

**PUBLIC WORKS  
AND  
TRANSPORTATION COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, November 25, 2008, at 2 p.m.

**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  
Gilbert Anderson - Commissioner - DPW  
Tom Laguardi - Chief Deputy Commissioner - DPW  
Bob Shinnick - Transportation Director - DPW  
Kaitlin Boyd - Aide to Chairman Beedenbender  
Barbara LoMoriello - Deputy Clerk - SC Legislature  
Ben Zwirn - Deputy County Executive  
Debra Alloncius - AME  
Linda Bay - Aide to Minority Leader  
Bridgford Hunt - North Ferry Co.  
Timothy Mooney - Fire island Ferries  
All Other Interested Parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

**MINUTES TRANSCRIBED BY:**

Kim Castiglione - Legislative Secretary

(The meeting was called to order at 3:04 P.M.)

**CHAIRMAN BEEDENBENDER:**

We're going to start with the pledge led by Legislator Kennedy.

**SALUTATION**

**CHAIRMAN BEEDENBENDER:**

Okay. Thank you, everybody. We have a long agenda, but we do have a couple of presentations that we want to have. So what I'm going to do is we have two cards, we will do the two cards, and then I'm going to have Bob Shinnick come up and we wanted to talk about some transportation issues. So I would like to keep that as brief as we can while getting the information that we need. After that we'll have Kevin from BRO talk to us about Fire Island Ferries. And, again, if we could keep that as brief as possible to keep the agenda moving. Then we will try to get through our agenda in enough time to get out of here by the time the public hearing starts later this afternoon. So, with that, the first card I have is Bridgford Hunt.

**MR. HUNT:**

Hi. I'm Bridg Hunt, and members of the Public Works and Transportation Committee, I'm just here to -- I'm representing North Ferry Company. We are out on the East End. We operate a ferry service between Greenport and Shelter Island. We've applied for a rate adjustment to return some of the savings from the State sales tax bill to our ridership. I'm just here to answer any questions you might have.

**CHAIRMAN BEEDENBENDER:**

Legislator Romaine.

**LEG. ROMAINE:**

Thank you. It's really not a question, but to expand on that. As you know, the State Legislature passed a bill to exempt ferry companies that were purchasing new ferries from the sales tax. What North Ferry is proposing is not only to give that money back in the form of a rate reduction, but to make that rate reduction a permanent rate reduction so it may actually exceed the savings that they got.

What they would be doing right now, if you walk on the ferry it is a two dollar charge. They will be reducing that to a one-fifty charge for Shelter Island residents. Many Shelter Island residents will walk on the ferry to go over to Greenport to go see a movie, to shop, or to go eat dinner, and they use it as a walk on. It's obviously supported by my constituents because it is a rate reduction and you don't see too many rate reductions this year.

So if we could, maybe before we start the agenda, since Mr. Hunt has come on his day off from Shelter Island, which is a long, long, long drive, we could take this resolution out of order and just approve it.

**CHAIRMAN BEEDENBENDER:**

I'll just do the one other card and then we'll take it out of order.

**MR. ROMAINE:**

Thank you.

**MR. DUFFY:**

Excuse me, Legislator Beedenbender.

**CHAIRMAN BEEDENBENDER:**

Yes.

**MR. DUFFY:**

You can't vote on the resolution because the public hearing has not been closed.

**CHAIRMAN BEEDENBENDER:**

It isn't closed yet?

**MR. DUFFY:**

The public hearing is scheduled for Tuesday.

**CHAIRMAN BEEDENBENDER:**

Thank you, Kevin. Well, then, we'll have to close the public hearing on Tuesday.

**LEG. ROMAINE:**

Can we vote on it Tuesday if we close it and wait an hour?

**MR. NOLAN:**

No. It would need a CN to be voted on Tuesday.

**LEG. ROMAINE:**

Okay. I've asked for a CN but I don't know if it is forthcoming.

**CHAIRMAN BEEDENBENDER:**

Okay. Well, at the very least I want to add to what Legislator Romaine said, it is nice to see a company acting the way the North Ferry is, so please convey that sentiment from the committee to them.

**MR. HUNT:**

Thank you very much.

**CHAIRMAN BEEDENBENDER:**

Thank you. The next card I have is Tim Mooney from Fire Island Ferries.

**MR. MOONEY:**

Good afternoon, everyone. I don't think there's anything I can add that I haven't said in the several times I have been up here. So at this point, in lieu of time constraints, I know you wanted to have Kevin present. I will be available for questions if you want to move this along. I don't need to say

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**CHAIRMAN BEEDENBENDER:**

Well, that's actually the first item on the agenda. So once we get to the presentation from Mr. Shinnick we will do that, okay?

**MR. MOONEY:**

Okay.

**CHAIRMAN BEEDENBENDER:**

Bob, could you come up? For those of you that don't remember, at the last committee meeting we did have some people from SCAT and some people come up and express some concerns about the transportation system. So we had wanted you to come here, Bob, and just have a brief discussion, I'm sure there will be some questions, and discuss with us the study, obviously, when we could expect it, and what is going on with the transit system and any other issues you would like to put for us and then I'm sure there will be a few questions. So, Bob, please take it away.

**MR. SHINNICK:**

I do have some remarks. I'll be brief. I prepared some things. This is about the SCAT Program. I understand there was some concern about issues that some of our riders had.

SCAT is a mandated ADA service that primarily provides curb to curb reservation trip service to registered ADA eligible passengers consistent with ADA implementing guidelines. This year we added origin to destination service for some riders who require assistance to and from buildings. Eligibility registrations are provided by the Office for Handicapped Services. DPW Transportation plans and manages the program, which is implemented via a private carrier.

The Suffolk County Disabilities Advisory Board provides guidance to us on policy matters concerning program operations. The service itself is divided into two functional areas; passenger reservation call taking and dispatch transportation. The call center is housed and managed by a private carrier. Passengers can call the center, make reservations for one to 7 days before their trips. English and Spanish speaking operators are available 7 a.m. to 5 p.m. six days a week and 8:00 a.m. to 4:30 p.m. on Sundays. Callers can access an IVR system 24/7 to cancel or confirm their trip reservations. The telephone system is manned one hour before and one hour after all trip reservations to help with emergency issues.

We made a number of improvements to the call center telephone system. The number of incoming calls that the system can handle at one time has been increased from 13 to 48. Thirteen telephone operators man the system at any particular time. Operators are all backed up by supervisors who work directly with dispatch. All telephone operators, supervisors, dispatchers and drivers regularly receive sensitivity training. All calls are recorded for security and accuracy purposes. This has proven beneficial to eliminating most of the complaint calls that revolve around who said what in terms of reservations and conversation content.

When they enter the call system, callers are advised as to the anticipated wait time and the number of callers that are ahead of them on the call que. SCAT handles approximately 900 calls a day. All calls are monitored by volume, length of call, duration, wait times, etcetera. For example, the day of the last Public Works Committee meeting, on November 14, the system handled 894 calls plus 165 calls that came into the computer system by the IVR. Eighty-seven percent of the calls were handled within five minutes, 9% of the calls between five and ten minutes. The average call length was 3 minutes and 28 seconds. Eighteen-hundred and twenty-three reservations were taken that day. Three-hundred and eighty-three trips were cancelled by passengers on that same day. For the day itself there were 1273 riders that had been scheduled to be made for the passengers.

The reservation dispatch program used is called Trapeze Pass Version 8, which is the most recent and widely used software program for this type of service. In October the system handled 48,800 calls, representing 44,300 trip requests, of which 42,000 were approved by the operators. That's a 95% approval rate. Eighteen-hundred trips were denied, largely based upon capacity, meaning we didn't have something available for the trip, and the remaining one percent were given to people who ultimately did not want the reservation that they were offered.

In that month 9300 trips or 22% of all the trips that were reserved for riders were cancelled by the passengers. That's one in five of the trip reservations that we give out are cancelled and this has been a continuing issue that we've had to address. We're actually consuming a lot of our available capacity by reserving trips away from people who might use them and leaving them with people who are regularly cancelling.

Eighty-seven percent of the riders that use the system are registered with the system. One percent are companions, that's friends, and 11% are personal care attendants. Approximately 47% of our riders have mobility impairments; about one-third have cognitive disabilities, and less than 10% have visual impairments. We carry a little over one person per trip. The average trip time is 37 minutes, and the average trip length is 12 and a half miles.

Since its inception in 1994, SCAT has consistently become more extensive and customer responsive as a service. Over the years rider levels have constantly grown and because this is a demand driven service that is ADA mandated, we've added service every year to keep up with the rider calls for service.

Very quickly, recent rider levels in 2003 we had 148,000 rides; '04, 167,000; the next year 197; in '06 a quarter of a million riders; last year 318,000. This year we estimate 372,000 that will grow to 420,000 next year. We've added a number of buses. We've added revenue miles of service, that's the level of effort we put out there every year. I can read those numbers, but in the interest of brevity I will give you the information if you want it.

And basically our office is the office that handles complaints when people call to -- when they have an issue with the SCAT program. They call us at 852-5200. That's just to give you an overview of what the program is and what some of our recent statistics are like.

**CHAIRMAN BEEDENBENDER:**

You had mentioned in October 22% of the calls for rides were cancelled and you said it is an ongoing problem. But is that number, 22%, does that represent an uptake or is that generally a number that we've seen in -- is there some context can you give me for that?

**MR. SHINNICK:**

The number itself, it changes year over year, but the percentage is roughly the same.

**CHAIRMAN BEEDENBENDER:**

It is roughly about a fifth of the calls?

**MR. SHINNICK:**

That's correct as a percentage.

**CHAIRMAN BEEDENBENDER:**

Now, when you say cancelled, are we talking about the day before, like somebody calls and says I'm not going to take it or the driver shows up and the person doesn't want it.

**MR. SHINNICK:**

There are two types of cancellations. A late cancellation is something that impedes the system. That's something that is done on the day of the trip within two hours. We really can't react to something like that. But a cancellation, a regular cancellation, is anything that occurs prior to that window of time.

**CHAIRMAN BEEDENBENDER:**

Okay. All right. Does anybody else -- Legislator Stern.

**LEG. STERN:**

Bob, do you have any idea, of those cancellations, how many make a new reservation when they call to make a cancellation as opposed to just a cancellation with no future action?

**MR. SHINNICK:**

Some do it on the same call. They have had something that inconveniences them for the particular reservation. They want to change for a new reservation. Others call and call back, but we don't monitor the relationship between the two. What I should say about cancellations is large as the number is, it's the view of the Federal Government in the context of this program that people are entitled to change their mind, so that as long as they opt out of a reservation trip within the guidelines we set up, which is that two hour window prior to the actual trip, there's really no way we can impose a penalty or something negative to these individuals.

