

**PUBLIC WORKS  
AND  
TRANSPORTATION COMMITTEE  
  
of the  
  
SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday July 27, 2010.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

George Nolan- Counsel to the Legislature  
Rosalind Gazes - Budget Review Office  
Gil Anderson - Commissioner - DPW  
Bill Hillman - Chief Engineer - DPW  
Bob Shinnick - Transportation Division - DPW  
Robert Doering - Budget Review Office  
Rosalind Gazes - Budget Review Office  
Catherine Stark - Aide to Chairman Schneiderman  
Linda Bay - Aide to Minority Caucus  
Paul Perillie - Aide to Majority Aide  
Renee Ortiz - Chief Deputy Clerk - SC Legislature  
Ben Zwirn - County Executive's Office  
Kathleen Malloy - AME  
Tracey Edwards - Verizon  
Michael Gendron - CWA 1108  
Patricia Lenehan  
All Other Interested Parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(The meeting was called to order at 2:12 P.M.)

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd like to call the meeting of the Public Works And Transportation Committee meeting to order. Please rise for the Pledge led by Legislator Barraga.

**SALUTATION**

You may be seated. Before we begin, let me just state for the record that Legislator Horsley has an excused absence from today's meeting. I will move on to our public portion. I have two yellow cards. The first belongs to Patricial Lenehan, speaking on fare increases in Suffolk transit. Patricia, I'll ask if you'll step up to the podium and state your name one more time for the record.

**MS. LENEHAN:**

Hi. My name is Patricia Lenehan. I live in Port Jefferson and I'm a constant rider of Suffolk transit. On June 15th when I got on the bus I noticed the sign that was behind some gentleman's head about the meetings that were going to go on. So when the guy moved, because the bus bounces, I asked the driver if I could copy it, all right, so that I would be able to print it up myself and hand it out to people at the Smithhaven Mall bus stop.

So I did that. I went home, I made a copy, you know, of everybody that was said, and then I decided to pull together a petition, because a lot of people said they couldn't get to the meeting because the bus service to leave the meeting is in conflict. Three o'clock to get to a meeting in Hauppauge that's at seven o'clock, when the buses stop running at five something over here, does not benefit the riders of the transportation.

So I told them I'd represent them. Unfortunately for me, I have Lupus, and the night of your meeting I couldn't even walk. So I thought it was over after reading Newsday's article. I thought we lost anyway. Then when I called your office and found out no, you were still going to talk about it, and I was on with Mr. Schneiderman's office, I was invited to bring the petition with over 300 signatures on it of the people that couldn't attend and how they feel about it.

So can I read? Okay. The petition that I put together stated: "We, the patrons whom the Suffolk County transit have asked to be represented by Pat Lenehan at no cost and this petition is to bring to your attention the way we feel about the increased fares you are seeking. The dependency we have on your company is vital to our existence here in Suffolk County. It is only fair that our voices be heard and counted regarding your services.

Due to the fact that the meetings that are held by your company or any transit studies that you have regarding any public input are always held at the time we are either at work or because of a conflict in bus schedules are impossible to get to and from, the locations that they are held at, we feel that it is our right to have this opportunity. The services should be held at the terminals where the people can actually give their opinions, which would be, you know, where all the buses meet."

I want to thank Second District Legislator Jay Schneiderman for including me and all the people who signed this petition to be able to voice views.

In the mid 1980's I was at a political debate that was held at the Centereach Library with young candidates telling us how they were going to better serve Long Island by bringing more jobs to the people that needed them and etcetera. I raised my hand and asked, "What are your plans for better transportation?" Sunday service, more bus routes with longer hours that will help the lower income people get the jobs that they were then being denied because of the scheduling of the bus routes that included Sundays or evening hours. They all agreed that it had to be taken care of.

Here we are in 2010 facing a fare hike at the time when the Long Island economy is on a downslide.

More people are unemployed and we still have the same services that aren't helping the public that needs them. Truthfully, it is not helping the provider of these services either. We all know what is needed, but what can we do about it that would benefit both sides of this problem.

Sunday service till 4 p.m. when the job market calls for later hours for the majority of people isn't going to help. How do you pick and chose which area needs longer service and which doesn't? You can raise the fare, but how do you increase your ridership? The customers say the schedule has to be consistent all the way around. There is no need for more buses -- there is a need for more buses. Instead of every hour, they should run 20 to a half hour with more signs indicating where your stops are. On 112 there is two mile period between signs, if you can even find signs as to where the bus stops. That would discourage anyone from taking a bus.

After riding the Riverhead route and seeing the Tanger Mall as a disabled passenger, I couldn't use the bus because of the extended walk to the center. You are overlooking the seniors, the disabled, and mothers with children that would be using the bus service, that's just in Riverhead, if they had the buses going into the shopping centers.

How old is the Riverhead schedule? When was the last time it was updated? I heard 19 years ago. Is this true? Why so long? And doesn't the area now invite tourists? Is there a convenient service that takes people to the areas of interest without making it hard on them by transferring? Without service on Sunday, aren't you stopping a family from going into the town and spending money there? How many other routes haven't changed in the last two years? The potential for more customers is untapped.

I have been a daily rider of your company for over a year. I see how empty the buses are at different times of the day. There is no need to be in Stony Brook College for one person who could meet the bus on the outside. The people of the town can have a better service at that convenience if they need.

When I lost my car and had to depend on your service it wasn't so bad because I am disabled and I get a discount. However, the service itself caused me to lose my evening classes at Suffolk Community College because the schedule in the evening doesn't allow for night classes. Your bus services in the area are the S58, the last bus is at 6:40 p.m.; the S63, 6:56 p.m.; the S71 5:55 p.m., and 6B and 6A, 6:20. Most of the evening classes end at 9 p.m. There's no way of getting students home that need buses. So you are losing out on students that could go to school if they had bus service.

There are so many other ways to bring money into your company that wouldn't hurt the people that ride your service with an increase right now. Maybe in the future you will deserve it if your service is better. We have been mislead for years with promises of better service and nothing has taken place. The people I spoke to feel defeated, they said over and over that government here doesn't care. I asked if they called their Legislators and some made faces and some laughed. And all said it wouldn't matter, they believe we are not in the tax bracket that our government is interested in serving.

We are the little guys with no income who are killing -- who are being killed with price hikes like this. Even if it is fifty cents or a dollar one way, it equals up to \$10 for a five day week. Times that by another parent, another child, you are looking at almost \$30 a week times four weeks. That is \$120 more out of someone's pocket. My income is \$785 a month. My rent is \$700. I have to pay for electric and I ride the buses. Okay. Figure out how I live. I don't understand how I live sometimes; it is very hard. I am only one of thousands.

I rode down 112 the other day and with the road construction we were held up; that's okay. I got to see the stores Best Yet and Uncle Giuseppe's. I would never be able to shop there. The walk to get there from 112 to the stores themselves wouldn't be -- I couldn't do it. I wouldn't be able to do it and neither would a senior citizen to get into those shopping centers. It would so much better

you if you went into some of these centers. It would better the stores, you would avoid the lights and the heavy traffic getting out of the centers. That is a way of making more money for your bus company. Stony Brook Loews Theater would benefit with a bus that went into their shopping center. Kids could go to the movies, families could go to the movies. The theater would benefit your services.

There are many ways to make the money without raising our fares. When I haven't the right change to pay for my discount, my discount is fifty cents. If I have a dollar, the bus gets that dollar. I don't get change. How many people like myself are paying more than they have to, that are paying 2.50, I mean \$1.50 for a ride and have two dollars. Where is that other fifty cents going? We don't get change. It puzzles me.

**CHAIRMAN SCHNEIDERMAN:**

I'm going to have to ask you to wrap up. I've actually given you double length already.

**MS. LENEHAN:**

I'm here for 300 people. I'll be two more minutes.

**CHAIRMAN SCHNEIDERMAN:**

I know. It's six now, so, if you could wrap up in a minute I'd appreciate it.

**MS. LENEHAN:**

I will wrap up. The drivers on Suffolk County buses are some of the best drivers I've ever met. I'm not going complain about them at all. They have to put up with quite a lot of stuff. I hope some of the solutions presented you consider. It would bring you more income. I also recommend advertising. I even included two thought out commercials which I witnessed on your bus. Thanks for your time you have given me and all the other passengers.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Pat. I appreciate all your suggestions. We're all trying to make Suffolk transit the best public transit we can. Everybody wants that Sunday service, as you said. We've been trying to figure out how to pay for it. And the idea behind the public hearings was to hear from riders whether they'd be willing to trade a small rate increase for that provision of Sunday service, because we believe it could be paid for in that way, and to get the opinions of those riders.

**MS. LENEHAN:**

Your not getting new ridership. You are penalizing the people that ride all the time. Most of them are looking forward to Sunday, but it has to be longer than four o'clock.

**CHAIRMAN SCHNEIDERMAN:**

Again, it was the riders who came to me saying that they were getting killed on Sunday with paying for taxicabs, and that they felt a small increase -- they've saved money because they would no longer have to pay, particularly the disabled who depend upon SCAT service who can't get out of their houses and on Sundays they are trapped.

**MS. LENEHAN:**

Oh, yeah. They can't even go to church, they can't go to schools. I mean, they are being denied their Constitutional right I believe.

**CHAIRMAN SCHNEIDERMAN:**

So this was our way basically of giving them, the riders, a choice. In an ideal world there would be some subsidy, some federal money, state money that we could get so that we could just go ahead and provide Sunday service without increasing the rates. It doesn't exist, though, so we have a choice to make. The only way we can get Sunday service right now that I can see, or anybody else seems to be able to see, is a small increase in rates. We can do it or not do it, so far the riders

have said yes, if it is small enough and, you know, it's targeted on the general fare we can accept that, but don't increase the disabled fares or the discounted fares, you know, the subsidized -- the low income types of fares.

**MS. LENEHAN:**

Yeah, but even the regular people going to work, you know how many are losing their lunch hours because the service isn't good to get them back and forth? They have to give up their time because we need better service. It's not just the --

**CHAIRMAN SCHNEIDERMAN:**

Right. You've made many suggestions about more buses --

**MS. LENEHAN:**

I got a copy for you.

**CHAIRMAN SCHNEIDERMAN:**

-- and longer hours and I appreciate -- I would love to see a copy of your petition.

**MS. LENEHAN:**

All right. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Pat. Next up is Tracey Edwards from Verizon. Go ahead, Ms. Edwards. You have three minutes to make your comments.

**MS. EDWARDS:**

Okay. Thank you very much. I'm here to speak on behalf I.R. 1578. Verizon is opposed to this resolution. We are opposed to the resolution for a number of reasons which I have sent you a letter and I'll give you an opportunity to read, but I just want to get some main points. Our main objection is that initially this -- your first bill was 1102 which sought to address double woods which Verizon will continue and is continuing to address. The new bill, 1578, is imposed on Verizon to remedy a problem which we do not believe exists, and it is on the current population of poles and has now moved away from double poles and is now the timely removal of any damaged pole in order to enhance public safety. What I would suggest to all of you is that there has really never been any complaint from the Suffolk County Legislature that has not been addressed in a timely manner, and I believe that your officer of Public Works did advise you of that last time when we spoke.

What we'd ask for is, respectfully, if you could table this resolution and be able to answer for us some of the things that we are looking for to try to clarify what it is that this bill is going to impose on us. Quite frankly, there is -- really the criteria should be spelled out. The notification period and the process is very confusing as written, and is -- does this apply to all utilities, including all municipalities, because the way that the language is crafted it looks like it's very broad based on the total amount, and applies to any and everyone and I do not believe that -- I think that the remedy, the penalty would only apply to Verizon and we're asking for some fairness and equity in what it is that you are doing. So we would ask for the attorney and for all of you to take a look at the language and what the intent is, and to provide us a little bit more information before you act on it.

Additionally, I gave you a draft copy of the progress that we've made on the double poles, which is not what this language is about, and I understand that you'd like to see a percentages by area and I will be glad to send that to you tomorrow.

**CHAIRMAN SCHNEIDERMAN:**

By Legislative District, just so we see that it's -- that was, I think, the original promise, that you'd address each Legislative District equally. I want to make sure that percentage wise they are all

going down, and some areas --

**MS. EDWARDS:**

Okay. So you want to take this and roll it back up to the Legislative District?

**CHAIRMAN SCHNEIDERMAN:**

I would so we can see --

**MS. EDWARDS:**

Okay. That's fine. I can do that.

**CHAIRMAN SCHNEIDERMAN:**

Also, I'm confused on your database adjustment column where -- let's take the first one. When you say Babylon is 398 and then total database adjustments 248, is 248 the new number of double woods or are we reducing the 398 by 248.

**MS. EDWARDS:**

I believe that that is the adjustments that were made, so it's not the new. It is the adjustments.

**CHAIRMAN SCHNEIDERMAN:**

So the actual number would be 150.

**MS. EDWARDS:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay. That would add up then, the poles removed plus the remaining inventory. Okay. Any other questions for Ms. Edwards? All right. Thank you.

**MS. EDWARDS:**

Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

The last yellow card I have belongs to Michael Gendron, representing CWA 1108. Michael, you have three minutes to make your comment.

**MR. GENDRON:**

Thank you, Chairman Schneiderman. I appreciate the time to speak on behalf of IR 1578. The last time that we met, Verizon had stated that they had made close to 75% of the double poles in Suffolk County disappear. That number was over 6800 due to a clerical error. Quite frankly, something seems wrong here. It's very hard to believe that there could be an accounting mistake of this magnitude. When I first started over 22 years ago, an old timer told me, "Kid, you'll do more work with a pencil than any of those tools in your pouch". Well, now I know what he means by that.

Verizon provided a chart of the poles remaining, along with the poles removed and the number of poles that were part of this clerical error. I decided to take some time this morning to ride through one of the wire centers, Central Islip in particular. Now, according to the chart here, that number remaining is 11. In just a few hours, in just covering some of the main roads, not covering the whole area, I counted over -- 64. That's close to six times the number that's stated.

This issue was before this Legislature back in 2006 because there was a problem then. The problem grew because, quite frankly, we took our eye off of it. I'm asking you to make sure that we keep some oversight on this issue to make sure that this number doesn't continue to grow and to keep in mind that public safety and the aesthetics of our community are protected. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Yes, Mr. Presiding Officer.

**LEG. LINDSAY:**

Michael, where do you get the 11? I'm looking at --

**MR. GENDRON:**

If you look at Central Islip, you go across --

**P.O. LINDSAY:**

Yeah.

**MR. GENDRON:**

-- it says double poles as of June 11, which is two months ago. Supposedly there is 11 poles remaining.

**LEG. BARRAGA:**

He's got an old sheet.

**P.O. LINDSAY:**

Okay. The one that Ms. Edwards just gave us is six. Remaining inventory from January, 2010, actual is six. Poles removed from July 23rd is 55; second quarter cumulative results, 55; total database adjustment, 205; double poles in January is 266 in Central Islip. But that's Central Islip. This chart you just gave us is Brentwood.

**MR. GENDRON:**

Well, it's Brentwood, Central Islip and Hauppauge. Those are the areas that comprise of the Central Islip Wire Center.

**P.O. LINDSAY:**

I see. I see. Okay. That makes more sense.

**MR. GENDRON:**

And I had given you the actual pole number, street.

**P.O. LINDSAY:**

So you identified 66.

**MR. GENDRON:**

Yeah, which is over six times the number here. So if it is over six times the number in this one wire center, can you imagine what it would be, especially on the east end where there was no FiOS, you know, initiative, where we had line gangs going through every street, every, you know, town. The east end has been ignored. The number is going to be much higher. Unfortunately, that's why we're here, to protect our jobs, to protect, you know, the community. I'm sure you have all seen as incidences come up broken poles, double poles. Aesthetically it looks terrible and it is a safety hazard.

**CHAIRMAN SCHNEIDERMAN:**

Thank you.

**MR. GENDRON:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

We're going to -- I have no presentation scheduled. I don't have any more yellow cards. Is there

anyone here who wishes to be heard who did not fill out a yellow card? Mr. Anderson, if you'll step forward. Did you want to address the committee in any way before we begin the agenda?

**COMMISSIONER ANDERSON:**

No.

**CHAIRMAN SCHNEIDERMAN:**

I had one or two quick questions. I received all the Capital project updates and I thank you for that. Years ago we passed a bill to do a wind power feasibility study at the Yaphank Farm. Do you remember that? It was actually -- when the farm was set up there was a wind row saved between two large farm fields, and apparently they actually were contemplating even at that point that that might make a good site for wind turbine powering. So we had asked your department to do this wind feasibility study. This was quite some time ago, I would say at least five years ago.

I get your report, which lists why things haven't progressed or have progressed, the status, and it says here that the RFP will be reissued when locations for affordable housing and sports arena as proposed by the County Executive is clear. That project, Legacy Village, that project has never been through this body. We have not approved it in any form other than to fund an environmental impact statement. The RFP we did pass as a body to study it, but we haven't said we're going to build wind turbines there. We're just going to do a study on the feasibility of whether that site would be appropriate for establishing some wind powers. So I don't really understand why that has been abandoned just based on an idea the County Executive proposed.

**COMMISSIONER ANDERSON:**

I don't know that that's the actual reason it was abandoned. I think there was another issue that had to do with the returns from the RFP. It predated me as far as I recall, because I am very unfamiliar with it. But I can look into it and I'll get back to you. I don't know whether it was we didn't have enough respondents for -- from the RFP or what, but I'll look at it and I can get back to you.

**CHAIRMAN SCHNEIDERMAN:**

Another quick question. I don't know if you'll have the answer for it. We had done a Capital project, \$100,000 to study some safety improvements near Florence Lumber on CR 104 I believe it is, near Westhampton, near the airport, not far, kind of the back side, the east side of the airport. It says project in final design. Do you have any information on that, what you guys have come up with, are they going to -- I had suggested some guardrails or some reflectors and some signage. I don't think anything has happened there that I'm aware of.

**COMMISSIONER ANDERSON:**

Yeah, I'm unfamiliar with this project as well, but I can get back to you on that.

**CHAIRMAN SCHNEIDERMAN:**

I appreciate it. Sorry for catching you off guard on this. All right. We will go to the agenda. Starting with tabled resolutions.

**Tabled Resolutions**

***1578, Adopting Local Law No. -2010, A Local Law to regulate utility poles on County road right-of-ways. (Eddington)***

**P.O. LINDSAY:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approved by the Presiding Officer. Second by Legislator Muratore. I'll make a motion to table this. I have, you know, let me actually ask the Commissioner. Has any of these utility companies not been responsive in an emergency when you've called them and said we have a public safety issue on a utility pole?

**COMMISSIONER ANDERSON:**

No. They have all been responsive. They always are whenever we ask them. We have, you know, good connections with them. Generally we reach out to them, you know, when it's a construction project rather than an emergency issue, but if there is an emergency issue that is always responded to to make sure that the traveling public is safe.

**CHAIRMAN SCHNEIDERMAN:**

But not even within like -- not 15 days later, but within a day or as early as possible.

**COMMISSIONER ANDERSON:**

Generally they're there the next day if there is an issue with a broken pole.

**CHAIRMAN SCHNEIDERMAN:**

Might a bill like this create the sense that it's okay to just take care of it within 15 days rather than do it immediately?

**COMMISSIONER ANDERSON:**

No, I don't think so. I think this -- they're trained to respond quickly. I think they want to make sure that their facilities, number one, are operational, but also the site is secured so that, you know, the traveling public, again, isn't in a situation where they might be compromised.

**CHAIRMAN SCHNEIDERMAN:**

So you don't see the harm in the bill, but it doesn't serve any purpose. Is that --

**COMMISSIONER ANDERSON:**

I mean, look, don't get me wrong. I don't necessarily want to be the pole police, but, you know, I'm also -- I have questions as to whether, you know, this is only going to be -- we only have jurisdiction over County roads, so I don't know, and I've been reading this, again, while the folks were speaking in the public section. I don't see where it delineates anything beyond that, so.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Stern.

**LEG. STERN:**

Thank you. When we had this discussion last time I had asked the question to an extent is 60 days a reasonable period of time as provided in the bill. If we are talking about an unsafe situation, if we are talking about an emergency condition, 60 days would seem entirely unreasonable that we would even contemplate allowing a dangerous situation, condone that a dangerous situation continue for 60 days.

Since that time there has been an amendment, a change in the bill, down to 15 days. So my concern I suppose would be along the lines of Legislator Schneiderman's concern, and that is if it is truly a dangerous situation it would seem to me that not only 60 days would be entirely unacceptable, but 15 days wouldn't seem to be reasonable either.

So I guess I would repeat the question just for the record to ensure that we are not developing a system here where we are going to accept that a dangerous situation be allowed to continue for up to 15 days. I can't imagine that we would condone that, that that could be the case here.

**COMMISSIONER ANDERSON:**

No, and I would find it difficult to believe that Verizon or any of the, you know, the utility companies that will be affected by this legislation, because not all of them will. LIPA is exempt from this by, you know, standard law. They are going to safe their utilities. First they got to make sure that they work, and secondly, they are not going to, you know, they are going to safe up the poles to make sure that they're not going to fall into the traveling public immediately. I've never seen a situation where it's extended beyond a day, and that was only during, you know, severe weather that, you know, previous hurricanes where, you know, they were -- they had to compromise a little bit. In every case it was within 24 hours, the location. They didn't remove -- I'm not saying they removed the second pole, but the location was made safe for the traveling public. So I don't, again, while we will do whatever the Legislature decides, I don't know that the impact of this is going to be of any real benefit.

**LEG. STERN:**

This -- 1578 is what is before us today. My question is for Counsel. 1578 seems to depend on our Department of Public Works to trigger the clock to start. It requires an identification by our Public Works Department to determine whether or not an emergency situation exists. Department of Public Works notifies the utility, the clock starts to run, the utility has the responsibility to rectify this dangerous situation. Correct?

**MS. SIMPSON:**

Correct.

**LEG. STERN:**

All right. So, Commissioner, right now if Department of Public Works happens to see a danger situation, what would you do now?

**COMMISSIONER ANDERSON:**

We would still do our normal, you know, in the case of an accident we would notify the utility immediately that they had, you know, this situation. We have contacts that we deal with on a daily basis. They would then set in motion their staff to come out and make the appropriate repairs, and we would continue that. The only thing we've developed for this legislation, if approved, is that we would set up a website where the documentation would be logged and forwarded to the utility, and that would start the clock. Nothing's going to change in our procedure. We're going to notify the utilities right away if it is their pole, if it's damaged, and if someone is in harm's way.

**LEG. STERN:**

Do we have -- what is the responsibility of the County level of government to go out and do an investigation as to the safety of the poles or the utility equipment up on the poles at this point? Do we send Department of Public Works personal around specifically to identify this kind of a situation? Right now, if you see it, you see it; if you don't, you don't.

**COMMISSIONER ANDERSON:**

Correct. Generally our Highway Division is notified by PD or by the Sheriff's Office if there is a situation that warrants a relocation of a pole or they contact the utility directly.

**LEG. STERN:**

To Counsel. If enacted, would this legislation impose a responsibility, a new duty or liability on the part of our Suffolk County Department of Public Works that does not exist currently?

**COMMISSIONER ANDERSON:**

If I may.

**LEG. STERN:**

Or is the answer the same. If they see it, they see it; if they don't, they don't. And if they see it they have a responsibility to report it.

**MS. SIMPSON:**

I would want to check with George on how he drafted it and give you an answer at a later date if that's okay.

**MR. NOLAN:**

I was just coming in to tell her that I have to go to the Mets game tonight, but here I am. Can you give me the question from the top, Steve.

**LEG. STERN:**

DPW right now, according to the Commissioner, when they find a dangerous, potentially dangerous situation with the poles, with the utility, equipment upon on the poles, they see it, they report to the utility company. The utility comes out and they take care of it in what is hopefully a reasonable period of time. This legislation would required DPW if they discover an unsafe situation, that they now have the responsibility to contact the utility company, and the utility company now has to come out and take care of it within a specified amount of time.

My question is would this legislation impose a greater or higher degree of responsibility or liability on the part of Suffolk County or our Department of Public Works mandating that they now have to go around and inspect these poles to determine whether or not there is an unreasonably safe situation, or with the enactment of this legislation does it essentially remain the same, that if DPW sees it they report it, and if they don't see it.

**MR. NOLAN:**

I think it's the latter. If they determine, if they find that a pole is damaged, then they are going to contact the utility. They would do that anyway, I think, now. It doesn't say, you know, DPW must go out on a weekly basis or do inspections on a monthly basis. It says when they find that a pole damaged, however that may be, then they are to contact the utility.

**LEG. STERN:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

George, I want to ask a similar question, I think more from the liability in terms of the side of Verizon. Right now let's say their pole is falling down. LIPA has already switched their utility to the new pole. The old pole is falling into the road, maybe it's fallen into the road. Commissioner Anderson calls Verizon and says you're interfering traffic flow, I've got the road cordoned off now, I've got all the traffic moving in the other lane, it's creating all kinds of staffing problems and diverting resources from other functions. And Verizon looks at this bill says okay, its \$250 a day to not deal with the problem, it's a billion dollar company, you know, does it in a kind of a way let them off the hook more than it puts them -- right now they're, you know, if they're put on notice by the Commissioner, they have to deal with the problem, right? It's kind of an open ended liability for them.

**MR. NOLAN:**

But that wouldn't change. I mean, if you pass the bill and the Commissioner notifies them the pole is damaged, they have the same obligation. They are on notice, just as they would be --

**CHAIRMAN SCHNEIDERMAN:**

But there is a penalty that is articulated in it that's \$250 a day after the first 15 days.

**MR. NOLAN:**

But that wouldn't obviate --

**CHAIRMAN SCHNEIDERMAN:**

Where it is open ended what their costs are if the County were to go after them for damage without this bill.

**MR. NOLAN:**

Well, it's more than the fine, I mean, or the penalty, civil penalty, \$250. There is other relief we can seek and there is other damages other parties who can seek if they are damaged by the utility's actions. So I don't know that -- this is not limiting their liability in any way.

**CHAIRMAN SCHNEIDERMAN:**

That's the essence of my question. Is this limiting their liability, Is it taking away our other avenues for fixing a problem.

**MR. NOLAN:**

No, I don't think it does.

**CHAIRMAN SCHNEIDERMAN:**

All right. So I made a motion to table. I think that there was no second on that. Is there a second on the tabling motion? Then the only motion we have before us is a motion to approve, and there was a second. Any additional discussion? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**CHAIRMAN SCHNEIDERMAN:**

Mark me in opposition as well. And I think that's three to two. Right, Tom, you are in favor? Bill passes. **(VOTE: 3-2-0-1 Opposed: Legislators Schneiderman and Barraga; Not Present: Legislator Horsely. Presiding Officer Lindsay is included in the vote)**

***1706, Authorizing transfer of surplus County Computer Systems and Hardware to RSVP. (Kennedy)***

Is there a motion? I'll make a motion. Is there a second?

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Stern. All in favor? Opposed? Abstentions? 1706 is passed. **(VOTE: 4-0-0-1 Not Present: Legislator Horsley)**

***1714, Amending the 2010 Capital Budget and Program and Appropriating funds in connection with Strengthening and improving County Roads (CP 5014). (Co. Exec.)***

Commissioner, do you have more detail on 1714?

**COMMISSIONER ANDERSON:**

1714 is the Capital Program to -- allows us to go out and repave certain County roads. We include as part of this replacement of lane markings that we would do in the area as well as guide rails, so when we are coming through we have a complete job and we can, you know, basically check off an area incomplete.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any questions? Any discussion? We had a motion and a second. Yes? No? We need a

motion on 1714. I'll make a motion.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**(VOTE: 4-0-0-1 Not Present: Legislator Horsley).**

It looks like the end of the agenda, a short one this week. All right. We are adjourned.

**(The meeting was adjourned at 2:50 P.M.)**