

***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, September 7, 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  
George Nolan - Counsel to the Legislature  
Renee Ortiz - Chief Deputy Clerk  
Paul Perillie - Aide to Majority Caucus  
Catherine Stark - Aide to Legislator Schneiderman  
Deborah Harris - Aide to Legislator Stern  
Robert Lipp - Budget Review Office  
Lance Reinheimer - Budget Review Office  
Ben Zwirn - Deputy County Executive  
Ed Hennessey - County Executive's Office  
Gil Anderson - Commissioner of Public Works  
Bill Hillman - Chief Engineer/Department of Public Works  
John Donovan - Department of Public Works  
James Peterman - Department of Public Works  
Dot Kerrigan - AME  
William Demaria  
Marilou Terracciano

**VERBATIM MINUTES TAKEN BY:**

Lucia Braaten, Court Stenographer

**[THE MEETING WAS CALLED TO ORDER AT 2:07 P.M.]**

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd like to call this meeting of the Public Works and Transportation Committee to order. Please, rise and join us for the Pledge of Allegiance, led by Legislator Horsley.

**(\*Salutation\*)**

You may be seated. We are going to start with our public portion. The first card I have is William Demaria, followed by Marilou Terracciano. If you have not filled out a yellow card and wish to be heard, please do so at this time.

**MR. DEMARIA:**

Mr. Chairman, my name is William Demaria. I'm an attorney admitted to practice in New York since 1982. And I wanted to have the opportunity to address the committee in support of Legislator Romaine's Resolution, I.R. 1837, which is to dedicate the new Supreme Court annex on Court Street in Riverhead to the memory of Mr. Justice Alan Oshrin who was the Administrative Judge here in Suffolk County at the time he passed away.

And in trying to give you a perception of what kind of a Judge Justice Oshrin was, I only knew him as a litigator, having appeared before him in connection with malpractice cases for his tenure on the bench, and the best way I thought of conveying to you what kind of a person he was and why he was deserving of this honor was to reference the fact that in the past I had handed up in support of an earlier resolution a petition signed by over 100 practitioners from Suffolk County, which I collected myself, and there wasn't anybody who I approached for the purpose of signing the petition that said, "No, he's not deserving," "No, forget it, I'm not signing it." And to get lawyers to agree, as you probably would agree, to get lawyers to agree on anything is not easy, but to have unanimity -- and I only stopped when I reached 104 signatures in collecting, because I thought that was a representative number to convince the committee or to convince the Legislature last time that he was deserving of it.

And I have done for almost 30 years malpractice defense work, and I thought the best way to give you the impression of the other side of the coin was to reference just brief portions of two letters that I received from distinguished members of the Plaintiffs Bar in Suffolk County, one of which is Mr. James Duffy from the firm of Duffy and Duffy in Nassau County. Jim is probably one of the premier malpractice plaintiffs attorneys on the Island, if not in the State, and this was a letter I received from Jim Duffy.

"I would strongly support naming the Supreme Court Annex on Court Street, Riverhead in honor of the late Mr. Justice Alan Oshrin. I am a proud member of the committee supporting the resolution to accomplish same. Judge Oshrin epitomized what a trial Judge should be. He ran a tight ship, was always courteous and considerate, was knowledgeable on the law, and all sides in any dispute always came away from a trial before him knowing that they had gotten a fair trial. Naming this building in honor of Justice Oshrin would be a lasting tribute to all Judges who serve the public with caring, competence and dignity."

This was -- this is a portion of a letter I received from Roy Kaufman. He is the Director of Claims at one of the malpractice insurance carriers.

"Justice Oshrin exemplified the ideals all attorneys and jurists strive for, fairness and integrity. Those who knew and worked with Justice Oshrin would be honored to work in a building which bears his name. Those who did not have that pleasure should be inspired to learn why his memory is so important."

And if I had to pick out one more distinguished plaintiffs attorney in the malpractice field, it would be with Steve Pegalis, who also joined and sent me a letter in support of this resolution.

"Dear Bill, I'm sorry for the delay in replying to yours of April 10, 2010. By all means, please include me in any committee or any effort to name the annex in honor of Justice Oshrin. I completely agree with the sentiments contained in your letter."

And then I submit to you, Mr. Chairman, members of the committee, that the resolution before you -- the resolution before you, the support for which is reflected not only in those three letters, the portions of which I read, but the 104, 105 signatures of practitioners in Suffolk County who appeared before Justice Oshrin and knew firsthand what kind of a jurist and what kind of a person he was. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, sir. Marilou Terracciano.

**MS TERRACCIANO:**

My name is Marilou Terracciano and I am honored to have had the privilege to work for Justice Oshrin for 21 years. Eight of those years I worked as his secretary in private practice. Alan D. Oshrin was a prominent matrimonial attorney and was counsel to many school districts in Suffolk County. When he was elected to the bench in 1991, I was his secretary in Supreme Court where he was highly respected as an honest and fair jurist. I remained his personal secretary when he was appointed as District Administrative Judge of Suffolk County. Alan D. Oshrin was a brilliant attorney, respected by his colleagues. Working with him as an attorney made me realize his great passion for the law. As District Administrative Judge of Suffolk County, he was an outstanding administrator who ran his office with an open-door policy, always ready to listen to the concerns of the employees of the court system. Alan D. Oshrin's demise in August of 2003 created a void in the court system that can never be filled. There is no greater tribute to his honor as a distinguished attorney, jurist and administrator. I thank you for your time and courtesy.

**CHAIRMAN SCHNEIDERMAN:**

Is there anyone else who wishes to be heard? Okay. We will move to the agenda. I'll ask Commissioner Anderson to step forward. Good to see you, Gil. You've had a busy summer. I know one of the things that happened since our last meeting is the retirement of one of the division heads in your department, that would be Bob Shinnick, who's been heading Suffolk Transit for sometime.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

I didn't get a chance to say good-bye. I would have liked to thank him for his service. Please pass that along from the entire committee. He's done a tremendous job over the years. Can you explain now, are we going to keep the buses running on time? What is the interim plan with -- in his absence?

**COMMISSIONER ANDERSON:**

Well, at this point, Garry {Lenbeger} -- I probably just messed up his name -- Lenberger, sorry, will be handling the operations of the buses, so we're in good hands with it that way. We're looking to bring Bob back on an hourly or part-time basis to help with some of the other transitional stuff that we need to do, and then, you know, hopefully, fill up some of the other voids that have occurred in the division, you know, because of the incentive.

**CHAIRMAN SCHNEIDERMAN:**

Are we looking for a permanent new Division Head there?

**COMMISSIONER ANDERSON:**

At this point, yeah, eventually, I would like to bring somebody in there. Right now, my main goal is to, like I said, you know, bring Bob back part-time and then I'm looking for really more entry level

planner, account clerk and a regular clerk to -- because everybody else, you know, the mid level folk have stepped up and, you know, they're taking over the various functions of the division.

**CHAIRMAN SCHNEIDERMAN:**

I believe this is a pivotal time for Suffolk Transit. Demand is up and continues to increase as the economy goes down and more people find themselves dependent upon public transportation for cost savings or for other reasons. We have a plan that's calling for all kinds of changes. We have -- we've held a public hearing on increasing fares and providing Sunday service, as you know. And we have a new fleet of 80-plus buses that are coming in with Federal stimulus money, starting now, and being phased in over the next few months. So I just want to, one, make sure that we're able to implement all these changes, that things run smoothly. And, please, if you need additional resources, you'll, please, make us aware of those things.

And in terms of the Sunday service, and though I haven't seen it, apparently, there's a petition out there from riders of this transit, some 16,000 signatures on a petition agreeing to the rate increase in exchange for Sunday service and --

**COMMISSIONER ANDERSON:**

I heard the same information; I haven't seen it yet.

**CHAIRMAN SCHNEIDERMAN:**

Which is very exciting. So it sounds like the ridership is overwhelmingly and almost unanimously in support of the fare increase for the Sunday service, so I'm hoping that we can move forward with that plan. And I've been talking with Garry, and I won't even attempt the last name, but I've been talking with him. We've been going over the numbers, crunching it in different ways, and everything I believe looks good, so I'm hoping that you'll work with this committee and myself and we'll see that come May. I suspect a rate increase might occur much before that, I guess as early as January, and then the actual service starting in May of next year. Your report is being compiled, right, on that?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And do you have a date that -- I think it's due by October or later this month?

**COMMISSIONER ANDERSON:**

I believe it's at the end of the month.

**CHAIRMAN SCHNEIDERMAN:**

And this month.

**COMMISSIONER ANDERSON:**

It was 90 days from the close of the Public Hearing and that was in June, I believe, and so 90 days beyond that.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So you expect the report to be done on time, though?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any other questions for Mr. Anderson before we go to the agenda? I just have one quick question. There was some talk about Ben Wright also leaving or taking the early retirement. Do we have an update on that?

**COMMISSIONER ANDERSON:**

Ben did take advantage of the incentive and retired. He is coming back on a part-time basis as well to allow us, you know, ample time to transition between Ben and, you know, his successor.

**LEG. HORSLEY:**

Ouch.

**CHAIRMAN SCHNEIDERMAN:**

Ouch. So, obviously, we all wish Ben luck and, you know, the best in his retirement. He also had an extraordinary amount of institutional knowledge, the same way Bob Shinnick did. And so, again, my concerns are for the Department of Public Works and its ability to function at the same level it has been functioning. And if you could comment on that. Ben --

**COMMISSIONER ANDERSON:**

Yeah, Ben -- as I said, Ben has --

**CHAIRMAN SCHNEIDERMAN:**

-- was critical.

**COMMISSIONER ANDERSON:**

You know, it has been agreed that he is going to be working for us part-time while we're doing the transitional paperwork. He's actually been coming in on his own dime and actually working, you know, what many -- what he considers part-time and many of us consider full-time, but, you know, he's been there almost every day the past two weeks.

**CHAIRMAN SCHNEIDERMAN:**

Any questions now from committee members? Sorry for all these shocking revelations here. Legislator Horsley.

**LEG. HORSLEY:**

Yeah. The last time I had heard, Ben was still on board and moving in that direction. Boy, that's a shock, Gil. I'm sorry to hear that. How -- what does the process look like? And I would assume that you said that Bob may not be replaced immediately because middle level people have stepped up. What about Ben, what do we -- because he really kind of was one of a kind.

**COMMISSIONER ANDERSON:**

No. You know, I'm certainly not going to disparage Ben in any way, he certainly was, you know --

**LEG. HORSLEY:**

Oh, no, I wasn't looking for you to disparage.

**COMMISSIONER ANDERSON:**

No, I know that. But, you know, we have here this afternoon John Donovan, who was the second in command, and he's here, and John is, you know, a very capable young engineer and I think he's going to do a great job, you know, following up the ladder. So, you know, while there will be a transition, there's no doubt, you know, the old had to make way for the new. And as much as it's going to be painful, I think it's -- you know, it will be a good thing. We'll make it work.

**LEG. HORSLEY:**

And speaking to you through John -- to, I certainly wish him, you know, luck in that, because, you know, frankly, the year of the sewers, they're coming. I mean, whether there's money there or not now, or whatever, eventually it's going to have to be done and I think it's going to be sooner than later just simply because it's a necessity, and he's ready to take on that type of massive task.

**COMMISSIONER ANDERSON:**

Yeah. I mean, certainly, you're looking at this most recent announcement by the President, they didn't even mention sewers, so, hopefully, we can get some --

**LEG. HORSLEY:**

Yes, yeah, I saw. He's talking roads again.

**COMMISSIONER ANDERSON:**

Yeah, I know. Sewers and designs, I think, you know, that's another thing I hope they bring into the package, if it ever does move ahead, but --

**LEG. HORSLEY:**

Okay. And we're going to be ready for him, right?

**COMMISSIONER ANDERSON:**

Yes, sir.

**LEG. HORSLEY:**

There you go. Okay. Sorry to hear that news, though.

**CHAIRMAN SCHNEIDERMAN:**

Gil, let me ask you a question on sewer studies, too, because recently we agreed to a quarter million dollars additional toward the Flanders/Riverside area. Southampton is very excited about that. That's an area that they're studying in the Town of Southampton as well. They are wondering if we can join forces somehow. We haven't picked a contractor yet. They have some money. They've also supplied for us some Federal grant money into a larger area study. And I'm not asking you to say yes or no at this point other than perhaps we can pull together a meeting with the planners in Southampton, as well as our waste water folks, and we can see if that's a possibility of doing a combined study with that quarter million dollars.

**COMMISSIONER ANDERSON:**

Yeah, we'd be open to that.

**CHAIRMAN SCHNEIDERMAN:**

Okay. We haven't gone out to bid on that, have we?

**COMMISSIONER ANDERSON:**

No, no.

**CHAIRMAN SCHNEIDERMAN:**

There's no RFP?

**COMMISSIONER ANDERSON:**

We're still in preparation of the RFP.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So it would be timely to have that, at least to have that conversation. Okay. Any other questions for Commissioner Anderson? All right. Let's jump into is the agenda here.

**TABLED RESOLUTIONS**

I.R. 1836 - Adopting -- I'm sorry, Mr. Perillie.

**MR. PERILLIE:**

I'm sorry, I was talking to --

**CHAIRMAN SCHNEIDERMAN:**

*1836 - Adopting a Local Law to amend the Suffolk County code in regard to sewer system refunds (Co. Exec.).* I'm trying to remember why we had tabled this.

**LEG. HORSLEY:**

I can't imagine.

**COMMISSIONER ANDERSON:**

We had a Public Hearing.

**CHAIRMAN SCHNEIDERMAN:**

A Public Hearing, okay.

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Yeah. So this is pretty critical in terms of having the ability to fund some of these sewer studies. So there's a motion to approve by Legislator Horsley, second by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? Approved. *(VOTE: Approved 5-0-0-0).*

*1837*, also a tabled resolution, **naming the Supreme Court Building Annex in Riverhead the Alan D. Oshrin Supreme Court Annex (Romaine)**. I guess the first question is, has this been through Naming, Legislator Stern?

**MR. NOLAN:**

Yes. Thank you, Mr. Chair. I'll make a motion to approve. And, yes, this has come before the Sitings and Memorials Committee. It came before us at our last meeting and it was, I believe, a unanimous vote to approve and send it to our committee.

**CHAIRMAN SCHNEIDERMAN:**

Is this -- the Annex, is that a portion of the building, it's the entire building, or --

**LEG. STERN:**

A portion.

**CHAIRMAN SCHNEIDERMAN:**

It's a portion of the building. And, I'm sorry, you said it was unanimous of the Namings Committee?

**LEG. STERN:**

It was a unanimous vote of our committee, yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Is there a second?

**LEG. BARRAGA:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Barraga. Any discussion? All in -- I'm sorry, Legislator Horsley.

**LEG. HORSLEY:**

What is the full building's name? I mean, is that the Cromarty Building, or is this the --

**CHAIRMAN SCHNEIDERMAN:**

Do we know? Commissioner Anderson, do we know?

**MR. NOLAN:**

I don't think it has a name.

**COMMISSIONER ANDERSON:**

I've never heard of it referred --

**MR. NOLAN:**

But there's a special part, like there was an annex that was connected by a hallway. It's like half of the's -- half of the structure, basically.

**COMMISSIONER ANDERSON:**

Yes, it's on the side of it further to the north. Yeah. And I don't believe the building has a formal name, it's always -- we've always referred to it as, you know, Supreme Court.

**LEG. HORSLEY:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

So the annex is that new wing we just recently constructed.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

And so this name, would that be internal in the building, or will it be external on the outside of the building; do we know, Legislator Stern? I will --

**LEG. STERN:**

I don't know how the name is going to be reflected. That's going to be a discussion to have with Public Works.

**COMMISSIONER ANDERSON:**

Yeah. I think, certainly, you know, you could put the name on the outside facing the side road rather than up in the front, you could keep it internal. I think it's still something that needs to be decided.

**CHAIRMAN SCHNEIDERMAN:**

Right. So, as you walk through the building, you'll be entering the annex.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**COMMISSIONER ANDERSON:**

As long as you have the name followed by the term "Annex", I think you're fine.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So it's not going in the front of the building, it's going -- okay. We're not renaming the building itself, just the annex. Okay.

**LEG. STERN:**

Right. Although, I will say, Mr. Chairman, that that's a discussion that we should have with Public

Works. It should also be a discussion that we have with the Administrative Law Judge and probably representatives of the Suffolk County Bar Association as well.

**CHAIRMAN SCHNEIDERMAN:**

So it may be just there's simply a plaque that's in the inside of the building, or it might be some lettering outside on the windows, whatever it might be. Okay. I guess that discussion will happen.

Okay. So we had a motion and a second. No further discussion. All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0)**

**INTRODUCTORY RESOLUTIONS**

Okay. Moving on to Introductory Resolutions. **1871 - Amending the 2010 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District 9 - College Park (CP 8163) (Co. Exec.).** Commissioner, any additional information on this?

**COMMISSIONER ANDERSON:**

This appropriates \$235,000 in funds to supplement existing funding. The additional 35,000 in design costs were -- reflect actual proposals received and approved for design, as well as 200,000 for construction. That will bring the total design fees up to 85,000 and provide 750,000 for construction of effluent polishing filters, which will enhance the recharge process of this facility.

**CHAIRMAN SCHNEIDERMAN:**

Any questions from the Committee? Is there a motion? Motion by Legislator Horsley, second by Legislator Muratore. All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0)**

**1872 - Amending the 2010 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 23 - Coventry Manor (CP 8149) (Co. Exec.).** Commissioner, additional information?

**COMMISSIONER ANDERSON:**

This appropriates \$273,000 of additional funds, bringing the design funds up to 123,000 and construction funds up to \$950,000. This project will allow us to construct technological upgrading of the process, which is known as a biologically engineered single sludge process toward best process. Nitrogen removal takes place in the tanks without adding a chemical due to return flows and enhances the process as such.

**CHAIRMAN SCHNEIDERMAN:**

Is there one particular thing that's driving these additional costs or are --

**COMMISSIONER ANDERSON:**

Well, looking at the designs that we've been looking at, as well as the -- again, both design fees are based on, both this and the project before us, were based on actual RFP's. We had estimated \$50,000 in the case of the previous one and this project for engineering fees, and, actually, engineering fees that came in were higher than that.

**CHAIRMAN SCHNEIDERMAN:**

Construction cost, obviously, are higher, too, so --

**COMMISSIONER ANDERSON:**

Right. These are reflected on what their initial estimates are as well.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Is there a motion on 1872? Same motion, same second? I think that was Horsley, and then seconded by Muratore. All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0)**

**CHAIRMAN SCHNEIDERMAN:**

**1873 - Calling for a public hearing for the purpose of considering proposed increases and improvements of the sewer collection system facilities for Sewer District No. 7 in Medford (CP 8150) (Co. Exec.).** Again, Commissioner, if you have additional info.

**COMMISSIONER ANDERSON:**

Yeah. This legislation calls for a Public Hearing to consider \$200,000 in improvements to design renovations to sewers serving the district in the Medford area, District No. 7.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Can I go same motion, same second. All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0 Not Present: Chairman Eddington)**

**LEG. HORSLEY:**

Do we need a Public Hearing on it?

**MR. NOLAN:**

It's setting a public hearing.

**CHAIRMAN SCHNEIDERMAN:**

It's setting a public hearing.

**LEG. HORSLEY:**

It's setting. Oh, I'm sorry.

**CHAIRMAN SCHNEIDERMAN:**

We're calling for the --

**LEG. HORSLEY:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

The next few are all calling for public hearings, and, hopefully, we'll do the same motion, same second.

***1.R. 1874 - A resolution calling for a Public Hearing for the purpose of considering the proposed increase and improvements of wastewater treatment facilities for Sewer District No. 14 Parkland (CP 8118) (Co. Exec.).*** Commissioner?

**COMMISSIONER ANDERSON:**

Correct. That's -- again, we're looking to establish a Public Hearing to address two phases of improvements in the plant, one for modification to the sludge system infrastructure and hydraulic improvements, and then the third phase of our capital program in this district, which would call for odor control improvements.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Same motion, same second, same vote.

**1880.** Commissioner, if you -- oh, let me read it first. ***Calling for a Public Hearing on the purpose of considering the increase and improvements of facilities for Sewer District No. 3 - Southwest (Expansion) (CP 8183) (Co. Exec.)***. Expansion there, Commissioner, if you have

more information?

**COMMISSIONER ANDERSON:**

Yeah. This calls for a Public Hearing to consider expanding or improving the treatment plant at Bergen Point, specifically expanding it by 10 million gallons a day at a cost of around 65 million dollars.

**CHAIRMAN SCHNEIDERMAN:**

What's going on there?

**COMMISSIONER ANDERSON:**

Well, what's happening is we were expanding the plant by 5 million gallons per day, but because of the design, we're able to actually increase the capacity of the plant with a minimal cost addition. So, effectively, what we're doing is the footprint that we need will allow us to increase the plant by 10 million gallons per day, rather than just five, which is what we needed to do.

**CHAIRMAN SCHNEIDERMAN:**

And apparently, we're seeing the growth, we're seeing the construction in that area?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Horsley, do you have any questions about this?

**LEG. HORSLEY:**

No. What the time schedule on that is now?

**COMMISSIONER ANDERSON:**

Of this? I believe -- hold on. I'm going to defer to John on this one.

**MR. DONOVAN:**

Right now, we currently submitted a design report to DEC for approval. We're waiting for their approval back. Once we get that, we can start the actual plans and specifications. So we're looking to have design completed probably by the end of next year, possibly starting construction middle of 2012 or later, a little later than that.

**LEG. HORSLEY:**

Boy, this thing is -- as it gets into the motions, it takes a while. Is the RFP Committee or the contractor aware of the improvements to the plant?

**COMMISSIONER ANDERSON:**

Yes, they are.

**LEG. HORSLEY:**

So, yeah. So they're going to be working in tandem when they know that they've got to the 40 million gallons per day?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. HORSLEY:**

Good. Okay. Thanks.

**CHAIRMAN SCHNEIDERMAN:**

Are we still having issues or I guess concerns still about that outfall pipe there at Bergen Point, right?

**COMMISSIONER ANDERSON:**

Well, the issues -- you know, again, the report is in the nearly complete stage. I mean, we're almost finished with the report itself. We've looked at an initial draft, made comments back. There is a concern with that, but, you know, nothing eminent. We monitor it regularly, we do die testing, you know, we've been -- we're on top of it, so nothing evident.

**LEG. HORSLEY:**

Jay, may I have one more quick question?

**CHAIRMAN SCHNEIDERMAN:**

Sure, Legislator Horsley.

**LEG. HORSLEY:**

As we near 2012, we near construction time and stuff like that, are we -- we're going to be reaching out to the community to update them, let them know what's going on and the like, and that's not going to increase the size of the plant and --

**COMMISSIONER ANDERSON:**

Correct. I mean, this --

**LEG. HORSLEY:**

You know, all that stuff is --

**COMMISSIONER ANDERSON:**

Certainly, this public hearing would --

**LEG. HORSLEY:**

I don't want to shock somebody.

**COMMISSIONER ANDERSON:**

No, no. Part of the process is we will -- you know, we'll bring that to the community.

**CHAIRMAN SCHNEIDERMAN:**

Well, how is this not increasing the size of the plan? This is calling for expansion, this resolution, right?

**COMMISSIONER ANDERSON:**

Within the existing footprint of Bergen Point, that's where we're -- you know, the --

**CHAIRMAN SCHNEIDERMAN:**

Within in the footprint. But, in terms of the original contemplated capacity, we are going beyond what we originally --

**COMMISSIONER ANDERSON:**

Correct, correct.

**CHAIRMAN SCHNEIDERMAN:**

-- built the place for.

**COMMISSIONER ANDERSON:**

But in the -- given the area that we have to work with, which is the Bergen Point plant, we're able to make these improvements up to another additional ten million gallons per day. We don't have to go up into the golf course or into any additional properties or out onto the water.

**LEG. HORSLEY:**

And this squares off the end of the expansions for Bergen Point, at least that's what the talk was and continues to be, as I understand, right?

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. HORSLEY:**

Before we start looking towards building a plant elsewhere on Long Island.

**COMMISSIONER ANDERSON:**

Well, John just informed me, we actually have enough land to add an additional 20 million gallons on top of that to 60 million if we wanted to, but --

**LEG. HORSLEY:**

Let's not go crazy now.

*(\*Laughter\*)*

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**COMMISSIONER ANDERSON:**

Yeah. And the original need was for 5 million gallons per day. It worked out that, you know, we were able to get ten out of that.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So let's do same motion, same second on 1880. And All in favor? Opposed? Abstentions? Okay. Same vote as well.

***1881 - Calling for a Public Hearing for the purpose of considering the increase and improvements of facilities for Sewer District No. 3 - Southwest, sludge improvements.***

Commissioner.

**COMMISSIONER ANDERSON:**

This will -- this, again, is calling for a Public Hearing to provide \$500,000 in funds, which will allow us to continue oversight of implementation of the Sludge Management Plan, which we are -- we've completed a committee review of various treatment processes, and the Sludge Committee actually has recommended a process which is beneficial use, which means we're going to go out for an RFP, and this -- these funds will allow us to oversee that process as we -- and develop the process, the final process that's selected through the RFP process.

**LEG. HORSLEY:**

Which didn't include burning.

**CHAIRMAN SCHNEIDERMAN:**

I'm going to need more details on that, so -- all right. So this -- basically, this is the end product of our treatment facility. We end up with the sludge --

**COMMISSIONER ANDERSON:**

Right. We had an --

**CHAIRMAN SCHNEIDERMAN:**

-- which currently gets trucked out to --

**COMMISSIONER ANDERSON:**  
We initially incinerated the material.

**CHAIRMAN SCHNEIDERMAN:**  
And then onto trains.

**COMMISSIONER ANDERSON:**  
Right.

**CHAIRMAN SCHNEIDERMAN:**  
So we're talking now about changing that --

**COMMISSIONER ANDERSON:**  
Correct.

**CHAIRMAN SCHNEIDERMAN:**  
-- to a different process.

**COMMISSIONER ANDERSON:**  
Correct.

**CHAIRMAN SCHNEIDERMAN:**  
It might still get trucked out, I suppose, but it's going to have -- it's going to have some kind of beneficial use, such as fertilizer or fuel.

**COMMISSIONER ANDERSON:**  
Beneficial use. So it may be made into a fertilizer, things like that, correct.

**CHAIRMAN SCHNEIDERMAN:**  
Did they recommend a specific end product for this?

**COMMISSIONER ANDERSON:**  
No. Essentially, the recommended process was to look at -- you know, the first choice was to look at beneficial reuse. So now the Department is in the process of putting out an RFP to the -- you know, public RFP to all those who would be interested to provide their -- you know, proposal for their system, if you will. And then that -- you know, out of those -- out of those proposals, a system will be selected, and that will -- you know, that will determine the actual detailed way we should go, whether it's pellets or -- you know, I don't know. There was a number of them, but they'd have to have some type of beneficial reuse of the material.

**CHAIRMAN SCHNEIDERMAN:**  
And the \$500,000, is that to hire another consulting firm, basically, to oversee the analysis of the RFP proposals?

**COMMISSIONER ANDERSON:**  
Well, it's also -- and I left out, this is also to assist us in a cogeneration RFP that we're hoping to send out this year as well. So there would be --

**CHAIRMAN SCHNEIDERMAN:**  
When you say "cogeneration", are you talking about incineration, or are you talking about something else?

**MR. DONOVAN:**  
Well, we're looking to see if we can use the sludge to generate some energy, so it would be some burning.

**CHAIRMAN SCHNEIDERMAN:**

Biodiesel or electricity, or do we know?

**MR. DONOVAN:**

Yeah, to -- actually to electricity to help run the power at the plant.

**CHAIRMAN SCHNEIDERMAN:**

So, basically, you are talking about reactivating the incinerator there.

**MR. DONOVAN:**

No. It would be -- it would be using the fuel to run the plant and any excess cogeneration we could also use to sell back to LIPA, if possible.

**CHAIRMAN SCHNEIDERMAN:**

Again, I'm trying to nail down, when you say --

**LEG. HORSLEY:**

Yeah, please, nail it down, will you, Jay? They're making me nervous.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, me, too. Using the fuel, you're saying it could be, let's say, biodiesel that gets purchased back to run the place, or you're talking about generating electricity in the form of incinerating the sludge to produce basically steam to drive some sort of turbine that will produce electricity to run the plant, that's what you're talking about. And would that be on site or off site?

**MR. DONOVAN:**

No, that would be on site.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So Legislator Horsley.

**LEG. HORSLEY:**

When did that come about? I was at all the meetings.

**COMMISSIONER ANDERSON:**

This wasn't part of the sludge.

**LEG. HORSLEY:**

No, it wasn't.

**COMMISSIONER ANDERSON:**

No, no. This is something we've been looking at, you know, to -- you know, to benefit, you know, the plant itself. I don't --

**LEG. HORSLEY:**

Boy, this sounds awful similar to what we rejected the first time around.

**CHAIRMAN SCHNEIDERMAN:**

Am I sensing a tabling motion, Legislator Horsley?

**LEG. HORSLEY:**

Yeah, I think you are.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner, this --

**COMMISSIONER ANDERSON:**

Essentially -- okay. I think maybe John is getting a little -- getting you confused, or not to blame John, I'm confused, too. I'm not helping it.

*(\*Laughter\*)*

This wouldn't be where we're burning sludge, this is actually taking fuel to basically power our facility, rather than just -- we rely on a significant amount of electricity to run our plant. This would be taking biodiesel, a small little plant that would, you know, allow us to basically, rather than purchase power from LIPA and their grid, we would believe to develop an onsite plant that would provide power and offset some of those costs.

**LEG. HORSLEY:**

Are we burning --

**COMMISSIONER ANDERSON:**

It's not an incinerator. It's not an incinerator. We're not burning the sludge, this is a small little power plant on site. Certainly, you know, if it turns out to be bigger than -- you know, than we anticipate, you know -- right now, it's in the proposal stage, so it's just something we're looking at to offset some of our costs in the field.

**CHAIRMAN SCHNEIDERMAN:**

Which of the 500,000 is for that analysis?

**COMMISSIONER ANDERSON:**

I don't know. I don't have that information available.

**LEG. HORSLEY:**

We better find out.

**CHAIRMAN SCHNEIDERMAN:**

When we talk in general about beneficial use of the sludge, I mean, one thing that I -- you know, obviously, could be considered is the conversion to biodiesel. You know, I've heard from several companies that were interested in that. I guess there are other places in the United States where sludge is converted to biodiesel successfully, so that might not be objectionable to the community. I don't know the processes involved and what the emissions are and --

**LEG. HORSLEY:**

Or if the conversion is made off campus.

**COMMISSIONER ANDERSON:**

Well, the conversion would be made off campus. We're taking sludge and hauling it off site to another site. I mean, there is a possibility somebody could come on to a site and come up with a different process that could be used on site. It's pretty unlikely, only because we don't have an awful lot of, you know, space available for some of the things like they were talking about, such as, you know -- well, let me just put it that way. The site is limited, so, most likely, the sludge would be removed as it is now to an offsite and then remade into something else. At that point, you know, there is a possibility that that -- whatever the sludge is made into, if it's biodiesel, it could be used in a cogeneration plant. Again, a cogeneration plant is not the same as an incinerator, it's a much smaller facility. It's there just to offset the cost, you know, of electricity and bringing electricity in.

**LEG. HORSLEY:**

So what you're saying is that we'd be making it into a biofuel off campus, then bringing it back onto campus and using it to burn at the plant.

**COMMISSIONER ANDERSON:**

We're not that far. Right now, it really depends on the proposals that come in. Somebody might come in and say, "Okay, we're going to make all the sludge into fertilizer," you know, and that may be the selected process, at which time that eliminates it.

**LEG. HORSLEY:**

Which was one of the things that we considered --

**COMMISSIONER ANDERSON:**

Correct.

**LEG. HORSLEY:**

When we had --

**COMMISSIONER ANDERSON:**

Correct.

**LEG. HORSLEY:**

-- the community feedback.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. HORSLEY:**

But that was -- again, that was -- the possibilities were taking it Upstate and places like that.

**COMMISSIONER ANDERSON:**

Correct, yeah. I mean, it could be -- you know, it could be moved to a neighboring county, town, you know, it's not going to be on site. And I wouldn't envision the cogeneration plant being of a size anywhere comparable to the incinerator. This is just, you know, a bunch of turbines that are going to burn and, you know, turn and make electricity, similar to -- you would have in other County facilities.

**LEG. HORSLEY:**

It's the conversion of the sludge to the biodiesel that is, you know, of interest here and where --

**COMMISSIONER ANDERSON:**

Yeah.

**LEG. HORSLEY:**

And where it is actually done.

**COMMISSIONER ANDERSON:**

But that would be developed in a proposal that we would be receiving as part of the initial process, based on what we went through at those meetings. So we're going to get --

**LEG. HORSLEY:**

Gil, I'm just -- I'm just flabbergasted that I didn't hear anything about this prior to this, I mean, and I was at those meetings, or, if not, I had representatives.

**COMMISSIONER ANDERSON:**

Again, I'm separating -- we're separating the cogeneration facility from the sludge management. The sludge management may produce a product which has nothing to do with being a fuel, it really just has to be a beneficial reuse. If, at that point, somebody comes up and says, "Yeah, we're going to do -- we're going to create biodiesel, well, certainly, then, okay, if that's the selected topic, then

that may be something we'd consider. The cogeneration right now is just -- it's -- you know, we anticipate going out, developing some type of, you know, preliminary -- it isn't developed yet -- some preliminary plan that would create a cogeneration plant. It may be biodiesel, it may be, you know --

**LEG. HORSLEY:**

And a consultant is going to do this?

**COMMISSIONER ANDERSON:**

Yeah. Yeah, we would work with a -- we would work internally to develop an RFP and then --

**LEG. HORSLEY:**

And, of course, you'll be directing the consultant.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

I have a couple of more questions. I don't know if you'll be able to answer or John. First, what percentage of the material at Bergen Point comes in from carters, you know, from the trucks? Approximately.

**MR. DONOVAN:**

Well, we have a scavenger facility and all the septic waste from Suffolk is, you know, brought mostly to our Bergen Point facility. That's 500,000 gallons a day. That also includes our out-of-districts that we operate their sludge hauling also.

**CHAIRMAN SCHNEIDERMAN:**

So you said 500,000 gallons a day, and the entire facility is how many?

**MR. DONOVAN:**

The entire facility is 30 million gallons a day, 30.5, actually, counting the sludge -- counting the scavenger.

**CHAIRMAN SCHNEIDERMAN:**

All right. So you're talking a small percentage.

**MR. DONOVAN:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

All right. Because I know -- I had conversations with Ben about what fees we're charging for the scavenger waste facilities for -- you know, for those carters, and, apparently, I guess we're not charging enough to even cover our costs for that, and we need to go up there and we should. I only bring that up in the context of cost, because one of the reasons why we're looking at the sludge management is because of the sheer costs involved with having this stuff carted out, which I'm going to guess, if my memory serves me, was around \$90 a ton, or something like that, something in that range now, yet, now we've been studying other alternatives. And I want to say that the main study, which I guess is finished now, but was that 300,000 or \$500,000 to study those alternatives with the new technologies, right?

**COMMISSIONER ANDERSON:**

Yeah. We were directed to look at various options and that's what -- that's what we did, yeah.

**CHAIRMAN SCHNEIDERMAN:**

That was what, how much, 300,000 or 500,000, something in that range?

**MR DONOVAN:**

I don't remember that.

**COMMISSIONER ANDERSON:**

I don't remember.

**MR. DONOVAN:**

I don't remember, but that was the recommendation that came up.

**CHAIRMAN SCHNEIDERMAN:**

And now we're being asked for another half a million dollars on this sludge issue, so that's going to end up being about a million dollars studying sludge to try to save us a little money.

**COMMISSIONER ANDERSON:**

Well, the main intent -- the main intent of the --

**CHAIRMAN SCHNEIDERMAN:**

I'm not sure the numbers are adding up. Maybe we shouldn't have bothered to even study it when we're spending so much money studying it.

**COMMISSIONER ANDERSON:**

The main intent of the Sludge Management --

**CHAIRMAN SCHNEIDERMAN:**

We're not going to end up saving anything when we come up with a recommendation.

**COMMISSIONER ANDERSON:**

If I may.

**CHAIRMAN SCHNEIDERMAN:**

Yeah.

**COMMISSIONER ANDERSON:**

The main intent of the Sludge Management Committee was because of objections by the local community. We had -- you know, we had as part of the Capital Program, you know, reconstruction or construction of a new incinerator to facilitate the one that had been there and still is standing there, and that was the intent, is that, you know, legislation had been put forth in directing us to do this and that's what it costs. Now, we're going to move it to the next -- there is -- you know, again, there is within these fees, some of it's going to be to the oversight of the design of whatever's selected, whatever, you know, is chosen out of the -- and, you know, we -- there is some guidance required, because, you know, while we are very capable of what we do, this is -- we're going into fields uncharted, if you will.

**CHAIRMAN SCHNEIDERMAN:**

Well, that's what kind of is alluding to my next question. Could this, any of this be done in-house, because this amount of money could fund several positions within DPW. It's a lot of money to go outside. Clearly, that's the direction we're going, is for an independent contractor.

**COMMISSIONER ANDERSON:**

The expertise that's needed, especially in something like this, is not going to be something -- again, it is not going to be something we could do in-house, I don't feel. You know, eventually, we could, you know, handle it, but right now, no. These are -- we're going into new technologies, and that's part of what was, you know, reviewed in the Sludge Management Committee and that's what everybody selected.

**CHAIRMAN SCHNEIDERMAN:**

Bergen Point is in Legislator Horsley's District. I'll give you the last word. I'll probably defer to your recommendation here in terms of how you want to move forward with this.

**LEG. HORSLEY:**

Well, I've got to tell you, Mr. Chairman, that I am deeply concerned that we had been moving along in a direction for the last year-and-a-half and to -- where we have made decisions. And the one decision that was at the bottom, at the bottom of a list of about seven or eight different concepts, was the incinerator. And then I hear today for the first time that we're going to be making biodiesel fuels out of the sludge at the incinerator at the Bergen Point plant. It just shocks me, I mean, even if it's in a small way.

**COMMISSIONER ANDERSON:**

No. Again, the sludge -- now we're talking about two separate projects. Okay? The sludge, we're going to be receiving proposals from various companies that do this type of work to create something new out of the sludge that comes from it.

**LEG. HORSLEY:**

Which we're all for.

**COMMISSIONER ANDERSON:**

Right. And that's what we'll be -- that's what most of this -- what most of these funds are being requested for is for oversight of that, including our own. The cogeneration, the proposed cogeneration plant is a separate project where we're looking to offset some of the electrical costs by construction of a cogeneration facility. It may be run by biodiesel, it may be run by, you know, propane. At this point, we don't know, but we're looking at it being cheaper than --

**LEG. HORSLEY:**

Or will it be -- could it be run by sludge itself, I mean, from the manufacturer of the biodiesel from the sludge on site; is that one of your considerations?

**COMMISSIONER ANDERSON:**

There is a possibility, if -- and I don't pretend to know --

**LEG. HORSLEY:**

Ooh.

**COMMISSIONER ANDERSON:**

No, hear me out. There is a possibility that -- I mean, it's infinitesimal, but it may be part of, you know, what's selected from the RFPs. I mean, I don't know what we're going to get in. I mean, most of what we -- I don't remember anybody talking about creating biodiesel out of sludge, or at least at that level of detail. Most of them were talking about fertilizer and things like that.

**CHAIRMAN SCHNEIDERMAN:**

Maybe my question is for Legislator Horsley. I'm not sure what the objection to onsite biodiesel conversion is, because I don't -- potentially it could be an entirely closed system with no emissions. So I don't know what the community would say about that. That might actually be environmentally more responsible than taking the stuff and trucking it to a different location, converting it to biodiesel, and then trucking it back.

**LEG. HORSLEY:**

I think, Mr. Chairman, it's not that -- you may be right. I mean, you know, there are different technologies that are developing and whatever, but we were running -- we were running this look-see at what -- how we are going to handle the sludge management at the Bergen Point, and this was never even entertained by the group itself, and to suddenly hear it, it leads me to wonder

about how we are dealing with each other. You know, it was clear, and it was clear from this group, and it was not just members of the community, but from the Town of Babylon as well, as well as representatives from my office and others, and never, never did this come up before.

**COMMISSIONER ANDERSON:**

I don't think it even came up until Legislator Schneiderman mentioned that it is a possibility, but when we talked about it -- there's no intent of mixing one with the other. We're -- the funds would be -- you know, there is -- I don't know how to put it. We're not looking to join one project with the other, they are two separately and distinct projects. Cogeneration is a smaller facility, it uses another -- you know, an alternate fuel, whether it's gasoline, biodiesel, whatever.

**LEG. HORSLEY:**

I understand what cogeneration is.

**COMMISSIONER ANDERSON:**

And the Sludge Management Project is totally separate. So then they're just that we're looking at a funding source to be able to do both, put an RFP together for cogeneration, because we need to do a little more work on it, as well as assist us in the oversight of what eventually is the selected sludge management technique.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Stern.

**LEG. STERN:**

Thank you. Commissioner, this would be -- if it was to go forward, this would be subject to an RFP process for the consultant?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. STERN:**

And is this a time-sensitive issue? Is there some type of a time constraint --

**COMMISSIONER ANDERSON:**

No, certainly there's not.

**LEG. STERN:**

Some kind of a requirement that we're looking at; no?

**COMMISSIONER ANDERSON:**

No.

**LEG. STERN:**

All right. Thank you.

**COMMISSIONER ANDERSON:**

Not for the -- not for the cogeneration.

**LEG. STERN:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? Maybe before we hear from Legislator Horsley one more time, Mr. Schroeder, I saw you walked in. Is this something, since we're talking about energy conversion, is this something that you wanted to chime in on?

**MR. SCHROEDER:**

Well, I had been working with Public Works on a resolution to allocate dollars that would be put in the budget to continue an evaluation that we've been involved with with Brookhaven National Laboratory and Changing World Technologies on converting sludge to an alternate fuel source. And I heard the dialogue and I thought this related to the same thing. I'm not sure that that does relate to the same thing, but that was not going to be a pilot project at Bergen Point. In fact, this is still an ongoing effort that would be conducted at Brookhaven National Labs.

**CHAIRMAN SCHNEIDERMAN:**

Changing World Technologies, that's -- they do pyrolysis, right, they take waste, liquid or otherwise, and convert it into oil, right, into energy?

**MR. SCHROEDER:**

They have a working commercial plant in the Midwest that converts animal carcasses from slaughter houses to biofuels, synthetic fuels, and they have been working with us in the past several years on an effort to reduce our wastewater stream and the BTU content of the wastewater stream to a usable fuel source, and that has been the subject of an ongoing evaluation at Brookhaven National Laboratories now for the past couple of years with Federal dollars supporting that effort.

Two years ago we met with Legislator Horsley and representatives from the Lab and Changing World Technologies to get matching funds for a local study that would be specific to Suffolk County wastewater stream, and that's what we've been working on, and that's why I came up here, because I heard this conversation. I thought it might relate to the same thing, but now I'm not sure.

**CHAIRMAN SCHNEIDERMAN:**

No, it's related. Okay. Any other questions? Legislator Horsley.

**LEG. HORSLEY:**

Yeah. And, Joe, I think your scenario is an accurate one when you say, "Now I'm not sure," because now I'm not sure either. I thought we were going in one direction to hear something that is worrisome. I think that maybe what I'd like to do is I'll make a motion to table this, with the concept -- with the understanding that maybe we should separate the two, the two concepts, and then we could deal with them as two separate issues instead of combining them as one.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Stern.

**LEG. STERN:**

I just wanted to ask the Commissioner if there was any reason why the -- is there a reason not to do that going forward? Again, I asked the same questions. Is there some kind of requirements or time constraint that we're aware of, or does that sound feasible.

**COMMISSIONER ANDERSON:**

No, that's very feasible. We'd be fine with that.

**LEG. STERN:**

Very good. I'll second.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So there's a motion and a second to table. Any further discussion? All in favor? Opposed? Abstentions? 1881 is tabled. **(VOTE: Tabled 5-0-0-0)**

**CHAIRMAN SCHNEIDERMAN:**

**1882 - Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP8181) (Co. Exec.).** Doesn't sound as controversial. Commissioner?

**COMMISSIONER ANDERSON:**

This is to call for a public hearing to provide three million dollars to continue the reduction of extraneous flows into our sewers and sewer facilities by infiltration and inflow in pipes that, you know -- that includes pipe cleaning, CCTV sometimes, there's various methods.

**CHAIRMAN SCHNEIDERMAN:**

Any questions for the Commissioner? We have a motion? Motion by Legislator Horsley, second by Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? Approved. **(VOTE: Approved 5-0-0-0)**

***I.R. 1888 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with energy conservation at various County facilities (CP 1664) (Co. Exec.).***  
Commissioner?

**COMMISSIONER ANDERSON:**

This is to appropriate \$954,766 in funds to replace existing interior lighting with high efficiency lighting at the Riverhead Criminal Courts Building. The project is fully funded through an ARRA Grant administered through the New York State Energy Research and Development Agency, otherwise known as NYSERDA.

**CHAIRMAN SCHNEIDERMAN:**

Criminal Courts Building, not the prison itself?

**COMMISSIONER ANDERSON:**

No. This is Criminal Courts, it's another building.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask you, just because somebody has brought this to my attention; I think it's primarily from the jail itself. There's a tremendous amount of glare in the night sky in that area because of all the lighting in that spot. There have been some efforts for energy, as well as environmental reasons, to try to make sure the light is focused where it needs to be focused and not just shot up into the night sky. And I had passed a bill years ago at County facilities requiring dark sky compliant type of lighting where possible, you know, with an -- there's an exception built in that the Commissioners can make. But, as we talk about changing an -- it sounds like a lot of lighting on this bill. I just want to make sure we are doing our best, not only to conserve energy, but to kind of direct that light into the places where it needs to be.

**COMMISSIONER ANDERSON:**

In this specific case, this is all for interior lighting within the buildings.

**CHAIRMAN SCHNEIDERMAN:**

Oh, it's all interior.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

No exterior. Okay. Never mind.

***(\*Laughter\*)***

We have a motion?

**LEG. STERN:**

Motion.

**LEG. BARRAGA:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Stern, second by Legislator Barraga. 1893, Authorizing --

**MR. NOLAN:**

No.

**CHAIRMAN SCHNEIDERMAN:**

I'm sorry?

**MR. NOLAN:**

Call the vote.

**CHAIRMAN SCHNEIDERMAN:**

That was 1888. If I didn't call that vote, it was all in favor? Opposed? Abstentions? Approved .  
**(VOTE: Approved 5-0-0-0)**

***1893 - Authorizing the County Executive to enter into an agreement with Heritage-Riverhead Retail Developers (LLC) and accepting a payment of money in lieu of performance of certain mitigation measures, constructed under Capital Project 5529, Old Country Road, Riverhead, and placing this payment into a Debt Reserve Account to pay down the debt service on Capital Project 5529.*** First, more information, but I have some questions on this one, so I'll start with you, Commissioner.

**COMMISSIONER ANDERSON:**

Okay. This authorizes the County Exec to enter into an agreement to accept the money that's noted, the 1.955 million dollars, in lieu of performing mitigation measures along County Road 58. Generally, if we have a large development that will impact a County road that's coming into the area, we will ask them to do mitigation; could be in the way of enhancements to the -- you know, to the road itself, various things like that. Otherwise, we asked for funding to allow us in the future, when we do improvements to a road, to -- that money is held in reserve until that time and the cost offset. In this case, we just recently completed the improvements to County Road 58 and these funds will be used to draw down the debt that was incurred by our construction project.

**CHAIRMAN SCHNEIDERMAN:**

This is a Costco facility, I believe. It's on County Road, or will be on County Road 58, where we just did those improvements around the circle. The one -- first of all, the 1.9 million or 1.95 million, how did we come up with that number? That seems like an awful lot. Is there a formula where we determine how much the developer has to pay?

**COMMISSIONER ANDERSON:**

Yes, there was.

**CHAIRMAN SCHNEIDERMAN:**

Because that whole project was, I think, a 10 million dollar project, right?

**COMMISSIONER ANDERSON:**

The -- County Road 58.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**COMMISSIONER ANDERSON:**

Yeah, it was in that range.

**CHAIRMAN SCHNEIDERMAN:**

So this is about almost 20% of the cost of that project.

**COMMISSIONER ANDERSON:**

Right. That was a big impact on the road the way it was. I mean, it's actually -- we look at each road and we -- depending on the volume of traffic that comes in, we determine what that impact, that new volume of traffic would be on our roadway, and how we -- you know, how we would improve it. Some cases, you know, it impacts drainage. There's a number of ways, there's -- you know, that we look at this, just to make sure that --

**CHAIRMAN SCHNEIDERMAN:**

Well, because it's about 20% of the cost of that project for 500 feet of roadway frontage. I'm just curious as to how -- I mean, I'm glad we're getting that money, it's a lot of money, but I'd have no idea. I understand there are impacts, but is there a formula that -- I mean, who determines -- who determines the one --

**COMMISSIONER ANDERSON:**

The Highway Engineering Division develops the cost, and it is generally negotiated with the developer. We're not trying to twist their arm or make them do anything, but there are significant impacts, especially a big box like Costco coming into a road like 58.

**CHAIRMAN SCHNEIDERMAN:**

Are we doing the same thing with Lowes, are we charging them?

**COMMISSIONER ANDERSON:**

Yeah. Everybody who does -- you know, comes into an area, we extract an impact fee, especially, you know, if they're going to come in and require a road opening, a turning lane, you know, signals, things like that.

**CHAIRMAN SCHNEIDERMAN:**

And they have to agree to this?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

And they agreed to almost two million dollars?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Wow you. So let's talk about where the money goes, because we've got a tight budget ahead, we've got some very difficult decisions heading our way.

**COMMISSIONER ANDERSON:**

Agreed. This -- in this case, this is going to basically draw down the debt that was incurred by the capital project.

**CHAIRMAN SCHNEIDERMAN:**

All right. But the Capital Program is funded. You know, sales tax revenues are not coming in, or at least I believe where we thought they were. And, you know, we have many decisions ahead, including the John J. Foley decision. We're talking about 2 million dollars, could be used if

pay-as-you-go projects, it could be used for other expenses within the County. So, once we -- once we committed in this resolution to be used to pay down the debt, it's no longer available as we go into our budget process.

**COMMISSIONER ANDERSON:**

Well, the intent of any of, you know, these mitigation measures, of these fees, is that the money goes towards the road or an adjacent County road in the immediate area. It goes into a reserve fund, it doesn't -- you know -- and that's the basis of I believe the original legislation, was that you could -- you know, you can't just use it for anything that you want, it has to be specific to a road improvement.

**CHAIRMAN SCHNEIDERMAN:**

Can I get confirmation, either from Legislative Counsel or BRO? Is it -- does these impact fees have to go toward capital improvement projects, or can they go into the General Fund?

**MR. LIPP:**

I'm not sure of the letter of the law, but I seriously doubt it could go to the General Fund. It's for a sewer project, it's not a General Fund project. It is to reimburse for a portion of the construction work that was done specifically for this purpose, so it is pro forma. The usual approach is to put it in a reserve fund for capital to pay it down. And it would -- basically, if you run some really fast numbers, the 1.9 million would be about 10% of the overall debt service over time for the project.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, about 20% of the project, but probably about 10% of the debt service; is that what you're saying?

**MR. LIPP:**

Of the debt service, correct.

**CHAIRMAN SCHNEIDERMAN:**

On the debt service, right, because we end up paying twice, because we're borrowing.

**MR. LIPP:**

Well, it's about -- a rule of thumb would be add 50% more for the interest. So if it's a -- if the project costs a dollar, the debt service would be \$1.50, as a very simple example.

**CHAIRMAN SCHNEIDERMAN:**

I'm looking at it as a 10 million dollar project.

**MR. LIPP:**

Well, it's a very simple example.

**CHAIRMAN SCHNEIDERMAN:**

This is two million dollars; that's 20% of 10 million.

**MR. LIPP:**

It's a 12.65 million dollar project, Phase I and II, so you're talking about --

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**MR. LIPP:**

-- close to 19 million dollars, the overall cost, so the one -- almost two million would be about 10% of the action.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And, Mr. Nolan, do you have any thoughts on whether this money has to go into a capital fund?

**MR. NOLAN:**

I don't know the answer to that question, I don't know.

**CHAIRMAN SCHNEIDERMAN:**

I mean, in light of our budgetary constraints, I would actually like that answer, so that before we tie our hands and put this money only into paying down the debt. So I'm going to make a motion to table this, 1893. Is there a second on tabling? Legislator Barraga? And is there any other motions? Is there a motion to approve?

**MR. LIPP:**

Point of the information.

**CHAIRMAN SCHNEIDERMAN:**

Oh, I'm sorry. I'm sorry, Legislator Muratore. Sorry.

**MR. LIPP:**

Just a point of information. Just so you know, specifically, what would happen, hypothetically, if you could do that, and, you know, that will have to be researched, you'd be trading off getting the money short term for the current Operating Budget or next year's. But those debt service costs would show up in the General Fund debt service anyhow, so it would -- in the long run, it would be a push. So you're taking the money now as opposed to spending it in dribs and drabs over the course of the bond.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. I still would like a definitive answer, though, on what the possibilities are. So is there any other motions?

**LEG. STERN:**

I'm going to make a motion to approve. And I'll make that motion to approve because, regardless of the answer to the question, this is still money that we want to receive, this is still something that we have coming to us that, at least for now anyway, pursuant to this legislation, is going to be dedicated towards payment of the debt service on the particular project. So I, like you, I would like to know the answer to that question as well, but the answer to that question have an impact on this measure?

**CHAIRMAN SCHNEIDERMAN:**

It may have an impact on taxes next year and some of the addition decisions we make, you know, if we have two million dollar additional that's available to run the County, versus, you know, the debt service, which we have extended periods of time to pay in smaller increments. We're facing a crisis, as you know, financially, and I just don't want to tie our hands. If there's a possibility that this money can be used to offset some of our shortfalls. I'd prefer to see it used in that fashion.

**COMMISSIONER ANDERSON:**

If I may, I don't know how you would -- I mean, how can you plan for that? You know, this is a windfall, for lack of a better term, based on development. Again, I would go back to the -- the intent of us doing this is that, and I believe, and, certainly, I would defer to, you know, to the Counsel for Legislature, but the intent for us doing this is to offset needed improvements on a specific County road, that that improvement is facilitating.

**CHAIRMAN SCHNEIDERMAN:**

I understand that, and this is a windfall, and the County Executive has decided how to spend the windfall in terms of putting it into debt service. Maybe that's the only choice that he can make, but if the Legislature has a say and there are some choices in terms of how we can spend the two million

dollars, I'd like to give us that opportunity. I can't say until I have a definitive answer on it, so that's my inclination is then to table it, get that definitive answer. If there's only one place it can go, where the County Executive has suggested, then so be it. But, if there are other opportunities, I think it would be foolhardy for us to not explore those and see what the financial impact of other potential decisions might be. So I am going to stick with my tabling motion. And we have a motion to approve; is there a second to approve?

**LEG. STERN:**

Another question maybe to BRO. Is this the kind -- depending on what the answer to the question is, is this the kind of thing that we might be able to change going forward as a part of our budget process?

**MR. LIPP:**

The resolution has a resolved that says it's going right to the Reserve Fund. So, if you pass the resolution, it goes right to the reserve fund for the debt service over time.

**LEG. STERN:**

And so we would not get another opportunity to change that during our budget for --

**MR. LIPP:**

Right.

**LEG. STERN:**

-- for next year.

**MR. LIPP:**

Right, you'd have to amend the resolution, if it was legal, which remains to be seen. That's the question, though. But, if you pass this resolution as is, the resolved clause, third resolved clause says the money is going, the 1.9 million and change is going right to the reserve fund, you can't --

**LEG. HORSLEY:**

Mr. Chairman, could we have this answered, maybe by Tuesday, if we pass it out, and we'd make that decision then?

**CHAIRMAN SCHNEIDERMAN:**

You'll make the a motion to discharge without recommendation?

**LEG. HORSLEY:**

There you go.

**CHAIRMAN SCHNEIDERMAN:**

So, now we have a motion to discharge without recommendation, a motion to approve, and a motion and a second to table. Anybody left who hasn't made a motion?

*(\*Laughter\*)*

Tom, it's up to you. Do you want to second it?

**LEG. STERN:**

I'll make the second to make a motion to discharge without recommendation. It seems to me that this is a pretty straightforward question with a straightforward answer that we should have by our general session.

**CHAIRMAN SCHNEIDERMAN:**

All right. So the tabling motion comes first. All right. So we've got to vote on the tabling motion first. All in favor? Opposed? Abstentions? This is on the tabling, so I'm in favor of tabling. Tom,

you're in favor of tabling?

**LEG. MURATORE:**

Well, now that we have the motion to discharge without recommendation --

**CHAIRMAN SCHNEIDERMAN:**

Okay. So I am the sole vote to table? Okay. So tabling fails.

**LEG. HORSLEY:**

There's only four of us.

*(\*Laughter\*)*

**CHAIRMAN SCHNEIDERMAN:**

Okay. Let's move on, then, to the motion to discharge without recommendation. All in favor? Opposed? Abstentions? I'll support it, and it's better than having it fail, so -- all right. So it's discharged without recommendation. ***(VOTE: Discharged Without Recommendation 5-0-0-0)***. And that is our last resolution and --

**COMMISSIONER ANDERSON:**

If I may.

**CHAIRMAN SCHNEIDERMAN:**

Before we adjourn, Commissioner Anderson.

**COMMISSIONER ANDERSON:**

If I may just take up a brief moment of your time, I wanted to introduce you to the new Chief Deputy of Public Works, Jim Peterman is here. Jim has been a lifelong member of the Department of Public Works in our Highway Division. We are excited about his new addition to the Commissioner's Office, and I think he's going to make a great addition to the office.

**CHAIRMAN SCHNEIDERMAN:**

Congratulations. That's great news. Jim, I know we worked together on County Road 39 quite a bit, and if it wasn't for your expertise and ingenuity, I don't think we would have gotten where we got so quickly or with the kind of cost savings that we did. So I thank you, and congratulations. I look forward to working with you. Anyone else?

**MR. PETERMAN:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And please send the Committee's best to both to Mr. Shinnick and Mr. Wright in their retirement.

**COMMISSIONER ANDERSON:**

Will do.

**CHAIRMAN SCHNEIDERMAN:**

We are adjourned.

***[THE MEETING WAS ADJOURNED AT 3:12 P.M.]***