**CHAIRMAN BEEDENBENDER:**

Do you have any idea, for purposes of comparison, I mean, do you have access to numbers from other jurisdictions? Like do you know is ours higher? I mean, I don't want to focus just on the cancelations, but.

**MR. SHINNICK:**

We are now among the largest in the State of New York in terms of this program, barring New York City itself. In terms of the patterns of cancelations we are high. What I've been told, and it would be something to look into on our part, is we give people seven days in advance to reserve and use trips. The logic there is to give people some foresight and plan their lives ahead of time. But many systems have cutback the timeframe to three days or even the next day. And what results from that is a lot of people who make reservations more likely mean it that they will be traveling. They know what the weather is going to be, they know what their health is like. Their circumstances are such that they are likely making a reservation that they will take. When the program was first implemented the requirements from the Federal people was that you give people 14 days in advance and what happened was that additional time really created a lot of chaos nationwide and they cut it back now. We are only required to give one day notice for people to be able to call. It's a local policy that we've had for years now that it would be seven days.

**CHAIRMAN BEEDENBENDER:**

Okay. Do we have any other questions? All right. And the last question I would have is their study. I know Gil had said any day now, possibly at the General Meeting or at the last meeting. Any update?

**MR. SHINNICK:**

The report recommendations are here. We have them, we're reviewing the document. What it consists of is an identification of the network as it would look like under Sunday services, about 24 routes or so, what services really warrant some expansion in terms of frequency or the time of day that they operate. Then every bus route is listed in terms of the recommended modifications, if they even are recommending something for that particular route. That document is undergoing our review now just for consistency to make sure that the information that they are giving is accurate.

The follow-up, as I probably mentioned before, is this report will be reviewed. You'll be able to look at it. We're going to the Steering Committee and to the general public. After we have some consensus on what the plan should look like in terms of the routes etcetera, that's where dollar figures and things would be attached to the recommendations. But right now what would be portrayed is the general level of service improvements and then very specific route by route modifications that's recommended.

**CHAIRMAN BEEDENBENDER:**

Okay. Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Bob, thank you. I recall last session that we did have a lot of questions associated with that. I'm going to ask you do you have any actual written compilation of what you just read off to us?

**MR. SHINNICK:**

I have, as best as I can read properly -- you are welcome to --

**LEG. KENNEDY:**

Right. In some fashion if you could get me some of that in writing. It sounds like you went to great lengths to gather a lot of data and it really does frame what I guess is a fairly large system, even though we had a couple of individuals here who unfortunately hadn't had good experiences with trying to, you know, trying to use the SCAT system. It does sound like you are really moving a significant number of people.

**MR. SHINNICK:**

It is a very complex and extensive system, yes. I was able to look at the minutes from the last meeting yesterday and we've already contacted one of the individuals that had things to say. This is what we would normally do with an individual that has had a problem with the system, to begin verifying at least the circumstances as they were portrayed were correct and then look for corrective action if it is warranted. We've had a conversation back and forth exactly what day the incident occurred and the individual's getting back to us because some of his recollection was probably accurate about what happened, but when it happened and that sort of thing wasn't, so we are trying to track that information down.

**LEG. KENNEDY:**

That would be fine. And again, as I said, just some metrics associated with the breadth and scope of the system and some of the stuff that you have related would be helpful for me.

The other thing that I would ask you, and maybe this is something that goes to its larger study. Do you do any cost comparisons between what's involved with operations of our SCAT systems and contrast it with our larger systems? The only reason I throw that out there to you is, you know, I can't tell you how many times I've seen at eight o'clock at night or so a full 40 passenger bus that's operating with perhaps only three or four, you know, travelers on it. I know I see our SCAT systems can usually accommodate maybe up to six people if they're not with, you know, wheelchairs. But I wonder if there is ever any kind of a, you know, decision metric there between when you drop out a full 40 and go down to a smaller one if that is part of our fleet.

**MR. SHINNICK:**

It would make no sense to run a large bus all the time on a route that carried hardly, if anybody --

**LEG. KENNEDY:**

I agree.

**MR. SHINNICK:**

If during the time of day things change where you no longer need a large bus but you could fall back to a smaller bus, that becomes a logistical situation where whether or not it is cost effective to have to change out a driver and a bus and where do you do that change out, and do you need extra equipment, there's a lot of considerations. One of the things that always comes to play is the large buses, and we don't use 40 primarily, we use 35 foot buses, but you are correct in terms of the general length of the bus, is the heavy duty characteristics of these units. They are eligible for replacement after 12 years. They are very, very heavy duty high mileage vehicles that can last easily 15 or 20 years. The smaller units are, I don't want to call them throw away because they are cheap, but they have a lifespan of about four or five years generally. And when they are in heavy duty use, not SCAT, excuse me, not paratransit, but fixed route where it is all stop and go, then have a tendency to start rattling very early and have a lot of problems. It's not that comfortable for the ridership associated. It does generate complaints. There is just some tradeoffs there, but it is a valid consideration.

**LEG. KENNEDY:**

And is there a cost savings or benefit to a smaller unit? I have to believe just fuel consumption alone.

**MR. SHINNICK:**

It's, yeah, a large bus in our environment can do between four and five miles per gallon, in the city it is much less, but four and five mile per gallon out here. And paratransit is more like nine. So just under fuel consumption -- but fuel, as expensive as it is, is still not the larger part of it. The larger part of our costs have to do with labor.

**LEG. KENNEDY:**

Personnel.

**MR. SHINNICK:**

Yeah.

**LEG. KENNEDY:**

Ultimately, and again, hopefully all of this is going to be revealed in this study. Who can make those decisions as to how a route is staffed and what kind of equipment is deployed at what time on a route? Is that us or is that the vendor who bids on the route?

**MR. SHINNICK:**

We do. We may --

**LEG. KENNEDY:**

So if Suffolk Bus Services bids on the S62 and the S62 is only taking maybe three, four individuals on that seven or eight o'clock run at night, we can say Suffolk Bus Services you run a smaller unit.

**MR. SHINNICK:**

We can do that, yes.

**LEG. KENNEDY:**

Okay. Fine. I'll look forward to the info, then. I think we just have to go to that ability to try to fine tune what some of our cost to operate are. Thank you, Mr. Chair.

**CHAIRMAN BEEDENBENDER:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes, just one question, and actually it's geared, I guess, for both of you gentlemen. When I joined the Legislature, I was elected in 2005 and sworn in in 2006, I was on the Public Works Committee that first year and am back on it now, my third year. And the question that came up almost at the very first meeting of the Public Works meeting was how are we handling public transit in Suffolk County, and I was told at that time oh, don't worry, we're doing a study. And the study I have yet to see. And this is a study of the public bus system for Suffolk County. And every time some question came up asking about some, you know, I guess important issue, for others it might be an esoteric issue, it was referred oh, that will be addressed in the study. Okay. And I don't know if Brian has had the same experience, or some of my other colleagues. When is the study forthcoming?

**MR. SHINNICK:**

That's the document that I was just mentioning before. It is here in terms of the route recommendations. The complete document is a few months away and that will be consolidated as a result of the public input into the route network recommendations that are in here.

**LEG. ROMAINE:**

Are we having public hearings?

**MR. SHINNICK:**

There will be public meetings, yes. There won't be hearings.

**LEG. ROMAINE:**

When do you anticipate that these public hearings will take place?

**MR. SHINNICK:**

Because of the proximity of the holidays, my guess would be January at this point. We've already had -- yes.

**LEG. ROMAINE:**

Let me ask the department to at least notify, actually they should notify because we have e-mail, blast e-mail, I'm sure you have all the Legislators in your blast e-mail. Could I ask you to notify the 18 members of the Legislature when and where these public hearings will take place, and I trust, trust that at least one of them will be on the East End.

**MR. SHINNICK:**

That's our intention. The public meetings are a part of a two step package. We already had workshops, that's what we refer to as these meetings, in October.

**LEG. ROMAINE:**

Workshops with the general public?

**MR. SHINNICK:**

It was to the riding public, yes. The Legislature was notified.

**LEG. ROMAINE:**

Right. And we're going to be notified when these public hearing are.

**MR. SHINNICK:**

That's correct, yes.

**LEG. ROMAINE:**

Because if you let me know I will publicize it in my district if it is somewhere convenient within my district, if it's like in Riverhead which is equidistant in my district between the west and the east end of my district. I certainly will publicize that, and people will comment on that. And I think each of my colleagues would welcome that input, too. I know you can't have 18 hearings, but certainly I'm sure if you had one on the East End and one or two in Brookhaven and one or two in the four western towns you certainly could probably cover the County and have some impact and get some decent input.

So you are going to have these public hearings sometime in January. I'll be generous and say January or February. When do you think the final report would be forthcoming?

**MR. SHINNICK:**

I'm thinking very quickly here, but the bulk of the work will have been done at that point. What will need to be done is some follow-up analysis of actual costs, etcetera, so within a couple of months I would say of the meetings.

**LEG. ROMAINE:**

Do you think May or June would be a fair assessment?

**MR. SHINNICK:**

On the outside, yes.

**LEG. ROMAINE:**

Okay. So within sometime in the month of May or June we'll have the final report. Will the final report have costs associated with the recommendations, because my experience with government is all questions of government are issues of money.

**MR. SHINNICK:**

The answer is yes.

**LEG. ROMAINE:**

Okay. Thank you.

**CHAIRMAN BEEDENBENDER:**

All right. If there are no other questions? Thank you, Bob. I appreciate you coming down and giving us that information, a lot of which I don't -- I haven't heard before and I don't know that this committee has heard before, so I appreciate that.

We're going to move to the agenda if there is nobody else in the crowd that would like to address us. Seeing none, we are going to move right to the agenda.

**Tabled Resolutions**

**IR 1505, Authorizing of alteration of rates for Fire Island Ferries, Incorporated. (Pres. Off.)**

Gil, if you could, like Kevin, pop in there. And BRO, if you could just give us --

**MR. DUFFY:**

Very quickly.

**CHAIRMAN BEEDENBENDER:**

Thank you, Kevin. That would be great. And if we have questions I know Mr. Mooney is still here.

**MR. DUFFY:**

Okay. We issued our original report back in August -- I'm sorry, July 18th. At that time, since the rates could not take affect until after Labor Day, we recommended to the Legislature that they not act until then because of two issues. We wanted to see what the summer of '08 was like, and we wanted to see whether or not the Governor would sign the sales tax exemption legislation. Fortunately for Fire Island Ferry, both of those broke favorably in their favor.

The summer of '08, their revenues were higher than they were in '07, which was the best year until that time. The Governor did sign the sales tax exemption, which will give Fire Island Ferry an exemption of sales tax on a new two million dollar boat it's buying, 189,750, and will also result in saving of approximately \$129,000 per year in not paying sales tax on fuels, lubricants, repair parts, etcetera.

The company came back and amended its petition. It originally had filed for a 16 percent increase. How we calculate our increase, because the administrator of Saltaire had clarified it as -- said it was 25%. We take a three year average and we calculate what the rates will be. Our calculation showed that it would be 16 percent. We used three years because of points -- their business is very dependant upon the weather, and by taking three years we have good summers and bad summers. The company came in on October 6th and they amended the resolution reducing their requested rates by approximately \$300,000 to \$700,000.

We have only two suggestions, really, that are of any importance. We've suggested that Fire Island Ferry not seek the increase in the freight rates of 121,065. We say this because when they had come into amend their petition they were not aware that the sales tax exemption had been signed. The sales tax exemption will give them \$129,000. The reason we went to the freight transportation is that normally the freight is an accommodation to the ridership. We also basically felt that it would be offset by the sales tax.

The other thing that we've spoken about in our reports for like the last nine years is the village bulk discounts. The company has reached new agreements with Saltaire and Dunewood and those we're happy with because what has happened is that they have changed the calculation to be 10% off the 40 trip book, which when we looked at the rates that are charged, the company has indicated that the cost of a ride is \$5.93. Eighty-five percent of their revenue comes from the various categories of ridership that they have, the largest being the roundtrip adult, which approximates 51% of their revenue, but only constitutes 43% of their ridership.

What happens with the village discounts, Dunewood under the old system it constitutes approximately 1% of their ridership and less than 1% of their revenue. What will happen now is that these fares will be increased and for the \$5.93 ride both Saltaire and Dunewood will be paying \$5.94. The company is no longer losing on these rides. This is not true with Ocean Beach. Ocean Beach, the cost to the company is \$5.93, what they charge for a ride is \$4.08. Ocean Beach, basically their discount costs the company as we show on page, I guess it is three of our report, approximately \$211,000 a year in lost earnings.

That's our report in a nutshell. If there are any questions I'll try and answer them.

**CHAIRMAN BEEDENBENDER:**

Legislator Losquadro, I know you had a question.

**LEG. LOSQUADRO:**

Just a quick question, not one that you can -- I don't think you'll be able to answer, but with everything that the State is going through, would it be possible for the State to take a look some of those measures that they recently implemented like that sales tax initiative? Could they take that off the table?

**MR. DUFFY:**

I would defer to Counsel, but the State Legislature is like king. They can do whatever they wish, that's where they derive their power.

**LEG. LOSQUADRO:**

They could potentially do that if they saw that as an additional revenue source they might want to go after or would they be bound if purchases were made within a certain period of time while it was enacted?

**MR. NOLAN:**

They could -- obviously they can't go back, but in the future they could say this -- this will end on a certain date and there will no longer be that exemption from the tax.

**LEG. LOSQUADRO:**

All right. I don't want to give anybody any ideas, but just a thought I had going through my head when I was listening to that about how much that could potentially get them. I know we've heard lots of dire predictions about what the State's going to be doing and it just struck me as a possibility, so thank you.

**CHAIRMAN BEEDENBENDER:**

Do we have any other questions? Anybody? Okay. Seeing none, do we have a motion? I'll make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. All in favor? All opposed? Abstentions? Approved. **(Vote: 7-0-0-0)**. Mr. Mooney, you can go back to your boat.

**MR. MOONEY:**

We'll see you on the second. Have a great Thanksgiving, everyone.

**CHAIRMAN BEEDENBENDER:**

Yes, you too. **IR 1536, Appropriating funds in connection with construction of sidewalks on various County roads (CP 5497). (Schneiderman)**. I will offer a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern I heard first. All in favor? Opposed? Abstentions? IR 1536 is tabled. **(Vote: 7-0-0-0).**

**IR 1710, Authorizing a GPS pilot program in the Department of Public Works. (Romaine).**  
I'll offer a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. If there are no comments, all in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**CHAIRMAN BEEDENBENDER:**

Abstentions? Legislator Romaine is opposition. The motion is tabled. **(Vote: 6-1-0-0 Opposed: Legislator Romaine).**

**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)**

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley. Seconded by Legislator Stern. If there are any comments on the motion? Seeing none, all in favor? Opposed? Abstentions? IR 1769 is approved. **(Vote: 7-0-0-0).**

**LEG. ROMAINE:**

Cosponsor.

**CHAIRMAN BEEDENBENDER:**

**IR 1845, Amending Resolution No. 947-1993 to require identification of County purchasing personnel. (Co. Exec.).** This had to be amended. Was it? We're good? Counsel says we are good to go so I'll offer a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

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

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

Based on the comments that the County Attorney had offered the previous two meetings, I will offer a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern.

**LEG. MONTANO:**

On the motion.

**CHAIRMAN BEEDENBENDER:**

On the motion, Legislator Montano.

**LEG. MONTANO:**

Can you just reiterate what those comments were?

**CHAIRMAN BEEDENBENDER:**

The County Attorney had indicated that there was a preemption issue with New York State and the specific directions of this bill. Legislator Romaine, if you wish.

**LEG. ROMAINE:**

No comment, but if -- I'm trying -- yup, there's a representative from the County Attorney's Office. If you would send me something, e-mail or fax, on why it's preempted by State Law. If I get that I'll do the right thing by the next committee meeting and withdraw the resolution. So I'll support a tabling at this time. When I get that information I'll review it and then make a decision and report back to the committee, because I'm not going to leave it on the agenda if we are preempted.

**CHAIRMAN BEEDENBENDER:**

Thank you. Legislator Montano.

**LEG. MONTANO:**

Yeah. Was there a written memo on this or was there just an oral presentation? I honestly don't remember right now.

**CHAIRMAN BEEDENBENDER:**

I haven't seen a written memo. Ms. Lolis did speak at the podium several times, but I haven't seen anything in writing.

**MS. LOLIS:**

No, I did not issue anything in writing. What I did, pursuant to Legislator Romaine's request, is I e-mailed his Legislative Aide in response to his e-mail, the section of the law that would preempt the recycling as far as the cell phones are concerned.

**LEG. MONTANO:**

Okay. I presume that you will be sending something in writing to Mr. Romaine -- Legislator Romaine? Would you send --

**LEG. ROMAINE:**

It's just a brief memo of law --

**LEG. MONTANO:**

I'd like to get a copy, that's all I'm asking,

**MS. LOLIS:**

Sure.

**LEG. ROMAINE:**

I'll make sure my fellow committee members will get a copy of that. And if that's the case after review and consultation I'll certainly withdraw it. I won't want to leave it on the agenda if there is a

preemption issue.

**LEG. MONTANO:**

Right. And the reason I'm asking, just so you know, it's sort of like my personal thing on all of these issues where there are significant legal questions. I would prefer to have something in writing, even if it is brief, to, you know, to indicate what the County Attorney's official position is. So if it is not a policy I'll just ask for that in this case.

**MS. LOLIS:**

Fine.

**LEG. MONTANO:**

Thank you. We'll do it case by case.

**CHAIRMAN BEEDENBENDER:**

Okay. We have a motion and a second right, Barbara?

**MS. LOMORIELLO:**

Yes.

**CHAIRMAN BEEDENBENDER:**

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.)**

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Losquadro.

**LEG. ROMAINE:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Romaine. Although I am curious how we can have County personal property, but that's okay.

**LEG. LOSQUADRO:**

It is the stuff out of BOMARC, cars and the like.

**CHAIRMAN BEEDENBENDER:**

I know. I was being flip. All right. All in favor? Opposed? Abstentions? **(Vote: 7-0-0-0).**

**LEG. LOSQUADRO:**

Madam Clerk, I think I am a cosponsor on this already, but if you could double check and make sure I'm on as cosponsor. Thank you.

**CHAIRMAN BEEDENBENDER:**

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

At the request of the sponsor I will offer a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? IR 1891 is tabled. **(Vote: 7-0-0-0).**

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

**LEG. ROMAINE:**

I'm going to make a motion to discharge without recommendation.

**LEG. KENNEDY:**

I'll second.

**CHAIRMAN BEEDENBENDER:**

We have a motion to discharge without recommendation. It is seconded by Legislator Kennedy.

**LEG. MONTANO:**

On the motion.

**CHAIRMAN BEEDENBENDER:**

On the motion, Legislator Montano.

**LEG. MONTANO:**

This is another preemption issue, is it not?

**LEG. ROMAINE:**

Some people would argue that.

**LEG. MONTANO:**

Is there anything in writing on that? I don't recall.

**MS. LOLIS:**

No, we did not -- we only spoke verbally on it.

**LEG. MONTANO:**

But was there a request for something in writing on this, Legislature Romaine?

**LEG. ROMAINE:**

No.

**MS. LOLIS:**

Legislator Romaine had requested, or I believe it was his Aide, rather, had requested the cases that we had referred to as the basis of our opinion and we forwarded that information to his office also.

**LEG. MONTANO:**

Okay. Legislator Romaine, did you forward that to us? I don't remember.

**LEG. ROMAINE:**

I'll speak to my Aide and make sure that Bill Faulk -- I'm sure you sent it to Bill, that Bill sends it to everyone.

**LEG. MONTANO:**

Thank you.

**LEG. KENNEDY:**

Mr. Chair, on the motion.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Okay. Through the Chair can I -- Gail, did you hear during the public hearing that we had the administrator from the FAA, she gave actually quite an extended explanation about Supreme Court case law, the role of the FAA, the --

**MS. LOLIS:**

I caught the end of her presentation.

**LEG. KENNEDY:**

-- regulatory aspects associated with it. But while preemption I find usually oftentimes is something that bars us, you'll also agree that if the legislating entity hasn't fully occupied the field there may be a role for statute of a lesser level of government. And while I don't know whether or not it was the intent of, you know, the Federal Government to fully occupy, pragmatically they have not. You know, she went through several iterations trying to articulate some policy associated with the way these helicopters operate in this County and she could not articulate anything coherent at all. And I took her advise and then went to go ahead and contact that hotline number, and it's an answering machine. So I didn't find anything much of what she had to offer as really valid, notwithstanding, you know, the Federal Government's ability to legislate. I think it's swiss cheese. I think there is a place for us here that actually helps to protect our constituents.

**MS. LOLIS:**

Well, there are two things, and I mean, I heard the tail end and the questions, I think, by yourself and Legislator Romaine to the representative. The problems that perhaps this body has as far as the FAA are problems that many jurisdictions have with them, especially as it relates to regulation of helicopters. There was a recent article in the New York Law Journal about emergency helicopters and the frequency of problems that they have, the deaths that are involved, and how the FAA has not come in and how federal preemption has prevented states from enacting certain safety regulations in terms of that. That's one of the problems. But the case law has been clear that there is federal preemption.

The other problem that we have is there's also a State Law on the books that states the minimum flight -- the minimum height for helicopters, which is inconsistent with the bill that is -- with 1951. So even if you did not have Federal preemption, it also conflicts with State Law.

**LEG. KENNEDY:**

What is that state section? I was unaware of it.

**MS. LOLIS:**

It's General Business Law Section 245, which refers to minimum height requirements over congested areas. It's a thousand feet and I believe for helicopters it's even less than that, it may even be 500 feet. How that is on the books I think it may be because it may not be inconsistent with the Federal requirements. I'm not exactly sure, but as far as this class G airspace, which would be the uncontrolled airspace, the Federal has some height requirements, but I don't know if they necessarily apply to helicopters.

**LEG. ROMAINE:**

Three-hundred feet. So it's inconsistent with Federal Law but the State, of course, isn't preempted -- oh, maybe they are.

**MS. LOLIS:**

Well, the State may be preempted if nobody has challenged it.

**LEG. ROMAINE:**

And maybe if we pass this no one is going to challenge us, but maybe, just maybe, we can get the Federal Government to come to the table -- forgive me, Mr. Chairman. We can get the Federal Government to come to the table and seriously negotiate travel routes for helicopters to ensure, you know, that we have some compliance, some agreement, and that's exactly what's happening. The minute this law was defeated all, and I do mean all, negotiations stopped. Senator Shumer, Congressman Bishop, all their offices, the FAA, the pilots, all withdraw from discussions.

**LEG. KENNEDY:**

I need to reclaim my time here, Mr. Romaine. I'll yield in a minute. Gail, what I would very much like to do is I feel comfortable with my second for a motion to discharge, however, I do want to see -- actually you gave me the site for -- it's General Business Law 2 --

**MS. LOLIS:**

Two forty-five.

**LEG. KENNEDY:**

Two forty-five. Have you done anything to reduce to a writing any of the Federal preemption? I don't want to read a 20 page brief, but do you have something that simply makes reference to whatever the standing case law is at a Federal level?

**MS. LOLIS:**

Yes, I could get you that.

**LEG. KENNEDY:**

All right. If you can get me that, you know, I may change by the time we get to December second for vote purposes, but for right now I think it's important enough that we go ahead and try to move it. I'll yield. Thank you.

**CHAIRMAN BEEDENBENDER:**

Thank you. Legislator Losquadro.

**LEG. LOSQUADRO:**

Just very quickly. I want to agree with Legislator Romaine that the only time we've seen any effort to appease any of the affected parties in this is when we had a real chance at putting something on the books that would call these practices into question. And absence that, there has been no interest to address it. You know, save some press conferences on some pretty beaches with some people getting their pictures taken, nobody has wanted to do anything about this and this continues to be a problem for the entire North Shore of my district and I fully support us doing something to give ourselves a measure of local control.

**CHAIRMAN BEEDENBENDER:**

Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chairman. You know, we've gone through this now several times and we've heard from those in the industry who obviously come here with an agenda so, you know, like Legislator Kennedy I would like to see something, something in the form of a legal opinion. But I tell you, I'd also like to see something -- Legislator Romaine had mentioned that there might be controlling caselaw or regulations or something, you know, that might give us something to be able to have a reasonable discussion about what role, if any, that the County can play here.

I guess I would also have a question for Counsel. Even in the event that the Federal Government has claimed this as an area where everything else is preempted, might this be an area where the

County can play some role as long as we come in with something that is not more restrictive than the overall Federal scheme. What that might look like I don't yet know, but is that the kind of legal basis where the County can even, you know, lay a claim.

**MR. NOLAN:**

All the cases I've read, I have to concur with County Attorney's Office that the field is preempted. That's what all the cases indicate, that we just simply are not permitted to legislate in this area, so that if there was a court challenge I think there is a fair likelihood this type of law would not survive if challenged.

**LEG. LOSQUADRO:**

Just a question to Counsel about that.

**CHAIRMAN BEEDENBENDER:**

Sure. Go ahead.

**LEG. LOSQUADRO:**

George, if you will, then how does the State Law fit into this? It seems like an anomaly.

**MR. NOLAN:**

I can't really explain that because I put that in my Rule 28 when this bill was originally introduced months ago. I hadn't done any -- looked at any caselaw regarding the issue of Federal preemption, but I took a quick look at State Law and saw that provision regarding the height of helicopters. It's in the General Business Law. I don't know how that -- how that law has any affect either. It's really clear that it's the Feds that govern this area. If the State Law was good it would be another hurdle to this local law because it is inconsistent with the State Law, but I honestly can't explain the State Law that's on the books.

**CHAIRMAN BEEDENBENDER:**

Legislator Stern, you still have the floor.

**LEG. STERN:**

Yeah, I just -- given the differing opinion, because the differing opinion is so severe and yet we don't have anything that could point us, you know, in the right direction here, I don't know if I would be comfortable, you know, having this come before everybody. I just think it's premature. I mean, I know that I've asked, I know that others have asked for written, you know, legal memorandum on both sides and now that there is this element of a State Law that comes into it as well, that I am sure very few of us are familiar with, I just don't know if this is ripe for us to take a look at in that way.

I know that there is an effort to get it before the floor, but I would support a tabling motion until we have -- until we give everybody the opportunity to chime in and have some, you know, written opinions that we can take a look at to really make an informed decision as to what role, if any, the County can play here.

**CHAIRMAN BEEDENBENDER:**

That was a motion, right?

**LEG. STERN:**

I'll make the motion.

**CHAIRMAN BEEDENBENDER:**

Okay. We have a motion to table. I'll second that motion. I believe that takes precedence first before the discharge without recommendation.

And just on the motion. I just -- we've been through this a couple of times, I don't need to rehash it. I just want to disagree with a couple of things that have been said earlier, that nothing has been done until -- or the suggestion at least that this bill kind of spurred action. While it spurred debate and it may have spurred a little action, there was a significant amount of action that occurred before this. A bill passed the House of Representatives, certainly no small measure, that included a study by the FAA to suggest regulations that would reconsider the safety, noise and other considerations of these routes over the North Shore. And regulation by the Federal Government, the level that I believe is the appropriate level, would be the best route. Now, is it the most expedient route? No, it is not. Has it passed the Senate? No, it has not. But I think that things are being worked on and with that, we have a motion to table and a second.

**LEG. MONTANO:**

On the motion.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano.

**LEG. MONTANO:**

I just wanted to put on the record I in the past have certainly argued against bills that I felt were preempted, and I don't want to vote for anything that I believe is preempted. The problem here is that this bill is kicked around for a while. I know that it was introduced, we had public hearings on it, and then it was knocked off the -- it didn't come out of committee, it had to be reintroduced. We are at, you know, a stage now where this has been around for quite a while. I still not haven't seen anything in writing that, you know, would convince me one way or the other.

So because of that I am predisposed discharge it without -- or at least to vote to discharge it without recommendation, but that's not a commitment that I will vote for it. That's just an understanding that I'd like to see what it is that, you know, that we're looking at from a -- from the standard that I think if I am going to vote on a bill that may or may not be preempted, where the County Attorney and the Counsel to the Legislature are saying that there are some clear legal issues -- I'd like to see that in writing. Would you have something by Tuesday.

**MS. LOLIS:**

Sure. I can put something together.

**LEG. MONTANO:**

All right. Thank you.

**CHAIRMAN BEEDENBENDER:**

The only thing I would add is if Legislative Counsel would like to provide us something in writing as well that would be appreciated.

**MR. NOLAN:**

Absolutely will do.

**CHAIRMAN BEEDENBENDER:**

Okay. Thank you. All right. We have a motion and a second to table. Legislator Stern.

**LEG. STERN:**

Before we take the vote. You know, the directive has gone to the County Attorney's Office and to our Counsel, but Legislator Romaine, again, if you have something that --

**LEG. ROMAINE:**

I'm not a practitioner of the law.

**LEG. STERN:**

But if there is anything that we could take a look at, because I'll tell you, from what we've heard, I mean, I think the overwhelming opinion here is that it is preemptive, so I think the burden is going the other way, really. You know, is there something that County Government can hang its hat on to step into a field that I think everybody agrees is clearly the intent of the Federal Government to preempt.

**LEG. ROMAINE:**

I will argue for something -- I guess you would say common law, which has a far more ancient route than statute. I'm not a lawyer. I'm not an attorney, so.

**CHAIRMAN BEEDENBENDER:**

Are you suggesting there is a section of the Magna Carta that directs --

**LEG. ROMAINE:**

But I would simply say this. As I said to the lady that stood before us and cited all these statutes and regulations, I said fine. I would love to see the Federal Government take charge, but do you set a minimum altitude. And she said well, it could be 300 feet, but you can fly as low as 50, as I recall her saying. Do you have set routes? No. Do you have requirements for flight plans? No. Do you have any other requirements other than the safety features of the helicopter in terms of how they fly, where they fly, how they conduct themselves when they are flying. No. So if you preempt it, the preempting party should take action. And the problem is they are not. Now, is there a role for us? Obviously the State of New York, and I believe this has been on the books for sometime, when is that state statute dated, Gail, if you would.

**MS. LOLIS:**

I have to track that down for you.

**LEG. ROMAINE:**

I believe it's been on the books for many, many years. I certainly think in excess of 20 years. The State passed a law because they saw a need to do this. This hasn't been challenged by the Federal Government. I don't know if we would even be challenged, I'm not saying we wouldn't be, but I don't know if we would be challenged. You know my purpose of this law. Sometimes you write laws not for the impact that they're going to have in their enforcement, but for the impact you get other levels of government to address. I remember we wrote a law, it was probably illegal in the early 80's, this Legislature, to create a sanctuary for those fleeing from Latin America, from Central America, from the civil wars that were going on there. You can't believe this Legislator did this. This is before Steve served.

**CHAIRMAN BEEDENBENDER:**

Steve who?

**LEG. ROMAINE:**

Steve Levy served in the Legislature.

**CHAIRMAN BEEDENBENDER:**

Well, you said Steve Stern.

**LEG. ROMAINE:**

No, Steve Levy. We actually wrote that law. Now, I don't know if that was legal or not, but we wanted to make a statement that people fleeing from those horrific civil wars of Central America could seek sanctuary here and we had set up -- those laws, I believe, are still on the books.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano -- if you could suffer an interruption, Legislator Romaine.

**LEG. ROMAINE:**

But what I'm saying is look. The purpose of this law is to get some action. Do I think -- if we had to, we actually could enforce this law. Do I think it's going to be enforced? No. I write a lot of laws. Some of them pass; many of them that even pass aren't being enforced, but that's okay. But I do think it will give us leverage to ask for better control of helicopter flights, commuter helicopter flights. This is not for local helicopter people, it is for commuter flights over Suffolk County, and they have increased exponentially because of a shift that was made that no one wants to talk about from the South Shore to the North Shore. And when they fly over the North Shore then they have to fly over the middle of the Island to reach the three heliports on the East End.

This will give us some latitude, this will give us some leverage. I'm asking this be voted out without recommendation. You can vote to table, but this is an issue that my constituents feel deeply about it and I am obligated to speak for them and obviously it is not going to go away. It can fail, it will come back again and again, but it is an issue that is going to be discussed. Thank you.

**CHAIRMAN BEEDENBENDER:**

Thank you, Legislator Romaine. Legislator Montano, you had --

**LEG. MONTANO:**

Legislator Romaine, if I may. What you referred to, was that the bill that was sponsored by Legislator Morgo when he was in the Legislature back in the 80's?

**LEG. ROMAINE:**

No, I actually think it predated Morgo. I believe it was '82 or '83 if I'm not mistaken, that sanctuary law, and you should check to see if that is still on the books.

**LEG. MONTANO:**

What I was going to say was that I'm familiar with the law that Jim Morgo passed when he was in the Legislature. The period that you talk about I was the Executive Director of the Human Rights Commission. I don't remember the law as stated. I certainly don't want to get into an immigration debate here and I just wanted to correct the record. That's not what I recall the law dealt with. But having said that, we'll let it drop.

**CHAIRMAN BEEDENBENDER:**

Thank you. We have a motion to table and a second. Seeing no other comments, we'll take the vote on the motion. All in favor? Opposed?

**LEG. ROMAINE:**

Opposed to tabling.

**LEG. LOSQUADRO:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**LEG. MONTANO:**

Abstention.

**CHAIRMAN BEEDENBENDER:**

Three opposed and one abstention, Legislator Montano. So the motion to table fails. We have a motion to discharge without recommendation. If there are no further comments we'll take the vote. All in favor? Opposed?

**LEG. STERN:**

Opposed.

**LEG. HORSLEY:**

Opposed.

**CHAIRMAN BEEDENBENDER:**

The motion to discharge without recommendation is approved. **(Vote: 4-3-0-0 Opposed: Legislators Beedenbender, Stern and Horsley).**

**IR 1968, Authorization of alteration of rates for North Ferry Co., Inc. (Pres. Off.).** We have to table this because the public hearing is not closed. I will offer a motion to table.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? IR 1968 is tabled. **(Vote: 7-0-0-0).**

### **Introductory Resolutions**

**IR 1994, Amending the 2008 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for improvements to Suffolk County Sewer District No. 3 - Southwest Outfall (CP 8108). (Co. Exec.)**

Gil, this is the pipe -- this is the work that we were talking about, the preliminary work?

**COMMISSIONER ANDERSON:**

This will appropriate funds to allow us to begin the design and permitting and SEQRA process and everything else we need for the pipe.

**CHAIRMAN BEEDENBENDER:**

Oh, for the new one. This isn't the emergency work, this is design for the pipe that the Legislature put in the budget.

**COMMISSIONER ANDERSON:**

Well, it does include developing a response plan, but this is primarily for the new pipe.

**CHAIRMAN BEEDENBENDER:**

To pick which option, whether we lay it on the floor, do the drill.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN BEEDENBENDER:**

Good. Legislator Horsley.

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley. I'll second it. All in favor? Opposed? Abstentions? IR 1994 is approved. **(Vote: 7-0-0-0).**

Gil, I did have a question on that. I'm sorry I missed it, my note. Does the bill say that there is 2.9 million for planning and 500 for construction, it's because we're in the planning phase, right? That is

why the disparity is so much?

**COMMISSIONER ANDERSON:**  
Correct.

**CHAIRMAN BEEDENBENDER:**  
Okay. All right. **IR 2004, Donating excess loam soil material to the Town of Brookhaven. (Co. Exec.)**

Motion by Legislator Losquadro. I'll second it. Gil, could you just give the committee a quick explanation?

**COMMISSIONER ANDERSON:**  
The material was material that was essentially dug --

**LEG. LOSQUADRO:**  
I understand it is not topsoil, it is in between.

**COMMISSIONER ANDERSON:**  
Yeah, that's it. We dug it up and --

**CHAIRMAN BEEDENBENDER:**  
This is the stuff we dug up at the jail and it is between sand and topsoil?

**COMMISSIONER ANDERSON:**  
Right, and it is suitable for the towns' landfill for their capping process.

**CHAIRMAN BEEDENBENDER:**  
Okay.

**LEG. KENNEDY:**  
Mr. Chair.

**CHAIRMAN BEEDENBENDER:**  
Legislator Kennedy.

**LEG. KENNEDY:**  
Thank you. Gil, just while we're on it, and I don't want to go long, but tell me what's going on with the jail besides the fact that we are moving 10,000 yards worth of dirt. Anything else?

**CHAIRMAN BEEDENBENDER:**  
That's not enough?

**COMMISSIONER ANDERSON:**  
Briefly, the three initial phases of the project are complete. We received bids on package D, which is everything above the foundation. The foundation for the entire new addition has been constructed. We received bids, they came in higher than we had anticipated. We are in negotiations to try and get the contractor to drop his fee, and that's really where we are right now.

**LEG. KENNEDY:**  
How many bidders?

**COMMISSIONER ANDERSON:**  
There were three bidders.

**LEG. KENNEDY:**

Three bidders that came in, all of them bid above what, a bid above what you had expected or anticipated it would be?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN BEEDENBENDER:**

And above what we budgeted.

**COMMISSIONER ANDERSON:**

Right, and what we had available for -- to do the work.

**LEG. KENNEDY:**

How long has elapsed from the time you received the bids to where we are at now?

**COMMISSIONER ANDERSON:**

I don't know the exact time. We are beyond the 45 day period, but the contractor has agreed to hold his bid price for right now.

**LEG. KENNEDY:**

So we had multiple bidders, one of whom you're in discussion with to have him voluntarily reduce his bid?

**COMMISSIONER ANDERSON:**

We're attempting to discuss with him to get him to drop his fees or his price within our available funding.

**LEG. KENNEDY:**

All right. There's another question here that I guess I'm probably not going to ask, but how much longer will this period go on that we have this voluntary discussion before we decide we are going to build a jail?

**COMMISSIONER ANDERSON:**

I would anticipate we'd have a direction within about two weeks.

**LEG. KENNEDY:**

Which could be what? What are the two directions that we might have?

**COMMISSIONER ANDERSON:**

Well, there is the possibility -- well, okay. One, we move ahead with the project. Two, we develop -- we decide to move ahead with the project but look for offsets. Three would be to delay it and see what we can do to bring it within the funding, you know, the available funding at this point.

**LEG. KENNEDY:**

How much in the way of offsets are you looking for?

**COMMISSIONER ANDERSON:**

Right now about 18 million. Between 14 -- let me explain that. Fourteen million with what we have available, but also another 4 million as a contingency. So if we can get it down to where we have, you know --

**CHAIRMAN BEEDENBENDER:**

I'm sorry. We have -- you have to say that again.

**COMMISSIONER ANDERSON:**

Okay. The project -- the base bid came in 14 million over the amount of money we had available to

do the project. So the discussions are to get him down to that point as well as possibly get it within enough money so we have contingency in there. Any building construction there are always unknowns, and once we have that we can, you know, we can proceed.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy, were you finished?

**LEG. KENNEDY:**

Well, so let me just see if I can understand this. Then the next time that we have a Public Works Committee meeting you are going to be able to tell us whether or not we are entering into a contract with this bidder, that we're doing this voluntary post drop dead time period discussion with or we are going to rebid it?

**COMMISSIONER ANDERSON:**

I hope to, yes.

**LEG. KENNEDY:**

You hope to. Okay.

**CHAIRMAN BEEDENBENDER:**

You have to tell us that's what you meant, the hope to, right?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN BEEDENBENDER:**

Okay. Legislator Losquadro.

**LEG. LOSQUADRO:**

I was going to have this discussion later, but since we're on the subject, the price of a lot of materials, given the volatility of the market right now, have, forget dropped, they have fallen off the cliff. Have discussions been had with this contractor to voluntarily go back and look at material costs as a component of his bid? Because a lot of his material costs have come down significantly since this bid was let.

**COMMISSIONER ANDERSON:**

We have had face to face discussions with the contractor.

**LEG. LOSQUADRO:**

Has that been a component of that?

**COMMISSIONER ANDERSON:**

Whatever he can look at. Not specifically that, but, you know, he would have to go back to, you know, his subcontractors and start talking those things, and yeah, we have.

**LEG. LOSQUADRO:**

I think specifically that could be a portion, you know, instead of just putting a blanket statement for them to come within the amount that we budgeted, to perhaps make a specific suggestion as to where they could find some of that money and then the materials cost is a component of their bid. It would have to be a significant component of it, and to make that suggestion I think would be useful.

**COMMISSIONER ANDERSON:**

Okay.

**CHAIRMAN BEEDENBENDER:**

Okay. Thank you, Gil. I'm sure we'll enjoy having that conversation at the next meeting. At this point we have a motion and a second to approve. If there are no other questions, all in favor? Opposed? Abstentions? **(Vote: 7-0-0-0).**

All right, everybody, let's focus. We have the public hearing for the Foley center in about 50 minutes. Let's hope we can get done.

**IR 2009, Appropriating funds through the issuance of serial bonds for the improvements to the Sewer Collection System of Suffolk County Sewer District No. 1 - Port Jefferson (CP 8122). (Co. Exec.)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN BEEDENBENDER:**

Motion by Legislator Losquadro, and I guess I would be next closest so second. This is \$200,000 in serial bonds for the planning and design of a sewer replacement and pump station constructions. So if there are no questions, all in favor? Opposed? Abstentions? IR 2009 is approved. **(Vote: 7-0-0-0).**

**IR 2010, Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the engineering phase of improvements to Suffolk County Sewer District No. 3 - Southwest (Sludge)(CP 8180). (Co. Exec.)**

This is an interfund transfer of \$100,000 of the Assessment Stabilization Reserve Funds for a consulting service related to their sludge thickening and dewatering improvements.

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley. Seconded by myself. If there are no questions, all in favor? Opposed? Abstentions? IR 2010 is approved. **(Vote: 7-0-0-0).**

**IR 2011, Appropriating funds through the issuance of serial bonds for the improvements to the Yaphank County Center Wastewater Treatment Plant (CP 8158). (Co. Exec.)**

This is \$500,000 for a new nitrate removing filter that the DEC is requiring?

**COMMISSIONER ANDERSON:**

Correct, denitrification filters.

**CHAIRMAN BEEDENBENDER:**

All right. I wasn't going to try to say that word really quickly so I said nitrate removing. All right. If there is no questions I'll offer a motion to approve.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? IR 2011 is approved. **(Vote: 7-0-0-0).**

**IR 2014, Appropriating funds through the issuance of serial bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (Infiltration/Inflow)(CP 8181). (Co. Exec.)**

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley. Seconded by Legislator Stern. If there are no questions on the motion, all in favor? Opposed? Abstentions? IR 2014 is approved. **(Vote: 7-0-0-0)**.

**IR 2025, Adopting Local Law No. 2008, A Local Law to promote accurate cost estimates for Capital Projects. (D'Amaro).**

This has to be tabled for a public hearing. I will offer a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **(Vote: 7-0-0-0)**. Gil, at the next meeting I'm assuming you'll have some comments on this?

**COMMISSIONER ANDERSON:**

Absolutely.

**CHAIRMAN BEEDENBENDER:**

And if you have them before could you forward them to the committee?

**CHAIRMAN ANDERSON:**

Yes.

**CHAIRMAN BEEDENBENDER:**

Thank you. **IR 2031, Approving extension of license for the South Ferry Company, Incorporated. (Pres. Off.)**

**LEG. ROMAINE:**

Motion.

**CHAIRMAN BEEDENBENDER:**

This has to be tabled for a public hearing. Legislator Romaine, I understand you may have requested a CN and it may or may not be forthcoming for the meeting on Tuesday. Okay. We had a motion to table, seconded by Legislator Romaine. All in favor? Opposed? Abstentions? IR 2031 is tabled. **(Vote: 7-0-0-0)**.

**IR 2043, Directing a study on the feasibility of the use of compressed natural gas to fuel Suffolk County vehicles. (ALDEN)**

This doesn't -- it's not a local law. I guess, DPW, do you have any -- any comments? Gil or Bob or anybody?

**COMMISSIONER ANDERSON:**

What I would ask for and request is, you know, to have funding to basically have a consultant come on board and -- you know, to prepare the report. There's no money involved with this. So if it could be tabled, and I could, you know, maybe discuss with Legislator Alden.

**LEG. HORSLEY:**

There's no money associated with this.

**CHAIRMAN BEEDENBENDER:**

I'm just saying, we have a Legislative 456 Account, don't we? Legislator Montano, go ahead.

**LEG. MONTANO:**

I have the bill in front of me, but I didn't see -- I don't have an impact statement, financial. My question was going to be how much is this study going to cost, if you know/

**COMMISSIONER ANDERSON:**

We estimate 30,000 would be sufficient to do the study.

**LEG. MONTANO:**

Thirty thousand?

**COMMISSIONER ANDERSON:**

Yeah.

**MR. NOLAN:**

It can't be voted on if we -- if we amend it now, it couldn't be voted on at the next meeting. I do want to just say that I think it was the sponsor's intent that it would be performed inhouse. That's why no money was set aside in the resolution for the study.

**LEG. ROMAINE:**

Motion to approve.

**LEG. KENNEDY:**

On the motion.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Gil, do we even have anybody inhouse who could give us some kind of cost estimate about conversion of our fleet or the ability to operate? I mean, you would need somebody, I guess, who's got some expertise; an engineer in internal combustion and somebody who's got the ability to go ahead and spec out alternative fuel sources. I mean, Legislator Losquadro has tried mightily now for the better part of two years to get any kind of movement on bio diesel. And it seems like, you know, he and we run up against brick walls. So as much as I'd like to see that this be done, I know that in the Town of Smithtown we have got a whole garbage fleet that operates off of compressed natural gas. It can be done.

**COMMISSIONER ANDERSON:**

Without question. But the larger issue would be there's only one CNG site, I believe, in Suffolk County right now.

**LEG. KENNEDY:**

Right here in Hauppauge as a matter of fact. Go figure. Look at that. We could go ahead and we could have --

**LEG. LOSQUADRO:**

I think there's one in Riverhead.

**COMMISSIONER ANDERSON:**

Okay.

**LEG. KENNEDY:**

We've got proximity for a lot of our fleet vehicles. That, I don't think, is so much the issue as far as fueling purposes. You know, I guess I'm asking you can you do this inhouse or not? Not whether or not -- not whether or not, you know, you have 99 other items on your plate. Do you have the expertise on your staff to do this inhouse?

**COMMISSIONER ANDERSON:**

No, I don't believe we do.

**LEG. KENNEDY:**

You don't? Okay. So clearly to vote at this point to go ahead and direct you to do it is moot. It would be futile to go ahead and cast that vote. All right. I'll yield, Mr. Chair. I guess we've got to get him some money. I think there's a tremendous amount of wisdom in doing this.

**CHAIRMAN BEEDENBENDER:**

I agree.

**LEG. KENNEDY:**

But we've got to get some money.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano was next.

**LEG. MONTANO:**

Yeah. Just so I'm clear. My question was how much would it cost to do the report, and you said 30,000. But that's just -- but there are two components to this, am I correct? One is to do the report, and then within the report would be how much it would cost to convert our vehicles, is that -- is that what we're talking about? I mean, is that the logical step?

**COMMISSIONER ANDERSON:**

It would be part of the feasibility study. It would really, you know --

**LEG. MONTANO:**

Right. I understand that. My question then, do you have any idea, you know, even if it's off the top of your head, of how much money we're, you know, potentially talking about? Not for the report, but if we wanted to, you know -- as an expert in your field. I mean if you know.

**COMMISSIONER ANDERSON:**

The ability to retrofit anything, it wouldn't happen. I mean, it would be in the future purchasing vehicles that have the capability.

**LEG. MONTANO:**

Oh, I see.

**COMMISSIONER ANDERSON:**

So you'd be looking at either, you know, purchasing CNG buses, CNG -- you know, dual-fuel vehicles, things like that.

**LEG. MONTANO:**

Okay. All right. Now I understand better. Thank you.

**CHAIRMAN BEEDENBENDER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Yeah. I was going to sort of tie into that and just say it also comes down -- one of the aspects of the study would be availability, your logistical concerns related to this. So I know that would -- Legislator Alden also anticipated that as a component of the study as well.

**CHAIRMAN BEEDENBENDER:**

Okay. Given that -- do we have any motions, Barbara? We have a motion to approve, was it seconded?

**MS. LOMORIELLO:**

No.

**CHAIRMAN BEEDENBENDER:**

All right. Motion to table by Legislator Montano, I will second the motion. All in favor? Opposed? Abstentions? IR 2043 is tabled. **(Vote: 7-0-0-0).**

**IR 2048, Appropriating funds in connection with construction of noise abatement structures on CR 83, North Ocean Avenue (CP 5556). (Beedenbender).**

All right. Well, I'm going to make a motion to approve and then obviously I have a few things to talk about. Seconded by Legislator Stern. For those of you who have been here longer than me, which is everybody, on the committee at least, you will recognize this as something Legislator Caracappa spent a better part of the last few years of his term trying to get done. On June 12 of 2007 it was put into the Capital Budget and was vetoed. Around June 26th it was overridden -- and 17 to 1. We could probably guess who the one is but there was 17 votes.

**LEG. LOSQUADRO:**

Is this the sound wall?

**CHAIRMAN BEEDENBENDER:**

Yes, it is the sound wall. It is the wall. There is a report that was prepared. I have a copy of it. Basically what the report says, it goes through -- it did the study and the County paid for this report. It went through the entire study and basically it came to the conclusion that there are really no other options. I know that in Legislator Kennedy's case he has been through this before and the reason they were able to do something different in that case is there was much more right-of-way to do something with. In this case we're talking about 7 feet, maybe eight in most cases, before the property falls off into people's backyards. So this money will expire as of December 31st so I've put in the appropriating resolution to allow me more time to continue my ongoing dialogue with the County Executive to encourage him to allow this to go forward. I appreciate the encouragement of all of my colleagues.

**LEG. KENNEDY:**

You know I have got to chime off on this.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

I cannot help myself. You know that.

**CHAIRMAN BEEDENBENDER:**

I do know that.

**LEG. KENNEDY:**

I commend you for having the study done.

**CHAIRMAN BEEDENBENDER:**

Joe had the study done. Legislator Caracappa had the study done.

**LEG. KENNEDY:**

Well, ultimately the ability to get it out and to get anything objective and quantified seems to be critical in looking to try to assist constituents with this. As you know, there is a whole threshold associated with the sound level, the decibel level, and you also know that there is a critical aspect associated with the height of sound walls, specifically in order to go ahead and muffle traffic associated with commercial vehicles and diesel stacks. And that is what came into play on County Road 67 and through, you know, an extensive period of time and significant movement on the part of the Executive's Office, some of which you were able to witness firsthand in your former life, we were able to go ahead and get this done.

I can say to you that constituents to an individual are thrilled. I deal with a lot of issues over in Commack. As a matter of fact, I'm dealing with a gas main going in right now down CR 67 and a lot of constituents have said thank goodness we have our sound wall. And I don't call it a noise abatement whatever, they call it a sound wall. So I'm inclined to support you on this, but I guess everybody's entitled to an epiphany, huh?

**CHAIRMAN BEEDENBENDER:**

That is certainly true. For those students of history, and when I say last year, I may or may not have said that this wasn't a good idea. But when I said that, to be honest, what I had said was I thought there was alternatives and I thought we should explore cheaper alternatives. And in the end there are none.

**LEG. KENNEDY:**

No, there really aren't.

**CHAIRMAN BEEDENBENDER:**

So, mea culpa. Legislator Montano.

**LEG. MONTANO:**

Yeah, I just want to see if this sound wall is up before you are term limited. I'm going to vote for it.

**CHAIRMAN BEEDENBENDER:**

Well, there is some hope because I would not be term limited before 2016, so I suppose maybe there is some hope. That being said, we have a motion and a second to approve. All in favor? All opposed? Abstentions? That's approved. **(Vote: 7-0-0-0).**

Let me just say there are several constituents who call my office very frequently and this will be helpful information for them.

**IR 2055, Appropriating funds in connection with construction and rehabilitation of highway maintenance facilities (CP 5048). (Co. Exec.)**

**CHAIRMAN BEEDENBENDER:**

This is \$500,000 for repairs to a salt storage building, actually several of them. So I'll offer a motion to approve. Is that right, Gil, several of them?

**COMMISSIONER ANDERSON:**

Yes, this is primarily to repair damage to the Centereach salt storage on County Road 97. What funding is left after we have done that we will attempt to put towards Babylon, Southold and Hampton Bays yards.

**CHAIRMAN BEEDENBENDER:**

Just, Gil, this is just a pet peeve of mine. That's not Centereach. It's actually Farmingville and it is right next door to Selden, but it is definitely not Centereach. They wanted to do something else

over there. It's just a pet peeve of mine. I don't know why you call it that. That's okay, we have no problem with salt.

So I'll make a motion to approve. Seconded by Legislator Montano. All in favor? Opposed? Abstentions? IR 2055 is approved. **(Vote: 7-0-0-0)**.

**IR 2056, Appropriating funds in connection with moveable bridges - needs assessment and rehabilitation (CP 5806). (Co. Exec.)**

This is \$475,000 for a needs assessment and rehabilitation of bridges in Smith Point, West Bay and I guess if there is money left over others?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN BEEDENBENDER:**

Okay. I'll offer a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern.

**LEG. HORSLEY:**

Question on the motion.

**CHAIRMAN BEEDENBENDER:**

Legislator Horsley.

**LEG. HORSLEY:**

What is a moveable bridge? Is that like a bascule or what is that?

**COMMISSIONER ANDERSON:**

Yes, absolutely. A drawbridge.

**CHAIRMAN BEEDENBENDER:**

What word did you use?

**LEG. HORSLEY:**

Bascule.

**CHAIRMAN BEEDENBENDER:**

Bascule. See, I don't have a word of the day calendar so I rely on you guys. Okay. All right. We have a motion to approve and a second. All in favor? Opposed? Abstentions? IR 2056 is approved. **(Vote: 7-0-0-0)**.

**IR 2057, Appropriating funds in connection with reconstruction of Shinnecock Canal Jetties and Bulkheads (CP 5348). (Co. Exec.)**

This is \$300,000 to insure they are -- the continued stability of the jetties and bulkhead.

**LEG. LOSQUADRO:**

I will make a motion, but I have a question.

**CHAIRMAN BEEDENBENDER:**

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

**LEG. LOSQUADRO:**

To Mr. Anderson. When we are doing regular sheet bulk heading, are we still using treated lumber or have we gone to synthetics?

**COMMISSIONER ANDERSON:**

I believe we have been using the synthetic material.

**LEG. LOSQUADRO:**

Okay. Obviously for the life expectancy and durability it is worth the small extra investment. Thank you.

**CHAIRMAN BEEDENBENDER:**

All right. If there are no further questions, we have a motion and a second to approve. All in favor? Opposed? Abstentions? IR 2057 is approved. **(Vote: 7-0-0-0).**

**IR 2059, Appropriating funds in connection with the reconstruction of CR 97, Nicolls Road, Town of Brookhaven (CP 5512). (Co. Exec.)**

My notes here, Gil, say you are going to do repaving basically from Sunrise all the way north?

**COMMISSIONER ANDERSON:**

Correct, to 25A.

**CHAIRMAN BEEDENBENDER:**

For 1.75 million?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN BEEDENBENDER:**

Okay. Well then we should approve this before the price changes. I'll offer a motion to approve. Seconded by Legislator Losquadro. Legislator Kennedy.

**LEG. KENNEDY:**

Just tell me the timeframe that we are going to see this. Obviously plants are shut down. We are not talking about work until what, next March, April, something to that effect the earliest?

**COMMISSIONER ANDERSON:**

I'm going to ask Bill Hillman to answer that.

**LEG. LOSQUADRO:**

While we're waiting for that, I just want to say wasn't it this section north of 25 just recently redone?

**CHAIRMAN BEEDENBENDER:**

So I guess it is for sections of it, Bill? I mean, because you just did a big section in my area, too.

**MR. HILLMAN:**

That's correct. It's not the full length, it's sections.

**CHAIRMAN BEEDENBENDER:**

It's sections that we haven't done.

**MR. HILLMAN:**

Not all the sections; it is sections that are in need. But we didn't want to limit -- if we tie our hands by limiting ourselves to this area and then we have a bad winter, we get deterioration in a certain section, now we don't have funds to do that. So we are leaving ourself a little bit of flexibility, that's all.

**LEG. KENNEDY:**

So we are just incumbering funding for the purposes of underwriting the '09 spring paving season for this roadway?

**MR. HILLMAN:**

Correct. If we don't --

**LEG. KENNEDY:**

We are not paying them now, right?

**MR. HILLMAN:**

No. If we don't appropriate it now we lose the funds, so.

**CHAIRMAN BEEDENBENDER:**

All right. We have a motion and a second. All in favor? Opposed? Abstentions? IR 2059 is approved. **(Vote: 7-0-0-0).**

**IR 2066, Permitting the Hauppauge School District to purchase fuel from the County. (Co. Exec.)**

**LEG. KENNEDY:**

I'll make the motion, Mr. Chair.

**CHAIRMAN BEEDENBENDER:**

Motion by Legislator Kennedy, seconded by Legislator Losquadro. On the question, Legislator Montano.

**LEG. MONTANO:**

Commissioner, I just wanted to get an idea. How many school districts participate in this kind of program or service or whatever you want to call it. Because I gather this is open to all school districts?

**COMMISSIONER ANDERSON:**

Correct, it is. I don't know the number off of the top of my head. I know we have a couple of fire districts that have.

**LEG. MONTANO:**

Right. I remember some resolutions that came in.

**COMMISSIONER ANDERSON:**

I believe this is the first one, but I'd have to, you know, check that.

**LEG. MONTANO:**

The first school district.

**COMMISSIONER ANDERSON:**

I believe so.

**LEG. MONTANO:**

I see Ben Zwirn shaking his head that is correct. Do the other school districts that are in close

proximity to the pumps know -- do you know if they know that?

**COMMISSIONER ANDERSON:**

I believe it's been offered to all districts as part of shared services, yes.

**LEG. MONTANO:**

It has been offered, okay. All right. Thank you very much. Go ahead, Legislator Kennedy.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. Thank you, Legislator Montano. So are we actually then making fueling capacity available? In other words, will school district vehicles be able to pull up to our pump complex right over here, Gil, or are they just making bulk purchase off that same State based contract that we have?

**COMMISSIONER ANDERSON:**

No, I believe this is the ability to actually come to the site. They will either get a card or they will get the little ring on their --

**LEG. KENNEDY:**

No kidding.

**LEG. MONTANO:**

If I may explain.

**LEG. KENNEDY:**

Yes.

**LEG. MONTANO:**

I was running out of fuel the other day and I pulled up at the Suffolk Community College and I went to fill up and they said you can't because you don't have the card. So they apparently have a different rate than us. So what happens here, I believe, is that you give them some kind of card that they stick into the fuel pump -- is that the way it works?

**LEG. LOSQUADRO:**

That is for the college, correct?

**LEG. MONTANO:**

Right, I know. But I mean this is the same concept. They would come in, they would put in a card, and they would fuel up and get billed?

**CHAIRMAN BEEDENBENDER:**

I think our cars have rings --

**COMMISSIONER ANDERSON:**

They have a ring. If you ever look at any of the fleet vehicles, there is a ring right around where the gas filling spot is. That activates whatever controls the individual tank and allows you to pump.

**LEG. MONTANO:**

Oh, it's done that way. In other words, the tank itself indicates how you bill, is that what happens?

**COMMISSIONER ANDERSON:**

I can verify that.

**LEG. MONTANO:**

No, I am just amazed at the technology. Either way the bottom line is that the County is going to get reimbursed plus 15%.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN BEEDENBENDER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Yeah. The system is actually one that's I think an underutilized system, the amount of data that you can glean. I mean, it identifies the vehicle, it can track the mileage, a number of functions that it performs. And really the savings to the entity that is joining us is they don't have to maintain that infrastructure. There is a 15% service fee, but they don't -- they limit all that liability exposure as well. As we just faced just at our tanks up here, if you have a leak and you have to do remediation, it's really -- and obviously even with the 15% it's below market rate. So it's really a good deal for any entity that wants to join up with us.

**COMMISSIONER ANDERSON:**

And the regulatory agencies have become that much more restrictive in monitoring it and, you know, complying. It's a great deal.

**CHAIRMAN BEEDENBENDER:**

Can I just go to Legislator Stern first, please?

**LEG. STERN:**

I just have one quick question. When a school or other entity signs on to participate, do they then -- is it their practice then that or is it the official policy that all of their fuel purchases come from this program?

**COMMISSIONER ANDERSON:**

No, no. They could still use a credit card, get fuel however they want to. In many cases this is just a secondary option available to them if that is the way they choose. It's really their option.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Gil, how can we make this available or share the information with other entities in our districts?

**COMMISSIONER ANDERSON:**

I want to believe -- well, I believe that the County Executive, with the shared services agreements that were discussed with all the school districts, put that out there.

**LEG. KENNEDY:**

Ben, is that it?

**MR. ZWIRN:**

I think Legislator Losquadro is really --

**LEG. KENNEDY:**

I'm going to see a couple of superintendents in two weeks from now so I'd like to, you know, bring it up to them.

**MR. ZWIRN:**

Absolutely. As Legislator Losquadro said, it is the school districts that are close by to our tanks.

And the reason that they are using it is the same reason Legislator Losquadro indicated. It's that if you have old tanks, to maintain them, to upgrade them, to remediate them, and the liability issue is so great that the school districts could buy off the same State contract we do. They could get the same price on gasoline, but it is cheaper for them. Some of the fire districts started doing this when some of their tanks started to fail. They didn't want to replace the tanks. They asked if they could use the facilities out of Yaphank and the answer was of course. Since they are self-operated they can be used 24 hours a day. It's a very good idea.

**LEG. KENNEDY:**

Excellent. Good. Okay. Thank you.

**CHAIRMAN BEEDENBENDER:**

Legislator Horsley.

**LEG. HORSLEY:**

Ben, on that just quickly. Do you know if they have a bus system? I mean, do they have their own buses or do they job out buses and would that be included?

**MR. ZWIRN:**

That I don't know.

**LEG. HORSLEY:**

That would make a big difference whether you are dealing with the school buses.

**MR. ZWIRN:**

I'm guessing that it's -- I'm guessing it's -- I don't know. I would have to guess, but I am guessing that it is districts that have their own buses, but I --

**LEG. HORSLEY:**

That have their own buses. So they've got their own system.

**MR. ZWIRN:**

Because otherwise then it would be a little bit unwieldy, but I'll double check that. It's a good question.

**LEG. HORSLEY:**

I mean, those that contract out their bus service.

**MR. ZWIRN:**

It's a good -- I see Legislator Montano saying, you know, it could be ripe for abuse, absolutely. It's a good question that I'll find out the answer to.

**LEG. HORSLEY:**

I'm just curious because it makes a big difference.

**MR. ZWIRN:**

It's a good question.

**CHAIRMAN BEEDENBENDER:**

Legislator Browning, did you want to jump in? I know you are not on the committee, but if you want to jump in.

**LEG. BROWNING:**

No I'm not, thanks. You know, because I have the Yaphank Center by me. Have you approached -- I have South Country Ambulance, Brookhaven Fire Department, South Country School District, Shirley Ambulance. I mean, have you reached out to any of them?

**CHAIRMAN BEEDENBENDER:**

Kate, I think one of them is on.

**LEG. BROWNING:**

Yaphank is. Yaphank Fire Department I believe is.

**MR. ZWIRN:**

One of the fire departments is involved, but the program can be expanded. It's a good program.

**LEG. BROWNING:**

I am going to contact them and, you know, ask them if they are interested and we will be in touch.

**MR. ZWIRN:**

And I'll find out the question that Legislator Horsley asked because that's a good question I don't know the answer to.

**LEG. BROWNING:**

Thanks.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano.

**LEG. MONTANO:**

A quick question. Ben, I know that when I'm running low and I can't get to any pump I'll go the police precinct and fill up there. These vehicles can't fill up at the police pump or can they?

**COMMISSIONER ANDERSON:**

Any County pump.

**LEG. MONTANO:**

It's any County pump. Okay. Because that's in close proximity to one of my school districts.

**LEG. LOSQUADRO:**

If I may, Legislator Montano. I believe that the Community College is the only one that is operating on a different system that we can't use with our current system.

**MR. ZWIRN:**

And it is not going to get better.

**LEG. MONTANO:**

Unless you win on appeal, right?

**CHAIRMAN BEEDENBENDER:**

Okay. Well, our ability to win in court notwithstanding, I think we have a motion and a second to approve. All in favor? Opposed? Abstentions? IR 2066 is approved. **(Vote: 7-0-0-0).**

**IR 2068, Transferring Assessment Stabilization Reserve Funds to the Capital fund, and appropriating funds for the Engineering Phase of Improvements to Suffolk County Sewer District No. 20 - William Floyd (Ridgehaven)(CP 8147). (Co. Exec.)**

This is an interfund transfer of \$50,000 in assessment stabilization funds to improve the biological treatment process.

**LEG. HORSLEY:**

That sounds like you need it. I make a motion to approve.

**CHAIRMAN BEEDENBENDER:**

I will second the motion. All in favor? Opposed? Abstentions? IR 2068 is approved. **(Vote: 7-0-0-0).**

**IR 2069, Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the Engineering Phase of Improvements to Suffolk County Sewer District No. 5 - Strathmore Huntington (CP 8115). (Co. Exec.)**

This is \$75,000 in Stabilization Funds to improve process tanks and odor control. That also sounds like something we need.

**LEG. STERN:**

Motion.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Stern.

**LEG. HORSLEY:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Horsley. All in favor? Opposed? Abstentions? IR 2069 is approved. **(Vote: 7-0-0-0).**

**IR 2082, Amending the 2008 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 35, Park Avenue, Town of Huntington (CP 5519). (Co. Exec.)**

**LEG. STERN:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Stern.

**LEG. HORSLEY:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Horsley. If I can just ask about the offset, Gil. It takes \$700,000 from 5128, which is for Patchogue-Holbrook Road and Furrows Road. It is in Presiding Officer Lindsay's district, but it seems like we keep pulling from this and what's the deal.

**COMMISSIONER ANDERSON:**

We're still in the acquisition phase of this project so we're not ready quite yet to use those funds. We will be reprogramming into 2010 when we will be ready for the funds.

**CHAIRMAN BEEDENBENDER:**

Wasn't most of that land donated or at least some of that land donated?  
Is this the intersection I'm thinking of?

**COMMISSIONER ANDERSON:**

Some of it was. Yeah, some of it was, not all of it.

**CHAIRMAN BEEDENBENDER:**

Okay. So 1020 we're talking about now.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN BEEDENBENDER:**

Okay. All right. Well, there is a motion and a second to approve. If there are no other questions, all in favor? Opposed? Abstentions? IR 2082 is approved. **(Vote: 7-0-0-0).**

**IR 2084, Amending the 2008 Capital Budget and Program and appropriating funds in connection with groundwater improvement and drainage modifications to CR 48, Middle Road (CP 5184). (Co. Exec.)**

**LEG. ROMAINE:**

Motion.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN BEEDENBENDER:**

Motion by Legislator Romaine. Seconded by Legislator Losquadro. This is \$300,000 for engineering work on improvements and so we need to move forward. All in favor? Opposed? Abstentions? IR 2084 is approved. **(Vote: 7-0-0-0).**

**IR 2089, Amending the 2008 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 58, Old Country Road, Town of Riverhead (CP 5529). (Co. Exec.)**

**LEG. ROMAINE:**

Motion.

**CHAIRMAN BEEDENBENDER:**

An emphatic motion from the gentleman from the North Fork, Legislator Romaine. Seconded by Legislator Losquadro. I had a question just on this too, Gil, the offset. Could you tell us a little bit about that?

**COMMISSIONER ANDERSON:**

The offset is the reconstruction of County Road 67, the Motor Parkway bridge, which we are not ready for but will be ready next year. But as this is Federally funded, you know, we can --

**CHAIRMAN BEEDENBENDER:**

Fifty-eight is Federally funded.

**COMMISSIONER ANDERSON:**

No, no, no. Sixty-seven is Federally funded. We can then, you know, get the money at that time.

**CHAIRMAN BEEDENBENDER:**

That doesn't fold into the rollover program problem that we had earlier this year, does it? Am I mixing two things?

**COMMISSIONER ANDERSON:**

Well, I mean, again, it -- no, it doesn't.

**CHAIRMAN BEEDENBENDER:**

Okay. Thank you. No is easier than many words. Okay. All right. With that, we have a motion

and a second. All in favor? Opposed? Abstentions? IR 2089 is approved. **(Vote: 7-0-0-0)**.

**IR 2091, Amending the 2008 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014). (Co. Exec.)**

I will offer a motion to approve. Do we have a second?

**LEG. HORSLEY:**

Second.

**CHAIRMAN BEEDENBENDER:**

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

**LEG. STERN:**

Thank you, Mr. Chairman. Gil, question on the offset. It says here taking 285,000 from land acquisition and construction lines of 5566.

Project 5566.

**COMMISSIONER ANDERSON:**

Correct. This is the work that was intended with this was taken care of by Tanger. Tanger made the improvements that this project would have --

**LEG. STERN:**

Because the developer is using its private funds for that project we don't need our County funds for that same project.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. STERN:**

Thank you.

**CHAIRMAN BEEDENBENDER:**

And the other one, the 5510, the share of Pinelawn Road in the Town of Huntington?

**COMMISSIONER ANDERSON:**

Again, this is land acquisition that we are still in the process.

**CHAIRMAN BEEDENBENDER:**

Okay. Great. And just curiously, I see one of the projects listed as Nicolls Road. I guess this is just other sections, Gil?

**COMMISSIONER ANDERSON:**

No. This was -- during the course of this past year there have been, as was noted before, there have been some significant increases in AC prices. Because of that we have an adjustment in our contract and we had to use the funds from this program to help offset the cost of asphalt in the four projects that are listed.

**CHAIRMAN BEEDENBENDER:**

Okay. Great. And Patchogue Mt. Sinai Road is on there. I assume that that's part of the project that will be -- the second half that's done next year?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN BEEDENBENDER:**

Okay. All right. So we have a motion and a second. All in favor? Opposed? Abstentions? IR 2091 is approved. **(Vote: 7-0-0-0)**.

**IR 2096, Appropriating funds through the issuance of Sewer District Serial Bonds for the expansion and improvements to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126). (Co. Exec.)**

**LEG. KENNEDY:**

Motion.

**CHAIRMAN BEEDENBENDER:**

Motion by Legislator Kennedy. Seconded by Legislator Montano. I don't have any notes on this one.

**COMMISSIONER ANDERSON:**

This is \$29 million, appropriates \$29 million for Sewer District 18. The project includes construction, land acquisition, site work associated with various treatment processes, collection system, expansion, the pump stations, and infrastructure in the Hauppauge Industrial Waste Water Treatment Plants.

**CHAIRMAN BEEDENBENDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Gil, can I take, then, that we have finally succeeded in getting the consents and approvals from the AG's office that we need for this project after having gone through umpteen iterations of hearings? Their final okay with it?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. KENNEDY:**

Good. Okay, great.

**CHAIRMAN BEEDENBENDER:**

Okay. We have a motion and a second. All in favor? Opposed? Abstentions? IR 2096 is approved. **(Vote: 7-0-0-0)**.

**LEG. KENNEDY:**

Madam Clerk, make me a cosponsor on that, too, please. Thank you.

**CHAIRMAN BEEDENBENDER:**

**IR 2097, Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a (SCTM No. 0100-230.00-0100-054.000) pursuant to Section 125 of the New York State Highway Law. (Co. Exec.)**

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN BEEDENBENDER:**

Motion to approve by Legislator Horsley.

**LEG. STERN:**

Second.

**CHAIRMAN BEEDENBENDER:**

Seconded by Legislator Stern. Gil, could you just -- I'm guessing it's in Babylon somewhere.

**COMMISSIONER ANDERSON:**

It's the Old Bergen Avenue, which is adjacent to Bergen Avenue. It's a cul-de-sac that is the property that the -- is being considered surplus is off the right-of-way or is off the roadway and it's considered surplus.

**LEG. HORSLEY:**

It is literally the man's front yard.

**COMMISSIONER ANDERSON:**

Yes, it's front yard. In the back of the package there should be a map which shows, if you got it.

**CHAIRMAN BEEDENBENDER:**

Okay. Well, I think we should give the guy his front yard back.

**LEG. HORSLEY:**

Give him back his front yard.

**CHAIRMAN BEEDENBENDER:**

All right. We have a motion and a second. All in favor? Opposed? Abstentions? IR 2097 is approved. **(Vote: 7-0-0-0).**

**LEG. MONTANO:**

Quickly.

**CHAIRMAN BEEDENBENDER:**

Legislator Montano.

**LEG. MONTANO:**

Barbara, would you just list me as a cosponsor also on 2096? I forgot to mention that.

**CHAIRMAN BEEDENBENDER:**

No problem. And just for the committee's information, I know we had discussed at the last committee meeting that we were going to go over several other issues that might relate to sewers, and I know that Commissioner Anderson would like to discuss bridges with us as well at some point and he has prepared something. We're going to really try to get that done at the next committee meeting. We ran over last time and I don't want to start it now knowing that we have a public hearing starting in 20 minutes. So, Gil, I apologize for putting that discussion off again, but I'd like to try to get that done at the next meeting. With that, no other business, we're adjourned.

**LEG. HORSLEY:**

Barbara, 2097 cosponsor.

**(The meeting was adjourned at 4:43 P.M.)**