

**PUBLIC WORKS
AND
TRANSPORTATION COMMITTEE**

of the

SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday August 9, 2011.

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
Jim Peterman - Deputy Commissioner - DPW
Bill Hillman - Chief Engineer - DPW
Robert Doering - Budget Review Office
Catherine Stark - Aide to Chairman Schneiderman
Paul Perillie - Aide to Majority Aide
Renee Ortiz - Chief Deputy Clerk - SC Legislature
Eric Kopp - County Executive's Office
Dot Kerrigan - AME
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:08 P.M.*)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting to order of the Public Works and Transportation Committee this 9th day of August, 2011. Please rise and join us for the Pledge of Allegiance led by Legislator Stern.

SALUTATION

You may be seated. Madam Clerk, do I have any yellow cards?

MS. ORTIZ:

No, sir.

CHAIRMAN SCHNEIDERMAN:

If you wish to be heard by the committee, you need to fill out a yellow card if you haven't already done so. I'm being told we have no yellow cards. Before we begin the agenda, first, I will ask Commissioner Anderson to step up to the table. Is there anything you wish to apprise us on before we get to the agenda?

COMMISSIONER ANDERSON:

Good afternoon. No, I have nothing particular to say.

CHAIRMAN SCHNEIDERMAN:

From the committee, anything for the Commissioner before we begin the agenda, you know, unrelated to the agenda items? Okay. We will begin. Starting with Tabled Resolutions.

***1165 - Increasing the bus fare and implementing limited Sunday Bus Service.
(Schneiderman)***

Commissioner, you and I just had a conversation in the hall about it. I spent the last two hours or so with BRO crunching numbers on the Sunday bus program. And, you know, what it appears is we are close. We're close, the plan, which calls for a 50 cent County-wide increase and the provision of Sunday service on ten interconnected routes. Depending upon the lag time in terms of when we start the fare increase and when we start the service as well as the frequency on Sunday, how often we run the buses, those will determine it. As well as your department is calculating a ridership falloff based on the fare increase, which amounts system-wide -- well, it's about a 10% drop off, which comes back the second year. So the second year is very different than the first year because of that.

I think what I'm going to suggest is that I'll table it one more time, because I need you guys and BRO all to be on the same page in terms of what the numbers are. I want to make sure if we're going to move forward that there's a pot of money generated by that lag that gives you the buffer so that you can be comfortable knowing that there's no way this is going to end up costing the taxpayers anything, that's it's going to be only subsidized by the riders. I want to give you that level of comfort. That's determined by when the service kicks. So whether we lag one month, two months, three months, four months, that's important. And, of course, the second year we get the ridership back and things look substantially better. So I'm just going to ask that we set up a meeting; BRO, DPW and myself, anyone else who might be interested and we have that before the next meeting.

Okay. Legislator Stern is making me aware that I'm also up against a time clock. Do we meet again, Counsel, between -- it expires on 9/8, September 8th. We probably don't. All right. Can I

ask the committee if we can discharge it without recommendation, I will not move it on the floor. We can always send it back to committee. Does that begin the clock again?

MR. NOLAN:

It does?

CHAIRMAN SCHNEIDERMAN:

If you'll do me that, you have my word, I'll send it back, just to save from having to refile the bill. All right. So I'll make a motion to discharge without recommendation then.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Stern. All in favor? Opposed?

LEG. BARRAGA:

Opposed?

CHAIRMAN SCHNEIDERMAN:

Abstentions? **Discharged Without Recommendation (VOTE: 3-1-0-1 Opposed: Leg. Barraga - Not Present: Leg. Horsley).**

I'll move to recommit it from the floor then.

1488 - Authorization of alteration of rates for North Ferry Co., Inc. (Pres. Off.)

We have not finished the public hearing. We wanted to have one in Riverhead so we could get some more input from the East End, so we can't vote on that. I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **Tabled (VOTE: 4-0-0-1 Not Present: Leg. Horsley)**

1534 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 3 Southwest (CP 8181). (Co. Exec.)

Commissioner, any additional information? Oh, we went through this last time. It has to be tabled for public hearing. So same motion, same second, same vote. **Tabled (VOTE: 4-0-0-1 Not Present: Leg. Horsley)**

1535 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 3 Southwest (Outfall Final Effluent Pump Station) (CP 8108). (Co. Exec.)

Same thing. We haven't held a public hearing. Same motion, same second, same vote. **Tabled (VOTE: 4-0-0-1 Not Present: Leg. Horsley)**

COMMISSIONER ANDERSON:

If I may. George, the last Legislative Meeting, I know it was --

MR. NOLAN:

We reset the public hearings for this coming meeting. So after we hold those public hearings, these amendments -- these resolutions need to be amended to reflect that.

COMMISSIONER ANDERSON:

I believe there was another issue; the date and the location.

MR. NOLAN:

I believe so.

CHAIRMAN SCHNEIDERMAN:

We tabled IR 1535.

COMMISSIONER ANDERSON:

Just one more question if I might. Do we make the changes?

MR. NOLAN:

Yes.

COMMISSIONER ANDERSON:

Okay.

CHAIRMAN SCHNEIDERMAN:

1570 - Approving a County-wide "Adopt-A-Spot" Program. (Stern).

What's your pleasure, Legislator?

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Stern, seconded by Legislator Muratore. Legislator Stern, do you want to explain it?

LEG. STERN:

This is a program that's modeled on the Adopt-A-Highway Program that we currently have in Suffolk County, as well as -- there are several adopt-a-spot programs throughout the various towns.

CHAIRMAN SCHNEIDERMAN:

It sounds like a dog, Spot.

LEG. STERN:

This would allow, whether it's individuals or area businesses and civic associations in a public/private partnership to participate in the beautification of their areas. It's a program that has had great success at the town level, you know, throughout Suffolk County. And this would -- this would allow those that wanted to participate in areas that are under the jurisdiction of the County to do the same.

CHAIRMAN SCHNEIDERMAN:

Just a little more detail. So is there advertising involved; people placing signs when they adopt these places? Where do the signs go?

LEG. STERN:

It would be a sign --

CHAIRMAN SCHNEIDERMAN:

What do we get in exchange for that.

LEG. STERN:

It would be a sign that is provided by Suffolk County Department of Public Works. I believe there's something similar, Commissioner, right now that we're doing. It's informal at this point.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

But there are signs that are being provided to those either individuals or business or civic associations, and this would codify that initiative as well as provide for the ability of, again, individuals, businesses, civic associations, etcetera. For those that are either unwilling or unable to adopt certain areas in their communities a mile at that time, this would provide for much smaller, more manageable areas. It would get a lot more people involved in the beautification of their neighborhoods.

CHAIRMAN SCHNEIDERMAN:

But this is not just highways then, or is it?

LEG. STERN:

It would be County roads in those areas that are under County jurisdiction.

CHAIRMAN SCHNEIDERMAN:

It is roads, okay. It's not places per se, it's not like a park.

COMMISSIONER ANDERSON:

If I could make a statement.

LEG. STERN:

No, it would not be.

COMMISSIONER ANDERSON:

Not to contradict, but the legislation, the amended copy as of August 2nd, notes County-owned land. So it could refer to non-highway lands. But more specifically, the resolution identifies that we are -- Department of Public Works is to provide a report, based on this legislation, to come up with recommendations -- you know, to recognize any issues that may be out there. And just so everybody knows, we are in favor of this. We do not object.

With the median, just so that everybody understands, with the Adopt-A-Median Program, it's more a commercial venture. They have to have the insurances, they have to have all the documentation that protects the County from anybody, you know, God forbid, getting hurt. The Adopt-A-Highway Program, individuals can do it; you're safely off the road, so there's a little more protection. And it's not necessary to have the assurances and insurances in place. So this report that we will do after 120 days will recognize everything and provide the committee with our findings.

CHAIRMAN SCHNEIDERMAN:

All right. So we have a motion and a second to approve. All in favor? Opposed? Abstentions?

APPROVED (VOTE: 4-0-0-1 Not Present: Leg. Horsley)

1584 - Appropriating funds in connection with Sagtikos Corridor Construction (CP 5565) (Stern)

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by the sponsor, seconded by myself. All in favor? Opposed? Abstentions?

Tabled (VOTE: 5-0)

Moving on to Introductory Prime. ***1656 - Authorizing transfer of surplus blackberry mobile devices to the Suffolk County Coalition Against Domestic Violence. (Stern)***

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

1657 - Authorizing transfer of surplus blackberry mobile devices to the South East Concerned Civic Association. (Stern)

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

1677 - Appropriating funds in connection with improvements to CR 7, Wicks Road from the vicinity of Blue Jay Drive to the vicinity of CR 13, Fifth Avenue, Town of Islip (CP 5539). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:

This resolution appropriates 6.25 million for construction of improvements to Wicks Road between Blue Jay Drive and Fifth Avenue. The project includes drainage improvements in areas where there is minor flooding, as well as, and one of the prime purposes of the project is to increase pedestrian safety and school safety. The project will include left turn lanes at the local school on Campus Drive as well as a couple of other left-hand turns, improvements to traffic signals for pedestrian safety purposes. And that's really about it.

CHAIRMAN SCHNEIDERMAN:

Bypass as well in that section.

MR. PETERMAN:

Well, there will be shoulders. There's two eleven foot lanes and two seven foot shoulders and a 36 foot pavement. It won't be stripped as a bike lane, but it will be able to be used as a bike lane.

CHAIRMAN SCHNEIDERMAN:

Any questions? All right. Do we have a motion?

LEG. BARRAGA:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Barraga.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

1678 - Amending Resolution No. 239-2011 and amending the 2011 Capital Budget and Program to increase funding in connection with the reconstruction of CR 11, Pulaski Road from Larkfield Road to NYS Route 25A, Towns of Huntington and Smithtown (CP 5095.311). (Co. Exec.)

Commissioner, more information.

COMMISSIONER ANDERSON:

This resolution requests increased funding for the project that's before us, which is specifically the reconstruction of County Road 11, Pulaski Road from Larkfield Road to 25A in Huntington and Smithtown. The funding is requested to help us construct the project we, but we need to basically take advantage of the federal program, so there is a timing issue on this.

We would ask that this legislation be moved ahead to the Legislature. There's a little correction that needs to be done as far as some of the numbers on here. The Second Whereas really should state 6,875,000, not 8,875,000. And the Eighth Resolved similarly say \$6,875,000 rather than \$8,875,000. At the end of that Eighth Resolved, rather than 3.375 million, it should reflect \$1,375,000.

CHAIRMAN SCHNEIDERMAN:

Because there's those errors, you know, I think we should probably discharge it without recommendation and at least get it to the floor. It gives you time to amend the bill. It can be done by CN. Counsel is advising me that it's too late to amend the bill for this cycle. It probably will have to be done by CN. I don't mind discharging it to the floor just so it's kind of a place holder, but the bill is incorrect. It's going to have to be done by CN.

MR. PETERMAN:

Let me explain some of the problems we had with it. It was actually two projects under one CP; one's federal aid and was is non-federal aid. The \$2 million construction that was County, that's already out on Pulaski. This resolution requests an additional 375, 000. That is 80/20 split for the federal aid piece.

CHAIRMAN SCHNEIDERMAN:

We got an amended copy yesterday. Does it not reflect those changes?

MR. PETERMAN:

Does it have in the Second Whereas Clause 6.875?

CHAIRMAN SCHNEIDERMAN:

No. It has 8.875.

MR. PETERMAN:

That is the total for the entire CP, but not for the federal aid project.

COMMISSIONER ANDERSON:

It's a matter of detail that the feds are going to want to see as far as the process.

CHAIRMAN SCHNEIDERMAN:

So the question is should we even discharge it or just do it by CN?

COMMISSIONER ANDERSON:

I guess we'll have to submit it as a CN.

CHAIRMAN SCHNEIDERMAN:

Okay. On the bill though, the cost went up? Is that from -- the construction costs are just higher than were anticipated.

MR. PETERMAN:

Yeah. Our latest budget numbers when we ran the estimate were increased, and the federal aid was available, so we ascertained that money.

CHAIRMAN SCHNEIDERMAN:

Is there an offset being used for the additional amount in the Capital Program does? Does it need an offset because it's federally funded -- okay. All right. I guess you can't withdraw it. Should we table it then? I'll make a motion to table that.

COMMISSIONER ANDERSON:

Table it.

CHAIRMAN SCHNEIDERMAN:

All right. So I'll make a motion to table, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0)**

1679 - Amending Resolution No. 631-2008 in connection with the reconstruction of CR 57, Bay Shore Road, from NYS Rte 27 To NYS Rte 231, Towns of Babylon and Islip (CP 5523). (Co. Exec.)

Commissioner, additional information.

COMMISSIONER ANDERSON:

This just reduces the County share to this project. It's an ongoing project right now. By the addition of New York State Marchiselli Funding, it basically brings our portion down from 20% of the cost down to 55. Federal portion is 1.44 million, New York State is now \$270,000, and the Suffolk County share is \$90,000, which totals that 1.8 million. This is for right-of-way acquisition costs, not construction.

CHAIRMAN SCHNEIDERMAN:

Do we have a motion? I have about four motions right there. Motion by Legislator Horsley, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

1680 - Authorizing an intermunicipal agreement with the Town of Southampton in connection with construction of sidewalks on CR 79, Bridgehampton Sag Harbor Turnpike from Scuttlehole Road to Montauk Highway (NYS 27) and amending the 2011 Capital Budget and Program by accepting \$100,000 from the Town of Southampton for construction of sidewalks (CP 5497). (Co. Exec.)

This was their contributions, the \$100,000 that they agreed to and now are actually getting the money.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

I'll make the motion, seconded by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0).**

Jim or Gil, do you know, that project is going to begin right at the end of the summer, I guess, right, right after Labor Day?

MR. PETERMAN:

The utility companies have to move some facilities in there, but it's scheduled right after Labor Day, I believe, the utilities will be in there.

CHAIRMAN SCHNEIDERMAN:

1699 - Appropriating funds for the County share of reconstruction in connection with strengthening and improving CR 97, Nicolls Road from the vicinity of NYS Route 25 Middle Country Road to the vicinity of NYS Route 347, Nesconset Highway, Town of Brookhaven (CP 5512). (Co. Exec.)

LEG. MURATORE:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Muratore. Anything additional we need to know here?

COMMISSIONER ANDERSON:

This is -- as the title states, this appropriates funds, to be exact, \$4.1 million for construction of pavement replacement, repaving and stripping on County Road 97, Nicholls Road from 347 down to 25.

CHAIRMAN SCHNEIDERMAN:

Okay. I'll second. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

1700 - Appropriating funds for intersection improvements in connection with the reconstruction of CR 13, Fifth Avenue/CR 13A, Clinton Avenue from the vicinity of NYS Route 27A, Montauk Highway to the vicinity of Spur Drive North, Town of Islip (CP 5538). (Co. Exec.)

Commissioner, any additional information?

COMMISSIONER ANDERSON:

This appropriates \$1,700,000 for construction of improvements to Fifth Avenue and Clinton Avenue in the vicinity of 27A, Montauk Highway, to the vicinity of Spur Drive North and includes such items as accomodation of new right-turn lanes that will improve operational efficiency and optimization of traffic signals within the corridor, some drainage improvements and some sidewalk repairs and replacement.

CHAIRMAN SCHNEIDERMAN:

Excellent. I have a motion by Legislator Muratore. Do I have a second? I'll second. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

1701 - Amending Resolution No. 265-2009 in connection with the reconstruction of CR 57, Bay Shore Road, from Route 27 to Route 231, Town of Babylon and Town of Islip (CP 5523). (Co. Exec.)

COMMISSIONER ANDERSON:

This is -- again, this is acknowledging receipt of Marchiselli Funding, this time for construction costs. It reduces the County share from 20% down to 5%, so that now the federal share is still at \$14,160,000, now New York State is \$2,655,000 and the County share at 5% is 885, totally \$17.7 million. And this is the construction cost. The previous bill was for right-of-way.

CHAIRMAN SCHNEIDERMAN:

The earlier one, which was IR 1679, okay, that was right-of-way. This is the actual construction.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

Okay. Do I have a motion? Motion by Legislator Horsley, seconded by Legislator Muratore. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

1702 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with acquisition of lands for improvements to CR 80, Montauk Highway between NYS Route 112 and CR 101, Patchogue-Yaphank/Sills Road, Town of Brookhaven (CP 5534). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:

This appropriates \$75,000 for court-ordered land acquisition for the construction project that we did a few years ago in the Montauk Highway corridor between New York State 112 and County Road 111, which is in East Patchogue. It should be noted that 6% interest is accrued on settlement amount until the property owner is paid. So this -- this will at least resolve this matter.

CHAIRMAN SCHNEIDERMAN:

Do I have a motion?

LEG. HORSLEY:

Motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Horsley making the motion. Do I have a second?

LEG. BARRAGA:

Yes.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Barraga. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0).**

1709 - Amending Resolution Nos. 1524-2006 and 768-2007 in connection with the reconstruction of CR 80, Montauk Highway, Town of Brookhaven and accepting State Marchiselli Funding (CP 5516). (Co. Exec.)

It seems self-explanatory. We got additional funding from the State.

COMMISSIONER ANDERSON:

Correct. Again, we received Marchiselli Funding for this project, this time in the amount of 10.5% of the overall cost, which provided -- New York State will now pay \$450,000 of the total cost, which I believe is 4.6 million -- 4.3, I'm sorry.

CHAIRMAN SCHNEIDERMAN:

Okay. Do I have a motion.

LEG. BARRAGA:

Motion.

CHAIRMAN SCHNEIDERMAN:

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

1718 - Exercising the option to renew County contract with ACS State & Local Solutions, Inc. for provision of Red Light Camera Services. (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:

This will extend the current contract for the vendor who currently helps us with the Red Light Camera Program an additional three years.

CHAIRMAN SCHNEIDERMAN:

I have some questions on this program. I guess the first question, are we satisfied with this vendor? This is kind of a new program. I know that they didn't get the cameras set up in this timeframe that we first anticipated. I know the revenues are far less than we had anticipated as well in our budget.

MR. PETERMAN:

Jay, let me speak to the first part of your question. The vendor has been very cooperative with respect to this project. A lot of the delays were out of his control. As you aware, these are on State intersections, State signals. There was a lot of permitting involved. They did a good job with overcoming all the obstacles. There were some delays, of course.

The purpose of this resolution is the way the existing is contract written, we can negotiate up to 10% new locations at the two year renewal point in the contract when we go to the three year extension. The success -- do you understand that? Right now, in the two year -- right now, we have a two-year contract with a three-year option. At the point of renewal, if we go to the three-year option --

CHAIRMAN SCHNEIDERMAN:

It's a two-year contract with a three-year option?

MR. PETERMAN:

Correct. At that point of renewal and extension, we have the opportunity to relocate 10% of the

cameras that exist. Right now, we are seeing an increased safety at many of these approaches as the citations have fallen. At the point of negotiation for the new contract for the extension, we'd like to increase that to 20%, enabling the safety factor to be redistributed to other locations within the 50 intersections.

CHAIRMAN SCHNEIDERMAN:

Is the main cost the equipment? It is not that expensive to move it from one intersection to another. Because I know you have work done under the highway as well; there's those loops -- I forget what they are called -- but they detect, I guess, the driver on top of the --

MR. PETERMAN:

Well, there's been no outlay by the County at all except for our man hours spent at DPW.

CHAIRMAN SCHNEIDERMAN:

It's up to us to tell the contractor, "We want you to move that to a different intersection," and they have to bear the full cost of that?

MR. PETERMAN:

Up to 10% as the way the contract is written right now.

CHAIRMAN SCHNEIDERMAN:

And you want to be able to move it to 20%?

MR. PETERMAN:

Correct.

CHAIRMAN SCHNEIDERMAN:

Can I ask, what percentage of the revenue from the ticket sales -- not ticket sales, it's like a concert -- from the tickets sold -- the tickets being written, what percentage do we see of that revenue?

MS. BRANDEAU:

Hi. My name is Kim Brandeau from the County Executive's Office of Budget and Management. I'm also the red light safety project manager, And I can speak to that. The way that the contract was drafted with the vendor, there's a split in each ticket paid. And the split between the vendor and the County varies depending on the number of citations issued per location per month.

The way that the contract was put together was to give the vendor the opportunity to recoup some of their capital costs associated with the installations early on when they did their billing. So ACS, the vendor, has expended over \$10 million in installing the cameras, maintaining them, they have a fleet of technicians that are local that service them; the electrical work, everything that goes into it. Every month we get an invoice from ACS on the violations that have been paid, and the split is different; it depends on the numbers of cameras operational, the number of days each camera is operational and the number of citations per day. So it's hard to give you a flat answer. It varies. And right now, it's a little over 50/50 between the County and the vendor. But keep in mind that the vendor has expended the money.

CHAIRMAN SCHNEIDERMAN:

So on the average, the vendor is getting about half of the ticket revenue?

MS. BRANDEAU:

At this point, but that's because we're just -- the billing lags behind a little while in terms of the payments and the way that they system operates. We only had all hundred cameras operating

since mid-April, so you're looking at it taking a little while for us to get to a point where the citations are high enough that it will -- it moves the shift over. Because, as I said, the vendor gets a larger portion of the earlier citations.

CHAIRMAN SCHNEIDERMAN:

Are we under this contract after two years? Are we done if we don't exercise any options? Can we pick a different vendor to do these intersections that might give us a better percentage of the ticket revenue?

MS. BRANDEAU:

I think with this vendor, the vendor has been very good in terms of operationally assisting with the program; the vendor does a great deal here. And the -- going and getting a new vendor would very much interrupt the program and the operation of the program, because the County is limited in the number of intersections that we can get and the approvals that we get. So if you have to have a new vendor, it's all new equipment, it's all new systems; so it's a whole different camera setup. Our cameras at our locations would all have to be ripped out, a new vendor would have to install new cameras. The entire system that processes the citations and the payment of the citations and the late notices and the adjudication would have to change if we got -- it went to a different vendor.

And that's very, very critical to the program, because right now, everything is run through the vendor's software called Sight Web. The District Court does all their adjudication of the cases that people plead not guilty, they go to court. It's all done through Sight Web. If you had a separate vendor, you would be running essentially two systems, because you would have the one system with Sight Web where it's going to take months and months for people to get their citations after they're issued and for them to plead guilty or not guilty and for them to get a court date. So you essentially would be operating two systems. And in the in between, you would lose the ability to continue issuing citations.

CHAIRMAN SCHNEIDERMAN:

It really would come down to if there was another vendor and what revenue the County would see. There might be additional expenses, but if we're seeing 75%, let's say, of the ticket revenue versus 50%, we might come out ahead. I can't, based on what you are saying, determine that it's in the financial interest of the County to go ahead and extend this contract for three years.

MS. BRANDEAU:

It's very favorable toward the County. A lot of these contracts are -- require a monthly lease payment, so there's an expense. I follow the Red Light Programs all over the country, seeing what's happening places. And where the programs are failing and tanking are the programs where instead of doing a sharing of the revenues, the county or the municipality is paying an annual or monthly lease fee per camera. So even if you have an intersection that's not doing so well -- you know, say you have -- we have some intersections that by are Stony Brook University and it's the summer and you don't have as much traffic there for a few months, you're still stuck with that monthly payment. And there are actually programs all over the country that lose money. This program has been a net plus to the County.

CHAIRMAN SCHNEIDERMAN:

Not as much as we thought, though, right? I think we put into our budget, I think, a net of 19 million or 20 million, is my recollection.

MS. BRANDEAU:

Yes, that was correct. That was based on the installation schedule; everything being done by a certain date which didn't happen. And that in part was due to the brutal winter and losing -- I think we lost, like, 39 installation days.

CHAIRMAN SCHNEIDERMAN:

What are we forecasting -- Robert or either one of you, what are we forecasting for fiscal '11 the total now net?

MR. LIPP:

Well, I mean, the way the budget is right now, year-to-date, we have about 6 million in revenue and about 2.7 million in expenditures, including things that haven't been dispersed. So, you know, we're clearly behind the almost 20 million that's in the budget.

CHAIRMAN SCHNEIDERMAN:

If you extrapolate till the end of the year --

MR. LIPP:

Well, it's hard to extrapolate because, as was previously stated by Kim, the program got off to a slow start, so you would expect the second half to come on better than the first half. To what extent it would come on better -- there's bound to be -- we would think they'll be a shortfall there. Will it be just a small shortfall? I don't think so, probably maybe like ten million.

CHAIRMAN SCHNEIDERMAN:

Ten million. That's going to greatly affect our budget for the year. We have ten million less revenue than we anticipated from this, plus the, you know, sales tax revenue which didn't come in and apparently isn't coming in as strong as we forecast too. So you add those together plus everything else, it's just adds to our difficulties.

MR. LIPP:

You could add the State aid for health and stuff like that. I mean, I could go on and on if you would like.

MS. BRANDEAU:

In March of this year, when budget Review and the Budget Office did the going budget presentation, they did say that they thought we were going to have a net of \$10 million for the Red Light Camera Program as opposed to the 20 which we had originally thought we were going to have. That estimate, we're still working on. And as the budget comes out, we're analyzing -- if you think about it, we have 100 cameras. Each camera has its own things that are happening there, it's own cycle in terms of the impact of the cameras, because the cameras do work; you do see drop-offs in certain cameras. We see some that are seasonal, and it's hard with the amount of data that we have to come up with exactly what it was. But I could say what is reflected in the financial system, which is what they just said, doesn't reflect the lag and the accruals that will take place with it, because you're going to have a lot of tickets that are issued towards the end of the year that will get paid next year that really belong to this year. So this year, we accrue that back to reflect the year in which it was, you know, occurred, so it's hard -- you can't just do it by looking at it by what's in IFMS.

CHAIRMAN SCHNEIDERMAN:

Do you know, did the State give us a limited amount of time? I know they gave us a limited amount of sites to put these red light cameras. Did they say that we can do this for a certain number of years, or is it a permanent authorization?

MS. BRANDEAU:

This is a pilot project that ends at the end of 2014.

MR. PETERMAN:
January 1st, 2015.

CHAIRMAN SCHNEIDERMAN:

2015. Again, I just want make sure we are doing the right thing financially for the County. A little competition usually is a good thing. If you tell a vendor they automatically get this renewal without going out to bid and seeing what somebody else might offer, I think that's kind of foolhardy. I know -- it seems like you're very satisfied with the vendor. It just seems to me that with something of this size, we ought be doing, you know, some kind of request for proposals or competitive bids just so we can see what somebody else might offer.

COMMISSIONER ANDERSON:

Again, I would note what has already been said that there is a time issue here. If we go out to bid, it's going to take a significant amount of time to put the bid out, to receive bid, to review the bids. The negotiations that took place were part of the, you know, the reason it took so long to initiate this program, to get it going. Additionally, any new -- I would note that any new vendor that comes in has to now go back to the State of New York and apply for work permits for each one of those locations that they've already worked out. So that's another time delay that going to --

CHAIRMAN SCHNEIDERMAN:

When does the current contract run out? It's a two-year contract.

MR. PETERMAN:

It started in March 31st, 2010, two year, brings it to March 31st, 2013.

CHAIRMAN SCHNEIDERMAN:

That's what, eight months from now or so? It seems like that's enough time to get some competitive bids. Bill, you are shaking your head.

MR. HILLMAN:

Definitely not, no. From the day we were told to put out an RFP to the day when the first camera, first camera, went up and operational was about 12 months, and then there was about eight months maybe for all the camera installations. It's an 18 -- to get all 100 cameras up, it's 18 months. If I can tell you that everything fell into place just right to get it done in 18 months. It was a Herculean effort by the department to get it done in 18 months. We did extensive greasing of skids with New York State DOT to expedite permits. We beat the vendor up left and right to get moving and move in the right direction. I highly doubt we can get it done in 18 months again.

CHAIRMAN SCHNEIDERMAN:

Can I ask then, and maybe not Bill, but whoever can answer it, including Bill, does it have to be a three-year extension? It could be a one-year extension. That would give us enough time to bid this effectively.

MR. HILLMAN:

The three-year extension gives us the opportunity to, number one, add some additional cameras at some intersections that have some approaches that may warrant red light cameras, and also, as Jim indicated, increase the relocations. That's a huge -- this vendor has expended over \$10 million. And we need to see it also from his standpoint that he needs to recoup that. So we also need to improve safety. So that what I'm trying to point out is that for us to move forward with another vendor --

CHAIRMAN SCHNEIDERMAN:

Understand, my goal is to protect the fiduciary interest of the County, not to protect the fiduciary

interest of the vendor.

MR. HILLMAN:

Understand. However, the first point that needs to be made is it's a safety program.

COMMISSIONER ANDERSON:

If I could please. The answer to your question is the contract that we have in place only allows for a three-year extension. That was the contract that was established and negotiated. We couldn't make it a one year.

CHAIRMAN SCHNEIDERMAN:

All right. So you can't make it a one-year extension. I have several Legislators who want to get in on this discussion. So I think I'll start with the Presiding Officer if you don't mind.

P.O. LINDSAY:

My office was on the RFP Selection Committee. And, you know, when we -- after we got approval from the State, we really looked at three options; we could own the system ourselves and purchase the equipment and maintain it ourselves; which personally, I was in favor of from the beginning, and for some very good reasons, you know, the professionals in DPW changed my mind. The whole system is electronic, the components change constantly. And, you know, it could become a money pit.

The second option was to lease the equipment; to have it installed, and you have a fixed-monthly cost for the equipment every month. And if you get intersection, you make a mistake on the selection process, you could lose money on that intersection instead of making money.

And, of course, the third option that we eventually went with was to make the vendor partner. They lay out the money for the equipment, they install the equipment, they maintain the equipment and they help with the selection of the locations, because they have a vested interest in it. If the system works well, they got more money. And that was what we finally decided on.

I can appreciate your wish to try to get a better deal. The fact of the matter is it isn't our equipment. And if we were to go to another vendor now, you'd have to start the process all over again. That equipment isn't yours. You can't just take it over. You'd have to buy it from the vendor or take it out and install new equipment from a new vendor and really start the process all over again.

So I think the revenue projections in the budget were overoptimistic, and I think that's where the basic problems started. And, of course, the severe winter didn't help that it took us so long to get this system up and going. Some of it wasn't under anybody's control. But I like the idea of moving some of the locations, because, you know, people get used to the cameras being at certain locations and they obey the red light camera there, but they go to the next intersection where they know it isn't there and just blow a light. I think the more we move it, the more of a mindset -- we're getting people's minds to obey the law, "stop at every red light," because there might be a camera there. So I would think that we should renew this contract.

CHAIRMAN SCHNEIDERMAN:

Legislator Barraga.

LEG. BARRAGA:

Specifically, this legislation calls for the renewing of the contract through March 31st, 2015. I guess my question is, I certainly, understand, you know, how the vendor in this particular case wants to recoup as much as he possibly can from the capital outlay that he has made. Has he given you any

sort of an estimate that if the contract is extended through March 31st, 2015, how much of that capital investment he will have recouped by March 31st, 2015? And the reason I'm asking this is that if he's recouped, say, three-quarters of his investment, I would think that come that period of time, we should be able to renegotiate with the vendor if we choose to use him again so that the County gets a better share of that dollar.

Right now, you're talking on average a 50/50 split, because he's out to recoup as much as he possibly can in the next four years. When he does that, I would think that he should be able to tell you, "Look, you know, I invested ten million, I got nine million back." You know, at that point, you sit down in the middle of 2015 and say, "Look, you know, you no longer maybe should get 50/50. The County should get a little bit more." Has there been any discussion or any estimates given to you by ACS as to how much of their capital expenditures they can recoup once we extend this contract through March 31st, 2015?

MS. BRANDEAU:

No. ACS hasn't given me that analysis. I know that they are looking at the citations issued every month per camera to see what they're bringing in, how they're going to --

LEG. BARRAGA:

Okay. They should be able to give you some sort of estimates, even only approximate, to give you an idea of where you will stand come 2015, because I don't think -- if you use them again -- say their equipment is in there and you make the decision, you know, even with an RFP going out or whatever you have to go if you have to go with them again, I don't think you should put yourself in a position where you continue to agree to a 50/50 split.

MS. BRANDEAU:

Just to clarify on the 50/50 split, I'm saying that's on an average. Some months it's higher than that. It depends on the month and the number of citations.

LEG. BARRAGA:

I understand that. I understand that. But if they're averaging 50 cents on the dollar, all I'm saying is that if they recoup most of their capital expenditures in the next three or four years, I don't think the County wants to negotiate another so-called approximate 50/50 split. We should be able to do better.

MR. HILLMAN:

If I could. Obviously, they're going to want to recoup more than their capital outlay. If their capital outlay is roughly ten million right now and they recuperate nine by the end of the contract, they've actually lost a million dollars. So they would want to recuperate more than their ten million to make a profit.

Your point is well taken that let's assume today, they have recouped nine of their \$10 million, and in two months they will have recouped the full ten million and we're going to hand them a contract and everything for three years is gravy for them, agreed, 100%. This legislation does allow us to negotiate with this vendor. And you make a valid point; we should -- we should understand going in where they are financially. And they will have counter points saying that historically these will drop, we're going to have to relocate cameras that will be costs that we'll have to bear. These are all variables that would need to be taken into consideration and difficult to quantify. But I agree with your point.

LEG. BARRAGA:

I certainly understand the concept of profit, that's why these fellows are doing this. But somewhere along the line we should be able to sit down and say, "Okay. If they've grossed 20 million between

now and 2015, well how much of that really covered the capital expense?" They're still walking away with a decent profit. So let's renegotiate a better deal for the County.

MR. HILLMAN:

Valid point.

CHAIRMAN SCHNEIDERMAN:

I want to point out when you're doing those numbers, most of it's in equipment, so, you know, at the end of the contract, that's not going to be brand new equipment anymore, right? But they still technically own that stuff, right? So they could use it in another municipality. No?

MR. HILLMAN:

Technology changes so fast.

MS. BRANDEAU:

Can I talk?

CHAIRMAN SCHNEIDERMAN:

There's still going to be some value to it.

MR. HILLMAN:

No. The equipment will be obsolete at that point. The technology will be completely -- five years later -- it's at a point where they installed -- the cameras they were using with us were not the cameras they were using a year ago. Because they had trouble getting cameras for us, that was one of the holdups. We said, "You have to have other systems out there." And they said, "This is a brand new camera. We have -- you know, it's the latest technology, and we are having difficulty getting them."

MS. BRANDEAU:

Right. And since then, they've already upgraded the firm ware twice.

CHAIRMAN SCHNEIDERMAN:

Okay. Dennis.

MR. BROWN:

The only thing I wanted to do was to say -- really reiterate what Bill said. But, Legislator Barraga, in connection with your question, to directly address that question. We do agree with you. We have discussed it. Another lawyer and I worked on the contract in the Law Department. We have discussed, and we have discussed trying to negotiate for the option year as a better fee schedule. So it has been a topic of discussion with us as well.

CHAIRMAN SCHNEIDERMAN:

Dennis, if we approve it, does that weaken your ability to negotiate a better fare structure?

MR. BROWN:

If you approve it? No, because the authorization -- it only authorizes us to begin -- because the new contract doesn't begin again until April 1st, 2012, we're just looking for an authorization to commence negotiations at the present time.

CHAIRMAN SCHNEIDERMAN:

Counsel, is that --

MR. BROWN:

An amended copy was filed as of yesterday.

MR. NOLAN:

Well, it does authorize the negotiations, but it would also be authorizing the County Executive to execute the negotiated contract. So you wouldn't have to come back to us with that negotiated contract.

MR. BROWN:

That would be correct, yes.

MS. BRANDEAU:

Can I say something about working with the vendor and this program that you might not see? The cameras, the installation, the maintenance of the cameras, the servicing of the cameras, there's somebody who actually does a physical inspection and shut down of the camera once a week, there's a daily reboot of the cameras. The back-room operation on this program is huge. And it's been operating fairly seamlessly. You really haven't heard people complaining about the program at this point.

We've issued over 209,000 tickets since this program started. Every day, I talk to the vendor, every single day. They run our call center. They have 3000 calls a month from Suffolk County residents that are being dealt with. And most of them, they don't have any problem with them. The actual process to write up the citations, mail them, follow up with everything, and then everything they do at District Court is tremendous. So the work that they do on this program to keep it running has been very good and it's very smooth. And it was very, very difficult to build.

We built this thing from the ground up. The fact that we went into District Court -- we're the only county in New York State that has a Red Light Program That doesn't have a Traffic Violations Bureau. We had to build the adjudication from the ground up in district Court. We had to create a whole new part. We had to go in and we had to do multiple trainings with court personnel and judges and JHOs and explaining the program. That's huge, and that's keeping the program running smoothly. So smoothly, right now, we have only 1% of people who get tickets ask to go to court because they think they're unjust, that they didn't deserve them. And of the ones who go to court, less than 1% are found not guilty. So the vast majority of people who get these tickets are paying them. We have a very high pay rate. Court is all working, everything is working very well.

I would be worried about this program completely coming to a halt if we had to change, put new equipment in, get new DOT permits, and then completely rebuild the business model of the program, rebuild District Court and rebuild the entire citation process.

CHAIRMAN SCHNEIDERMAN:

The only issue really I have -- and I'm really troubled by the fact that we didn't -- weren't a little bit more competitive in terms of bidding, and we're basically now looking at only one person or one company. But we do have some ability to negotiate this three-year extension, but the Legislature seems to be out of the loop. So the County Executive doesn't have to come back, is that my understanding, Dennis? Because I would have preferred this resolution at this point to say, okay, go ahead negotiate it and the new terms, we ought to, I think, ratify here. Would that have to be done by CN or tabled and amended?

MR. BROWN:

We can take that up with County Executive's Office.

MR. PETERMAN:

Jay, the way the contract is structured right now, it's a two-year contract with a three-year extension. Right now, we wouldn't normally be even talking about a contract extension until, like, January. The reason we came here was for transparency; we're trying to let you know what is going on with the program.

It's advantageous to DPW to actually make some changes to this contract at this point in time. We would like to actually try to extend his contract with negotiations first to try to better the program for us. We could possibly negotiate a new fee settlement in there. I don't know how far that's going to go. But if we do put it in place now, it enables us to increase the safety at these intersections at this time instead of at the time of the contract -- of the two-year end of the contract.

CHAIRMAN SCHNEIDERMAN:

Does it also potentially affect the projections for red light camera revenues in next year's budget as well?

COMMISSIONER ANDERSON:

At the very least, it allows a seamless flow without having a stop of any revenue. But I want to go back to really the main purpose of this project, and that's a public safety project. The revenue is a byproduct; it's a second -- I realize the issues that the County is faced with, but this was a successful public safety project. We've seen success at a number of intersections. And now, we have -- you know, we have the ability to increase the number of cameras within 50 intersections and improve our revenue as well as improve, you know, the continued improvement of the public safety record as well.

CHAIRMAN SCHNEIDERMAN:

I'm inclined to support it, but I would like to see the new extension, the new terms come back to this body.

MR. HILLMAN:

Jay, to build on what the Commissioner is saying. The answer to your question is yes, if this is approved, it gives the department -- the County the ability to increase the number of cameras at the existing 50 locations, and also relocate cameras or locations that have shown a drastic improvement in safety, thus a decrease in violations. So we can relocate these to other intersections that are having problems. So the answer to question is yes, if this is approved right now, it will ultimately directly affect the revenue for next year. If it's not approved, it will adversely affect that revenue for next year.

CHAIRMAN SCHNEIDERMAN:

Right, because you can project more red light camera revenue in next year's budget if this is approved based on those changes, particularly being able to relocate 20% versus 10%.

MR. HILLMAN:

Absolutely correct. And the point that Jim was trying to make is that --

CHAIRMAN SCHNEIDERMAN:

We need every penny we can. I understand it's a public safety program.

MR. HILLMAN:

Also, the point Jim was trying to make is that in nine months -- actually I believe the department has ability to execute that contract without the say of this body.

CHAIRMAN SCHNEIDERMAN:

Can I ask, Dennis, is there any objections from the Executive Branch to maybe doing this by CN and giving us that ability to give our stamp of approval on the final negotiations?

MR. BROWN:

Can I get back to you on that. Eric Kopp is making a call on that right now.

CHAIRMAN SCHNEIDERMAN:

All right. Can we pass over it until we get the answer?

Let's go to ***1725 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with dredging of County waters (CP 5200). (Pres. Off.)***

I think we probably -- it's self-explanatory. The dredging table is there. I'll make motion to approve this, seconded by Legislator Horsley. Any questions? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

1728 - Authorizing transfer of surplus snow equipment to the Town of Southampton Highway Department. (Schneiderman)

These are three defunct pieces of snowplowing equipment that the town of Southampton wants as parts to rebuild some of the equipment that they have. I'll make a motion to approve, seconded by Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

That's the last item on our agenda. While we wait for that answer, Commissioner, we are beginning, I think, pretty soon that circle north of airport on, what's it, CR 31 I think; is that correct?

COMMISSIONER ANDERSON:

I'll let Bill answer.

CHAIRMAN SCHNEIDERMAN:

Do we have a groundbreaking date for that?

MR. HILLMAN:

I don't know the exact date, but contracts have been executed, we held a kick-off meeting I think about a week and a half ago. There's not a whole lot of utilities in the area, so utility coordination should be minimal. So I would suspect within the next few weeks, definitely by I'm thinking by September-ish it should be well underway.

CHAIRMAN SCHNEIDERMAN:

If you could just let me know when that's about to start. County Road 39 Project, that's also going to start pretty soon, right after the summer; is that correct?

MR. PETERMAN:

Yeah, I did state that to you at the previous meeting, Jay? There were some loose ends we have to clean up with the federal aid attached to that. As soon as we square them away, we can let the contract.

CHAIRMAN SCHNEIDERMAN:

Any other questions while we are waiting for the answer? DPW? We're just waiting for the answer on whether we go by CN. I'm going to call for a five minute recess, and then we'll come back

together. All right. So we will reconvene at about twelve after two.

(*A RECESS WAS HELD FROM 2:05 P.M. UNTIL 2:06 P.M.*)

CHAIRMAN SCHNEIDERMAN:

All right. We are back. That was the fastest five minutes ever.

MR. KOPP:

What we're going to do is between now and Tuesday we're going to work with the Presiding Officer to develop a resolution that will be acceptable to the majority of the Legislature and come back by a CN. It might just be authorizing us to do the negotiations.

CHAIRMAN SCHNEIDERMAN:

That's fine with me. Do we need to officially table it, the one that's in front of us?

MR. KOPP:

We'd like to have it tabled.

CHAIRMAN SCHNEIDERMAN:

Okay. So why we -- I'll make a motion to table IR 1718, seconded by Legislator Muratore. All in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0).**

That concludes our agenda. There's no further business. We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 2:06 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY