

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
VERBATIM TRANSCRIPT

The Public Works and Transportation Committee Meeting was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, New York, on Tuesday, March 16, 2010 at 2:00 p.m.

MEMBERS PRESENT:

Legislator Jay Schneiderman - Chairman
Legislator Steven Stern - Vice-Chairman
Legislator Tom Barraga
Legislator Wayne Horsley
Legislator Thomas Muratore

ALSO IN ATTENDANCE:

Presiding Officer William Lindsay
Legislator Edward Romaine
Legislator Jack Eddington
George Nolan - Counsel to the Legislature
Barbara LoMoriello - Deputy Clerk
Paul Perilli - Aide to Majority Caucus
Linda Bay - Aide to Minority Caucus
Deborah Harris - Aide to Legislator Stern
Jack Caffey - Aide to Presiding Officer Lindsay
Catherine Stark - Aide to Chairman Schneiderman
Roz Gazes - Budget Review Office
Jim Doering - Budget Review Office
Ben Zwirn - Deputy County Executive
Gil Anderson - Commissioner of Public Works
Bill Hillman - Chief Engineer/Department of Public Works
Ben Wright - Sanitation Division/Department of Public Works
Charles Bartha - Town of Babylon
Richard Groh - Town of Babylon
Gail Lolis - Suffolk County Attorney's Office
Dot Kerrigan - AME
Tracey Edwards - Verizon
Doreen Brennan - CWA Verizon
Michael Gendron - CWA Verizon
John Rooney - Five Town Rural Transit
Jim Ellwood - Five Town Rural Transit
Patricia Shillingburg - Five Town Rural Transit
Vince Taldone - Five Town Rural Transit
William Matthew Groh - Acting Chairman/Concerned Citizens for Sewers
Rebecca Mowl
Don Barto
Bob Morrow
Marvin Eugene Henley

VERBATIM MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 2:16 P.M.]

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Public Works and Transportation Committee to order this 16th day of March, 2010. If you all will rise and join us for the Pledge of Allegiance, led by Legislator Tom Barraga.

(*Salutation*)

You may be seated. We have a busy agenda today. I'm going to try to get through it as quickly as we can. Thank you all for coming out. We do have three presentations. Because I think they may be somewhat lengthy, I think I'm going to do the public portion first. I have one, two, three, four -- six or seven cards here. So I'll tell you who the speaker is and who's on deck, and each person will have three minutes to present their comments. I'm going to start with William Matthew Groh on I.R. 1197 and 1288, and on deck is Rebecca Mowl.

MR. WILLIAM GROH:

Good afternoon, Chairperson Schneiderman, Co-Chair, Mr. Stern, and Members of the Committee. My name is William Matthew Groh. I'm the cofounder or the founding person with Concerned Citizens for Sewers, a civic association created for the purpose of advocating for sewer hookups on behalf of homeowners in the areas of North Babylon, Deer Park, Wyandanch, West Islip, and West Babylon, which I will call the relevant areas. And I didn't know that I was limited to three minutes, I thought that it was longer, so I'll try to keep this short.

I.R. 1197 pertains to the waiver of all connection fees for commercial developers in what are known as urban renewal areas. We think that the across-the-board waiver of all fees without regards to the financial ability to pay is not a good idea, that that wouldn't be prudent. And we are in favor of 1288, which is going to collect additional waiver fees, connection fees from the Wingate Hotel project on Crooked Hill Road in Brentwood. The reason why we should not give an across-the-board waiver is because connection fees are an important source of funding for the Southwest Sewer District; so are usage fees, and so is the quarter cent sales tax.

In addition to being an important source of funding, we request this committee, the Legislators that represent our particular areas, and the Legislature as a whole to consider a couple of different measures to provide additional funding for sewers. We're asking you to work with us in this regards. We'd like to dedicate a certain amount of the connection fees that are obtained for a specific fund to hook up residential houses, to put in the main lines to hook up residential houses in the relevant areas. The connection fees are placed in a capital improvement fund. The capital improvement fund is made -- is used to make capital improvements. Installing main lines in the residential areas is a capital improvement. It's an appropriate use of the fees. We request the dedicated fund and a segregation of the money from the Capital Fund to that segregated fund for the use of putting sewers in the residential areas. We request that usage monies, usage fees that are also collected be used for such purposes, and that the Counsel to the Legislature research the propriety of doing so, so that we can use usage fees to lay pipe.

The other aspect of it, the quarter cent sales tax, I know that this will probably bring some more opposition, but we wish the Legislature to consider whether to use any part of the quarter cent sewage -- quarter cent sales tax to also pay for the installation of sewer pipes in residential areas at no cost to the homeowners. Homeowners in those areas already pay the quarter cent sales tax. They are being charged for it and they're not getting the benefit of what they're being charged for, and we hope that that's an appropriate use of that money, and that some of that money could be dedicated to that project in particular. The other source of funding which --

CHAIRMAN SCHNEIDERMAN:

Sir, if you could wrap up.

MR. WILLIAM GROH:

Okay. We also request your help in going to the Town of Islip and requesting that a public benefit plan be put in place regarding the Heartland Town Square Project. The Heartland Town Square project is going to put in 1,600,000 gallons a day at \$30 per gallon. That's 48 million dollars that are going to be used for connection fees. And if it's \$15 a gallon, if they are grandfathered in, which I'm still trying to research, that's 24 million dollars that we could use to install pipe in residential areas.

In addition, we request a public benefit plan be put in place so we can obtain additional monies for infrastructure improvements for our area. That's the gist of what we have. I have a written -- a handwritten copy of my testimony, and I would like to make that part of the record as well. And I'd like to ask if there are any questions, I'd be glad to answer them.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine has a comment.

LEG. ROMAINE:

Just a brief comment. I don't represent this end of the County, I represent the East End, but, obviously, as a County Legislator -- and I'm not on this committee, so I want to thank the Chairman's indulgence -- I am reluctant to continue to vote for projects outside the sewer district until all the residents within the sewer district are hooked up.

We voted for numerous projects to expand the sewer district to entities outside that district while there are residents within that district that have not been hooked up. That gravely concerns me. And I'm going to be examining that policy, because I believe, at this point, we really have to take a look at finishing the job of the Southwest, which is ensuring that all residents within the district be hooked up. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

MR. WILLIAM GROH:

Thank you, Legislator Romaine.

CHAIRMAN SCHNEIDERMAN:

No other questions.

MR. WILLIAM GROH:

Thank you. Thank you, everyone, and have a great day.

CHAIRMAN SCHNEIDERMAN:

Rebecca, you're next, and then Bob Morrow following.

MS. MOWL:

Good afternoon. Can you hear me?

CHAIRMAN SCHNEIDERMAN:

No. Push the button.

MS. MOWL:

The whole time, all right. I really appreciate it. Good afternoon, my name is Rebecca Mowl, and I'm here representing the union men and women of the Long Island Federation of Labor who support I.R. 1102. I wanted to thank Legislators Eddington and Romaine for sponsoring 1102. The legislation you have sponsored will address organizations' concerns about safety and jobs.

For years, utility companies on Long Island, particularly Verizon, have neglected or delayed the removal of aging or damaged utility poles, creating safety hazards throughout the towns of Suffolk County. The penalties created in this bill will hold utility companies accountable, and there will be strong incentives to accomplish the work that should have been done a long time ago.

Within Suffolk County we have a well-trained workforce that is trained in the removal of utility pole. Unfortunately, while the public safety problem persists, Verizon is planning layoffs of the workers who could fix it. Passing I.R. 1102 will create immediate job opportunities within this established workforce. The County can set the standard on this issue and be the first on the Island and in the State to address the beauty of our roadways, the safety of our communities, and the jobs of our residents. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Okay. Bob Morrow, and followed by Michael Gendron.

MR. MORROW:

Excuse me. We are scheduled for a presentation, so the card was filled out in error.

CHAIRMAN SCHNEIDERMAN:

Yeah, so you don't need to speak now, then, just wait. That's the same with Mike. Okay. So that brings us to Don Barto, followed by Charlie Bartha.

MR. BARTO:

Thank you. My name, again, is Don Barto. I live on 62 Drakeford Avenue in North Babylon.

Just a short story about -- I moved into the neighborhood in 1970, September. My daughter, who is about 40 years old now, she was chasing around the backyard with my golden retriever. Luckily, I was looking out the window and I seen the ground collapse, the dog go in and Stephanie jump in after him. Thank God, I still pray today, that I was there to look out the window and see this and ran out and grabbed the both of them. I now have seven grandchildren. I still stare at that spot and that spot constantly gets wet. I understand I live in a high groundwater level and we've been waiting for an awful long time. Every once in a while you see in the papers where it pops up that somebody fell in their cesspool and they died. Just recently, some poor fellow fell in.

One last thing is today I went to get fertilizer and the fertilizer guy told me, he says, "You know, you can't put it down until April the 1st." I says, "Why?" "Well, we're worrying about polluting the ground." We're worrying about polluting the ground between April -- between November 1st and April 1st, but we're not worried about what I'm throwing down my toilet bowl into the cesspool all year long. And I'm sure there's a lot of things that go into our cesspools that shouldn't be going in there that is going into our drinking water and our groundwater.

I thank you for your time and I thank you for listening. But, please, it's been an awful long time that we've been paying our taxes. We've been good citizens and I think we deserve just what everybody else has. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

All right. Charlie, you're next, and then Richard Groh.

MR. BARTHA:

Thank you. I'm Charlie Bartha. I'm here with Sidney Bowne.

CHAIRMAN SCHNEIDERMAN:

Just push it down.

MR. BARTHA:

I'm Charlie Bartha. I'm here representing the Town of Babylon. I'm employed by Sidney Bowne and

Son, Engineers. I'm here on I.R. 1197, which is a very important resolution to both the Town of Babylon and, I believe, to the County of Suffolk. It will -- it's entitled about the waiver of connection fees. It could more properly be entitled "Exchange of Assets in Lieu of a Connection Fee". The Town will be providing over 12 million dollars in assets to the County after they are constructed. This will open up the District, the Southwest Sewer District, to access to other contractees where they will be able to collect connection fees from and it is not a precedent. The County has in the past accepted improvements in lieu of connection fee from a governmental entity, the State Office of Mental Health.

There'll be an environmental benefit to the County. It's the first time in a very long time, as you know, that there's an opportunity for a major sewer improvement. It will spread the tax base of the sewer district, opens a new market. And this project that the Town is developing here is a transit-oriented development. It will bring a tremendous amount of revenue. It's a \$500 -- 500 million dollar project and will create a lot of construction jobs and provide housing and redevelop the central business district of Wyandanch, and will bring considerable sales tax revenue to the County. And Rich Groh is with us -- is with me, the next speaker, as well. Thank you.

MR. RICHARD GROH:

Yeah. Charlie covered most of the points. Oh, you got to hold it, okay. All right. I've never been up here. I just want to say the Town of Babylon, you know, strongly supports this amendment to Chapter 424. This will facilitate a partnership with the Town of Babylon for the revitalization of the Wyandanch downtown community. It's essential for the project to go forward. There's a very high groundwater table in the Central Business District. We have malfunctioning septic systems. We have negative impacts to the Carlls River watershed. And we feel that this project will be a great environmental benefit, not just to the Town of Babylon, but also to the Carlls River and the Great South Bay, South Shore Estuary Reserve.

So that's all I have to say. I just wanted to add it to what Charlie stated. And if there's any questions, I could can answer.

CHAIRMAN SCHNEIDERMAN:

And questions? Thank you. You're Richard Groh?

MR. RICHARD GROH:

Yes.

CHAIRMAN SCHNEIDERMAN:

Any relationship to the other Groh?

MR. RICHARD GROH:

I'm sorry, my hearing is not that good.

CHAIRMAN SCHNEIDERMAN:

Are you Related to the first Groh who spoke? Somebody --

MR. RICHARD GROH:

Yes, he's my cousin.

CHAIRMAN SCHNEIDERMAN:

Okay. Different sides of the issue, though, family dispute.

MR. RICHARD GROH:

In a friendly manner.

CHAIRMAN SCHNEIDERMAN:

All right. That's all I have for public comment. Would anybody else who wanted to -- who didn't fill

out a yellow card who wanted to be heard before the committee? Good. Okay. We're going to go to the presentations. So I think we'll start here with Michael Gendron of CWA 1108 on I.R. 1102.

MR. HENLEY:

Hello. May I speak?

CHAIRMAN SCHNEIDERMAN:

Oh, I'm sorry. You wanted to speak as well?

MR. HENLEY:

That's right, sir.

CHAIRMAN SCHNEIDERMAN:

Oh, I didn't see your hand.

MR. HENLEY:

I don't have a very loud voice, so you probably didn't hear me.

CHAIRMAN SCHNEIDERMAN:

Okay. So if you could identify yourself. Would you push the button down? Right. You're going to have to hold it down for the entirety of your presentation.

MR. HENLEY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

And if you would start by identifying yourself.

MR. HENLEY:

I'm merely going to read this, so let's make it fast.

P.O. LINDSAY:

What's your name, sir?

CHAIRMAN SCHNEIDERMAN:

If you could start --

MR. HENLEY:

Similarities between Wyandanch Commercial District and hooking up houses. The efforts to sewer the Commercial District in Wyandanch and the need to install main lines in residential areas are very similar. One, like the Straight Path area in Wyandanch, there are high water tables in North Babylon, that's where I live, Deer Park, West Babylon, West Islip and Wyandanch residential areas.

Two, in Wyandanch, nitrates from cesspools negatively impacts Carlls River and South Shore Estuary. In North Babylon and Deer Park, nitrates from cesspools are negatively impacting Sumpwams Creek in the same South Shore Estuary. Residential cesspools also negatively impact Carlls River.

Three, as for the economic benefit of sewerage the Wyandanch Commercial District, there's a similar economic benefit to sewerage residential areas. Property values will rise, SS values will rise, and tax base will increase, thus, over time, sewerage residential areas will pay for itself.

In addition, in areas with high water tables, hardworking people are having to pay to pump cesspools as much as three and four times a year. If I seem aggravated by that, you're right. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you. Sir, I just want to make sure we had your name on the record, if you could just state it into the microphone.

MR. HENLEY:

Thank you. My name is Marvin Eugene Henley. Call me Gene.

CHAIRMAN SCHNEIDERMAN:

Thanks.

MR. HENLEY:

I reside in North Babylon.

CHAIRMAN SCHNEIDERMAN:

Okay. So now we will go to the presentations. So, again, Michael Gendron from CWA 1108. You'll have to hold down the button to be heard.

MR. GENDRON:

Good afternoon, Chairman Schneiderman and Members of the Suffolk County Legislature on the Public Health Committee. With me is Bob Morrow, President of CWA Local 1108. He will be making the presentation.

MR. MORROW:

Thank you for your time. We're here to talk on I.R. 1102. What Suffolk County can do about Verizon's abandonment of its plant. If the PSC won't do its job, who will hold the utilities accountable? Verizon needs to put on notice that our County must be kept safe.

Verizon had 8,000 double poles and broken poles in 2006. Verizon now has 11,994 double and broken poles in 2010. That equals 344 miles of bad plant. You would have to drive from here to Richmond, Virginia before you would see a safe pole. Verizon's idea of safety, as you can see, it's tied up with what appears to be tape, or whatever. This was left in front of the International Baptist Church and School in Head of the Harbor. It's not only double wood, sometimes it's triple woods. As you can see at Midwood Road in Babylon. Verizon puts its profits before safety.

The PSC has changed focus to competition in Telcom. If for no one -- if no one's switching -- watching Verizon does not protect plant or our neighborhoods. What will it take for Verizon to get back to keeping us safe?

This wire hanging off a pole poses a safety hazard on Waverly Avenue in Patchogue. With 8,000 broken double poles in 2006, Verizon made a commitment to removing 150 poles a month. Verizon says they upped that in 2008 and 2009. Verizon says they did 700 this year. Verizon says they placed 3,400 poles since 2006. Verizon says they removed 12,085 poles since 2006. How did they end up with 11,994 poles? A hundred fifty poles a month since 2006 is 7,200 poles. Add 700 for 2010 and you get 7,900. Eight thousand minus seven hundred -- 7,900 does not equal 11,994. Verizon said they placed 3,400 poles since 2006 and removed 12,085 poles. 15,485 Verizon poles removed minus 11,923 LIPA-placed poles does not equal 11,994 Verizon double poles. No matter how you figure it, it does not add up.

Obviously, Verizon's plan is inadequate. Double woods allow -- double woods allow double the wood preservatives like creosote to leach into the ground and our water; it's accelerated in the older poles. What's the angle we need before Verizon deems it unsafe? Rope is not an accepted safety telcom standard. Temporary fixes should never become a permanent.

Verizon has seen their plant conditions worsen. Verizon laid off 54 techs in Suffolk County and 72 techs in Nassau. Most of those techs did the line work needed to address this problem. Verizon

forced 40 Suffolk techs into Nassau County, and Verizon also forced 32 Suffolk techs Upstate to Buffalo and Watertown for the next 6 to 12 months. Verizon just declared ten -- 1,047 of its 1,943 techs surplus in Nassau and Suffolk county. Verizon has almost 200 less techs on Long Island to address this problem. Verizon wants to remove another 1,047 Long Island who will be left to do the work. If it didn't work before, how could it work now? It doesn't make sense that less line techs can remove more poles.

The nor'easter we just experienced this weekend, LIPA had every line tech work all weekend for this storm. LIPA brought in the line techs in to New York from other states and from Canada. Verizon only brought in 20% of their line techs in Suffolk County over the weekend. What will it take to get them to act? If not the PSC, then who? Verizon leaves our communities in harm's way. One must wonder how this pole or this cross box fared in a big storm. We shouldn't have to worry that our kids will be exposed to conditions like these.

Verizon refused to meet with the Legislation Eddington (sic) when CWA was included. LIPA has an infrastructure program; why doesn't Verizon? Verizon owns 40% of the poles, yet has no plan at all. How much longer are we going to hope nothing happens to someone in our community while Verizon turns a blind eye to the crumbling of their plants?

Verizon makes billions in profit every year. They have a responsibility to keep the residents of Suffolk County safe from the perils that their crumbling plant poses. Leaving 12,000 extra old decaying poles poses great environmental risk that can lead to health issues for our communities, including cancer. Verizon must come up with a plan that will actually work this time. If the PSC will not ensure this, this time is now for Suffolk County to make sure it happens. The time is now to act. Suffolk County can lead the way to save and -- to safe and quality plant conditions for all. Thank you for your time.

MR. GENDRON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Any questions? I just have a question. Where's Cablevision in all of this. They're up in the same poles, too, right?

MR. MORROW:

They are. Cablevision leases the poles either from LIPA or from Verizon. And if you read the pole agreement, they are to move their wires also in a timely fashion so the poles can be removed. If they do not, then Verizon or LIPA can move those poles and then bill back to Cablevision the cost of what that took.

CHAIRMAN SCHNEIDERMAN:

Okay. And with these Verizon lines that are on these poles, these are the telephone land lines, is that what it is, or is it also the Verizon, I guess, DSL?

MR. MORROW:

Well, it is our copper plant and also our FIOS plant that's on those poles.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Horsley, then Legislator Barraga.

P.O. LINDSAY:

And Muratore wants to talk.

LEG. HORSLEY:

Yeah, hi, guys.

CHAIRMAN SCHNEIDERMAN:
I'm sorry, I didn't see you there.

LEG. MURATORE:
That's okay.

CHAIRMAN SCHNEIDERMAN:
We got one, two, three.

LEG. MURATORE:
Good.

LEG. HORSLEY:
I'm curious. Since LIPA owns 60% of the poles, how are their statistics matching up to Verizon? Has anyone done a count, saying, "Well, you've got 11,000 double poles"? How many does LIPA have, and are their workforce that more plentiful that -- because I know National Grid has been cutting back as well. Could you give me kind of an idea of, you know, what's the comparisons?

MR. MORROW:
What happens mostly is the poles get broken either through storm damage or through, unfortunately, drunk drivers or car accidents, and/or sometimes LIPA upgrades their system. And, I mean, what we used to do, for the most part, on the other one, storm conditions and traffic accidents that caused it, we would go out jointly with LIPA and we would move -- you know, they would move their cable, we'd move ours, we'd yank the pole and it was a done job. For some reason we got out of doing that a couple of years back. LIPA goes out and actually has to go out when it's a storm or accident, or something like that, because the wires are now on the ground, and they put them back up. They usually put the first pole in. Our job is, theoretically, just to go out there and then transfer our cable, possibly Cablevision's cable and remove the pole. So LIPA's almost always out there first. You know, they're, let's call it, the first responders for things such as that. But in theory, it's just supposed to be 40% of the poles are owned by Verizon and 60% by LIPA.

LEG. HORSLEY:
Okay. I'm not sure if my question was answered. I understand what you're saying. I understand this last -- last company up on the pole is the one that's responsible for the pole's condition and the like, but how -- is the LIPA poles in better condition? Are there more double poles, double woods that are Verizon in comparison? Are they falling apart more faster because of lack of attention by Verizon? I'm trying to get a handle of, you know, are they -- or is just the whole system a mess?

MR. MORROW:
I believe it's Verizon is not responding in a timely fashion, which is causing them to be predominantly the ones. LIPA has been upgrading their plant a lot more than Verizon has.

LEG. HORSLEY:
So there are more Verizon poles that are double woods in comparison to the LIPA poles, even though you -- even though you take into account that there's 60% of them?

MR. MORROW:
Yes, sir, I believe that to be true.

MR. GENDRON:
I don't think I've ever seen a LIPA pole on the old pole. The only thing I've ever seen is the Verizon on the old pole.

LEG. HORSLEY:
As a layman, I can't tell the difference, I mean, they're poles. I mean, that's --

MR. GENDRON:

Traditionally, always, the LIPA wires are at the top.

LEG. HORSLEY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Good. All right, Tom. Tom, you're next, and then -- well, Tom Barraga and then Tom Muratore.

LEG. BARRAGA:

Mr. Gendron, let me ask you a question -- a couple of questions. Right now, 150 poles are being taken down on a per-month basis, the double poles.

MR. MORROW:

That's what Verizon says, sir.

LEG. BARRAGA:

Okay. Now, those poles that are being taken down, they're being taken down by your union technicians?

MR. MORROW:

Yes, sir.

LEG. BARRAGA:

Okay. Now, if there's a commitment to increase that number to, say, 250 or 300 a month, does that make a difference from your point of view?

MR. MORROW:

That would make a difference sir, but I really have to question that 150, the original 150 as being fact.

LEG. BARRAGA:

Because I'm led to believe, based on a telephone conversation I had recently, that they're ready to come up with a plan that would remove about 250 poles per month.

MR. MORROW:

Well, sir if they did that in reality, it would work.

LEG. BARRAGA:

Okay. And the other thing with reference to the loss of the technicians, you know, certainly, I understand this specific situation, but from a company-wide perspective, a Verizon perspective, a macro perspective, wouldn't they also be making those decisions because maybe in other areas the bottom line isn't as great as they thought it would be? I mean, for example, Verizon spent billions of dollars installing fiberoptics for this FIOS to compete with Cablevision. I assume union people installed the fiberoptics at the time, but I don't know how that process is working out. I don't know if it's turned out to be what Verizon thought it was going to be. I mean, they're in stiff competition with Cablevision. So I'm just wondering if there's much more at play here than just the removal of old poles from a company perspective, when I hear that 1,000 technicians are being either transferred or let go, whatever your presentation pointed out.

MR. MORROW:

Sir, what happens with that is fiberoptics was coming to Suffolk County. Fiberoptics stopped in the Town of Islip, it hasn't gone further east. Maybe to the -- the only town I could think offhand is Lake Grove Village in the Brookhaven Hamlet, but that's about the only place, so that's where they stopped it. As a matter of fact, in 2006, when we brought this issue before the Legislature then and

to the Town of Brookhaven, Verizon said that as they build their fiberoptics out to the East End, these pole conditions will be cleared up. Well, they made it quite clear in July when Ivan Seidenberg was on a news show on Channel 13 and stated that he didn't see fiberoptics in Eastern Suffolk. So our thing is today, are we just to forget about telecommunications in Suffolk County, and to allow these unsightly, unhealthy conditions to persist just because Verizon has decided they do not want to bring their FIOS product out to the people of Suffolk County? That's a question we must ask.

LEG. BARRAGA:

Mr. Gendron, I believe the Verizon -- some Verizon people are in the audience today. Maybe we can hear from them in terms of, at some point, their plant, because I'm under the impression they want to increase the number of old poles to be removed on a per-month basis up to 250. You know, maybe I'm incorrect, but I don't believe I am based on the phone conversation I had this morning. And what you're saying, if that were the case, they're moving in the right direction, then?

MR. MORROW:

They certainly would be, sir, if, in fact, they did it in reality.

LEG. BARRAGA:

And it has to be verified that that's the actuality, they'd actually be doing 250 per month?

MR. MORROW:

Yes, sir.

LEG. BARRAGA:

Okay. Thank you.

MR. GENDRON:

I think we also need to look at the numbers as to what that 250 a month would remove, as opposed to what's left out there.

LEG. BARRAGA:

Opposed to that 11 or 12,000 that you're saying they're out there.

MR. GENDRON:

Exactly.

LEG. BARRAGA:

It would take time, there's no doubt about it. But, you know, my concern, too, is some sort of an agreement to remediate this problem, but, at the same time, I just have this feeling, like corporations and most municipalities, there are other economic factors in play here, you know, that affect their bottom line, and maybe this is an element to save some dollars because they're not making dollars or revenues in some other area. Thank you.

MR. MORROW:

We see that as a fact, sir, as I brought out in the presentation, but, once again, there's the safety and --

LEG. BARRAGA:

I understand that, Mr. Gendron, I understand that.

MR. MORROW:

-- health of the citizens; where does that fit in?

LEG. BARRAGA:

I understand.

MR. GENDRON:

This didn't happen overnight.

LEG. BARRAGA:

Right.

CHAIRMAN SCHNEIDERMAN:

Legislator Muratore.

LEG. MURATORE:

If I can just ask Legislator Eddington a question on this. How much time's involved here? If the pole gets hit today and gets -- and a double pole is put up, how much time do they have to get that broken, busted up pole out, total number of days before they -- before they receive a fine?

LEG. EDDINGTON:

Now it can be over two years. There's many that have been around for over two -- over two years. I know the union could tell you, and I think the company can tell you, because they've been very straightforward with me, but my legislation says that they have 90 days, and after 90 days, they're going to be informed that they have failed to meet the criteria, and then they have 60 days to get it down, so they have actually 150 days to do it.

And the reason I put the legislation in is because we did have a plan, but it was -- it was inadequate. I will say the company has responded. I mean, it's not like they've avoided the issue of talking to me, and they've been good at communicating. I just think that any plan has to have a consequence if you don't follow it, just like when 150, it became clear. We have 2,000 more than we had four years ago. So their plan didn't work, and I wasn't -- believe it or not, I was not the pole police, I was not running around counting them. So I think if there is a consequence for not meeting a goal, I think they'll do it. So -- and Cablevision seems to see that it isn't that bad. And I think Verizon and LIPA I don't think have the real serious -- they were a little concerned, and when I explained to them the legislation, they seemed to be okay.

LEG. MURATORE:

I mean, 150 days doesn't seem like, you know, that short a period of time they can't get this done. I remember when I was a young cop in the Fourth Precinct here we had a pole get whacked and it was replaced within one or two days. And now we have all these thousands of double woods here which are creating more and more problems and, yet, the company is going to be given 150 days to get them fixed? And you know it's going to go past that a few days more than that, so we're talking at least six months here to remove a pole and put the other one back -- and take the old one out.

CHAIRMAN SCHNEIDERMAN:

I just want to also add to that, though, that after that 60-day period, it's a \$250 per day penalty, so it is significant penalties. Now, who would go out there and assess that, Legislator Eddington?

LEG. EDDINGTON:

DPW.

CHAIRMAN SCHNEIDERMAN:

DPW would cite, and it would be, I guess, Verizon in the case it's said it's their poles. Tom, is that -- you're okay?

LEG. MURATORE:

Yes, fine. Thank you, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chairman. Could you -- just to back up just a moment, and you were talking about the response over the weekend with -- you know, with the challenges that we had County-wide, Island-wide. You had mentioned the number 20%, 20%, I guess, response on the part of workers over the weekend from Verizon. I was wondering if you could just expand on that 20% as you understand it, and maybe you could translate that into what your understanding of the manpower is resulting from that 20%. What is the significance of that number?

MR. MORROW:

What we did, sir, is went out to our line crews and tried to find out how many were called out during the storm, starting on Saturday into Sunday, and we came up with numbers -- between the Holbrook, Commack, Centereach and Riverhead garages came up to about 20% of the line force was only asked to work. We found out that jobs -- we just found out today that jobs were put out into the field, repair jobs on single lines, and stuff like that, that was scrubbed off over the weekend, and were only resubmitted out to the field today, so those people were left without service during that period of time without bringing in extra people in the core department on repair.

LEG. STERN:

And do you have any idea what that 20% corresponds to in terms of number of workers?

MR. GENDRON:

About 20, 25.

LEG. STERN:

Earlier, you had used the term "within a reasonable time." I think that's part of what Legislator Muratore is asking and what Legislator Eddington was speaking to. I was wondering, and I'll ask this question of the representatives from Verizon as well, but in your experience, in the past, has there ever been an industry standard as to what reasonable time might be? And we're talking about 90 days. We're talking more days after that for 150 days. We're talking about in many circumstances two years. You know, we're talking about other entities like LIPA and Cablevision. I mean, over the course of time, my question is whether or not there's ever been an industry standard that that's been developed that you're aware of.

MR. MORROW:

Well, not really aware of. My 40 years with Verizon on New York Telephone Company, going back how we used to do it, as I said earlier, and as the Legislator mentioned over here, when a car hit a pole, both crews went out, a LIPA crew and a Verizon crew, or a New York Tel. crew. We got the work done then and there, we didn't leave it like that. Poles at best are unsightly. You know, but let's face it, we can't just go burying everything underground today. As much as we probably would all love to see that, that's just not financially feasible. But we used to take great pride in our plant in the New York Telephone Company. We did not leave bad plant conditions to sit for any length of time. The sticks were pulled, we put the cable back where it belonged in the site in a very expeditious time frame. They just were not allowed to be like that, and we've just gotten away from that. As the one Legislator said, we've gotten into the FIOS world and we were going to take a lot of -- do a lot of fixing when we built that out, but, as I said, that's not happening now. And all that's happening is our plant is deteriorating day after day.

LEG. STERN:

Let me ask it, then, another way. In your experience, then, what -- I'd be interested in your thoughts regarding the time period that's contained in Legislator Eddington's proposal.

MR. MORROW:

Well, that helps. As Legislator Eddington said, the company will agree that there's poles sitting out there over two years, and I guess 60 days is better than that. I don't see why it should take us any longer than 30 days to get that situation corrected, and even that's going out, I think, being very

liberal.

LEG. STERN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Anyone else? All right. Thank you.

MR. MORROW:

Thank you.

MR. GENDRON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. We'll bring Verizon up here. We've got Tracey Edwards, Vice President of Regional Operations for Verizon Telecom.

MS. EDWARDS:

Hello. Before I start, do you want me to address any questions or just forge ahead?

LEG. EDDINGTON:

You've got to press the button, Tracey, and hold it down.

CHAIRMAN SCHNEIDERMAN:

If you'll press the button and move that --

MS. EDWARDS:

The light's green.

CHAIRMAN SCHNEIDERMAN:

Move the microphone closer to your mouth.

MS. EDWARDS:

Light's green, light's green.

CHAIRMAN SCHNEIDERMAN:

You've got to speak directly into it.

MS. EDWARDS:

Okay. Good afternoon. Would you like me to address any questions first or just go through what I wanted to talk about today?

CHAIRMAN SCHNEIDERMAN:

Do your presentation. If you want to answer questions in the course of that, that's fine.

MS. EDWARDS:

Okay. I'll be able to do that. You know, I think I just want to start with the pictures and the presentation. You know, I would agree that anything that is unsafe should be taken down. Anything that is unsightly should be taken down. I brought a presentation that CWA presented to you in 2006. I will make the same commitment to them as I made then, that if they turn those pictures over to me, I will see whether those poles still exist. And if there's anything that's unsafe, we'll take it down immediately, as we did in 2006.

The last time I did find that some of those pictures were -- the poles were removed, so they were

taken right before the pole was removed, and that is a good thing. There were some that Cablevision was still on the attachment, there were some that LIPA is still on the attachment.

I would just like to just comment on the presentation. There is -- unfortunately, going forward with this enactment, I'm not surprised that Cablevision, Legislator Eddington, and LIPA is not concerned and they think that this is fair, because they're not going to be the ones that are going to have to pay for the penalty, because I believe, it's my understanding, is LIPA is a State agency. I don't think that they are going to be subject to this, I think it's going to be Verizon 99% of the time.

LEG. EDDINGTON:

The legislation says the permitted party, so if it's -- if LIPA has the permit, they will be subject to the fine. Of course, the way I figured it, they'll be very -- they will certainly do their due diligence to let you guys know if you haven't removed yours, because they're going to get the fine, so that was the motivation. You know, it's almost like in school, peer pressure.

MS. EDWARDS:

Yeah, I understand that, but I just want to make sure that LIPA is held to the exact same standard. And if I understand the 1969 Joint pole Agreement that was made between LIPA and Verizon, that is not the case, because regardless of whether they are responsible for creating the double pole condition, which I will tell you that over the last couple of years they have, we have taken down over 12,000 double poles, they have put up over 11,000, so they have created this situation 11,000 times. So, if they -- when we were before you back in 2006, if they were not putting up as many double poles, I would suggest to you that I wouldn't be here today, so -- and I think that the burden, though, is going to be on Verizon only. Even though your legislation, the intent of your legislation is not the case, I think that that is exactly what's going to happen.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine, if we could allow them to make their presentation first.

LEG. ROMAINE:

I just want to make one brief comment.

CHAIRMAN SCHNEIDERMAN:

Okay, one brief comment.

LEG. ROMAINE:

One brief comment. While this -- while you feel that this legislation may not impact LIPA, because it's a State agency, I believe that LIPA still must come to the County Department of Public Works to get a permit to put up the poles. I'm sure with that leverage that LIPA will adhere to this law, because if they don't, certainly, the issue of issuing additional permits for LIPA may be in question.

MS. EDWARDS:

I understand, sir, again, that's what your intent is, but I think that the way the law is and the way the joint use is, we will be responsible for taking it down, because we have to be the last person, because we're the last person on the attachment to take it down, because, as the president just suggested, he's correct, LIPA is the first responding. We don't want any of our personnel to go out until LIPA has cleared the way. I brought pictures myself of the conditions over the past -- just yesterday, and you'll see that we would not want any of our employees right there, because some of the things that we're doing -- right now, today, we have our engineers over at the LIPA command center because of all of the conditions that have been created just in this past storm. There's hot conditions, there's hot poles. You can't have the Verizon employees, and we wouldn't want any of the employees to go out unless that hot pole is no longer hot. So there's reason why we do not go together anymore, it's a safety issue.

CHAIRMAN SCHNEIDERMAN:

I'm very anxious to hear your plan as to -- because, clearly we do have a problem with 11,000 poles, and it sounds like the new ones on the way, lots of double poles happening probably right now --

MS. EDWARDS:

Right.

CHAIRMAN SCHNEIDERMAN:

-- as they fix the electrical problems.

MS. EDWARDS:

That's correct. So, in --

CHAIRMAN SCHNEIDERMAN:

So, clearly, you know, Legislator Eddington, I think, has brought a very important issue to our attention, and I think I personally am anxious to hear how you plan to solve it.

MS. EDWARDS:

Sure.

CHAIRMAN SCHNEIDERMAN:

I know we've talked on the phone, but I'd like to hear that formally presented.

MS. EDWARDS:

Okay. What I would like to do is in 2006 we propose to take down 150 poles per month on average. We would like to up that to 250 poles per month per average. We've already taken down 800 so far this year. What we would propose to do is to do it by Legislative Districts. I have looked at all of the double poles by the Legislative Districts. Some of you cut across the different towns, so I'd like to do that and spread it out across the towns and remove them in that fashion. I want to do it, of course, from a safety perspective and any aesthetic problems that you all bring to our attention. We will continue to work on those as you contact me. I have given you all of my information.

CHAIRMAN SCHNEIDERMAN:

Can I --

MS. EDWARDS:

So our -- I'm sorry.

CHAIRMAN SCHNEIDERMAN:

For clarification, when you say, "Legislative District," which we all know what that means, but are you talking about one Legislative District at a time, all of them simultaneously?

MS. EDWARDS:

Simultaneously.

CHAIRMAN SCHNEIDERMAN:

Same amount per Legislative District --

MS. EDWARDS:

Well, what I did is --

CHAIRMAN SCHNEIDERMAN:

-- or percentage-wise?

MS. EDWARDS:

Percentage-wise.

CHAIRMAN SCHNEIDERMAN:

Because some Legislative Districts have far more of these double woods, double poles than others.

MS. EDWARDS:

The largest percentage across is actually in Legislator Stern's District where I live, Legislator Stern, and D'Amaro, and Legislator Cooper cross Town of Huntington. There's 7% of the 11,000 poles are in the Town of Huntington, followed by Deer Park at 6.7%, and Mastic at 6.7%, and then they go lower than that. So what I would propose is that we would take them down as the percentages of the volume that we have. But, also, I want to make sure that we go out east first because of the seasonal issues, and it's very difficult to get out east, as I'm sure you can imagine, with taking down poles, so we want to do that and work our way in. But we want to take down across your Legislative Districts by percentage basis.

CHAIRMAN SCHNEIDERMAN:

What percentage do you have for Southampton?

MS. EDWARDS:

Southampton is 683.

CHAIRMAN SCHNEIDERMAN:

Six hundred eighty three poles. What percentage is that?

MS. EDWARDS:

5.93%, just about 6%.

CHAIRMAN SCHNEIDERMAN:

Okay. So you would take them down. Whatever the percentage of the total per Legislative District, that's how you decide how many in each Legislative District to remove?

MS. EDWARDS:

Yes.

CHAIRMAN SCHNEIDERMAN:

And then, in term of the East End, you do that seasonally when you could get in there?

MS. EDWARDS:

We're already in there.

CHAIRMAN SCHNEIDERMAN:

Okay.

MS. EDWARDS:

And what I'd like to propose is to provide you reports by your Legislative Districts, so -- and I'll come back to this committee any time that you'd like to let you know how I'm doing.

CHAIRMAN SCHNEIDERMAN:

Within the Legislative District, in terms of prioritizing, are you doing by proximity once you set up the work crew, or you're going for the ones that are most unsightly, or the ones --

MS. EDWARDS:

Well, if there's any information --

CHAIRMAN SCHNEIDERMAN:

The most damaged? I don't know.

MS. EDWARDS:

Well, we want to go --

CHAIRMAN SCHNEIDERMAN:

Are you prioritizing within the District, in other words?

MS. EDWARDS:

If we have the information in terms of which ones are unsightly, we'll go after those as well. We work to cross -- there's plats of information so that we'll know where the double poles are. We'll just go down that block. But we can always deviate if there's something that is a safety concern or an aesthetic concern.

CHAIRMAN SCHNEIDERMAN:

Will you file with us a report each month in terms of which poles were removed or how many per Legislative District, something like that, where we can kind of track it?

MS. EDWARDS:

Absolutely. And I can also provide the information about the 12,000 poles that we've already taken down, because that is factual information.

CHAIRMAN SCHNEIDERMAN:

And, also, how many new double woods came into existence, too? So we could -- we know we're moving in the right direction. I think would it be helpful, too.

MS. EDWARDS:

Well, that's a little bit of a challenge, because we need LIPA's help in order to do that. Because they're creating the majority of the double wood conditions, we really need for them to provide what their plans are in terms of going forward, because the accurate count that I have is only the data that I have. I don't have -- I can't, you know, make sure that 100% of the data that LIPA has is accurate. LIPA does not submit to me how many conditions they have.

CHAIRMAN SCHNEIDERMAN:

At the pace of 250 a month, how long will it take to get caught up on the double wood issue?

MS. EDWARDS:

Well, if LIPA freezes, you know, then it's going to take the same amount of time, it's going to take me three-and-a-half years.

CHAIRMAN SCHNEIDERMAN:

Three-and-a-half years, and assuming that the double woods would appear at whatever they're currently appearing?

MS. EDWARDS:

We may be right back here again, which is why I really need for LIPA to be involved in this process. So, if it was just our double poles, I wouldn't be sitting here again, because we only put up thirty-four-hundred-and-ninety-seven.

CHAIRMAN SCHNEIDERMAN:

Right. But if you continued at that pace after three-and-a-half, four years to remove -- if you kept going at 250 poles a month, you should be able to basically create an equilibrium or --

MS. EDWARDS:

If they start to slow down, yes. I am going to contact them just to see if they have any plans for this particular year, but it would be good to know, because they don't just put up double poles

because of damage, they put it up because of, you know, they're upgrading their facilities, they're -- new municipalities are putting in new buildings, they have a plan. So it would be good to know what they're doing.

CHAIRMAN SCHNEIDERMAN:

When would you begin to be at this pace of 250 poles per month?

MS. EDWARDS:

I've started in January. We've taken down over 800 already.

CHAIRMAN SCHNEIDERMAN:

Oh, you're already at this pace.

MS. EDWARDS:

Yes.

CHAIRMAN SCHNEIDERMAN:

Legislator Barraga.

LEG. BARRAGA:

Just to follow up, are you willing to put in writing your commitment on 250 poles? This is not a goal, this is a commitment, you feel you can hit this every single month?

MS. EDWARDS:

Yes.

LEG. BARRAGA:

So can you get a letter to me on that, to the members.

MS. EDWARDS:

Absolutely.

LEG. BARRAGA:

All right. I'm not too concerned about the break-out by Legislative District, but I'm more concerned about an actual commitment from the company to take down 250 poles per month, all right, effective January of this year, right?

MS. EDWARDS:

Yes.

LEG. BARRAGA:

You've already taken 800 down.

MS. EDWARDS:

I'd like to do it on average, because I may be a little bit further ahead in some months and behind another, so -- but I will give you a monthly report, but my commitment would be 250 on average.

LEG. BARRAGA:

So we're talking 3,000 a year.

MS. EDWARDS:

Yes.

LEG. BARRAGA:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Muratore.

LEG. MURATORE:

Mr. Chairman, I don't see how this is possible. I mean, they're saying they're going to take -- it's going to take 48 months to remove the 12,000 that are out there right now. That's given that there are no more double poles created. So, I mean, I think we're being told what we want to hear here, and I don't really believe that this is possible. Now the Union is saying that there's tentative -- maybe moving techs, laying off techs. So if they're removing 800 since January with the staff they have now, what's your plan for staff? Are you going to be increasing your people who take down the poles and put up poles, or you're going to be.

MS. EDWARDS:

Well, Legislator, we have a total number of about 700. Now, the information that President Morrow provided are only those that are currently linemen. There are other employees that can be trained to be linemen, or there are other linemen there. I -- you know, it's -- I am making a commitment to you. I will meet the commitment. I made the commitment last time and I did meet the commitment last time.

LEG. MURATORE:

So then you should have no problem with the legislation, then.

MS. EDWARDS:

I do have a problem with the legislation, because I think the legislation is unfair, because I think you're holding Verizon accountable --

LEG. MURATORE:

But it's going to make Verizon move, it's going to get them off the dime and get them out there and maybe put on some techs real quick and get caught up and then you won't have a problem in the future.

MS. EDWARDS:

Well, sir, I can't make a commitment to you to add techs, I'm making a commitment just like a did in 2006, which I met that commitment and I will meet this commitment, too. You know, like you said, there are many more other things that are involved. Me putting together this plan is not going to either be the result of not laying off or hiring additional people.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Eddington.

LEG. EDDINGTON:

Yeah. I just want to comment that I believe that the Vice President for Regional Affairs, Tracey Edwards, is sincere in what she's saying. The problem is she doesn't control the company. And the commitment of 150 poles I don't really believe was met. I think your intentions were, and I believe if it was up to you, you would have personally gone down and tried to knock them down or remove them. But if you had 8,000 in 2007 and 11,000 in 2009, the end of 2009, it really works out to about 125. But even if it was 150, it seems to me, looking at this, that the number one responsibility is a fiscal responsibility to the stockholders, and it's not the aesthetics or the safety, and that's how I'm seeing it. And I believe that you will in your capacity do everything you can, but unless we hire more people and really do an initiative, I don't see it happening. So because everything comes down to, in my mind that I've been seeing, the dollar sign, which you don't have any control over, I think that when you put a consequence that has a dollar sign to it, it may motivate the people above you to say, "We've got to seriously do something."

And my legislation doesn't punish for the 11,000 that are there, it's from this -- from the passing of

this legislation, all of them that are put forward. So if you have a plan, and you can keep up and you have a plan to reduce the ones that are already there, I don't think there's going to be a problem, I really don't.

MS. EDWARDS:

Well, with all due respect to you, sir, I wouldn't be sitting here giving you information that I could not support. Also, the legislation would be then I would be running around on the clock trying to take down poles that are going up, but maybe some of the 11,000 that still exist, maybe those are more egregious looking than the ones that are going up. I would rather do it in a planned approach to take them down in an efficient manner across, rather than saying, "Okay, this clock, and we're on, you know, day number 85, let me go take that one down," if we do that, it's going to be inefficient and not going to be the result in being able to do the majority, and this plan will take down the majority rather than hop-scotching around Suffolk County.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley.

LEG. HORSLEY:

Good afternoon.

MS. EDWARDS:

Good afternoon, sir.

LEG. HORSLEY:

I was just mentioning to Legislator Stern, I think I'd hire you if I was -- if I was Verizon. So you don't run the --

MS. EDWARDS:

I may need a job after this.

LEG. HORSLEY:

So you don't run the company.

MS. EDWARDS:

I do the best I can.

LEG. HORSLEY:

There you go. I do have a question, though. It seems to me, and you've mentioned it very politely, in very polite terms, that you don't work well with LIPA; Verizon doesn't, not you personally. You mentioned that they are constantly working against you, because they are taking down poles, and they're putting up the additional poles next to you, and as many as you seem to take down, they seem to be putting them back up. They don't tell you, you said -- in your testimony, you said they don't tell you where -- when they are putting them up, so you have no records, and it all seems to be kind of like a crap shoot. And so everything I'm hearing, I'm hearing, well, you've got a partner that's got 60% of the poles and you don't have any dealings with them. So by the expression on your face, I seem to be hitting a nerve.

MS. EDWARDS:

I think that we can improve our communication between the two companies.

LEG. HORSLEY:

You could improve. How do we do that, because it seems to be part of the problem? Now I don't know if we are preempted ourselves. I mean, when you mentioned before, you said that, you know, "I understand that they are a State authority," and that is absolutely true, they are a State authority, do our regulations have oversight over a State authority? I'm not sure. I think that

Counsel would have to look at that issue. Jack seems to think that -- and maybe you did look at this, Jack, I'm not sure, but it seems to me something for inquiry. But I've got to tell you that this is -- this is where it seems to be a lot of the crux of the problem is that your relationship stinks. What do we do about this?

MS. EDWARDS:

Well, I think --

LEG. HORSLEY:

How do we fix this problem? Can we legislate that?

MS. EDWARDS:

I don't know if you can legislate it, but I think that you can help. I mean, I think that if we had a more planned approach, I just don't think that -- I think we can accomplish this without the law. I mean, I think that some of the things that you're asking for we can do without an enactment. I am a total willing partner to sit down with them so that they can tell me and tell you how many other poles that they plan on taking down, and then maybe we can work better together in a joint fashion to take down some of those things. I think that we can do that, but I don't think that we need the law to do that. I think they would show up, I would show up and we would get it done.

LEG. HORSLEY:

Okay. You said before that you didn't want your people there at the same time as the LIPA folks are there --

MS. EDWARDS:

If it's a hot condition.

LEG. HORSLEY:

-- because you got hot poles and not hot poles and --

MS. EDWARDS:

That's right.

LEG. HORSLEY:

And so it is a communication issue then. You know, in other words, we come the day after the pole is no longer hot, or something like that, so that you have that correspondence. In a day of computers, even with copper wiring, I think there's enough speed that we can get that moving. Do we reach out to LIPA on your behalf? Where do you want -- how do we get this thing moving?

MS. EDWARDS:

Well, I think we should both do that. I mean, I will certainly do that on my end, and I would encourage you to do the same.

LEG. HORSLEY:

I have President Law coming. I believe he's not going to be coming tomorrow. We had scheduled him for tomorrow, but I think, because of the storm, he's going to be bailing out on that. But we'll have him at the next meeting, and, certainly, this is one of the topics of the agenda. Maybe you should be coming down and saying, "Mr. Law, we're" -- you know, "How can we get along? How can we talk?"

MS. EDWARDS:

I will do that, I will reach out to him.

LEG. HORSLEY:

So let's coordinate our schedules and make sure that you're there that day so that we can talk --

MS. EDWARDS:

Okay, will do.

LEG. HORSLEY:

-- as a threesome.

MS. EDWARDS:

Okay.

CHAIRMAN SCHNEIDERMAN:

Just one last question, and maybe this is for Counsel, but you've set, basically, 40% of the poles are Verizon and 60% are LIPA. Let's say it's a LIPA pole in an example, it's LIPA owns the pole. Maybe there was some storm damage. They now have put up a new pole, they put their wires on it. Verizon hasn't gone and moved your portion of it. It's now past the 90 days, or whatever it is that the bill says. It would be LIPA, though, that would be assessed the \$250 a day penalty, even though they're not the ones who, you know, haven't moved the wires, it was Verizon, is that correct?

MR. NOLAN:

The person who got the permit is responsible for removing the pole.

CHAIRMAN SCHNEIDERMAN:

Right, but they can't -- but LIPA couldn't remove the pole because Verizon and Cablevision were on it, so they'd -- LIPA would be waiting for Verizon and Cablevision to move the wires, yet they would be responsible. So they would then -- they would bill back? I mean, how would that work?

MR. NOLAN:

I think they have -- they have these agreements between themselves. We had a meeting about this, it's really complicated, and we were trying to figure out a way to get at this problem. And we concluded, Legislator Eddington and myself, that the only way to do it was -- our only hook was the fact that issue permits to people to put up poles. So we have to -- that is our avenue to try to get people to remove poles that are damaged so we get rid of the double woods.

CHAIRMAN SCHNEIDERMAN:

My point is, though, that Verizon could incur a costly bill to LIPA, but not necessarily to Verizon. So Verizon's incentive might -- LIPA's incentive -- Verizon's incentive might be to go and fix all of their double woods, but not necessarily the ones that were LIPA's.

P.O. LINDSAY:

No, you don't understand.

CHAIRMAN SCHNEIDERMAN:

What am I missing?

P.O. LINDSAY:

What you're missing is regardless of who owns the pole, it's the last utility that removes their wires from the old pole onto the new pole is supposed to remove the old pole. So it doesn't really make any difference whose pole it is, the last utility is supposed to pull the pole. If a Verizon pole gets hit by a car and cracked and damaged, LIPA, more than likely, will put the new pole in, even though it belongs to Verizon, because they're the first one on the scene. They're the ones that have to safeguard the electric wires because they're the most dangerous. They're the ones that have to put in a new pole, transfer the electric, so they don't fall down and electrocute someone.

CHAIRMAN SCHNEIDERMAN:

I understand that, but the fee -- the fee goes to whoever owns the pole --

P.O. LINDSAY:

Well, I think --

CHAIRMAN SCHNEIDERMAN:

-- under the bill.

P.O. LINDSAY:

I think that's what George was talking about is the fee arrangement was a bit complicated.

MR. NOLAN:

Right. If it was really -- let's say Verizon was the last one off the pole, they're the ones who were supposed to remove the pole. They didn't do it, but it was a LIPA -- it was the permittee, and I think LIPA would have to go after Verizon to subrogate us, actually, to try to get the money back. They're going to have to put --

LEG. EDDINGTON:

They're going to have to communicate.

MS. EDWARDS:

Just operationally, though, we are -- because they have to remove it before we go, so does Cablevision have to remove it, we're going to be the ones that are going to be there regardless of who gets the permit, as, you know, Presiding Officer Lindsay says. So the law -- the intent of what you're trying to do, operationally, I don't think that's the way it's going to end up.

CHAIRMAN SCHNEIDERMAN:

Can I just ask for you to put this plan that you spoke of today, as well as your record-keeping in terms of, you know, updating us each month, if you could put that into writing, maybe send a letter to me, that this is what Verizon intends to do in response to this double wood issue? I would appreciate that.

MS. EDWARDS:

Yes.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern?

LEG. STERN:

Yeah. Thank you, Mr. Chairman. As to what the Chairman had just requested, maybe also going back to the conversation that you were having with Legislator Barraga, what we're talking about here and the jurisdiction, as I understand, as Counsel just explained it, you were talking about County permitting, as far as the amount of poles that Verizon could and should agree to deal with on this ongoing periodic basis, are we talking about poles on County roads, are we talking about poles on both County and Town roads, are we talking about poles also on State roads? What is the scope of what it is you're proposing?

MS. EDWARDS:

Mine is an all-in number, so I want to go at this across County, State, and Town. The number of double woods on County roads is 2,758, but mine was an all-in number.

CHAIRMAN SCHNEIDERMAN:

Anyone else? Presiding Officer Lindsay.

P.O. LINDSAY:

Tracy, I don't want it to appear that we're picking on you or Patrick. Patrick came to my office and we had a discussion about this. It troubles me that it appears that Verizon has a very strange

business plan in terms of this area. You guys must spend tens of millions of dollars a year for FIOS, and, yet, our biggest town isn't wired. You have been, you know, supplying land line telephone service to these communities forever, and I guess you probably have the largest share of the mobile phone business in this area, but, yet, you don't want to put any resources into this area. And I know that's not your purview, but I'm sure you're going to make a best effort. But, you know, at 150, you took down, what is that, thirty-six hundred poles, and the number of double woods went up by 3,000 over the last two years.

I just -- I don't know what it will take to get the company's attention to put some resources in our area. I know Patrick explained to me, although the company, I don't know, made five billion dollars in profit, or something, last year. They lost money in the New York region, and I guess they're reacting and trying to maximize their profits. But maybe if they put some more resources in our area, maybe they'd make money here, I mean, especially on the FIOS end. I mean, if you wire a neighbor with FIOS, probably you'll have customers there for the next 30 years, right? And I know the initial cost is expensive, but sometimes you've got to invest money to make money.

And the double pole thing is -- it is unsightly, and some of them have been dangerous. And since our prior meeting, I can honestly say that any time my District Office has called you with a safety issue, you guys have responded. But it really shouldn't be that way, you really should police your own plant and make sure it's safe. And it's a problem that's growing not only in the eyes of the Legislature. I mean, the last couple of weeks -- I always read the letters to the Newsday about problems in areas. There was two letters within the last couple of months about double woods. I'm sure you guys are aware of that.

MS. EDWARDS:

I mean, Presiding Officer Lindsay, respectfully, sir, I will do whatever I can. Investing in FIOS is a completely different subject matter. I will certainly be glad to go and explain to you or any of the other Legislators what our plans are. I just would not want you to take the opportunity to put a law because of that particular issue, because I look at it as it's a completely different issue, sir.

P.O. LINDSAY:

Where it's related, there seems to be a disrespect from your company towards this area.

MS. EDWARDS:

Well, I would disagree with you. I mean, I really -- I would disagree with you. I think that we're trying to be very responsive, very respectful. I am here. I was here in 2006.

P.O. LINDSAY:

This isn't personal, like I starting saying out before.

MS. EDWARDS:

No, I understand. No, I mean "me" as Verizon.

P.O. LINDSAY:

But the fact of the matter is you were here in 2006, you're here, and the double woods have went up.

MS. EDWARDS:

And LIPA, sir, created the majority of the problem and they're not here.

CHAIRMAN SCHNEIDERMAN:

We could go back and forth.

P.O. LINDSAY:

But why did they create it? They created it because of new service areas, damaged poles, construction where the road was widened or something. I mean, LIPA isn't just throwing in poles

because they said, "Yeah, we've got an extra pole, throw it in the ground."

MS. EDWARDS:

I understand that.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you --

MS. EDWARDS:

You're welcome.

CHAIRMAN SCHNEIDERMAN:

-- for your presentation. I have another presentation, so --

MS. EDWARDS:

Okay. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Okay. Our last presentation has nothing to do with double woods here. This Five Towns Rural Transit. John Rooney, Jim Ellwood, Patricia Shillingburg and Vince Taldone, if you'll step up to the table.

MS. CUNNINGHAM:

Good afternoon, Chairman Schneiderman, and Legislators on the Public Works and Transportation Committee. My name is Kathy Cunningham, I'm not Patricia Shillingburg. She's not here today, but I'll be making this presentation for Five Town Rural Transit Transportation Concept. And we thank you for the opportunity to share our work with you.

Just as an explanation, Five Town Rural Transit is a not-for-profit advocacy group. We work -- we're public transportation advocates. We're citizens, we volunteer. We came together in 2004, actually, because the MTA had threatened to tear up the tracks on the North Fork to use them for scrap metal, and it occurred to us, many of us had been working in something called the Sustainable East End Development Strategy at the time and felt that more attention needed to be paid to a public transportation system for the East End of Long Island.

Subsequent, as you all know, I'm sure, the MTA is planning to discontinue its service to the North Fork as of the Fall of 2010, and, you know, which is a terribly disappointing outcome for us and other residents of the East End. So we have been asked to prepare -- to share with you the PowerPoint presentation that we made. We originally drafted it in 2005 as part of our efforts to unify the five East End Towns in a transportation endeavor. Money was then applied for under the Shared Municipal Services Grant. We got a \$400,000 grant from the State of New York. Town of Southampton was lead agent on that exercise. The Volpe USDOT was hired to review our concept, among a few other alternatives, which is required under their protocols. But if you'll just bear with it us, we have -- it's a long presentation, but we're not going to go through every slide. I think that John Rooney handed out copies of this for each of you, or, if he hasn't, he's going to.

I'd just like to introduce my other colleagues. John Rooney, whose from the Town of Southold, he's handing out your PowerPoint copies; Vince Taldone, who's a resident of Riverhead, and also a member of the Suffolk County Planning Commission; and Jim Ellwood, who's a member of Riverhead -- a resident of Riverhead. They're all Five Town Real Transit Board Members.

CHAIRMAN SCHNEIDERMAN:

Kathy, do you know how much time you will need?

MS. CUNNINGHAM:

I think twenty minutes is probably plenty.

CHAIRMAN SCHNEIDERMAN:

Can you do it in ten, if possible, fifteen?

CHAIRMAN SCHNEIDERMAN:

I would like to do it in less than that, yes. I just wanted to give you this.

MS. STARK:

They asked for twenty minutes.

CHAIRMAN SCHNEIDERMAN:

Oh, you guys asked for twenty?

MS. STARK:

They asked for twenty minutes.

MS. CUNNINGHAM:

We're ready to go here. Okay. So --

CHAIRMAN SCHNEIDERMAN:

All right. Catherine's telling me you requested twenty minutes, so okay.

MS. CUNNINGHAM:

Okay. We thought we had half an hour, but that's fine. So our original presentation was -- has been updated by the findings of the Volpe Study, which validates -- do you have another question?

LEG. BARRAGA:

Do the agenda and then she can give here presentation.

CHAIRMAN SCHNEIDERMAN:

What was suggested is, if we went through the agenda, we could give you more time once we get through the agenda; that there's people here for specific bills that since your presentation isn't related to any specific bills on the agenda, that maybe we could do the agenda first. But I don't want to make you guys wait until the end of the -- it's a long -- so, maybe, Tom, if there's one or two bills you wanted to take --

LEG. BARRAGA:

I didn't think there was --

CHAIRMAN SCHNEIDERMAN:

-- out of order.

LEG. BARRAGA:

Is there anything in there that's going to take that long. I think we should be able to go through the agenda pretty quick.

MS. CUNNINGHAM:

We can wait, if that's what you guys would prefer. I mean, I don't think it will take us too long, and we -- you know, we came so that you could ask us questions, and you could become familiar with our concept and what we're proposing. But if -- you know, tell me what you want me to do. I'm happy to defer, if that's the --

LEG. BARRAGA:

I'm supposed to be someplace at 4:30, but I thought we'd be well finished by 4:30.

CHAIRMAN SCHNEIDERMAN:

We might be.

LEG. BARRAGA:

All right. Let her --

CHAIRMAN SCHNEIDERMAN:

Go ahead.

MS. CUNNINGHAM:

Okay. All right.

CHAIRMAN SCHNEIDERMAN:

Continue with the -- we'll give you the twenty minutes.

MS. CUNNINGHAM:

All right. We won't -- we won't dally. I just wanted to say that this original presentation was composed in 2005, but it has been updated and indicated, as you read through -- we're not going to go through every slide, but you have the presentation in its entirety. The Volpe Study -- where the Volpe Study validated our findings, we've included their logo, and it was conducted as part of the alternative one, which is the analysis that was submitted to the towns on -- in March of 2009.

Everybody knows what the East End is. I think I reviewed what Five Town Rural Transit is. We have a nine-member board on slide four that came together, because we felt committed to trying to improve transportation on the East End, a very underserved area for public transit in general, very few options for us, and we decided to propose something new entirely. We found the lack of services presented us with an opportunity to propose a service that would better serve the needs of our particular area. As you know, it's an unusual geographic configuration with two peninsulas and an island. So, not an easy challenge, but we made some interesting proposals.

We -- in our proposal, we got substantive assistance from national and regional transit experts. The Volpe Center actually vetted our proposal before we submitted it for the Shared Municipal Services Grant approval. We've had former LIRR engineering and Budd Car executives vet this, people from Suffolk County transit management, private bus operators and other rural transit executives.

Our shuttle concept is basically a coordinated rail and bus network, slide seven, taking our existing -- and the way we approached it was to make an assessment, a diagnosis, recommended treatment and a prescription for that, for the ailment, which is there's not enough transportation on the East End, so we developed a transit study. We conducted an assessment of the existing transit situation, estimated the number of rides that we had in 2004. There's significant ridership on the Suffolk County Transit bus from that point forward. On to slide, Jim.

Our primary public transit issues on the East End is that we have limited availability. There are limited rail and bus schedules. There's no rail and bus coordination. The trains come and go, the buses do not meet them, the ferry doesn't -- people get off the ferry at Orient and go running after the bus, because it does not wait. There's overcrowding on some of the buses and there is no coordination with any of the water transportation options.

We did have precedence for improving transits, slide ten, that, you know, helped us. We didn't reinvent the wheel here, we just actually put details to this. We made a plan and we followed through on it, and we've had it vetted by the National Transportation Agency, which has actually validated our concept. So the idea of the shuttle is Page 11, which is a coordinated rail and bus shuttle system, with scheduled service at 30 minutes during peak times and 60 minutes during non-peak every day of the year year-round.

The rail is a critical spine east-west, so you can imagine how -- disheartening is such an

understatement of how unfortunate and shocking it is that the MTA is looking at cutting the service altogether when what we need we really need is more of it. The rail connections would terminate at Calverton and Speonk for seamless transfers to rail shuttles. Bus shuttles would meet these trains. We're talking about small one-car railroad, one -- small buses, we're not talking about big -- it's not mass transit here, it's public transportation. We're a small rural area. We don't have to move hundreds of thousands of people like the MTA does, actually quite well for its service territory, which isn't us.

So we'll skip to -- we considered some rider categories. Residents, mainly those who are transit dependent commuters, including nonresidents who work on the East End. We have a lot of people that come from western Suffolk, and some from even as far as Nassau County to come out to the East End to their jobs. Second homeowners, renters and guests and tourists.

Workforce. We took some information and analyzed from the 2000 Census some surprising numbers, that the workforce related to the East End was in excess of 82,000 people. So even if we took 10% of that, we'd have a significant reduction on road congestion.

We were lucky to get some funding, Page 15, for a transit survey that we conducted in 2005. It was done by Steve Appel of Appel Research in Niskayuna, New York. He's done some -- a very well-known and professional agency, done some work on the State level for a lot of different -- for the Assembly and the Senate of the State Government. We conducted twelve hundred random telephone interviews and five focus groups and had statistically valid findings for the region and for Five Town sub-segments.

We had overwhelming support for our concept, and Page 16 is a graph that shows you what those numbers were. The transit survey on Page 17, excuse me, shows you that one of the questions we asked of people is if they would use the system as it currently exists. Very few people were considering doing that. The percentages went up when we described our new system. And if we said that the system was free, or how many people would use that, and we found that with a combined regular use, we got 30%, which is an excellent number. So we were very encouraged by that, and it's part of the reason we got the money for the Shared Municipal Services Grant.

The Volpe estimate, baseline estimate for our demand forecast, which is, of course, important to move forward with such a plan, estimates that we'd have about a million trips per year, and the ridership for the new system would grow to 3,100,000 trips, with 9,000 trips daily. That would be over a three-year period. So that's three times greater than the current ridership level, which in our view is reason to go forward.

So then on Page 19 and 20 we have some examples of equipment that we're recommending. I wanted to get to the capital improvements on Page 21, where we -- is suggested how many cars we'd need, signal system switches, maintenance, passing sidings, and reactivating some stations that have been taken out of service. And the capital improvements, which has been validated by the Volpe Study, I'd like underscore, came to a hundred and six million point seven five. That's a lot of money, obviously, but that's an initial investment that there are funding pools available for.

The capital improvements for the bus was 25.6, and the summary for a rail and bus network, the capital improvements for that would be 132,350,000 million dollars. Now, I'd like to point out that a six-mile stretch of roadway costs about 8 million dollars to recondition, so that seems like a lot of money, but you have to put it in comparison to what road improvements are, and so it's really not a bad deal.

There are -- Page 24 lists some sources of capital improvement grants that we'd be eligible for. And then the shuttle operations concept is really best supported through segregating our towns from the current MTA structure. What we would prefer to have is a regional transportation -- Regional Transit Authority. This is page 25. One management organization would be responsible for operating both rail and bus. Relatively small operation staff would oversee the transit operations; these could be

subcontractors. We could contract with the MTA to do it, if we wanted to. And it would have an Authority Board of Directors with representation from the five East End Towns.

Page 26, this is really the interesting part. The shuttle operating costs, and I'd like to underscore again that this was validated by the Volpe Center, would be 46.1 million dollars per year. Now that may also seem like a lot of money, but I would just remind you that Legislator Romaine provided as part of his -- some research he did to complain about the MTA payroll tax, that Suffolk County residents are paying in excess of 393.1 million in current taxes and fees, and that does not include the payroll tax. So whatever -- some portion of that has to be sensibly applied to the East End. So 46.1 million dollars a year is a very reasonable sum. We're already paying that to the MTA. Reasonable people can argue we don't get that in service. So that's another breakdown of the MTA resources. And I'd like to say that the mortgage tax, which is the most volatile funding stream represented on slide 27, you know, ebbs and flows with the real estate market, but this was the best we could do. And Legislator Romaine was very -- he was -- he had much better results in his research in finding ways that we're paying the MTA for service we're not getting. Other operating revenue sources could be through fare box revenues and rural transit funding.

And the proposed next steps, which I'd just like to spend a little more time on, is that we need to initiate discussions with the Federal agencies that -- in order to apply for capital investment grants. We have to form a rural planning organization. Currently, the gateway to Federal funding is through a Metropolitan Planning Organization, or an MPO. That's now the New York Metropolitan Transportation Council, or NYMTC. We would need to create our own, and we'd need a rural planning organization, or an RPO, that would replace our current MPO in order to qualify for the funding that we could get from the Federal and State governments that are assessed for these kinds of programs, and then we can go forward with our plans for a Regional Transportation Authority, which Assemblyman Thiele, Alessi and Senator LaValle has already introduced -- have already introduced legislation to create the Peconic Bay Regional Transportation Authority, but we need to get that RPO in place first. We need to confirm some of the values of these tax assessments, but Legislator Romaine has done most of that for us.

In your packet, also, I included this chart that Legislator Romaine had published in his press release of late January. I did want to get his permission to reprint this, but I'm assuming, because it was a press release, it would be okay just to draw to your attention that \$347 -- every resident in Suffolk County is paying \$347 to the MTA for public transportation and most of us aren't getting the service we need.

Additionally, there's a viewpoint piece on the back that explains how we can segregate ourselves.

And I thank you for your time, and we're happy to take any questions.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions? Any questions, comments?

MS. CUNNINGHAM:

I guess not.

CHAIRMAN SCHNEIDERMAN:

I guess not.

MS. CUNNINGHAM:

Did you guys -- did you have anything you wanted to say? Okay.

CHAIRMAN SCHNEIDERMAN:

Okay. Vince?

MR. TALDONE:

Again, Vince Taldone from Riverhead, representing the Five Town Rural Transit, not -- certainly not

the Suffolk County Planning Commission. I would just like to mention a couple of things.

First, some of you may recall, I was the first Chair of this Committee's Transportation Advisory Board back when we were trying to find ways to improve service with Suffolk County transit and the MTA. The MTA would never meet with us. Suffolk County transit, of course, limited by funding, because as all of you I'm sure know very well, the MTA provides generous subsidies to Long Island Bus. In Nassau County, we receive nothing. We all pay the same taxes, whether we live in Nassau or Suffolk, but Suffolk County gets none of that money back for its bus operations. Therefore, the railroad looks at its ridership and says to us, "Well, we really don't have the riders." Well, we don't -- you don't give us the service, we don't have the buses to deliver passengers to the stations. Nothing is coordinated. We'd love to work with the existing service organizations, but that's never happened. They've never been willing to work with us, never been willing to negotiate any sort of pilot project where we could try in a rural area and then move on, and then extend into other parts of the County. And I think when you hear all this talk about a Rural Transit Authority creating another entity of government, it wasn't our first choice, it's our last option to provide service to our community.

Lastly, I'd like to mention the model of our service is not something in the future or in a faraway land. You can go to Cape Cod and ride the bus there. It will -- it can come off route, it's a flex route service, within three-quarters of a mile of the main artery running from Hyannis to Provincetown. It will pick you up at your curbside, bring you to your destination, GPS monitored. You know where the bus is, you know how far it is. All of this happens today. Why? Because they broke off from the Massachusetts Transportation Authority, created their own many years back. It's funded, it operates every year, it works just perfectly and people love it. It serves the tourist economy very well, and it serves the residents who are there all year-round, which is critical to us.

When we look at flex route, we think of our seniors, we think of the retirement communities out east, the folks who are there all winter long and can't get around. This system could do it for them, it can do it for less than what we're paying the MTA today, and we'd still have money to give to the MTA to provide that linkage to the City, which, of course, we all know is important. And I just wanted to stress that point. We're paying so much money, we're getting nothing back. I know Bob Shinnick, all of the staff there, they certainly would know how to put something like this into effect if they had the funds, but those funds are going to East End access, they're going to Nassau County, and everywhere but where they're coming from, and that's our communities. So we wanted to share that with you.

CHAIRMAN SCHNEIDERMAN:

Would this be in lieu of the current Long Island Railroad services? In other words, would they then -- the Manhattan to, let's say to Montauk, would that stop in Speonk and switch over to this new system?

MR. TALDONE:

I'll give that to you in detail, but, typically, no. Like the Cannonball could be contracted to come right out. We want to keep people in their seats, we don't want people changing trains. The train -- the difference would be the local commuter shuttles scooting back and forth, let's say, on the North Shore from Ronkonkoma to Greenport, on the South Shore, perhaps from Speonk out to Montauk. But those weekend high density or high volume trains, we'd like them to come through. We would want to negotiate that with the MTA, so the Long Island Railroad would continue to deliver those thousands of weekenders right to the stations, then our shuttle buses would be there ready for them reliably, quality service, get them to their homes. Leave your second car at your second home. So, once you're home, then you could wander.

CHAIRMAN SCHNEIDERMAN:

Your plan includes, though, a local train, as well as local buses, right, a kind of small single car, two-car train, so --

MS. CUNNINGHAM:

Yes.

CHAIRMAN SCHNEIDERMAN:

I guess I have two questions related to that. You know, assuming we kept that cannonball, because a lot of people do take that, it's packed, one, in terms of scheduling, obviously, you can't -- it's only one set of tracks, right? So you couldn't have a train, let's say, going west, a small little train, while this -- while the massive train is heading east. How do you resolve that issue?

MR. TALDONE:

Well, as an example, the River Line in New Jersey runs 15-minute frequencies on a single track; that can be done. We're not talking about that kind of volume. But the track limitation is not the issue. We have sidings. Modern equipment can do amazing things. And we know that the volumes that we're talking about for the East End can be handled on the single track. We don't need to acquire new land. We certainly would need rehabilitation of sidings and other work, but there isn't the need to expand the right-of-way or do any sort of dramatic expansion of the system.

CHAIRMAN SCHNEIDERMAN:

Okay. I thought there was actually some Federal rules or laws that prohibit light rail and heavy rail from using the same tracks.

MR. ROONEY:

That's a good question. We're not -- the concept of light rail -- I'll speak loud, I used to be a teacher. The concept of light rail is not what we're talking about. It's a very good question. Vince was using that as an example how things can be scheduled, but that is a light rail system, which is essentially a modern trolley. We're talking about federally qualified rail vehicles such as the Budd cars that -- we actually had a two Budd car set here back in the 1960's that ran on the Long Island Railroad. There is a company in New Brunswick, Canada which has been rehabilitating those cars and can provide those. There is also a company in Colorado, Colorado Rail Car, which had ceased operations with the economic downturn and now has been taken over by a new group and it's going to be called U.S. Rail Car. They produced for Tri-Rail down in Miami, they have a rail line down there.

These are diesel units, single diesel units, all right, that operate on their own, and they are -- the Federal Railroad Administration qualifies them to operate on the same tracks as the Long Island Railroad, or any other Class 1 railroad, because we also have the New York and Atlantic, the freight operation. So we're talking about single self-propelled cars that are fully compatible with rail, yes. So we really should not be using the term "light rail", so just to avoid confusion. All right?

CHAIRMAN SCHNEIDERMAN:

One last question. On one of the slides, there was a poll and it asked people if they'd use it if it cost nothing to ride. Is that the intention, to have this a free system? Or if there is a fee on it, Kathy, is that in your numbers, those -- that 40-plus million dollar operational cost? Is that after, after the fees?

MS. CUNNINGHAM:

The operational cost that we have on there I think includes a small fee.

MR. TALDONE:

Yes.

MS. CUNNINGHAM:

Pardon?

MR. TALDONE:

Yes.

MS. CUNNINGHAM:

Yeah, it includes a small fee as part of the Volpe Study, I think. We made it equivalent to that of the current bus fee, which is \$1.50; was that --

MR. TALDONE:

Yes.

MS. CUNNINGHAM:

Yeah it was \$1.50. So it's the current fee, so that does include some fare bucks revenue.

CHAIRMAN SCHNEIDERMAN:

Thank you. Any other questions? Thank you.

MS. CUNNINGHAM:

Thank you.

MR. TALDONE:

If I can, if we're very successful, we'd love to expand this to the entire County.

CHAIRMAN SCHNEIDERMAN:

Thank you for coming down. We're going to try and track down some of the committee members. Legislators for the Public Works and Transportation Committee, please report to the horseshoe. All right. A five-minute recess.

[A RECESS WAS TAKEN FROM 3:56 P.M. TO 4:02 P.M.]

CHAIRMAN SCHNEIDERMAN:

All right. Can we come back together here? All right. We're moving to the agenda, starting with tabled resolutions.

TABLED RESOLUTIONS

I.R. 1005 - Directing the Department of Public Works to add a stop on the 3C Bus Route (Montano). Do I have a motion? Any motion? I'll make a motion to table. Any -- do we have a second?

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Second. I heard that from somewhere. Thank you, Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? 1005 is tabled. ***(VOTE: Tabled 6-0-0-0)***

I.R. 1026 - To implement Sunday bus service and extend weekday morning and evening service in Suffolk County (Romaine). Do I have a motion?

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Stern, second by Legislator Horsley. Any discussion? All in favor? Opposed? Abstentions? 1026 is tabled. ***(VOTE: Tabled 6-0-0-0)***.

1054 - Adopting a Local Law to address the penalties for unsafe helicopter operation in Suffolk County (Romaine). Closed the Public Hearing. Any motions on this, discussion? I'll make

a motion to approve.

LEG. HORSLEY:

Motion to approve?

LEG. MURATORE:

Second.

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Muratore.

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

I have a motion to table. There's a motion to approve, a second. There's a motion to table and a second as well or --

LEG. HORSLEY:

I'm motion to table.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. HORSLEY:

I'll second it. But I've got a question on it, though.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. HORSLEY:

Does this weaken the law that we already passed? Am I reading that right?

MR. NOLAN:

What it does, Legislator Horsley, is -- under the original passed version of the bill, the penalties were criminal in nature. This is making it out that it's a civil penalty, that the County Attorney would have to bring an action to recover the civil penalty.

P.O. LINDSAY:

Can I ask a question?

CHAIRMAN SCHNEIDERMAN:

All right. Can I --

P.O. LINDSAY:

What are we going to do with all the people we locked up under the original statute, are we going to let them run free?

CHAIRMAN SCHNEIDERMAN:

We're going to have to let them go? Counsel, the purpose of changing it from criminal to civil, what -- does that make it more enforceable; is that the point?

MR. NOLAN:

I didn't get a lot in terms of -- I was given the change by Legislator Romaine. I think it's because -- perhaps because the Police Department is not enforcing the law and this sponsor thought there might be a better chance with the County Attorney bringing a civil action. Who laughed?

CHAIRMAN SCHNEIDERMAN:

Legislator Stern?

LEG. STERN:

Yeah, on the motion. You know, I've got to tell you, I remember very well all of the people that were lined up for quite sometime on the general session where this legislation passed. I remember the compelling argument that they made. I remember the compelling argument that Legislator Romaine made as the sponsor of this resolution. We were at that point convinced that this was absolutely necessary to take meaningful steps to protect quality of life for area residents. This to me looks like -- looks like a retreat and a watering down of what it is we implemented to try and have a meaningful impact for residents, not just out on the East End, but all over and under Suffolk County. I don't understand why we would be retreating from what was supposed to be meaningful legislation.

CHAIRMAN SCHNEIDERMAN:

All right. So rather than -- for me, rather than seeing this defeated, I'd rather give the opportunity for the sponsor to come in and explain why he wants to change it. It probably is exactly what you said, Counsel. So I will withdraw my -- well, the tabling is going to come first, too, so I'll support the tabling. So all in favor of tabling? Opposed?

LEG. BARRAGA:

Opposed.

CHAIRMAN SCHNEIDERMAN:

One opposed. Abstentions? Okay. So the tabling passes. *(VOTE: Tabled 5-1-0-0 Opposed: Leg. Barraga)*

All right. *I.R. 1097 - Adopting a Local Law to amend the membership of the Dredging Project Screening Committee (Schneiderman)*. I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern.

LEG. HORSLEY:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Horsley.

LEG. HORSLEY:

I'd like to get the Commissioner's opinion on this and ask why. And is it going to make this thing move more quickly? What is the rationale behind it?

COMMISSIONER ANDERSON:

Well, we don't take any objection.

LEG. HORSLEY:

It can't be slower.

COMMISSIONER ANDERSON:

No. Ouch. But, yeah, the -- we don't have any objection with this legislation. We have set the next Screening Committee date for June 3rd, I believe. Letters have gone out to the various municipalities, and, you know --

CHAIRMAN SCHNEIDERMAN:

It basically puts the --

P.O. LINDSAY:

Do you have a second?

CHAIRMAN SCHNEIDERMAN:

Do I -- yeah, I do have a second, yeah. Any other discussion?

LEG. HORSLEY:

We both have a dog in this hunt here --

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. HORSLEY:

-- Jay, so they're coming after you.

CHAIRMAN SCHNEIDERMAN:

A few more seats at the table.

P.O. LINDSAY:

Let's pass it.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 6-0-0-0)*

1102 - Adopting a Local Law to ensure the timely removal of damaged utility poles on County-owned roadways (Eddington). Is there a motion?

LEG. MURATORE:

Motion.

CHAIRMAN SCHNEIDERMAN:

I have a motion to approve by Legislator Muratore.

P.O. LINDSAY:

I second that motion.

CHAIRMAN SCHNEIDERMAN:

I will make a motion -- we have a second on the motion to approve by Legislator Lindsay.

CHAIRMAN SCHNEIDERMAN:

I'm going to make a motion to table in good faith --

LEG. BARRAGA:

Second.

CHAIRMAN SCHNEIDERMAN:

-- with believing that Verizon will come forward with a workable plan. So second by Legislator Barraga. Any discussion?

LEG. STERN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

On the motion. On the motion to approve. You know, this is -- we spent a good deal of time here, and I'm encouraged by what I hear from Verizon. And, you know, I think ultimately we all share the same goal and that is to come up with a meaningful way to address the issue and get moving. But this is an issue that affects all of Suffolk County, all of our Legislative Districts. I'm going to vote in the affirmative to at least move it on to the full Legislature, because I think all of our colleagues should have the opportunity to weigh in on it.

CHAIRMAN SCHNEIDERMAN:

Anyone else?

COMM. ANDERSON:

If I may make a comment.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley and then -- oh, Commissioner, we'll take you first.

LEG. HORSLEY:

I'll defer.

COMM. ANDERSON:

Thank you. Besides the issue of DPW becoming the pole police on this, I have a legal question, and I guess I'm addressing George. With regard to the Transportation Incorporation Laws, will -- if this passes, will we be able to fine the -- you know, Verizon? Basically, right now, we don't -- we're not even -- we don't collect any permit fees from them because of those laws. Similarly, we're in discussions with LIPA right now, their argument being that as a State entity, they're only responsible to deal with State and Federal regulations, they don't have to basically, you know, take out any permits for work on our highways. We have been in discussion with them to find out whether or not the County Attorney's opinion is -- you know, agrees with them or disagrees. But I guess my first question is have you looked at this?

MR. NOLAN:

Not at that particular issue. It's my belief that if we are issuing a permit to somebody to do work in our County road right-of-way, and there are -- we can put conditions in that permit, that we can enforce them. I know, generally, I think there would be an issue in going after these guys, but because we're -- that's why we did it through the permit process, because that was our best -- our best means of getting at the problem, and this is after discussing it with folks from your Department on what would be the best way to do this.

COMM. ANDERSON:

Understood, yeah. We're just concerned because of discussions we're having with LIPA, you know, basically where there -- the legal tenets they're hiding behind, as well as, you know, with the Transportation Incorporation Laws.

The other thing I just want to note is that our only jurisdiction is under County right-of-ways. We would have not jurisdiction over Town right-of-ways or, obviously, State highways.

MR. NOLAN:

Right, and that's the way the law is drafted. I mean, it's narrowly tailored. You know, when we had a meeting, we sat down with the various parties involved, it was recognized this is a really tough problem to get at, and this is the way -- that's why it's tailored the way it is and written the way it is, is because it's the best way we could get at the problem, recognizing there are problems. It's very, very complicated, but the only way we could think to do it was through the permit process.

COMM. ANDERSON:

Again, my only concern is we -- because of the transportation laws, we don't really get permits from them. You know, they're -- they get around it that way.

MR. NOLAN:

Well, I mean, we sat with folks from your Department who -- we talked about the permitting process, and my understanding is they do come in and get permits to put these poles up. Is that --

COMM. ANDERSON:

For LIPA, yes.

MR. NOLAN:

But not Verizon?

MR. HILLMAN:

That's correct. We talked about permitting in general. I don't -- we never discussed specifically Verizon. And upon further research, it was discovered that they don't get permits under the Transportation Incorporation Law.

***[THE FOLLOWING WAS TAKEN BY ALISON MAHONEY-COURT REPORTER AND
TRANSCRIBED BY LUCIA BRAATEN-COURT REPORTER]***

MR. NOLAN:

They don't come to us for permits.

MR. HILLMAN:

That's correct.

MR. NOLAN:

That was never raised with us? And again, we --

MR. HILLMAN:

Agreed.

MR. NOLAN:

Okay.

MR. HILLMAN:

Agreed, where we did not make that point in our discussion.

LEG. HORSLEY:

Yeah, I got a quick question on it then, also, on the same matter.

CHAIRMAN SCHNEIDERMAN:

Well, if I may. You know, we have representatives from Verizon here. They're saying they're willing to do 250 poles a month throughout the County, not just on County roadways. This bill only applies to County roadways. There's only -- well, there's about 2,000 or so double woods or twenty-seven hundred. That would be basically one year, even get more than that done with this 250 per month schedule. You know, I think there's some issues of whether this is -- applies to poles that are in place; under the law are those that come in for permitting in the future. Clearly, this bill has created

enough leverage to bring everybody here, bring Verizon people here in good faith and say, "We're serious about this problem." And I just feel, you know, if after a couple of months it's clear that they're not taking us seriously, then I think we need to be doing this, I think maybe something even stronger than this, Jack. But, you know, right now, they're showing a willingness to meet a pace that I think even the unions said that 250 -- the rep was here -- poles per month sounded like a good pace.

So my inclination is to table it and give them a chance, particularly to put it in writing, like they said that they would, you know, and to keep us apprised of their progress. I think, to me, the good faith effort would be, at this point, to table it and allow them to show some significant progress. So I'm still going to support the tabling. Legislator Horsley

LEG. HORSLEY:

Yes. Thank you, Legislator. I -- and I'll go along with the tabling for this time, but I've got a quick question for George, then. If we are -- the only one's we're collecting permit fees is from LIPA, and I'm wondering, aren't we preempting -- aren't we preempted from fining LIPA itself, I mean, that's because it being a State authority?

COMMISSIONER ANDERSON:

That's the argument we're -- or the discussions we're having with them right now, to me. I don't mean to cut off George.

LEG. HORSLEY:

Well, obviously, we can't do it because of the Transportation Laws with Verizon, we can't do it LIPA. It doesn't sound like we're in the ballpark, then.

COMMISSIONER ANDERSON:

We don't necessarily agree with LIPA's position on where they are right now, but --

LEG. HORSLEY:

Okay.

COMMISSIONER ANDERSON:

-- there are other -- you know, those regulations for the permitting also impact other entities, not only LIPA, but, you know, Suffolk County Water, you know, things like that.

MR. NOLAN:

Well, you know, Legislator Horsley, I'd say the bigger problem is if we are not permitting Verizon, that's the bigger problem, you know.

LEG. LINDSAY:

Yeah. Why do we permit the one and not the other?

CHAIRMAN SCHNEIDERMAN:

Good question.

LEG. HORSLEY:

I don't know. That doesn't make any sense to me either, why we could do one without the other, one being a State, one being national law. But these both sound preemptive to me.

But the other -- the other thing that bothers me in this whole issue is the fact that LIPA and Verizon have such a power relationship that they don't seem to discuss anything, numbers, where the poles are, when they go down. It all seems to be just at hit and miss type of operation. It just sounds like massive mismanagement on both parts, and I'd really like the get to the bottom of that, because I think that might help the situation if they can just talk.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chairman. Well, you know, I would say that while we perhaps may need to have ongoing conversations regarding jurisdiction or other issues, I mean, that certainly shouldn't impede the progress that, hopefully, has been made here today and additional progress in the future. But after hearing from Counsel, I'm persuaded that, yeah, let's take a look, and to all support the tabling motion until we come up with something more definitive.

CHAIRMAN SCHNEIDERMAN:

All right. Can I call the vote? All in favor of tabling? Opposed? Abstentions? All right. 1102 is tabled. *(VOTE: Tabled 6-0-0-0)*

1144 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 67, Motor Parkway Bridge, LIE Exit 55 (CP 5172) (Co. Exec.)

CHAIRMAN SCHNEIDERMAN:

I'll take a motion

LEG. HORSLEY:

Has an amendment been made?

MS. PERILLIE:

Yeah, it was amended

CHAIRMAN SCHNEIDERMAN:

Commissioner, anything you want to tell us about this?

COMMISSIONER ANDERSON:

This was -- we're in the process of doing or reconstructing the bridge over the LIE at County Road 67. We recently received a traffic study on the Hauppauge Industrial Park, which made a recommendation to improve the intersection, which is really an integral part of the bridge at Old Willets, and the requested additional funding will allow us to construct improvements to the right-turn lane from Old Willets on to Motor Parkway, and that's what, you know, we're looking for with this funding

CHAIRMAN SCHNEIDERMAN:

What's the offset on this?

MR. NOLAN:

It's Federal.

CHAIRMAN SCHNEIDERMAN:

It's all Federal, so it's all new money?

MR. NOLAN:

No, it's mostly.

COMMISSIONER ANDERSON:

It's mostly federal.

CHAIRMAN SCHNEIDERMAN:

All right. I'll make a motion to approve.

LEG. LINDSAY:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by the Presiding Officer. Any discussion? All in favor? Opposed? Abstentions? **(VOTE: Approved 6-0-0-0)**

I.R. 1146 - Directing the Department of Public Works to hold public hearings on new bus fares in order to implement Sunday bus service (Schneiderman). I will make a motion to approve.

LEG. STERN:

Second

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? Approved.

LEG. BARRAGA:

No, in the negative.

CHAIRMAN SCHNEIDERMAN:

Okay. **(VOTE: Approved 5-1-0-0 Opposed: Leg. Barraga)**

LEG. BARRAGA:

I want to vote in the negative. And the only point I'll make is that here, again, you know, you're going down the road, when you don't have any money, of an additional spending, additional expense, and you're going to tell me, "Well, we're just going to take a look at the question of the fares." And then there's another bill by another member that's calling for Sunday bus service. Right now, this kind of stuff should be put on hold. We don't have any money. We shouldn't be even potentially going near something where we're going to increase spending. In the negative

CHAIRMAN SCHNEIDERMAN:

I'd like to respond to that, because it will be a long time before you find a County of our size, you know, larger than many states, in fact, that do not -- does not provide public transportation on Sundays. Sundays is a prime retail day, that's when a lot of people go shopping. And the idea of this is to stimulate the economy. And I would not be proposing Sunday service unless I had a way of paying for it. And I believe if the fares were increased to what still might be substantially below regional fares for bus transportation, because we haven't touched the fares in 15 years. I think that the numbers show that we would be able to provide this service, so it would pay for itself. And I think it would help -- it would help drive the economy of Suffolk County.

So all this does is basically allow the Commissioner to hold public hearing on potential rate increases to not -- to an extent not to exceed MTA's fares, which is what Nassau buses are. So it just allows for public comment, it doesn't actually increase the fees.

LEG. BARRAGA:

Mr. Schneiderman, I know exactly what it calls for, but it leads us down a road that eventually, in using your words, somehow the current fees for bus service, those people would be paying more for this service, if eventually it goes into effect. And the danger here, and it's a real danger, is that, you know, you will hear many public officials say, "You know, we ought to control spending and reduce taxes," and that type of thing. It's pretty difficult to make cuts and reduce taxes, extremely difficult, because for every tax there is, there's a constituency in place receiving something from the revenue generated by that tax.

[THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY LUCIA BRAATEN-COURT REPORTER]

Where we have to do a better job are on proposals that increase spending and we don't have any money. This is one of them that leads us down in that direction, that eventually there's a cost factor associated with this that someone has to pay for. That's why I'm voting in the negative.

CHAIRMAN SCHNEIDERMAN:

I don't disagree there's a cost factor, only that the riders would be picking up that cost.

LEG. BARRAGA:

And do you really expect the existing riders, who are hard put to begin with from an economic perspective, that's why in many cases they're using public transportation, to come around and have to pay more or want to pay more? I don't think so. I don't think that's going to fly politically.

CHAIRMAN SCHNEIDERMAN:

You know, the problem -- you know, I've talked to many riders of the bus, and, obviously, the people -- you know a dollar-fifty is a very affordable fare, but the trouble is they're paying, you know, 10, 15, \$20 for taxi rides on Sunday because they can't get there, including, you know, the people who are physically disabled who depend upon that SCAT service, you know, that they're trapped on Sundays as well. This would provide that service, that's all.

LEG. BARRAGA:

Those who are paying for bus service right now, if they're told they have to pay another 25 cents or 50 cents, they'll scream. They don't -- they're going to say they don't have it, and they probably don't. This is not something that's an actual need, this Sunday bus service. We just can't afford it, we don't have any money.

CHAIRMAN SCHNEIDERMAN:

I believe it's a need, you know, and certainly in my district. And we've had a study, we had Cherwony -- the group that Cherwony is with did a full needs assessment. They did conclude that Sunday service was needed, not on every route in the County, because many of them are industrial, but -- and some of these areas that are more retail. I know in my district, you know, Sunday is as busy a day as Saturday, when you have Saturday service. People need to get to work. They work at restaurants, they work in stores and hotels. And, you know, you could see them trying to hitchhike to work on a Sunday. I know it's needed and, you know, these -- not having bus on Sunday goes back to the Blue Laws, when retail stores were closed on Sundays. It's an antiquated condition, and it's time that we came into, you know, the Year 2010 and provided Sunday service, so --

LEG. BARRAGA:

What's a fact is that this County --

CHAIRMAN SCHNEIDERMAN:

We could go back and forth on this.

LEG. BARRAGA:

-- is facing a 130 million dollar deficit, 130 million dollars. We have to pull in our belts. We have to control spending. We just cannot be doing these things predicated on, you know, wishful thinking that somehow there's going to be a stimulus economic -- all I know is that when you go down this road, you are going to increase spending and someone has to pick up the freight. And, you know, maybe in good times that's fine, but not -- but not when the County's broke and the State's broke and the Federal Government. Even though they can print money, they're broke as well. Things aren't getting any better. We just don't need this kind of action at this time.

CHAIRMAN SCHNEIDERMAN:

The main reason why we're having this shortfall is because of sales tax shortfalls. If you get people out there shopping and spending money in Suffolk County, we'll get out of the hole, and this is a

way to get people out of their homes and spending money, so -- and it covers itself. And all this is for -- to allow the public to be heard on this. So, you know what, if they're going to scream, you're giving them an opportunity to scream. Anyway, we've called the vote already and the bill is passed.

LEG. BARRAGA:

Well, please record me in the negative.

CHAIRMAN SCHNEIDERMAN:

J.R. 1197 - A Local Law amending Chapter 424 (Sewers) to waive sewer connection fees for economic revitalization in urban renewal areas (Co. Exec.). Is there a motion?

LEG. HORSLEY:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Horsley.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. On the motion? I'm not sure who can answer this question. This bill goes beyond the situation in Babylon and Wyandanch area, right? This would allow any urban renewal area the potential to waive the connection fees? Have we done any and --

COMM. ANDERSON:

There's a list of criteria that's in here that states, you know, basically, an urban -- a registered urban renewal area. It was like five items, I believe, that, you know, where a County sewer district exists within the municipality and the capacity exists and will exist to serve -- I believe it's under --

CHAIRMAN SCHNEIDERMAN:

Does it require them to match what the fees would be with the commensurate level of infrastructure, as is happening in this case?

LEG. HORSLEY:

I don't understand what you're saying.

CHAIRMAN SCHNEIDERMAN:

Well, the question, in this case, the Wyandanch case, I believe that the Town is committed to putting in a certain amount of infrastructure and sewer infrastructure that's going to be given to the County or to the sewer district.

LEG. HORSLEY:

They're going to enlarge the pipes and everything else.

CHAIRMAN SCHNEIDERMAN:

Right.

COMM. ANDERSON:

Right, they will be -- yeah, they will be --

CHAIRMAN SCHNEIDERMAN:

So, as Mr. Bartha said, in a way, it's not just waiving the fee, it's basically this exchange that is going on. All right. We're waiving -- we're trading, basically, the fee for infrastructure.

COMM. ANDERSON:

Right. If you look under Article VII, 424-38, Section B, Items 1, 2, 3 and 4 identify the different requirements that would have to be met to waive that fee.

CHAIRMAN SCHNEIDERMAN:

I have to pull the bill up.

COMM. ANDERSON:

Yeah. I mean, it's the first one, in Connection Agreement, is within -- is with a municipality that is -- that will be building the infrastructure, including a collection system, to serve an urban renewal area, as the term is defined under Article 15 of the General Municipal Law. So that, I believe, is the answer to your question, yes, it does require them to build a sewer.

CHAIRMAN SCHNEIDERMAN:

So, I mean -- and, ultimately -- and I think it's a good idea and I've gone through this project, it seems like a great project for the area. I'm just worrying about the sewer district themselves and what the economic impact might be, because, ultimately, the sewer district is the entity that would be getting the connection fee, right, to help offset their taxes within the sewer district?

COMM. ANDERSON:

Correct. But it's --

CHAIRMAN SCHNEIDERMAN:

And if it was -- I would have no problem with this bill if it was just simply on a case-by-case basis for this one -- you know, we're looking at just this one Wyandanch proposal. This is for any other renewal area. You said there were how many?

COMM. ANDERSON:

Well, yeah. There's the renewal area that has to be within an Empire Zone, the collections systems constructed with no cost to the County. Sewer district -- County sewer district exists within a municipality and the capacity exists within that, and that all individual commercial and industrial facilities within the area described to be included in the fee waiver shall be applied to the Sewer Agency for formal approval. So, you know, there is that individual factor in there. Effectively, you're taking what is an asset of the District and you're parlaying it into, you know, hopefully, future economic development.

LEG. HORSLEY:

Value added.

CHAIRMAN SCHNEIDERMAN:

Are there other areas that meet those criterias?

P.O. LINDSAY:

But, Mr. Chairman, my understanding is that this sets down a broad criteria, but these individual projects would have to be voted on us -- by us.

COMM. ANDERSON:

Correct.

P.O. LINDSAY:

This isn't a blanket approval for anywheres.

COMM. ANDERSON:

Correct. It would have to go through the Sewer Agency. It would have to go through, you know, our recommendation to the Legislature and the Legislature would approve it.

P.O. LINDSAY:

And while I have the mike, you know, there was people here before about -- you know, first of all, this is part of the sewer district to start off with, it isn't an outside connection. And the second thing there was people here before that are part of the Southwest Sewer that haven't been hooked up yet and are talking about, you know, we could fill the same criteria. The fact of the matter is we don't have enough money to extend the sewer lines, and what we're trying to do is every place we can, if we can parlay it and partner with somebody to get the additional money, whether it be a town or a developer, or however we can piecemeal the extension of sewerization within the County is I think what we're trying to do. That's why we came up with the sewer studies, to get a plan together to look for Federal money and to look for ways. I'm sure the consultants are going to tell us ways in which we can increase our sewerization in a hodgepodge way, you know, whether it be with a developer, or a town, or a village, or however, by partnering with them, because that's the only way I can see it happen, unless somebody comes along with billions of dollars to help us increase the sewerization in Suffolk County.

CHAIRMAN SCHNEIDERMAN:

All right. So -- but the final waiver would then come from the Sewer Agency when they review it on a case-by-case basis.

LEG. HORSLEY:

And then the Legislature is the vote part.

CHAIRMAN SCHNEIDERMAN:

Does it come back?

COMM. ANDERSON:

Yeah. It would have to -- you would look at the area, it would have to meet the criteria that was stated in here, and then a recommendation would have to come from the agency to the Legislature who would be the ultimate voting body on it.

CHAIRMAN SCHNEIDERMAN:

So it says it shall, and a connection fee shall be waived where the conditions are satisfied. We're going to try to figure out whether it comes back to the Legislature again.

LEG. HORSLEY:

I think it already came to -- we already said that, didn't we?

COMM. ANDERSON:

Anything from the Sewer Agency has to go before the Legislature for approval. You know, we're not an omnipotent board, really, we're just recommending body to the Legislature.

LEG. STERN:

I would think that, with your permission, Mr. Chairman --

CHAIRMAN SCHNEIDERMAN:

But this would create the ability to waive -- for the Sewer Agency to waive the fee, and then still subject to Legislative approval.

COMM. ANDERSON:

This creates a way for the fee to be waived. Basically, you're revising that original law that -- you know, where it's \$30 a gallon per day.

LEG. STERN:

And the Sewer Agency would -- the Sewer Agency would still have to establish various rules and procedures to have this law implemented in the first place.

COMM. ANDERSON:

Well, the law -- this would revise the law to allow this waiver to occur. Then that would -- the connection would still have to go before the Sewer Agency. This is not for an outside -- you know, this is not an in-district question, this is for outside connectees within -- you know, so there are other -- there's a few more that may -- you know, we haven't looked at it, really, but possibly Port Jeff, possibly Brookhaven hub, things like that where this could happen, but, you know, again, without having studied it in detail.

CHAIRMAN SCHNEIDERMAN:

Okay. Anyone else? All right. So do we have a motion to approve?

LEG. HORSLEY:

Yes, we did.

CHAIRMAN SCHNEIDERMAN:

We do, we have a motion to approve and a second. Any other discussion? All in favor? Opposed? Abstentions? 1197 is approved. *(VOTE: Approved 6-0-0-0)*.

Before we go to the new stuff, if we could go back to 1054, because Legislator Romaine is here. I'll make a motion to reconsider 1054 so that the sponsor can make his arguments. Can I get a second? Second, I guess, from the prevailing side, do you need?

LEG. BARRAGA:

Second.

CHAIRMAN SCHNEIDERMAN:

Second from Legislator Barraga. All right. So I have a motion and a second to reconsider 1054. That's the helicopter bill. All in favor? Opposed? Abstentions? Okay. 1054 is again before us. Legislator Romaine?

LEG. ROMAINE:

Yeah. It's real simple, doesn't change anything. The only thing that this bill does, instead of making a violation a criminal penalty, it makes it a civil penalty, therefore, easier to prosecute. And, Counsel, if you'd like to expand on that.

MR. NOLAN:

That's what I explained to the Committee previously --

LEG. ROMAINE:

Right.

MR. NOLAN:

-- when they asked me what the bill did.

LEG. ROMAINE:

Okay. So it's exactly the exact same bill, nothing changes. The only thing that changes is it becomes a civil, as opposed to a criminal, matter.

CHAIRMAN SCHNEIDERMAN:

Has anybody been prosecuted under the old bill?

LEG. ROMAINE:

No, and that's why we are looking to change this bill, because on the long list of priorities, I'm sure it's near the bottom for the District Attorney, because the District Attorney would have to bring the case because it's considered a criminal offense. We'd rather have it considered a civil offense.

CHAIRMAN SCHNEIDERMAN:

So, by lessening the penalty, you --

LEG. ROMAINE:

You're not lessening the penalty, you're simply shifting it from a criminal to a civil offense, where it -- in my opinion, it --

CHAIRMAN SCHNEIDERMAN:

No. So the dollar amount is the same.

LEG. ROMAINE:

I believe so, yes. Everything remains the same, except it's treated as a civil, not a criminal matter.

CHAIRMAN SCHNEIDERMAN:

And you believe that it will be more readily enforced now?

LEG. ROMAINE:

I believe it would be more readily enforced as a result of that.

CHAIRMAN SCHNEIDERMAN:

Somebody over here -- somebody wanted to comment on it? Okay. I'll make a motion to approve.

LEG. MURATORE:

Second.

LEG. BARRAGA:

Second.

LEG. STERN:

I'm going to make a --

CHAIRMAN SCHNEIDERMAN:

Second by -- I'm sorry --

LEG. BARRAGA:

Second.

CHAIRMAN SCHNEIDERMAN:

Legislator Barraga. Legislator Stern.

LEG. STERN:

I'm not going to make a tabling motion like before. You know, the sponsor is here, he's spoken on his bill, he should be able to see an up or a down. But it is a difference, it is difference. It's the difference between a civil penalty or a criminal penalty. With a civil penalty, you write a check, it's the cost of doing business. If it's a criminal penalty, you can go to jail. It doesn't get more different than that.

And, Legislator Romaine, you were not here before, but my comments were that I thought that residents of the East End in particular, but all residents who are affected by this ongoing problem in Suffolk County, as well as yourself, made a very compelling case when we, as a Legislature, passed your resolution. I think it continues to send a very strong and important message, and I don't see any reason to retreat.

LEG. ROMAINE:

The only reason to retreat is that the District Attorney is not bringing cases under this section of law.

CHAIRMAN SCHNEIDERMAN:

Legislator Barraga.

LEG. BARRAGA:

Let me ask Legislator Romaine a question, because, knowing you, you wouldn't have brought this legislation before us unless you really checked out the very people Mr. Stern was talking about; I mean, is that true?

LEG. ROMAINE:

Yes.

LEG. BARRAGA:

And they're all on board?

LEG. ROMAINE:

Yes, I believe they would be on board, because they would feel that at least there would be action against those who violated these laws, yes.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

I just want to comment. I'll vote for anything, as long as you don't bring them back.

LEG. ROMAINE:

I'm not bringing them back.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion and a second. All in favor? Opposed? Abstentions? Approved.

LEG. STERN:

Opposed.

CHAIRMAN SCHNEIDERMAN:

There's one no, Legislator Stern. *(VOTE: Approved 5-1-0-0 Opposed: Leg. Stern)*

INTRODUCTORY PRIME

Okay. *I.R. 1221 - Authorizing transfer of surplus County computer systems and hardware to Ward Melville High School computer repair lab (Co. Exec).*

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

I heard a motion, I think, from Legislator Barraga, and a second by Legislator Stern. All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 5-0-0-0).*

1238 - Creating a "Share the Road" signage program in Suffolk County (Eddington). Is there a motion? There's a motion to -- I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. All in favor? Opposed? Abstentions?
It's at the request of the sponsor.

LEG. STERN:

Okay.

CHAIRMAN SCHNEIDERMAN:

1250 - Appropriating funds in connection with intersection improvements on CR 19, Patchogue - Holbrook Road at Furrows Road (CP 5128) (Co. Exec.).

P.O. LINDSAY:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by the Presiding Officer.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? Approved.
(VOTE: Approved 6-0-0-0)

1251 - Appropriating funds in connection with reconstruction of drainage systems on various County roads (CP 5024) (Co. Exec.).

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approved by --

LEG. MURATORE:

Table.

CHAIRMAN SCHNEIDERMAN:

-- Legislator Stern.

LEG. MURATORE:

Motion to table, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Muratore.

LEG. BARRAGA:

Second on the tabling.

CHAIRMAN SCHNEIDERMAN:

Second on the tabling by Legislator Barraga. Commissioner?

COMM. ANDERSON:

This Capital Program allows us to reconstruct drainage systems throughout the County. Attached to the legislation, there is a two-page sheet which shows the various drainage systems that do need repair. We do them on a regular basis. This is an annual project and we do recommend strongly that it's approved.

CHAIRMAN SCHNEIDERMAN:

Right now, I just have a motion to table and a second. There's a motion -- one motion to approve. I'll second the motion to approve. Motion to table, though, comes first. Is there anymore discussion on this? What kind of numbers are we talking about here?

COMM. ANDERSON:

Five hundred thousand.

CHAIRMAN SCHNEIDERMAN:

And this is kind of an annual?

COMM. ANDERSON:

Correct. This is -- allows us to make our annual repairs at the various drainage systems that we have on all our County roads.

CHAIRMAN SCHNEIDERMAN:

It's not 477, is it, it's a regular --

COMM. ANDERSON:

No. This is strictly standard Operating Budget, or, I'm sorry, Capital Program.

CHAIRMAN SCHNEIDERMAN:

All right. Since there's no more discussion, we'll just vote on it. So we're going to take the tabling first. All in favor of tabling? I'm opposed.

LEG. STERN:

Opposed.

LEG. HORSLEY:

Opposed.

LEG. STERN:

Opposed to tabling.

CHAIRMAN SCHNEIDERMAN:

Three opposed to tabling. How many in favor of tabling? Two, I think, right? So tabling fails.

MS. LOMORIELLO:

Who was the motion for the approval?

CHAIRMAN SCHNEIDERMAN:

I made a motion -- no, I made -- I was the second, I think. Wayne, did you --

LEG. STERN:

I made the motion to approve.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Stern made the motion to approve and I seconded it. All right. On the motion to approve, we'll call the vote. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. MURATORE:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstentions?

LEG. MURATORE:

No.

CHAIRMAN SCHNEIDERMAN:

All right. So we have two nos, Legislator Barraga and Legislator Muratore. **(VOTE: Approved 4-2-0-0 Opposed: Legs. Barraga and Muratore)**

[THE PRESIDING OFFICER WAS NOT INCLUDED IN THE FOLLOWING VOTES:]

1.R. 1252 - Appropriating funds in connection with strengthening and improving County roads (CP 5014) (Co. Exec.). Same motion, same second. Commissioner?

COMM. ANDERSON:

This is a -- this is our Capital Program for -- essentially, for repaving of our highways. It's one of our most important maintenance programs. And even better is we are reimbursed for this -- most of these fees from the New York State CHIPS Fund.

CHAIRMAN SCHNEIDERMAN:

Any other motions? All right. All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0).**

1265 - Appropriating funds in connection with the reconstruction of CR 2, Straight Path, from Mount Avenue to New York State Route 231 (CP 5527) (Co. Exec.). Same motion, same second. Commissioner, if you'll provide more information.

COMM. ANDERSON:

This is -- appropriates \$800,000 to construct or realign two offset intersections and make them into a single intersection. The intersection is of County Road 2, Straight Path, with 20th Street and Mount Avenue, so, essentially, that will become one intersection. If you'd like a map, I have one I could pass around to show you.

CHAIRMAN SCHNEIDERMAN:

That's okay. Any discussion? All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0).**

1270 - Appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164) (Co. Exec.). Same motion, same second. Commissioner?

COMM. ANDERSON:

This legislation provides funding so that we can replace five utility trucks, as well as replace a heavy duty tow vehicle, and allows us to purchase a number of vehicles that we needed, including a dump, a 7,000 gallon tanker, and there's other items. I think they were attached with the legislation. If you'd like, I'll read them all, but --

CHAIRMAN SCHNEIDERMAN:

Is that charged to the sewer districts?

COMM. ANDERSON:

Yes, it is.

CHAIRMAN SCHNEIDERMAN:

Any discussion? All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0).**

1272 - Approving the purchase of 37 hybrid electric vehicles in accordance with Section 186-2(B)(6) of the Suffolk County Code, and in accordance with the County Vehicle Standard (CP 5601) (Co. Exec.). Motion by --

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Stern, I'll second.

LEG. MURATORE:

Table.

LEG. STERN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Stern.

LEG. STERN:

Commissioner, are you aware as to what extent, if any, these costs are reimbursable?

COMM. ANDERSON:

These are, I believe, fully reimbursable through CMAC. It might be 80/20. Let me check with Bill. But it is CMAC funded for at least 80.

CHAIRMAN SCHNEIDERMAN:

Where are these vehicles going?

COMM. ANDERSON:

They're non-public safety related. They'll be going to various departments, Board of Elections, Social Services, FRES, the Legislature, Parks, a few for DPW, the Sheriffs, ITS, Probation; a total of -- 38 vehicles in total.

CHAIRMAN SCHNEIDERMAN:

And they'll get the best parking spaces now, right?

COMM. ANDERSON:

And it is 80-20.

CHAIRMAN SCHNEIDERMAN:

Because they get -- you have that special parking, thanks to Legislator Horsley, right?

LEG. HORSLEY:

Hybrids.

CHAIRMAN SCHNEIDERMAN:

And hybrids.

COMM. ANDERSON:

That's only if they have Clean Pass, right?

LEG. HORSLEY:

Oh, that's right, only Clean Pass.

COMM. ANDERSON:

It's only if they have Clean Pass.

CHAIRMAN SCHNEIDERMAN:

Oh, these are Clean Pass, right?

COMM. ANDERSON:

Well, you have to apply for the State, I believe, it's not automatic.

CHAIRMAN SCHNEIDERMAN:

Oh, no?

LEG. HORSLEY:

That is true.

CHAIRMAN SCHNEIDERMAN:

All right. There's been a motion and a second. Any other discussion? All in favor? Opposed? Abstentions? Approved. And they're not Priuses.

1.R. 1273 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds in the chemical bulk storage facilities for sanitary facilities in Suffolk County Sewer Districts (CP 8178) (Co. Exec.). Same motion, same -- well, that was I guess your motion, Legislator Stern.

LEG. STERN:

Sure.

CHAIRMAN SCHNEIDERMAN:

All right. Same motion, same second. Any questions on this? All in favor? Opposed? Abstentions? **(VOTE: Approved 5-0-0-0)**

1274 - Transferring -- that was approved, I'm sorry.

1274 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for the Port Jefferson Wastewater Treatment Plant (CP 8169). Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? **(VOTE: Approved 5-0-0-0)**

1275 - Appropriating funds in connection with the County share for reconstruction of CR 3, Pinelawn road, Towns of Huntington and Babylon. Same motion, same second. Any discussion?

LEG. STERN:

Just a quick question.

CHAIRMAN SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Gil, just --

COMM. ANDERSON:

This is \$125,000 to act as seed money. We have to acquire land in order to do the improvements that are recommended at the intersection of Pinelawn Road with Ruland Road, as well as the intersection of Pinelawn with Conklin and Long Island Avenue. This allows us to start the discussions for acquisition, so.

CHAIRMAN SCHNEIDERMAN:

Any questions? Hearing none, I'll call the vote. All in favor? Opposed? Abstentions? Approved.
(VOTE: Approved 5-0-0-0)

1.R. 1287 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for improvements to Suffolk County Sewer District No. 10 - Stony Brook (CP 8175) (Co. Exec.). Same motion, same second. Commissioner, any --

COMM. ANDERSON:

Yeah. What we've come across in this specific district is we've uncovered some corrosion in some of the pipings and within some of the force mains. We had a project that we had to undertake up near Stony Brook University. This was another incidence that we found, and we're looking to use this money to make the repairs to the pipe and the pump station.

CHAIRMAN SCHNEIDERMAN:

Any questions? All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 5-0-0-0).*

1288 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Wingate Inn - Commack Hospitality (IS-1283) (Co. Exec.). Same motion, same second. Commissioner, this has been -- this is an old one, isn't it?

COMM. ANDERSON:

Yeah, this is -- they've come back in requesting an additional 138 gallons per day because they're putting in a food service within their -- within their hotel and the -- you know, the flows are needed.

CHAIRMAN SCHNEIDERMAN:

Any discussion? All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 5-0-0-0).*

1290 - Appropriating funds in connection with the traffic signal improvements on various County roads (CP 5054) (Co. Exec.). Same motion, same second.

Commissioner, do you have any additional information you want to provide.

COMM. ANDERSON:

This is -- appropriates \$750,000 to improve signals at various intersections. I don't know whether -- well, I can go through the list, but I believe it was attached to the legislation. But it's on a large number of County roads, County Road 2 at Acorn, County Road 4, Long Island Avenue. I could go down the whole list if you want, but --

CHAIRMAN SCHNEIDERMAN:

Does this include that signal I've talked to you about out near the Community College, that area, the Eastern Campus?

COMM. ANDERSON:

I don't think so, but I can verify that.

CHAIRMAN SCHNEIDERMAN:

Maybe that's separately funded. Where the accident occurred, you know, the --

COMM. ANDERSON:

Yeah that -- I think that's under a separate line.

CHAIRMAN SCHNEIDERMAN:

Where the County bus was in an accident.

COMM. ANDERSON:

Yeah, that one. We are in the process of replacing that. It may have been actually funded under last year's.

CHAIRMAN SCHNEIDERMAN:

All right. Any discussion? All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 5-0-0-0)*

1291 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 46, William Floyd Parkway, at Surrey Circle intersection (CP 5570) (Co. Exec.). Same motion, same second. Question, Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Gil, this takes \$50,000 from 5097. What -- do you know what the status of 5097 is, and is there enough monies that remain?

COMM. ANDERSON:

Work was completed and the funds are no longer needed.

LEG. STERN:

Very good. Thanks.

CHAIRMAN SCHNEIDERMAN:

Any further questions or comment, discussion? All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 5-0-0-0)*

1292 - Appropriating funds in connection with traffic-calming measures on CR 19, Patchogue-Holbrook Road, from the LIE to CR 16, Portion Road (CP 3302) (Co. Exec.).

Same motion, same second.

LEG. MURATORE:

Table.

CHAIRMAN SCHNEIDERMAN:

Motion -- I'm sorry. Motion to table by Legislator Muratore.

LEG. BARRAGA:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Barraga. Commissioner, can you give us some information here?

COMM. ANDERSON:

This is -- appropriates a million dollars for the construction of traffic-calming improvements that would -- we would undertake on Patchogue-Holbrook Road, County Road 19, between the L.I.E. and Portion Road, County Road 16. The community, because there is a school in the area, the community has requested this for some time, and, you know, we feel it is a warranted project and recommend that it be approved.

LEG. STERN:

What would -- what are the measures that would be taken?

LEG. MURATORE:

They're going to put trees up.

COMM. ANDERSON:

I don't know. Bill.

MR. HILLMAN:

There is an "S" curve in the road just north of the L.I.E. We're going to be putting a median separating the northbound and southbound lanes. There is a school. As you go further north, there's a school. We'd be doing bulb-outs for the pedestrians, for the children, sidewalk improvements, things of that nature. It's strictly a traffic-calming project and safety project.

CHAIRMAN SCHNEIDERMAN:

What exactly is traffic-calming, it's slowing down the traffic, is that --

COMM. ANDERSON:

Correct. It's to -- basically, you're restricting -- rather than widening a road, you're trying to restrict it to slow traffic through an area to make drivers more aware of what's going on so they're not just, you know, speeding through an area.

CHAIRMAN SCHNEIDERMAN:

What about -- you know, have you looked -- because a million dollars is a lot of money.

LEG. MURATORE:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

What about, you know, speed limit signs, blinking lights, that kind of thing?

MR. HILLMAN:

Yeah, but when we're putting a median in, that is fairly expensive. We're also resurfacing the entire roadway from the Expressway to Portion Road, which is probably over a mile-and-a-half, which is the majority of why it's so expensive. And with the resurfacing comes new pavement markings and, you know, things of that nature, which will help the traffic-calming measures. But the majority of the cost definitely is resurfacing and it isn't -- the pavement is in poor condition and it does need to be resurfaced one way or the other.

CHAIRMAN SCHNEIDERMAN:

And this is -- well, I have two questions. One is the engineering is all done for this, right?

MR. HILLMAN:

Yes. We worked extensively with the civic group in the area, and I think -- I'm not sure what -- I forget which Legislator, but the Legislator in the District, which --

CHAIRMAN SCHNEIDERMAN:

And is there any reimbursement on a project like this or is it all us?

MR. HILLMAN:

No, this is County funded.

COMM. SCHNEIDERMAN:

It's all County.

MR. HILLMAN:

It's proposed to be County funded, yes.

LEG. MURATORE:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator Muratore.

LEG. MURATORE:

You know, we have this tremendous deficit we're facing and now we want to spend a million dollars to calm traffic. I live there. I've lived in that area since -- I live a block from there since 1978. And, you know, like you said, a couple of signs and we can slow the traffic down, a blinking light. And we have a traffic control device at the school, we have school crossing guards at two corners. I don't see that number of accidents in that area. I'm sure the money could be, you know, saved and put toward the deficit.

CHAIRMAN SCHNEIDERMAN:

This is your district?

LEG. MURATORE:

Yes, sir.

CHAIRMAN SCHNEIDERMAN:

All right. I'll support the tabling.

COMM. ANDERSON:

The only comment I would make, and certainly, you know, it's your District, is that, you know, the civic groups in that area have been very vocal about, you know, improving this, you know, stretch of roadway. Yeah, it's the same -- and that's it. You know, if you don't want it --

LEG. MURATORE:

Well, they were very active, too, in the Portion Road project --

COMM. ANDERSON:

Correct.

LEG. MURATORE:

-- where we spent millions upon millions. So, you know, with times being the way they are, we have to start realizing we need to cut a little bit of spending, like everyone said about taking in our belts, and maybe -- you know, I don't mind leading the way in my district to show that, you know, we need to be concerned about the budget.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion to table. There was a second, I believe, right? Yes, a second? All in favor? Opposed? Tabled. **(VOTE: Tabled 5-0-0-0)**

Okay. ***I.R. 1299 - Authorizing use of H. Lee Dennison Executive Office Building property by Long Island American Bikers Aimed Toward Education ("LI ABATE")***. Sounds like an Eddington thing. Are you involved with this, Jack?

LEG. EDDINGTON:

I am.

CHAIRMAN SCHNEIDERMAN:

You are, huh? I will make a motion to approve.

LEG. MURATORE:

Mr. Chairman, I just have a question. There's \$125 fee involved with this from this -- for this Long Island ABATE to pay?

CHAIRMAN SCHNEIDERMAN:

Uh-huh.

LEG. MURATORE:

What are they paying \$125 for, the parking lot? Is that like a parking fee or something? I mean, it's only going to be in the parking lot, right, Jack?

LEG. EDDINGTON:

(Nodded yes).

LEG. MURATORE:

So why are we just charging the \$125?

CHAIRMAN SCHNEIDERMAN:

I don't know who comes up with the fees. I assume everybody is treated equally. So, if you wanted to waive a fee for one group, you could put in a bill to waive a fee, but --

LEG. MURATORE:

Well, I'm new at this, so I'm just starting to find this out, you know, like --

CHAIRMAN SCHNEIDERMAN:

That is -- right now, that is not the request, only to allow them to use it.

LEG. MURATORE:

I know, it's just a question for the Committee. Why are we charging people \$125?

CHAIRMAN SCHNEIDERMAN:

And I think, at this point, if you held it up, it might bring them past the date that they want to use it, so --

LEG. EDDINGTON:

I've got a question, if I can.

CHAIRMAN SCHNEIDERMAN:

Legislator Eddington.

LEG. EDDINGTON:

I thought we had a policy of not waiving any fees.

COMM. ANDERSON:

Correct.

LEG. EDDINGTON:

That's what I was told.

COMM. ANDERSON:

Correct.

LEG. EDDINGTON:

Correct, okay.

COMM. ANDERSON:

And this is a user fee. And then, actually, we've already scheduled it in our normal standard process, so --

LEG. STERN:

All right. Legislator Muratore, I don't think -- I'm sorry, through the Chair. You're not suggesting waiving the fee, you're merely asking what the purpose of the fee is.

LEG. MURATORE:

Right, that's what I'm doing, just asking why are we charging this group a hundred -- they're going to be saving lives out there and educating guys and girls on motorcycles and we're going to charge them \$125 to use a parking lot.

COMM. ANDERSON:

This is just part of our standard, you know, administrative costs and we have to do -- we have to file a permit.

CHAIRMAN SCHNEIDERMAN:

Jack, when's the event?

LEG. EDDINGTON:

It's April 11th. I know, we need --

LEG. MURATORE:

Motion to approve it.

CHAIRMAN SCHNEIDERMAN:

You've got to approve it.

LEG. MURATORE:

I have no problem with that.

CHAIRMAN SCHNEIDERMAN:

Yeah, you've got to approve it.

LEG. MURATORE:

Jack wants it.

CHAIRMAN SCHNEIDERMAN:

You know, as much as it is a problem, we don't typically waive fees. I won't say it's never happened, there has been a couple of times where we have brought -- people brought bills to waive fees for band wagons, or things like that, but they're rare, and we prefer not to see them. So, all right. So there was a motion and a second. All in favor? Opposed?

MS. LOMORIELLO:

Who was the second? I'm sorry.

CHAIRMAN SCHNEIDERMAN:

Who made the motion to approve?

LEG. MURATORE:

I did.

CHAIRMAN SCHNEIDERMAN:

And I made the second, I think. And all in favor? Opposed? Abstentions? Approved. That concludes our agenda. We are adjourned.

[THE MEETING WAS ADJOURNED AT 4:55 P.M.]