

**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 September 6, 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  
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  
Julie Ben-Susan - North Ferry Company  
Bridgford Hunt - North Ferry Company.  
Patricia Lenehan  
All Other Interested Parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 1:09\*)

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd like to call the meeting to order on this 6th day of September, 2011. Please rise and join us for the Pledge of Allegiance led by Legislator Muratore.

**SALUTATION**

We have no presentations. I have two yellow cards. Why don't we take care of the public portion first, then we will bring the Commission up. I'd love to hear about some of the hurricane-related issues, and then we will move to the agenda. My first speaker is Bridgford Hunt on the North Ferry rate proposals.

**MR. HUNT:**

Goods afternoon. My name is Bridge Hunt, and I am the general manager of North Ferry Company, which provides ferry service connecting Greenport and Shelter Island out on the East End. Julie Ben-Susan, also a general manager, spoke for North Ferry at both public hearings held by the full Legislature.

I'm here today to ask for your support of IR 1488, a request by our company to modify our fares and definitions. North Ferry carries a little more than 700,000 vehicles across the bay every year. The last modification to our vehicle fares was in 2004, seven years ago. Unfortunately, with the softening of the economy, our revenues have fallen while our expenses, particularly fuel and health care costs have risen. We had a modest loss in 2008, we lost more in 2009 and showed a loss of over \$200,000 last year.

We borrowed \$250,000 to fund operations in the first quarter of this year. And our projections show us unable to fund operations next year without rate relief even with significant borrowing. We shared our audited financials and projections with the Office of Budget Review, and they've completed their report. Notable, none of our requested increases exceeds the rate of inflation for the seven year period since the last vehicle rates were set.

On a brighter note, there are several changes in IR 1488 which we feel will be fairer to our riders and improve our company's goodwill. First, while well-intentioned, our SUV surcharge has proven difficult to implement uniformly. We plan to remove this charge from our tariff. Second, the cutoff link for a passenger truck has been increased from 20 feet to 22 feet. A number of our customers travel in 21-foot long pickup trucks, which is their only vehicle. We feel charging these vehicles as a passenger vehicle is appropriate to the way that these vehicles are used. We're proud of our service and appreciative of your help. Thank you for your consideration.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Bridge.

**MR. HUNT:**

Thank you, Jay.

**CHAIRMAN SCHNEIDERMAN:**

And the second speaker is Pat Lenehan.

**MS. LENEHAN:**

Thank you. I just push, right? Okay. I'm Patricia Lenehan. I live in Port Jefferson Village, and I'm the Chairperson for the National Organizations of Women's Employment Committee.

I have been to see you people a few times, and I'm very happy with the results that Jay Schneiderman has been doing for the Sunday service, and, you know, really trying to get us better bus service. Over the summer, I thought I was done with this, but I've had three things take place to me personally, and then I found out to other people as well. I had an opportunity twice to have a job, I haven't worked in a very long time. I am on Disability, and I choose to work -- I make this my job now.

I wasn't able to connect with the buses because they left early on one of jobs that I was going to do. The Smithaven Mall bus left ten minutes earlier than it should have. And when the Port Jefferson Village 60 didn't show up on time; there's reasons, there's a lot of roadwork going on, but I wouldn't get to my bus stop until a quarter after nine and it's another hour wait until the ten o'clock bus, because of hours.

One other incident that took place was in Patchogue. I took the 61 into Port Jefferson Village and was told by the driver, being that I was the only one left on the bus, to get off at Mather Hospital instead of going into the village, because she knows where I live and the walk would be the same for me to get off at Mather as it would if I got off at the ferry, because she didn't want to go into town and go down -- there's nobody to pick up she told me. And I was like, "You're talking to the wrong person."

Recently as of last week, I had a driver for the one o'clock bus at Lake Grove to go into Port Jefferson, show up at five to one, took a break, okay, for five minutes, cigarette break he tells me, didn't come back -- didn't stop until 20 after one, okay, so we waited an extra 20 minutes for the one o'clock bus, got to Stony Brook Road where another person was sitting on the grass and somebody was standing at the bus stop pole. And she got on the bus, guy on the grass jumped, because he's probably waiting over an hour already because we're late, and he banged on the door, screamed, "Wait, wait." And I said, "Wait," and he seems, "Too damn bad, he should have been at the sign." The bus didn't even pull away yet. We had words, me and him, to say the least. And, you know, I told him, "I'm going to be at the meeting this week."

I had requested, I don't know if you've done it yet, an advisory committee. I have doctors from Stony Brook University that actually take the bus to work, I have professors that take the bus to work that are having problems and some of the students that are aides that teach as well that want to be part of this committee. We are holding our first informal meeting on Friday, okay, being that employment issues with Obama will be coming tomorrow, okay? I have here a request -- I noticed on the buses they have the comment form that we can send out --

**CHAIRMAN SCHNEIDERMAN:**

Just wrap up.

**MS. LENEHAN:**

There's a comment form that we'd like to have that we could give to people to fill out. You know, I'm willing to work for my Social Security and ride the bus to all the district to collect people's input on what's going on with the our bus service so that you're able to handle it yourselves. That's about all I'm requesting, because we're going to pull this together.

**CHAIRMAN SCHNEIDERMAN:**

The bus that you refer to, do you know which company?

**MS. LENEHAN:**

It's the Suffolk County Transit. The first bus was the {EBT}.

**CHAIRMAN SCHNEIDERMAN:**

Not the bus number. Well, I could find out. Various buses are run by different companies.

**MS. LENEHAN:**

I realize that. The one in Patchogue was run different than the 60, the Port Jefferson.

**CHAIRMAN SCHNEIDERMAN:**

I have a meeting with one of the bus companies coming up, but it may not be the same bus company. I understand that there is no formal process for complaints and getting those complaints addressed. We're looking at that. I'm starting out by basically people come complain to me, and then I can vet those complaints with the bus company and with the Department of Public Works. But I appreciate you taking the time to come out and let us know.

**MS. LENEHAN:**

We're going to have a group. There is a group, a professional group.

**CHAIRMAN SCHNEIDERMAN:**

At one point, there was a Transportation Advisory Committee for the County. I don't know if it's still up and running. We used to have kind of a formal County committee. You can do it privately as citizens as well and share your input that way.

**MS. LENEHAN:**

Okay. It's starting this Friday. The only thing I'd like to know is how do I get these forms? Now, these forms, I guess, go to you.

**CHAIRMAN SCHNEIDERMAN:**

Are those our forms?

**MS. LENEHAN:**

It says, "Suffolk County Transit Government, Hauppauge." It's self-addressed and stamped.

**CHAIRMAN SCHNEIDERMAN:**

All right. Well, the Commissioner will be up in a little while, I can ask him.

**MS. LENEHAN:**

Because we'll do this. Nobody wants to be paid. You know, we're all willing to get out there. You know, we need Sunday services. You know that, you are trying very hard. We appreciate it. Thank you. I'm like this because I take the bus, I got stuck in the rain.

**CHAIRMAN SCHNEIDERMAN:**

All right. So that's our last yellow card. Is there anyone else that wanted to be heard? All right. Commissioner, if you will step forward. Maybe we can just start with that last comment, and then let's talk a little bit about the hurricane. Do you know anything about these suggestion cards or complaint cards?

**COMMISSIONER ANDERSON:**

To my knowledge, they're on every bus. It's a standard procedure. They get mailed in and mostly likely go right to Transportation. I can get copies, that's not a problem.

**CHAIRMAN SCHNEIDERMAN:**

If we can get Ms. Lenehan some of those cards if she wants to distribute them.

**COMMISSIONER ANDERSON:**

She can give Jimmy the address. We'll get her some cards.

**CHAIRMAN SCHNEIDERMAN:**

Okay. That sounds good. So you've had your hands full for the last week and a half or so with Irene. Tropical storm, hurricane, I'm not sure what it ended up being, but it was a mess, that for sure.

**COMMISSIONER ANDERSON:**

It came in as a hurricane, but a weak Category 1, it then dropped down. Yeah, it's been interesting.

**CHAIRMAN SCHNEIDERMAN:**

So what can you tell us about DPW's response?

**COMMISSIONER ANDERSON:**

You know, as always, I'm really proud of the folks at DPW. We went out there. The first thing we did that weekend was made sure to push the trees, the debris and whatnot off the road so people could travel once the storm abated. We were lucky in that most people stayed home. Even into the evening, the winds were strong. The issue still to this day in some locations is the cleanup. We did have to spend some, you know, time this weekend still removing debris, and we will be probably throughout the coming week.

FRES has, to their credit, run a good operation in coordinating with the different towns to make sure that their debris program, you know, is coordinated so that everybody follows the federal procedures so we have all the paperwork in the right order and, you know, we can apply and hopefully get the funding from FEMA when everything is said and done.

As I said, all our roads -- we easily had over 100 trees down that first day, probably more than that. I don't have exact numbers yet, that's still being, you know, all collected. That's about it. We have been working with LIPA as they went through. You know, the North Complex took longest. It seemed to be the most complex. There were a number of downed trees that blocked lines, so it took a few days to get that back up. We're assessing right now -- there was a brownout. When the power first went down, it went down as a brownout. We're trying to see what impact that may have had on some of our HVAC equipment. But so far, it all seemed to be okay. But still the assessment is going on.

**CHAIRMAN SCHNEIDERMAN:**

Our infrastructure and bridges and roads, everything is okay?

**COMMISSIONER ANDERSON:**

The only issue we had was on County Road 80 out in the Hamptons. Out in Hampton Bays, there was a little bit of a washout there because of this rise in tide. That's been -- I believe that's been secured.

**MR. PETERMAN:**

There was a washout at a shoulder, adjacent to the shoulder. We just had to put -- barrel out the shoulder not to let traffic drive in that shoulder. So it is being addressed. We're filling the area in.

**CHAIRMAN SCHNEIDERMAN:**

Any questions regarding DPW? Thank you, obviously, for all your work, particularly in assisting the towns as well in dealing with what turned out to be a major storm event. Presiding Officer.

**P.O. LINDSAY:**

I just want to say publically, this building experienced one of the brownouts. And I guess we lost some motors on our air conditioning here, so we were -- had no air conditioning here Monday. And I just wanted to thank you guys publically for getting back us up and running quickly. We were back restored by Tuesday. I was kind of surprised that we were back that fast to tell you the truth.

**COMMISSIONER ANDERSON:**

To LIPA's credit, they've been scrambling. I think they've gotten a little bit of bad press. But they have been working, they've been working with us on trying to get as many lines, you know, free of trees so those the trees can be removed and similarly with the townships as well.

**P.O. LINDSAY:**

Well, what I'm referring to, Gil, is I know there was a surge before the power went down. We lost our motors here on our air conditioning, and you guys came in and got us up and running.

**COMMISSIONER ANDERSON:**

Correct. Thank you.

**P.O. LINDSAY:**

How many -- did you have your whole crew working over the weekend?

**COMMISSIONER ANDERSON:**

Well, we wound up doing -- originally, in the beginning of the weekend, we brought in Highway and Vector forces for the roadways. Building assessment we did immediately once the storm abated. So early that next morning and that next day, our, you know, maintenance folks came in, took a look at each of the buildings and did an assessment, and, you know, we handled it that way.

**P.O. LINDSAY:**

Okay. Thank you.

**LEG. HORSLEY:**

Jay, just one quick question.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Horsley.

**LEG. HORSLEY:**

Hi, Gil. As far as overtime, how did the overtime situation look?

**COMMISSIONER ANDERSON:**

Because it was -- because of the public safety issue, we spent a lot of time working on this on overtime that first weekend, not this past one, the one before. Guys came in, we had them come in at 2:00 in the morning anticipating the biggest hit of the storm to happen that Sunday morning. You know, they worked all through that Sunday and then went home at the end of the evening when roads were relatively clear, came back in. We minimized it during the week as much as we could. But coming this weekend, we felt that there was a significant amount of debris still out there, so we had personnel come in and do cleanup this weekend as well. But we are trying to minimize it as much as we can.

**LEG. HORSLEY:**

Do you have a dollar figure on it as yet?

**COMMISSIONER ANDERSON:**

No. We should have that together in the next week or so for FEMA purposes.

**LEG. HORSLEY:**

Okay. Thanks.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Stern.

**LEG. STERN:**

That weekend and this past weekend, how many people would you estimate -- how many employees were involved?

**COMMISSIONER ANDERSON:**

I don't have exact numbers. All our Highway forces have been out for this past weekend and the weekend before. All our Vector guys were out during the storm itself. Buildings have come as needed. We've had a few issues, you know, storm related and non-storm related. But I don't have actual numbers in front of me. I'll bring it to the next committee this way we can report at that point.

**CHAIRMAN SCHNEIDERMAN:**

Gil, do you know, are any of our expenses reimbursable with the emergency declaration?

**COMMISSIONER ANDERSON:**

All overtime expenses are reimbursable as is debris removal. That's what we're working on right now.

**CHAIRMAN SCHNEIDERMAN:**

So you're submitting all of that?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

On behalf of the committee, thank you for your response.

**P.O. LINDSAY:**

What is Highway? How many people do we have in Highway? How many do we have in Vector? I'm not asking for an exact number. Are we talking about 50 people, 100 people?

**MR. PETERMAN:**

I think we've got about 65 in Highway Maintenance, probably another 25, 30 in Vector. We also had our building janitors and maintenance men out. All the sewer districts, all the plants, we had people at. We didn't want any back-ups due to extra flow in the system. So it's probably over 300 the total.

**P.O. LINDSAY:**

And we didn't get anywheres near the record rainfalls that were predicted so that probably helped with the sewer folks, right?

**COMMISSIONER ANDERSON:**

We were still up there. We were at a little above 85 million gallons per day, you know, mostly because of the tidal action rather than the rain.

**P.O. LINDSAY:**  
And what's normal?

**COMMISSIONER ANDERSON:**  
Normal is 31.

**P.O. LINDSAY:**  
Wow.

**CHAIRMAN SCHNEIDERMAN:**  
All right. We will go to the agenda. I have some questions about some capital projects I will save to the end. Starting with Tabled Resolutions.

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

I'll make a motion to approve, seconded by Legislator Muratore. Any discussion? Questions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**. You guys can head back to Shelter Island.

**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.)**

Legislator Horsley, do you have a pleasure on this?

**LEG. HORSLEY:**  
Motion.

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

**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.)**

This is the Outfall Final Effluent Pump Station. Legislator Horsley, same motion, same second? Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**

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

**LEG. STERN:**  
Motion to table.

**CHAIRMAN SCHNEIDERMAN:**  
Motion to table by Legislator Stern, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? So **TABLED. (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 ANDERSON:**

I would ask that this be withdrawn. The legislation was passed as a CN at the last General Legislative Meeting.

**CHAIRMAN SCHNEIDERMAN:**

I don't know that you can withdraw it. I think the County Executive would have to. Why don't we just table it then subject to call. I'll make motion to table subject to call, seconded by Legislator Muratore. All in favor? Opposed? Abstentions? **TABLED SUBJECT TO CALL (VOTE: 5-0)**

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

This is critical artery plan. You asked me to wait, in the past, for more number crunching. We are having a meeting about that?

**COMMISSIONER ANDERSON:**

Next Monday or Tuesday. I think Monday we are meeting.

**CHAIRMAN SCHNEIDERMAN:**

So I'll make a motion to table until after that meeting, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0)**

**1735 - Authorizing the purchase of up to 22 paratransit vans for Suffolk Transit and accepting and appropriating Federal and State Aid and County funds (CP 5658). (Co. Exec.)**

**LEG. STERN:**

Motion.

**LEG. BARRAGA:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Stern, seconded by Legislator Barraga. Commissioner, these are SCAT vehicles?

**COMMISSIONER ANDERSON:**

Yes. These are the paratransit vans. They need replacement regularly due to their age and milage criteria. It's federally reimbursed 80%, the state reimburses and 10%. So it costs the County only 10% of the overall cost, which we estimate to be 157,000.

**CHAIRMAN SCHNEIDERMAN:**

Do you know, do they reimburse the actual cost of operating these -- this equipment? Does anybody know that? I know -- because it's a requirement under ADA that within 75 --

**COMMISSIONER ANDERSON:**

We do receive federal aid for our program, yes. It makes up a significant portion of the budget.

**CHAIRMAN SCHNEIDERMAN:**

Is it a fixed number or is it based on the level of service we provide?

**COMMISSIONER ANDERSON:**

I don't know that.

**CHAIRMAN SCHNEIDERMAN:**

I'd like that, because as we crunch the numbers -- because as we add Sunday service, we also have to add SCAT service. And I think it's somewhere around 40% of the cost we're estimating is for SCAT. We're not plugging in any additional reimbursement into those numbers. And if that service is reimbursable, we ought to know it. Robert, you're taking a note of this too, right? Because that would affect the numbers. So you said it's 90% reimbursable, right?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

And it's not like, you know, the buses we got stimulus funds on. This is not clean energy stimulus?

**COMMISSIONER ANDERSON:**

No, this is just our standard program.

**CHAIRMAN SCHNEIDERMAN:**

This is more of an ADA issue?

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

All right. So on 1735 we had a motion and a second, correct? No? Okay. I will make a motion, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**

**1753 - Appropriating funds in connection with installation of Guide Rail and Safety Upgrades at various locations (CP 5180). (Co. Exec.)**

I make a motion.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**1754 - Appropriating funds in connection with Reconstruction of Culverts (CP 5371). (Co. Exec.)**

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

**1755 - Appropriating funds in connection with Traffic Signal Improvements (CP 5054). (Co. Exec.)**

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

**1756 - Appropriating funds in connection with Painting of County Bridges at Various Locations (CP 5815). (Co. Exec.)**

Same motion, same second, same vote. **APPROVED (VOTE: 5-0)**  
There are companion bonds with some of these when they get to the floor, right.

**COMMISSIONER ANDERSON:**  
Yes, there will be when we get to the floor.

**CHAIRMAN SCHNEIDERMAN:**  
All right. **1757 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 48, Middle Road, from Horton Lane to Grove Road, Town of Southold, Suffolk County, New York, Phase III (CP 5526). (Co. Exec.)**

Commissioner.

**COMMISSIONER ANDERSON:**  
This is part of the Eminent Domain Law; we have to hold public hearings. This is third phase of improvements to County Road 48. We're looking to acquire some land to make some improvements, and as such, we have to hold a public hearing to advise the constituents of what we intend to do.

**CHAIRMAN SCHNEIDERMAN:**  
I make a motion. Is there a second?

**LEG. BARRAGA:**  
Second.

**CHAIRMAN SCHNEIDERMAN:**  
Seconded by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions?  
**APPROVED (VOTE: 5-0)**

**1758 - Appropriating funds in connection with Application and Removal of Lane Markings (CP 5037). (Co. Exec.)**

Commissioner, is this throughout the County?

**COMMISSIONER ANDERSON:**  
Correct.

**CHAIRMAN ALDEN:**  
Okay. Is there a motion?

**LEG. MURATORE:**  
Motion.

**CHAIRMAN SCHNEIDERMAN:**  
Motion by Legislator Muratore, seconded by Legislator stern. Any discussions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**

**1759 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 48, Middle Road, from Ruch Lane to Chapel Lane, Town of Southold, Suffolk County, New York, Phase II (CP 5526). (Co. Exec.)**

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

**1770 - Authorizing execution of an order on Consent concerning the Suffolk County Sewer District No. 3, Southwest, Bergen Point Waste Water Treatment Plant. (Co. Exec.)**

**LEG. HORSLEY:**  
Motion.

**CHAIRMAN SCHNEIDERMAN:**  
Motion by Legislator Horsley, seconded by Legislator Muratore. On the motion, Commissioner, do you want to talk about what caused the problems? I guess this is with the DEC, right?

**COMMISSIONER ANDERSON:**  
Correct. The consent order is with DEC. This resolution authorizes the execution of an order on consent, which was negotiated between DPW and New York State DEC. Due to sanitary sewage overflows as well as the discharge of settleable solids at the Bergen Point Waste Water Treatment Plant.

These issues were identified and reported by DPW in compliance with our SPEDES permit. In the case of the settleable solids, we identified three occasions out of over 15,000 in the past five year where the limit was exceeded. In each case, the settleable solids level was brought back down below the limits prior to the testing or sampling event, which occurs about every 15 minutes.

The remaining violations of the sanitary sewerage overload occurred during extreme storm events where sewers along the southerly portion of the district were overburdened due to the infiltration of stormwater through open manhole covers, extreme tidal action and illegal residential sump pumps.

Even during these extreme storm events, I want to note that the sewage is treated and processed before it is released through the outfall. Backups may occur, and unfortunately, in these instances, did. By agreeing to this consent order, in addition to paying a reduced fee, which has been reduced from one million dollars down to \$47,000 plus \$20,000 suspended, the DEC will issue a letter stating that all violations are resolved and no further will be action taken. They will also be issuing a compliance schedule including two projects; a collection system improvement project and an infiltration inflow reduction project, both of which are already underway by DPW.

**CHAIRMAN SCHNEIDERMAN:**  
Those two projects would make the same situation less likely to occur in the future?

**COMMISSIONER ANDERSON:**  
Correct.

**CHAIRMAN SCHNEIDERMAN:**  
Just give me the numbers again. Our original fine was?

**COMMISSIONER ANDERSON:**  
A million dollars, correct.

**CHAIRMAN SCHNEIDERMAN:**

That that was knocked down to what, 47?

**COMMISSIONER ANDERSON:**

It's \$47,000 with \$20,000 -- it was supposed to be 67,000, but we got 20,000 suspended, so it's only \$47,000.

**CHAIRMAN SCHNEIDERMAN:**

Forty seven that has to be paid, I guess by the Sewer District.

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

And you said, what, we test every 15 minutes. So in the course of a year, there's 15,000 tests.

**COMMISSIONER ANDERSON:**

Well, over five years, there were over 15,000 tests that were run.

**CHAIRMAN SCHNEIDERMAN:**

And three of them were outside the limit? Way outside?

**COMMISSIONER ANDERSON:**

No. By 1/100th, I believe, milliliter.

**CHAIRMAN SCHNEIDERMAN:**

Was there any damage to the environment because of that?

**COMMISSIONER ANDERSON:**

No, it was just -- if you looked at the way it's monitored, it's a very visual thing, it's a very small thing, it could have went one way or the other. We erred on the side of caution. But we are required to report anything that does go over the limits. There's number of different pollutants that we identify, we monitor, and, you know, it just happened. Out of all those five years, there were three incidents. And we are -- as I noted before, the DPW considers us the best plant around. The EPA is mandating that, you know, a limit is a limit and a violation occurred.

**CHAIRMAN SCHNEIDERMAN:**

And we are talking steps to prevent it from occurring in the future. There's nothing that we could have done in the past to have prevented the situation, right?

**COMMISSIONER ANDERSON:**

No.

**CHAIRMAN SCHNEIDERMAN:**

All right. Legislator Stern.

**LEG. STERN:**

Very quickly. Just so I have the numbers right. Essentially saying, it was three readings out of 15,000 over that time period. And you self-monitor and self-report, so even though it was close, like you said, we decided to err on the side of caution and basically call it on yourselves.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. STERN:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Horsley.

**LEG. HORSLEY:**

Couple of things I just wanted to note. We had met the other day on this issue. One of the things I wanted to repeat that we had discussed was that at the end of the day, if there is a violation that has occurred, that they are going let my District Office know. And, Jay, you're welcome to have this as well. Bergen Point is in my district, so we will know in the future instead of having the lag of three years before we actually hear that there was a violation.

But the reality is that the rainstorm events that did the -- that had this unfortunate thing of discharges was that we got up to 106 million gallons per day. It's hard to believe that we have the capacity of 30 million gallons per day and that we can actually handle that much during that rainstorm. So the reality is -- I was convinced as well as the Presiding Officer, I believe -- I don't want to speak for him -- that these incidents were minor in nature. In fact, the plant manager told me, "I wanted to fight these charges, because they were deserved." So for that matter, it was the attorneys who gave in. Anyway, I was convinced that they were minor.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? So this is IR 1770. We had a motion? Motion and a second. Who made the motion?

**MS. ORTIZ:**

Horsley and Muratore.

**CHAIRMAN SCHNEIDERMAN:**

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

Now before I get to a couple of questions, there was IR that was tabled subject to call, which may have been an erroneous tabling. Commissioner, we're talking about IR 1364.

**1364 - Authorizing Execution of Agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and 60 Baylis - NYCOMED (HU-1482). (Co. Exec.)**

**COMMISSIONER ANDERSON:**

Correct. Originally a few months back when this was brought before the floor, there was another resolution that I was concerned about. And generally, I get a detail sheet that's attached to each of these resolutions, and the detail sheet was for that other project. I apologize. I don't know the name or the IR from that other project. But due to my confusion, I kept asking for this to be tabled assuming that it was just an error. The error was mine.

This is, in fact, a resolution to execute an agreement between 60 Baylis - NYCOMED with the Sewer District Number 3 - Southwest. It has been approved by the Sewer Agency. It is something that needs to be done. I would ask that it be put back before us and voted and approved if could be.

**CHAIRMAN SCHNEIDERMAN:**

I'm just conferring with counsel to see if this is two votes or one vote. It sounds like it could be

done as one; a motion to -- it's tabled subject to call, so I guess a motion to consider it and to approve at the same time; is that right, Counsel?

**MR. NOLAN:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

I'll make that motion to untable and approve, seconded by Legislator Horsley. Any discussion? All right? All those in favor? Opposed? **APPROVED (VOTE: 5-0).**

Quickly, while I have the two of you there, County Road 39, we're waiting, I guess, for the summer to be over to finish that sectioning of widening, I guess, also waiting for State approvals, is that on board now to begin?

**COMMISSIONER ANDERSON:**

I'm going to bring Bill up, he can give you the details on that.

**MR. HILLMAN:**

We have submitted all the document to State DOT. We feel we've complied with the rules and regulations. We expect to get -- the deadline for final authorization to proceed with the project is September 15th. I sent an e-mail this morning outlining the four federal aid projects to DOT that we have complied, and I'm waiting for their response and their authorization. So we feel we're going to move forward with that.

**CHAIRMAN SCHNEIDERMAN:**

September 15th?

**MR. HILLMAN:**

September 15th is the deadline.

**CHAIRMAN SCHNEIDERMAN:**

So we have a contractor on board?

**MR. HILLMAN:**

That's the first step. We can't do anything until we get authorization. Then we can advertise this fall, and then Award the contract over the winter. We'll go to construction in the spring.

**CHAIRMAN SCHNEIDERMAN:**

All right. So it's a springtime project then.

**MR. HILLMAN:**

Unfortunately due to the delays with the State, yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. The sidewalk in Bridgehampton, we're waiting for the summer to be over for that, or is that about to commence now?

**MR. HILLMAN:**

Utilities -- and I'm sure you're aware they've been very busy and I'm sure they're exhausted right now -- that was the schedule. I would have to double check on that right now, but I'm sure that's going to get delayed to some degree.

**CHAIRMAN SCHNEIDERMAN:**

All right. You can let me know when that is scheduled to begin. And then the sewer study in Flanders, has the contract been executed at this point.

**COMMISSIONER ANDERSON:**

The contract is being processed. We anticipate a meeting the end of this month, beginning of this month with the -- - with the local --

**CHAIRMAN SCHNEIDERMAN:**

Local stakeholders.

**COMMISSIONER ANDERSON:**

Thank you. Stakeholders was the word I was looking for.

**CHAIRMAN SCHNEIDERMAN:**

Is there an executed contract yet.

**COMMISSIONER ANDERSON:**

Again, it's in the process of being signed.

**CHAIRMAN SCHNEIDERMAN:**

It's like the check in the mail.

**COMMISSIONER ANDERSON:**

Really, that's where it is. It's being signed.

**CHAIRMAN SCHNEIDERMAN:**

What is the holdup?

**COMMISSIONER ANDERSON:**

It's just the amount of contracts that they're up against. I will check. I will found out where this is. I don't know.

**CHAIRMAN SCHNEIDERMAN:**

Please do.

**COMMISSIONER ANDERSON:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else have any projects of certain that they want an update on? All right. Meeting adjourned. Thank you.

(\*THE MEETING WAS ADJOURNED AT 1:45 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY