

**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 October 5, 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  
Bill Hillman - Chief Engineer - DPW  
Robert Doering - 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  
Vito Minei - Suffolk County Farm  
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. If you all will rise and join for the Pledge of Allegiance led by Legislator Barraga.

**SALUTATION**

Please be seated. Do I have any yellow cards? Seeing none before me, if anybody wishes to be heard by the committee, please make yourselves known to me now? All right. We will move right to the agenda. We have no presentations. I'll ask Commissioner Anderson to move forward. If you wish to be joined by any of your colleagues, please do so. Before we get started, any questions in general for the Commissioner? Commissioner, is there anything you want to make us aware of? Fair enough. Tabled Resolutions.

**1881, Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 Southwest (Sludge Improvements) (CP8180). (Co. Exec.)**

Is this the one we had asked you for -- to break it up into two?

**COMMISSIONER ANDERSON:**

Correct. I would ask that it be tabled another cycle. We haven't submitted the actual revised resolution yet.

**CHAIRMAN SCHNEIDERMAN:**

Fair enough. I make a motion to table, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? So **TABLED (VOTE: 5-0-0-0)**.

**1940, Authorizing the use of Schrader House at the Suffolk County Farm by Project Soar. (Browning)**

Do we have a motion?

**LEG. BARRAGA:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Barraga, seconded by Legislator Muratore, I believe.

**COMMISSIONER ANDERSON:**

If I could.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner.

**LEG. HORSLEY:**

What is SOAR?

**CHAIRMAN SCHNEIDERMAN:**

I see Vito. Familiar face from the past. You're on the other side of the fence now.

**MR. MINEI:**

Good afternoon, Mr. Chairman, Members of the Committee, essential staff. I'm Vito Minei. I'm the

Executive Director Cornell Cooperative Extension. I'm joined today by my colleague Peter Danforth who's the Director of Operations for Project SOAR, S-O-A-R. It stands for Students of America's Resources. It's actually under contract with the County Probation Department, the Juvenile Day Reporting Center. And this program now -- it's been very successful about the last six years. Peter is in charge of it the last three or four.

They take adjudicated students 13 to 17 years old, and they teach them the core courses; Science, Math, English and Social Studies. And then Peter and his staff also brings them into the Cornell activities on the farm with our Marine Program and really teaches these kids self esteem. They have been very successful, about 15 students or so a year. They go back to their high schools, and then they take their take courses, and a lot of them -- most of them pass their exams.

The reason why we want the Schrader House, it's the first building you encounter when you come down the road, the entry road to the farm, is because it's ideal space for teaching the kids under the SOAR Program. Right now and for last few years, Peter and his staff have been using the main building as you come in, the service road, that's used for offices for the 4-H and diabetes, and then tries to teach the kids in some trailers. And they're really in terrible disrepair. They're not very clean. They're a tough climate to be teaching these kids. Probation has been complaining about the conditions of these buildings. And actually, the Probation Department encouraged the use of the Schrader House. So that's why we're asking for it. And under the protocol, Legislator Browning and her staff have introduced a resolution for us to occupy this space. So we would appreciate your authorization to take hold of the Schrader House. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Other questions?

**COMMISSIONER ANDERSON:**

If I may.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner.

**COMMISSIONER ANDERSON:**

As far as the fit, we think that the SOAR Program is a great fit for the building. The only comment I'd like to make here is that this is really a matter that should come through the Space Committee. You know, I mean, again, I would leave that up to Counsel, but I believe this is something that should have gone through Space. The fact that you mentioned in the legislation that Cornell Cooperative submitted an SAR to the Space Committee, the SARs are really only for departments, not for -- and Cornell is really a leasee, a contract organization. So that's why the SAR was not responded to, that's it. I mean, we do think it's a good fit certainly for the building out there. It's just that this, you know, really should go through the Space Committee.

**CHAIRMAN SCHNEIDERMAN:**

So procedurally, it should have gone through Space. Cornell is saying it's not interfering with your core functions in terms of the farm, in fact, maybe expanding them in some ways or enhancing them. It's up to the committee. I'm willing to table it to let it go through Space Management. Let me hear from Counsel whether it has to go through Space Management.

**MR. NOLAN:**

I'm just looking at it, the section that has to do with Space Management. And it states that the committee shall ensure that all searches for lease space due to the County's need for new space -- should be taken by the County to locate or relocate a department or agency. When I look at the section that has to do with the Space Management Steering Committee, this particular use, I don't think it has to go through that committee for us to be able to act.

**CHAIRMAN SCHNEIDERMAN:**

All right. We have the advise of Counsel. Commissioner, you think it would be approved by the Space Committee?

**CHAIRMAN SCHNEIDERMAN:**

Yeah. I think the only thing that the Space Committee would give is, you know, just to make sure there's no land mines out there, things that haven't been considered; you know, is the property part of the farm so that you'll only be able to use -- be able to be used as a farm. Again, you know, we do feel that the use is good for building, but --

**CHAIRMAN SCHNEIDERMAN:**

Is the Space Committee meeting before next Tuesday at all?

**CHAIRMAN SCHNEIDERMAN:**

I know it was today. I don't know if they meet the every week, every two weeks.

**CHAIRMAN SCHNEIDERMAN:**

It didn't come up today, huh? Legislator Browning.

**LEG. BROWNING:**

This is all news to me, because I don't know how long it is now that I've had this bill filed. This has never come to me. Again, this is just an excuse to try to tie things up. That's the way I see it. It's a great project. It's Cornell that's doing this. It's the farm that they operate. They're working with Probation, another County agency. I don't see why it should go through the Space Committee. I think George has explained it. And I would appreciate if everyone could go ahead and pass it.

**CHAIRMAN SCHNEIDERMAN:**

We have a motion and a second to approve. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

**1943, Amending the 2010 Capital Budget and Program and appropriating funds in connection with off-street public parking spaces to replace on-street parking spaces eliminated during the reconstruction of CR 80 in Mastic (CP 5516). (Browning)**

I know we have -- there are similar bills, right, there's two of these?

**COMMISSIONER ANDERSON:**

Correct. 1970 as well as 1943.

**CHAIRMAN SCHNEIDERMAN:**

Right. This is Legislator Browning's, the other one is the County Executive's. How are they different, Commissioner.

**COMMISSIONER ANDERSON:**

The one, 1970, was developed by the department. It has the amount that we recommend for this project. I would request that this legislation be tabled to allow the other legislation to pass. This will allow us to do the work effectively and has the full amount of money we need to do it.

**CHAIRMAN SCHNEIDERMAN:**

Is this a lesser amount of money than Legislator Browning's?

**COMMISSIONER ANDERSON:**

Correct. It's 200,000 whereas 1970 is 250.

**CHAIRMAN SCHNEIDERMAN:**

So this is \$50,000 less?

**LEG. BROWNING:**

Mine has been amended.

**CHAIRMAN SCHNEIDERMAN:**

It's amended. So they have the same amount of money. So with the same amount of money, what is the differences that remain, the last resolved? Legislator Browning, can you speak to this?

**LEG. BROWNING:**

Sure I can. This is all the paperwork I have pertaining to this. I sent a letter to the County Executive back in August -- I have the letters here -- no response. So I had been pretty much calling, contacting the County Executive's Office asking if he was going to put a resolution in or a CN.

This is the Montauk Highway Project. Some of the businessowners lost some parking space at the front of their buildings. DPW has been working with them to help them with their parking problem. And they have to sign agreements with DPW. Again, going back, I sent a letter back in August to the County Executive. I've received no responses. At the last meeting, I had -- mine was laid on the table. That's the day I got a response from the County Executive's Office. So I think I gave him plenty of opportune time. I said, "I really don't care whether the County Executive introduces it or myself. I just want to make sure that the businessowners are being accommodated and helped out with their parking problem."

The one -- I think the only difference really between mine and the County Executive's is when you read that 5th Resolved Clause, it kind of looks like if not all of the businessowners sign the agreement, then none of the work will proceed --

**COMMISSIONER ANDERSON:**

If I may.

**LEG. BROWNING:**

-- in the County Executive's. And I checked with George, because I am not an attorney, and I said, "Do you read it the same way?" And he does agree. George, if you want to -- I'm not going to put words in your mouth.

**MR. NOLAN:**

What I said, Legislator Browning, basically it's unclear to me what that last resolved clause in the County Executive's bill means.

**COMMISSIONER ANDERSON:**

One of the local gentleman had reached out to me yesterday afternoon. And he raised the same concern, which I followed up with the County Attorney's Office. And we're both in agreement that this really only states that all appropriate paperwork and agreements have to be completed before any work starts. It doesn't mean collectively everybody has to agree with it. If five of the eight are the only ones who agree to it and the other three turn down -- you know, as long as the work can be done and it's under \$250,000, you know -- this does not mean it's collective, it just means that all the paperwork has to be executed prior to us starting construction.

**CHAIRMAN SCHNEIDERMAN:**

So, I mean, the basic concern is that one individual maybe could hold up the entire project, right?

**COMMISSIONER ANDERSON:**

But that's not the case. That was a concern raised by Legislator Browning.

**CHAIRMAN SCHNEIDERMAN:**

But in that language it could be construed in different ways. Legislator Browning's resolution is identical except it doesn't have that language, right?

**LEG. BROWNING:**

No. That resolved clause is similar, but it's more clear; that once the agreements are signed by the businessowner, then the work will proceed with that property.

**COMMISSIONER ANDERSON:**

If I may. And the reason that there is a problem with that, we have to make sure -- we want to issue one work order. We're going to the contractor and say, "Okay. You've got to do Site 1, 2 and 3." Then -- and we are going to give the landowners sufficient time to respond. The intent is that we are going to know which sites we are going to do, and then we'll order the work order. Otherwise, we can't just say, "Okay. Site 1 submitted their approval and we're going to go and order a work order for them." The intent is that we be able to go once to the contractor, whoever that is and, and say, "You are going to do Sites A, B and C." And then get it done. You know, and if D and E don't want to agree to it, then we don't do the work.

**CHAIRMAN SCHNEIDERMAN:**

So you believe the language in Legislator Browning's resolution would require you to do separate work orders for each one?

**COMMISSIONER ANDERSON:**

No. Based on the statement that the Legislator just made, I responded that way.

**MR. ZWIRN:**

If I might. The reason that the County Executive put in a bill, this was initiated that was I think -- believe it was the County Executive's Office meeting with some of the merchants down there. And because we're doing work on private property as opposed to, you know, public property, it's taken some time for us to get the legal work done with respect to this. And that's why we didn't move quicker. I can't explain why there wasn't a return in correspondence to Legislator Browning, but I do know that they've been working on this for some time. And the reason it didn't come forth sooner was because it just took longer to get the legal work done. But I think the County Executive put the bill in because he felt this was -- he thought his bill was clearer, and since it was an initiative that his office took, he thought it would be appropriate for him to sponsor the legislation.

**CHAIRMAN SCHNEIDERMAN:**

Pride of authorship or whatever. But it seems like the two bills are identical, other than possible interpretations that are probably not the obvious interpretations of some of those clauses. Legislator Browning.

**LEG. BROWNING:**

I think like Ben said, yeah, this was the County Executive that initiated that. I don't disagree. However, when I have the businessowners coming to my office, I mean, not just phone calls, walking into my office, asking me what's going on, and this goes back to 2007. And in August, the project was near completion, and in August, I sent a letter -- in fact, I have two letters, I have e-mails to Ken Crannell, a number of e-mails going back and forth, and no response.

So what am I supposed to do? What should I assume? I should assume that he is not doing anything. I said, "Are you going to do a bill or are you going to do a CN? Let us know. We would like to be able to respond to our constituents." I got no response, so then I had to do something for them. So, you know, I'm sorry. Stop acting like a baby and just respond and tell me what you are doing. I said it before and I will say it again, I don't care whose name is on it, just get the work done.

**CHAIRMAN SCHNEIDERMAN:**

Any other comments? Do we have a motion and a second on this? I think we do, right. No, we don't. Is there a motion.

**LEG. HORSLEY:**

I'll make a motion.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Horsley, seconded by Legislator Stern. Any discussion? It seems to me that they're both identical bills, it's just a question of whose name is on it. It seems to me that this is a silly discussion, but it looks like Legislator Browning got the ball rolling here on a stalled project. And I think for that reason, I have no problem with supporting your resolution here. All right. Any other discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0).**

**1944, Directing the Administrative Head of Suffolk County Sewer District No. 3 to conduct public hearing and determine the necessity of increasing fees for scavenger waste discharge and treatment. (Schneiderman)**

I will make a motion.

**LEG. HORSLEY:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Horsley. Commissioner, do you want to explain or I can explain.

**COMMISSIONER ANDERSON:**

Rates were raised back in 2006 to the current level which is \$7 per 1000 gallons, I believe. You know, this is just to look at raising the rates based on current rates of other facilities.

**CHAIRMAN SCHNEIDERMAN:**

This is basically for the scavenger waste trucks that come in from failed septic and overflowing septic systems, gets brought in to Bergen Point. They're charged about seven cents a gallon or -- six or seven cents a gallon. The other facilities charge around ten cents a gallon, so we are cheaper -- I was told by Ben when he was still with the department that at the current rate structure, we're not covering the the cost of running this. So at least it's something that we should at raising. We shouldn't be subsidizing this.

**COMMISSIONER ANDERSON:**

Just for the Legislators' benefit, 45% of all sludge at Bergen comes from scavenger waste, so it is a big issue. But, you know, again, the rates can't be specifically tied to projects, but, you know, obviously there's revenue.

**CHAIRMAN SCHNEIDERMAN:**

I believe that there's room to go up here at least so it covers the cost of doing this operation. It may not be fair to have such an artificially low rate when there are other municipalities who are also charging for this.

**COMMISSIONER ANDERSON:**

We don't have any objection to this for the record.

**LEG. HORSLEY:**

Quick question. Gil, Jay just mentioned the competition or the other areas, other locations that collect scavenger waste, where are they? I'm not sure I know of their operations? Who is the owner in Suffolk County?

**COMMISSIONER ANDERSON:**

Well, it would be other plants. I think out east there might be some smaller plants, maybe Riverhead.

**LEG. HORSLEY:**

Do you know of any?

**COMMISSIONER ANDERSON:**

No, not off the top of my head.

**LEG. HORSLEY:**

I couldn't think of any either.

**CHAIRMAN SCHNEIDERMAN:**

I used to be involved with one when I was Town Supervisor. East Hampton Town has a scavenger waste facility.

**COMMISSIONER ANDERSON:**

Otherwise I think you have to go into Nassau.

**CHAIRMAN SCHNEIDERMAN:**

There's also one, I believe, on the North Fork. It may be in the Riverhead area. I don't know if it's a public or private facility.

**COMMISSIONER ANDERSON:**

Not to interrupt, I don't know why a private facility would want to take this stuff unless we are that low, you know, they can just transfer it and make a profit on what they are taking in. Again, we don't have a problem with doing this.

**LEG. HORSLEY:**

So to your knowledge there really isn't any other competition in Suffolk County.

**COMMISSIONER ANDERSON:**

Not much.

**LEG. HORSLEY:**

So whatever Jay has in his district and maybe that's it.

**CHAIRMAN SCHNEIDERMAN:**

Anybody from DPW have that information?

**COMMISSIONER ANDERSON:**

Let me see if John does.

**MR. DONOVAN:**

Basically, yes, I think Riverhead still accepts scavenger waste, but it's only about 15 or 20,000 gallons a day. And there's two private facilities; one is Clear Flow in Deer Park, and there's one in Farmingdale that is a small facility. They take --

**LEG. HORSLEY:**

That's Nassau.

**MR. DONOVAN:**

No, it's in the Suffolk part.

**CHAIRMAN SCHNEIDERMAN:**

East Hampton. I know East Hampton has one. Any other discussion? All in favor? Opposed? Abstentions? Approved for a public hearing. **APPROVED (VOTE: 5-0-0-0).**

**1960, Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for improvements to the Birchwood/Holbrook Wastewater Treatment Plant (CP 8143). (Co. Exec.)**

Commissioner, you want to add additional information?

**COMMISSIONER ANDERSON:**

Yeah. This would be to appropriate 200,000 for construction of a new equalization tank and final polishing tanks. These funds will become part of the overall 700,000 that is needed to construct these improvements at this 200,000 gallon per day plant.

**CHAIRMAN SCHNEIDERMAN:**

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

**1961, Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for improvements to the Sewer District No. 7 Medford Sewer System (CP 8150). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This would appropriate \$25,000 for design services to develop plans and construction documents for continuing repairs to the collections system, specifically the pump station force mains. Previous work that we've done in there has revolved around rehabilitation of manholes and gravity sewers. This would be specific to the force mains and the pump station themselves.

**CHAIRMAN SCHNEIDERMAN:**

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

**1970, Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516). (Co. Exec.)**

This is County Executive's version of the bill we passed earlier. So is there a motion to table?

**LEG. HORSLEY:**

Sure. For the right move.

**CHAIRMAN SCHNEIDERMAN:**

Is there a motion to table.

**COMMISSIONER ANDERSON:**

Can you approve both.

**CHAIRMAN SCHNEIDERMAN:**

Nice try. I don't have a motion yet. Is there a motion to table. Legislator Muratore makes a motion to table subject to call, seconded by Legislator Horsley. Any discussion? This is to table subject to call. All in favor? Opposed? Abstentions? **TABLED SUBJECT TO CALL (VOTE: 5-0-0-0).**

**1971, Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to lighting and paving on CR 100, Suffolk Avenue, Brentwood, Town of Islip (CP 5185). (Montano)**

Commissioner.

**COMMISSIONER ANDERSON:**

This is looking to appropriate \$73,000 from the Capital Program 5097 which was for reconstruction of County Road 17 Carlton Avenue which we did in our doing under ARRA Funding, which the funds are no longer needed for the original project. We had planned on reusing the remaining original funds for other projects, but the Legislator has submitted this request. This would turn 73,000 over to the Town of Islip so they can continue a program they have along Suffolk Avenue installing streetlights and brick pavers and utility strips.

**CHAIRMAN SCHNEIDERMAN:**

You are okay with it?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

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

Commissioner, anything else you need to make us aware of?

**COMMISSIONER ANDERSON:**

No.

**CHAIRMAN SCHNEIDERMAN:**

All right. We are adjourned. Thank you.

(\*THE MEETING WAS ADJOURNED AT 2:40 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY