COMMISSIONER ANDERSON:**

For the sake of what's been going on -- and I realize it has been somewhat protracted -- I would say let us hold this next meeting and see where it goes. Maybe there is some way of --

**CHAIRMAN SCHNEIDERMAN:**

Can I ask Counsel a question? Because it seems to have -- there's two directions this can go; either we dissolve it or we finish the creation of it. If we held a public hearing, we could bring the two into the same place. Right now, finishing the creation doesn't require any other action other than this body. It doesn't require any more public hearings, yet dissolving it would require this public hearing. If we were to, let's say, move the bill that allows the public hearing to be held, will that die also at the end of the year? So it would require a new public hearing anyway.

**MR. NOLAN:**

Right. Well, if we don't act on the bill by the end of the year, this bill, with all other legislation, will die. If we set the public hearing or authorize the public hearing, there will be a public hearing.

**CHAIRMAN SCHNEIDERMAN:**

Do we meet again after that to then decide the bill?

**MR. NOLAN:**

I don't know if I'm understanding your question.

**CHAIRMAN SCHNEIDERMAN:**

Well, let's say we schedule a public hearing for some time in December, right, we would have to meet again after that. If we don't actually decide it after the public hearing, then we have to start again with a new public hearing; is that correct, a new bill, a new public hearing, because the bill dies at the end of the year?

**COMMISSIONER ANDERSON:**

Well, the bill is just for a public hearing, so if we hold the public hearing this year, there would have to still be an official resolution to dissolve or accept.

**CHAIRMAN SCHNEIDERMAN:**

Do we need to hold a new public hearing, is what I'm asking, if we don't vote on the bill before the end of the year?

**MR. NOLAN:**

If we don't vote on the bill by the end of the year --

**CHAIRMAN SCHNEIDERMAN:**

The bill that actually dissolves it, not the bill to hold the public hearing.

**MR. NOLAN:**

No. If we authorize the public hearing, there could be a public hearing, and then there could be subsequent resolution to do the actual dissolution, I guess would be the way it would be done. So if we set the public hearing now, that's fine.

**CHAIRMAN SCHNEIDERMAN:**

So in January, say, we could vote on dissolving it, and the public hearing that happened, say, in December would count for it.

**MR. NOLAN:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

Joe.

**LEG. CARACAPPA:**

Even I get fuzzy with the rules when we come to an end of the session in two years, but correct me if I'm wrong, Counsel, if it came to the last meeting, barring the whole public hearing debate, the bill

itself, if we were to make a motion to table to a date certain in the new year, does it exempt the elimination clause in our rules?

**MR. NOLAN:**

I think, you know, the past practice has been in years past to -- that certain bills have been adjourned to a certain date in January or February of the following year. My reading of the rules is you really shouldn't be doing that, that all legislation should die at the end of the year, and we just start fresh with a new -- a new session coming in. And I believe that's going to be my opinion going forward.

**CHAIRMAN SCHNEIDERMAN:**

But the public hearing comment could be part of a record on a new bill that was -- an identical bill that was introduced in January to do the same thing.

**MR. NOLAN:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

All right. That's really my question.

**LEG. CARACAPPA:**

But if you do do a new bill -- I'm sorry, through the Chair --

**CHAIRMAN SCHNEIDERMAN:**

I just don't want to have to do the public hearing twice.

**LEG. CARACAPPA:**

You wouldn't have to do the public hearing twice, because you're setting that in this current year and you'll be having it. But all public debate would be open again based on the new bill.

**CHAIRMAN SCHNEIDERMAN:**

But there wouldn't be a requirement to hold a public hearing on the new bill.

**LEG. CARACAPPA:**

No, because you're doing that in the new year.

**CHAIRMAN SCHNEIDERMAN:**

Even though the bill numbers didn't match, we held a public hearing on the issue.

**LEG. CARACAPPA:**

Right. Counsel would be absolutely correct on that .

**CHAIRMAN SCHNEIDERMAN:**

All right. Any other questions from the committee on the issues pertain to the earlier speakers? Let's go with Counsel and then Legislator Eddington.

**MR. NOLAN:**

I was just going to say that the bill that's pending before us now, 1697, has in it that the date of the public hearing would be September 20th of 1997, so this bill should have been updated.

**CHAIRMAN SCHNEIDERMAN:**

Is that a fatal flaw?

**MR. NOLAN:**

Well, the date is passed that's in this resolution, so approving this resolution does nothing.

**CHAIRMAN SCHNEIDERMAN:**

So we have to table it and a new bill would have to be submitted.

**LEG. EDDINGTON:**

Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Eddington.

**LEG. EDDINGTON:**

I'm having a little difficulty, because we've been discussing these for a few months now, and every time I think it's clear in my mind, more people come and have a new problem. So I'm not really ready to go on any of these until I -- if it's not clear in my mind and I hear more people every time coming up with more complaints and problems, I really don't want to move on this until at least it's clear in my mind. I'm not sensing any of us really have a handle on what's going on here. So that's what my recommendation right now is to table this.

**CHAIRMAN SCHNEIDERMAN:**

It's also not fair to hold it up forever either. But in good faith, we allowed the people who are owners at Galleria and the County to try to come up-- you know, review the numbers. And we've waited for about, I think, four months on this, listening to basically the same testimony every month. And it sounds like after all that we really haven't gotten anywhere. And now, we're going to have to make a decision one way or another. We just can't indefinitely postpone it. So either we -- either we dissolve or we create it, and they live with those numbers.

**COMMISSIONER ANDERSON:**

Again, you know, the only thing I would say is that if there is something that's able to be worked out, I don't know at this point, and, you know, I'm not very hopeful. But if nothing else, even if we can dissuade the community's fears of not going forward and expanding the district, you know, maybe that's enough.

**CHAIRMAN SCHNEIDERMAN:**

When does this meeting occur again?

**COMMISSIONER ANDERSON:**

The 17th.

**CHAIRMAN SCHNEIDERMAN:**

The 17th of December. And we meet again on the 18th. Be prepared to report to us on the 18th. Don't cancel that meeting. Can I ask for a quick update on County Road 39? Do we have that information? Is it still on schedule, on budget?

**COMMISSIONER ANDERSON:**

Yes, we are. We will have the first two phases completed before the end of the year. We anticipate beginning the second phase; everything to the west of the bridge over St. Andrews Road immediately following the New Year, weather permitting.

**CHAIRMAN SCHNEIDERMAN:**

Two brief questions for yourself or Mr. Shinnick who's in the audience too. I have asked for two things regarding the Suffolk County Transit; one is in attempt to help with this new -- the Long Island Railroad has been providing a train to help get people to work while the construction is going on. It's going very successfully with several hundred riders every morning.

There was one issue with getting people from the East Hampton Train Stations, some teachers -- actually getting them back at the end of the day around three o'clock, bringing them back to the --

from the school, which is about a half mile away the train station. And the Town Supervisor asked if the Blue Bus, which seems to be sitting there at the train station for about a half an hour could run up to the high school and then come back with those teachers. Bob, you said you'd look into that. Do you have an answer for me?

**MR. SHINNICK:**

We did look into it, and the bus we found -- we don't have one there for a half hour. We do have a bus coming through the general area roughly at three o'clock that could possibly be rerouted to the high school, which is about nine-tenths of a mile up the road. We've also discussed briefly with one of the companies that's part of the overall effort out there, Hampton Jitney, they're operating a service apparently to go pick up school teachers from the elementary up in Springs. It has to be up there about 3:30 to pick those teachers up.

And we've asked them to advise us whether or not that bus on way to Springs could do this particular work. We haven't gotten an answer back from them yet on that. But, you know, from our experience, the bus has to travel through that area. It's probably right about the right time to do what you're asking. So, you know, we're asking -- we're waiting for an answer from them.

**CHAIRMAN SCHNEIDERMAN:**

Either way, if we could get a resolution to it. I mean, this thing is only going to be running until Memorial Day, and the sooner, the better in terms of helping these -- there's about 12 teachers that are trying to figure out how to get from the school to the train situation.

**MR. SHINNICK:**

We did speak to the teachers, at least some that we found there. And it's not the resolution you're looking for, but it was a good one, anyway at the time. They're pretty happy about everything going on, including however they were getting to the train station, which I think was a combination of carpooling, people giving people lifts, and at that time, just walking. I understand in this weather it's not appropriate.

**CHAIRMAN SCHNEIDERMAN:**

If we can to do it, I'd like us -- I'd like us to do it. So if you can, you know, continue to work on that, I would appreciate it. There was also another issue where the Village of Southampton had asked to relocate the bus stop in front of the hospital on to the hospital grounds, and the hospital consented. Hopefully, I sent -- we weren't able to meet because of my father's passing, but I did send a map or a drawing that hopefully got to you. Did you see the diagram?

**MR. SHINNICK:**

We have that diagram. And to be frank with you, we haven't been out in the field yet, but we'll take care of that right away and get back to you.

**CHAIRMAN SCHNEIDERMAN:**

If you would, I would appreciate that.

**MR. SHINNICK:**

I do have the diagram.

**CHAIRMAN SCHNEIDERMAN:**

And one last question for you, Mr. Shinnick. In terms of the study, the needs assessment for the Suffolk County Transit, how is that going?

**MR. SHINNICK:**

We're just about to have some good news in terms of progress. As I had mentioned probably several other times, part of the effort was to collect rider activity; you know, count exact bus stops where the people got on and off, what time and on what lines. And all of that data has been collected and is being analyzed right now. Within the next several weeks, that information is going

to be turned over to us so that we can give it to the primary consultant. And this information is key to them moving along so that they can develop recommendations. So we should be seeing things, you know, happening at a much quicker pace.

**CHAIRMAN SCHNEIDERMAN:**

And that information, can that be presented to us as well?

**MR. SHINNICK:**

I haven't seen it yet. It's ridership data. My suspicion is it's going to be very boring long lists. But we will take a look at it and tell you about it, yeah.

**CHAIRMAN SCHNEIDERMAN:**

That would be fine. The 7 D Route, is that happening now? You know what I'm referring to, right? The additional leg --

**MR. SHINNICK:**

We have not started that service yet. We're looking to do something. We'll probably implement very early in 2008, possibly next month, but I'd look towards January.

**CHAIRMAN SCHNEIDERMAN:**

But it is moving forward?

**MR. SHINNICK:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So let's go to the agenda. We're going to start with Tabled Resolutions.

**1556, Directing the Suffolk County Sewer Agency and Department of Public Works to finalize the creation of Sewer District No. 4 Smithtown Galleria. (Kennedy)**

**CHAIRMAN SCHNEIDERMAN:**

In light of the upcoming meeting -- as hesitant as I am to support delaying this any longer I think in good faith we probably should. Is there a motion to table.

**LEG. EDDINGTON:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Eddington, seconded by Legislator Stern.

**LEG. MONTANO:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

On the motion, Legislator Montano.

**LEG. MONTANO:**

I think we have one more meeting before the end of the year. Is this going to be resolved before the next Legislative Meeting?

**COMMISSIONER ANDERSON:**

The meeting is the day before. It's that Monday the 17th. Our committee meeting is the 18th.

**LEG. MONTANO:**

The meeting is the day before our last meeting, so it's unlikely that we'll be able to act on this year this year, am I accurate in that?

**CHAIRMAN SCHNEIDERMAN:**

Well, no. We'll have one shot at it.

**LEG. MONTANO:**

Just that one shot.

**CHAIRMAN SCHNEIDERMAN:**

I think you may have missed some of the discussion, but basically, the numbers -- the County has reanalyzed the numbers, they haven't changed in any substantive way. So really, it's going to come down to whether the folks at Galleria are willing to accept that fee knowing the fact that the prices may come down when the sewer district is expanded when others hook in outside that district.

**COMMISSIONER ANDERSON:**

We also have to revise the date of the proposed hearing.

**CHAIRMAN SCHNEIDERMAN:**

You know, if they don't want it, then there's really no other choice then at that point then to dissolve it. We have the other resolution that we'll get to in a moment, which deals with holding a public hearing to entertain dissolving it. And Counsel has informed us we could hold a public hearing. And even though the bill died at the end of the year, we wouldn't have to hold the public hearing again on a new bill that did the same thing. Okay? So we have had a motion and a second table 1556. All those in favor? Opposed? Abstentions? 1556 is **TABLED (VOTE: 5-0-0-0)**.

**1575, Establishing a written notice policy for Suffolk County Accessible Transportation Services. (Schneiderman)**

I'm amending it once again, so I'll make a motion to table.

**LEG. EDDINGTON:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**1623, Adopting Local Law No. -2007, A Local Law to reduce the emission of pollutants from diesel-fueled motor vehicles operated by or on behalf of Suffolk County. (Cooper)**

Commissioner Anderson.

**COMMISSIONER ANDERSON:**

Yeah. I had sent a letter after last discussions on this resolution with some recommendations which have been addressed, and we don't take any exception to the -- to the current amended resolution.

**CHAIRMAN SCHNEIDERMAN:**

Under this resolution you now have the ability to waive the policy; is that correct?

**COMMISSIONER ANDERSON:**

That, and also --

**CHAIRMAN SCHNEIDERMAN:**

Do we have a financial impact on this yet, BRO?

**COMMISSIONER ANDERSON:**

The issues such as the helicopter, the police boats, those were --

**CHAIRMAN SCHNEIDERMAN:**

The dredge.

**COMMISSIONER ANDERSON:**

The dredge, they were excluded from the legislation.

**CHAIRMAN SCHNEIDERMAN:**

Do we know how much this is going to cost us? Lance, you're working on it? Okay. Legislator Caracappa.

**LEG. CARACAPPA:**

I do appreciate Legislator Cooper listening to my concerns and the committee's concerns as it related what he has exempted thus far, but I'd like to ask questions as it relates to the contractor-end of things, which was another concern of the committee and myself. Counsel, I'm going over the changes, and I thank Legislator Cooper for sending me the changes earlier this morning, but how does it read now as it relates to what we're putting on the contractors? Will they still -- still be immediate for them and the County is going to have a phase in-end of it?

**MR. NOLAN:**

Well, first, it says that, you know, when we solicit -- our solicitations of public works contracts are going to have all these requirements, but I'm not -- I'm not sure what your question is.

**LEG. CARACAPPA:**

Originally, we had concerns about -- it was a phase-in period for the County vehicle and the County fleet, but it was going to take place immediately for contractors and that -- there was actually a provision in the bill that allowed contracts to be increased or bids to be increased up to a certain percentage point to allow for that -- those changes because the cost that would be on the contractor. I think it was 30% or some crazy number. Is that still in place?

**MR. NOLAN:**

The section applying to contractors takes affect in two years after the effective date of the bill. So there's not an immediate impact on contractors.

**LEG. CARACAPPA:**

Okay. But it still has that -- that very high percentage to allow contractors who have complied to basically race bids in an exorbitant way basically. That's how it read earlier, And I haven't been able to read if that's been changed. Commissioner.

**COMMISSIONER ANDERSON:**

It's my understanding that while the snow contractors are out of the -- they're out of the picture, but as far as public work construction, there is a requirement, but the Commissioner has the ability, if there is no improved technology to that extent, to waive the requirement. So if we're looking at using certain pieces of equipment, we can --

**LEG. CARACAPPA:**

Now, if someone bids and they have the changes in place, the conversions on their vehicles, now are you -- are you mandated to choose that bid based on those vehicles that have been -- have the conversions and allow for that massive increase in the bid price as it was originally talked about?

**CHAIRMAN SCHNEIDERMAN:**

Basically saying that those bidders that did not have that equipment would be non responsible bidders, they would be eliminated, and we would have to take the bid of the --

**LEG. CARACAPPA:**

That's one part of it; would the be eliminated? And number two, is that provision still in the bill that allows that -- I think it was like a 30% mark up to a company or to provide for these vehicles of the contractor that have the in place? Does anyone remember this conversation we had?

**CHAIRMAN SCHNEIDERMAN:**

Could a bidder say, well, if I get the job, I'll go ahead and- - if I get the job, I'll go and make the changes to my equipment?

**LEG. EDDINGTON:**

But raise the price 30%.

**LEG. CARACAPPA:**

And raise the price -- I think it said up to 30% above -- above the others who have bid on the project.

**CHAIRMAN SCHNEIDERMAN:**

And remember too that we haven't heard yet from BRO in terms of what this is likely to cost us. I know it's not going to be for two years, but if it -- you know, are we talking about tens of millions of dollars more to get the same work done? I'm not saying -- it may be worth it for air quality, but I think before we act, we ought to know, you know, how this is going to affect the taxpayers.

**MR. REINHEIMER:**

The financial impact that we have on record is from August 13th, and this was updated on November 8th. So I don't have the revised financial impact.

**CHAIRMAN SCHNEIDERMAN:**

The first look didn't consider the factors included with the increased bidding costs that only, I think, looked at what our own equipment -- retrofitting our own equipment would cost, not how much it would add to capital projects and debt service.

**MR. NOLAN:**

Legislator Caracappa --

**CHAIRMAN SCHNEIDERMAN:**

That's the figure I'm looking for.

**MR. NOLAN:**

-- the 30% figure is in the law, in the definitions. I'm going to have Ian explain how that may impact on the contractors and the County's actions.

**LEG. CARACAPPA:**

Thank you.

**MR. BARRY:**

Legislator, I missed the first part of your question, but I think you were saying that there's -- whether or not there is a provision in the law that allows for a contractor to bid 30% higher; is that correct?

**LEG. CARACAPPA:**

Well, Public Works would have the ability to accept a bid 30 -- 30% higher than those who have made the same bid without the equipment.

**MR. BARRY:**

That's not directly in the bill. What the 30% figure in the legislation is is the cost of retrofit

technology. You know, the bill is in two parts; it applies to the County vehicles, which must be retrofitted, but they must be retrofitted unless it costs more than -- unless it costs less than 30%. So the County would not have to install any, you know, engine filters or anything that costs more than 30% more than the normal engine.

**CHAIRMAN SCHNEIDERMAN:**

The County or the County contractors as well?

**MR. BARRY:**

Well, the County. But by implication, that would mean that because the bill covers contractors, contractors then would have to install retrofit technology, whether or not the technology costs 20% or 29% more, they would still have to, you know, cover that cost. I don't think that necessarily -- that's probably a better question for BRO, but I don't think that necessarily relates to a 30% higher bid price. It might result in a higher bid price, but I don't think it would be a one to one --

**CHAIRMAN SCHNEIDERMAN:**

But that's the figure we're trying to get at.

**MR. BARRY:**

But it doesn't say that you can accept a bid that's up to 30% higher.

**LEG. CARACAPPA:**

The high is 30%.

**MR. BARRY:**

It could be, sure. Yeah.

**LEG. CARACAPPA:**

And Public Works would be -- are they mandated to accept the bid based on those who are complying with this law?

**CHAIRMAN SCHNEIDERMAN:**

Right. So if one company was bidding number X and didn't have the retrofit, and another company was bidding 30% higher than X but had it, would they have to take the company that had it --

**LEG. CARACAPPA:**

That complies with the law.

**CHAIRMAN SCHNEIDERMAN:**

That complied with the law.

**MR. BARRY:**

Well, you would have to take the contractor that complies with the law.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, but I mean, you also have Wicks Laws too and Taylor Laws. I mean, which one rules here? You know, the low bid is supposed to get it.

**LEG. EDDINGTON:**

But they don't comply with the law.

**MR. BARRY:**

But it's the lowest bid to the specifications that are required by law. If you were -- if you had two contractors similarly situated, both that comply with the retrofit technology requirements and the air quality requirements, you'd have to take the lowest bid. If one doesn't comply with the law at all, they'd be out of compliance, they'd be a non --

**CHAIRMAN SCHNEIDERMAN:**

But if they were 50% cheaper than the other, they could --

**MR. BARRY:**

Well, you couldn't accept the bid, because they'd be in violation of the law governing that contract.

**CHAIRMAN SCHNEIDERMAN:**

But I thought it only allowed up to 30% deviation. If it's 50% more to get the company with the equipment, then the guy without the retrofit is back in the game, is he not? Commissioner?

**COMMISSIONER ANDERSON:**

We have to go by Wicks Law; I mean, the lowest bidder. Lowest responsible responsive bidder is the one that we have to select. Depending -- I mean, again, we're -- we're looking at a specific issue; depending on the equipment used, whether the retrofit is there, you know, available. The Commissioner does have the right, I believe, according to this to waive the requirements if he feels -- once having received -- when the contractor makes a written finding, which is approved in writing by the Commissioner that the best available retrofit technology for reducing the emission of pollutants as required by this section is unavailable for such vehicle, that's one of the things we don't have to -- where the Commissioner has --

**CHAIRMAN SCHNEIDERMAN:**

If it's not available. What if it's available but it adds 50% to the price?

**COMMISSIONER ANDERSON:**

I don't see that --

**CHAIRMAN SCHNEIDERMAN:**

Isn't there a provision in there about 30%?

**COMMISSIONER ANDERSON:**

No. Again, the 30%, I believe, is with regard to our vehicles, only County vehicles and the purchase of this equipment. The contractor -- I mean, you're going in for a public bid, you know, the equipment part of it is only a small percentage of the overall --

**CHAIRMAN SCHNEIDERMAN:**

What percentage of this stuff is done in-house versus -- I don't want to say out house -- you know what I mean, private contractors?

**COMMISSIONER ANDERSON:**

I would say very little. I mean, if it doesn't come with the equipment, they're not going to --

**CHAIRMAN SCHNEIDERMAN:**

So most of this is we actually go to outside bidders, right? Most of this is capital.

**COMMISSIONER ANDERSON:**

Well, this is with regard to Capital projects such as a public works road project.

**CHAIRMAN SCHNEIDERMAN:**

Road projects. So mostly we're not going to do this work ourselves.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

So do we do 10% of it or less than 10%?

**COMMISSIONER ANDERSON:**

I mean, we do maintenance work. We really don't do public works.

**CHAIRMAN SCHNEIDERMAN:**

So really the big number here is not the cost of retrofitting the County's equipment, the big number is, you know, how much it's going to add to our outside contractors.

**COMMISSIONER ANDERSON:**

Well, I mean, there's two numbers. I don't know whether one is bigger than the other to be honest with you.

**CHAIRMAN SCHNEIDERMAN:**

Well, we can determine what it's going to cost us.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

That's a known number.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

I have heard nothing yet in terms of what this is going to cost. And one of the ways to nail down that number and get a sense of that number is to find out whether it's a requirement. And it sounds like right now it's an absolute requirement. Even if it costs 50% more, there's no way around requiring the private contractor unless the equipment simply isn't available. That's the only way out.

**COMMISSIONER ANDERSON:**

Unless the equipment is going to be on site for less than -- for fewer than 20 days.

**CHAIRMAN SCHNEIDERMAN:**

How often is that?

**COMMISSIONER ANDERSON:**

Twenty calendar days. Well, I mean, if you're doing a large enough project, 20 calendar days, I mean, that's a month. So you're doing a major road project, yeah --

**CHAIRMAN SCHNEIDERMAN:**

Well, most jobs are going to be over 20 days.

**COMMISSIONER ANDERSON:**

Yeah, probably.

**CHAIRMAN SCHNEIDERMAN:**

So most cases, this is going to kick in.

**COMMISSIONER ANDERSON:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

And the only way out of it right now is the filtration equipment, whatever is it, the retrofitted equipment isn't available. Otherwise you have to require it.

**COMMISSIONER ANDERSON:**

Or if in two years, the industry has move ahead such that they're going to be -- you know, it's going to be standard equipment. I mean, that's -- you know.

**CHAIRMAN SCHNEIDERMAN:**

Right. It sounds like it's not an easy number to get at per se. We just have to assume that in most cases it would be required, and we have to figure out how much it's going to add to the bid and what the total number -- total expenditures are per year on this type of, you know, capital project. You know, multiply it by that, it adds 10% to the cost, and we're spending ten million. It's an additional million dollars.

**COMMISSIONER ANDERSON:**

At the same time, if a contractor does a lot of work -- like {Rosemar} does a lot of work for us. They know they're going to need this, they're going to get the equipment. I mean, you know --

**CHAIRMAN SCHNEIDERMAN:**

Well, it's going to add to their bid. And also, if they're the only ones who now can bid effectively, because the other guys don't have it, it puts them in a monopoly position. They know they can bid higher because they have no competition.

**LEG. STERN:**

Mr. Chairman, you'd be able to make the same argument based on those companies that don't comply with this requirement or don't make a commitment to, you know, run cleaner or run longer on energy, and as oil costs continue to grow and they're relying on old technology, the costs to do business as usual might exceed, you know, what the investment might be as long as it doesn't --

**CHAIRMAN SCHNEIDERMAN:**

It may make it that only the really -- you might be effectively making it that the very biggest of the contractors will be able to stay in business, because the little guys won't be able to comply, because they can't take the chance of making this investment hoping they might get one job out of it. Only the companies that know they're going to get really a lot of big jobs are going to be able to make this investment. It's just something you have to think about.

**COMMISSIONER ANDERSON:**

Except that the smaller contractors are going to do smaller jobs, probably in less than -- and there's the argument to be made that unless than -- if the work is done within less than 20 calendar days, you know, they can be excluded. You know.

**CHAIRMAN SCHNEIDERMAN:**

I have some issues with it. I mean, I think the intent it terrific, I just want to know how it's going to affect the taxpayer. Lance, do we have any information yet?

**MR. REINHEIMER:**

Well, we have an estimated cost for retrofitting an existing fleet of about \$857,000. That's our cost. Exactly. That's the County cost. And the cost for doing the bus transportation, you know, that's about a million dollars, but that's mostly federal funds.

**CHAIRMAN SCHNEIDERMAN:**

But we have no estimate on what it's going to add to our private contractor expenses?

**MR. REINHEIMER:**

I think that's a difficult number to get objectively and quantify.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask whether Mr. Zwirn or the County Executive, have they done any analysis on this in terms

of its financial impact?

**MR. REINHEIMER:**

In addition, you know, we had some questions about the availability of the fuel for these vehicles too when this was done in August. So that's another variable you may want to consider too.

**CHAIRMAN SCHNEIDERMAN:**

I know Mr. Levy is very cost conscience. Is this something that they have looked at yet?

**MR. ZWIRN:**

No. It's not our bill.

**CHAIRMAN SCHNEIDERMAN:**

I understand that.

**MR. ZWIRN:**

So we didn't do the fiscal on this. We would rely on BRO. But I think you've raised some very good questions. You know, as I said -- as you said, the County Executive is frugal, I think is the word we like to use.

**LEG. CARACAPPA:**

Through the Chair. Well intentioned bill. I appreciate the changes. But personally speaking -- I don't know how the committee feels or other Legislators -- it's too open-ended for me on the fiscal side. Seeing that we rely so heavily upon contractors who do so much of our work, it's just -- again, it's too open-ended. There aren't answers to my questions at this point in time. And if we just go ahead and do it now with the hopes that everyone plays fair and does the right thing, because, of course, retrofitting their vehicles would be doing the right thing for the environment, but how much is it really going to cost us. And I'd hate to corner ourselves now without knowing that price or even being able to guesstimate at this point in time. It might be slightly irresponsible fiscally for us to move forward, at least for myself.

**CHAIRMAN SCHNEIDERMAN:**

I think it's possible if this bill were split up into two components where we took care of our own house first, so to speak. You know, I probably could stomach that million-eight or so that it's going to cost the County. I think some of that was with federal funds. So I think \$800,000 is our piece of it. I think I would be prepared to support that. In a time when sales tax growth is so weak to have this big unknown, I think the prudent thing is to at least wait until we have a better sense of what it's going to cost us. So I'm going to make a motion to table.

**LEG. CARACAPPA:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Caracappa. On the motion, Legislator Stern.

**LEG. STERN:**

Yeah. On the motion, Mr. Chairman. I appreciate the concerns raised by Legislator Caracappa at our last session, and those -- many of those concerns were addressed in the changes, which I think we all agree is a good thing.

**CHAIRMAN SCHNEIDERMAN:**

I appreciate this bill, it's a much better bill.

**LEG. STERN:**

I don't know if we're ever going to be able to answer, you know, some of those fiscal questions that are raised. We're talking about future technology, we're talking about future costs, we're talking

about perhaps doing business in a different way in the future. So I don't know if we're going to have a satisfactory answer.

But in the spirit of that kind of cooperation in seeing some of the changes and the suggestions that you raise and perhaps taking a look at different elements of the legislation and maybe seeing what works and what doesn't, particularly when we're talking about a longer term issue -- we're talking about something that wouldn't come into affect for two years -- that perhaps you could get back to the sponsor and maybe take a look at these additional changes and some of these -- and some of these additional ideas on how best to come at least a little closer to answering some of those legitimate questions, because ultimately, I don't think we ever come up with an answer.

I think this is one of those times and this is one of those issues where we have to lead the way rather than -- rather than follow, because if we just allow the industry to develop over time and we follow and keep pace, that's not going to be good for us, that's not going to be good for our environment. Ultimately, that's not good fiscal responsibility either. So I think this is a situation where we do need to lead by example. I think we need to lead with courage. But I also agree that perhaps we should take another look at it and see what may work better.

**CHAIRMAN SCHNEIDERMAN:**

I think we all want to do right thing here. But it's a complex issue, and we want to protect our environment, but also do it within our means. I think the idea of having an A -- a Part A and B would be helpful. And if that could be communicated with the sponsor. Also, if BRO could give us some indication of what -- I mean, I think what Legislator Stern said was -- was accurate, we'll never have an exact number here, but if we could have a range, you know, a sense of what it might add to our capital costs over the next few years, I think that would be helpful. Lance, is that something that is calculatable?

**MR. REINHEIMER:**

Capital in terms of purchase of equipment or in terms of construction?

**CHAIRMAN SCHNEIDERMAN:**

In terms of our outside contracting; our road work, etcetera, trying to figure out how much this will add to the expected bids.

**MR. REINHEIMER:**

Okay. We will see if we could work with Public Works to come up with that.

**CHAIRMAN SCHNEIDERMAN:**

And multiply that across the anticipated contracts that would fall onto this provision. I think we will get a pretty good sense of whether this is a million or a five million or ten million or \$50 million expense.

**MR. REINHEIMER:**

Sure. We can look into that.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Caracappa.

**LEG. CARACAPPA:**

I hate to go on, but just quickly, I would love for this vote to be under my belt before I leave. I'd really love to vote for this. But I think it's safe to be on -- it's prudent to be on the safer side right now. But my question to Gil, Commissioner, have you -- have you started seeing that there's so many new technologies coming forward? Have you started or considered polling or sending questionnaires out to all our contractors and see which direction they're headed by way of putting in new technology, using new technology, so that we get, like, a guide as to which direction the industry is going? It would much better -- it would give us a feel as to what we can and cannot do

or should or shouldn't do by way of a Local Law imposing these things. They might be doing it already, but we just don't know. And it's hard to guesstimate not knowing. So have you considered doing some sort of polling or a questionnaire and every year renew it by way of, you know, questions relating to technology?

**COMMISSIONER ANDERSON:**

In going through this bill, to be honest with you, we talked to manufacturers, we talked to suppliers, we didn't talk to the contractors directly. Certainly that's something we can look into.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So there was a motion and a second to table. Any other motions out there? Okay. Any other discussions? All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

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

I have heard nothing on this issue in terms of cost either. Do we have any information, anything new on this? The sponsor is not here.

**COMMISSIONER ANDERSON:**

No. I sent over information to the sponsor on what we thought it would cost to do the survey. He contacted me Friday to give me the name of a company on the South Shore that deals with this that might be able to lead us to some type of federal funding and to see. So I'm in the process --

**CHAIRMAN SCHNEIDERMAN:**

Okay. So I'll make a motion to table, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

**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.)**

What do we want to do with this?

**LEG. EDDINGTON:**

Motion to table.

**COMMISSIONER ANDERSON:**

I think we have to table it, because the date is incorrect.

**CHAIRMAN SCHNEIDERMAN:**

That's right. See, my inclination would be to have the public hearing, but we can't have it in September. So we have a technical problem. So we're going to have to table 1697. I'll make a motion, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

**1879, Creating a Suffolk County Sewer District Assessment Request For Proposal (RFP) Committee. (Pres. Off.)**

Commissioner?

**COMMISSIONER ANDERSON:**

I sent comments over to the Presiding Officer's Office requesting a few changes. Those changes were made. We don't have any exception with this. In fact, as far as the concept, we are in favor of it.

**LEG. EDDINGTON:**

I make a motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

All right. There's a motion to approve by Legislator Eddington.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Stern. Anything on the motion? All in favor? Opposed? Abstentions? 1879 is **APPROVED (VOTE: 5-0-0-0)**.

**1918, Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 13 - Windwatch with Holiday Mid-Rise Tower (IS-1451). (Co. Exec.)**

All right. We heard testimony earlier from Mr. Cuzzucoli concerning his opposition related to the direction of flow, that it might be to the north. We had testimony from the Commissioner saying that they do have data now showing that it is entirely to the south. Again this expansion is something that was approved long before us, though some of us may have been on it. It goes back to, I think, 2001. This is really a question of who hooks up now. And the type of uses really are determined more by the town than by us. We determine the capacity, which has already been done. My recommendation either would be to discharge it without recommendation or simply discharge it. But I'll entertain other motions. I'm looking for some guidance from other committee members here.

**LEG. EDDINGTON:**

Can we find out if all the permits and everything are in place for this to happen?

**CHAIRMAN SCHNEIDERMAN:**

Legislator Eddington is questioning whether all the permits are in place for this to happen.

**COMMISSIONER ANDERSON:**

I'll defer to Ben.

**CHAIRMAN SCHNEIDERMAN:**

Ben Wright.

**MR. WRIGHT:**

The resolution indicates that it's subject to DEC approval, and that approval is forthcoming, but it has not been received yet. So our interpretation of that is that the resolution --

**CHAIRMAN SCHNEIDERMAN:**

But our approval would be contingent upon approval of other agencies anyway, so.

**LEG. MONTANO:**

I'll make the motion.

**CHAIRMAN SCHNEIDERMAN:**

All right. There's a motion by Legislator Montano to approve, is there a second?

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Stern. On the motion, any discussion? I would make a motion to discharge

without a recommendation so that the arguments could be made on the floor. Though in light of the testimony that was made today that the objections were solely related to the direction of flow and that question has been answered, I would support the approval. Any other discussion? All right. All in favor? Opposed? Abstentions?

**LEG. CARACAPPA:**

Abstain.

**CHAIRMAN SCHNEIDERMAN:**

One abstention. Legislator Caracappa abstaining. **APPROVED (VOTE: 4-0-1-0).**

**2025, To amend Section 835 of the Suffolk County Administrative Code, the membership of the Transportation Advisory Board. (Caracappa)**

Legislator Caracappa, this is your bill.

**LEG. CARACAPPA:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

I'd like to hear from the Commissioner on this, but there's a motion to approve. Is there a second? For the purposes of discussion, I'll second. Commissioner?

**COMMISSIONER ANDERSON:**

Yeah. This resolution expands the membership of the Transportation Board from 14 to 26. We have concerns with the amount of members that are on the board. Our recommendation is that reduction of the number --

**CHAIRMAN SCHNEIDERMAN:**

Who is being added to it? Do you have a list there? This is for -- I'm sorry -- the Transportation Advisory Board?

**COMMISSIONER ANDERSON:**

Right. There's two positions. Let me go through the resolution.

**CHAIRMAN SCHNEIDERMAN:**

I have it here; Director of the Medicaid Division, Director of Transportation Services, Director of the Bureau Service for Children with Special Needs, Director of the Patient Care and DHHS, Director of Community Mental Hygiene, Director of the Office of Aging, Director of the Office of Handicapped Services, Chairman of the Health and Human Services Committee, Chairman of the Public Works and Transportation Committee -- I guess I have to go then too -- a subcontractor of the Para transit Services representing a transit provider with fixed route to be select by the County Legislator.

**LEG. EDDINGTON:**

I just want to add something.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask, Commissioner, who goes to those meetings now? Mr. Shinnick, do you attend those?

**MR. SHINNICK:**

We have a representative attend the meetings, but they met for over a year.

**CHAIRMAN SCHNEIDERMAN:**

They haven't met for over a year.

**MR. SHINNICK:**

October of '06 is the last meeting they had.

**CHAIRMAN SCHNEIDERMAN:**

And how many people attended the last meeting, do you know?

**MR. SHINNICK:**

My understanding is only two, three, sometimes four people attend. They haven't had a quorum in a considerable amount of time.

**CHAIRMAN SCHNEIDERMAN:**

So now the quorum would change with additional people.

**MR. SHINNICK:**

Not under this resolution. It doesn't address necessarily --

**CHAIRMAN SCHNEIDERMAN:**

It doesn't change the quorum?

**MR. SHINNICK:**

The original resolution cites -- states eight people would constitute a quorum, but this does not change that.

**MR. NOLAN:**

It's 14 now.

**CHAIRMAN SCHNEIDERMAN:**

It does change? Legislator Eddington.

**LEG. EDDINGTON:**

Well, I mean, when you look at the group dynamic process, once you get a group larger than 12, the efficiency starts going down. And now if we're talking about 26, but two people have been showing up, my suggestion would be to get rid of the people that aren't showing up and get some people that are going to show up. I mean, it doesn't seem like you add more and get less. So it's not effective group dynamic wise when you get over 12. So I'd like to look at who's --

**CHAIRMAN SCHNEIDERMAN:**

Joe, you're agreeing? It's your bill.

**LEG. CARACAPPA:**

No, 18 is a problem.

**CHAIRMAN SCHNEIDERMAN:**

Joe, what do you want to do here?

**LEG. CARACAPPA:**

I'll make a motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you.

**LEG. EDDINGTON:**

I'll second that.

**CHAIRMAN SCHNEIDERMAN:**

The sponsor is making motion to table, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? So **TABLED (VOTE: 5-0-0-0)**.

**2028, Amending the 2007 Capital Budget and Program and appropriating funds through the issuance of serial bonds for the expansion and improvements to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126). (Co. Exec.)**

**COMMISSIONER ANDERSON:**

We had asked last time to have that tabled. We've since had the public hearing, and we're ready to move forward with this.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Is there a motion to approve?

**LEG. EDDINGTON:**

Motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to approve by Legislator Eddington, seconded by Legislator Stern.

**LEG. CARACAPPA:**

My apologies. Just quick. There's a lot of amending resolution on the agenda today, and I'm going to ask on each one what the amendment is, the offset.

**CHAIRMAN SCHNEIDERMAN:**

All right. Are you asking on this one?

**LEG. CARACAPPA:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**COMMISSIONER ANDERSON:**

This is just bonded, this isn't an offset. This is just straight --

**MR. NOLAN:**

It's moving money, \$500,000 from land acquisition into construction. So it's within the same capital project number.

**LEG. CARACAPPA:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Any other discussion? All in favor? Opposed? Abstentions? 2028 is **APPROVED (VOTE: 5-0-0-0)**.

Moving on to Introductory Prime.

**2128, Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for intersection improvements on CR 80 Montauk Highway at CR 31, Old Riverhead Road, Town of Southampton, Suffolk County, New York (CP 3301). (Co. Exec.)**

This is in connection with widening?

**COMMISSIONER ANDERSON:**

Yeah. This is for intersection improvements, you know, as you stated, at County Road 80 and County Road 31. We need to do this in accordance with New York State Eminent Domain Procedural Law. It just basically authorizes us to hold a public hearing to --

**CHAIRMAN SCHNEIDERMAN:**

We're realigning there, I think, right?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

That's a good project. Okay. I'll make a motion to approve, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

**2134, Amending the Adopted 2007 Operating Budget to accept Federal Highway Administration (FHWA) funds in connection with the purchase of hybrid vehicles for purposes of fleet replacement. (Co. Exec)**

Is there a motion?

**LEG. STERN:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Stern, seconded by Legislator Eddington.

**LEG. CARACAPPA:**

Same question.

**CHAIRMAN SCHNEIDERMAN:**

On the motion, the offset.

**COMMISSIONER ANDERSON:**

This, again, is to accept Federal funding -- we're on 2134, right? Thank you. This accepts Federal funding for the purchase and replacement of hybrid vehicles that were approved under previous resos 1027 and 1047. The vehicles are funded -- are reimbursable at 80 and 20% through the standard, you know, Federal agreements with the FHWA.

**LEG. CARACAPPA:**

What is the amendment for?

**MR. NOLAN:**

It's just accepting \$600,000 and stating where in the Operating Budget that will be reflected, in which line.

**LEG. CARACAPPA:**

So the amendment is actually accepting the money.

**MR. NOLAN:**

That's it.

**CHAIRMAN SCHNEIDERMAN:**

Where are these hybrid vehicles going?

**COMMISSIONER ANDERSON:**

I don't have that information, but it is -- it was various departments that were identified when we identified -- when we went through the other two resolutions.

**CHAIRMAN SCHNEIDERMAN:**

I think it's the right direction. Did we have a motion? We did have a motion and a second. All in favor? Opposed? Abstentions? 2134 is **APPROVED (VOTE: 5-0-0-0)**.

**2150, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the reconstruction of the bridge over CR 4, Commack Road, Towns of Huntington and Babylon (CP 5560). (Stern)**

This is a \$20,000 bond; is that correct?

**MR. NOLAN:**

It's \$100,000 total; \$80,000 state aid, I believe, \$20,000 will be serial bonded. I believe the amendment is reflecting a change from Federal aid to State aid for the \$80,000, if I'm reading that correctly, but I'll defer to BRO.

**CHAIRMAN SCHNEIDERMAN:**

Are we still bonding that small of an amount, \$20,000 amount? We don't have -- we have no pay-as-you-go anymore?

**COMMISSIONER ANDERSON:**

This transferring -- rather than using or accepting funding from the Federal funding, it's coming from the State. That's all it is.

**CHAIRMAN SCHNEIDERMAN:**

That's all it does?

**COMMISSIONER ANDERSON:**

Yep.

**LEG. CARACAPPA:**

We're bonding the entire amount originally, and then we're being reimbursed, is that what you said, Counsel?

**MR. NOLAN:**

No, it does not appear to be that way. It appears we're going to get 80,000, we're bonding 20,000.

**LEG. EDDINGTON:**

I thought we were bonding the whole thing.

**MR. NOLAN:**

That's what the resolution says.

**CHAIRMAN SCHNEIDERMAN:**

I thought we were moving in the direction of not bonding small amounts. No?

**MR. ZWIRN:**

We have a waiver, but generally, I think this is the way we have done it historically with respect to capital projects. Sometimes it's planning money, and I believe on occasions -- and BRO can correct me -- these get wrapped into bigger projects and then they're bonded and the entire project gets bonded, even though it looks like it's a very small amount.

**CHAIRMAN SCHNEIDERMAN:**

It's gets combined.

**MR. ZWIRN:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

They do one bond issue. Okay.

**LEG. STERN:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to approve by Legislator Stern, seconded by Legislator Eddington. Any more discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 4-0-0-1 - Not present - Legis. Montano)**.

**2178, Appropriating funds in connection with installation of fire, security, and emergency systems at County facilities (CP 1710). (Co. Exec.)**

**LEG. EDDINGTON:**

Motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve by Legislator Eddington, seconded by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? 2178 is **APPROVED (VOTE: 4-0-0-1 - Not present - Legis. Montano)**.

**2179, 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 CR 7 - Wicks Road, from CR 13, Crooked Hill Road, to Blue Jay Drive, Town of Islip, Suffolk County, New York (CP 5539). (Co. Exec.)**

Do we have a motion? Same motion, same second.

**LEG. EDDINGTON:**

Sure.

**LEG. STERN:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

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

**2180, Accepting and appropriating Federal Aid (80%), State Aid (10%), and Serial Bonds (10%) for the purchase and installation of bus shelters (CP 5651). (Co. Exec.)**

That's nice. And we're in it for twenty grand; is that right?

**MR. REINHEIMER:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

We're bonding as well.

**MR. REINHEIMER:**

That's correct. Five years we're bonding. It's equipment.

**CHAIRMAN SCHNEIDERMAN:**

Did we have a program on these bus shelters at one point where private entities we're building these in exchange for advertising space? I think -- there were certain bus stops that bus --

**LEG. CARACAPPA:**

Those are usually towns and State. The County hasn't -- I think we've -- through the Chair.

**CHAIRMAN SCHNEIDERMAN:**

We're building our own? Are these new or are these replacement?

**LEG. CARACAPPA:**

We try to avoid that.

**MR. SHINNICK:**

The advertising shelters are located on primarily town roads or some state roads under contract with the various towns that they're in. Brookhaven, Babylon, Islip and Huntington all have contracts with advertising firms to locate those shelters.

**CHAIRMAN SCHNEIDERMAN:**

So these are advertisement-free shelters?

**MR. SHINNICK:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

And these are County-owned. Okay. Are they new shelters or are they replacements?

**MR. SHINNICK:**

They're brand new. There may be one or two replacing ones that's got demolished, but these are -- these are new locations.

**CHAIRMAN SCHNEIDERMAN:**

Some of them are we're putting shelters in places where we've never had them before.

**MR. SHINNICK:**

Primarily, yes. There's 23, I'd say 22 are new locations.

**CHAIRMAN SCHNEIDERMAN:**

That's great.

**LEG. CARACAPPA:**

Question, Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

On the resolution.

**LEG. CARACAPPA:**

They're like our current shelters; true shelters as opposed to the ones that, like -- the Town of Brookhaven, they're basically billboards with a bench on them. These are true -- the County has always taken pride in providing true shelters at our bus stops that are, you know, litter-free and/or commercial free.

**CHAIRMAN SCHNEIDERMAN:**

Handicapped accessible.

**LEG. CARACAPPA:**

And handicapped accessible. So I just wanted to make sure it was following that same line.

**MR. SHINNICK:**

You are absolutely correct.

**CHAIRMAN SCHNEIDERMAN:**

And aesthetically acceptable. All right. So did we have a motion on 2180? There's a motion by Legislator Stern, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 5-0-0-0).**

**2181, Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for drainage improvements on CR 39, North Road, Town of Southampton, Suffolk County, New York (CP 5537). (Co. Exec.)**

I'll make the motion.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**2183, Appropriating funds in connection with bulk heading at various locations (CP 5375). (Co. Exec.)**

Is there a motion?

**LEG. EDDINGTON:**

Sure.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Eddington, seconded by Legislator Stern. On the motion, any discussion? All in favor? Opposed? Abstentions? 2183 is **APPROVED (VOTE: 5-0-0-0).**

**2185, Appropriating funds in connection with the intersection improvements on CR 51, East Moriches-Riverhead Road @ CR 94, Nugent Drive and CR 63, Old East Moriches-Riverhead Road @ CR 104, Quogue-Riverhead Road, Town of Southampton (CP 5557). (Co. Exec.)**

I'll a make a motion.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Stern. Commissioner, any information?

**COMMISSIONER ANDERSON:**

This appropriates \$200,000 for engineering design of improvements to two separate intersections that you mentioned before. The project is intended to remediate traffic congestion, improve pedestrian mobility and reduce accident rates throughout -- through expected recommendations once we receive a final report, which we should shortly.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? Opposed? Abstentions? 2185 is **APPROVED (VOTE: 5-0-0-0)**.

**2186, Appropriating funds in connection with the reconstruction of CR 11, Pulaski Road, from Larkfield Road to NYS 25A, Towns of Huntington and Smithtown (CP 5095). (Co. Exec.)**

**LEG. STERN:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

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

**2187, Appropriating funds in connection with the reconstruction of CR 46, William Floyd Parkway, between the Long Island Expressway and Moriches-Middle Island Road, Town of Brookhaven (CP 5515). (Co. Exec.)**

Motion by Legislator Caracappa -- I'm sorry. All right. Motion by Legislator Eddington, seconded by Legislator Caracappa. Any discussion? Do we need more information?

**COMMISSIONER ANDERSON:**

This legislation appropriates 450,000 for engineering in conjunction with roadway and bridge improvements to County Road 48, William Floyd Parkway, between the Long Island Expressway in Moriches, Middle Island Road. As you stated, the work will include widening of William Floyd to three lanes in each direction, including the bridge over the Long Island Railroad and modify adjacent access roads and ramps onto the Long Island Expressway.

**CHAIRMAN SCHNEIDERMAN:**

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

**2188, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in the Pedestrian Enhancement Traffic Signal Improvement Program (CP 5406). (Co. Exec.)**

**LEG STERN.**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Stern, seconded by Legislator Eddington. This is what, a \$30,000 bond, Commissioner?

**COMMISSIONER ANDERSON:**

It's appropriating \$150,000 for construction funding for upgrading pedestrian signals at 31 intersections, installing new pedestrian signals at eight intersections, and funding is reimbursed through New York State DOT's Local Safe Street and Traffic Counting Program.

**CHAIRMAN SCHNEIDERMAN:**

Are we shifting money around since we're amending the Capital Budget? We're just applying Federal money and offsetting --

**MR. ZWIRN:**

We're getting Federal money, so we don't need an offset.

**CHAIRMAN SCHNEIDERMAN:**

We're actually spending less than we had budgeted? There was nothing budgeted?

**MR. ZWIRN:**

No. We got additional Federal funds so we decided to do the project; \$120,000 is going to be reimbursed to the County. So we're move ahead on these intersection improvements.

**CHAIRMAN SCHNEIDERMAN:**

Okay. We had a motion and a second, did we not? All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 5-0-0-0).**

**2189, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in the Pedestrian Mobility Improvements on CR 97, Nicolls Road, at Purick Street, Town of Brookhaven (CP 5407). (Co. Exec.)**

Same motion, same second. Any discussions? Any questions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

**2198, Transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for design of improvements in the Suffolk County Sewer District No. 5 - Strathmore Huntington (CP 8115.110). (Co. Exec.)**

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second. Commissioner, any additional details?

**COMMISSIONER ANDERSON:**

Yeah. This appropriates \$50,000 from the Assessment Stabilization Reserve Fund for engineering related to evaluation of tank covers, odor control facilities and other infrastructure improvements at the Strathmore Huntington Waste Water Treatment Plant.

**CHAIRMAN SCHNEIDERMAN:**

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

**2199, Amending Adopted Resolution No. 568-2007 to appropriate construction funds for (CP 8115). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This amends the adopted budgeted of 2007, the Capital Budget, included construction funds for serial bonds. It was mistakenly put into planning that these were stabilization funds. This reso corrects this providing for construction via the Assessment Stabilization Relief Fund.

**CHAIRMAN SCHNEIDERMAN:**

All right. We'll take the same motion, same second. All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 5-0-0-0).**

**2202, Amending the 2007 Capital Budget and Program and appropriating funds in connection with dredging of County waters (CP 5200). (Co. Exec.)**

I feel like we did this last time.

**COMMISSIONER ANDERSON:**

This is for -- this isn't just for the dredge, the new dredge. This is for equipment that needs to be purchased to make the dredge viable. You're looking at a tug, a skiff, trucks for the crew, there will be an additional crew, beach equipment and then piping and fusion equipment.

**CHAIRMAN SCHNEIDERMAN:**

What number are we talking about?

**COMMISSIONER ANDERSON:**

Seven hundred thousand dollars.

**CHAIRMAN SCHNEIDERMAN:**

Seven hundred thousand?

**COMMISSIONER ANDERSON:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

It's actually more money than the --

**COMMISSIONER ANDERSON:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

More money than the booster pump.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Would we have been better off just buying a second dredge?

**COMMISSIONER ANDERSON:**

Absolutely not. Because, I mean, the dredge -- we save money on --

**CHAIRMAN SCHNEIDERMAN:**

In other words, we're turning a booster pump into a dredge for --

**COMMISSIONER ANDERSON:**

The dredge can be used as a booster pump if needed.

**CHAIRMAN SCHNEIDERMAN:**

It gives us the flexibility of using it either way.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Well, I'm certainly going to support it because we need to start catching up on some of our dredging projects. I'll make a motion.

**LEG. EDDINGTON:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 5-0-0-0).**

2204. Can I ask you to just hold off for one second. This is something Mr. Zwirn is probably familiar with. East Hampton Trustees -- I'm reading in the newspaper -- are about to go out and buy themselves a dredge to do some of the environmental work.

**MR. ZWIRN:**

We were just talking about that with BRO. What they didn't mention in the article is the personnel they're going to have to hire to operate the dredge once they buy it. I thought that was something that they might discuss.

**CHAIRMAN SCHNEIDERMAN:**

Oops. I mean, now that we're going to have this second dredge, are we going to have the ability to maybe do some of the environmental dredging that we're now allowed by law to do? Do you think the town will still -- you know, as much as I'd like to see some of the towns play more active roles on dredging, I'm also a little concerned as the towns get into the business of dredging.

**MR. ZWIRN:**

It's expensive.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. ZWIRN:**

You know, it might pay to have somebody from the trustees contact DPW and try to find out what -- how much this could save them. Will they still have to go ahead -- they might --

**CHAIRMAN SCHNEIDERMAN:**

Well, they still have to go ahead.

**MR. ZWIRN:**

They might rethink it.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. ZWIRN:**

Just digressing, I didn't think the trustees had any money to go out and be able to buy -- to buy -- they're funded through the town board. Depending upon their relations, they sometimes don't get any money.

**CHAIRMAN SCHNEIDERMAN:**

They have some rents also that they -- they have some leases, but they don't collect very much.

**MR. ZWIRN:**

Not enough money to buy this kind of equipment.

**CHAIRMAN SCHNEIDERMAN:**

And I think they may have moorings that they sell.

**MR. ZWIRN:**

It's not a lot of money.

**CHAIRMAN SCHNEIDERMAN:**

It's minimal. I think it's just worthy of noting that before they go out and spend six, \$700,000 on buying a dredge to do the work that the County is not doing -- maybe the County will be able to catch up, and they won't need to spend that money.

**MR. ZWIRN:**

I think it's something they ought to -- they ought to think about before they go out, but that's something that you can certainly contact them and talk to them about.

**CHAIRMAN SCHNEIDERMAN:**

I guess the question to Commissioner Anderson is now that we'll have this second dredge or this booster pump -- dredge/booster pump -- will we be able to get into some of those environmental types of dredging? You know, you have these harbors like Napeague Harbor that are being totally chocked off; you know, the oxygen levels are dropping, the temperature and salinity are changing, the pollutant concentrations are not increasing because they're just not flushing. And we as a body changed the rules by which projects can qualify. I think you were going to promulgate some rules as to when the threshold was met to qualify something for environmental dredging. Prior to that, it was primarily -- navigation was the primary consideration. But I guess the question now is will we be able to start getting into some of those soon. Will this -- will this additional dredge put us in a position of being able to take care of some of those problems?

**COMMISSIONER ANDERSON:**

It certainly puts in a better position than we are now to do more dredging once we have the permits in place.

**CHAIRMAN SCHNEIDERMAN:**

I wonder if we should initiate some kind of discussion with the Town of East Hampton. Maybe we should reach out to the town and see what their intentions are with purchasing a dredge and figure out how we'll tie into our program. I think that would be prudent. Okay. So we were on -- we had approved 2202, and we were moving on to 2204.

**2204, Appropriating funds in connection with improvements to Suffolk County Farm (CP 1796). (Co. Exec.)**

Motion by Legislator Eddington, seconded by Legislator Stern. Commissioner, do you want to give us more detail in terms of what the improvements and the costs are?

**COMMISSIONER ANDERSON:**

Yeah. This legislation authorizes 17,500 for design and \$155,000 for construction of livestock, fencing, an epoxy floor within the meat processing plant, as well as an emergency generator for that plant. And lastly, the work will include a new roof for the horticulture building at the farm.

**CHAIRMAN SCHNEIDERMAN:**

Is that a revenue generator for the County, our farm or not? BRO?

**MR. REINHEIMER:**

It's run by Cornell. I wouldn't say that the County benefits directly in terms of revenue, but we do get assistance as far as meat production and support for the Skilled Nursing Facility and for the Correctional Facilities.

**CHAIRMAN SCHNEIDERMAN:**

Any other discussion? There was a motion and a second? All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 5-0-0-0).**

**2216, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the construction of sidewalks, roads resurfacing and drainage improvements on various County roads (CP 5497). (Co. Exec)**

**LEG. STERN:**

Motion to approve.

**LEG. EDDINGTON:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Stern, seconded by Legislator Eddington. All in favor? I'm sorry. On the motion?

**LEG. CARACAPPA:**

What's the offset.

**CHAIRMAN SCHNEIDERMAN:**

Oh, the offset.

**MR. REINHEIMER:**

This is reprogramming construction to planning, \$1,150,000.

**CHAIRMAN SCHNEIDERMAN:**

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

**2219, Authorizing the purchase of replacement support vehicles including radios and related equipment for Suffolk Transit and accepting and appropriating Federal Aid (80%) State Aid (10%) and County Funds (10%) in connection with this purchase (CP 5658.539). (Co. Exec.)**

**LEG STERN.**

Motion to approve.

**LEG. EDDINGTON:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**2220, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the rehabilitation of parking lots, drives and curbs at various County facilities (CP 1678). (Co. Exec.)**

Same motion, same second. Any discussion?

**LEG. CARACAPPA:**

Offset?

**CHAIRMAN SCHNEIDERMAN:**

Offset.

**MR. REINHEIMER:**

This is changing the funding source from G to B, \$175,000 for construction.

**CHAIRMAN SCHNEIDERMAN:**

On 2220, there's no more discussion. All in favor? Opposed? Abstentions? Motion **APPROVED (VOTE: 5-0-0-0)**.

**LEG. EDDINGTON:**

Question.

**CHAIRMAN SCHNEIDERMAN:**

Question. Let me ask one quick question. Last time we met, I had asked about a project at Cupsogue. You were going to, I think, get back to us Commissioner whether we needed to do authorization before the year was up. This was the extension of a boardwalk, I believe, at Cupsogue. One of the Parks Trustees was asking me about it. And then Legislator Eddington also has a question. Cupsogue Beach, the extension of a boardwalk. It's in the Capital Program for this year. We haven't authorized the money to my knowledge, and if we're going to that project, we should authorize it.

**MR. HILLMAN:**

I did look into it. We completed a project to put handicapped ramps at Cupsogue. I know -- I was told by my structural department that the Parks Department had discussed it with them, but we're not aware of anything in the Capital Program to do that. And we haven't begun design, we haven't -- the extent of what we know is that we've had discussions with the Parks Department about it.

**CHAIRMAN SCHNEIDERMAN:**

So there's no actual Capital Project to extent it.

**MR. HILLMAN:**

We don't believe so.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Just to do the handicapped railing?

**MR. HILLMAN:**

Correct. The handicapped ramp.

**CHAIRMAN SCHNEIDERMAN:**

The handicapped ramp.

**MR. HILLMAN:**

That was completed.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I'll check back with the trustee and see exactly what he's looking for. But it may be that the Parks Department has this concept to expand the boardwalk, but they have not developed a Capital Project for it yet.

**MR. HILLMAN:**

That's my understanding. I could be wrong.

**CHAIRMAN SCHNEIDERMAN:**

All right. I could talk to the new Park Commissioner as well on that. Legislator Eddington.

**LEG. EDDINGTON:**

Yes. I was hopping Legislator Caracappa would have been here. I looked at 2183 where it said appropriating funds in connection with bulk heading at various locations, and I was wondering if we could build a bulkhead on County Road 83 at Bald Hill in Farmingville. But my friend isn't here, so I guess --

**CHAIRMAN SCHNEIDERMAN:**

As a sound wall you mean?

**LEG. EDDINGTON:**

That's another name maybe for bulkhead.

**CHAIRMAN SCHNEIDERMAN:**

All right. You are not looking for an answer on that question, are you.

**LEG. EDDINGTON:**

No. Hypothetical.

**CHAIRMAN SCHNEIDERMAN:**

All right. With that, we'll end. We are adjourned. Thank you.

(\*THE MEETING WAS ADJOURNED AT 4:02 P.M. \*)

{ } DENOTES BEING SPELLED PHONETICALLY