

**PUBLIC WORKS
AND
TRANSPORTATION COMMITTEE**

of the

SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Friday, November 14, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
Kevin Duffy - Budget Review Office
Gil Anderson - Commissioner - DPW
Tom Laguardi - Chief Deputy Commissioner - DPW
Kaitlyn Boy - Aide to Chairman Beedenbender
Barbara LoMoriello - Deputy Clerk - SC Legislature
Ben Zwirn - Deputy County Executive
Gail Lolis - County Attorney's Office
Debra Alloncius - AME
Michael Farah - SC Leadership Group
George Roach - Legal Aid Society
Ruth Berger - Family Service League
Jim Gallagher - Seniors Against Discrimination
Louis Mazzola - Legal Aid Society
Mario Posillico - Village of Saltaire
Tim Mooney - Fire island Ferries
Joseph Beneduce
Joan DuBois
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:15 P.M.*)

CHAIRMAN BEEDENBENDER:

All right. We're going to get started. Fifteen minutes late counts as almost on time. So if we could all rise for the Pledge of Allegiance led by Legislator Kennedy.

SALUTATION

CHAIRMAN BEEDENBENDER:

Thank you, everybody. We have a number of cards. I believe most of them are on the same issue. For those of you that have not been before us, I'll call our name and I'll let you know who is up next. You're going to either come up to the microphone or you can sit at the table, whatever is easier for you. And you'll get three minutes to speak to us about whatever it is you like.. The first on I have on the list is Joan DuBois.

MS. BERGER:

I'm on the list, but this is a little committee of ours, and I'd like to be a first to introduce a couple of things.

CHAIRMAN BEEDENBENDER:

Did everybody put a card in so I have everybody's name?

MS. BERGER:

You have all have cards.

CHAIRMAN BEEDENBENDER:

Is it the four of you? Okay. We'll do the four -- we'll take the four of you out of order and do you all in a row. So either come up to the table or come up to the microphone, whatever is easier for you, ma'am.

MS. BERGER:

Hello. I'm Ruth Berger, I'm with Family Services League of Suffolk. And I'm here actually to talk to you about two distinct issues. The first one has to do with moving the Legal Aid Office from Bay Shore to the County Complex. Many, many of Family Service League's clients depends on Legal Aid, they have been for years. They like going to Bay Shore, it's a friendly area, it's a friendly office. To move them to the County Courthouse Complex, I think would be a mistake.

Many of these residents are handicapped, they're frail and vulnerable, and they're intimidated by the system. And to have to go through security would be extremely traumatic for some of them. Often there's no handicapped parking available there because all the handicapped parking is taken.

I believe that they really should stay in Bay Shore in a home-type of office in their own town there where these people have been going for years and where they can continue to go and not feel threatened. We have been going -- we have been using Legal Aid now -- well, my program, the Ombudsman Program, has been using it for 19 years, Family Service League for many more years. So I'm here to ask you to please keep the office in Bay Shore where it is. That's topic number one.

The second is something a little different, and I'm really not going to address the topic, but just introduce it, and that's some of the problems that some of the people from nursing homes have and other handicapped people have using SCAT transportation. Now, we have three people of our nursing home leadership group here today. One of them, Joan DuBois, was five or six years ago addressing this committee on this very same topic, and that is the problems that they're having with the SCAT transportation. They use it, and so they can tell you better than I can what some of the problems are. I guess Mike Farah will talk next.

CHAIRMAN BEEDENBENDER:

Mike. Michael Farah. Mr. Farah, you'll get three minutes and Joan will get three minutes. And I'm sorry, I don't know the other gentleman's name yet, he'll get three minutes as well.

MR. FARAH:

Okay. Good afternoon, everybody. My name is Michael Farah. I'm a in a resident nursing home, which is located in Amityville. I have several issues that I would like to address this committee about SCAT. Several months ago, I made a reservation to go to a very important meeting. All right. And the pick up time was 1:00 p.m. I waited approximately 1:20, I called -- I called SCAT, let them know that I'm still waiting. My reservation that I made a week in advance, they put me on hold for about five minutes, and somebody cancelled it.

Now, I asked -- I asked the person, "Who cancelled it?" They had no idea. Now, I went, I talked to a supervisor, they don't know. And I missed a very important meeting, which I had to be there. See, I'm the Chairman of the Advocates, and I have -- you know, I have agendas to do. So I missed that meeting.

Another time when I made a reservation a week in advance again, which they always ask, waiting for a pick up with the PCA approximately 12:45. I waited a half hour, that the driver came and waited for 15 minutes already and left. I was there at -- I was there in the beginning of the time where he was supposed to be. The driver got in touch with dispatch, because dispatch was calling them and finding out the reason. He said he was there, he was not. All right.

They said they tried to arrange -- arrange, you know, another pick up, but that was two hours later. That was unacceptable. Again, I missed another one, another meeting. Then another time, you know, I was -- I got picked up, correct time, all right, the driver was -- was called by the dispatcher to pick up three more people on the way. The driver picked up the three people, dropped them out of first, and they were all over the place, and I was two -- hour and a half late going to my meeting again. Now, this was like -- you know, it was on recurrence.

All right. This is only a few problems that happen to me personally at SCAT. SCAT is a very good way of -- for disabled and handicapped people to travel. They're cheap, they're \$3, which is good, because we only get paid 50 bucks a month, which is another issue. You know, if they only could just work out and plan better strategies in -- when they make their reservations and their pick ups, what they're supposed to be, it would run nicer, better, smoother, there would be no problems. They are a very good, you know, transportation place. But right now, uh-huh.

CHAIRMAN BEEDENBENDER:

Okay. Thank you, Mr. Farah. I guess, Ms. DuBois. I hope I'm pronouncing your name correctly.

MS. DUBOIS:

Joan DuBois.

CHAIRMAN BEEDENBENDER:

Joan DuBois. Okay. You have three minutes as well to address us about whatever you'd like.

MR. FARAH:

Okay. I'm going to speak for Joan DuBois because she has problems talking.

CHAIRMAN BEEDENBENDER:

That's fine, sir.

MR. FARAH:

All right. This is Joan DuBois. She resides in a nursing home, which is located in Commack. She has basically one issue, which she would like to address. I would like -- she would like to see the reservations simplified. When you have two people residing at the same facility and making the same type of reservation to the same place and speaking to the same operator, there should be no

reason why that that operator has to put them on two buses and -- with two different times and destination for the -- for the same thing. They should be on one bus, which they have done in the past again.

Okay. This also could -- if they tried to, again, like what I said before, tried to get their act together, that will eliminate some confusion. So if they put them on one bus instead of two where both of them are going to the same place, meet at the same time, except having one person go one time earlier, then one comes in late (sic). That's it. Joan would like to say something. Go ahead, Joan.

MS. DUBOIS:

I would just like to add that I'm a very proud mother of a returning US Marine. He should be back in his home base at the site in Miramar. In light of what the previous gentleman talked about, the situation with the veterans, he is still in the service. I'm very proud of him. That's all I have to say.

CHAIRMAN BEEDENBENDER:

As you certainly should be, ma'am. Thank you very much. That's very nice. Sir. I don't know your name yet, sir.

MR. BENEDUCE:

Joe Beneduce.

CHAIRMAN BEEDENBENDER:

Okay, Joe. I got you now. All right. So, Joe, you can have your three minutes as well.

Mr. Farah, before you go, could you tell us which facility you are at, if you wouldn't mind.

MR. FARAH:

No, I don't mind. Broadlawn Manor Nursing Home.

CHAIRMAN BEEDENBENDER:

Broadlawn Manor?

MR. FARAH:

Yes.

CHAIRMAN BEEDENBENDER:

Okay. And Ms. DuBois.

MS. DUBOIS:

Gerwin Jewish.

MR. FARAH:

Gerwin.

CHAIRMAN BEEDENBENDER:

Thank you very much.

MR. FARAH:

Okay. Thank you.

MR. BENEDUCE:

Good afternoon.

CHAIRMAN BEEDENBENDER:

Good afternoon, sir.

MR. BENEDUCE:

I am Joe Beneduce, and I am with the Family Service League as an Ombudsman, Ruth Berger is my boss. I'm assigned to two different facilities; Our Lady of Consolation Nursing Home and Berkshire Nursing and Rehabilitation.

On many occasions, when I make the visits to these nursing homes, I hear horror stories. Horror stories for one, and then I'm going to go into a couple of my own. For one, that just happened recently, from Our Lady of Consolation, there were ten people, three in wheelchairs and seven walkers that were going to a wake. And what happened was one person called to make the reservation, and they didn't not accept it. And they had to have ten people call to make the reservation, which was stupidity. And what happened was they were assigned to four different buses when all ten people could have fit on one bus. And it didn't make sense. And what happened was the bus was late getting some of the people there, that they missed the services at the wake.

My only personal experiences. This happened recently to me. I went to Our Lady of Consolation, and on my return trip, the bus had a defective lift. And there is provision on the bus to manually pump the lift up. The bus driver refused to do it manually, drove off and left me there. I had to wait almost two hours for them to send another bus.

Another time, I was picked up at Target Department Store at 1:30 in the afternoon. The driver drove right by my front door. And I said, "I live here, why don't you drop me off?" He says, "No. I have to go according to the manifest." I didn't get home until two hours later when he could have dropped me off, but I had to go with him on a joyride throughout the County.

And it's happened also several times when I've gone to a meeting at our office in Huntington for the Family Service League where I would be picked up or I couldn't get a pick up on the time the meeting was over, and I would have to go for a ride into Nassau County all around picking up people from their jobs. You don't get home for two, two and a half hours. And they say, well, you're supposed to expect that you could spend up to an hour on the bus. Well, two and a half hours is a little more than an hour.

You know, for a person like myself, it's uncomfortable, because the buses are not the smoothest riding buses, and you take a beating. And I really feel that they should do a little more about trying to schedule the buses better. Of course the drivers always tell you they have to go along with the manifest, but, you know, there is some exceptions, like the one when they went right passed my front door. That didn't make sense.

One final thing is they recently came out with new procedure for making reservations, and they went from taking the first reservation at eight o'clock in the morning to seven o'clock. But if you call them at seven o'clock, they must be on a coffee break until about 7:30, a quarter to eight, because you can't get through. And you don't get a busy signal, you just get a ringing and a ringing and a ringing. And I would like very much for someone to look into that. And I thank you very much for your time.

CHAIRMAN BEEDENBENDER:

No problem. I appreciate that you and your associates came down to speak about this. This has been -- well, I am a sure it's a tremendous source of frustration for you. It's been a source of frustration for Legislators, while in a different light, as well. And we have, at the County, commissioned a study, and it's supposed to be back -- well, it was supposed to be back a couple of times already. But we're hopeful that, you know, it's going to deal with the transit system and the SCAT system as well.

And one of the things that the study was to focus on is ways to create efficiencies in the scheduling system. If there are perhaps other ways to schedule and ways to route the buses so we wouldn't have so many instances -- we'll probably never be able to eliminate all the instances of people,

unfortunately, being on the bus for an extended period of time, but at least to make those as -- make those the exception rather than the rule.

MR. BENEDUCE:

You know, for the most part, don't get me wrong, the drivers are courteous. If they know you, well, maybe they'll bend the rules a little bit, because they're going right by the door. You know, but other ones are going to just stick to the manifest and that's it.

And a couple other things -- one other thing is some of the them will play the radio blasting, and if you ask them to turn it down, they won't turn it down. You know, so there's got to be some consideration for the passenger. And they also have to take into consideration that everyone that is a passenger on the bus is a handicapped person, and they can't do for themselves.

CHAIRMAN BEEDENBENDER:

Right.

MR. BENEDUCE:

I thank you.

CHAIRMAN BEEDENBENDER:

No problem, sir. Thank you. Legislator Kennedy did you have a comment?

LEG. KENNEDY:

Mr. Chair, I'm going to ask if -- first of all, I admire very much the fact that three folks came out to speak to us about this problem. And yes, you are correct, I guess we all know about this ongoing study. But there's more at face here, I think, with what they are talking to us about, and that's contract issues.

I'd ask that the Commissioner and the County Attorney's Office speak to what clearly appears to be a violation of nonperformance of contract issues here, because all these vendors are contract vendors to the County. I'd like to know what the remedy is.

CHAIRMAN BEEDENBENDER:

Gail or Gil, if you'd like to address that quickly and then we'll just go to the remainder of the cards.

MS. LOLIS:

I'd have to take a look at the contracts, and we would have to see what we could do if there are any violations to enforce them.

LEG. KENNEDY:

I mean, it's got to be very basic simple types of representations that these providers make that, in fact, they're going to provide a service, they're going to pick up people, they are going to take them, and they are going to go ahead and drop them off. And what we're hearing here is clearly anything but that, not even the ability to go ahead and make an appointment to go ahead and actually -- it sounds like we have a twofold issue here, Gail. It sounds like the vendor clearly is an issue of nonperformance, but I'm also wondering about the scheduling issue. Gil, that's our own people, isn't it?

COMMISSIONER ANDERSON:

In many, yes, it is. The scheduling issues, I'll look into. This is -- the ones that were raised today are the first I've heard of it. I know we've had problems. Legislator Romaine has, you know, identified some in the past. We have and are in the process of getting additional staff in there to help with the scheduling as well as looking at systems that will improve the scheduling.

LEG. KENNEDY:

Let me just ask, because this is a conversation sometimes I feel like I'm that guy in a movie

Groundhog Day. I remember over a year ago talking about three staff with a couple of telephones and not even computers to go ahead and give information and to schedule. Has anything gotten any better, or are we still in the same place?

COMMISSIONER ANDERSON:

We're in same place in the fact that we have a number of positions, the same system. We have been in the process of meeting with vendors for new systems to talk about automating the system, to talk about improving the system, and that's where we are right now. As far as the report -- I almost dread saying this -- I've been told that as of today we will receive the report, the preliminary report, any day now. At that point, we will look at it. And, you know, provided it's what we're -- you know, has information that we're looking for, we will then release it to the public.

LEG. KENNEDY:

One more, and then I'll yield back, Mr. Chair. But a report isn't going to help these people who go ahead and go to appointments and who advocate despite serious physical challenge to be able to do what it is that they've been employed and trained to do. What is going to help them do that?

COMMISSIONER ANDERSON:

Again, I'm not arguing with you on the incidences that they've raised. These will be investigated -- again, this is -- these specific instances, it's the first I'm hearing about it and I will investigate them.

As far as the staffing, we have one person who answers the phones specifically. We back that up with other staff to pick up the phones as best they can. We have -- we're in the process of hiring the second person. The third person is on a terminal leave -- is on terminal disability right now. So we're looking to fill that void next. You know, we've basically got approval for that position, we're working on getting that one filled.

LEG. KENNEDY:

Much of this money that we actually wind up contracting with is federal funding, isn't it?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Do we represent to the Federal Government that we provide services for people including handicapped people?

COMMISSIONER ANDERSON:

Yes, we do.

LEG. KENNEDY:

Okay. But with one person dealing with these SCAT appointments, how are we actually fulfilling that?

COMMISSIONER ANDERSON:

Again, it's not just one person. This is -- as I said, we fill the voids with our other staff, you know, as best we can. For the most part, you know, we have hundreds of appointments that go on, you know, a day. For the most part, yeah, you know, we do the job that we're required to do and we do it well. There are instances unfortunately as these gentleman and the lady pointed out that, you know, things went wrong. And we'll look at that.

LEG. KENNEDY:

Okay. I take it you're hearing that for the first time now. Look, you have a large department, smaller than it used to be, but you have a large department. And certainly it's our prerogative to go ahead and do you due diligence.

What I'm ask through the Chair is if you can go ahead and give us some indication when we next meet, but I'd also like to hear from the County Attorney's Office about what the enforcement or remedy issues are here where a vendor consistently fails to perform. I don't know why we pay contractors who don't do the job. Thank you.

CHAIRMAN BEEDENBENDER:

Well, that was going to be my suggestion as well, Mr. Chair (sic), That, Gil, if at the next meeting week -- I think it's only about and a half from -- well, it's like a week and a half from now -- if we could -- if you could -- if Bob could be here and we have a broader based discussion about how those things go so we could ask some specific questions and get a better understanding from where we sit of what's going on so we might be better able to either legislatively or administratively address some of the concerns that they have.

COMMISSIONER ANDERSON:

Absolutely.

CHAIRMAN BEEDENBENDER:

And, Gail, if you could have an answer for us then too, that would be great. Legislator Romaine, you have the -- you wanted to speak.

LEG. ROMAINE:

Very briefly, Mr. Chairman. Commissioner Anderson understands what I'm about to say, because I've numerous complaints about people who call 852 -- what is the rest of the number for the buses -- 5200, I believe. Right. And in desperation, I also get those calls because I'm 3200. Because they don't know what else to do because they say we keep on calling Suffolk Transit and no one picks up, no one answers the phone.

And I think I started in September mentioning times, dates, places where no one answers the phone. The calls are coming in, but no one is at home, which hopefully is not the epitaph of Suffolk County Government, but it very well may be. But clearly, if we have a transit number and we want to encourage bus usage, if we don't staff phones so people can know schedules, because the bus schedule, believe it or not, are not posted at the bus stop signs. We don't have, like, a little metal plate right below the bus stop sign that says, here, this is the times the buses more or less will be here.

So people are discouraged from taking bus transportation. They're discouraged in the North Fork from taking bus transportation, because if you don't live near 25, Route 25, you're not going to get it -- you're not going to be able to walk there, because that's the only route that the bus takes. They're discouraged because they don't know when they get to the bus whether the bus stop bus just left five minutes and they have to wait another hour or the bus is coming in the next five minutes. They're discouraged because of weather conditions, so who's going to want to stand in the rain for an hour to wait for a bus or the snow because we don't have enough bus stops where we would have some type of minimal shelter from the elements?

You know, for a County that puts out those press releases about how it's so important for public transportation. You know, I look at what we say and what we do and the practice, and the divergence is amazing. I mean, clearly, we are discouraging people from taking public transportation.

And, you know, I've been here three years, and I raised these questions when I first got here, being a little bit of a nudge, and all I kept on being told, oh, we're doing a study, we're doing a study, we're doing a study. Well, it's three years later and we're still doing the study. We're not doing the study. We're not encouraging public transportation by our actions, we are doing just the opposite. And I don't mean this to be directed at you, I know you operate under constraints, but I'm saying this for the public record, that someone will know that Legislators have raised concerns, have raised issues, that we're not blind to what's happening in our district, and we're not blind to the lack of

commitment to public transportation in this County. Thank you, Commissioner.

COMMISSIONER ANDERSON:

Again, if I might, one last brief word. Again, the bus system as a whole, as an entity, works. We do have issues, as has been raised, and I'm not going to argue that. You know, it does need improvement, and we are looking to do that. Certainly at the next -- at the next committee, we'll be ready to answer any questions that you have.

CHAIRMAN BEEDENBENDER:

Thank you, Gil.

CHAIRMAN BEEDENBENDER:

Thank you, Gil. All right. We'll return to the cards. The next card that I have is George Roach.

MR. ROACH:

Mr. Chairman, I would ask permission to yield my three minutes to my colleague Lou Mazzola who will begin our presentation.

CHAIRMAN BEEDENBENDER:

All right.

MR. ROACH:

You can take us all at once if that's --

CHAIRMAN BEEDENBENDER:

I see Lou's name. Is that the bulk of it? The two of you can -- the two of you have six minutes, so if you want to say whatever you like, please, be my guest. And we appreciate any brevity that you can give us, Lou. Thank you.

MR. MAZZOLA,

Yes. I'll try to be brief. First of all, Chairman, thank you for the opportunity to speak to you and the committee members here. I passed around a little packet of information which will give you a little background on where we stand in terms of the -- an overview of the space issue that the Legal Aid Society has.

First of all, I'd like to say that for the past 25 years or even more, the Legal Aid Society has had its administrative office and Senior Citizen Office located in Bay Shore, New York. And for the past ten years, we've been in the building we are presently in now, which is 5 Shore Lane. Now, that building consists of three floors. We occupy the bottom floor, which consists of about 5000 square feet along with the food pantry. On the second floor, is the public health nurses. And on the third floor is -- used to be Public Works itself.

I understand that Public Works has moved out of that building and that floor is now vacant. Now some time ago, a couple of months ago, we were informed by the County that the lease on that was building up and that the County would be moving us out to other space. And then it came to pass that the County found out that we were moving some of our people who are now in the Cohalan Court Complex out of that building because the space in there -- our space requirements in there were just over -- outgrown.

We had 90 people on the fourth floor of the Cohalan Complex. It was very crowded. And we had a state program in there; namely, the Law Guardian Program, which is funded by the State of New York. And we had the opportunity to be able to get private space out of that building. In fact, we're moving up to the block to the Courthouse Corporate Center.

Now, a little background on the -- on the negotiations. Apparently, the County has a problem with the landlord where -- in the building we are at, which is 5 Shore Lane. And incidentally, that

building -- and George will address this issue off accessibility. And I think having the folks here, the handicapped folks here, is a graphic illustration of what kind of problems accessibility can present to the elderly clients that we see at the law guardian -- I'm sorry -- at the Senior Citizen Division. And George will address that issue.

But as far as building we're in right now, the landlord apparently has agreed to make certain renovations to the building. And apparently, as well, and this is information that we have received from the landlord, she's negotiating with the County to rent space to the public health nurses who intend to move an additional 15 people into the building. And they're going to put them -- or at least they propose to put them on the first and second floor of our building, we are now. The problem with that is that the landlord also will not rent that building unless she has the entire building rented, because the cost of renovating, splitting up the electric meters and such would just not make it economically feasible for her to do it.

So it's our understanding as well that the County is looking for another County agency go in on third floor. Now, it's our position that there would probably be sufficient room between the second and third floor to -- to house the public health nurses and keep us where we are. Apparently, the landlord has made many concessions. I think part of the package there is our memos from the landlord in which, you know, she has indicated how she's negotiating with the County. And it's our position that of all the spaces that we have looked at, the space where we are now is the -- is the most practical not only for our administrative office, which sorts of works hand in glove. You know, we don't duplicate certain functions that we do because we're all there together. And also, especially, the question of how we service the senior citizen clients that come to us, many of whom are disabled.

I think we -- you know, we have some pictures in there, which we provided to you, which shows the inaccessibility; aside from the issue of going through the magnetometers at the District Court, there's a long walk from that parking lot, because front of that building is blocked off. You have to go through a guard gate to get to the front of building to even let somebody off. So anybody coming to that building has to park in the parking lot. That's a very large parking lot. In the winter, it's very difficult to negotiate. And frankly, I don't know how anybody in a wheelchair or a walker could negotiate that parking lot and get into that building safely. And that's quite apart from the issue of the security in the building. So that's our position. We'd like to stay where we are. We think it's economical, it makes sense for us to stay there.

CHAIRMAN BEEDENBENDER:

Thank you, Lou. George, did you want to add to that or is that -- you have -- you have about a minute or so to add if you'd like.

MR. ROACH:

Just briefly. Mr. Chair and Members of the Legislature, again, I would like to publically thank you all for voting for the funding in Legislator Stern's stand-alone bill last week. It's good to be funded. Our second little hurdle, as you know, is we're trying to remain at our present location. I'm a firm believer in the old adage, "a picture is worth a thousand words." In that little package, we -- we have photographs -- you can look at them at your leisure -- of the accessibility of our building for senior citizens at 5 Shore Lane. And you compare that to the accessibility of the photographs taken of the Cohalan Court Complex.

And in addition, we've also provided you with two other alternatives; space at the Corporate Center at 320, Legislator Montano has his offices in that building and our law guardians will be moving there, and also, the old Second District Court over in Babylon. And those photographs show how easy it is to park and -- especially the handicapped parking. People can walk right into the building, which they can do now. As Lou said, the landlord of our building, Natalie Rogers, apparently, from what she tells us, she is willing to accommodate this County, bend over backwards, as long as she can keep the Legal Aid Society there and have the public health nurses on the second and third floor.

I didn't want to beat a dead horse, but I would like to thank the people from SCAT, because, you know, here again, the County seems to be providing a service, but it's making it increasingly difficult for the people to utilize it. And I feel the same way about the present location if they move to us. As a matter of fact, I would ask this committee to sponsor a resolution to keep the Senior Citizen Division where it is presently located at 5 Shore Lane in Bay Shore. Thank you, Mr. Chair.

CHAIRMAN BEEDENBENDER:

Thank you. All right. The next card I have Jim Gallagher from Seniors Against Discrimination. Good afternoon, Mr. Gallagher.

MR. GALLAGHER:

Good afternoon. Of course, you know my name is Jim Gallagher. I'll be 77 years old come January. I've lived in Ronkonkoma for -- since May, 1960. I'm member of SAD, Seniors Against Discrimination. We have a membership of roughly 3000. We Suffolk County seniors formed SAD because the government set up a program designed to help all seniors, then someone came along and changed things, making it harder for seniors to access the benefits.

When it became too difficult for me, I dropped out of the plan. That's what Medicare Advantage Plans did to Suffolk County seniors. That's the very reason SAD was formed. Now, here we go again at the County level. That's why we're here to protest the plan to move Legal Aid from the ground floor in Bay Shore where it's easy to park and the entrance is just a few feet away to a fourth floor location in a huge complex where seniors will surely encounter crowds and difficulty parking.

Frequently, such complexes, the nearest spaces are taken by the employees and other early arrivals. The seniors will surely be faced with a long walk. Some seniors have difficulty with long walks. I'm not referring to seniors with handicapped stickers, I'm talking about seniors in general. Spaces will certainly not be a mere few feet from the entrance. Once inside the court building, they will likely have to stand in line to go through security. Some seniors have difficulty standing for long periods of time. We don't have to do that in Bay Shore.

Another thing they don't have to do in Bay Shore is stand along side criminal defendants. Anyone who wants to give seniors a hard time or worse yet discourage them from using the service, offer them a benefit, then make it difficult for them to actually get it. We SAD members know about this type of thing because of what Medicare did to us. It's very discouraging. Does Suffolk County intend to follow a policy of making things harder instead of easier? We hope not. Please don't place this added burden on seniors. Seniors need the Legal Aid Office in Bay Shore where access is easy. Please leave it there. Thank you.

CHAIRMAN BEEDENBENDER:

Thank you, Mr. Gallagher. Next card I have is Tim Mooney from Fire Island Ferries. Good afternoon, Tim. And the last card after that is Mario Posillico. Mr. Mooney.

MR. MOONEY:

Thank you, Mr. Chairman. Thank you, Committee. My name is Tim Mooney. I'm President of Fire Island Ferries. And we're back here, once again, to talk about fare increases. We started this effort back in May of this year. And I think the original issue that we ran into was there was some concern about levels of services. That's since been addressed. We met with the residents and Legislator Barraga and discussed those things. We -- as a matter of fact, our people were complaining about something that didn't take place because our schedule actually improved over the fall season, and it will remain strong for the winter. So rumors start on Fire Island somehow and they seem to propagate, and we were the recipients of that.

CHAIRMAN BEEDENBENDER:

I think you mean Long Island.

MR. MOONEY:

That's true. I'm being a little more myopic at this point. But, you know, I'm happy to be here. At this point, we're looking to reduce the fare increase that we originally requested from about 16% overall down to 10%. And there's some factors that contributed to that. We had good weather in July and August, thank goodness. Fuel price reductions started to hit in August, prices of fuel came down for us. And you know, we had two months of very high fuel prices in June and July and then we finally got some relief in August.

And, you know, little things impact us with regard to revenue opportunity. This year, Labor Day was early this year on September 1st, and we, you know, in essence lost of week of a revenue opportunity as a result of just the calendar. Fuels that we buy, you've noticed now, you know, your gas pump prices are very good for gasoline, and you still see the diesel fuel prices are way up there at three bucks plus a gallon. So even though the barrel seems to go down quickly, the impact at the pump and our deliveries of fuel oil don't seem to move quite as quickly as though do. So we're still paying a significantly higher price. And we believe that the 10% increase that we're requesting is justified.

In addition, Governor Paterson signed a bill for us that offered sales tax relief for ferry services within the State, and we are very happy he did that, very surprised, but very happy nonetheless. So that's something else that impacted our revenue potential moving into the future. And subsequently, that reduction is in line.

Any incremental revenue that's derived with regard to the ferry company and ultimately income there, that will go off to we have a new boat under construction at this point in time. It's a two and a half million dollar investment for Fire Island Ferries. And that we expect to take deliver of in April or May of this year.

In addition to that, we have, you know, quite a few boats that are going to be looked to be repowered over the course of time here. We have engines that were built -- that were designed and built in the '30's. So each boat -- real quickly -- each boat, when we go to repower those things, is about a half a million dollar investment for us. And we have 12 ferries that would require that type of investment as we stand today. Fuel efficiency, greener footprint and all of those things will contribute -- come along with that. So these are the areas that we are looking at at this moment in time. And we hope that you will consider our fare increase and vote on it today to get it out of committee so we can have it in the full Legislature on Tuesday. Thank you.

CHAIRMAN BEEDENBENDER:

You wanted us to vote on that today? I thought -- was that the conversation we had perhaps? There's been a lot of things going on. All right. The one question I wanted to ask you real quickly, in this BRO report, the sales tax is evident that the State gave you. I mean, the numbers that BRO number has -- I mean, between the purchase of the ferry and the purchase of fuel, it looks like almost \$400,000 a year. I mean, that's a significant -- 300 and some odd thousand dollars a year. Is that a number you agree with, or?

MR. MOONEY:

Well, there's a one time --

CHAIRMAN BEEDENBENDER:

For the ferry. Right. The ferry is once, but the \$129,000 a year for fuel, lubricants, parts, that will be recurring.

MR. MOONEY:

That will be a recurring number.

CHAIRMAN BEEDENBENDER:

That's significant.

MR. MOONEY:

It is significant, that's why we're very happy that he signed the bill.

CHAIRMAN BEEDENBENDER:

It's probably also why you're surprised.

MR. MOONEY:

Yes. Especially in light of our State budget at this point.

CHAIRMAN BEEDENBENDER:

Right. That last card I have is Mr. Posillico.

MR. POSILICO:

Mario Posillico, Village Administrator for the Village of Saltaire. Good afternoon. The Village of Saltaire maintains a strong working relationship with Fire Island Ferries, and we have found that they have continually provided capable and professional services to Saltaire and its residents.

We wish for that to continue, however, the Village questions whether a 12.5% rate increase requested is reasonable and justified to cover the increased cost of operations, particularly when an increase of 10.3% was awarded in 2007. As you know, the application was originally made in June of this year, and the request made then was for a 25% increase. I heard Mr. Mooney say that their request was a 16% increase, but my math -- by my math, a \$2 increase over and \$8 base is a 25% increase. That's for the one-way adult fare. And a one dollar increase from eight to nine -- from eight to \$9 is a 12 and a half percent increase, not a 10% increase.

The Legislature was wise to withhold a decision then waiting to obtain additional information of fuel prices and Fire Island Ferries' ridership for the 2008 season. Gratefully for all of us, the price of fuel has fallen dramatically over the last year. In fact, according to the official energy statistics from the US Government's energy Information Administration, the average price of diesel fuel has fallen to 37 and a half percent since June 1 of this year and continues to fall. And further, the average cost of diesel fuel has only risen by 2.1% since April 15th, 2007, the approximate date when the fare was last increased.

The Legislature has also asked -- also asked the Budget Review Office to consider ridership in view of the fare increase request. Based on informal observation, there appear to be a greater number of riders to all of Fire Island in 2008, particularly to Ocean Beach, the economic engine for Fire Island Ferries. We wait to see the Budget Review Office's report in answer to the Legislature's question, which I just received a copy of.

It would seem, however, that based on the recent steep decline of fuel prices and the observed increase in ridership to Fire Island, a 12 and a half percent increase in the ferry fare does not seem reasonable on its face and a lower increase is warranted. Additionally, there are other factors that the Legislature should consider when reviewing the Fire island Ferries' request for a fare increase. When reviewing the total applications including the financial statements, please consider the following: The freight fare increase request appears to be on average between 15 to 16%, in contrast to the 12 and a half percent passenger fare increase request.

Again, I noted Budget Review -- budget Review Office's report, which I just had a changes to glance at, they note that there's a 10% increase. I just did a sampling cost -- some of the items for fate -- for the freight items, and they average between 15 and 16%. We do not see the justification for a larger percentage increase in freight fares as opposed to passenger fares.

The Legislature should also examine the reasonableness of interrelated company fees that are charged against the income of Fire Island Ferries. These fees charged by the closely held family

companies for use of the facilities are significant and need to be considered so a more accurate picture of financial -- of their financial position can be drawn.

Lastly, the Legislature should keep in mind the potential decrease in travel that such an increase may cause, particularly in the current economic environment and the negative economic impact this would have not only to Fire Island, but also to the South Shore communities. The Village of Saltaire would not object to a reasonable fare increase, but one more in keeping with the current economic climate. A viable ferry operator serving Fire Island is in the best interest of all concerned, and a reasonable fare is necessary to support that operation. We simply ask that you consider all relevant data and determine a level of increase so that it's -- so that it is indeed reasonable and justified. Thank you.

CHAIRMAN BEEDENBENDER:

Thank you, Mr. Posillico. All right. I have no more cards. Is there anybody else in the audience that wishes to address us? I don't see anybody, so we will move to the agenda.

The first resolution in IR 1505, Authorization of alteration of rates for Fire Island Ferries, Incorporated. (Pres. Off.)

Mr. Mooney, I know you're -- you had indicated a desire to move this out today. We just got -- as a Legislature, we got this report at the beginning of the meeting, and I really haven't gotten a chance to go through it yet. We'll be back here in a week and a half, and we -- if we pass it out then, the thing could get passed in the beginning of December. So is there anything -- if you want to come up, please, feel free. Is there anything that a two week delay -- I mean, if this was passed in December as opposed to November, is that going to -- I mean, this isn't in affect until '09 anyway.

MR. MOONEY:

No. I realize that you just received the BRO presentation. No. We're really -- January 1 is when new ticket fares would go in for the 40 -- trip books and the likes, so.

CHAIRMAN BEEDENBENDER:

Well, at the end of the year, we have a whole flow of meetings. We'll be here again -- there's a Public Works Committee a week from Tuesday, and then the week after that, we'll be in a General Meeting again. So there's a whole -- we have a General Meeting Tuesday. So in two weeks we'll be back before us. I'd just like the members of the committee to have a chance to go through it. And at the next meeting, BRO could make their report as well, if that's okay. Just procedurally, it would be okay.

MR. MOONEY:

You know, I know Kevin was hoping to get this to you sooner than this.

CHAIRMAN BEEDENBENDER:

It's not blame on anybody. It's just due diligence.

MR. MOONEY:

No. So. As long as -- you know, as long as we can get it from -- from Steve Levy, you know, or get -- you know, get it into final action before the end of the month of December, then we're -- then that's acceptable.

CHAIRMAN BEEDENBENDER:

Well, this is a regular resolution, so the County Executive would have ten days from the time that we pass it. So that would be within plenty of time within the month.

MR. MOONEY:

He's never signed one anyway, so.

CHAIRMAN BEEDENBENDER:

It will be pocket approved, I would imagine. All right?

MR. MOONEY:

All right.

CHAIRMAN BEEDENBENDER:

And if there's no other objections, I will offer a motion to table, seconded by Legislator Stern. All in favor? Opposed? Abstentions? IR 1505 is **TABLED (VOTE: 6-0-0-1 - Not Present; Legis. Romaine)**.

IR 1536, Appropriating funds in connection with construction of sidewalks on various County roads (CP 5497). (Schneiderman)

I'm going to offer motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0-0-1 - Not Present; Legis. Romaine)**.

IR 1710, Authorizing a GPS pilot program in the Department of Public Works. (Romaine)

Again, I know we've had some discussion on this in the past. I'm going to offer a motion to table at this point.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. All right. Well, you know, what? In the interest of time, we'll skip over this, and we'll come back when Ed returns.

IR 1769, Adopting Local Law No. 2008, A Local Law to provide parking for "Clean Pass" vehicles at County facilities (The Green Spaces Program). (Horsley)

I believe this has to be tabled for a public hearing, so I'll offer motion to table.

LEG. LOSQUADRO:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0-0-1 - Not Present; Legis. Romaine)**.

IR 1809, Authorizing fee modifications in the Suffolk County Department of Human Resources, Personnel and Civil Service and the Department of Public Works. (Pres. Off.)

I will offer a motion to approve, seconded by Legislator Stern. Before we get there, Counsel, could you just give us a brief -- just to refresh everything that's in here.

MR. NOLAN:

Well, this resolution would, in terms of Civil Service, increase the application processing fee for all Civil Service promotional examinations to \$25 for each application filed for promotional examinations and increase the application processing fee for all Civil service promotional examinations for law enforcements titles to \$100 from \$50. Additionally, the Department of Civil Service is going to increase the application processing fees for all entry-level examinations for non law enforcement titles to \$35 from \$25, increase the application processing fee for all entry-level examinations for Park Rangers, Deputy Sheriff, Correction Officer and Police Officer to -- well, actually that was already \$100. They're making a technical correction to that section.

Further, there's schedule fees -- increased scheduled fees for various fees that are charge by the Department of Public Works related to highway work. It's attached to the resolution. There are many different items. It's fairly technical. The members may want to look at those to see what the fees -- how they're going up or ask the Commissioner to explain how they're going up.

CHAIRMAN BEEDENBENDER:

Legislator Lindsay had requested first, then Legislator Montano and Legislator Kennedy. Mr. Presiding Officer.

P.O. LINDSAY:

Yeah. The purpose of this bill is it's a revenue enhancer. It's as simple as that. We need revenue wherever we can get it if we want to keep doing the programs that we're doing. And I don't think that we can turn a blind eye to that. We can't continually fund new programs without raising revenue to fund them. And that's it.

CHAIRMAN BEEDENBENDER:

Okay. Legislator Montano.

LEG. MONTANO:

I just want to get an explanation. There's a chart behind the bill. George, have you seen that? Is that attached to yours?

MR. NOLAN:

Well, I believe it's --

LEG. MONTANO:

And it says, "type of work, base fee, additional fee."

MR. NOLAN:

Right, I think that's actually part of the resolution.

LEG. MONTANO:

Okay. Can somebody explain that to me? When we say, "base fee," for the first one it says, "underground first linear foot, base fee, \$1 per linear foot." It's underlined. That means that we're imposing a new fee where there was one -- there wasn't one before, or is that an increase? How do I read this properly?

COMMISSIONER ANDERSON:

This is essentially --

LEG. MONTANO:

Is this on?

CHAIRMAN BEEDENBENDER:

I don't think that it is, Legislator Montano.

LEG. MONTANO:

I don't feel it's on. We'll use another one.

COMMISSIONER ANDERSON:

That table there establishes the fees for road opening permits that the Public Works uses when a development comes on to a County Road -- County Roadway. There was, in some cases, a slight fee increase, but this has been -- this has been a method and something we do, you know, regularly whenever someone tries to come on to a County Road and access a County Road.

LEG. MONTANO:

Right. But what I'm asking is are these -- these amounts here that are underlined, can you see this, Gil, where it says --

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

Is that a new fee that's being imposed where one wasn't imposed before? Because next to it it says additional fee. So I'm not quite sure I understand this. I just want to know what we're -- what we're approving, what we're not approving.

CHAIRMAN BEEDENBENDER:

I think Counsel might --

MR. NOLAN:

The way the resolution reads is there was a old fee schedule, which is being repealed and being replaced by a new schedule. To indicate new schedule, they've underlined everything. They didn't have to do that, but that's the way it was drafted.

LEG. MONTANO:

All right. So what I guess I'm getting at is what's the comparison between the old fee schedule and the new fee schedule. Is it indicated in this document?

MR. NOLAN:

I don't believe it would be, because the old one has been repealed, so you don't have that bracketing and underlining which indicates something that was old. The underline is new. This is just a whole new schedule. So I don't believe the old schedule is really provided. There really isn't a comparison.

CHAIRMAN BEEDENBENDER:

Gil, do you have some of those answers?

LEG. MONTANO:

What I'm saying is I can't compare what the increase is because I don't have the old schedule; am I correct?

COMMISSIONER ANDERSON:

Right. There is no old schedule within the document itself.

LEG. MONTANO:

But there is an old schedule that exists?

COMMISSIONER ANDERSON:

We have a base sheet, yeah, an old schedule.

LEG. MONTANO:

Do you have it with you?

COMMISSIONER ANDERSON:

No on me, no.

MR. NOLAN:

These are effective January 1st, 2009, I believe. I think the old schedule's currently in the code -- I'm just trying to bring that up now -- which would be Chapter 651. So if the committee members wanted to look at the current schedule -- my computer is moving very slowly unfortunately.

LEG. MONTANO:

My point is I don't have a problem, I understand that this is a revenue enhancer, but I don't -- I don't have the information here to know how much we're -- we're enhancing each of the schedules. Before I vote, I would like to know that. I think that's the least I can ask for. So that's why I'm looking for that. Let me see if I get on the system.

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

While we're looking at that, I know the last time I spoke on this resolution my concern was with the increase in the Civil Service application fees. I'm looking on my screen now to try to find the fiscal impact statement. I can't seem to get it. But I wonder does BRO know of the overall projected revenues associated with this range of fee increases?

LEG. MONTANO:

Here's the impact statement if you want it.

LEG. KENNEDY:

What is attributed to the Civil Service fee portion of it? Is that broken down that way?

LEG. MONTANO:

Yes, it is.

CHAIRMAN BEEDENBENDER:

I think so. I think the number I have in front of me, Legislator Kennedy, is approximately \$100,000, but that may not take into account any waived application fee, so it might be a bit under that 100,000. That's the number I have. I don't know if BRO -- BRO, would you like to comment. I don't know -- I don't know where I got that number from, so I don't know if it's yours or if I made it up.

MR. DOERING:

Just a moment. I'm just trying to pull it up now.

CHAIRMAN BEEDENBENDER:

No problem.

MR. NOLAN:

Mr. Chairman, if I can just -- the old schedule is currently codified in Section 651-2 of the Suffolk County Code. If the members can get to that and want to look at that, it is there on the computer.

COMMISSIONER ANDERSON:

And I believe it refers to utility companies specifically. When you utility companies want to come in and do any type of work.

MR. NOLAN:

Right. Utility highway work permits, etcetera, yeah.

LEG. KENNEDY:

I would just offer to the Chairman -- and I guess I'm somewhat remiss that I didn't approach him specifically maybe to speak to him -- that the increases that we have with the Civil Service fees, particularly where we're talking about even some of the promotionals, considering that some of our salary grades have salaries associated with them that are as low as, you know, \$20,000, I don't know that it's really equitable to, you know, institute this broad single increase associated with pay grades that are on the lower end of the schedule. I would -- I would, I suppose, even support maybe a percentage increase. But if we're going on a promotional taking it from, I guess, what's now, what, \$15 up to \$25; is that correct?

CHAIRMAN BEEDENBENDER:

It's 15 to 25, I believe. At least, that's what I have in front of me.

LEG. KENNEDY:

I understand that, Mr. Chair. But, I mean, if you look at it percentage wise, what we're doing is we're raising that application fee more than 15%. I have no problems supporting the resolution, I just think when it comes to our civil servants, that we're looking at a disproportionate increase for the opportunity to possibly be able to be hired in a situation that's highly prospective as best. That's my concern.

CHAIRMAN BEEDENBENDER:

Thank you, Legislator Kennedy. Gail or anybody from BRO, but, Gail, I saw you come so I presume you have something to say. With the numbers in here, in this resolution, where they assumed in our budget, or -- does the 2009 Budget assume these increases or.

MS. VIZZINI:

Yes, it does.

CHAIRMAN BEEDENBENDER:

It does?

MS. VIZZINI:

Yes.

CHAIRMAN BEEDENBENDER:

So this assumes -- I guess, the bottom number I have here is roughly around 200,000 for everything. So our budget assumed this?

MS. VIZZINI:

Yeah. The additional 100,000 in Civil Service fees and 139,000 cumulative in the highway permit fees was included in the recommended budget.

CHAIRMAN BEEDENBENDER:

Okay. Do we have any other comments? Do we have a motion, Barbara?

MS. LOMORIELLO:

You have a motion and a second.

CHAIRMAN BEEDENBENDER:

To approve?

MS. LOMORIELLO:

Yes.

CHAIRMAN BEEDENBENDER:

Presiding Officer Lindsay.

P.O. LINDSAY:

Say it again. I understand Legislator Kennedy's thing about reducing it to a percentage. You know, Legislator Schneiderman introduced legislation to cap increased. Come on, guys. We haven't increased a lot of these things in years and years and years. You know, we're not trying to lay anybody off. We want to keep the nursing home, we don't want to lay off 280 employees. You've got to pay for it somehow. You can't have it both ways, you've got to pay for it. If you can't pay for it with revenue enhancements, you got to cut. There's no other way around it.

LEG. MONTANO:

Can I respond?

CHAIRMAN BEEDENBENDER:

Legislator Montano.

LEG. MONTANO:

I appreciate that we do have to pay for it, but at the same time, I think it's incumbent upon us to know what we're voting on before we vote on it so we're not basically a rubber stamp. The questions are designed to probe into what we're doing. And now I'm finding out that this is already in the budget. So really this whole conversation is academic, because you included it as revenue, and I certainly wasn't aware of that. So if we don't approve it now, then we've got an imbalanced budget. That's the point of the conversation, not whether or not we're going to fund programs.

P.O. LINDSAY:

If I can just respond.

CHAIRMAN BEEDENBENDER:

Absolutely. Presiding Officer Lindsay.

P.O. LINDSAY:

And that's fine. Everything you say is correct. Then you have to make adjustments in the budget and remove programs from the budget. It's as simple as that.

LEG. MONTANO:

No. I understand the process.

P.O. LINDSAY:

And we have a lot of those options coming up next week. Because I'm sure we're going to get a ton of vetoes, and, you know, you'll have the option of sustaining the vetoes. But I don't -- I don't object if the committee wants to table this for one cycle to have all the information in front of you, if that's what the will is.

CHAIRMAN BEEDENBENDER:

Legislator Stern.

LEG. STERN:

Just very quickly. When was the last time these fees were raised?

MS. VIZZINI:

These particular -- the Civil Service fees and the increase in the highway fees, it has been a while. Mr. Hillman indicates that the highway fees were probably in the '80s. And some of these highway fees, the impact fees, are things that we are actually doing, this kind of standardizes it. What I wanted to contribute to the conversation is this is all part of the budget shortfall mitigating legislation that you passed midyear that all of the departments were required to take a look at what,

if any revenue they could enhance as an effort to mitigate the anticipated shortfall. The Probation fees, some of the other pieces of legislation that you've passed, this is just one of them. We're checking if we have the most recent on the Civil Service.

P.O. LINDSAY:

I have it as June 1, '91.

MS. VIZZINI:

Okay.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other comments, we have a motion and a second to approve. All in favor? Opposed? Abstentions?

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

We'll go back to **IR 1710**. Legislator Romaine, we skipped over this.

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN BEEDENBENDER:

Motion to table by Legislator Losquadro, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? **Tabled (VOTE: 7-0-0-0).**

IR 1845, Amending Resolution No. 947-1993 to require identification of County purchasing personnel. (Co. Exec.)

The County Executive has requested a tabling. I will make that motion, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? IR 1845 is **TABLED (VOTE: 7-0-0-0).**

IR 1848, To expand the County's recycling program. (Romaine)

At the last meeting, the County Attorney had said New York State Law had preempted ours. So on the basis of that statement, I will make a motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. Legislator Romaine.

LEG. ROMAINE:

I will object to a motion to table at this time, but since the County Attorney is here, I'd like the County Attorney's Office to communicate that piece of information to me and the statute that's involved at another time. This committee is busy now. I don't need to have a debate about this. But if you would get me that information, I would appreciate it. Thank you.

MS. LOLIS:

The information was sent after the last committee meeting.

LEG. ROMAINE:

To my office?

MS. LOLIS:

Yes.

LEG. ROMAINE:

Okay. I'll check in my office, because I didn't see it on my desk. Thank you.

MS. LOLIS:

I sent it by e-mail.

LEG. ROMAINE:

Oh, okay. Someone probably opened -- my staff opens my e-mail. Thank you. I'll go back and check it. Thank you very much.

LEG. HORSLEY:

Question to the sponsor. May I?

CHAIRMAN BEEDENBENDER:

Legislator Horsley.

LEG. HORSLEY:

Ed, what enhancements were you talking about, just briefly? I'm not -- I'm sorry, I don't know it off the top of my head.

LEG. ROMAINE:

This piece of legislation was to expand the County's recycling program to include cellular phones, Ink Jet cartridges and others that could be dropped off at any of three County facilities designated by DPW.

LEG. HORSLEY:

So basically, e-waste?

LEG. ROMAINE:

Yes. And I'm waiting to see what the State Legislation says. I guess someone in my office opened my e-mail has has it, and I'll find that out when I go back. Thank you.

LEG. HORSLEY:

Okay. Thanks.

CHAIRMAN BEEDENBENDER:

All right. We have a motion and a second?

MS. LOMORIELLO:

To table.

CHAIRMAN BEEDENBENDER:

To table. All right. All in favor? Opposed? Abstentions? IR 1848 is **TABLED (VOTE: 7-0-0-0)**.

IR 1850, Authorizing a Request for Proposals for sale of obsolete and surplus County personal property. (Pres. Off.)

This bill was amended after the deadline, so we have to table it. I'll offer a motion to table, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 7-0-0-0)**.

IR 1891, To improve and strengthen consultant procurement policy. (Lindsay)

I'm going to offer a motion to table at the request of the sponsor.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

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

IR 1922, 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 drainage improvements on CR 39, North Road, Town of Southampton, Suffolk County, New York (CP 5537). (Co. Exec.)

I will offer a motion to approve.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

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

IR 1924, To facilitate the sale of surplus scrap metal. (Lindsay)

I will offer a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Losquadro.

COMMISSIONER ANDERSON:

If I may on the motion.

CHAIRMAN BEEDENBENDER:

Mr. Anderson, please.

COMMISSIONER ANDERSON:

Just to advise you, and I just found this out yesterday, we do have a bid out currently for removal of scrap metal that would facilitate this project. I would ask if I could discuss this with the sponsor, because it seems it's redundant.

CHAIRMAN BEEDENBENDER:

You have a bid out to do just this?

COMMISSIONER ANDERSON:

At the present time, yeah.

CHAIRMAN BEEDENBENDER:

Do you know when it's returnable?

COMMISSIONER ANDERSON:

I don't have the date, but I can get that.

CHAIRMAN BEEDENBENDER:

But somewhere in the near future?

COMMISSIONER ANDERSON:

Yep.

CHAIRMAN BEEDENBENDER:

Legislator Romaine.

LEG. ROMAINE:

Yes. Is this a RFP that you've put out?

COMMISSIONER ANDERSON:

Yes.

LEG. ROMAINE:

Okay. I'm just curious about that, because I know there's a law that provides that every Legislator should get a copy. I've seen no such copy, and I read every RFP. So I would move this, Mr. Chairman -- Mr. Presiding Officer. It's, as someone used to say that appeared in front of us, it's belt and suspenders. You make sure it gets done.

P.O. LINDSAY:

What harm does it do? If I can weigh in? I mean, if it's duplicative, What harm does it really do.

COMMISSIONER ANDERSON:

None.

P.O. LINDSAY:

You know, it's just that I'm happy that somebody is moving to sell some of the junk out there. I mean, the last time I was out there, we still have the original Burroughs computers.

COMMISSIONER ANDERSON:

Right. What I had hoped to propose was that the bill would be amended, because I like the fact that the slapper -- you know, the SLAP people are going to be helping us move the material, you know, to one place and everything else. It's just that, you know, it was redundant with --

P.O. LINDSAY:

You know, when some of my folks went out there to look at it, you know, there's a problem with sorting it. And the Sheriff has agreed to use some in his program to help move some of the stuff.

COMMISSIONER ANDERSON:

That's why I asked to table it. If you want to move it, I have no objection to it either.

LEG. ROMAINE:

Motion to approve.

MS. LOMORIELLO:

You already have a motion.

CHAIRMAN BEEDENBENDER:

We have a motion and a second already. So. All in favor? Opposed? Abstentions? IR 1924 is **APPROVED (VOTE: 7-0-0-0)**.

IR 1927, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the design of a replacement pedestrian bridge over CR 4, Commack Road (CP 5560). (Stern)

LEG STERN.

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern, I'll second. Legislator Kennedy, it appears you have a question.

LEG. KENNEDY:

My only question is location. Where approximately would we see this sited?

COMMISSIONER ANDERSON:

Commack Road between the LIE and basically Deer Park Avenue.

LEG. STERN:

This is -- this area runs through the Edgewood Preserve area on Commack Road.

LEG. KENNEDY:

Okay.

CHAIRMAN BEEDENBENDER:

And there was one here previously?

LEG. STERN:

It's still there.

CHAIRMAN BEEDENBENDER:

Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

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

IR 1930, Authorizing transfer of thirty-four (34) surplus County computers, monitors, mouses and keyboards to RSVP. (Lindsay)

Is it mouses or mice? It's mouses? It doesn't sound right. I'll offer a motion to approve, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1933, Authorizing transfer of two (2) surplus County computers, monitors, mouses and keyboards to Southeast Concerned Civic Association (S.E.C.C.A.). (Stern)

LEG. STERN:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern, I will second the motion. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1943, Authorizing the purchase of up to twenty-three transit buses for Suffolk Transit including related equipment and amending the 2008 Capital Budget and Program and accepting and appropriating Federal Aid and State Aid and County Funds (CP 5658). (Co. Exec.)

I will offer a motion to approve, seconded by Legislator Horsley. If there are no questions, all in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1950, Amending Resolution No. 555-2007, requiring the use of bio-diesel fuel in the Suffolk County Fleet to reduce emissions, improve air quality and promote the use of alternative fuels. (Losquadro)

LEG. LOSQUADRO:

I'll make a motion to approve this. This is actually an extension of the previous deadline that I had set. With the volatility in the fuel markets, we have had to sort of take a little bit of a wait-and-see approach with the cost factors involved, because the swings have been so great in the past year. So we're extending the deadline to convert the entire -- all the County facilities over.

CHAIRMAN BEEDENBENDER:

Okay. There's a motion to approve, I'll second the motion. All those in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0).**

IR 1951, Adopting Local Law No. 2008, Local Law to ensure safe operations of helicopters. (Romaine)

This resolution has to be tabled for a public hearing.

LEG. ROMAINE:

Motion.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Romaine, I'll second the motion. But before we get to that, I just wanted to make a few comments. After this bill was defeated at the last committee meeting, there was a press release that suggested that perhaps it was partisan motivations to do it. And I just wanted to clear up at least my motivations, because I did read some of the articles in the papers on the North Shore and on the North Fork that kind of highlighted my role in this. And my point -- and there was also a suggestion that there's no helicopter noise in Selden and that's true. There is no helicopter noise in Selden. But if you go to the southern part of Selden and Ronkonkoma, you have 747 noise.

And a reason that a Legislator from my district or a Legislator from other districts hasn't something is because we don't have a role. And I just wanted to read something. The National Helicopter Corp of America -- could I have some order please? The National Helicopter Corp of America versus the City of New York. It's a second Circuit Court case. And it says, "The city claims the invasive nature of helicopter noise justifies restricting sightseeing routes. This argument evidence is a misunderstanding of Aviation Law. Congress, the Supreme Court and we have consistently stated stated that the law controlling flight paths through navigable air space is completely preempted."

So my suggestion would be that I think it would a good step for us all as Legislators if we just reminded ourselves one more time that it's possible for us to have difference of opinion without having any sinister motives. And, Legislator Romaine, I know why you put the bill in, and I don't blame you for trying to address a problem for your constituents. But I voted against it because the law is clearly preempted from every source that we can find. That's why I posed it last time. It had nothing to do with partisan problems, and I think that you knew that. And I just wanted to correct the record and say that, you know, at least my vote -- it's the only one I can speak for -- is based on this information that I just shared.

LEG. ROMAINE:

I think if you have the article, I did not say it was due to a partisan problem. I said I hope it wasn't due to a he partisan problem, which is a big difference.

CHAIRMAN BEEDENBENDER:

I understand, but that became -- I understand that, Legislator Romaine, butt hat became the basis for several newspaper articles. And I just think that, you know, while that certainly does happen from time to time, in this case, that was not it.

LEG. MONTANO:

Can I get into this?

CHAIRMAN BEEDENBENDER:

Legislator Montano.

LEG. MONTANO:

Thank you. I actually missed the meeting, so I didn't get a chance to vote, but I did get called by the media, and I haven't read the article, so I don't know what -- we had an extensive conversation. I don't know what was written or what was attributed to me, if anything. My understanding of what transpired was that a motion to approve was made for the purpose of defeating the bill. When, in fact -- Mr. Romaine, were you here that day?

LEG. ROMAINE:

Yes, sir, I was.

LEG. MONTANO:

So the point was I thought, and I was asked specifically, what I would have done in that situation. And I had said, because this thing came up before you were elected, Mr. Beedenbender, on some other bills back when I first got elected, and I made the statement very clearly that I thought it was discourteous and a disrespect for any Legislator to pull that kind of tactic when you have a sitting Legislator who's the sponsor who requested that the bill be tabled.

And I think that is a courtesy that should be given to every Legislator if it's his or her bill that's laid on the table. If I lay a bill on the table and you don't want to vote for it, that's your privilege. But if I ask for my bill to be tabled, I don't see why anybody would make a motion to approve simply so that you can kill the bill so then we have reintroduce it to go through what we're doing now. And that's the substance of the conversation I had with the reporter.

CHAIRMAN BEEDENBENDER:

And that's perfectly okay.

LEG. MONTANO:

And I would hope -- and I would hope -- if I may cut you off. And I would hope that we don't engage in these kind of tactics in the future. It's disrespectful. I will not do that to any Legislator. If he or she wants his or her bill tabled, then that's your business. If you called for a vote and you want a vote, which I have done, and you -- someone doesn't want to vote for it, that's their privilege.

And that what I think we need to address, not the issue of, you know, whether the comments were misstated. I feel -- and if I had been here, I certainly would not have voted to -- against approving even if I wasn't going to vote for the bill. There was a motion -- my understanding was there was a motion to table.

CHAIRMAN BEEDENBENDER:

Yeah. I made it. I made the motion to table, and the motion to table failed, and then the motion -- there was a motion to approve to approve and I voted against it. So the situation that you just described is not how I remember the situation.

LEG. MONTANO:

All right. Well, I wasn't here, that's why I'm asking. Let me ask Counsel a question. If a motion to table is made and it's not passed, what is the result of the bill? And I think we had this conversation once before. Where does the bill go at that point?

MR. NOLAN:

If the tabling motion fails?

LEG. MONTANO:

Yes.

MR. NOLAN:

Well, then you need another motion. If there is no motion, it fails for a lack of a motion. Or if there's a motion to approve at that point and the motion to approve fails, then it fails and it's -- you know, it's defeated in committee. As we have discussed on many occasions, under our rules, even though a bill is defeated in committee, it does shelf life of six months. It could theoretically be discharged from that committee, notwithstanding the vote to defeat it, by a petition to discharge.

LEG. MONTANO:

Actually, I think you and I disagree on that issue, am I correct, George?

MR. NOLAN:

I don't know. I think we've clarified the rules on that, I believe, but I think we have disagreed about that in the past.

CHAIRMAN BEEDENBENDER:

Legislator Romaine.

LEG. ROMAINE:

This will be before us in a few more days, because we're on a short schedule. If anyone has any other questions, call me at my office. Mr. Stern, has made a request, and I will try to honor that request and get you whatever information I can. You.

CHAIRMAN BEEDENBENDER:

Thank you. Okay. There is a motion and a second to table, right? All right. All in favor? Opposed? Abstentions? IR 1951 is **TABLED (VOTE: 7-0-0-0)**.

IR 1961, Amending the 2008 Adopting Operating Budget and the 2008 Capital Budget and Program and accepting and appropriating funds in connection with the Sewer District No. 21, SUNY - Improvement Project (CP 8121). (Co. Exec.)

I will offer a motion to approve, seconded by Legislator Stern. All those in favor? Opposed? Abstentions? **APPROVED (VOTE: 7-0-0-0)**.

LEG. KENNEDY:

Mr. Chair, if I could just get an explanation on the motion.

COMMISSIONER ANDERSON:

We are working on a number of issues that have occurred in the district that were -- the we were not aware of until recently. The manholes that run to the plant, there's been a -- there was a break in the line, and we've had to repair that. And that's caused additional costs on top of what we were originally planning to do to the treatment plant.

LEG. KENNEDY:

Okay. But the source of funding, I guess, this is, what, the Sewer Tax Stabilization Fund?

COMMISSIONER ANDERSON:

This is a fund balance out of fund -- from fund 221, which I believe --

LEG. KENNEDY:

Is that the District Fund itself, Gil? So in other words, these improvements are being funded by that sewer district?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Okay. All right. Thank you.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other questions, we approved that already. All right. The last resolution is **IR 1968, Authorization of alteration of rates for North Ferry Co., Inc. (Pres. Off.)**

This has tabled to be table for a public hearing, so I will offer a motion to table, seconded by Legislator Stern. All in favor? Opposed abstentions? **TABLED (VOTE: 7-0-0-0)**.

Gil, I know have something, before you go, at the next committee meeting, I know we're going to have a discussion about transportation, but one of the other things I'd like to have a conversation on, you and I talked about it in the lobby, one of the private sewage treatments plants in my district, I know that this year the Health Department and the Public works Department has been issuing new statements and bringing them up to code for things that they probably should have been doing already. But I know that some of them have been dealing with a financial burden. So if we could have that conversation a little more in depth. And I'll provide everybody on the committee with the information of what I'm talking about, because I would imagine it does impact all of us. And if we could just have more of a general discussion about that, I'd appreciate it. I guess you have CNS.

COMMISSIONER ANDERSON:

Yes. I'm hoping top ut five CNS on Tuesdays. Four of them are for sanitary public hearings. We have to have the public hearing process completed before the end of the year. Unfortunately, they didn't get laid on the table, so I've asked for -- two of them are for projects within Sewer District 3, one is for Sewer District 14, the other one id for Sewer District 7.

The last and fifth CN that I'm hoping to put before you is for -- it's amending the Capital Program to authorize funding for the closed-loop system. We have to have that -- again, this is similar to the last batch of CNS I put through where we had federal scheduling guidelines that we had to meet. We have to meet these milestones, otherwise we lose the funding; it comes to about 1.25 million in 2009, and then we have a shot at three subsequent years of \$1.25 million in funding. But you will see that, I'll get to information to you.

CHAIRMAN BEEDENBENDER:

Okay, Gil. If there's no other questions or anything, we are adjourned.

(*THE MEETING WAS ADJOURNED AT 4:42 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY