

PUBLIC WORKS & TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Verbatim Transcript

A regular meeting of the Public Works & Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 6, 2009.

Members Present:

Legislator Brian Beedenbender, Chairman
Legislator Steven H. Stern, Vice-Chair
Legislator Wayne R. Horsley
Legislator Daniel P. Losquadro
Legislator Edward P. Romaine

Also in Attendance:

Barbara LoMoriello, Deputy Clerk of the Legislature
George N. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Linda Bay, Aide to Minority Leader
Deborah Harris, Aide to Leg. Stern
Kaitlyn Boyd, Aide to Leg. Beedenbender
Paul Perillie, Aide to Majority Leader Cooper
Louis Calderone, Deputy Commissioner
Ed Hennessy, Aide to the County Executive
Gil Anderson, Commissioner of Public Works
Robert Doering, Budget Review Office
Debra Alloncius, Legislative Rep for AME

Verbatim Transcript Taken and Transcribed By:

Gabrielle Skolom - Court Stenographer

*(*The meeting was called to order at 2:10 P.M.)*

CHAIRMAN BEEDENBENDER:

Okay. Welcome to the Public Works and Transportation Committee. If we can all rise for the Pledge of Allegiance led by Legislator Stern.

[Salutation]

Thank you very much. We have one card. Jeanne, come on up. It might have changed a little bit, Jeanne. You have to hold your finger on the button while you speak.

LEG. LOSQUADRO:

You'll see the green light light up.

MS. ANZALONE:

Good afternoon, everyone. It is my pleasure to address this committee. I'd like to introduce myself. I've stood before you approximately four times or maybe five times. The reason I am here, I am totally delighted that every one of you people sitting there have done your job. I am so excited that IR 1741 has been reinstated. IR 1741, it hasn't been on the docket and it has been reinstated. This is a very important issue. I stand before you because I have spoken to a lot of people in Suffolk County, and I do want to state that there is a definite necessity that this be addressed. IR 71, sir -- right now, we are -- our country -- is in a situation which quite a few things are being addressed. But I'm very proud to stand before you, gentleman, because I have followed you since I have been a resident of Suffolk County since 1959 residing in the Township of Huntington, and I implore every one of you to really address this this coming year.

I know it is not easy. I know of the funding. I have spoken to people, and you best believe Sunday busing is very, very important to the economy of Suffolk County. It is very important to the people that can't afford gasoline or transportation. You all know that. So I thought I would come again and just say accolades and the people of Suffolk County are looking at this very seriously. I thank you for your time, and I think you're doing a good job, a very good job. Thank you.

CHAIRMAN BEEDENBENDER:

Thank you, Jeanne.

Okay. I have no more cards. Is there anybody else in the audience that wishes to address the committee?

[No response]

Seeing none, we'll move directory to the agenda.

[Tabled Resolutions]

The first item on the agenda is **IR 1510-2009, Directing the Department of Public Works to add a stop on the 3C Bus Route. (Montano)**

Lou, you look like you have -- I know in the past Commissioner Anderson had said that they were working the details out with the property owner, the shopping center or wherever, I guess, they would allow the bus to come in and that this was in the works, so we've been tabling it because it was our understanding that things have been moving forward; is that correct?

MR. CALDERONE:

Yes -- yes. We're still -- and it's still in the works. We still haven't finished our survey, and we're still working on it, okay?

CHAIRMAN BEEDENBENDER:

Okay. But we're reasonably sure this is going to happen?

MR. CALDERONE:

Yes.

CHAIRMAN BEEDENBENDER:

All right. So I'll offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

CHAIRMAN BEEDENBENDER:

IR 1510-2009 is tabled. **(VOTE: 4-1-0-0, Leg. Romaine Opposed)**

IR 1526-2009, Amending the 2009 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the Yaphank County Center Wastewater Treatment Plant (CP 8158). (Co. Exec.) Has this bill been amended, Counsel?

MR. NOLAN:

No.

CHAIRMAN BEEDENBENDER:

It has not. Well, if it hasn't been amended, we can't move forward, so I'll offer a motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Second --

LEG. LOSQUADRO:

Can you explain this?

CHAIRMAN BEEDENBENDER:

This was -- Legislator Romaine had brought this up to us. It's transferring money from the Assessment Stabilization Fund for a Yaphank plant that -- it's basically a violation of the charter. I guess we should say that. Is that the correct way to say it, Counsel?

MR. NOLAN:

You could say it that way, yes.

CHAIRMAN BEEDENBENDER:

All right. So --

LEG. ROMAINE:

Instead of tabling, which I did last time, perhaps it would be better to offer a motion for approval so that we can defeat --

CHAIRMAN BEEDENBENDER:

Well, I understand that request, Legislator Romaine, but it was my -- from previous testimony, Commissioner Anderson thought that there was a possible way they could amend this to make this not in violation of the charter or other laws and maybe move forward. So --

LEG. ROMAINE:

That was about a month ago, though. No amendment had been forthcoming. This was originally raised in June, and then we tabled it again -- maybe in August, then tabled it again in September. Here it is, October. Probably better for the Commissioner to come forward with a clean resolution, if there is a resolution that would allow this type of transfer, which I just don't see that being legally permissible.

CHAIRMAN BEEDENBENDER:

I understand that. I think my preference would be just to table it because we obviously don't want to move forward on it, but to leave it there -- if there's something that may be acceptable or something that could be worked out where our Counsel would give us the opinion that it was, you know, on the up-and-up, I would just rather table it than defeat it at this point because it's possible that they could change it.

LEG. ROMAINE:

That's correct. It's through a stabilization that we would use for a County facility.

CHAIRMAN BEEDENBENDER:

All right.

LEG. ROMAINE:

And that wasn't what it was intended for.

CHAIRMAN BEEDENBENDER:

Well, I offered a motion to table. Legislator Stern seconded. There's a motion to approve which would -- the tabling takes precedence.

LEG. ROMAINE:

I didn't make that motion.

CHAIRMAN BEEDENBENDER:

Oh, you hadn't -- you did not --

LEG. ROMAINE:

I made a suggestion to that motion in order to refuse. Getting it off our agenda and allowing a clean resolution to come forward, if there's such a resolution that would allow you to use sewer stabilization funds [inaudible] through County infrastructure purpose.

CHAIRMAN BEEDENBENDER:

Okay. Is there another motion?

[No response]

All right. Seeing no other motion, the tabling takes precedence. All in favor? All opposed? Abstentions? **IR 1526-2009 is tabled.**
(VOTE: 5-0-0-0)

IR 1527-2009, Creating a "Share the Road" signage program in Suffolk County.

(Eddington) I'll offer a motion to table at the request of the sponsor. I believe he's still working on it. Seconded by Legislator Stern. All in favor? Opposed? Abstentions?
IR 1527-2009 is tabled. (VOTE: 5-0-0-0)

IR 1637-2009, Directing the Department of Public Works to erect a flagpole for the Merchant Marines at Armed Services Plaza. (Cooper)

I know that in the past couple meetings, it seems like we thought we found a solution, but it seems that both of those suggestions were not possible. So our Vice Chairman, Legislator Stern, had, previously to this meeting, suggested that, in his capacity as the Chairman of the Veterans Services Committee, he's going to ask the Veterans Advisory Board to see if they can offer a suggestion that would be amenable to them and all their traditions, laws and respect that we must give to the American flag and the entire plaza and -- since it's a veterans plaza; is that correct, Legislator Stern?

LEG. STERN:

Yeah. Thank you, Mr. Chairman. Yeah, like you, I had hoped and thought that perhaps with some of the ideas that we have kicked around over the previous few meetings that we might be able to come up with an appropriate solution, but those are not going to work, so I think it would be most appropriate for the Veterans Advisory Board to take part in these discussions and determine what the best way to be going forward is going to be, so I had a conversation with Director Ronayne. He is going to suggest placing this issue before the Veterans Advisory Board, and we should be hearing back from them.

CHAIRMAN BEEDENBENDER:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Just wanted to point out, when I went over there and looked at the site, I think the simple solution would be to amend the bill to actually move the American flagpole. Add a new flagpole for the Merchant Marines, but then to center the American flag, you'd also have to appropriate monies to move that flag over to the left or right so it would be centered among those now six flags, it would be. So -- maybe if we can get an estimated cost on the movement of that flagpole as well as adding the flagpole for the Merchant Marine flag, that would be the only way I can see to really accomplish it. If we add another flagpole, we have to recenter the American flag.

MR. CALDERONE:

I wasn't part of the last conversation, but I thought we could put another flag on the other side of the American flag and just -- I don't know what happened.

LEG. LOSQUADRO:

The problem is the American flag is not technically centered. It's actually set behind the row of flags in the front of the armed services, so it would not -- if we added a flag --

MR. CALDERONE:

I thought you could add two. Put one on the left, one on the right.

LEG. LOSQUADRO:

We don't have a second -- another flag to add. That's the problem.

MR. CALDERONE:

You want me to get an estimate to move the American flag? I'll get an estimate. I'll take care of it.

LEG. LOSQUADRO:

I think that would be the easiest solution from an engineering standpoint.

MR. CALDERONE:

That's fine. That's what you want me to do --

CHAIRMAN BEEDENBENDER:

Yeah, that and another flag. I think, if I remember correctly, and don't quote me on this, that Commissioner Anderson might have said something like 15,000, which -- that number is in my head. I hope it's not that high, but there was cost -- oh, excuse me, 10,000, for just erecting a new flagpole, which is -- that's astounding.

MR. CALDERONE:

And that's correct. I got that number. That's what it's going to cost you just for the -- not counting moving the American flagpole.

LEG. LOSQUADRO:

Right, because you have a ground sleeve that the pole goes into with a large concrete base --

MR. CALDERONE:

It's not as easy, and where it's located to it because -- labor-intensive, they can't get a machine up there. You're going to have to hand-dig it, etc, etc., so it's not as simple. Guessing -- and this is a guess -- the American flag just moving it, you're probably looking at the same amount of money just to move it.

CHAIRMAN BEEDENBENDER:

Well, if we could get us something that's a little more -- Legislator Stern.

LEG. STERN:

Yeah, and I would certainly look forward to getting that information so that we can place it again before the Veterans Advisory Board, who ultimately will need to be a part of this decision.

MR. CALDERONE:

As soon as I get it, you want me to forward it to --

CHAIRMAN BEEDENBENDER:

To the committee, if you could.

MR. CALDERONE:

Okay. I'll forward it to the committee as soon as I get it.

CHAIRMAN BEEDENBENDER:

Thank you, Lou. I appreciate that.

MR. CALDERONE:

Before the meeting.

CHAIRMAN BEEDENBENDER:

All right. Given that, I'll offer a motion table.

LEG. LOSQUADRO:

Second.

CHAIRMAN BEEDENBENDER:

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

Next is **1741-2009, To implement Sunday bus service and extend weekday morning and evening service in Suffolk County. (Romaine)**

Before I offer a motion, Jeanne, you know -- you can sit. I was just going to talk to you, so you don't have to come up. I appreciate that you've come down and that you've advocated and spoken about this passionately, and I agree with you that Sunday service is something that if we could give to our residents of Suffolk County, it would be a benefit across the board.

The concern that we've had in the past, and I think is a little even more prescient now, we've had -- we were going our budget right now, and depending on what you think the sales tax numbers are going to be, depending on how optimistic or pessimistic you are, there are tens and tens of millions of dollars that we may not be able to account for at this present moment while we sit here.

Expanding this service, while it would certainly be beneficial, is going to cost a substantial portion of money, so I don't want you to think that as a County or as a Legislature or even as a committee that we're not hearing your calls. It's just in this difficult time -- I can only speak for myself -- I don't know where we're going to get the money to keep the electricity on, and I'm not even exaggerating. So I don't know where we could find the money to expand it, and I know that this bus study is going to give us some ideas, but it's not going to give us some money.

So it is important that you -- your advocacy keeps this before us and it keeps this on our minds and reminds us how important it is and the people who will benefit from us. I just don't want you to be discouraged by the fact that it's probably going to be tabled, not because it's not important but because in these difficult times, there are choices, and I just hope we can keep the bus service that we have running, and to be able to expand it at this point doesn't look like it's something that's an option. So I just -- I know you've come down, and it's important that you take that time and I thought you deserved at least that answer.

Legislator Losquadro.

LEG. LOSQUADRO:

I just want to point out, once again, that we haven't even taken the first step, which I think is prudent, would be to examine our rates, something that hasn't changed in two decades. I know the last thing we want to do is, especially in a time like this, is look as though we're trying to increase rates, you know, to bring in revenues, but that's not the case at all. We're to the point of subsidizing this service that it, you know, is bordering on the edge of sustainability, and that's gone on for obviously a very long time, almost two decades. We need to examine the rates. We need to adjust the rates so that they are still reasonable and affordable for the people who are using them, but we need to make the system more sustainable for the County and put us in a better position to expand that service for the people who need it the most.

CHAIRMAN BEEDENBENDER:

Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chairman. I think for all of us who understand how important Sunday bus service is throughout Suffolk County know that that is a direction that we desperately want and need to move in, but at the same time need to do it in a methodical and prudent way, and I guess my question would be what the status of the overall bus study is at this point and what the administration maybe sees as some of the timing that's involved, and I would agree with Legislator Losquadro. I mean, there are plenty of questions that need to be asked and answered as a part of this process as we go forward. So I was wondering where we're at and where we go from here.

MR. CALDERONE:

I -- we -- there was a an accident on the Long Island Expressway. They closed the Expressway. Let me see if -- I'm not prepared to answer that, but if Bob is here. Yeah, Bob and Ben Wright are stuck in traffic.

CHAIRMAN BEEDENBENDER:

All right. I was just going to say that if Bob isn't here -- well, Ben is here. Did they come together?

MR. CALDERONE:

No.

CHAIRMAN BEEDENBENDER:

All right. Well, Lou, if you could just let Bob know that next time we have a committee meeting, we discussed this probably at a couple consecutive committee meetings and it's a good point that my colleagues bring up: We haven't heard from Public Works as to where that was. We got a preliminary report -- I see you Legislator Romaine. We got a preliminary report, but we haven't gotten a final document, at least not one that I've seen. So if Bob Schinnick could be prepared to discuss this at the next committee meeting, I --

MR. CALDERONE:

Absolutely. Okay.

CHAIRMAN BEEDENBENDER:

All right. We have Legislator Romaine, I saw him first, and then Legislator Horsley.

LEG. ROMAINE:

I introduced this resolution because I believe that public transportation is desperately lacking in Suffolk County. I believe that there's a tremendous need and can be established for a reliable, predictable public transportation system. Right now, busses serve as that effort. Out east, we're trying to take our destiny into our own hands, and we've just finished the Volpe study, which is a study that talks about using the rail lines for light rail or trolley system on both the North and South Forks and smaller busses to go into neighborhoods so that we would have a predictable, more efficient system.

It's still a debate of the chicken versus the egg. What happens -- how come ridership isn't that high, although it is on the S-92, which is the East End route. How come it isn't that high throughout Suffolk County? Well, we don't have a lot of bus shelters so if it's snowing or if it's raining, you're waiting there. We don't know if a bus just left and you're going to have to wait an hour or if a bus is going to come in five minutes because we don't have a predictable schedule.

I raised this question when I was first elected to the Legislature, and I was told, "Hold off. We're doing a bus study." That was four years ago. I ask now, where is the study? Who is the consultant? How much was spent? What questions will this study answer? This resolution requires the Department of Public Works to report to this Legislature within 120 days on a plan to implement Sunday bus service and to extend weekend hours on all bus routes. We have limited bus service on Saturdays as well and no bus service in this County of one and a half million people on Sunday.

You have to ask yourself if, we're concerned about being green, environmental, certainly public transportation makes more sense -- sense than private cars. If we have to talk about those who can't afford to travel, we have to ask those questions. We have the infrastructure in place. The East End is looking to use the Long Island Rail Road since we only get two trains a day, although we're compelled to pay MTA payroll tax. We have two trains a day going east and two going west. We could use the other times for light rail service to provide predictable service, and then instead of having a large bus ply Route 25, we could have smaller busses that would then go to the train stations.

We need to rethink public transportation seriously. This resolution is the beginning of that rethinking process. I have waited four years for a bus study that I have been told is coming. I think we will be underwhelmed by the study, not overwhelmed. We have waited so long in anticipation. I don't believe it will address our questions. It's not a question of examining the options. We know the options. It's a question of willpower. It's a question of providing public transportation, and it's a question of uniting as a Legislature regardless of [inaudible] and demanding that the MTA fund --

and some of us have done that across party lines -- fund this bus service. They subsidize Nassau. They subsidize Westchester. They run the County bus system. Who are we in this 12-County creation of the State of an authority without oversight? Who are we but stepchildren? It is us -- for us, as our elected officials to demand the right of our constituents to public transportation.

You could table this again. I believe it's ill-advised. I believe it's time to send the message loud and clear that we are moving towards Sunday bus service and that we will demand our fair share from the State of New York. I urge you to pass this. I'll make a motion to that effect. I know there will be a tabling motion. I trust that we'll consider the issue before us. Thank you.

CHAIRMAN BEEDENBENDER:

Thank you Legislator Romaine. Legislator Horsley.

LEG. HORSLEY:

Yes, thank you very much, Mr. Chairman. First of all, I must say that much of the sentiments that Legislator Romaine states, I echo because I too -- I also believe that we should be looking at shuttle busses and different strategies on how to provide bus service and adequate bus service for Suffolk County. I also wanted to point out that the MTA is now -- has now passed a bill to look at the possible takeover of the Suffolk bus system, and I would welcome that, and I know that Assemblyman Sweeney feels the same way, and I think that is going to happen -- it will happen this year, that we will get a study from the MTA on whether or not to take over Suffolk bus, and I think that's -- that it nears us to table this motion in that we will have more information on who is going to be running our bus system into the future within the next year, so again I think this is a -- I appreciate the fact that you've put this bill forward. It does move the ball; however, we must look at the MTA because we are paying that MTA tax, and we have to get something for it.

CHAIRMAN BEEDENBENDER:

Okay. Just to wrap it up real quick, we have a motion to approve.

LEG. LOSQUADRO:

I'll second that.

CHAIRMAN BEEDENBENDER:

There's a motion to approve and a second. I'm going to offer a motion to table. And just to respond to a couple of the comments that have been placed here, all the things that have been mentioned by Legislator Romaine, Legislator Horsley, Legislator Stern and Losquadro, for that matter, are important. The Sunday bus service is important. The fact that the State provides this much service to Nassau and doesn't to Suffolk County is important.

But for me, there is nothing more important than the fact that we can't pay for it, and to pass this and to give people who are desperately in need of a service the idea that we might be coming down the line with a solution when we have absolutely no idea how or ability to pay for it, I think is a step in the wrong direction. I'm happy -- I spoke to Mitch Powell the other day, and he said the MTA capital plan has the study in it. I'm hopeful that that will come through. I'm not going to hold my breath but I'll be hopeful that that's a possibility because they know how to deliver bus service. You know, we have limited service on the weekends; we have limited service at night; but we have an extremely limited amount of money. And I think we all know that we're trying to fill holes but not dig additional ones.

And, Legislator Losquadro, just to wrap up, I agree with you. In the past, I've said that rates are something I didn't think we should look at, but when the world is dramatically different, your position changes. I don't know how we're going pay for lots of stuff, and minor corrections and things all over the place may be things we have to look at to make that happen. And I think that as a Legislature, we have a lot of difficult decisions. I just don't think we can do this right now because we don't have the money. But I offered a motion to table. Is there a second? Seconded by Legislator Horsley. Tabling motion takes precedence. All in favor? Opposed?

LEG. ROMAINE:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRMAN BEEDENBENDER:

Abstentions? Motion is tabled.

[VOTE: 3-2-0-0, Legs. Romaine & Losquadro opposed]

All right. We'll move on to Introductory Resolutions.

IR 1796-2009, Amending the 2009 Capital Budget and Program and appropriating funds in connection with preparing a Sewering Feasibility Study for the downtown Mattituck area in the Town of Southold (CP 8190). (Romaine)

LEG. ROMAINE:

Yes. I'd like to move this. The Town Board has passed a resolution in support of this. The Town Board had originally attempted to do a feasibility study, but they could not get the grant money to support it. This is an opportunity for us to take a careful look at an area that is in desperate need for sewers for a number of reasons, essentially that the water quality could be greatly improved if cesspools were not affecting the shell aquifer that surrounds Mattituck, and it would also allow industries, businesses and restaurants, to flourish a little more than they have in a small downtown area.

LEG. HORSLEY:

I second the motion.

CHAIRMAN BEEDENBENDER:

We have a motion and a second. If there is no comments on the motion, I'll offer a motion -- no, I'm just kidding.

[Laughter]

All in favor? Opposed? Abstentions? **IR 1796-2009 is approved. [VOTE: 5-0-0-0]**

IR 1838-2009, A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 9 College Park (CP 8163). (Co. Exec.) I'll offer a motion to approve.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. If there's no questions, all in favor? Opposed? Abstentions? **IR 1838 is approved. [VOTE: 5-0-0-0]**

IR 1845-2009, Amending the 2009 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 19, Patchogue-Holbrook Road at Furrows Road (CP 5128). (Lindsay).

I'll offer a motion to approve. Seconded by Legislator Stern.

This is a project that -- it has a long history and hopefully this moves the ball a bit closer to a shovel. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

IR 1845-2009 is approved. [VOTE: 5-0-0-0]

IR 1846-2009, Amending the 2009 Capital Budget and Program and appropriating funds for a traffic study at the intersection of Nicolls Road (CR 97) and Pond Path, Brookhaven (CP 3301). (Kennedy)

Motion by Legislator Losquadro. I'll second it. Just for the purposes of the record, last year, I had passed a resolution that did a traffic study on Nichols Road at the intersections of Hammond and Hawkins. This bill -- although my -- the title doesn't say -- it was just amended. It includes Mark Tree Road and Pond Path. Those would be the last two intersections before Route 347, Nichols Road, and that would complete an entire path from the Expressway all the way to 347 of traffic lights that the county has addressed.

And I believe, from my understanding, from Public Works, they are going to engage the same traffic engineer that's doing the project for my bill, which we're supposed to get results from soon to do these. So it might delay it a little bit, but we're going to have one engineer give us a four-light solution, and hopefully we'll be able to do that within the capital project that's left.

MR. CALDERONE:

That's correct, and obviously that makes sense to have the same engineer work on all four.

CHAIRMAN BEEDENBENDER:

Well, all four of them really play into each other anyway, so that seems like a good solution. And this \$50,000 covers those two intersections?

MR. CALDERONE:

Yes.

CHAIRMAN BEEDENBENDER:

All right. Well, we have a motion and a second. All in favor? Opposed? Abstentions? **IR 1846 is approved. [VOTE: 5-0-0-0].**

If there is no other business before the committee, we stand adjourned.

[The meeting was adjourned at 2:37 P.M.]