

**PUBLIC WORKS
AND
TRANSPORTATION COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Public Works and 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, May 6, 2008.

MEMBERS PRESENT:

Legislator Brian Beedenbender - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Wayne Horsley
Legislator John Kennedy
Legislator Rick Montano
Legislator Daniel Losquadro
Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
Kevin Duffy - Budget Review Office
Gil Anderson - Commissioner - DPW
Tom Laguardi - Chief Deputy Commissioner - DPW
Kaitlyn Boyd - Aide to Chairman Beedenbender
Barbara LoMoriello - Deputy Clerk - SC Legislature
Ben Zwirn - Deputy County Executive
Gail Lolis - County Attorney's Office
Debra Alloncius - AME
Eugene Wishod - DiCanio Residential Communities
Marc Schneider - Windcrest @ Galleria Homeowner's Association
Michael Quigley - Coventry Village
Virginia Bolla - President Windcrest Homeowner's Association
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:07 P.M. *)

CHAIRMAN BEEDENBENDER:

If we could all rise for the Pledge, please, led by Legislator Stern.

SALUTATION

CHAIRMAN BEEDENBENDER:

Please be seated. Okay. Before we get to the cards, just getting passed out to all the members of the committee, it's a packet of information that Legislator Romaine referred to on Tuesday at our General Meeting. There's a letter in the front that explains what the packet is. It's outstanding balances of Capital Projects and Capital Projects where the balance equal the appropriation.

So what I've asked -- if any of you recall, at the first meeting of the Public Works Committee this year, I talked about really focusing on us as a committee doing some oversight, making sure the projects that are in the pipeline get completed on time and on budget. So if -- what I would ask of the members of the committee is to take a look through this -- it's quite extensive -- and look for projects that are within your district or you might have a particular interest in and let me know. So this way we can have DPW come prepared to the next committee meeting to answer any questions we might have and any thoughts we might have or answers we're looking for on particular projects. Legislator Montano.

LEG. MONTANO:

Quick question. They're not prepared to discuss this today?

CHAIRMAN BEEDENBENDER:

No. No. All right. After that, I have four cards. First up is Eugene Wishod.

MR. WISHOD:

Mr. Chairman, I'm here to speak in favor of Resolution 1010, a resolution calling for a public hearing for the purpose of considering the dissolution of the proposed Sewer District Number 4 - Smithtown Galleria. I have been here on many occasions during the past year while this resolution has been tabled some 15 or 20 times.

In August of 2007, Gil Anderson in his capacities as Commissioner of the Suffolk County Department of Public Works, Chairman of the Suffolk County Sewer Agency and administrative head of all Suffolk County sewer district prepared a report on the proposed dissolution of Sewer District 4 - Smithtown Galleria, which concluded as follows and I quote, "Based on the updated budget and the resulting charges of \$1070 to be accessed each residential unit, it is my recommendation that the proposed Sewer District Number 4 - Smithtown Galleria be dissolved and all further efforts for the creation of the proposed district be stopped until such time as the user base is expanded to the point that the annual fee is substantially reduced and the proposed district residents as expanded request a report for a possible sewer district creation."

Nothing, to my knowledge, has changed since that recommendation. The Commissioner did float a proposal that would have reduced the rate to \$969 that was contingent upon my client contributing 400,000 to this paper district and a process that would take at least until the end of the year and probably longer. This proposal was objected to by my client and is dead without the client's consent.

As I indicated, this matter has been tabled 15 or 20 times, and I think it's well past time to proceed to a public hearing so all the residents in the proposed district can be heard. I just ask you to bear in mind that this sewer district is piece of paper; it owns nothing, and it was formed on what turned out to be innocently enough a misrepresentation by the County that the rate would be \$450, a rate lower than what the district's residents are now paying.

The district's proposed -- the proposed district's residents are now paying anywhere from \$250 to \$450. And it is inconceivable that the State Comptroller would have ever approved the formation of this district a rate of \$1070 or a rate of \$969 given the fact that he must find that the formation of the sewer district is in the best interest of the residents of the district. Thank you.

CHAIRMAN BEEDENBENDER:

Okay. Next up, I have, I believe it says Marc Schneider from the -- I can't read.

MR. SCHNEIDER:

Marc Schneider, Marc H. Schneider --

LEG. LOSQUADRO:

I don't think that mike is on.

MR. SCHNEIDER:

Better?

CHAIRMAN BEEDENBENDER:

Turn the mike on, sir. I see the word Galleria, but I can't make out the other words.

MR. SCHNEIDER:

Right. Marc H. Schneider, Marc H. Schneider, PC. My firm is the attorneys for Windcrest @ Galleria Homeowner's Association. And I thank you for the opportunity to speak again today. I know that I've been before you a few times, and I just wanted to be rather brief, because I think that every time that Mr. Wishod comes up and speaks, he speaks as if his client is the one who's got the major interest that's impacted here.

I have -- today you have two cards behind me, and what you're going to hear from is you're going to hear from the board presidents two communities that are affected; the Board President of Windcrest at Galleria Homeowner's Association, which is Virginia Bolla, who is to my left, as well as Mr. Michael Quigley, who is the President of Coventry Manor. And I think that they're here today because some of you were actually not here at the last session when this was on last year when they did come and speak about the residents' desire. And the residents' desire has never changed. It is to have the County take over the operation of the sewer -- of the sewage treatment plant, an issue here.

The real crux of the issue has been nothing more than what the right appropriate fee should be for the charge for the County doing that. And we have had several dialogs about it, and in fact, what I have been told -- I was at a meeting with the County Executive on January 17th of 2008, where -- at which time, the County Executive committed to forming a committee of some sorts to determine and look into the issue of the rate -- the rate setting. I had written to the County Executive in April to inquire about the status of that committee and the results, and I don't believe that has been concluded yet.

So what I have consistently said here is that I think it is preliminary to act on either of these resolutions until such time as the County has had the opportunity to complete that and we could determine -- because I believe that we're going to find that the rate probably will be lower or should be lower, because it's probably inconceivable that it should cost the County three or four times the amount that it costs the private operator. We all agree that it would cost something more than what the private operator is charging, and in fact, you'll probably hear from the presidents, they have no problem paying more than what they're presently paying. They do have a problem paying multiples more, and that's what's really at issue here.

So, again, I ask that there be at the very least no action, if you're not going to move forward on the creation, which I don't believe that that would be done today, that there be no action until the County completes its review and comes back with a determination. While I agree that we would like

to get these things moved along, the fact of the matter is that Mr. Wishod, when we were at that meeting, said his client was prejudiced by virtue of not moving forward, and it was discussed that the County would investigate expanding the district. In fact, the County came back and said, "We will expand the district while this is going on so that you're not prejudiced." His client's just unhappy with the fees they have to do to accomplish that. So I think the many residents that are involved here really need their interests looked into and fostered so that we can come to the right, fair result here. Thank you very much.

CHAIRMAN BEEDENBENDER:

Okay up next I have Mr. Quigley.

MR. QUIGLEY:

Thank you. I just want to thank you for giving us the time today to talk about this. I'm President of Coventry Village, it's a single-family home development. We're an HOA. And we really do support the County taking this over. We just feel it's our best interest to have the County take over this sewer district. And we just a fair number. You know, we are current paying around \$250 per home, we're willing to pay more. There's no doubt about that. You know, we all agree on that. It just has to be equitable.

I think when we went to the original hearing and we saw that the indirect costs were maybe twice the direct costs to operate this thing, that's really what we couldn't understand. And that seemed to be an arbitrary number. That's what we'd like the Legislature to look at, you know, look at that indirect number, see if there's a way to get it more equitable. We'll pay more. It's worth it for us. But it has to be fair, it can't be, you know, four or five times more than we're paying now. It just -- at some point, it doesn't make sense. So just please, you know, look at it, come up maybe with a fair number that would be good for everyone, because it is in everyone's best interest, I believe, for the County to take it over.

CHAIRMAN BEEDENBENDER:

Thank you.

MR. QUIGLEY:

Thanks.

CHAIRMAN BEEDENBENDER:

And last is Ms. Bolla, Virginia Bolla.

MS. BOLLA:

Thank you very much, gentlemen. Thank you for allowing me to speak. My name is Virginia Bolla. I'm the President of Windcrest Homeowner's Association. I represent 187 homes, 187 taxpayers who moved into this community hoping -- we were told initially that we would be taken over, that the situation with the privatization of the sewer district plan was really a temporary measure and that it would be taken over by the County.

Having said that, I also have to respectfully disagree with Mr. Wishod in that we are not happy. We do want the County to take it over. He does not speak for the 187 homeowners that live at Windcrest. As Mr. Quigley said, we would like to have it taken over at a fair and equitable rate. We understand that 450 is an arbitrary number and that it was -- it was put into our plan, into our offering plan, and that's what we understood initially. However, there's a big difference between 450 and a thousand or \$1100.

We are currently very unhappy with the privatization, the way it's been taking care of -- we've had major issues, major Board of Health issues that I have had to ask Mr. Kennedy on a weekend to please help me push some buttons to get people from the sewer district -- the County to go down to the sewer district and take care of it. We have been having the most horrific problems with odors and backups and all sorts of horrific problems that if you lived there, you would not want to face.

What know that having the County take over is what needs to be done for the best interest of these homeowners and these taxpayers. We absolutely feel that there has to be a space between -- an equitable space between what was offered originally and what we're being told. We do realize and we do understand that, in fact, it may cost more than we initially thought it would, but there has to be some point in time that the County Executive, in examining this, and the rest of -- and following through with their investigation will find a way to make this happen for us homeowners. Thank you.

CHAIRMAN BEEDENBENDER:

Okay. Thank you. Just really quick, Ms. Bolla, you said 187 houses in Windcrest.

MS. BOLLA:

There are 187 homes, correct.

CHAIRMAN BEEDENBENDER:

Homes. And, Mr. Quigley, I think the number is 29.

MR. QUIGLEY:

Twenty-nine, yes.

CHAIRMAN BEEDENBENDER:

Twenty-nine, okay, in your area. All right. With that, we don't have any more cards, so we will move might to the resolutions unless there's any questions or discussion on topic. All right. Starting a long agenda.

IR 1010, A resolution calling for a public hearing for the purpose of considering the dissolution of the proposed Sewer District No. 4 - Smithtown Galleria. (County Executive)

LEG. KENNEDY:

On the --

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I will make a motion to table this resolution based on the conversations that I have had with Deputy County Executive Szabo and --

LEG. LOSQUADRO:

I second it.

LEG. KENNEDY:

-- and in conjunction with DPW. I would like to also speak further on it. If you'd like to hold the vote on this though, certainly I'd be happy to -- my comments go to both 1010 and 1023, Mr. Chair.

CHAIRMAN BEEDENBENDER:

All right. Well, we have a motion and Legislator Losquadro seconded the motion on the motion. So if you'd like to -- on the motion, Ben, table, it's okay?

MR. ZWIRN:

We have no problem.

CHAIRMAN BEEDENBENDER:

All right. Well, if we have agreement, I think we can forego the discussion, if that's okay.

LEG. KENNEDY:

The only thing that I'll add, Mr. Chair, that I think is important to go ahead and have on the record, and I'll make it brief, I commend the County Executive for forming the Sewer District Task Force. And I have had conversation with Legislator Horsley, the Chair, as a matter of fact, will be at the next meeting on May 29th, and as a matter of fact, have accepted his invitation to conduct a field hearing in the Town of Smithtown for the purposes of discussing not only Sewer District 6, which is under significant expansion and which is going to promote sewerage, but also Sewer District 4, because I think it's very important that the task force be able to get testimony firsthand as we just had from Ms. Bolla and Mr. Quigley about what residents are experiencing and the real overwhelming desire on the part of residents to get the benefit of the continuity and the maintenance and the high standards that our Public Works Department has in place with the operations of its sewer districts.

CHAIRMAN BEEDENBENDER:

Okay. Well, that sounds like progress. We have a motion and a second. All in favor? Opposed? Abstentions? Motion is **TABLED**.

(VOTE: 7-0-0-0).

IR 1023, Directing the Suffolk County Sewer Agency and Department of Public Works to finalize the creation of the Sewer District No. 4 - Smithtown Galleria. (Kennedy)

Legislator Kennedy.

LEG. KENNEDY:

Motion to table.

CHAIRMAN BEEDENBENDER:

Second by Legislator Losquadro. There's no questions. All in favor? Opposed? Abstentions? IR 1023 is **TABLED (VOTE: 7-0-0-0)**.

IR 1174, Approving rates established for Davis Park Ferry Co. (Presiding Officer)

I believe this has to be tabled, Counsel?

MR. NOLAN:

That's correct.

CHAIRMAN BEEDENBENDER:

All right. I'll make the motion to tabled, second by Legislator Horsley. All in favor? Opposed? Abstentions? The motion is **TABLED (VOTE: 7-0-0-0)**.

IR 1313, Authorizing transfer of two (2) surplus County computers, two (2) surplus County monitors and two (2) surplus County keyboards to Glory of God Church. (Mystal)

LEG. MONTANO:

Motion.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Montano.

LEG. KENNEDY:

Second.

CHAIRMAN BEEDENBENDER:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion is **APPROVED (VOTE: 7-0-0-0)**.

IR 1318, Directing the Suffolk County Sewer Agency to prepare reports and make recommendations necessary to form a sewer district at Mastic/Mastic Beach/Shirley. (Browning)

CHAIRMAN BEEDENBENDER:

Just a quick question for Counsel. This is independent of the resolution that we passed at the last meeting, right?

MR. NOLAN:

Yes.

CHAIRMAN BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Can I hear from --

CHAIRMAN BEEDENBENDER:

Legislator Losquadro. Well, actually, can I just get a motion first?

LEG. HORSLEY:

I'll make a motion to approve.

CHAIRMAN BEEDENBENDER:

I'll second it. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Can I just ask the Department of Public Works what exactly this will require them to do? Will they need additional staffing, can you use in-house staffing, can you comply with the terms, the time frames set forward in this resolution?

COMMISSIONER ANDERSON:

Yeah. After discussion with staff, we believe we can, you know, meet the time frame required under, you know, this legislation and for what the legislation is looking for.

LEG. LOSQUADRO:

Which is?

COMMISSIONER ANDERSON:

Essentially, they're looking for guidance to initiate a sewer district within the area of Mastic that's stipulated, I believe, under the 2nd Resolved and essentially what the -- you know, what's required to do that and provide, you know, a progress report as well as a final report to the Legislature and the County Executive.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRMAN BEEDENBENDER:

Okay. If there's no other comments on the motion, all in favor? Opposed? Abstentions? Motion is **APPROVED (VOTE: 7-0-0-0)**.

IR 1347, Authorizing public hearing for authorization of extension of license for North Ferry Co. Inc., for Greenport Harbor service between Shelter Island Heights, New York and Greenport, New York. (Pres. Off.)

This is the public hearing, so do I have a motion?

LEG. HORSLEY:

Motion.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Horsley, seconded by Vice-Chairman Stern. On the motion? All those in favor? Opposed? Abstentions? Motion is **APPROVED (VOTE: 7-0-0-0)**. Legislator Kennedy was in the room for that vote.

IR 1348, Approving extension of license for North Ferry Co., Inc., for Greenport Harbor service between Shelter Island Heights, New York and Greenport, New York. (Pres. Off.)

This has to be tabled. Motion by Legislator Romaine, I'll second the motion. All in favor? Opposed? Abstentions? IR 1348 is **TABLED (VOTE: 7-0-0-0)**.

IR 1358, Adopting Local Law No. 2008, A Local Law to reduce the emission of pollutants from the County's diesel-fueled motor vehicles. (Cooper)

I believe this has to be tabled for a public hearing. I'll make the motion, second by Legislator Horsley. All in favor? Opposed? Abstentions? **TABLED (VOTE: 7-0-0-0)**.

IR 1362, Amending the 2008 Capital Budget and Program and appropriating funds in connection with improvements to CR 80, Montauk Highway, between NYS Rt. 112 and CR 101, Patchogue, Yaphank Road/Sills Road (CP 5534) and expansion of the sewer distribution system. (Eddington)

LEG. HORSLEY:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Horsley. Second -- was that a second, Legislator Romaine?

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Vice-Chairman Stern. And on the motion, Legislator Romaine.

LEG. ROMAINE:

Just a quick question. Is this a County sewer district that we're expanding?

COMMISSIONER ANDERSON:

This is actually expansion of the Village of Patchogue's Sewer District.

LEG. ROMAINE:

That's what I thought. But that isn't a County sewer district, that's a village sewer district. It's operated by the village, not by the County.

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

Are we spending County funds to help expand a separate municipal sewer district other than one operated by the County? If that's the case, I'm very interested, because Riverhead has a sewer district and certainly could use County funds to expand their sewer district too.

COMMISSIONER ANDERSON:

This is really -- we're just hooking up to the district, we're not expanding it. This would be like what they do in Southwest, you know, Sewer District, that type of thing.

LEG. ROMAINE:

What are we hooking up? Maybe I missed the point here.

COMMISSIONER ANDERSON:

No. We're hooking up sewers to their district. It's basically -- under the road construct project that we have going on now, we are -- with Federal funding, we're going to expand the district west -- I'm sorry -- east from Route 112 out to Grove Street. This legislation would allow additional funds to expand that -- to extend that sewer out.

LEG. ROMAINE:

And who will own these sewer lines, and who are these sewer lines going to be operated by?

COMMISSIONER ANDERSON:

At this point, I believe it's yet to be determined.

LEG. ROMAINE:

You understand the question that I'm raising?

COMMISSIONER ANDERSON:

Yes.

LEG. ROMAINE:

I have nothing but good wishes for the Village of Patchogue. I hope their sewer district flourishes, I'm happy to see sewers be expanded. But if we're going to use County money to expand a village sewer district, I have a proposition for you to expand a town sewer district, in this case, Riverhead or a village sewer district, in this case, Greenport, using County money also. Because once you set that principle and you open that door, believe me, I'll be knocking on it for my district. I'm not objecting to it.

CHAIRMAN BEEDENBENDER:

I was just asking, isn't this in connection with the RFP we're doing for the Plaza Theater, which we're taking by eminent domain?

COMMISSIONER ANDERSON:

This is the same area.

CHAIRMAN BEEDENBENDER:

Okay.

COMMISSIONER ANDERSON:

Yeah. This is the same area.

CHAIRMAN BEEDENBENDER:

But it's not contingent upon whatever -- I don't know who put the RFP for that -- for that particular piece of property, but wasn't -- it was my understanding that these sewers might have been contingent upon -- whatever is going to happen there was contingent upon having a connection to this sewer district.

COMMISSIONER ANDERSON:

The Plaza is within the expanded district that we're getting the Federal funds for.

CHAIRMAN BEEDENBENDER:

Okay. Well, I have a list. So the next one is Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. In the review that I've done on County Law, and I guess I would defer to Counsel and/or the County Attorney's Office, I believe there's provisions in New York State County Law that allow for collaboration of municipalities for the purposes of providing sewerage. Usually, it's intermunicipal agreements that are entered or something along those lines.

What it sounds like you are saying here is that we're constructing mains that will connect to the village sewer district, and we are promoting or benefitting from the expansion of the boundaries of -- are we going to be contractees or are we going to be members of an expanded village sewer district?

MR. ZWIRN:

If I might jump in. This is not our legislation, this is Legislator Eddington who is the sponsor of this. There are some questions that we have with respect to this with respect to the bond counsel, whether they can issue a bond, because it's -- because some of the questions that Legislator Romaine has. If it's possible, could we table this perhaps one cycle so we could ask the sponsor to come and we can get a better feel of this? Because even if we move forward and we can't get a bond for it, then we're going to be winding up at the Legislature at the General Meeting, you know, looking kind of silly.

LEG. KENNEDY:

It sounds more than reasonable. However, I think it's also something that speaks to what many of us are looking at, which is collaboratively moving forward with opportunities to expand. I was going to go to not only statutory authority, but who would collect the rents? Would it be --

CHAIRMAN BEEDENBENDER:

I guess, could we address that question maybe to Counsel? I think the bond counsel question is really an essential one, because if that can't be answered, then we don't need to move much further. So, George, can you kind of shed some light?

MR. NOLAN:

Well, I would only say that if we're using bond, proceeds from bonds, the County has to have an ownership, some interest in the improvement. I don't know a lot about this particular project or what -- how it's going to work, so it may be advisable to table it, we could take it up with bond counsel and see if they'll issue a bond for such a project.

CHAIRMAN BEEDENBENDER:

Well, I have Legislators Montano and Losquadro on the list, but at this point, I guess I'll suggest if we can't get a bond, it might be appropriate to table. But if you'd like to speak, Legislator Montano, you're next.

LEG. MONTANO:

No. No. Actually I do have a lot of questions, and I think Counsel, you know, basically hit the nail on the head. I would table at this point, I have too many questions to vote for it. I'd like to know more.

LEG. LOSQUADRO:

I feel the same way. I have a number of questions regarding the nuances of ownership and rents and liability. There's a number of issues here. So I'll make a motion to table it.

CHAIRMAN BEEDENBENDER:

Okay. Who made the motion to approve, Barbara.

MS. LOMORIELLO:

Horsley.

CHAIRMAN BEEDENBENDER:

Horsley.

LEG. HORSLEY:

I rescind the motion to approve.

CHAIRMAN BEEDENBENDER:

All right. And we have a motion to table by Legislator Losquadro, seconded by Legislator Stern. All in favor? Opposed? Abstentions? The motion is **TABLED (VOTE: 7-0-0-0)**.

IR 1371, Appropriating funds in connection with median improvements on various County roads (CP 5001). (Co. Exec.)

I'll actually make the motion to approve.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Vice-Chairman Stern. But I do have a question for you, Gil. This, as far as the backup shows, is for a median improvements on County Road 19, Patchogue-Holbrook Road from the Expressway to Waverly. So that's the southerly portion of my district and the northern portion of Legislator Lindsay's district. And I know that earlier in the year, my office, we had reached out, because the Holbrook Chamber wanted to do some -- some plantings or some guardrails in the middle, in the median, in this very area, and it wasn't possible to do that. So I guess my question is what are we doing, and why couldn't it be that?

COMMISSIONER ANDERSON:

Most likely the extent of the plantings that were involved. There will be plantings involved in this, but they're much more lower -- they're similar to what's been done, I believe, further north along that vane. You know, it's stuff that we can maintain without getting too specific.

CHAIRMAN BEEDENBENDER:

Without having to require the Chamber to do it?

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN BEEDENBENDER:

Okay. You could just send me the plans to my office, Gil. You don't have to -- it doesn't have to be a long protracted debate here. Thank you.

COMMISSIONER ANDERSON:

Very good.

CHAIRMAN BEEDENBENDER:

All right. We have a motion to approve and a second. All in favor? Opposed? Abstentions? IR 1371 is **APPROVED (VOTE: 7-0-0-0)**.

IR 1372, Amending the 2008 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014). (Co. Exec.)

LEG STERN:

Motion.

CHAIRMAN BEEDENBENDER:

Motion by Vice-Chairman Stern. I'll second it for the purposes of discussion for the moment, but I have a couple of questions about the offset, Gil. One of the offsets is reconstruction of County Road 83, Patchogue-Mount Sinai Road. And I don't know where it is, but it's going to concern either me or Legislator Losquadro. So which is that project, and why are we taking the whole '08 allocation from it?

COMMISSIONER ANDERSON:

Okay. The '08 allocation, last year, when we did the -- and we are in the process now of awarding the Early Implementation Project -- we used this capital -- this Capital Program as an offset so that we could get all the monies we need to do the Early Implementation Project. We now had -- we had the 2009 -- I'm sorry -- the 2008 funds in place. We offset them. Now basically, we're taking this year's money and reimbursing the Capital Program for the strengthening and improvement project.

CHAIRMAN BEEDENBENDER:

Okay. But which particular -- is this the projects Mooney Pond and 25, or is this a project further north?

COMMISSIONER ANDERSON:

This is the southerly -- this is the southerly end. Not Legislator Losquadro's District.

CHAIRMAN BEEDENBENDER:

Okay. So it's mine?

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN BEEDENBENDER:

All right. But this project is going to go? That's all I need to hear.

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN BEEDENBENDER:

All right.

LEG. LOSQUADRO:

Just a quick follow up on that. I know we had a discussion -- I think it was late last year, I'm trying to remember -- about the project on the northern end of the County Road 83 up by the Wedge Park up there. There was some intersection improvements that were planned for. Any better idea on time frame for that project now, because I --

COMMISSIONER ANDERSON:

Not off the top of my head. I can get you that information, though. I'll check with staff.

LEG. LOSQUADRO:

If you could, please. I was actually just up there for another event, and that park, thankfully, is a great success and sees a lot of use. So we really need those intersection improvements. It will afford a great deal more safety for the residents that use that park. Thank you.

CHAIRMAN BEEDENBENDER:

Legislator Losquadro, I think that's a perfect example of something that we'll go through, because -- you know, if you go through the packet, we'll get all those answers next time around. All right. We have a motion to approve and a second. All in favor? Opposed? Abstentions? IR 1372 is **APPROVED (VOTE: 7-0-0-0).**

IR 1373, Appropriating funds in connection with dredging of County waters (CP 5200). (Co. Exec.)

I believe this is for Stony Brook Harbor. Do I have a motion? Legislator Losquadro makes a motion, I'll second the motion. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just can you tell me specifically, Gil, this is up near the yacht club before the beach?

COMMISSIONER ANDERSON:

This for actually what they call Dolphin Creek and up near the yacht club. This is really only to survey and do engineering needed to get the permits and such. This is not the actual dredging.

LEG. KENNEDY:

Right. You're anticipating the '08-'09 season.

COMMISSIONER ANDERSON:

The '09 season will be actually to do the work, yeah.

LEG. KENNEDY:

Okay. While we're on dredging, just quickly, you also still have the balance of the Nissequogue in that cue?

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

All right. Thank you.

CHAIRMAN BEEDENBENDER:

All right. Puns aside, we have a motion and a second. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1374, Appropriating funds in connection with a County Wide Highway Capacity Study (CP 5502). (Co. Exec.)

LEG. LOSQUADRO:

I'll make a motion for the purposes of discussion.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Losquadro, I'll second the motion. Legislator Losquadro.

LEG. LOSQUADRO:

Explanation. Who is going to be conducting this? What are -- County-wide, does that mean County roadways, all roadways? What are we -- what are we looking to accomplish with this?

COMMISSIONER ANDERSON:

What we're looking to do is to see what the availability capacity of County roads -- how much capacity they have for expansion before they're impacted, similar to what would happen on Crooked

Hill Road, Commack Road, County Road 58, those type of locations.

We'll basically be looking at seeing how much room we have left to -- you know, for volume. It will be a tool for local planning departments basically to say, okay, if you're going to such and such in an area, what is the impact to our road. And you know, hopefully it's a little bit of a guidance for them so that they're overburdening our roads.

LEG. LOSQUADRO:

And the timeframe for the study?

COMMISSIONER ANDERSON:

Twelve months.

LEG. LOSQUADRO:

Okay. Thank you. I know there's other questions.

CHAIRMAN BEEDENBENDER:

Next I saw Legislator Romaine.

LEG. ROMAINE:

You were kind enough to mention 58. And I just sent you a correspondence which my office should be either faxing or sending by mail to you that corresponds to the same idea that Supervisor Cardinale sent about County 58. Obviously, capacity is a problem on 58. And I'm concerned about 58 and the -- at least the press reports as to what the capital project would involve.

I know as the District Legislator, I don't have any basic information about what that capital project would involve other than an appropriation of how much is going to be spent. I think the plans have changed substantially. I'm suggesting that we have another public hearing.

Talking about public hearings, obviously, the traffic study, much to the chagrin -- maybe Legislator Beedenbender can remember it when he was an aide on the Executive staff, because that's how far back it goes, to May of 2006, the traffic study for County Road 111 is finally finished, and there's a recommendation for four options. I'd like to schedule a public hearing in the immediate future, because the one thing that I saw that was somewhat lacking was an appropriation in the 2009 Capital Budget to carry out any of those options.

And one of those options is a \$10 million option. However, with State and Federal funding, our share would be about 10%. And -- because it would require interchanges -- turning jug handles on the Expressway. And I think the more we get a public hearing, a sense of a public hearing, I've invited -- in which I would invite, obviously, representatives from Senator LaValle's and Assemblyman Alessi's Office to attend with us, the sooner we can get an idea of how we can address that.

COMMISSIONER ANDERSON:

Just in response to your latest request, the report itself is a draft and has gone to the State for their review. What I would suggest is holding off on the public hearing until we get the comments back from the State. It might be premature for us to come and say, okay, we want to do A, B, C or D without that input.

LEG. ROMAINE:

Gil, here's the problem in a nutshell. We're going to have to vote on a budget in the next month for 2009. I'm putting something in. As premature as it may be, I'd be half right on time then all right too late, because if I don't get this and have my colleagues address it -- you know, we started this projects with a capital appropriation in 2006. We finally got the study done. This is a heavily traveled road. They tell me that someone in, I think it's a convertible or something, white hair, glasses, wears a tie, is a real speed racer up that road every day, creating chaos through Manorville

as he drives. So we've got to -- you know, I want to make it as safe as I can for that gentleman so he can get to work on time.

But all kidding aside, I honestly want to -- I need some guidance and help to at least convince my colleagues -- they may not, they may turn it down as may be the case -- but at least make the argument for my district to put some money in there that the State and Feds can match now that we've done -- I mean, the study is three books that it's that high. I've read through it. Now that we've done that, I want to get that in, because that's a capacity issue. And I think the recommendation is good. I like option four the best, because that's the safest best --

MR. ZWIRN:

It's eliminating the white-haired guy with the convertible permanently.

LEG. ROMAINE:

That's the option I like the best. So possibly in the next week or so we can have some dialog on County Road 111 and on County Road 58.

MR. ZWIRN:

Are we going to add that to the pipeline debt, or is that --

CHAIRMAN BEEDENBENDER:

Well, I will just say that grandparents live off County Road 58 and a close relative lives off County Road 111, so I'll listen to you, Ed. All right. With that being said -- Legislator Montano, you had questions. I'm sorry.

LEG. MONTANO:

Actually my main question was asked and answered. But this study, it's going to be inclusive of all County roads?

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

Thank you.

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

Gil, I'm somewhat interested in that you mentioned Commack Road and Crooked Hill. Both Legislator Stern and I have been involved with lobbying NYMTEC for that Sagtikos Corridor Study. Is this something that is different or will dovetail with that? How will -- what's the interplay between these two efforts?

COMMISSIONER ANDERSON:

Well, the additional lane -- that corridor study is really specific to the small area that we're talking about; it's the potential to throw in an additional lane on the Sagtikos Parkway, it's looking at all the different options. There will be some interplay, there will probably be some shared information between both, but for the most part, they're separate.

LEG. KENNEDY:

But not duplicative or overlapping.

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

That would somehow interact with or have dialog that group that's doing the corridor study?

COMMISSIONER ANDERSON:

I would anticipate so.

LEG. KENNEDY:

Okay. And do you know anything about where that is at this point, that corridor initiative?

COMMISSIONER ANDERSON:

No. Don't know.

LEG. KENNEDY:

Is there anybody from DPW that's part of this committee that's doing the work? I knew I would get him up here one way or the other.

MR. HILLMAN:

This is being handled by the Planning Department. And my understanding is that the RFPs were reviewed, there were numerous questions that our consultants had in their RFPs. Therefore, the scope is being refined and it's being reissued.

LEG. KENNEDY:

Is your department part of that revision or that vetting of the RFPs?

MR. HILLMAN:

Our representative is the Director of Traffic Safety, Danny Dresch. And he is only an observer and technical advisor, he has no input, no --

LEG. KENNEDY:

Which frightens me since we're talking about County roads.

MR. HILLMAN:

Well, the Planning Department oversees County roads also, but it's their project.

LEG. KENNEDY:

But they don't pave, them, they don't sweep them, they don't do any of these other things.

MR. HILLMAN:

But this is really a Planning project.

LEG. KENNEDY:

Through the Chair, can I ask Mr. Zwirn if there -- can be any be any kind of dialog Planning and Public Works regarding that corridor study?

MR. ZWIRN:

No.

LEG. KENNEDY:

Okay.

MR. ZWIRN:

No. I'm only kidding. I'm sure. I'll make sure. It's a common sense approach.

CHAIRMAN BEEDENBENDER:

Legislator Stern.

LEG. STERN:

Through the Chair, if I may. DPW along with the administration has been very helpful for months along the way in taking look a look at the RFP and refining the RFP and keeping my office up to day and certainly, I would know, would play a significant role in not only the role that they play, but in coordinating with all of as along the way as that study gets underway.

CHAIRMAN BEEDENBENDER:

If there are no other comments or questions, I believe we have a motion second, Barbara?

MS. LOMORIELLO:

Yes, we do.

CHAIRMAN BEEDENBENDER:

All right. All in favor? Opposed? Abstentions? IR 1374 is **APPROVED (VOTE: 7-0-0-0)**.

IR 1375, Amending the 2008 Operating Budget to transfer unexpended funds from Fund 477 Water Quality Protection Program fund balance-water quality protection component from the program ending November 30, 2007, amending the 2008 Capital Budget and Program and appropriating funds in connection with stormwater remediation to Green Creek at County Road 85, Montauk Highway. (Co. Exec.)

LEG. STERN:

Motion to approve.

LEG. HORSLEY:

Second.

CHAIRMAN BEEDENBENDER:

Motion to approve by Vice-Chairman Stern, seconded by Legislator Horsley. Do I have any questions? Legislator Losquadro.

LEG. LOSQUADRO:

It's got a great priority ranking. Just what exactly the remediation project would entail; are we talking about installation of filters, new drainage ways, what are we doing with it?

COMMISSIONER ANDERSON:

This is to install two new what we call swirl separators on an existing drainage system that outfalls into Green Creek, which is very close to the Great South Bay. It's within the Town of Islip.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN BEEDENBENDER:

Okay. If we have a motion and a second, all in favor? Opposed? Abstentions? IR 1375 is **APPROVED (VOTE: 7-0-0-0)**.

IR 1377, Calling for a public hearing for the purpose of considering the planning of the increase and improvement of facilities for Sewer District No. 3 - Southwest (Outfall)(CP 8108). (Co. Exec.)

LEG. STERN:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern, seconded by Legislator Horsley. If there's no questions on

the motion, all in favor? Opposed? Abstentions. **APPROVED (VOTE: 7-0-0-0).**

IR 1378, A resolution making certain additional findings and determinations in relation to a proposal to increase and improve facilities for Sewer District No. 18 - Hauppauge Industrial (CP 8126). (Co. Exec.)

LEG. KENNEDY:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Kennedy.

LEG. LOSQUADRO:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1392, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the reconstruction and improvements at the Bomarc Records Storage Facility (CP 1705). (Co. Exec.)

LEG. ROMAINE:

Motion.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Romaine, second by Vice-Chairman Stern. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Legislator Kennedy was before me.

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

Can you give me a little bit about what's going on with this at this point? Bomarc, in my recollection, was never a place that had a wonderful track record as far as storage of records. I think we automated about 25 million images. And what's still being stored there? What are we doing at this point?

COMMISSIONER ANDERSON:

I can't certainly answer what's being stored there. This is appropriation for funding to construct a second level of storage shelving within the storage facility on Bomarc and realigns funding that we have in the project.

LEG. KENNEDY:

I'm not even going to ask any more about this. I'll yield back to the Chair.

CHAIRMAN BEEDENBENDER:

Legislator Losquadro.

LEG. LOSQUADRO:

Question asked and answered.

CHAIRMAN BEEDENBENDER:

All right. Since we motion to approve, all in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1393, Appropriating funds in connection with renovations to Surrogate's Court (CP 1133). (Co. Exec.)

LEG. MONTANO:

Motion.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Montano, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1394, Appropriating funds in connection with replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706). (Co. Exec.), has been withdrawn, it's my understanding. So we can skip over that.

IR 1395, Appropriating funds in connection with removal of toxic and hazardous building materials and components at various County facilities (CP 1732).

LEG. STERN:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern, seconded by Legislator Losquadro. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. I went on my laptop, and the resolution explanation did not come up, the resolution did not come up, so maybe you could give me a little bit of an explanation; what this involves for \$325,000, which is cost us another additional \$117,000 plus in interest.

MR. CALDERONE:

This is recurring, as it says, toxic and hazardous building materials, mainly, asbestos. And I can tell you right now our priorities have been Supreme Court, the annex that we're getting into the next phase of renovations to Griffing Avenue County Center, and I think, Legislator Romaine, you know we're on going with those improvements, and the jail. Mainly, those are the three big asbestos issues that we still have. Okay? So it's just a recurring capital.

LEG. ROMAINE:

Would there come a time when at some point the County might -- the County buildings might be asbestos free? Not in our lifetimes, okay. Thank you.

MR. CALDERONE:

If I were that good, I wouldn't be working here. Some day. I think, you know, you go back ten, 15 years ago, that Capital Fund had millions in it. It's shrinking. It's absolutely shrinking.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other questions, all in favor? Opposed? Abstentions? Motion is **APPROVED (VOTE: 7-0-0-0).**

IR 1396, Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737). (Co. Exec.)

Motion to approve by Vice-Chairman Stern, seconded by Legislator Horsley. If there are no questions on the motion, all in favor? Opposed? Abstentions? IR 1396 is **APPROVED (VOTE: 7-0-0-0)**.

IR 1398, Appropriating funds in connection with Riverhead County Center power plant upgrade (CP 1715). (Co. Exec.)

Motion by Legislator Romaine, maybe?

LEG. ROMAINE:

Okay.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second for the purposes of discussion.

CHAIRMAN BEEDENBENDER:

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

LEG. LOSQUADRO:

When we hear so much about repowering and everything else going on, what type of upgrades are we talking about for this facility?

MR. CALDERONE:

This particular one, Riverhead Power Plant, also, it's an ongoing capital. We're constantly making improvements and energy conservation measures. This particular one centers around the water tower -- well, there's two water towers out there. We replaced one three or four years ago with a better and more energy efficient one, and we still have one that's actually from 1959 that is a real energy hog, and we're going to be making improvements to that. That's the main scope of the project right now is the water tower.

LEG. LOSQUADRO:

The cooling tower.

MR. CALDERONE:

The cooling tower, correct.

LEG. LOSQUADRO:

Okay. The ones that we're replacing them with, are these like a closed-loop condensing system?

MR. CALDERONE:

That's correct.

LEG. LOSQUADRO:

So I mean, the water usage is --

MR. CALDERONE:

Minimal, correct.

LEG. LOSQUADRO:

Very minimal.

MR. CALDERONE:

Very minimal, correct.

LEG. LOSQUADRO:

Okay. And we have the lay-down area and the land to accommodate the new larger --

MR. CALDERONE:

Yes. Because we have two, we do it at the time of the year where we only need one. So, you know, we can valve it off, shut one down, replace it, because they're Siamesed, okay, they're in series, okay? And also part of this Capital Program is also high efficiency pumps, variable speed pumps. So it's not just the water tower, but that's the biggest portion of this project.

LEG. LOSQUADRO:

I know there's other questions.

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

Lou, just tell me about the plant itself. We used to shudder any time there would be the test, because invariably that thing would play -- wreck havoc with computer systems and stuff. Has it improved?

MR. CALDERONE:

Yes. The good news is actually this weekend, we're installing a brand new UPS system. It's on the UPS side of the house. It's one of the brand new UPS systems in the County Center. So that's going to actually alleviate those power problems with the data processing center, okay? That's happening this coming weekend.

LEG. KENNEDY:

What is the useful life on those UPS systems?

MR. CALDERONE:

It depends on the system. Ten years.

LEG. KENNEDY:

No. Less than that. We put ours in probably around five, six years ago.

MR. CALDERONE:

They tell you ten. This particular one is about ten years old, but it should have been replaced a few years.

LEG. KENNEDY:

But the generator itself is actually functional and operational?

MR. CALDERONE:

Absolutely. There's actually -- I can tell you, there's three generators at the Riverhead Power Plant. We basically have enough generation out there to power the Criminal Courts, the jail and County Center all at the same time.

LEG. KENNEDY:

And they're diesel units?

MR. CALDERONE:

All diesel, correct.

LEG. KENNEDY:

All right.

CHAIRMAN BEEDENBENDER:

If there are no other questions, we have a motion and a second.

LEG. ROMAINE:

One quick question.

CHAIRMAN BEEDENBENDER:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

This is a question that if you don't have an answer for, maybe we could explore later. But since we use diesel and diesel is so expensive, have you ever thought about bio diesel made from FOG, Fats, Oil and Grease?

MR. CALDERONE:

Yes. Just for the generators, you mean, Legislator Romaine? For the generators?

LEG. ROMAINE:

Right.

MR. CALDERONE:

Right now, we're still -- there are issues with certain manufacturers with the -- how well they run, especially generation units. These units, there are two of them that are approximately ten or eleven years old, the other ones may be five or six years old. They weren't designed to run on bio diesel in their day, so that's really the issue.

And lastly, I have one other point to that. The tanks that the diesel fuel is provided from are the same tanks -- those generate -- they don't run on diesel, they're running on Number 2 Fuel Oil. They use the same tank. So that's the other, you know, issue. It's not a big issue, but it is an issue.

LEG. LOSQUADRO:

That was actually going to be my question. I assumed you were talking about Number 2 Oil. But even, you know, a decade old or even older, with all the research that I did with moving fleet towards the bio diesel, you can go up to B-20 without any adverse impact on the seals, on the gaskets and those items. So it is something to explore.

MR. CALDERONE:

I personally agree. I agree with you. As you know, you have to, you know, make sure your tanks are clean, filters --

LEG. LOSQUADRO:

You have to clean the tanks out because it acts as a solvent.

MR. CALDERONE:

Right. And only because -- I agree with you. And only because those generators are very, very important, because, you know, we've got the jail issue. We didn't want to experiment with those necessarily, to be quite frank with you. But I do agree, if you do the tanks, clean the tanks, make sure the filters are all changed, etcetera, it's doable.

LEG. LOSQUADRO:

For up to a B-20. Obviously, we're not looking at a B-100 situation there, especially with units that

are a little bit older, that aren't certified and get into all sorts of problems there. All right. Thank you.

MR. CALDERONE:

Correct. Correct.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other questions, all in favor? Opposed? Abstentions? 1398 is **APPROVED (VOTE: 7-0-0-0)**.

IR 1412, Amending the 2008 Capital Budget and Program and appropriating funds in connection with safety improvements at various locations (CP 3301). (Co. Exec.)

I will make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Second by Vice-Chairman Stern. On the motion, Legislator Montano.

LEG. MONTANO:

What's the offset here? What's the amendment? I'm going to ask that on all of them. Very quickly.

COMMISSIONER ANDERSON:

Bulk heading at various locations, CP 5375.

LEG. MONTANO:

That's it.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other questions, all in favor? Opposed? Abstentions? Motion is **APPROVED (VOTE: 7-0-0-0)**.

IR 1413, Amending the 2008 Capital Budget and Program and appropriating funds in connection with planting of trees and shrubs at various locations (CP 5902). (Co. Exec.)

LEG. STERN:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern.

LEG. HORSLEY:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Horsley.

LEG. MONTANO:

Same question.

CHAIRMAN BEEDENBENDER:

Well, I've got the list, but I just wanted to ask a question first. You know, Legislator Alden had brought up an issue at the last General Meeting about, you know, having to take a look at the things we bond. And when I first read this, trees and shrubs, it doesn't sound like something immediate.

Is there a reason I should be convinced otherwise, Gil?

COMMISSIONER ANDERSON:

It's just three locations where we've -- you know, we want to install it. Is it immediate? No.

CHAIRMAN BEEDENBENDER:

Because I know sometimes you do trees for traffic calming measures and things like that.

COMMISSIONER ANDERSON:

Right.

CHAIRMAN BEEDENBENDER:

If it's that, I'm saying that I could be convinced otherwise. But if it's not --

COMMISSIONER ANDERSON:

No. These are just visually aesthetic locations.

CHAIRMAN BEEDENBENDER:

In the interim, Legislator Losquadro was first, then Legislator Romaine.

LEG. LOSQUADRO:

Well, that was going to be my question, not just the immediacy, but it also goes to the cost involved, bonding \$50,000 -- we're bonding \$50,000 worth landscaping supplies. You know, with all the budget stuff and the bonded indebtedness that we're talking about, this is the type of expense I think we should pay out of pocket. I don't think we should, you know, saddle the County and the taxpayers with additional debt. Even though it's only a small amount, I see it calculated out as \$6300 additional, but it goes back to the point of bonding \$50,000 worth of landscaping materials. I disagree with that.

CHAIRMAN BEEDENBENDER:

Legislator Romaine, then Legislator Kennedy.

LEG. ROMAINE:

Thank you. We're amending 2008 the Capital Budget and Program, so I assume there was no budget line in the 2008 Capital Budget and Program for the planting of trees and shrubs; is that correct? Can I ask Budget Review that question.

MR. HILLMAN:

That is correct.

LEG. ROMAINE:

So we did not anticipate when we did the Capital Budget that we wanted to have a line for trees and shrubs. We made that decision consciously last year. If someone had presented that, we could have had a debate on that, but that wasn't being presented. So now, after the fact, we're looking around and -- I don't have the resolution in front of me, I just turned off my computer -- but the offset is what again?

CHAIRMAN BEEDENBENDER:

Bulk heading.

COMMISSIONER ANDERSON:

Bulk heading at various locations.

LEG. ROMAINE:

Okay. And I assume our bulkheads are in great condition and can -- I mean, obviously, someone last year said, "We need money in bulk heading. Let's figure out all of the bulk heading that we may

need to replace in the recent future and stick it in the 2008 Capital Budget." Okay. Now, we're saying we can transfer that out. Correct me, if I'm wrong.

COMMISSIONER ANDERSON:

No. I mean, we were, you know, being prudent in looking ahead at to what we thought we would need, which would have been the bulk heading at that time. This time we're not ready -- between permits and everything else, we're not ready to basically put out a contract that would use those funds. You know, right now, we've had requests to do the three locations that are noted on the resolution. And this has been, you know, a past practice that, you know, we bond these.

MR. ZWIRN:

This happens all the time, Legislator Romaine. Look, we didn't have money in last year's budget for the Tic Study on Shelter Island, but we took money from another project because it was important and we did it.

LEG. ROMAINE:

Right.

MR. ZWIRN:

We didn't have money originally in the County Road 39 Project, but it was important, and we moved -- things -- priorities change, and that's why the budget is a living document.

LEG. ROMAINE:

I'm not arguing the point, and I know Arbor Day has just passed, and I'm for trees and shrubs, I just don't --

MR. ZWIRN:

Well, one of these is your district, so.

CHAIRMAN BEEDENBENDER:

Wait. One at a time.

LEG. ROMAINE:

I just don't know if we should be bonding \$50,000 out. I mean, it's a judgment call by all of us, particularly in this time of recession and budget crisis what we should bond and what we should not bond. I don't know about \$50,000.

MR. ZWIRN:

Let me just say that the County Exec looked at this and he said, "Look, it's your call." You don't want to go ahead with it, he understands. And you know, whatever you guys decide to do on this particular one, we talked about it and he said, you know, it's a judgment call, the Legislature can make the final call.

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

Gil, when we talk about bulk heading, obviously we're talking about parks throughout the County. It occurs to me right over here in Blydenburg Park, we have issues as far as the berm and some of the stability as it goes toward the mill there. And we've talked about looking at that and trying to do some shoring. Is that something funding from this Capital Project Number could be derived from?

MR. HILLMAN:

That would have to be looked into.

MR. CALDERONE:

I'm pretty sure, Legislator Kennedy, that's a separate Capital Program. That would be under the Park's Capital Program. This isn't.

LEG. KENNEDY:

Okay. That's one question I guess I'd have.

MR. CALDERONE:

But we'll double check for you.

LEG. KENNEDY:

Right. Then the second thing that I'm going to ask Counsel is what's the useful life of a shrub for the purposes of municipal finance?the only way you can bond is if you have something in, you know, municipal finance. So how about it? Eighteen months if we water it, three years if we don't.

MR. NOLAN:

I'll check the Local Finance Law.

LEG. KENNEDY:

I'd really appreciate that. Then based on that, maybe we should table this.

MR. HILLMAN:

Legislator Beedenbender, just to chime in on the conversation.

CHAIRMAN BEEDENBENDER:

Bill.

MR. HILLMAN:

Two of these locations -- just to round out the conversation, two of these locations have -- DPW has met with the civic groups, and they were input at their request. They have no real traffic calming value. They're really just aesthetic. So, again, under this budget, you know, issue, it's the Legislature's call.

CHAIRMAN BEEDENBENDER:

Legislator Montano.

LEG. MONTANO:

Actually, I just want to say, I kind of agree that I'm reluctant to bond, but we do bond a lot. I looked at -- you know, I know one of the locations, it's not in my district, but I drive by there frequently, and I have no problem that it needs some aesthetic improvements. So I'm going to vote for it. But as a general proposition, I think we do need to be careful with respect to how much we bond, particularly when we bond small items. And you know, as we said today in Budget and Finance, we bonded out a, you know, settlement. So I think we have to look at that, but I'm going to vote for this.

CHAIRMAN BEEDENBENDER:

Okay. So Legislator Kennedy made a motion to table, Legislator Losquadro has seconded the motion to table, so that comes first. Do I have any discussion on the motion to table? All in favor just raise your hands of the tabling. Opposed? Horsley, Stern and Legislator Montano. All right. So the motion is **TABLED (VOTE: 4-3-0-0 - Opposed - Legis. Horsley, Montano and Stern)**.

IR 1415, A Resolution making certain additional findings and determinations in relation to a proposal to extend Sewer District No. 18 - Hauppauge Industrial (Cp 8126). (Co. Exec.)

LEG. KENNEDY:

Motion to approve. I think that this sewer district has had more resolutions than one can shake a

stick at.

LEG. MONTANO:

I'll second.

LEG. KENNEDY:

But nevertheless, I'll make the motion to approve.

LEG. MONTANO:

I'll second it.

CHAIRMAN BEEDENBENDER:

All right. Motion to approve and a second. If there are no comments on the motion, all those in favor? Opposed? Abstentions? Motion is **APPROVED (VOTE: 7-0-0-0)**.

IR 1416, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the renovation to Public Works Building, Yaphank (CP 5194). (Co. Exec.)

MR. ZWIRN:

Mr. Chairman, I'd just like to say that IR 1416, 17, 18 and 19, we would ask that those four be tabled at this time one cycle.

CHAIRMAN BEEDENBENDER:

Okay. No problem. So motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 7-0-0-0)**.

IR 1417, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the relocation of three modular buildings on County property (CP 3026).

Same motion, same second, same vote. **TABLED (VOTE: 7-0-0-0)**.

IR 1418, Amending the 2008 Capital Budget and Program and appropriating funds in connection with fuel management/preventive maintenance and parts inventory control system (CP 1616). (Co. Exec.)

Same motion, same second, same vote. **TABLED (VOTE: 7-0-0-0)**.

IR 1419, Amending the 2008 Capital Budget and Program and appropriating funds in connection with building safety improvements (CP 1603). (Co. Exec.)

Same motion, same second, same vote. **TABLED (VOTE: 7-0-0-0)**.

IR 1425, Amending Resolution No. 687-2007, creating the Suffolk Municipal Academic Regional Transit (SMART) Transportation Task Force. (Viloria-Fisher).

I think this is extending the timeline.

LEG. STERN:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion **APPROVED (VOTE: 7-0-0-0)**.

With that, the meeting is adjourned. Gil.

COMMISSIONER ANDERSON:

One thing. We just have to advise you of a CN that we will be delivering at the next General Meeting of the Legislature. Lou can give you more information on that.

MR. CALDERONE:

It's got to do with DEC and the Tank Replacement Program. We've got some contaminated soil right here at the North Complex at the gas pump. Some of you people have seen the construction going on. It's gotten a little bit -- we didn't think it was as extensive, but anyway, that's what the CN is all about, to ask for funds.

LEG. ROMAINE:

Mr. Chairman, before we adjourn.

LEG. KENNEDY:

One thing on this matter in particular. Can I see at least some of what the documentation is about that. Obviously, we want to go ahead and do the replacement, but I want to see how extensive that is and if there's been any kind of leachate into the headwaters there, because that's fairly proximate to the filling station.

MR. CALDERONE:

Legislator Kennedy, we'll give you a full report on up-to-date where we're at.

LEG. KENNEDY:

And I need that actually, if you will, Lou, before Thursday the 8th. That's when the Nisseogue Headwaters Task Force Meeting is having its kick-off.

MR. CALDERONE:

That's fine.

LEG. KENNEDY:

Thank you.

CHAIRMAN BEEDENBENDER:

Legislator Romaine.

LEG. ROMAINE:

Same topic, different location. I am told that the gas pumps, the old gas pumps, at Indian Island, not where they're located now, but by the golf course where they operated for many years, were actually leaking and below water, and therefore, leached into the Peconic River. Could I get a report on that?

MR. CALDERONE:

I'm aware of a spill, I am not aware of the extent of it, but, absolutely, I'll find out for you.

LEG. ROMAINE:

My concern is that the County has been impacting the Peconic River with gasoline additives and that that tank has leaked for several years. And apparently, as a District Legislator, I wasn't notified of that.

The second thing is my understanding is that the County considering putting a cell tower on park land, I'm specifically talking about Cedar Beach in Southhold. Again, as the District Legislator, I was

not made aware of it. And what you should be aware is that I have a large network of people throughout the district that come to me in any event and they make me aware. And then I'm saying, "How come I didn't know about this?" Because that's an alienation of parklands, at least unless you have information otherwise. So I'd like to get information, one, on the gas spill, leak, whatever you want to call it, into the Peconic at Indian Island; and two, I'd like to get whatever information you have about installing a cell tower at Cedar Beach, which is a County Park in Southhold. Thank you.

MR. CALDERONE:

You're welcome.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other questions, then the meeting is adjourned.

(*THE MEETING WAS ADJOURNED AT 3:11 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY