

**PUBLIC WORKS**  
**&**  
**TRANSPORTATION COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Public Works & 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 June 17, 2008.

**MEMBERS PRESENT:**

Legislator Brian Beedenbender, Chairman  
Legislator Steven H. Stern, Vice Chair  
Legislator Wayne R. Horsley  
Legislator John M. Kennedy, Jr.  
Legislator Ricardo Montano  
Legislator Daniel P. Losquadro  
Legislator Edward P. Romaine

**ALSO IN ATTENDANCE:**

George Nolan, Counsel to the Legislature  
Robert Lipp, Deputy Director of Budget Review Office  
Lance Reinheimer, Assistant Director of Budget Review Office  
Kevin Duffy, Budget Review Office  
Robert Doering, Budget Review Office  
Barbara LoMoriello, Deputy Clerk  
Ben Zwirn, Deputy County Executive  
James Montalto, Aide to Leg. Losquadro  
Bob Martinez, Aide to Leg. Montano  
Kaitlin Boyd, Aide to Leg. Beedenbender  
Deborah Harris, Aide to Leg. Stern  
Michael Cavanagh, Presiding Officer Aide  
Paul Perillie, Aide to Majority Leader  
Tom Laguardia, Chief Deputy Commissioner/Department of Public Works  
Lou Calderone, Deputy Commissioner/Department of Public Works  
Gail Lolis, County Attorney's Office  
Basia Braddish, County Attorney's Office  
Debra Alloncius, AME Legislative Director  
Bill Shinnick, Director of Transportation/DPW  
Ben Wright, Director of Division of Sanitation/DPW  
Bill Hillman, Chief Engineer of Highways, DPW  
Wayne A. Muller, PE, RMS Engineering  
Christopher W. Robinson, PE, RMS Engineering  
Raffaella Petrasek, Blumenfeld Development Group  
Tim Mooney, Fire Island Ferry  
Marc Schneider, Windcrest Galleria Homeowners Association  
Virginia Bolla, President of Windcrest Galleria Homeowners's Assoc.

**(THE MEETING WAS CALLED TO ORDER AT 2:09 PM)**

**CHAIRMAN BEEDENBENDER:**

Please rise for the Pledge led by Legislator Stern.

**SALUTATION**

All right. I'd like to welcome everybody to Public Works Committee meeting today June the 17th. We have no correspondence.

**PUBLIC PORTION**

And we have four cards for the public portion. So the first card is for Raffaella Petrasek. I hope I did not butcher your name too badly, Ma'am.

**MS. PETRASEK:**

Good afternoon.

**CHAIRMAN BEEDENBENDER:**

How bad was that pronunciation?

**MS. PETRASEK:**

Not bad at all.

**CHAIRMAN BEEDENBENDER:**

Okay, good. All right.

**MS. PETRASEK:**

You get use to it after a while. My name is Raffaella Petrasek. I'm with Blumenfeld Development Group representing Deer Park Enterprises. And I'm here to speak to behalf of two items that are before you, item 1516 and 1517. These are two agreements that we are entering into with the County to provide additional public transportation, public access for the Arches at Deer Park, which is the new Tanger Outlet in Deer Park. And I'm here with our consultants as well in case there are any questions.

The first item allows for the expansion of the Deer Park Train Station. We'll be adding additional parking spaces, approximately 500 spaces that we will have 200 open for the opening of this center and will be completing the expansion of the parking lot.

The second is to provide space on-site for Suffolk County buses that will be coming through to visit the center to have a drop-off point for those buses as well as a layoff area for any of the Suffolk County busses on-site.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano, go ahead.

**LEG. MONTANO:**

You say that you're going to provide 500 spaces.

**MS. PETRASEK:**

Yes.

**LEG. MONTANO:**

That's at your expense.

**MS. PETRASEK:**

Yes.

**LEG. MONTANO:**

Okay. And the same thing with the public access on the buses?

**MS. PETRASEK:**

Yes, we'll be -- the public access is for the Suffolk County buses. There is currently in the construction a drop-off area that we're paying for as well as a designated layover area. And we're going to have signage for those buses on-site.

**LEG. MONTANO:**

And that's the Deer Park Train Station on Pioneer Avenue?

**MS. PETRASEK:**

Yes, it is.

**LEG. MONTANO:**

Okay. And do you know which way you're going? I mean I'm familiar with the area. It's not my district but it abuts my district. Do you know what side you're putting those 500 spaces?

**MS. PETRASEK:**

It's to the west side. There was an expansion where the MTA LIRR has a parking agreement with the County already.

**LEG. MONTANO:**

Okay.

**MS. PETRASEK:**

That's a small portion that is immediately adjacent to the platform. We're going to be expanding it west. Where it's all grass and gravel right now, where people are parking, we're going to be actually improving that area for a formal parking area.

**LEG. MONTANO:**

Thank you.

**MS. PETRASEK:**

You're welcome.

**CHAIRMAN BEEDENBENDER:**

All right, if there are no other questions, thank you very much, ma'am.

**MS. PETRASEK:**

Thank you.

**CHAIRMAN BEEDENBENDER:**

Next up we have Tim Mooney from Fire Island Ferries. Mr. Mooney, if you would.

**MR. MOONEY:**

Good afternoon. My name's Tim Mooney. I'm President of Fire Island Ferries. And before you today you have 1504 and 1505, which are a rate request from Fire Island Ferries for a rate increase for this year. And I don't think it would be a surprise to anybody to understand the type of impact fuel is having on our ability to run the service.

Since May of last year our fuel prices have doubled at this point. And we need this relief as soon as possible in order to get that into effect for as much of this summer as we can.

I know the Budget Review Office has our submittal right now and is taking a look at it at this point. And I know you ladies and gentlemen do not have that in front of you as of yet. But if there are any questions and things that you would like to ask us, we're here today for that.

And one thing in addition to the fuel is we have scheduled -- we signed a contract on Thursday to build a new ferry for '09. And that is going to come in at roughly about two and a quarter million dollars. And part of that is the fuel efficiencies and the economies that we gain out of a new ferry. And that's something that we've taken into account as we move forward.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano.

**LEG. MONTANO:**

Hi, how are you there? Quick question. You said we don't have the information in front of us. What is the rate of increase? Do you have a ballpark figure or did you do it sort of like, you know, different categories?

**MR. MOONEY:**

No, we have an exact ballpark figure. We have a rate increase depending on the type of ticket purchased that you're getting; anywhere from 15 to actually 25%.

**LEG. MONTANO:**

Okay. Thank you.

**CHAIRMAN BEEDENBENDER:**

All right. As you know we have a resolution to extend the public hearing. And we have to have a public hearing once it's authorized.

**MR. MOONEY:**

Yes.

**CHAIRMAN BEEDENBENDER:**

George, when will -- the public hearing won't be Tuesday. It'll be the next meeting; right?

**MR. NOLAN:**

Yes.

**CHAIRMAN BEEDENBENDER:**

All right. And so if you want to keep in touch with my office, I'm sure you're probably in touch with your Legislator, but if you want to keep in touch to know where we are, just call my office and let us know.

**MR. MOONEY:**

Time is of the essence for us. We were hoping fuel prices would dip down as some of the industry prognosticators had said but we haven't seen that; neither has anybody else.

**CHAIRMAN BEEDENBENDER:**

Okay. Well, we'll try to get --

**MR. MOONEY:**

If you can help us out with that, that would be great.

**CHAIRMAN BEEDENBENDER:**

Well, we're paying the price, too, but we'll try to get this through as quickly as possible.

**MR. MOONEY:**

We appreciate.

**CHAIRMAN BEEDENBENDER:**

But as I'm sure you've known from the past the legislative process is not the speediest thing in the world.

**MR. MOONEY:**

Thank you very much.

**CHAIRMAN BEEDENBENDER:**

No problem. All right. Next I have Mr. Schneider from Windcrest Galleria Homeowners' Association. Welcome back, sir.

**MR. SCHNEIDER:**

Good afternoon. Thank you again. I'm here today once again on IR 1010 and IR 1023, both of which I understand have been amended to some extent.

What I'm going to ask you today in the past I know that I've told you that we've all been working together, at least I believe we've all been working together in good faith, in an effort to try and reach what would be the appropriate and fair and reasonable rate so that the district could be created.

As you know, I on behalf of the homeowners and the Homeowners' Association in Windcrest there's 187 homes. You can multiply that by two because there are approximately two residents in each home. Some have more; some have a few less. And then you take the residents that are over at Avalon, which I don't represent, but there are a lot of residents that are affected by the decision that is going to be asked to be made by you.

What I'm going to ask is that you actually move forward on IR 1023 to create the district. As you know I've been here advocating on behalf of the homeowners to have the district created. The right thing to do here is to create the district.

The resolution has been amended to change the proposed rate from, I think, four and change to 600. We believe that's a fair rate. We believe that despite the fact that it's higher than what it costs to operate right now, we believe that's a rate that the residents would adopt. We believe that it's a rate that would go through. And we believe that's a rate that the County should be able to operate the facility and not suffer a loss.

So what I'm going to ask that you do not pass IR 1010 and that you do adopt IR 1023 and allow the district to be created, allow the plant to be taken over by the County. You're going to hear from Virginia Bolla next who's the President of the Association and she's going to tell you about the continued problems that they're having with the private operator. Thank you very much.

**CHAIRMAN BEEDENBENDER:**

I just ask that you hang around because we're going to have what I would imagine would be a substantive discussion on this as soon as we get to the agenda.

**MR. MOONEY:**

No problem.

**CHAIRMAN BEEDENBENDER:**

So your information might be helpful.

**MR. MOONEY:**

Thank you.

**CHAIRMAN BEEDENBENDER:**

Okay. Next Virginia Bolla, the President of the Windcrest Galleria Homeowners' Association.

**MS. BOLLA:**

Good afternoon, gentlemen. Thank you for -- and ladies. Excuse me. Thank you for giving me this opportunity to speak. As Marc actually stole my thunder here and really brought to mind the fact that we are continuing to have problems with the private operator. As soon as the weather gets warm, it doesn't -- the plant for whatever reason is not operating correctly. And there's constant smell. And it really is a problem.

Additionally it's been brought to my attention that County Executive Levy was to give us an opportunity to have him study -- rather he was going to afford us the opportunity of his studying the rates and the calculations and going over the whole thing. And it's my understanding now that with him proposing or with the County proposing to dissolve this, that that's not come to fruition. And that's actually disenfranchising over a thousand voters.

I mean between the three parts, the three sections of that galleria, where there are resident homeowners and renters, I think that our entire wish and our entire plan to try to see this plant taken over by the County, run correctly at a fair amount is being cast aside to continue the development of that property -- the commercial property in the form of agreeing to dissolve this which would allow the developer to put on those additional pieces of property, taxing the system even further and not having to pay the County the hookup fee.

I really feel that it's slanted toward helping the developer continue his entrepreneurial aspects and disenfranchising the voters and the residents that live in this community that use this plant daily, that need this plant daily to operate sufficiently and effectively to take care of our needs.

I would suggest -- I would like to propose that it be considered that the -- 1010 be considered for continuance and that 1023 that Legislator Kennedy has proposed be considered very seriously because we are willing as a community to shoulder the cost at a fair price.

**CHAIRMAN BEEDENBENDER:**

Okay. Well, I would just make the same statement that I made to Mr. Schneider, hang around because now that we have no more cards, is there anybody else that wishes to address the Committee?

## **TABLED RESOLUTIONS**

Seeing none we'll move directly to the agenda. And the first item on the agenda is **IR 1010, a resolution calling for a public hearing for the purpose of considering the dissolution of the proposed Sewer District number 4, Smithtown Galleria. (County Executive Levy)**

At this point I know we have both the bills so I was going ask Mr. Wright if you could come up and we'll speak with you; and then, Mr. Shneider, we'll probably have to bring you up as well to ask some additional questions.

So what I'd first like, Mr. Wright, if you could do a, you know, a one minute synopsis. And I know, Legislator Kennedy, you'd want to jump in, if you could give us just a refresher history because we've been tabling these for six months and I know they existed before then. And then we'll kind of get into the substantive questions. So what do we have before us? And I see we have a whole host of people so, Mr. Wright?

**MR. WRIGHT:**

The district was formed sometime ago. It was based on an application to the State Comptroller and the public hearing were the per unit cost of the district was going to be \$470 per year. It was recognized during the final stages of being responsible for that district that the spread costs were not included.

**CHAIRMAN BEEDENBENDER:**

Now, who came up with the 470? I apologize for interrupting.

**MR. WRIGHT:**

The Department of Public Works and the sewer agency report.

**CHAIRMAN BEEDENBENDER:**

Okay.

**MR. WRIGHT:**

But it was recognized during that lagging period that the spread costs were not included and that the actual cost should be a thousand dollars and seventy. And that started the long process of evaluating what should be done. We've had a number of informational meetings. And we feel that the spread cost is the actual cost and has to be applied. It's been applied for over 20 something years. It includes such costs as retirement, health, fringes. There's a percentage of administration, etcetera. So what is being proposed is to dissolve the district because we don't think we can change -- we know we can't change that number. We evaluated it basically to death.

I have a couple of comments about some of the things that were said today, though. First is the rates study that keeps being referred to that the County Executive indicated. I was at that time meeting. And my interpretation was that the Committee that was being referred to was the Sewer Task Force Committee; and that that would look at rates along with other tasks they were going to do.

And I recall specifically the County Executive saying, if someone doesn't show me how things can be different, then we're going to leave it the way it is. So that is a difference of interpretation on that particular meeting.

The second thing is if somebody's not satisfied with their operator, they should get a different one. And that -- you know, whether it's us taking it over or in the interim period, you know, when they're not satisfied with that particular operator.

Third is the, I'll call it companion resolution 1023, that indicates that the cost should be \$600 per unit. That's still going to be a difference of \$470 per unit which is \$260,000 per year that has to come from some place. The subsidy has to come from some place. If it doesn't come from the General Fund or the Stabilization Fund, then it might be a cost that's going to be added on to the cost in the following year. So if we operate that facility this year at \$600 a unit, and we forecast in 2009 it's going to be ten thousand seventy plus whatever inflation is, plus the difference that we didn't get in 2008, it could be \$1550 per unit. So that has to be considered.

My last comment about IR 1023 is that my understanding, and I'll defer to Counsel, Gail that's here or George, that we've established the committee -- or the district, based on a certain dollar value, even though we think it's the wrong dollar value. If it's different from that dollar value, then New

York State county law says you have to go back and amend the plan in the same way that it was created which is to have another public hearing. So you'd have to have a public hearing with statements made about what the actual costs would be.

**CHAIRMAN BEEDENBENDER:**

Okay. Well, if you don't have anything else to add, I guess, at this point I would ask Legislator Kennedy who I'm sure has some response. And if not, I have questions. So, Legislator Kennedy?

**LEG. KENNEDY:**

Yes, thank you Mr. Chair. Just a couple of points. And, Ben, I appreciate the perspective of the Department that you're presenting. And I also appreciate past practice. But I have a couple of observations here, too. I've been involved with this project now for probably the better course of almost three years. That district got built, and as a matter of fact, I recall vividly in my prior life when I was the official Examiner of Title, it got built based on a fairly complex process to take a lot of the property there which was registered property, torrance property, de-register it, aggregate it, cobble it into a subdivision map or planning map, have it approved by the Planning Department in the Town of Smithtown and approved by the Health Department with the proviso that it was going to be constructed, an STP constructed, with private money that would be subject to turn over to the County.

So the first comment that I'll take issue with you with is if the operator that's there now isn't doing a good job, go find another operator, the only reason the plant -- the facility or the complex got built was with -- because it was the understanding it was going to become a county-operated entity. You know, we have gone through a tremendously long process of looking at cost and looking at equipment and looking at overtime and looking at accruals and looking at all these other things, yet the whole premise in the first instance was this was going to become a county-owned facility, just like all the consents are, when we look at larger complexes and STP's that are being built.

So we get a disconnect here. In the first instance, we in the Health Department say, sure, we want you to sewer, and as a matter of fact, Mr. Developer, go out there and build it with your dime but do it predicated on the fact that you're going to turn it over to us eventually. And then when it comes time to turn it over to us, we tell all the residents, oh, by the way, we're going to strangle you with the rate because you were paying somebody cheaper. It doesn't wash. It's voodoo economics.

We're at a point where we need to go forward. We had the last heat spell. As a matter of fact I just had comments with them at nine o'clock at night, that thing was as ripe as ripe could be. And it's because nobody's doing their job on a private sector. The County does the job well. The residents are willing to pay for the County to do it well.

I still take issue with this spread cost concept, but I'll try to make it even simpler. We just had another district come on board, Talmadge. And I commend my colleague for all the hard work that it took to bring that on board. They're taking a portion of spread cost. We didn't get any notice that our's is going down. The number can't keep going out there and not accommodate that it's being aggregated. It doesn't work, Ben. And that's what we've had a long process of here trying to support this remote amorphous number. It just does not work. We need to bring it back to what works for residents, the whole reason we're in the business of sewerage. It's not so that we can support some bohemian bureaucracy. It's so that people can live and people can go ahead and rely on getting the support services that they need.

That's why I picked the number that I picked. That's why I don't believe dissolution is the right thing. That's why I say we would be kissing good-bye two, three, \$400,000 worth of hard money and time to go ahead and go through dissolution and it just doesn't make sense. I'll yield, Mr. Chair.

**CHAIRMAN BEEDENBENDER:**

Okay, well, I have a couple of questions. I guess we're going to go in this direction but if we don't get an answer we'll go in that direction, too, just to try to figure it out.

There was a mention at least at one point, that -- I think, Ben, you said it, that at some point, you know, we have -- the first number's 470, the second number was 1,070 and then Legislator Kennedy has a \$600 number. So if we were to go with that \$600 number, I guess the first place we would go to for the difference would be the stabilization fund. And my question would be is it practice to use the -- doesn't the district have to be formed for a while before we tap into that or am I incorrect? What's the practice for that, Ben?

**MR. WRIGHT:**

The policy has been that once a district is formed, it's on its own basically financially for a couple of years to establish the exact amount because the budget is just that. It's an estimate. And after a couple of years, then they're eligible for the Stabilization Fund but it's not a guarantee.

**CHAIRMAN BEEDENBENDER:**

Right. So -- okay. So it would be unusual to get it in, I guess, year one because that's what would have to happen if the \$600 number --

**MR. WRIGHT:**

Yes.

**CHAIRMAN BEEDENBENDER:**

Okay. Now, in terms of the legal operation that we have here, what steps were done -- I know we have to have a public hearing. We have to do a whole bunch of other stuff with the Comptroller and approve a rate. Is there anything we have to go back and do if we were to adopt the \$600 number?

**MS. LOLIS:**

Right.

**CHAIRMAN BEEDENBENDER:**

I guess, Gail, if you --

**MS. LOLIS:**

You have to -- you have to -- under 253 (b) of the County law, you'd have to have a public hearing. You have to start that process in order to amend the prior plans.

**CHAIRMAN BEEDENBENDER:**

So it's your opinion, Gail, that we would could not pass 1023 without going back and doing something else first?

**MS. LOLIS:**

You'd have to first pass the resolution to have a public hearing.

**CHAIRMAN BEEDENBENDER:**

Okay. Counsel? George, are you of the same opinion?

**MR. NOLAN:**

Well, I do agree that if we're adopting a different rate than was originally proposed, I think, we're going to have to redo part of the process. I'm not -- because what 1023 does, it directs the Department of Public Works to take steps to consummate the creation of the district. No doubt doing a public hearing would be part of that and preparing a resolution to schedule a new public hearing with the new rate. So I'm not sure we cannot act on 1023. I think we probably could, but I do agree that part of the process of consummating the creation of this district as envisioned by the resolution is new public hearing, all the steps that are in the County law and in the administrative code.

**CHAIRMAN BEEDENBENDER:**

Okay. Then I guess for you, George, our Counsel, is there a Charter prohibition? I mean because I know we were talking about a policy. Ben said it's generally the policy of -- that the district exists for a couple of years. Is there a prohibition in coming in and taking the stabilization fund? Because I might have my own personal opinion but I'm talking legal this way. Is there something that you can identify and --

**MR. NOLAN:**

I think you'd have to look at the Charter that created the Quarter Penny Program where the money comes from. I do not believe there's a prohibition in the Charter against using money to -- at the formation of districts to use the money to stabilize the rates. I know that's a long standing practice but I don't think it's codified in the Charter anywhere else in the law. I think that's just a policy, I believe, DPW has developed and followed.

**CHAIRMAN BEEDENBENDER:**

Did you want to -- Legislator Kennedy?

**LEG. KENNEDY:**

I wanted to go ahead and add to that, Mr. Chair, that in my research on this, there has never been any legislative policy adopted nor guidance to the sewer agency as the actual disbursement to operations of the Sewer Assessment Stabilization Fund. So in fact if we did embrace what DPW is noting as a deficit, then we could go ahead and make application to that, to supplant what the balance of the budget is that they wanted to make up. And I would also say to you, Mr. Chair, I'd be more than happy to go ahead and have the public hearing resolution filed by tomorrow by the five o'clock firing deadline so that we'd have full conformance.

**CHAIRMAN BEEDENBENDER:**

Okay.

**MR. NOLAN:**

The only thing I would add on that the sewer district part, the stabilization monies is the Charter states that the revenues can be used with stabilization only in those instances where a pertinent sewer district will experience and increase the rates of at least three percent. So the districts have to raise their rates three percent and then I believe stabilization monies can be used. We don't have a base line obviously where the district -- that doesn't exist yet. So that might just be a practical issue with using the stabilization monies.

**LEG. KENNEDY:**

But the perspective I would share with you there is that we had a resolution number \$470 that was adopted. And that was the basis of the public hearing. The department elected on its own to embrace a new rate and claim mistake or claim whatever it was. So we've got -- no matter how you cut it, we've got more than three percent that's being talked about beyond what that original amount was that was contemplated, offered, held out and by the way presented to the community.

**CHAIRMAN BEEDENBENDER:**

I agree, and I see you and I'll give you an opportunity to speak. I agree that the rate is undoubtedly going up more than three percent but I'm not so sure that that's what the Charter intended. But before we go to that, Mr. Schneider, why don't you go ahead and add whatever you wanted to add in.

**MR. SCHNEIDER:**

Thank you, I appreciate that. A couple of points. One is, I just have a general question and I think the answer needs to be heard by everybody. Where does the stabilization fund money come from?

**CHAIRMAN BEEDENBENDER:**

It comes from sales tax.

**MR. SCHNEIDER:**

Okay. The second one is, is that we keep skirting over the primary issue that we started out with here many -- many, many sessions ago which is how is it that the County -- it's going to cost the County four -- approximately four times what it cost a private operator to operate the plant. And what we kept coming back to was, well, there are these soft costs that were never factored in, these administrative costs.

And what I heard Legislator Kennedy say today, and I think it was said previously was, well, that's interesting. And I think actually it was mentioned many, many meetings ago again by one of the other Legislators is how could it be that if you add a plant and you're not adding staff that the administrative cost should then be split by more plants, then the cost to operate each plant should theoretically go down each year. And it's not happening.

So there are flaws, I believe, just like that one and I don't believe that's the only one. There are flaws that exist that need to be looked into. And what we have consistently asked for -- all we've asked for is to have someone evaluate how the costs are arrived at. And when we did meet with the County Executive, I happen to disagree, I believe the County Executive said he was going to have that analyzed and we're going to look into some of these issues. Hey, nothing in the world is perfect. We all strive for perfection but it doesn't always happen. But I think fairness really is what this all boils down to.

And when we talk about fairness, we talk about what should the residents pay for the County to operate this facility. And it can't possibly be that it's nearly four times the cost. We all agree it could be more, which is why we're embracing what Legislator Kennedy is saying here today. We started out with 470. And I would -- I tell you I have the board president here, she believes that they would embrace a \$600 number. And why is that.

Because for the benefits that we get by a county-run facility, and we all acknowledge that their department does a fine job operating the facilities, that it's worth it to pay a little bit more. We understand that you're going to provide better benefits to the employees' pensions and health plans. And we all know that costs have gone up today in all those things. But it can't be four times the amount.

So when we talk about, you know, what it is that we should be doing here today, we have to really factor into this decision what's the real number and what should that number be. So when we talk about adopting it, I think the \$600 number, certainly it's a number that's higher than what everybody contemplated but it's not four times the cost. And it's something that people can absolutely -- should be able to tolerate.

And I guess, Counsel, you stole my thunder because I was going to make the comment you were with regard to the three percent and then the stabilization fund because I understood that to be the case as well.

So I do believe that you're correct, we should be able to -- it's not like the residents are going to get hit with a \$1500 number the year after, if it gets adopted at \$600. They will see the three percent increase. And, listen, like everything else, we've all seen three percent increases in everything else we buy and then some. But that's part of the process. And I think everybody acknowledges that. So, thank you.

**CHAIRMAN BEEDENBENDER:**

No problem.

**MR. WRIGHT:**

Mr. Chairman?

**CHAIRMAN BEEDENBENDER:**

Ben?

**MR. WRIGHT:**

If I could just go back to a prior comment. Just -- we had discussed the possibility of consolidating districts and looking at other ways to try to reduce costs. And if this were to go forward with a subsidy basically from the stabilization fund, the six or eight other subdivisions that's we've evaluated and have had this type of cost would also want to take advantage of this particular concept. And there's 160 other sewage treatment plants out there, most of which have contracts with the sewer agency for dedication in the future. It was assumed that this precedent, if it were set, would allow all of them to become county sewer districts; and, therefore, there wouldn't be a stabilization fund much in the future.

**CHAIRMAN BEEDENBENDER:**

Okay. What I -- I know where we're kind of -- Legislator Romaine, go ahead, I apologize.

**LEG. ROMAINE:**

Just a brief retort to the issues that you've raised. These are issues of great concern of mine. I've been disappointed and I'll say this on the record about the Budget Review Office because I've repeatedly asked for an analysis of the cost for the sewer district. We had several sewer districts and sewer, not county-owned but privately operated sewer district come in my district said, you know, we'd like to be taken over by the County, we'd like to do an analysis. We did an analysis. One of them was Willow Ponds, which is a relatively new sewer plant that was built. It's about five or six years, not even, old. And they wanted to be taken over. The cost was four times -- four times, almost five times, if I recall, the cost of them operating it privately.

Now I understand where government takes things over, they have pensions, they have benefits, they have this and that. You know, I would expect the cost of maybe by a factor of two. But by a factor of four, by a factor of five? And I couldn't understand that I've asked repeatedly for an analysis of those soft costs. And I still have not got an analysis, particularly when I have an exact operating cost over the last three years of the private plant. And I'm trying to figure that of the numbers, a little bit higher for each of the items and then there's one big number that balloons it up. And I can't figure out what that's for. And I've asked for that analysis. I've had this discussion with Ms. Vizzini several times about Willow Ponds, about Silver Ponds, which is in Manorville, Willow Ponds is in Riverhead and others.

Personally I'm a great believer after many years, we really should not have separate sewer plants. It's a mistake. We should have one large sewer district for the County of Suffolk. Our policies have created a proliferation of approximately 180 plants, most of them small, some of them by any model inefficient and costly to operate. And we haven't looked at potential consolidations. We have pursued in my view a sewer policy that is not effective for the long term of Suffolk County. But you're raising an excellent question about costs and how they're allocated and how they're disbursed. I'm going to be supporting Legislator Kennedy. Thank you.

**CHAIRMAN BEEDENBENDER:**

Okay. The other question I wanted to ask, and this one I guess to Legislator Kennedy, DPW told me they came up with this \$470 number. And then obviously they said that there was error in the calculations and the number should have been 1070. Your number of 600, how did we come up with that number?

**LEG. KENNEDY:**

That was simply based on the fact that we have had about six years, I guess, a lapse from when the original rate was established back in 2002. I applied a simple 2 1/2 percent or so inflation per year. And then an additional ten percent adjustment for increase in utility costs to basically look at about a 25 percent increase off of what the original rate was that was presented.

There's one other thing I want to bring to this debate, Mr. Chair, and I think it's important that

everybody hears and understands here. One of the things that's been held out very often by an attorney who has come here on behalf of the developer is that his client is being prejudiced and disenfranchised by an inability to go forward with releasing sterilized properties that were done so in anticipation of form -- forming and creation of the district.

We looked at, and to the County Executive's credit, there was an alternative presented to the attorney and to the developer that would allow for connection of these two restaurants, Famous Dave's and Carrabbas, and that would generate connection fees which would then go to the district and to the upkeep and maintenance and enhancement of the district. And it was categorically dismissed. There was no discussion other than his client rejected that proposal.

Now, I would say to my colleagues one more time, if we're not here to try to go ahead and to assist constituents with where they live and what they experience and to help preserve the environment, then I don't know what we're doing. It doesn't make sense.

**CHAIRMAN BEEDENBENDER:**

Okay. Well, at this point I would ask for a motion.

**LEG. KENNEDY:**

The motion was to approve.

**LEG. LOSQUADRO:**

Table.

**LEG. KENNEDY:**

Motion on 1010.

**CHAIRMAN BEEDENBENDER:**

We're on 1010.

**LEG. KENNEDY:**

Table subject to call.

**CHAIRMAN BEEDENBENDER:**

All right. We have a motion table subject to call by Legislator Kennedy.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN BEEDENBENDER:**

We have a second by Legislator Losquadro. Do we have any other motions at this point?

Well, on the motion I will take my opportunity. I guess we're having the larger discussion of the two bills. I don't see how I could approve 1023. And I'll tell you why. I understand this conversation that we're having. And it seems to be about what the system should be and whether or not it should cost more. And that's certainly a discussion we should have. But that's not what it is. And if everybody else is paying this high rate, if we agree that it's high or everybody else is paying this spread cost, I don't see how we can approve one district that will not be paying that same spread cost; albeit high, albeit at something we should look at.

And also I'm a little bit disturbed, you know, with all respect to my colleague, I don't see how we can come up with a number. I mean I know you included inflation, but unless DPW tells us that's what it cost, I don't see how we could do that. So with that I will make a motion to approve 1010 and then see where I go from there.

**LEG. MONTANO:**

The tabling motion takes precedence.

**CHAIRMAN BEEDENBENDER:**

Right. It does. It does, absolutely. Is there anybody else to be heard on the motion?

**LEG. STERN:**

I'll second the Chairman's motion.

**CHAIRMAN BEEDENBENDER:**

All right. The table subject to call is still before us first. Legislator Kennedy, anybody else have any motion to make? Okay. Well, then hearing none, then the motion table subject to call, all those in favor? I'm showing four. (Kennedy, Romaine, Losquadro, Montano). All those opposed? Showing three. (Beedenbender, Stern, Horsley) All right, the motion is tabled subject to call.

**LEG. MONTANO:**

The resolution is --

**CHAIRMAN BEEDENBENDER:**

The resolution is tabled subject to call. Thank you, Legislator Montano. **(Tabled subject to call. Vote: 4-3-0-0)**

All right. **IR 1023, directing the Suffolk County Sewer Agency and Department of Public Works to finalize the creation of Sewer District number 4, Smithtown Galleria (Kennedy)**  
Do I have a motion?

**LEG. KENNEDY:**

Yes, I'll make a motion to approve.

**CHAIRMAN BEEDENBENDER:**

All right. There's a motion to approve. Do we have a second?

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Losquadro. On the motion.

**LEG. STERN:**

Motion to table.

**CHAIRMAN BEEDENBENDER:**

Motion to table by Legislator Stern. I'll second that motion. That motion takes precedence. Anybody on the motion? All right. All those in favor of the tabling motion? Three. (Beedenbender, Stern, Horsley) All those opposed to the tabling motion? (Losquadro, Kennedy, Romaine)

**LEG. MONTANO:**

Abstain.

**CHAIRMAN BEEDENBENDER:**

Okay. The motion is three/three so the motion to table fails. Note the abstention by Legislator Montano. And now we have a motion to approve before us. Do we have anything on the motion? All right. All those in favor? Four. (Romaine, Kennedy, Losquadro, Montano) All those opposed? Three. (Beedenbender, Stern, Horsley) Legislator Horsley, are you opposed?

**LEG. HORSLEY:**

Opposed.

**CHAIRMAN BEEDENBENDER:**

Opposed, all right. Three. The motion passes and the motion is approved. The resolution is approved and will be sent to the Legislature. **(Vote: 4-3-0-0. Legs. Beendenber, Stern and Horsley opposed)**

Okay. Moving onto **IR 1174, approving rates established for Davis Ferry Company.** This has to be tabled because the public hearing is not closed yet. All right. I'll make a motion to table.

**LEG. HORSLEY:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Horsley. All those in favor?

**MR. DUFFY:**

Excuse me, Mr. Chairman?

**CHAIRMAN BEEDENBENDER:**

Yes, go ahead, Kevin.

**MR. DUFFY:**

Before you vote, the Budget Review Office would like to make a brief statement about the Davis Park Ferry. A report will be issued sometime this week. But because of some of the circumstances surrounding it, we wanted to give you a brief preview of what we would be discussing.

I'd like to point out that the last time Davis Park Ferry was in before the Legislature, it was in 2005. At that time they were granted a rate relief subject to four conditions. Those four conditions included cash control, tightening up, formalizing various business agreements and fully executed leases with the Town of Brookhaven and the National Park Service.

Prior to 2005, just as a bit of history, Davis Park Ferry had not been before the Legislature for 18 years. It had appeared in 1987 and at the time had been given a COLA provision. What the Legislature was not aware of until I discovered it in 1997 was that during that time period Davis Park Ferry had improperly raised its fares six times. They had failed to notify the Clerk of the Legislature.

Basically a 2005 report found some concerns that we wanted corrected. Our report is advisory to the Legislature, but our concern is that we do not see that the conditions that Davis Park had agreed to correct had been corrected to our satisfaction.

We have in our report made some recommendations to the Legislature, but in our report we discussed that Davis Park must be held to the same standard as the other ferries that the Legislature regulates. You've seen that Fire Island Ferry was here today. I know because I was here then that in 1990, in order to meet the cash control requirements that the Legislature wanted, that Fire Island Ferry paid more than \$80,000 to correct its cash controls. Sayville Ferry when it came in three or four years later, their controls were found to be deficient and they paid over \$90,000.

What our concerns with Davis Park are that, yes, they did have a tough time as all ferries are during the increase in gas. And we have recommended that, yes, they should be held to the same standards as the other ferries. But if -- the Legislature in dealing with the ferry application has basically three choices. They can accept what the operator has requested. They can reject it or they can discuss with the applicant if he is willing to accept certain conditions. Because of the history that -- what has occurred in the passage of time, we are suggesting that the Legislature, and

you can look at it as you read our report, may wish to consider some sort of compromise with the company. As I indicate in our report, would be released some time this week. Thank you.

**CHAIRMAN BEEDENBENDER:**

Okay. This public hearing is on the floor of the Legislature and we have to table it. We had a motion and a second; correct? All in favor of tabling? All opposed? Abstentions? All right. **1174 is tabled. (Vote: 7-0)**

**IR 1348, approving extension of license for North Ferry Company Incorporated for Greenport Harbor service between Shelter Island Heights, New York and Greenport, New York. (PO Lindsay).** Motion by Legislator Romaine.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Losquadro. Any comments on the motion? Okay, seeing none. All in favor? All opposed? Abstentions? **IR 1348 is approved. (Vote: 7-0)**

**IR 1358, adopting Local Law, a local law to reduce the emission of pollutants from the County's diesel-fueled motor vehicles. (Cooper)** This has to be tabled for a public hearing. I'll make the motion.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. On the motion, Legislator Losquadro, go ahead.

**LEG. LOSQUADRO:**

Since I have you -- Public Works here, if I could perhaps ask a question of someone from Public Works regarding the ultra low sulphur diesel, don't current federal guidelines mandate that all vehicles 2007 or newer operate on ultra low sulphur diesel anyway? Aren't we using ultra low sulphur diesel? Top switch, closest to you. There you go.

**MR. LAGUARDIA:**

Yes.

**LEG. LOSQUADRO:**

That is correct. Okay, thank you. That's all.

**CHAIRMAN BEEDENBENDER:**

All right. All in favor? All opposed? Abstentions? The motion is tabled. **(Vote: 7-0)**

IR 1413 -- and just for the record I think we may have missed one on the agenda. We're just checking the status of 1377 so we might have to come back to that, just for the Committee's information. Oh, it was approved by CN? Okay, then we didn't miss it. So, we're all set.

All right. The next resolution is **IR 1413, amending the 2008 Capital Budget and Program and appropriating funds in connection with the planting of trees and shrubs at various locations. (CO Levy)** Do I have a motion? Do we have a motion? Anybody? I don't know. I'm waiting for a motion. Can we have an explanation, Mr. Laguardia? Or somebody? Just tell us what's going on.

**MR. LAGUARDIA:**

Yes. We requested to do plantings at three locations: County Road 50 Union Boulevard, County

Road 86 Broadway and Greenlawn area and at the Criminal Courts Building in Riverhead. These funds are for that. We're using an offset that's for bulkheading that we're not ready to proceed on.

**LEG. BEEDENBENDER:**

Question. Legislator Montano.

**LEG. MONTANO:**

Union Boulevard and -- do you know what intersection?

**MR. LAGUARDIA:**

Brentwood Road to Fifth Avenue.

**LEG. MONTANO:**

Thank you.

**CHAIRMAN BEEDENBENDER:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. The Legislature has tabled this in full session prior times. And I think one of the issues is, and I believe if you take a look, the County Executive in many news reports has indicated that the Legislature has been irresponsible with capital spending. And he said this repeatedly. In fact, I have an article in my case that I'll be happy to circulate.

When you're talking about in a time of limited income and shortfalls and county government spending \$50,000 in shrubs and bushes and then bonding it, that raises a lot of questions. Yeah, we're bonding this. This is going to be a bonded capital expense. \$50,000 in this County budget should be an operating expense. And there should be a decision whether in a time of recession time, when we are talking about economic shortfalls whether we want to spend \$50,000 on shrubs and bushes.

Now, I can produce the article from The Long Island Business News where in essence the County Executive has labeled the Legislature as irresponsible for some of their spending and capital habits. This is a perfect opportunity to tell the County Executive this is one of those times where you're on the wrong side of this issue.

**LEG. BEEDENBENDER:**

Okay. Do we have a motion? I have not heard a motion yet.

**LEG. STERN:**

Motion to table.

**CHAIRMAN BEEDENBENDER:**

Motion to table by Legislator Stern.

**LEG. MONTANO:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Montano. All in favor? All opposed? Abstentions? **IR 1413 is tabled. (Vote: 7-0)**

**IR 1460, to implement Sunday bus service for S92 bus route (Romaine)**

**LEG. ROMAINE:**

Yes. This is an issue that -- I'll make a motion to table for the purposes of discussion.

**LEG. LOSQUADRO:**

I'll second that.

**CHAIRMAN BEEDENBENDER:**

Motion to table by Legislator Romaine, seconded by Legislator Losquadro. And we have on the motion, Legislator Romaine.

**LEG. ROMAINE:**

Thank you. The reason I'm requesting a tabling is because I don't believe I have support at this time for this resolution. I've introduced this resolution for a very good purpose. We have a tremendous -- we're a county of 1.5 million people. We run a bus service but we don't provide any buses after a certain hour. I think Mr. Shinnick is with us in the audience, correct me if I'm wrong, but after nine o'clock at night no buses run in this County. Eight or nine o'clock at night.

I'm also told that there are no bus service and -- there's no bus service on Sunday. Now, taking a look at this, I believe one of the more heavily traveled routes in the County of all the bus routes is S92. That kind of makes a U. It starts in Greenport and ends in East Hampton. So it traverses the north and south fork but it is, and I believe Mr. Shinnick will confirm this, one of the most heavily traveled bus routes in the County of Suffolk.

People have come to me from various communities, senior citizens, other people who are interested in using less gas, less dependent on automobiles, and if you know anything about the East End of Long Island, there's great distances between places. People could actually save a great deal of by money using public transportation as opposed to buses.

I've made a motion to table it because the resolution is out there while I gather public support for it. I am looking to build public support. I'm hoping that Newsday will editorialize favorably on this in the future and I think they will. I think that other publications will. And I am looking to build community support so at the appropriate time I will move for approval when I have those groups here to present that and possibly even the County Executive might join me when he realizes that there is strong commitment to greening this County.

We have one the worst air qualities of any county. I believe we have an F in terms of particulate matter in our air. And this would further reduce -- we're going to have to come to a decision eventually as a county whether we're going to continue to spend money on roadways or whether we're going to try to invest in public transportation. They're both expensive. There really are no easy answers. But this resolution is to provoke discussion. So we that I'll stop and see if any of my colleagues want to join the fight.

**CHAIRMAN BEEDENBENDER:**

Well, if you would like any assistance with Newsday from the Kung Fu Panda over here, just let me know.

**LEG. ROMAINE:**

I will. And I have found that article where it says "Levy versus the Legislature over capital spending plans. Tough times mean tough luck for some long-term plan projects." I guess it doesn't involve for planting of trees. And "Levy, Suffolk won't spend money it doesn't have." It's an interesting article.

**CHAIRMAN BEEDENBENDER:**

Okay. I know. I'm quoted in it, too. All right. We have a motion and a second to table. All in favor? Opposed? Abstentions? **IR 1460 is tabled. (Vote: 7-0)**

**IR 1496, directing a study for a targeted facility Energy Efficient Operations Pilot Program, Operation Shut Down Program. (Horsley)** Legislator Horsley?

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley, seconded by Legislator Stern. Anybody on the motion?  
Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chair, just as -- to the sponsor, I read with great interest this resolution. As a matter of fact I believe in it one hundred percent. I think it's well thought out and very proactive and ultimately will yield a fuel savings. Where do you see it being implemented in the first instance?

**LEG. HORSLEY:**

Yeah, it's -- that's a good question, because I'm not sure where exactly it will fit. But I think there are buildings that we -- I know there are buildings now that over the weekends we turn -- we turn the heat off or turn the heat down during certain times of years. Could that be extended to maybe a Friday, Saturday, Sunday to accumulate greater savings. That's why I'd like to take a look at it. Parks seems to me would be a place that we might want to take a quick look at. And I'm sure there are other buildings across the -- across the County. But I'm as anxious to find out myself. I mean I don't have a -- do you have any targets in mind?

**LEG. KENNEDY:**

I was going to say I would, through the Chair, speak with Parks because my recollection is that when we did the furloughs back in the Halpin administration, we did look at some sites that we looked to idle around like a Friday or a Monday.

**LEG. HORSLEY:**

That would be my guess, too, would be Parks but that's --

**LEG. KENNEDY:**

You know, in conjunction with a long weekend. Is there an ability to go ahead and take a building and, you know, take your systems and, you know, idle them for three days or something like that so you reduce fuel consumption?

**LEG. ROMAINE:**

The Dennison Building.

**LEG. KENNEDY:**

Oh, please.

**LEG. ROMAINE:**

Absolutely.

**MR. ZWIRN:**

Can't do the Dennison Building because we're working on the weekends. Maybe the Leg, probably more like -- or some of the legislative offices. I'm thinking the First District is probably --

**CHAIRMAN BEEDENBENDER:**

Thank you, Mr. Zwirn.

**LEG. HORSLEY:**

Yeah, thank you for your comments on that one.

**CHAIRMAN BEEDENBENDER:**

I appreciate your overwhelming confidence in our work habits.

**LEG. ROMAINE:**

And our spending.

**LEG. HORSLEY:**

Of, course, we'll be working ten hour days so that's --

**CHAIRMAN BEEDENBENDER:**

All right, before this degenerates even further, Tom.

**MR. LAGUARDIA:**

Can I just make one comment? While Public Works really doesn't have a problem with the intent of the resolution, the problem that we're having is directing us to do a management study, working with the Health Department, the Sheriff's Department and deciding which employees can work and which employees cannot work four or five days. We don't think that's our function.

**LEG. HORSLEY:**

That's not this issue, though.

**MR. LAGUARDIA:**

We'd be glad to provide the data that would support deciding what buildings -- but you can't decide to shut a building down until you know which employees are capable of working or not working. And that's really not our function deciding that.

**LEG. HORSLEY:**

Okay. Motion to approve.

**CHAIRMAN BEEDENBENDER:**

I believe we already had a motion to approve by Legislator Horsley, seconded by Legislator Stern. If there are no other comments on the motion, all in favor? All opposed? Abstentions? **IR 1496 is approved.**

**(Vote: 7-0)**

**IR 1500, to amend the Leadership in Energy and Environment Design (LEED) Program (Viloria-Fisher)** Do I have a motion? I'll make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern.

**LEG. LOSQUADRO:**

Yeah, I just wanted to --

**CHAIRMAN BEEDENBENDER:**

Legislator Losquadro, on the motion.

**LEG. LOSQUADRO:**

Thank you. If I could just hear from DPW on -- or just some sort of explanation as to what the amendment to this would be.

**MR. LAGUARDIA:**

It does two basic things. It changes the LEED standard that we use from 2.1 to 2.2. And the main thrust of that is there's a nationally energy efficiency standard out there. The newer version incorporates the newer version of that energy standard. And the second major item that it --

**LEG. LOSQUADRO:**

Just before you go on, when the original resolution was written, didn't it -- the language was not in there or any succeeding guidelines?

**MR. LAGUARDIA:**

No. I believe it was written around 2.1.

**LEG. LOSQUADRO:**

Usually we'll put that in so we don't have to amend these things every time one little thing changes. So to Counsel, did we put something in this version that will account for changes moving forward in the future so we don't have to constantly amend this?

**MR. LAGUARDIA:**

I would suggest we don't do that because what happens is that leaves us -- you're the body that makes the decision now. That will leave it to some other body to make the decision on what types of standards we apply. This is a good way to do it.

**LEG. LOSQUADRO:**

Don't we still have -- even within this, we still have the choice of which -- what level of LEED certification we want to build to? What exactly is this saying? Are we just adopting the new overall standard? But we still don't have to build to the highest level of that, do we?

**MR. LAGUARDIA:**

That's correct.

**LEG. LOSQUADRO:**

So that's why I'm saying if we're just talking about definitions here, we still have the ability ourselves to decide to what level of LEED certification we're going to build to so if we're just looking at the overall standard, I see no reason why we should constantly have to adopt something new every time when it's still within our judgement as to which level of certification we're going to build to. So I don't think that leaves it in someone else's hands. It think it's still very firmly in our hands. Do you disagree with that?

**MR. LAGUARDIA:**

Yes, because almost all codes, all the people who administer codes are used to adopting the standards specifically as they come out.

**LEG. LOSQUADRO:**

Okay. All right. I mean it just seems -- this just seems like a pretty short window from when we first did it. I'm just afraid we're going to have to constantly keep updating this. We'll be behind it. I hate to keep coming back to you for that but if you're comfortable with that, that's fine.

**MR. LAGUARDIA:**

The second thing it does is it asks for it to be applied to lease buildings. We have no problem with that. The only issue I have is the terminology wasn't well defined. But besides that, we've already started to apply it to lease buildings. We've been asking our landlords without the legislation to provide us some LEED's credits.

**CHAIRMAN BEEDENBENDER:**

Okay. Do we have any other comments on the motion?

**LEG. LOSQUADRO:**

No.

**CHAIRMAN BEEDENBENDER:**

All right. We have a motion and a second. All in favor? Opposed? Abstention? **IR 1500 is approved. (Vote: 7-0)**

**IR 1504, authorizing a public hearing for the approval of rates for Fire Island Ferries, Incorporated. (PO Lindsay)** This has to be tabled for the public hearing. I'll make the motion. No? Oh, setting the public hearing. I apologize. Then I'll make a motion to approve.

**LEG. LOSQUADRO:**  
Second.

**CHAIRMAN BEEDENBENDER:**  
Seconded by Legislator Montano. All in favor? Opposed? Abstentions? **IR 1504 is approved. (Vote: 7-0)**

**IR 1505, authorization of alteration of rates for Fire Island Ferries, Incorporated. (PO Lindsay)** This has to be tabled for a public hearing so I will make the motion to table.

**LEG. MONTANO:**  
Second.

**CHAIRMAN BEEDENBENDER:**  
Seconded by Legislator Montano. All in favor? Opposed? Abstentions? **IR 1505 is tabled. (Vote: 7-0)**

**IR 1516, authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to provide access to the Tanger Outlet Center at the Arches in Deer Park, New York to provide bus service. (CO Levy)**

**LEG. ROMAINE:**  
Motion.

**CHAIRMAN BEEDENBENDER:**  
Motion by Legislator Montano, seconded by Legislator Romaine. Legislator Stern, on the motion.

**LEG. STERN:**  
On the motion. If I could invite Mr. Shinnick. Hi, how are you?

**MR. SHINNICK:**  
Fine, thank you. Good afternoon.

**LEG. STERN:**  
Good. Just hoping that you can lend just some clarification to the bus service. There are three bus routes that are to be considered here in this license agreement, S27, S33 and 2A, I believe.

**MR. SHINNICK:**  
That's correct.

**LEG. STERN:**  
If you just comment on the nature of those current lines and the areas that they serve.

**MR. SHINNICK:**  
Well, those services are all currently in the immediate vicinity of this new shopping area. S33 is a very well traveled bus line that comes out of Amityville, North Amityville, Wyandanch and travels up through Deer Park and Hauppauge. S27 is out of Babylon Village. Comes up through West Islip, Brentwood and Hauppauge as well. And the 2A comes out of Wheatley Heights. Services

Wyandanch, Deer Park and ends in Bay Shore. So they're well served by bus lines from that particular mall to communities immediately adjacent all around.

**LEG. STERN:**

And these are bus lines that are not only well utilized at this point but serve this general area already; correct?

**MR. SHINNICK:**

They're already there, yes.

**LEG. STERN:**

Okay. All right. Very good. Thank you.

**MR. SHINNICK:**

All right.

**CHAIRMAN BEEDENBENDER:**

Any other comments on the motion? Okay, seeing none, all in favor? Opposed? Abstentions? **IR 1516 is approved. (Vote: 7-0)**

**1517, authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to accommodate overflow parking from the Tanger Outlet Center at the Arches in Deer Park, New York. (CO Levy) Motion by Legislator Montano.**

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. If there are no comments on the motion, all in favor? Opposed? Abstentions? **IR 1517 is approved. (Vote: 7-0)**

**CHAIRMAN BEEDENBENDER:**

**IR 1536, appropriating funds in connection with construction of sidewalks on various county roads. (Schneiderman)**

**MR. ZWIRN:**

Mr. Chairman?

**CHAIRMAN BEEDENBENDER:**

Mr. Zwirn.

**MR. ZWIRN:**

I know that we've looked at this. This is out in my neck of the woods. And I know that there is -- this was in the Capital Budget and there are a number of sidewalk projects, but I understand this one is not ready to go. And that the --

**CHAIRMAN BEEDENBENDER:**

Mr. Laguardia?

**MR. LAGUARDIA:**

The design is scheduled to start sometime close to the end of this year on that portion of the sidewalk job.

**MR. ZWIRN:**

So this would be appropriating money and it would just be sitting in that long pipeline.

**CHAIRMAN BEEDENBENDER:**

This is construction money?

**MR. LAGUARDIA:**

Correct.

**CHAIRMAN BEEDENBENDER:**

Okay. Legislator Romaine, I saw you had a question.

**LEG. ROMAINE:**

Yes. Let me direct it to Mr. Laguardia. Mr. Laguardia, have you had discussion about this resolution with Legislator Schneiderman?

**MR. LAGUARDIA:**

No, I have not.

**LEG. ROMAINE:**

How would he know when you would be ready for construction or not if you chose not to discuss that? And since you do get the agenda ahead of time, I'm just curious.

**MR. LAGUARDIA:**

I don't have an answer for you.

**MR. ZWIRN:**

If I could jump in, I'd say why didn't Legislator Schneiderman call Public Works and see if we were ready to go? That's generally why the County Executive proposes the capital projects as they move forward because they're in touch with the Public Works Department when they're ready to move forward.

**LEG. ROMAINE:**

I'll tell you what. I believe as a Legislator he feels that he has a right to set the agenda of what's ready to go and what's not. There's a lot of money that's appropriated in the capital budget. And somehow Legislators have no idea of what's going to go and what's not going to go. And somehow the County Executive has hijacked the system and decided what the priorities are, even though we have a capital budget, what will go and what will not go.

When we talk about a half a billion dollars of authorized capital projects with authorized debt and an additional \$600 million of authorized capital projects without authorized debt, then I guess there's someone choosing and picking which projects should go forward. And quite frankly there's 18 people that should be involved in that process that aren't involved in that process.

This is a process of two branches, not one branch. And one of the reasons I suspect that Legislator Schneiderman introduced this resolution is because as an equal co-member of the governing policy making body of this County, he decided that it was time for this to go and he was going to establish the priority. Public Works doesn't get to establish priorities. The Legislature and the Executive jointly get to establish spending and scheduling of construction priorities. And that's what this resolution is about.

Now, that's something that all of us as Legislators can consider. Do you want to have a role or do you want to abrogate your role in deciding which projects move forward and not move forward? This is not a decision for Public Works. This is a decision for the Executive and the Legislature jointly.

**CHAIRMAN BEEDENBENDER:**

Well, I would agree with you, Legislator Romaine. I think we do have a role. And I would hope that

as a member of the Committee and my other colleagues on the Committee would understand that I've been trying to make sure we have that role in having the status reports. And we just got some more information from DPW. And in a day or so we'll give you another status report on some more projects so that we all know what's going on and we all --

**LEG. ROMAINE:**

I want to commend the Chairman for his efforts in this. I want to thank you again because you have been getting information for us that heretofore has not been available or at least presented to us so that we can share in the decision making process. Thank you, Mr. Chairman.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano.

**LEG. MONTANO:**

Yeah, I just had a couple of questions. This project is in this year's capital budget. And this is simply appropriating the money; correct?

**MR. LAGUARDIA:**

That's correct.

**LEG. MONTANO:**

And it's not ready to go and it's in all likelihood not ready to go or won't be ready to go in this fiscal year; is that accurate?

**MR. LAGUARDIA:**

That's correct.

**LEG. MONTANO:**

Has it been included in the next year's capital budget or was this deleted from the capital program for next year?

**MR. LAGUARDIA:**

The omnibus placed \$1 million in 2009 and 10.

**LEG. MONTANO:**

For this project?

**MR. LAGUARDIA:**

Sorry, 2010 and 11.

**CHAIRMAN BEEDENBENDER:**

That's the general sidewalk fund, right, Tom?

**MR. LAGUARDIA:**

That's correct.

**LEG. MONTANO:**

No, no. I'm talking about this particular CP. Was this --

**MR. LAGUARDIA:**

Yes, that CP.

**LEG. MONTANO:**

This capital project, was it put in next year's capital budget or you're saying in 2010, 2011, which one is it?

**MR. LAGUARDIA:**

In 2010 and 11 \$1 million was added in each of those years in the omnibus for various sidewalks which would include this.

**LEG. MONTANO:**

It would include this but this --

**MR. LAGUARDIA:**

It would include the one -- if this money doesn't get appropriated we would do it out of the 2010 funds. The design is still scheduled.

**LEG. MONTANO:**

But just so I'm clear, and I don't have the resolution in front of me, I'll get it out right now, this CP 5497 was a special -- a special appropriation for this particular location; am I correct in that? In assuming that? Or is this part of a bigger project? Did I ask that question properly?

**MR. LAGUARDIA:**

Yes.

**LEG. MONTANO:**

All right. What's the answer?

**MR. LAGUARDIA:**

Bill, I believe there was some discussion. And it was specifically for that location.

**LEG. MONTANO:**

All right. So that's my question.

**MR. LAGUARDIA:**

Bill's coming up. He was involved in the discussions. Let me give you an exact answer.

**LEG. MONTANO:**

So-- hi, Bill, how are you?

**MR. HILLMAN:**

Good morning, Legislator, how are you?

**LEG. MONTANO:**

Good. Bill, I'm just trying to be clear because I haven't looked at the capital project before. This CP 5497 was a particular project -- particular allocation for a particular location; am I correct in that?

**MR. HILLMAN:**

The CP is for various locations.

**LEG. MONTANO:**

Oh, it is. Okay, that's the question.

**MR. HILLMAN:**

Yes.

**LEG. MONTANO:**

It's for various locations.

**MR. HILLMAN:**

Yes, correct.

**LEG. MONTANO:**

Okay. And that CP, the money in that was included in the 2011 fiscal year Capital Program; is that what I'm understanding? Or 2010.

**MR. HILLMAN:**

I believe the --

**LEG. MONTANO:**

In other words it's part of the capital budget but you just place it in a different year?

**MR. HILLMAN:**

Yes.

**LEG. MONTANO:**

And how much money was in the CP 5497 in fiscal year 2008 if you know?

**MR. HILLMAN:**

I believe the \$500,000 that's being laid on the table is the full amount that's in this year's budget.

**LEG. MONTANO:**

And how much was put in the 2010 or 2011 budget?

**MR. HILLMAN:**

Through the omnibus --

**LEG. MONTANO:**

Through the omnibus.

**MR. HILLMAN:**

-- I believe it was a million dollars each.

**LEG. MONTANO:**

So it was doubled?

**MR. HILLMAN:**

Yes. It's for -- the 500,000 for -- that was laid on the table under this resolution is specifically for County Road 79. The million dollars in 10 and 11 is for approximately four to five locations.

**LEG. MONTANO:**

Okay. All right, thank you.

**LEG. LOSQUADRO:**

I'll make a motion to table, Mr. Chairman.

**LEG. KENNEDY:**

Second.

**LEG. MONTANO:**

I'll second.

**CHAIRMAN BEEDENBENDER:**

All right. We have a motion to table by Legislator Losquadro, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Okay. **IR 1536 tabled. (Vote: 7-0)**

**IR 1541, amending the 2008 Capital Budget and Program and appropriating funds in**

**connection with the County share for participation in the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851) (CO Levy)**

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley. I'll second the motion. No comments? Legislator Losquadro?

**LEG. LOSQUADRO:**

Just in looking at the backup, maybe this is to Budget Review, if someone can just explain to me, I guess, this is first instance bonding. We have to put it forward and then we get the 80 percent back from the federal government; right?

**MR. LAGUARDIA:**

Yes.

**MR. REINHEIMER:**

Yeah.

**LEG. LOSQUADRO:**

But it says a 15 year bond. I guess we don't -- I guess we have to take the bonds but then we get the money back. Just explain to me exactly how that works, that we're not paying excess interest or something.

**MR. REINHEIMER:**

Well, the County share is \$60,000.

**LEG. LOSQUADRO:**

Correct.

**MR. REINHEIMER:**

We're doing level debt which bundles all the capital projects in all the borrowing which comes out to about 20 years. So we'll be bonding the 60,000 probably twenty years. They're just using -- why they say 15 year, that might be the probably useful life. But level debt we're bundling. So it comes out to about twenty years.

**LEG. LOSQUADRO:**

And we're only bonding the 60,000? We don't have to put up the other money first? That's what I was asking if it was first instance funding. Do we have to put the money up or does the federal government give it to us in advance?

**MR. REINHEIMER:**

Yeah, the authorization is only for the \$60,000 for serial bonds. Whether --

**MR. ZWIRN:**

(Inaudible)

**MR. REINHEIMER:**

Right. And this is additional money to what's already been appropriated.

**LEG. LOSQUADRO:**

Okay, thank you.

**LEG. HORSLEY:**

May I ask one question, please?

**CHAIRMAN BEEDENBENDER:**

Yeah, go ahead, Wayne.

**LEG. HORSLEY:**

Yeah, to the good folks at Public Works, how are we doing on this? I go over it all the time. And it's quite a project. It's very impressive. I was just wondering what the status is. Plus you have a pothole going off to Southern State Parkway which is dangerous. But besides that --

**MR. HILLMAN:**

Okay. I'll make a note to Jim Peterman to try and take a look at that, but the project is moving along very nicely. This fall it should be wrapping up. And I agree it's an impressive project. The guys did a great job.

**LEG. HORSLEY:**

Yeah, it really is. And the stone work, I mean it rivals Robert Moses. It's impressive. I think it's -- actually it's a -- I think it might be Elie's but it's right on the border.

**CHAIRMAN BEEDENBENDER:**

You mean blank.

**LEG. HORSLEY:**

Oh, yes, blank. That other --

**LEG. MONTANO:**

Elie who?

**LEG. HORSLEY:**

The Fifteenth. The Fifteenth. But, yeah, it is -- it is a very impressive project. Now is the 60,000 because of overruns on it? Is that --

**MR. HILLMAN:**

Yes.

**LEG. HORSLEY:**

Yeah.

**MR. HILLMAN:**

It's fancy stonework.

**LEG. HORSLEY:**

It is fancy. It is fancy.

**CHAIRMAN BEEDENBENDER:**

Dan, did you have something? Legislator Losquadro.

**LEG. LOSQUADRO:**

Back to Budget Review or to DPW, I guess to Budget Review, you know, we require these financial backups. And in the backup here it says term of bond, this is what I thought, this is what I was remembering, but we just pulled the copy of if it, 15 years amount of bond 300,000. And it says level debt. So, what's the author -- what exactly are we authorizing here?

**MR. REINHEIMER:**

Okay. 240,000 is for bond anticipation notes. The 60,000 is in serial bonds. Bond anticipation

notes are short term.

**LEG. LOSQUADRO:**

Legislator Romaine, jump in.

**LEG. ROMAINE:**

Yeah, just a quick question. So how much are we bonding? Let's talk about that first. How much are we bonding?

**LEG. LOSQUADRO:**

60.

**LEG. ROMAINE:**

And what's the other 240?

**LEG. LOSQUADRO:**

Bond anticipation notes. See, that's not clear here.

**LEG. ROMAINE:**

Is that bond anticipation notes?

**MR. REINHEIMER:**

The 240 is bond anticipation notes.

**LEG. ROMAINE:**

Okay.

**MR. REINHEIMER:**

And the 60,000 is serial bonds.

**LEG. ROMAINE:**

Right. Let's focus on the 240,000. That's bond anticipation notes. So we go out and we borrow in anticipation of getting repaid from the federal government. What happens when the federal government repays the the 240,000? Where does that 240,000 go? Where does it show up on our books?

**MR. REINHEIMER:**

That would retire the debt.

**LEG. ROMAINE:**

That would retire the debt.

**MR. REINHEIMER:**

The 240,000.

**LEG. ROMAINE:**

Okay.

**MR. REINHEIMER:**

We still owe the 60,000.

**LEG. ROMAINE:**

Right. But it doesn't retire the full debt because there's a bond anticipation note. So there's obviously interest.

**MR. REINHEIMER:**

Some interest, correct.

**LEG. ROMAINE:**

So this -- we're actually paying more than 60,000.

**MR. REINHEIMER:**

60,000 is the principal that's going to be bonded for serial bonds over probably a 20-year period, which, you know, effective rate you're going to end up accruing about \$30,000 in interest.

**LEG. ROMAINE:**

Right. And then we're going to have --

**MR. REINHEIMER:**

The 240 --

**LEG. ROMAINE:**

-- we have a bond anticipation note for 240,000, we'll get paid back 240,000 by the federal government which will retire the note but we'll still have interest payments.

**MR. REINHEIMER:**

You'll still have some interest on that, too.

**LEG. ROMAINE:**

Thank you.

**MR. REINHEIMER:**

In addition to the 30,000 --

**LEG. ROMAINE:**

Have we calculated that as well?

**MR. REINHEIMER:**

No, we didn't calculate that.

**LEG. LOSQUADRO:**

The problem is this backup that I have here that you put together is interest on a full \$300,000 bond. That was --

**MR. REINHEIMER:**

Yeah, that's the County Executive's backup. And I don't have that right in --

**LEG. LOSQUADRO:**

Okay. Well, Mr. Zwirn or somebody from DPW, I mean that's -- this is incorrect. That's what was confusing about this.

**LEG. ROMAINE:**

And that's in fact what we'll be voting on.

**MR. ZWIRN:**

I don't have the backup with me right now, but I would just ask discharge it to floor and then we'll provide it on Tuesday. I don't think you want to hold up this project for \$300,000.

**LEG. LOSQUADRO:**

No, I don't want to hold up this project, but this -- the backup is clearly wrong. And that's what was

-- in looking at this, that's what was confusing.

**MR. NOLAN:**

The resolution does say the serial bond borrowing is limited to \$60,000. The body of the resolution does say that in a Resolve Claus notwithstanding the confusing backup.

**LEG. LOSQUADRO:**

Okay.

**LEG. ROMAINE:**

All right. Let's make a motion to discharge without recommendation pending the correct information from the Executive's office.

**CHAIRMAN BEEDENBENDER:**

There's a motion to discharge without recommendation.

**LEG. KENNEDY:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? All right. **IR 1541 is discharged without recommendation. (Vote: 7-0)**

**IR 1542, amending the 2008 Capital Budget and Program and appropriating funds in connection with improvements to CR 7, Wicks Road, Town of Islip. (CP 5539) (CO Levy)**

**LEG. MONTANO:**

Motion.

**CHAIRMAN BEEDENBENDER:**

Motion by Legislator Montano, seconded by Legislator Losquadro.

**LEG. KENNEDY:**

On the motion.

**CHAIRMAN BEEDENBENDER:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I'm just looking at the explanation here. And it looks like -- I'm looking at the offsets. We have drainage improvements on CR 76. Is that being reduced in order to go ahead and fund this or is that somehow reflected in this project?

**MR. NOLAN:**

That's the offset.

**CHAIRMAN BEEDENBENDER:**

It takes \$400,000 from that CR 76 program.

**LEG. KENNEDY:**

And that would be why?

**CHAIRMAN BEEDENBENDER:**

Drainage improvements on CR 76 Town Line Road.

**LEG. KENNEDY:**

Yes, which is --

**CHAIRMAN BEEDENBENDER:**

In your district.

**LEG. KENNEDY:**

-- ground central. As a matter of fact -- you know this far better than most folks, that's right at the headwaters where we have the whole greenbelt area with chronic flooding.

**MR. HILLMAN:**

This is the Hoffman Lane project. In the vicinity of Hoffman Lane we've been talking about trying to take the dip out of the road but that's going to impact a high pressure gas main and also bury the --

**LEG. KENNEDY:**

I got it right on my list here that I got from the secretary and ready to go ahead and talk with you about. That's something else. As a matter of we've had a conversation on for the better part of three years. That's the intersection, as a matter of fact, where there was the fatality with the 18-year-old driver who got blind-sided because as a matter of fact it's an elevation. She was in a Toyota. She got squashed by a Surburban. You may recall that. That's why I asked for some assistance in that area. It's not a safe area. Why would we want to go ahead and take 400,000 grand away from that project?

**MR. HILLMAN:**

Well, as we've discussed in the past, we don't believe that that accident was -- occurred due to the dip in the road. We've been out, we've done site distance evaluations. The dip doesn't come into factor on that. So we believe -- and the police report, although the accident was tragic, it was an 18-year-old -- really driver inattention that caused the accident. And it really wasn't the geometry of the road. We've been in some discussion, yes, with regard to trying to calm traffic at along there and we really haven't been very successful in coming up with traffic calming mitigation measures along the stretch of the road so --

**CHAIRMAN BEEDENBENDER:**

Mr. Hillman, can I just interrupt you for one second? I'd just like to -- caution both you and the Legislators from discussing whether or not an accident was the County's fault or anything on the record because I'm not really sure there's any possible --

**LEG. KENNEDY:**

Mr. Chair, I did not indicate that it was the County's fault. But I will say is I would request that we table this 'til we find a different offset because I've asked now for the better part of two-and-a-half years for some attention to the unique configuration of the County road at this intersection. How about if we put it that way? It is not what one would call level sighted. There is a pronounced elevation. There are side streets that are relatively close to an upward incline that if somebody is progressing from east to west an elevated rate of speed might make it difficult to control a vehicle with vehicles coming in and out of side streets. So I would respectfully request a different offset.

**MR. HILLMAN:**

I would just like to make the point that the Department will not be ready to proceed with any project for 2008 or probably in the near future even 2009 in this area. So if the -- it's our policy that we'll appropriate funds when we're ready to go and when we have a better handle on the costs associated, we don't really even have a project at this point that we can develop a cost estimate on. So we'd want to go through the planning process and put it into the Capital Program. And that's why we feel it's an appropriate offset at this time.

**LEG. KENNEDY:**

But we've done the Capital Program already for 2009 and for 2009 to 11. Again, I would be happy to go ahead and meet specifically with you where there has been time spent on this and to your

credit you've gone there, you've had sight inspection, you've looked at it, you've tried to detail some of the implications that are going on there. But, you know, in a grand scheme of things, there is no less need in our area that is proximate to a middle school and a high school. It has a higher propensity of younger drivers in that vicinity. And I think there's a logic to stay focused on this as an area where, you know, I don't want to see, I don't think any of us want to see an accident on any county road. But in particular I think that one bears focus. So I'm going to make a motion to table it until we can go ahead and find a different offset.

**(CHAIRMAN BEEDENBENDER LEFT THE MEETING)**

**VICE CHAIR STERN:**

There is a motion to table by Legislator Kennedy. Is there a second to the motion? Second by Legislator Losquadro. Are there any other motions? Do we have a motion to approve? We do. Okay, tabling motion takes precedence. On the tabling motion, all in favor? Opposed? This is for the tabling motion. (Legs. Romaine and Kennedy in favor)

**LEG. KENNEDY:**

This is for the tabling.

**LEG. LOSQUADRO:**

Opposed.

**LEG. MONTANO:**

Opposed.

**VICE CHAIR STERN:**

Opposed to the tabling. Opposed to the tabling?

**LEG. MONTANO:**

Yeah. I got to, John, it's my district.

**VICE CHAIR STERN:**

So the tabling motion fails. There is now before us a motion to approve. All in favor?

**LEG. ROMAINE:**

On the motion.

**VICE CHAIR STERN:**

Legislator Romaine.

**LEG. ROMAINE:**

Yeah, on the motion, I'm going to vote in favor of this but I am going to be working with Legislator Kennedy to make sure that the funding taken away from the Town Line Road is restored. I'm very familiar with Town Line Road. I used to work on that road many years ago when I taught at Hauppauge Middle School. I'm familiar with the dangers of that road. So I am definitely going to work with Legislator Kennedy and make sure that \$400,000 is restored. And I'm going to ask DPW and perhaps the Chief Engineer can provide Legislator Kennedy a reason and rationale of when something is ready to go and how that determination is made and when Town Line Road is going to be ready to go. Thank you.

**VICE CHAIR STERN:**

Anybody else on the motion? Call the vote.

**LEG. MONTANO:**

Wait. Is Beedenbender here?

**LEG. HORSLEY:**

No, he's not here.

**LEG. MONTANO:**

So, he's not going to vote on this.

**LEG. HORSLEY:**

Right.

**LEG. MONTANO:**

Why not? You're going to vote for it? Okay. Call the vote.

**VICE CHAIR STERN:**

All in favor? Any opposed?

**LEG. KENNEDY:**

Opposed.

**VICE CHAIR STERN:**

Any abstention? Motion carries. **(Vote: 5-1-0-1. Leg. Kennedy opposed; Leg. Beedenbender not present)**

**Introductory Resolution IR 1543, 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 the intersection at CR 19, Patchogue-Holbrook Road and CR 90 Furrows Road, Town of Islip (CP 5128) (CO Levy) I'll make a motion to approve.**

**LEG. LOSQUADRO:**

Second.

**VICE CHAIR STERN:**

Second by Legislator Losquadro. Anybody on the motion? All in favor? All opposed? Any abstention? Motion carries. **(Vote: 5-0-0-2. Legs. Montano and Beedenbender not present)**

**IR 1548, authorizing the purchase of paratransit vans on behalf of the Disabled American Veterans Transportation Network and amending the 2008 Capital Budget and Program and accepting and appropriating Federal and State Aid and other funds. (CP 5658) (CO Levy)**

**LEG. LOSQUADRO:**

I'll make a motion to approve. This -- it seems as though there's no County contribution to this so would this be appropriate to place on the consent calendar?

**VICE CHAIR STERN:**

I'll second the motion and --

**LEG. LOSQUADRO:**

It says 80 percent fed, 10 percent DMV, 10 percent New York State DOT. So that equals a hundred.

**MR. NOLAN:**

It can definitely go on the consent calendar either way if that's the wish of the Committee so it's fine. So --

**LEG. LOSQUADRO:**

Yeah. I make a motion to approve and place on the consent calendar.

**LEG. STERN:**

And I will second the motion. All in favor? Any opposition? Any abstention? Motion carries.

**(Vote: 5-0-0-2 and placed on the consent calendar. Legs. Montano and Beedenbender not present)**

**IR 1549, authorizing the purchase of paratransit vans on behalf of the Town of Brookhaven and amending the 2008 Capital Budget and Program and accepting and appropriating Federal and State Aid and other funds (CP 5658) (CO Levy)**

**LEG. LOSQUADRO:**

Same motion.

**VICE CHAIR STERN:**

Same motion, same second.

**LEG. ROMAINE:**

On the consent calendar.

**VICE CHAIR STERN:**

On the consent calendar.

**MR. NOLAN:**

This is going to involve some bonding according to the resolution so I don't think this one -- yeah, it's going to authorize the issuance of serial bonding so it can't go on the consent calendar.

**LEG. LOSQUADRO:**

All right. Withdraw that motion. But just an explanation because I thought this one was federal, Town of Brookhaven and the other ten percent was New York State DOT so what's the bonding for?

**MR. NOLAN:**

This one says the County will provide the remaining ten percent.

**LEG. LOSQUADRO:**

From?

**MR. NOLAN:**

It looks like eighty, ten, ten to me.

**LEG. LOSQUADRO:**

But I thought the other ten was ten percent Town of Brookhaven, ten percent New York DOT with eighty percent being the federal government; is that correct or no?

**MR. SHINNICK:**

If I may?

**LEG. LOSQUADRO:**

Yeah, please.

**MR. SHINNICK:**

It should be ten percent Town of Brookhaven, ten percent State and eighty percent federal.

**MR. NOLAN:**

Okay. So why are we authorizing serial bonds?

**LEG. LOSQUADRO:**

Right. That's where I was confused.

**MR. SHINNICK:**

I don't have an answer for that.

**MR. NOLAN:**

I think we should put it on the regular calendar and deal with that later.

**MR. ZWIRN:**

I think we're putting the money upfront.

**LEG. LOSQUADRO:**

Oh, with the town paying us back?

**MR. ZWIRN:**

For the Town of Brookhaven and they're paying us back. So there is -- the County's putting the money upfront and we're getting reimbursed. The town is going to reimburse us.

**LEG. LOSQUADRO:**

I just want to make sure if that's a -- one of those bond anticipation notes then? Is this a long -- is it serial bond? How do we do this because the backup here says no share of cost to the County.

**MR. ZWIRN:**

Ultimately I think that's the case.

**LEG. ROMAINE:**

Can I ask a question at this point, Mr. Chairman?

**VICE CHAIR STERN:**

Legislator Romaine.

**LEG. ROMAINE:**

Not to inquire as to the Town of Brookhaven's methodology, but have we asked for Brookhaven Town to forward us the \$15,184? So that -- I mean do we have to go to bond for something that the town might have on hand? And what, if any, expense do we incur by going to bond for this? There's is no bond then. Okay. So where's the County involvement in this? Why are we authorizing something that is going to go to the Town of Brookhaven that is being paid 10 percent by the town, 10 percent by the Department of Transportation and 80 percent by the federal government? What's the county involvement? Maybe I'm missing it.

**MR. SHINNICK:**

The project is a result of a federal earmark for the purchase of vans for the Town of Brookhaven. The Federal Transit Administration --

**LEG. ROMAINE:**

And earmarked by Congressman Bishop?

**MR. SHINNICK:**

I don't know. It could very, very well be. And the Federal Transit -- this is a Federal Transit Administration grant.

**VICE CHAIR STERN:**

Forget everything that everyone just said. My bad.

**LEG. LOSQUADRO:**

Counsel was looking at the next resolution so -- it's all right. I just wanted to make clear that we can put this on the consent calendar.

**VICE CHAIR STERN:**

So Legislator Losquadro's motion to approve and place on the consent calendar is an appropriate motion. I will second the motion. Thank you, Mr. Shinnick. All in favor? All opposed? Any abstention? Motion carries. Okay. **(Vote: 5-0-0-2. Legs. Montano and Beedenbender not present)**

**IR 1550, authorizing the purchase of up to 33 paratransit vans for Suffolk Transit and accepting and appropriating Federal Aid and State Aid and County Funds (CP 5658) (CO Levy)** I will make a motion to approve.

**LEG. LOSQUADRO:**

I'll second that.

**LEG. STERN:**

Second by by Legislator Losquadro. Anybody on the motion? All in favor? Opposed? Abstentions? Motion carries. **(Vote: 5-0-0-2. Legs. Montano and Beedenbender not present)**

**IR 1582, establishing a Pharmaceutical Disposal Program in Suffolk County (Stern)** I'll make a motion to table, second by Legislator Horsley. On the motion, Legislator Romaine.

**LEG. ROMAINE:**

Yes, on the motion but not related to the motion. Just a question for the Executive. And I see Mr. Zwirn is here as his representative. I know that the Executive announced a program in terms of pharmaceuticals for County employees, a change in that program that he indicated would be saving about -- approximately \$12 million. And I believe that was an agreement that was negotiated with the Association Municipal Employees and other contracts or unions. Could you do me a favor?

**MR. ZWIRN:**

Would I do you a favor?

**LEG. ROMAINE:**

Yes.

**MR. ZWIRN:**

You don't have to ask me twice.

**LEG. ROMAINE:**

I know. You've been very helpful. If you could get me where we are in terms of the savings on that program. I am concerned about that program; that, in fact, isn't saving the \$1 million -- although I have to pay \$60 now for my pharmaceuticals but I am concerned that that isn't saving the \$1 million a month that it's projected to save. And that's obviously going to have budget implications for us in the 2009 budget. And I'd like to know, you know, what the savings is and how we've done on that program.

I think -- by the way, I appreciate the County Executive trying to think about ways to save money. I'm not being critical. I just want to get a status where of we are because from what I'm hearing, we're not saving what we thought we would be saving on that program. And I just need -- I think all my colleagues would like some information on that as well. So if could possibly within the next week or two, there's no rush, but if I could get that data I certainly would appreciate it. Thank you.

**VICE CHAIR STERN:**

Okay. Take the vote. All in favor? Any opposition? Any abstentions? Motion carries. **(Vote:**

**5-0-0-2. Legs. Montano and Beedenbender not present)** It was a motion to table. That's what we said. Motion carries.

**1583, amending the 2008 Capital Budget and Program and appropriating funds in connection with intersection improvements of CR 16, Smithtown Boulevard at CR 93, Lakeland-Rosevale Avenue (CP 5118) (Kennedy)**

**LEG. KENNEDY:**

I'll make a motion to approve.

**VICE CHAIR STERN:**

Motion to approve by Legislator Kennedy.

**LEG. LOSQUADRO:**

Second.

**VICE CHAIR STERN:**

Second by Legislator Losquadro. On the motion.

**LEG. KENNEDY:**

This is submitted, Mr. Chair, because there is a need for some additional funding for right-of-way acquisition. This is a project, I guess, that's been involved now for the better part of almost five or six years, I believe, it is. The right-of-way acquisition section in Public Works, I believe, has done all the approaching. And through the Chair, I mean if I'm saying anything that doesn't come close here, let me know. But what I was told was that there was a need for some additional funding for acquisition.

**VICE CHAIR STERN:**

And this additional funding comes from where?

**MR. REINHEIMER:**

The Legislature's capital offset project 1755.

**VICE CHAIR STERN:**

1755.

**MR. REINHEIMER:**

Correct.

**LEG. KENNEDY:**

Got to buy this land, got to tear down these havols, got to put in that roadway.

**LEG. ROMAINE:**

What do you want to do on it?

**LEG. KENNEDY:**

We got a motion and a second to approve, I believe, right? Let's move the vote.

**LEG. HORSLEY:**

You are bad.

**LEG. KENNEDY:**

We bad, we bad.

**VICE CHAIR STERN:**

We'll call the vote. All in favor? Any opposed? Any abstention? Motion carries. **(Vote: 5-0-0-2.**

**Legs. Montano and Beedenbender not present)**

Any other business before the Committee? Seeing none, motion to adjourn. Second. We are adjourned.

**(THE MEETING WAS CONCLUDED AT 3:39 PM)  
{ } DENOTES SPELLED PHONETICALLY**