

**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 December 14, 2010.

**MEMBERS PRESENT:**

Legislator Jay Schneiderman - Chairman  
Legislator Steve Stern - Vice-Chairman  
Legislator Wayne Horsley  
Legislator Tom Muratore  
Legislator Tom Barraga  
Presiding Officer William Lindsay - Ex Officio Member

**ALSO IN ATTENDANCE:**

George Nolan- Counsel to the Legislature  
Gilbert Anderson - Commissioner - DPW  
Jim Peterman - Chief Deputy Commissioner - DPW  
Bill Hillman - Chief Engineer - DPW  
Robert Doering - Budget Review Office  
Rosalind Gazes - Budget Review Office  
Catherine Stark - Aide to Chairman Schneiderman  
Linda Bay - Aide to Minority Caucus  
Paul Perillie - Aide to Majority Aide  
Renee Ortiz - Chief Deputy Clerk - SC Legislature  
Ben Zwirn - County Executive's Office  
Kara Hahn - Presiding Officer's Office  
Marge Acevedo - Presiding Officer's Office  
Dot Kerrigan - AME  
All Other Interested Parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 2:10 P.M.\*)

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd like to call this meeting of the Public Works and Transportation Committee to order this 14th day of December 2010. If all will rise if you are able and join us for the Pledge of Allegiance led by Legislator Barraga.

**SALUTATION**

If you all will remain standing for a moment. We are all hearing of the tragic news of the, I think, four bodies at this point found off of Gilgo Beach. So why don't we share a moment in their memory. We don't know yet I guess who they are and the fear that their assailant is out there somewhere. So if we could just have a moment of prayer and memory of these four individuals.

**MOMENT OF SILENCE**

Thank you. Okay we're going to start with public portion. I have one card. If you are here and wish to be heard by the committee and have not yet filled out a yellow card, please see the Clerk to obtain one. The only one I have is Linda Armyrn speaking on the naming of the Ducks Stadium.

**MS. ARMYN:**

Good afternoon. I represent Bethpage Federal Credit Union. I'm Senior Vice-President of Corporate Development. I just wanted to say it's a pleasure to have this before you. We at Bethpage are very excited to partner with the County and the Long Island Ducks in this endeavor should everything pass. I brought with me a report to the community if you are not familiar with the credit union and all the work that we do within all the communities we serve. And I'm here to answer any questions you may have throughout the process. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

We'll do questions when get there. We'll get to the resolution, yes. Okay. Is there anyone else who wishes to be heard by the committee? We have no presentations. I do have a request from Legislator Romaine, who's not on the committee but is present today, to take IR 2205 out of order. Because of personal commitment reasons, he needs to -- can only stay for a minute or two. I will make a motion to take 2205 out of order, do I have a second? Seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

**2205, 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. (Co. Exec.)** is now before us.

Legislator Romaine, did you want to say something before we discuss this?

**LEG. ROMAINE:**

Yes. This resolution deals with accepting a little more than a million-nine hundred thousand dollars from Cosco for a building on County Road 58. The purpose of this resolution was just submitted by the County Executive is to retire the debt associated with CR 58.

I am concerned because there's the last segment of County Road 58 that remains unfinished from Ostranda Avenue eastward to State Route 25. I would prefer to see the money used for that purpose. There's also another large store, Lowes, that would probably be paying a similar impact

fee, I think several million dollars. There's about a mile and a quarter, maybe a mile and a half that this road could be finished.

I'm told just today by the Public Works Commissioner that they do have the money. However, what I would prefer to do is before we agree to retire the debt is just to table this for one session to make sure that there is sufficient funds to complete this road. All impact fees that I've seen of late, the last five years, have gone towards the road project, and unless I am convinced that there is sufficient funding to complete this road, I would like the impact fees to go there. And if there is, then at our next meeting of this committee, this resolution can be passed. So I would ask only that this be tabled for one session. And I would certainly appreciate that courtesy. Thank you so much.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So Legislator Romaine is asking to table this for one cycle.

**LEG. BARRAGA:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner Anderson, if you want to comment.

**COMMISSIONER ANDERSON:**

Thank you and good afternoon. The funds were always intended to help pay for the portion of County Road 58 that we built already, that we completed construction of this year. This legislation is intended to help pay down the debt associated with that project. As we advised Legislator Romaine, the project to the east has been -- we've already cut the work order. There already is work going on in that portion of the road; there's some draining work going on now, which is the initial part of the work.

We feel we have enough money in place to do the work. I don't -- with all due respect, don't see the reason to delay this any further, but, you know, if that's the will of the committee, then obviously, we will provide all the information to the Legislator that is needed.

**CHAIRMAN SCHNEIDERMAN:**

Well, I would just ask that since it is Legislator Romaine's district that this road is in and, you know, clearly, anybody who's familiar with it knows that you need to finish the widening all the way down to 25 there. So I just think that the Legislator needs to see that there's adequate funding to complete that. I understand his concern that there may not be. And you are charging close to \$2 million impact fee, which is a substantial amount of money, which probably would go a long way toward finishing this road. But you say the money is available, we just need to show -- you know, one cycle to show the Legislator. If you will take the time or somebody from your office to meet with Legislator Romaine so that he is confident that that project is going to get finished.

**COMMISSIONER ANDERSON:**

Certainly.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Have we made a motion yet? I'll make a motion to table, seconded by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? So **TABLED (VOTE: 6-0-0-0)**.

**LEG. ROMAINE:**

Thank you, Mr. Chairman. I thank the members of the committee for their courtesy.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Let's go to the agenda unless the Commission has something off the agenda he wants to discuss with us.

**LEG. MURATORE:**

Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Muratore.

**LEG. MURATORE:**

Please. I'd like to just make a comment to the Commissioner. Good afternoon, Commissioner.

**COMMISSIONER ANDERSON:**

Good afternoon.

**LEG. MURATORE:**

First of all, I just want to publically thank you and your staff for the great job your people did on the Portion Road project. I know you come here a lot of time and we beat you up, but, you know, when you do a good job, I'm the kind of guy who likes to stand up and say thank you very much. I spoke with a lot of the residents and the merchants along Portion Road.

Even though it was a big project, your team did a great job on it. You answered all my questions. I came in late in the project, it started with my predecessor, but I came in late. When I had questions, you answered them, you met with me, you handled all the issues that were there. And, you know, it's just 99.9% done. So publically I want to say on behalf of all the people impacted by that program, thank you so very much. I appreciate it.

**COMMISSIONER ANDERSON:**

Thank you very much. Thanks for the kind word.

**CHAIRMAN SCHNEIDERMAN:**

Gil, if I could ask a quick question too. Maybe it's been done at this point, there was a drainage issue, I think it was the East Moriches area. Do you remember this, right near a park that was draining into the pond there. Did that get taken care of?

**COMMISSIONER ANDERSON:**

I believe it's underway, but I don't know to what state it's in. I know we discussed it and we were talking about a little berm in front.

**CHAIRMAN SCHNEIDERMAN:**

It just needed a little curb or bump up just to get the water back into the drainage basin.

**COMMISSIONER ANDERSON:**

I will find out where it is and get back to you.

**CHAIRMAN SCHNEIDERMAN:**

If you could. I also sent you an e-mail yesterday too. I don't know if you've seen it. I'm not going to ask you to respond to it, I just hope that you got it, about Three Mile Harbor Road.

**COMMISSIONER ANDERSON:**

Yes. I did get it yesterday.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So **IR 2091, Naming County Road 39 "The Edwin M. 'Buzz' Schwenk Memorial Highway"**. (Schneiderman)

I will make a motion to approve, seconded by Legislator Muratore. Any discussion?

**LEG. STERN:**

This has gone through Sitings was approved in the Sitings Committee.

**CHAIRMAN SCHNEIDERMAN:**

Any other discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0)**.

**2092, Increasing County bus fare for the implementation of Sunday bus service.**  
(Schneiderman)

I have amended this bill fairly extensively based on the comments of the Commissioner to turn it into -- to allow the Department of Public Works to develop a pilot program, to hold public hearings on that pilot program and then to move forward with the running of the pilot program with a 50 cent increase. Commissioner, you had a question in terms of whether after the public hearings were you required to do the pilot program with the fare increase; is that correct?

**COMMISSIONER ANDERSON:**

Correct. If you look at the Fourth Resolved, it states, "That the full fare rate for bus service shall be increased from one-fifty to two dollars on May 1st, 2011. Our concern is if after the public hearing, the public comes in and expresses dissatisfaction with that, we may not want to proceed with it. And this seems to almost mandate that we -- on May 1st, we are going to increase these fees. I don't know if that's something that can be changed and this should be tabled.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Counsel is telling me that it would mandate the increase. You would have to do the increase. The idea of the public hearings is that you might change your pilot program if everybody comes out and says, "Oh, this route really needs to be on it."

**COMMISSIONER ANDERSON:**

It's to advise everybody of what's actually being proposed. We're already working on the analysis. We are going to come and we're going to hold public hearings based on what we develop in the analysis, and then we're going to hold this public hearing which is state we are going to do A, B and C for the, you know, proposed increase fees. And my concern is obviously what if the public is totally against it?

**CHAIRMAN SCHNEIDERMAN:**

We've held public hearings already on a potentially higher fare and we've gotten responses, and the ridership seems to be in favor in general of, certainly, Sunday service at a slightly higher fee to do that. The only concern I have is they -- some riders may say, "Well, I'm paying a higher fee, but my line isn't in the Sunday service pilot program," which is a legitimate concern; they're paying more and not getting anything out of it. You know, the public hearings potentially could be used to tweak the pilot program. Somebody might say, "Well, you're starting it a ten o'clock, it's really got to start at nine o'clock." There might be some changes that may mean that you have to delay a line so that other lines can run longer. The exact pilot program may change after -- from the comments made at the public hearing.

**COMMISSIONER ANDERSON:**

Correct. But I think, just like we would for most public hearings, we would come back with findings that basically, you know, provide the data that, you know, we get at the public hearing and then we could proceed accordingly. We're not saying not to do it, but I would just -- we would caution and we are concerned with the Fourth Resolved that this automatically just kind of gives the impression to the public, well, you know, we don't really care what you, we're going to have this anyway," but you know -- and that's my concern. I'd like to see the Fourth Resolved removed or revised to say, you know, something different.

**MR. NOLAN:**

Firstly, just for the record, you know, it came up last time at the public hearings, and I think I've confirmed with your department since that meeting that we don't even need to do further public hearings, that we could implement a fare increase now and do the pilot program.

**CHAIRMAN SCHNEIDERMAN:**

Correct.

**MR. NOLAN:**

The legislation before us does state that the fare will increase and the program will be implemented. I guess the public hearing process will allow people to learn about it, give their input, but indeed, the resolution does require that the fare will go up.

**CHAIRMAN SCHNEIDERMAN:**

Let me ask a question. It's my own bill, I should know the answer to this. But at the end of the pilot program, what happens to the fares, do they go back to what they were?

**MR. NOLAN:**

That's not addressed in the resolution. The fare is increased to run the pilot program. I guess that would be addressed later. We would either leave it go or we could reduce it again by a different resolution.

**CHAIRMAN SCHNEIDERMAN:**

We could continue it on. Okay. Other questions on this? My preference would be to move it forward. We've debated this to death. Unless we're not interested in raising the fares and having the Sunday service, then I guess we shouldn't approve it. But I think it's time to move forward. I've spoken to so many riders at this point who are really hoping that we do move forward and provide Sunday service. And they're willing to pay the extra 50 cents. For those other fares, there's nothing else increasing. The SCAT fare is going to stay the same, but their service will be expanded to include Sundays in the same areas. These are people who are landlocked right now on Sundays. So I'll make a motion to approve.

**LEG. MURATORE:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Muratore. Any further discussion?

**P.O. LINDSAY:**

I'm sorry. So what was the answer? So after the pilot, there's no --

**CHAIRMAN SCHNEIDERMAN:**

We have to make a decision after the pilot whether to continue it or discontinue it. If we discontinue it, the fare would go back to \$1.50.

**P.O. LINDSAY:**

Okay. But you as the sponsor, what do you envision?

**CHAIRMAN SCHNEIDERMAN:**

I envision it's going to be really successful.

**P.O. LINDSAY:**

And how long is the pilot for?

**CHAIRMAN SCHNEIDERMAN:**

The pilot program, I guess, would be through the end of the year, right? George, does it say specifically?

**COMMISSIONER ANDERSON:**

There's no detail.

**MR. NOLAN:**

There's no end date on the pilot program.

**CHAIRMAN SCHNEIDERMAN:**

So until we say no, it keeps going, or we expand it based on revenues.

**P.O. LINDSAY:**

I mean, you've worked on this a for long time and you know more about this than I certainly do. And I don't want to delay it any more. I would just feel more comfortable if there was a timeframe, whether it be six months or nine months to give it a fair shot and evaluate it and get feedback.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chairman. Gil, in your experience or maybe anybody else from the department that can speak to it, is there an industry standard that you are aware of or that you could become aware of as to what the appropriate amount of time should pass? What would be a good pilot program period of time where we can get a real hard look at what the impact is and whether or not to continue it?

**COMMISSIONER ANDERSON:**

I mean, my experience is that once the fare goes up, it never comes down, and you know, that's our concern. If you were going to pick a time, I would say a minimum of a year, give everybody, you know, time to use the program, get familiar with it, you know, see if it's effective, and, you know, see if the ridership increases or decrease as time goes on. A year would be a fair time.

**LEG. STERN:**

Thanks.

**CHAIRMAN SCHNEIDERMAN:**

Again, you know, after a year, we can propose to either continue it or to discontinue it. I made a motion to approve, seconded by Legislator Muratore. If there's no further discussion, I'll call the vote. All in favor? Opposed?

**LEG. BARRAGA:**

Opposed.

**CHAIRMAN SCHNEIDERMAN:**

Abstentions? **APPROVED (VOTE: 5-1-0-0; Opposed - Legis. Barraga)**

**2127, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and Westbrook Village (IS-1432.1). (Co. Exec.)**

**COMMISSIONER ANDERSON:**

I'd ask that this remain tabled. It hasn't reached the Suffolk County Sewer Agency yet. There is, at next week's meeting, a requested increase that will be considered by the agency at that time, and then this can be revised appropriately or move ahead as it is.

**LEG. STERN:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator Stern, seconded by Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0-0-0).**

**2132, Amending the 2010 Capital Budget and Program appropriating funds in connection with improvements to CR 36, South Country Road, Town of Brookhaven (CP 5541). (Co. Exec.)**

Commissioner, is this ready to go?

**COMMISSIONER ANDERSON:**

We revised this legislation -- I'm trying to find the corrected amount. It as revised as amended as of 12/1, and it shows the requested amount at 500,000.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Is there a motion? Motion by Legislator Stern, seconded by Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0).**

**2139, Appropriating funds in connection with bulkheading at various locations (CP 5375). (Schneiderman)**

This really is for the wharf -- the Long Wharf in Sag Harbor. We have indication at this point that the village is interested in taking it. This would -- my concern was that the money was in the budget for this year for us to do some repairs to it; some painting. And if we didn't appropriate the funds by the end of the year, the money would be gone.

And if for some reason the village didn't take it, I don't know how we would find the funds again. So I've been moving this forward. But at the same time, the village seems to be wanting to take it. So I'm not really sure how to proceed. Commissioner, you have some insight on this?

**COMMISSIONER ANDERSON:**

As I mentioned at the last meeting, the urgency of the actual project has been downgraded. Originally we were anticipating a major maintenance project. Right now, we're down to basically a scrape and paint which we wouldn't necessarily do this year anyway, not necessarily next year. If the negotiations with the village fell through, we can certainly at the beginning of next year put it into the 2012 Capital Budget. But right now, we don't anticipate any emergency need.

As requested, we did do an analysis of, you know, the revenues compared to the Capital Program, and the revenues, as best we understand them based on, you know, numbers provided at the last meeting, are able to handle the capital debt that would be incurred by the village taking over the Long Wharf. So, again, we wouldn't recommend providing any additional fees, that revenues will cover any capital programs that they need to maintain the facility. As you said, they are willing to take it over.

**CHAIRMAN SCHNEIDERMAN:**

We are not getting the revenues, they're getting the revenues. But there are costs associated with collecting those fees. You know, somebody has to be there, somebody is providing security at those locations. So I'm not sure all the revenues they're collecting would be available for servicing the debt associated with maintaining it. Nonetheless, I think it makes sense for the village to fully control this piece of property.

**LEG. STERN:**

Commissioner, the lease comes due when, do you know?

**COMMISSIONER ANDERSON:**

I believe May of next year, but I know it's next year at some point.

**LEG. STERN:**

May of 2011?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. STERN:**

So the fate of this wharf has to be decided within the next few months?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. STERN:**

All right.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Horsley.

**LEG. HORSLEY:**

I just had a quick question on the intent of the village. In your conversations with the village, did they say that they would take it as-is?

**COMMISSIONER ANDERSON:**

Yes. They said that they could take it as-is. I mean, they weren't happy about it. They'd like to keep us maintaining it.

**LEG. HORSLEY:**

Well, of course.

**COMMISSIONER ANDERSON:**

Our discussion was they would -- I think it was Mayor Gilbride said that he would -- you know he would take it. He had to talk to the other --

**LEG. HORSLEY:**

Pimples and warts. Scrapped or unscrapped. Good. Okay. Thanks.

**CHAIRMAN SCHNEIDERMAN:**

Initially they wanted basically to take the wharf in -- you know, after the next capital project was finished.

**LEG. HORSLEY:**

Right. I got that part.

**CHAIRMAN SCHNEIDERMAN:**

The problem we have is we can't really -- once we spend the money on it, I guess we have to then be paid back for the work we did.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. HORSLEY:**

So that would end that capital project, huh?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. HORSLEY:**

Got it.

**LEG. STERN:**

I'll make a motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator Stern. Is there a second? Legislator Muratore seconded it.

**P.O. LINDSAY:**

But again, a question for the sponsor. I mean, are you having second thoughts about moving this forward?

**CHAIRMAN SCHNEIDERMAN:**

I personally would like to see the money put in place. In case the negotiations fail, we know that the money is there to do the wharf. The Commissioner is saying they don't necessarily need the money this year, the job is less than they thought. So I don't know that I would support the tabling; however, you know, I think the village is going to take it honestly. And, you know, there will be a resolution at some point to sell it to the Village of Sag Harbor for a dollar. I think that's forthcoming. So putting the money in place was protection. So there is a motion to table and a second. There's no other motions, all in favor? Opposed? Abstentions? I will abstain from the tabling. **TABLED (VOTE: 5-0-1-0; Abstention - Legis. Schneiderman).**

**2155, Updating Resolution No. 1045-2008 requiring identification of County purchasing personnel pursuant to New York General Municipal Law Section 104-b(f). (Co. Exec.)**

Commissioner, if you could give us more detail.

**COMMISSIONER ANDERSON:**

This is a housekeeping item. You know, regularly we have to update who is involved with the

County purchasing and who is in charge of it. This gives the County personnel that are empowered and directed to implement any County procurement, which would be Kathleen Koppenhoefer who is the General Liaison Officer with the Department of Public Works; myself; Anita Katz, Commissioner of Board of Elections and Wayne Rogers, Commissioner of Board of Elections.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? I'll make a motion to approve, seconded by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 6-0-0-0).**

**2158, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2010 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 7 Medford (CP 8150). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This is to transfer \$320,970 and the interest that's associated with it from an escrow account into Capital Project 8115, which will help construct improvements to the sewers at Sewers District 7 - Medford. The project involves manhole and sewer rehabilitation at receding ends of force mains. We found that, you know, in many cases they're subject to deterioration quicker. And in this case, you know, we have a project going on to make those repairs.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2159, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2010 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 7 Medford (CP 8119). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

Again, this authorized a transfer of \$300,000 plus the associated interest from escrow accounts for the construction of improvements to the sewage treatment plant at the Sewer District Number 7 - Medford. Again, these funds are needed to complete a sludge thickening project that we have ongoing there.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2160, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2010 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 11 Selden (CP 8117). (Co. Exec.)**

**COMMISSIONER ANDERSON:**

This authorizes the transfer \$268,919.86 plus the associated interest from escrow accounts to help fund construction of improvements to the sewers and the treatment plant at Sewer District 11 - Selden. We are upgrading instrumentation for the SBR, and we are doing manhole and sewer replacement, some of the sewers being 35 years or older.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

I'm going to do one more sewer one, and then I think we should take the naming out of order so that the woman from the bank can go on her way.

**2170, A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 3 - Southwest (CP 8180). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This makes certain finding from a public hearing that was held to consider increasing and improving Sewer District Number 3. Specifically, funding will provide for engineering services to help Suffolk County Department of Public Works develop an RFP and select a beneficial reuse plan for a sludge system, which was the decision developed by the Sludge Management Committee.

**CHAIRMAN SCHNEIDERMAN:**

This actually may take a while. Wayne, do you have a lot of questions on this?

**LEG. HORSLEY:**

No, I don't have a lot of questions. I wanted to just verify one particular aspect. Gil can answer the question without we even asking it. Gil, is it in the writing as per discussion?

**COMMISSIONER ANDERSON:**

Correct. There is no -- there will be incineration of sludge on-site.

**LEG. HORSLEY:**

Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Want to make a motion?

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Horsley, seconded by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0).**

**CHAIRMAN SCHNEIDERMAN:**

Why don't we -- let's see. It looks like it's IR 2231. That's the agreement with Bethpage Federal Credit Union. So I'll make a motion to take 2231 out of order, seconded by Legislator Stern. All in favor? Opposed? Abstentions?

**2231, Authorizing execution of title sponsorship agreement with Bethpage Federal Credit Union for naming rights to Ducks Stadium. (Co. Exec.)** in front of us. So we will start -- why don't we have a motion and a second for the purpose of discussion.

**LEG. STERN:**

The motion here needs to be tabled for Sitings before we can ultimately approve; is that right?

**MR. NOLAN:**

Under the law, Legislator Stern, theoretically, this Legislature could discharge this resolution. However, the full Legislature won't be able to act on Tuesday unless we have a recommendation

from Sitings. So we can consider this resolution today. And if the committee desires, we can discharge it.

**CHAIRMAN SCHNEIDERMAN:**

It should be discharged without recommendation since we haven't heard from Sitings. All right. I'll make a motion to discharge without recommendation, seconded by Legislator Stern.

**LEG. HORSLEY:**

Jay, do you have contracts?

**CHAIRMAN SCHNEIDERMAN:**

Legislator Barraga, I have you first actually.

**LEG. BARRAGA:**

Thank you. You know, certainly I'm happy that we found a sponsor for the stadium, but I do have one or two questions. As I read over the title sponsorship contract, it looks like it's two-phased; an initial term plus a renewal over a nine year period, which would gross \$2,100,000. But I see in here, Mr. Kent, that the broker gets 8%. So for example, after the first initial term, even though the gross is nine-fifty, the County nets eight seventy-four. It looks to me like the broker gets \$76,000.

**MR. KENT:**

That's correct.

**LEG. BARRAGA:**

All right. And if you renewal to a second phase, it looks to me the broker picks up an additional 92,000.

**MR. KENT:**

That's correct.

**LEG. BARRAGA:**

So for the nine year term, the broker gets \$168,000.

**MR. KENT:**

It's actually a ten year term, but it is \$168,000.

**LEG. BARRAGA:**

That kind of jumps off the page. I mean, why so excessive? I mean, let me ask you a question before you do answer. Newsday wrote several articles with reference to the challenge that the County faced in trying to get a sponsor, yet we find ourselves in the end -- you would think, like, if Bethpage Federal, if they'd read a newspaper and picked up the phone and called you, we wouldn't have to pay \$168,000.

**MR. KENT:**

Let me comment a little bit. I'm going to go back to the beginning of the ballpark and where we are -- how we've come from where we were to where we are today.

The ballpark -- when we did the original naming rights of the ballpark back in 1999-2000, EAB was the title sponsor of the park at that time. The broker that brought us that deal received a 15% commission on a \$2.3 million agreement over ten years. That was a \$345,000 commission. When we went out to RFP for this time in 2009, we did an in-house -- we made an effort first to find a title sponsor by using Economic Development and the County Attorney's Office, and we got no response.

We then sent out an RFP to hire a marketing company, and we got a proposal from a market company for 8% commission, which was almost half of what the prior company received in commission on the prior naming rights agreement. The company that we ended up doing business with brought us Bethpage. They didn't come to us. It was the broker who brokered the deal, who introduced us to Bethpage, and then we struck the deal directly with Bethpage. They were instrumental in bringing Bethpage to the table with the County to negotiate the naming rights agreement.

**LEG. BARRAGA:**

I understand previous history in terms of 15% to the broker, and that was years ago. It's a different market today. Was there any effort made by the County of Bethpage Federal or anyone to sit with the broker and say, "Hey, look, instead of taking 8% can you take four, can you take five?"

**MR. KENT:**

The 8% was the result of an RFP that was issued that we negotiated with. The other brokers who had responded to the RFP for marketing of the naming rights had come in at higher than 8%. Eight percent was the lowest offer we received. If you want me go back -- the agreement is not signed.

**LEG. BARRAGA:**

What I'm asking is that when they respond to the RFP and they put in 8%, are you prohibited then from saying, "Look, you know, we like your offer, you're the lowest, but can you go lower?" Are you prohibited from doing that? Can you go six, can you five, can you go four? Do you have to accept the eight? You cannot go back to them? Is that what you're telling me?

**MR. KENT:**

We're not prohibited from doing that now.

**LEG. BARRAGA:**

But did you do that?

**MR. KENT:**

Did we attempt to negotiate it lower than 8%? I can say we did not attempt to negotiate lower than 8%, but, you know, we don't have an agreement yet. If you want me to attempt to negotiate it lower than 8%, I will make that effort.

**LEG. BARRAGA:**

Well, does it jeopardize the agreement if you go back to the broker and ask him. Say, "Look, you know, can you do better than 8%? Can you go to six or five or four?" A hundred and sixty-seven thousand, that's a lot of money.

**MR. KENT:**

Remember, that's over a ten year period.

**LEG. BARRAGA:**

That's a lot of money.

**MR. KENT:**

They're getting it in increments of -- at the beginning, it's \$14,000 per year for the first two years, 16,000 in the next -- years three to five.

**LEG. BARRAGA:**

After five years, it's still -- it's still a considerable amount of money based on the total value of the

deal. I would think it's worth another shot to go back and say, "You know, we might have trouble getting this passed in the Legislature, can you do a little better than 8%?"

**MR. KENT:**

If you discharge it today, I will make efforts between now and next Tuesday to try to negotiate a lower broker's commission if that is what you are requesting?

**CHAIRMAN SCHNEIDERMAN:**

Presiding Officer Lindsay.

**P.O. LINDSAY:**

Who is the broker?

**MR. KENT:**

The broker on the deal is Newmark, Knight, Frank, however, they passed it -- there's a pass-thru on their part. They hired EGC, and EGC is actually the broker who is entitled to the commission, but it's going to be going through Newmark, Knight, Frank. Their doing a pass-thru to a marketing company, and they have a relationship with EGC.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Horsley, do you have questions as well?

**LEG. HORSLEY:**

EGC is who? What's the full name?

**MR. KENT:**

EGC Consulting Group is {Ernie Canadeo} is the principle. His company is EGC Consulting Group.

**LEG. HORSLEY:**

Melville?

**MR. KENT:**

It's just EGC Group.

**LEG. HORSLEY:**

I know who they are. Okay. Thanks.

**CHAIRMAN SCHNEIDERMAN:**

I'm personally not bothered by the commission; somebody sells a house, they gets a commission, rents a house. It seems like it's in line, whether it's six, eight, 10%. Eight percent doesn't seem unreasonable if they legitimately brought us somebody who we didn't otherwise have. We were getting nothing before, and now we are getting a decent amount of money for a naming privilege.

**MR. KENT:**

We're actually netting, in this transaction, almost exactly the same amount that we netted under the prior ten year agreement because the broker's commission instead of being 345,000 is only 168,000.

**CHAIRMAN SCHNEIDERMAN:**

The broker provided a service that we needed, and they have a right to make money from that service.

**MR. KENT:**

It was EGC's relationship with Bethpage that brought the parties together.

**CHAIRMAN SCHNEIDERMAN:**

We are in the wrong business.

**MR. KENT:**

I know I am.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? I guess the motion before us right now is to discharge without recommendation because it hasn't been through Sitings. So is there any other discussion on the motion.

**LEG. STERN:**

Just a comment on the motion. This will be coming before Sitings on Thursday. So Sitings will have acted on Thursday making it ripe for review by the full Legislature on Tuesday.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? Okay. Let's call the vote on the motion to discharge without recommendation. All in favor? Opposed? Abstentions? So discharged. **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 6-0-0-0).**

**CHAIRMAN SCHNEIDERMAN:**

I believe we are at **2171, Appropriating funds in connection with dredging of County waters (CP 5200). (Co. Exec.)**

Commissioner, any additional information on this?

**COMMISSIONER ANDERSON:**

This appropriates funds that will be put towards Capital Project 5200 which is specifically for the Forge River. The application to the regulatory agencies will be submitted before the end of this year. And we're looking to dredge the Forge in the 2011-2012 season if we get the permits.

**CHAIRMAN SCHNEIDERMAN:**

Is this one of the environmental dredging ones or no?

**COMMISSIONER ANDERSON:**

No. This is navigable waters.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I'll make a motion, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0).**

**2172, Appropriating funds in connection with construction and rehabilitation of highway maintenance facilities (CP 5048). (Co. Exec.).**

Commissioner, some specifics.

**COMMISSIONER ANDERSON:**

This appropriates 315,000 for the reconstruction of a salt dome at our Yaphank DPW Yard, which had some structural issues and actually failed last winter. This will allow us to reconstruct the dome itself.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2173, Appropriating funds in connection with the rehabilitation of parking lots, drives and curbs at County facilities (CP 1678). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This appropriates \$300,000 for repaving of parking lots, which will include any incidental curbing and drainage work that's needed. The lots that are intended under this current legislation are at the First Police Precinct, the Third Police Precinct, the Shirley Health Center, the Probation Department in Riverhead and the Yaphank Complex.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2174, Appropriating funds in connection with the improvements to County environmental recharge basins (CP 5072). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This appropriates \$250,000 for the maintenance or scarifying of certain recharge basins under our jurisdiction, specifically there are four recharge basins intended at this point. The first one is on Suffolk Avenue, County Road 100 at the intersection of Washington Avenue; second is at County Road 43, Northville Turnpike in the vicinity of Middle Road; the third is County Road 36, South County Road and Orchard Road; and the fourth is County Road 46, William Floyd Parkway and Winston.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0).**

**2175, Appropriating funds in connection with building safety improvements (CP 1603). (Co. Exec.)**

**COMMISSIONER ANDERSON:**

This is -- this appropriates \$750,000 for building safety improvements to various County facilities. This is an ongoing program. This current specific funding is currently intended to go for improvements at Hauppauge County Center, the Riverhead County Center and various park facilities throughout the County.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2176, Appropriating funds in connection with safety improvements at various intersections (CP 3301). (Co. Exec.)**

This will appropriate \$100,000 for -- to enable us to procure engineering services for traffic engineering studies of two intersections, specifically County road -- intersection of County Road 50 which is Union Boulevard with County Road 57, Bay Shore Road; and the second intersection to be studied is County Road 101, Sills Road between Dunton Avenue and County Road 99, Woodside

Avenue.

**CHAIRMAN SCHNEIDERMAN:**

Any discussion? Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2177, Appropriating funds in connection with traffic signal improvements (CP 5054). (Co. Exec.)**

**COMMISSIONER ANDERSON:**

This appropriates \$100,000 for traffic signal improvements. It's an ongoing Capital Program we have to upgrade our signals throughout the County. I can read them all to you, if you want, but it's a pretty long list.

**CHAIRMAN SCHNEIDERMAN:**

That's all right. Any questions? Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2178, Appropriating funds in connection with intersection improvements on CR 94, Nugent Drive (Center Drive) at CR 51, East Moriches-Riverhead Road and CR 63, East Moriches-Riverhead Road at CR 104, Quogue-Riverhead Road and NYS Route 24, Flanders Road, Towns of Riverhead and Southampton (CP 5557). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

As the title implies, this appropriates \$300,000 for engineering planning studies of intersection improvements at the two intersections noted in the title.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2179, Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for participation in the replacement of CR 16, Horseblock Road over the LIRR Bridge, Town of Brookhaven (CP 5850). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This provides -- appropriates 850,000 for engineering services in design of the replacement bridge carrying Horseblock Road, County Road 16, over the Long Island Railroad. Although no funds are in the capital funding, it is a federally-funded project, and no offset is needed as it is federally funded.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote. **APPROVED (VOTE: 6-0-0-0).**

**2180, Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for the replacement of Smith Point Bridge over Narrow Bay, Town of Brookhaven (CP 5838). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This will appropriate a million dollars for engineering services, specifically for the design of the

replacement of the existing movable bascule bridge that carries County Road 46, William Floyd Parkway over Narrow Bay and is known as the Smith Point Bridge. We will replacing this bridge -- we hope to be replacing this bridge with a new fixed bridge that will allow one lane of traffic and one bicycle lane in each direction.

**CHAIRMAN SCHNEIDERMAN:**

It's a draw bridge currently?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

So you are obviously raising it up then.

**COMMISSIONER ANDERSON:**

Correct, similar to Ponquage Bridge. That's the plan right now.

**CHAIRMAN SCHNEIDERMAN:**

It there a cost saving? I guess over time there is, right?

**COMMISSIONER ANDERSON:**

Well, the existing bridge is over 50 years old. We have a contract to upgrade it to buy us another ten years. You know, at this point, you know bascule bridges, they're mechanical systems. They need maintenance -- more maintenance than a larger bridge.

**CHAIRMAN SCHNEIDERMAN:**

You need an individual there, right?

**COMMISSIONER ANDERSON:**

Yes. Correct.

**CHAIRMAN SCHNEIDERMAN:**

How much funds are involved here?

**COMMISSIONER ANDERSON:**

Right now it's a million dollars for engineering services.

**CHAIRMAN SCHNEIDERMAN:**

This is just engineering?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

I was going to say, you're not going to build a bridge for a million dollars.

**COMMISSIONER ANDERSON:**

No.

**CHAIRMAN SCHNEIDERMAN:**

So this is just simply engineering of a new bridge.

**COMMISSIONER ANDERSON:**

Correct. It's going to be, you know, done through the federal funding, the actual construction. And, you know, again, this is a ten year -- we are anticipating a ten year period by the time we start this whole process.

**CHAIRMAN SCHNEIDERMAN:**

Okay. But there is Federal Highway Funds -- bridge funds -- - I forget the program it comes from.

**COMMISSIONER ANDERSON:**

HBR, there's a couple of them out there.

**CHAIRMAN SCHNEIDERMAN:**

Right. So the money is there for this, to actually build it? We have to pay for the engineering? Is that reimbursable?

**COMMISSIONER ANDERSON:**

This is federally funded. It's 80% federally fund, and then 20% County funds. So it would be \$800,000 from the Federal Government and 200,000 from the County.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Same motion, same second, same vote. Any questions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0).**

**2191, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 Southwest (Sludge Management Plan) (CP 8180). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**

This appropriates the \$200,000 that we held the public hearing on and had the finding statement read -- or approved the finding statement earlier in this meeting. The \$200,000 will be used to help procure engineering services and assisting DPW to develop an RFP and select the best proposal for beneficial reuse of sludge at Sewer District 3.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask on this -- I haven't read report. What did they determine to be the best --

**COMMISSIONER ANDERSON:**

What the committee determined was that --

**CHAIRMAN SCHNEIDERMAN:**

-- best use of this sludge material?

**COMMISSIONER ANDERSON:**

Well, it was to go out and find -- the committee found that the best way to proceed was to go out and publically bid and, you know, look for different methods of beneficial reuse. So whether you turn it into fertilizer or you turn it into -- you know, rather than incinerating it or there were some other -- you know, we looked at a number of ways of treating the sludge. This was the recommended method.

**CHAIRMAN SCHNEIDERMAN:**

Didn't we spend half a million dollars on a company to analyze all the emerging technologies and

various ways this sludge could be handled?

**COMMISSIONER ANDERSON:**

Well, what they did was they assisted us --

**CHAIRMAN SCHNEIDERMAN:**

I can't believe that the final result was to do an RFP and see what people come up with, because we could have done that right away. It would be nice to --

**COMMISSIONER ANDERSON:**

It I may?

**CHAIRMAN SCHNEIDERMAN:**

-- have the experts say, "This is what you ought to do with it. This is the best reuse."

**COMMISSIONER ANDERSON:**

Well, there was a lot of -- part of the effort was to get public input from the local community because they were so much against what the, you know, experts felt was the best way, which was, you know, for the incineration. So that's why we went through this method. They held -- you know, we held a number of meetings. We looked at, I want to say, over ten different methods of, you know, treating sludge including anaerobic digestion. I mean, you know, we took field trips. And it was the committee's recommendation that we look for beneficial reuse, see what new industries are out there, see what, you know -- basically --

**CHAIRMAN SCHNEIDERMAN:**

What did the consultant who we paid all this money to tell us -- you know, to analyze the various technologies, what did that consultant determine was best way to deal with the sludge?

**COMMISSIONER ANDERSON:**

What the consultant did was provide the technical expertise to advise the committee on what the various proposals were. So if it was anaerobic digestion, he gave examples, he explained the process, he essentially facilitated this committee to make educated judgements and, you know, come up with the recommendation that they did. You know, it was a pretty involved task on their part.

**CHAIRMAN SCHNEIDERMAN:**

I don't know what to say. It sounds like we threw away half a million dollars. I imagine there's some thick report that analyzes various technologies in place around the globe, you know, whether it's conversion of bio diesel or pyrolysis or, you know, conversion to syngas, whatever it might be, there's got to be a lot -- fertilizers, you know, drying beds, closed systems versus non-closed systems. I thought somehow we're paying these experts to tell us some creative, you know, eco-friendly way to move forward that, you know, could save the County some money rather than trucking the sludge out to New Jersey and having it end up somewhere in Georgia somewhere on a train.

**COMMISSIONER ANDERSON:**

Legislator Horsley can attest, I mean, the information was provided, it was a significant amount of information. We had to go to various, you know, facilities throughout the East Coast to look at -- you know, so we had a first-hand inspection of what, you know, the system was really like so that we -- you know --

**CHAIRMAN SCHNEIDERMAN:**

At the end of the day, we're going to RFP and various companies --

**COMMISSIONER ANDERSON:**

That's what the committee came up with, yeah.

**CHAIRMAN SCHNEIDERMAN:**

We could have done that right from the start without having to spend a half a million dollars on a technical analysis.

**COMMISSIONER ANDERSON:**

The original recommendation was for incineration, and that the community was strongly against. So that's why we developed the Sludge Management Committee, and they in turn --

**CHAIRMAN SCHNEIDERMAN:**

Is that what the consultant determined to be the best use is to burn it, convert it to energy by burning?

**COMMISSIONER ANDERSON:**

Yeah. At the time, five years ago, four years ago.

**CHAIRMAN SCHNEIDERMAN:**

No. After that, we hired this consultant.

**COMMISSIONER ANDERSON:**

This consultant was the original consultant. He was hired to facilitate the Sludge Management Committee program, and that's what he did.

**CHAIRMAN SCHNEIDERMAN:**

Something is not adding up to me. A few years ago, we hired a consultant to review all the possible technologies. Did that consultant determine that incineration was the best technique?

**COMMISSIONER ANDERSON:**

I can look into that. I don't recall that. I know we brought the consultant on board, and the Sludge Management Committee was, you know, we were -- you know, I believe we were directed to start and hold the meetings for the Sludge Management Committee. It was a program where we brought in the public -- various, you know, interested parties. And it was over I want to say two years where we had these meetings and went through this process.

**LEG. HORSLEY:**

Mr. Chairman, may I have --

**CHAIRMAN SCHNEIDERMAN:**

Go ahead, save me.

**LEG. HORSLEY:**

Well, I just wanted to bring out a few issues and comments on this. One, those experts that were -- originally were for incineration and proposing incineration were in on the vote that was taken and the graphing of their feelings about which is the best method to get rid of sludge, they were included in the final process as well. And incineration came dead last. And that was with those engineers and public servants and members of the administration who said originally that they wanted incineration. Now, you're simplifying it just a tad when you're saying, "Well, sending to Georgia." That was not what was on a lot of the people's minds. There were proposals that

were --

**CHAIRMAN SCHNEIDERMAN:**

That's what currently happens.

**LEG. HORSLEY:**

I understand that. Listen to me what I'm going to say, Jay. What some of the proposals were that they're opening up plants for fertilizer -- to create fertilizers and things like that in Upstate, New York, and that there were more local options involving the use of the sludge rather than trucking it down to Georgia and Virginia or whatever it may be. So it was more complicated than what you were saying.

**COMMISSIONER ANDERSON:**

And you are correct, I do have a large binder that, you know, provides the findings of the committee.

**CHAIRMAN SCHNEIDERMAN:**

I would like to see that.

**COMMISSIONER ANDERSON:**

I'll send it to you. It was a very detailed process that, you know, we went through. It wasn't something that was just lightly taken. It took a lot of time, it took a lot of effort on our part and on the consultant's part. And by, "our," I mean the community, all the interested parties.

**LEG. HORSLEY:**

And the community was the minority I would think when we actually total up the votes.

**COMMISSIONER ANDERSON:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Stern.

**LEG. STERN:**

Thank you. So, Commissioner, there's this binder with all of these findings, the experts came in, the public was involved, there was analysis done of all of these various options. Does that binder of information now, in your opinion, contain enough information for us as policymakers to take a look through it and select A, B and/or C and then be able to proceed from there, or are you suggesting that even though this analysis was done, now in order to get from A to B to even determine what might be good, that we have to now go ahead and issue another RFP for someone else to translate what's in that binder? Which is it? Are we able to go forward with the information that we have, or are you suggesting that we need more information based on the information we already have?

**COMMISSIONER ANDERSON:**

Based on the information that we were provided and based on the decision of the committee, we felt as a group that it was in the best interest of the County to put an RFP out publically to any and all interested parties to provide a proposal on how they would recommend setting up a sludge program, how to treat the sludge, whether it's through -- but it had to be a beneficial reuse, that was the key -- and, you know, this is a changing technology. This is an emerging technology that, you know, the options are changing on a daily basis.

We did look at a few, you know, ideas as part of our consideration. And we felt that it would be, again, in the best interest of the County to put the out a full RFP, you know, advertise it nationally

and see, you know, what type of proposals we come -- we'd receive and, you know, take it from there. There was no -- I mean, there were a couple of ideas that were put out there as a -- you know, as a suggestion towards beneficial reuse, but, as I said, the possibilities are pretty, you know, far.

**LEG. STERN:**

So the analysis that was done and that binder that we have gives us a starting point, but what you are saying is that it doesn't really give us any particulars that would have to be provided by a specific company with a specific interest in order to proceed.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. STERN:**

All right. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? All right. So we are back on 2191. Did we get a motion and a second? No. All right. Legislator Horsley making a motion, Legislator Stern making the second. All in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0; Presiding Officer Lindsay was not present for the vote).**

**2193, Amending the map of the County Road System to remove County System Road No. 38, North Sea Road-Noyac Road (from a point located approximately 500± feet north of Millstone Brook Road, northerly and easterly ending at the westerly boundary of the Village of Sag Harbor) and authorizing the County Executive to execute an agreement with the Town of Southampton transferring ownership and maintenance of said roadway to the Town of Southampton. (Co. Exec.)**

I may add something on this one too. This is Noyac Road, and this is one of the old system roads that Bill Hillman educated me at one point about some of these roads that the County owns but has very well to do with, right?

**COMMISSIONER ANDERSON:**

The system roads are -- the system roads you speak of, and I'm not speaking of this one particularly, are generally roads that were given a number on the County map, they're still under the jurisdiction of the town. This came at the request of the Town of Southampton. They wanted full maintenance responsibilities, so the road in its entirety is being given to the town.

**CHAIRMAN SCHNEIDERMAN:**

In general, they have been maintaining this road, right, it hasn't been the County maintaining it?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

We own and we're technically liable I suppose if somebody -- if there's an accident.

**COMMISSIONER ANDERSON:**

There's an old agreement that we owned it and they --

**CHAIRMAN SCHNEIDERMAN:**

Because this is kind of an interesting subject. If Bill can join you here. Do we lose out on

anything?

**COMMISSIONER ANDERSON:**

This is a system road. We don't own the land.

**CHAIRMAN SCHNEIDERMAN:**

I mean, this is really the best thing that could possibly be happening is that the town actually wants it, right?

**COMMISSIONER ANDERSON:**

It realistically is theirs. They're just basically making a statement that they're going to take responsibility of it.

**CHAIRMAN SCHNEIDERMAN:**

To what extent do we have responsibility with this road now?

**MR. HILLMAN:**

We did as much research as we could. We have no evidence that we ever had any ownership responsibility in this road, but we're not 100% sure. So the way the resolution is written and the agreement with the town will be written is any interest that we did have will be transferred even though we don't know if we did have any. But if we did have any interest, it would be transferred to the town.

**CHAIRMAN SCHNEIDERMAN:**

In the past -- let's say a new business was going in on the road, we would typically be contacted for that curb cut?

**MR. HILLMAN:**

We had no involvement in this road whatsoever.

**CHAIRMAN SCHNEIDERMAN:**

Nothing. We just own it.

**MR. HILLMAN:**

We don't even believe we own it.

**CHAIRMAN SCHNEIDERMAN:**

Were we responsible for drainage along the road?

**MR. HILLMAN:**

No, nothing.

**CHAIRMAN SCHNEIDERMAN:**

Do we have to do capital projects along this road?

**MR. HILLMAN:**

Nothing.

**CHAIRMAN SCHNEIDERMAN:**

So we just may own it on paper or may not own it on paper. We're not even sure we own it.

**COMMISSIONER ANDERSON:**

We believe that they own it. We believe that's always -- the discussion initiated because they

wanted certain things done to the roadway and they felt it was ours. We said it wasn't ours. This resulted out of those discussions, and they made the request to transfer full ownership to them, and we said that's fine.

**CHAIRMAN SCHNEIDERMAN:**

Well, we can't answer something we don't have. But basically we are writing it up in a way that transfers whatever interest we may or may not have had. Any questions? I will make the motion, seconded by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions?

**APPROVED (VOTE: 5-0-0-0; Presiding Officer Lindsay was not present for the vote).**

Bill, are there a lot of other roads like this out there that have questionable ownership that the County is not maintaining, but might own?

**MR. HILLMAN:**

Yes.

**COMMISSIONER ANDERSON:**

There are a number of County roads -- I'm sorry -- system roads out there. Again, these are the roads that were established in the '30s under the County road map. They are -- we do not own them. The land was never transferred to the County. The land states that its, you know, town property. We feel it's their jurisdiction. There's about 38 miles I think.

**CHAIRMAN SCHNEIDERMAN:**

Of this road? No? Of all the roads or just this road alone?

**COMMISSIONER ANDERSON:**

All the County system roads. It's a little over 100 miles.

**CHAIRMAN SCHNEIDERMAN:**

Are we making any effort to reach out to the other towns that may have these to try to do something similar?

**COMMISSIONER ANDERSON:**

At this point, no.

**CHAIRMAN SCHNEIDERMAN:**

It might be a good idea. What happened -- was it in Smithtown or Huntington? Huntington, was that a system -- there was a case recently --

**COMMISSIONER ANDERSON:**

That should be off the record.

**CHAIRMAN SCHNEIDERMAN:**

I was actually going to ask you about the court case in Huntington. Are you not at liberty to discuss that or -- can you just say was that a system road as well?

**COMMISSIONER ANDERSON:**

Which one? This road here?

**CHAIRMAN SCHNEIDERMAN:**

The Huntington legal case.

**COMMISSIONER ANDERSON:**

Yeah. The legal case is in regard to the system roads, yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So we better get this done before Southampton changes their mind, is that what you were going to say?

**MS. LOLIS:**

Well, it's on appeal, the Huntington case. It's still pending.

**CHAIRMAN SCHNEIDERMAN:**

Right. Okay. But it may turn out that the County -- these roads, the County may have some maintenance requirement. We don't know, but we're certainly fighting that.

**MS. LOLIS:**

Yes, based upon the history. And Christine Malafi worked on this personally.

**CHAIRMAN SCHNEIDERMAN:**

Is that the nature of the case in Huntington is that they're asking the County to pay for maintenance on the road?

**MS. LOLIS:**

Yeah, they're asking the County to take other the maintenance of the roadway. I can't tell you the specific history, all I can say is that the research that our office has done and that the County Attorney has done makes it clear that these roads are the responsibility of the town, not the County.

**CHAIRMAN SCHNEIDERMAN:**

Okay. But a lower court didn't see it that way?

**MS. LOLIS:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Enough said, I make a motion. There was a second. We already voted on it, didn't we. If not, all those in favor? Opposed?

**2228, Appropriating funds in connection with Public Works buildings operation and maintenance equipment (CP 1806). (Co. Exec.).**

Gil.

**COMMISSIONER ANDERSON:**

This appropriates \$115,000 for building maintenance equipment to help maintain County facilities. Specifically, it is for a box truck and a boom truck.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Do we have a motion? Motion by Legislator Muratore, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-0; Presiding Officer Lindsay was not present).**

We did 2231. That's the end of the agenda. Anything else? Seeing no response, we are adjourned.

(THE MEETING WAS ADJOURNED AT 3:14 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY