

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, August 10, 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
Gil Anderson - Commissioner - DPW
Ben Wright - Sanitation - DPW
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
Dot Kerrigan - AME
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

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

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call the meeting of the Public Works and Transportation Committee to order this 10th day of August, 2010. If you all will rise and join us for the Pledge of Allegiance led by Legislator Barraga.

SALUTATION

You may be seated. I'm keeping the committee happy by not scheduling and presentations again. So we'll go right to public portion. Do we have any yellow cards? We have none. More good news. Okay. Let me ask the Commissioner to step forward. Commissioner Anderson, if you want a moment of the committee's time to update us on anything before we begin the agenda.

COMMISSIONER ANDERSON:

Let's go right to it.

CHAIRMAN SCHNEIDERMAN:

All right. Moving along rapidly here.

1751, Directing the Department of Public Works to add a stop on the 3C Bus Route. (Montano)

I know we are in the process of implementing a larger plan.

COMMISSIONER ANDERSON:

We've also been in discussions with the -- this is basically a carry-over from a resolution from last year. We're still in discussions with the owner of the development trying to get all the paperwork squared away. It's progressing, it just seems to be progressing really slow.

CHAIRMAN SCHNEIDERMAN:

Is this 3-C bus route, bus stop, one of the things that's being considered?

COMMISSIONER ANDERSON:

Well, it's separate from the report you were speaking of. This is about something that we -- we initiated discussions with them. We're fine with it. The route, you know, is going to be revised pursuant to the overall plan. But this is something we've already been in discussions with, the location this is requested.

CHAIRMAN SCHNEIDERMAN:

Does the bill require you to do it in a certain amount of time?

COMMISSIONER ANDERSON:

No.

CHAIRMAN SCHNEIDERMAN:

So you're already doing it basically?

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

Does it matter, I guess, whether we table it or not? I'll make a motion to approve, seconded by

Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? 1751 is **APPROVED (VOTE: 5-0-0-0)**.

1786, Appropriating funds in connection with construction of sidewalks on CR 35, Park Avenue; CR 76, Townline Road; CR 79, Bridgehampton-Sag Harbor Turnpike; CR 85, Montauk Highway; CR 92, Oakwood Road; Towns of Huntington, Islip, Smithtown and Southampton (CP 5497). (Co. Exec.)

I will make a motion to approve, seconded by Legislator Stern. Any discussion? This was all in the Capital Budget.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

So the money available. I think the engineering is all done or largely done on some of these.

COMMISSIONER ANDERSON:

Some of them they're done. We're still working on others.

CHAIRMAN SCHNEIDERMAN:

Okay. When do you see going out to bid on these?

COMMISSIONER ANDERSON:

Honestly, probably not until next year.

CHAIRMAN SCHNEIDERMAN:

Not in the fall of this year?

COMMISSIONER ANDERSON:

No, by the time we get everything wrapped up.

CHAIRMAN SCHNEIDERMAN:

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

1787, Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for the acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510). (Co. Exec.)

Commissioner, this is -- was this an eminent domain piece?

COMMISSIONER ANDERSON:

This is for acquisition for -- we're looking at improving two major intersections on Pinelawn Road, one up near Ruland Road and the other down by Long Island Avenue just south of the train tracks.

CHAIRMAN SCHNEIDERMAN:

So you need to take some road should area.

COMMISSIONER ANDERSON:

Yes. For widening and purposes like that.

CHAIRMAN SCHNEIDERMAN:

Okay. Is there a motion?

LEG. HORSLEY:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Horsley, seconded by Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1790, Permitting the Harborfields Central School District to purchase fuel from the County. (Co. Exec.)

Motion by Legislator Muratore, seconded by Legislator Stern. For the committee's edification, I guess most people are aware that we do allow school districts to use our pumps. We charge them for it but typically at a lower rate than they would purchase gas elsewhere. I know in my district we've looked into this, but we just don't have any pumps that are near enough to where the school buses are. But for those areas that are, this is a great program. So we have a motion and a second. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

LEG. STERN:

Cosponsor.

CHAIRMAN SCHNEIDERMAN:

1791, Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 5 Strathmore Huntington (CP 8115). (Co. Exec.)

Motion by Legislator Stern, seconded by Legislator Muratore. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1792, Recommendations of the Suffolk County Sewer Capacity Study RFP Committee regarding award of consultant assistance services (CP 8185/8189).

Let me comment first, because I had the pleasure of serving on this committee. We had really a tremendous response. I think there was originally five respondents, all extremely qualified. The committee had a lot of work to do. These proposals were very thick in going through them. And Public Works did an extraordinary job I think in helping us understand it and setting up all the meetings. We ended up breaking it up into two different parts; one, the new areas; and one, the existing infrastructure expanding, and two different companies were selected. Gil, do you want to give a little more information on the companies we picked?

COMMISSIONER ANDERSON:

Right now -- yeah, as the Legislator stated, it was -- we whittled it down from five respondents to two companies -- two groups of companies, consulting teams, if you will, splitting the contract into primarily existing areas -- areas having existing sewage treatment facilities and areas that are unsewered.

The first team, CDM, which included CDM, Camp Dresser McKee, {Boulm} and H2M. They will be studying the unsewered areas of Bellport, Sayville, the Ronkonkoma hub, Middle Island corridor, Mastic-Shirley, Yaphank and Southampton. And the other team, Cameron -- which consisted of Cameron Engineering and CH2M Hill, they will be looking at the areas that are already currently sewered, which consist of Port Jefferson, Riverhead, Calverton, Patchogue and Sag Harbor.

CHAIRMAN SCHNEIDERMAN:

Again, thank you and your department for your assistance, as well as the committee members. Each proposal had to be rated on a whole matrix of different areas. It was a lot of work for

everybody. Is it Cathleen who chaired that committee?

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN SCHNEIDERMAN:

She did a remarkable job. Okay. So I will make a motion to approve, seconded by Legislator Horsley. Any discussion, questions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

Gil, are we going to see another resolution because the two areas didn't have adequate funding and we needed to adjust the funding levels in one of the categories?

COMMISSIONER ANDERSON:

Actually, the last item -- not the last.

CHAIRMAN SCHNEIDERMAN:

Within that resolution?

COMMISSIONER ANDERSON:

IR 1836, we are looking to -- that's where we are looking to get the funding for.

CHAIRMAN SCHNEIDERMAN:

Thank you.

COMMISSIONER ANDERSON:

For the record, if you want, I can explain it. I can go into further detail if you like.

CHAIRMAN SCHNEIDERMAN:

Why don't we just do it when we get there?

1793, Appropriating funds in connection with rehabilitation of various bridges and embankments (CP 5850). (Co. Exec.)

I make a motion, seconded by Legislator Stern. Any questions, comments? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1794, Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of Shinnecock Canal Locks (CP 5343).

Same motion, same second, same vote. Any discussion? **APPROVED (VOTE: 5-0-0-0).**

1802, Amending the 2010 Capital Budget and Program and appropriating funds in connection with dredge support equipment (CP 5201). (Co. Exec.)

Same motion, same second, same vote. **APPROVED (VOTE: 5-0-0-0).**

1805, Amending policies and procedures governing the County's Procurement of Goods and Public Work, to be in conformity with section 103 of the General Municipal Law as amended. (Co. Exec.)

Commissioner, could you give us more detail on this?

COMMISSIONER ANDERSON:

This legislation amends County policy and procedures governing procurement of goods and Public

Works contracts so that they're in conformance with Section 103 of General -- New York State General Municipal Law.

The General Municipal Law was amended last November increasing various thresholds which are detailed through this, generally relatively minor, but we want to make it in conformance with the law.

CHAIRMAN SCHNEIDERMAN:

Any questions? All right. I'll make a motion, seconded by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1807 was withdrawn. **1825, Authorizing transfer of surplus County computer systems and hardware to the Ascent School. (Stern)**

Motion by Legislator Stern, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

1836, Adopting Local Law No. -2010, A Local Law to amend the Suffolk County Code in regard to sewer system refunds. (Co. Exec.)

I think this has to be tabled for a public hearing.

COMMISSIONER ANDERSON:

To give some detail, between 1965 and 1987, the Suffolk County Sewer Agency administered a program whereby subdividers, developers and land users would provide for construction of sewage collection and treatment systems for dedication to future County sewer districts, including dry sewer lines for future use, along those lines.

In lieu of actual construction, they were permitted to make a contribution to what was known as the Dry Sewer Fund, T-30,E, which would be utilized for future construction of these same facilities. In 1987, the Legislature enacted Chapter 162 of Administrative Law which ended the dry sewer program and called for the refund of the 7.6 million that remained. The last refund was issued in 2007. And there are \$882,864 which remain in the fund.

This legislation will call to advertise the remaining funds available for refund and establish a sunset date where the funds remaining beyond that date will be available to the County exclusively for the purpose of the future communal sewer systems in Suffolk County. It's our hope that beyond this date, a portion of the remaining funds will be used to offset additional fees needed to complete that portion of the Suffolk County Sewer Capacity Study, which is in the range of about \$400,000.

CHAIRMAN SCHNEIDERMAN:

Okay. So we don't yet know how much will be left?

COMMISSIONER ANDERSON:

It's likely it will be pretty close to it, because we haven't seen any activity. Even the activity in the last decade was very minimal. So it will be advertised --

CHAIRMAN SCHNEIDERMAN:

The people who paid in to it are entitled to refunds, is that how it works?

COMMISSIONER ANDERSON:

I believe if you bought into the community, you purchased in that community that built dry sewage, you were entitled to a certain amount of that fee back. Let me just check with Ben.

CHAIRMAN SCHNEIDERMAN:

Ben, step forward so we fully understand this.

COMMISSIONER ANDERSON:

Would you repeat the question?

CHAIRMAN SCHNEIDERMAN:

I'm trying to understand who might potentially be entitled to a refund here. Are these companies or individual apartment owners?

MR. WRIGHT:

You have to be the owner of the property when you put the funds out. So there's very few people left that still own the property and occupy the particular lots that are involved.

CHAIRMAN SCHNEIDERMAN:

Homeowner Associations and things like that?

MR. WRIGHT:

Most of them were subdivisions, individual homes, and they either put sewers in the ground or put contributions for future treatment plants or they put the money up for both.

CHAIRMAN SCHNEIDERMAN:

But only the owner of the original property would be able to qualify, not the subsequent owners?

MR. WRIGHT:

Yes. That's correct.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions? We have to table it for a public hearing, so I will make a motion to table, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

1837, Naming the Supreme Court Building Annex in Riverhead the "Alan D. Oshrin Supreme Court Annex". (Romaine)

And I don't think this has been through the Naming and Sitings Committee; is that correct? So it has to be tabled.

LEG. STERN:

I make a motion to table, because it has not been through the Sitings Committee yet.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Stern to table, seconded by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-0).**

We have quickly reached the end of our agenda. If there's no further business -- oh, there's a little further business. Legislator Horsley.

LEG. HORSLEY:

Yeah, hi. Gil, I just wanted to ask you a question. It's a question that's good for anywhere in the County I think right now, but I think particularly in your shop. Looking at the approvals or hearing about the approvals on the retirement package, what are your contingency plans once -- once the gang is gone?

COMMISSIONER ANDERSON:

I got two strong hands. We have looked at our staffing, and we are contracting -- you know, we're

making the appropriate moves where we have to. You know, we will do what we have to do to get it done. It may take a little longer and be a little slower, but we'll get it done.

LEG. HORSLEY:

As you can see, we're embarking on the future expansion of sewers into Suffolk County. Everyone's moving -- seemingly moving in the same direction, we all want it to happen, and we're losing our captain. What do we do?

COMMISSIONER ANDERSON:

He will still be here. As far as I know right now, Ben will still be here. You're talking about Ben, right?

LEG. HORSLEY:

I'm talking about Ben.

CHAIRMAN SCHNEIDERMAN:

Ben, you are not allowed to retire. Sorry.

COMMISSIONER ANDERSON:

I apologize. He may be retiring, it's his decision. Again, we will get the work done. We have plenty of talented staff, even -- you know, while we may lose his expertise if he chooses to go, you know, we will get it done. I feel confident that way.

LEG. HORSLEY:

You are on the record.

COMMISSIONER ANDERSON:

I know.

CHAIRMAN SCHNEIDERMAN:

All right. Thanks. Ben is a terrific resource to the County. I'm not sure how we could fill his shoes. But I understand people retire and move on with their lives. But what a tremendous contribution Ben has already made. Nothing else to be said, we will adjourn this meeting. Thank you.

(*THE MEETING WAS ADJOURNED AT 2:30 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY