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, November 29, 2011.

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
Gil Anderson - Commissioner - DPW
Bill Hillman - Chief Engineer - DPW
Garry Lenberger - Acting Commissioner - Transportation/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
Eugene Wishod - Eranta, LLC
Kathleen Madigan - SILO
Glenn Campell - SILO
Richard Meyer - 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 the call the meeting of the Public Works and Transportation Committee to order this 29th day of November, 2011. If you all will rise, if you are able, and join us for the Pledge of Allegiance led by Legislator Stern.

SALUTATION

Thank you all for coming out today. We will start with public portion. I have several yellow cards filled out. If you intend to speak and you have not yet filled out a card, please come to the table in front of me and you can obtain a yellow card and fill it out. If you need help, assistance filling it out, Madam Clerk can provide that assistance. The first speaker is Eugene Wishod on IR 1980. Mr. Wishod, if you'll start by identifying yourself for our records, and then I'll give you three minutes to make your comments known.

MR. WISHOD:
I'm the attorney for District 11 Venture and Eranta LLC, which is a member of the venture. I want to speak briefly only because the context in which this applications arises is different from the normal context when we come to the agency to approve a connection to a County-owned sewage treatment plant.

Normally what comes before the County is a resolution adopted by the Sewer Agency authorizing the connection of a particular parcel of land to a County-owned sewage treatment plant. In this case in 1997, the District 11 venture signed an agreement with County and all its agencies to expand this sewage treatment plant by several hundred thousand gallons. And the members District 11 venture used that for their particular projects. And the connection fees normally payable, were offset against the cost of construction.

Subsequent to that, it was discovered that the infrastructure called for by the construction agreement had gone beyond the gallonage provided for. And we had discussions and arrived at a settlement with the County that authorized an additional 47,000 gallons to be connected to this STP. The County -- that agreement, that settlement, was consummated by both a resolution of the agency and an amendment to the construction agreement that was signed by the County of Suffolk and all its agencies, which is not the normal context.

By reason of that, the amendment called for the splitting of connection fees between the District 11 venture that had provided this additional infrastructure and sewer district. And once this settlement is consummated and Enranta pays its connection fees, the sewer district will receive $85,752 out of the connection fee pursuant to our settlement agreement. So I just respectfully request the committee to authorize and adopt that resolution. Thank you, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:
Thank you, Mr. Wishod. Next up is Kathleen Madigan.

MS. MADIGAN:
Thank you. I'm here on behalf of SILO, the Suffolk Independent Living Organization. We're Suffolk's independent living center. I just will read what we prepared. The Suffolk Independent Living Organization formed a transportation committee one year ago to identify problems within the Suffolk County Transportation System. We became aware of several serious flaws within the current operating system of Suffolk County Assessable Transit, SCAT, and recognize the need for immediate action to resolve these issues.

After careful consideration, we would like to present the following areas of concern to you and the Suffolk County Department of Public Works and Transportation Committee. There appears to be a serious problem with the SCAT scheduling system which often results in the very inefficient and costly allocation of SCAT buses and drivers through a potentially faulty dispatch process. For example, on numerous occasions, there have been instances of two or three or more people who live or work in close proximity traveling to the same location, yet they are picked up via several separate buses.

Conversely, SILO staffers report on more than one occasion three separate buses were dispatched to pick three SILO staff members who all attended the same even and bring them back to the SILO office. Instead of utilizing one bus for this pickup, SCAT sent three buses, which all converged in the SILO parking lot to drop off the staff back at our Coram location. We've received many complaints from riders who spend an excessive amount of travel time on SCAT buses causing them hardship and considerable personal discomfort because trips are not booked intelligently or logically.

A SILO staff member spent almost two hours on a bus for a trip that normally takes less than an hour because the bus was not scheduled properly. Buses pick up people in locations that are out of logical sequence, wasting time and resources. Scheduling clearly needs to be consolidated and calibrated to decrease the time spent by buses traveling in random and out-of-the-way routing. Suffolk County does not allow same-day service for any reason. We believe this needs to be amended to offer the possibility of road-side assistance to SCAT riders who find themselves stranded. And my Co-Executive direct, Glenn Campbell will follow with a personal experience recently that occurred to him.

SILO has identified a need for a County-wide policy for no-shows, cancel-at-the-door and late cancels. A no-show is when the bus arrives and the passenger doesn't come out.
Cancel-at-the-door is when a passenger tells the driver that they're not taking the trip. And a late-cancel is when the passenger calls and cancels their trip less than two hours before pickup time.

SILO's Transportation Committee is presently drafting a proposed no-show and cancellation policy to address these issues. It will also include reference to the transportation provided policy of recording and documenting late and missed trips. SILO's Transportation Committee Chairman obtained and analyzed recent monthly SCAT numbers and concluded that 10% of all the trips Monday through Friday are being cancelled.
Suffolk County is the only municipal in the Tri-State area that does not have an enforced policy in these areas. If a policy is adapted, implemented and enforced, it would prompt many people to cancel previously scheduled trips which they know they will not utilize in a more timely and responsible manner, allowing buses to be rerouted to satisfy other trip requests. These no-shows, cancel-at-the-door and late cancels cost Suffolk County a considerable amount of money, which is outrageous and unacceptable especially in this critical time of budget woes.

Another area of concern is the lack of rider education and outreach offered to riders by the SILO provider. SILO has developed a Rider Ed program consisting of six workshops that cover all aspects of utilizing Suffolk County's transportation system. And we would be very happy to host this series of seminars at our new community center on Lakeland Avenue in Ronkonkoma.

In closing, SILO would like to propose the formation of a Suffolk County Transportation Task Force that would solicit relevant statistics and reports from Suffolk County transportation service providers with the goal of initiating an analysis and evaluation of the entire SCAT system. The system clearly needs an overhaul. By addressing these issues now, the County will find an opportunity to deliver an improved transportation system, which will be more cost effective and user-friendly for all Suffolk residents. Streamlining and tuning up Suffolk's bus system could eliminate the need for potential

fare hikes and free up funding for expanding SCAT evening service hours and County-wide Sunday bus service. If it's permissible, I'd like to offer a copy of this to everyone. Thank you for allowing us to appear today. Thank you so much.

CHAIRMAN SCHNEIDERMAN:
And the last yellow card I have is Glenn Campbell.

MR. CAMPBELL:
Thank you, Mr. Chairman. I want to just expand a little bit of what my colleague was talking about -- you know, regarding an exception to the same-day-service rule.

CHAIRMAN SCHNEIDERMAN:
Hold on one second. We just want to get the microphone a little closer to you so that everyone can hear you.

MR. CAMPBELL:
Thank you. I just wanted to expand on something my colleague spoke about a few seconds ago regarding the same-day service that currently doesn't exist with our SCAT Program. Several weeks ago, right before Halloween, I was out with my grandson, my wife doing pumpkin picking about two miles from my home located on 112. My home is located right out of Old Town Road. Now, we all know what kind of road 112 is and what kind of road Old Town Road can be.

I was there, my van wouldn't start after being there about two hours. It was the fuel pump, and I couldn't get it started. I called SCAT and, you know, proper procedure was followed where no same-day service. I couldn't get a trip. As a result, I had to drive myself home two hours in cold weather, almost freezing weather. My stepdaughter had come and walked with me while my wife followed in the car. I think there needs to be some sort of an exception and mechanism so people can utilize this service in the case of emergencies.

Now, the policy would have to be drafted in such a way so that it's not abused. But we think very it's important, because, you know, there's instances like this throughout the year where somebody might get stranded. It could be something of an emergency, a family emergency, it could be anything that could affect or negatively affect the lives of the individual. I would like to you consider this as an important issue. I think that ADA would embrace such a thing to allow people -- to give people more freedom and the protection when they need it most. So, please, consider that as a proposal to any changes that can be made to SCAT policy. Thank you.

CHAIRMAN SCHNEIDERMAN:
Thank you. Glenn, I just want to make sure I understand. So your car broke down. You have a handicapped-equipped car. And you then called SCAT, and SCAT said, "We can't pick you up because you have to make a reservation at least a day in advance, and this was the day of." So then you took your wheelchair, what, two miles to get home?

MR. CAMPBELL:
In the dark, in the cold on a road with no sidewalk, a windy road with no sidewalk.

CHAIRMAN SCHNEIDERMAN:
So it wasn't that the SCAT bus wasn't available, it's just that they had a policy that they couldn't -- you had to make an advanced reservation.

MR. CAMPBELL:
Right. It was a Saturday. I believe it was --

CHAIRMAN SCHNEIDERMAN:
So you're basically asking us to take a look at that policy and see if there's a way for emergency provisions that the contractor could pick an individual up, right?

MR. CAMPBELL:
Yes.

CHAIRMAN SCHNEIDERMAN:
I just wanted to make sure I fully understand. Legislator Barraga.

LEG. BARRAGA:
I was listening rather intently to what you were saying. The van broke down and you called SCAT, and they didn't respond. What happens -- could you not have called 911? Was there a possibility that the police would have responded and gotten you some sort of assistance so they didn't have to take a wheelchair and go two miles? Do they not respond to those kinds of calls? I don't know.

MR. CAMPBELL:
The thing is I can't get in and out of my wheelchair. A regular ambulance or an ambulette would also probably be -- probably couldn't use that as well because of my wheelchair; it's a motorized chair, it can't be lifted up. I probably sit about 500 pounds right here.

LEG. BARRAGA:
So SCAT is the only responding vehicle that would have the equipment necessary for you to be transported. The police would not be able to arrange through a local fire department for emergency assistance in your case where you're truck has broken down?

MR. CAMPBELL:
Not to my knowledge.

LEG. BARRAGA:
I don't know, that's why I'm asking.

MR. CAMPBELL:
I believe most fire departments don't have accessible vans with lifts. Maybe it's available, I don't know. It seems the practical -- you know, the most practical solution. You know, you might -- you'll still be responsible for a fare at some point, but I think it should be somehow made available. You know, it's the most practical way of doing it. My alternative at that moment really was the owner of the building offered their horse trailer; you know, to strap me into a horse trailer and drive me home that way. You know, that alone would be very dangerous for me.

LEG. BARRAGA:
Thank you.

CHAIRMAN SCHNEIDERMAN:
But it wasn't that SCAT didn't answer the phone? SCAT did answer the phone, right?

MR. CAMPBELL:
They answered the phone. I asked to speak with a supervisor. I believe supervisors aren't on call on Saturdays, correct me if I'm wrong. But even the dispatcher stated that even if the supervisor was there, there was nothing they can do. So it's an unfortunate incident, and, you know, I think it needs to be addressed.

CHAIRMAN SCHNEIDERMAN:
I appreciate you taking the time to make us aware of that situation.

MR. CAMPBELL:
Thank you.

CHAIRMAN SCHNEIDERMAN:
Is there anyone else who has not been heard who wishes to be heard? All right. Commissioner, if you will step forward. And, you know, perhaps if you want to be joined by some of the Transportation Division people, maybe we can try to get some answers here on the SCAT issue.

Gil, I haven't seen the contract that goes to -- Suffolk Bus is our vendee or our contractor that operates SCAT throughout the County. In terms of -- you know, I've heard a lot of these complaints that it doesn't seem efficiently scheduled. Are they compensated based on the mile that they travel or is it a fixed rate? You know, if you get in a taxi cab, sometimes, you know, they seem to take the slowest way. Maybe it is in their interest to go the slowest way. Is it in the contractor's interest in this case to send as many buses as possible and go the furthest distance rather than the most efficient routing?

COMMISSIONER ANDERSON:
Well, let me, if I could, put it into perspective a little bit. In 2010, SCAT had other 440,000 rides that they did over the course of the year. It's a very complex program. We are -- and I want to digress a little bit only based on the letter that SILO had sent to us or to the committee, and they copied us on it. The amount of cancellations, you know, we are very aware of that. I don't believe it's as high as 10%. But during the Federal Transportation Administration's tri-annual review, we came out glowing with the exception of the fact that there were some cancellations.

And we are working on revising our policy to get the number of cancellations down to zero. And what that entails is revising our policy, revising -- right now, we take reservations up to seven days in advance. We do get many no-shows and cancellations, which impact the system; the drivers are already, you know, halfway there, sometimes even when they show up at the door. So we're looking to reduce the days in advance that reservations can be made so that people are more certain of the rides that they will need; so there will be less cancellations. We're also looking at some type of -- you know, within the policy that if you have -- I don't want to say abuser is the right word -- but if you have a person that continually cancels on you, there is some type of ramifications to doing that, because it does impact us.
Having said that --

CHAIRMAN SCHNEIDERMAN:
You know, if I make a doctor's appointment, I might make it a month in advance, but they typically would call me a day before and say, "I just want to reconfirm the appointment." Do we anything like that call? Do we call a day ahead of time and say, "You still need that bus?"

COMMISSIONER ANDERSON:
Generally, no, we don't.

CHAIRMAN SCHNEIDERMAN:
Just a policy like that might actually cut down the amount of cancellations. Or at least, you know, cut down the amount of trips that show up at the door that nobody needs to get on.

MR. LENBERGER:
Right now, we're looking at an AVL project that we're going to be awarding in the next couple of months.

CHAIRMAN SCHNEIDERMAN:
What is AVL?

MR. LENBERGER:
Automatic Vehicle Location System, GPS-enabled. Right now, the drivers have turn-by-turn on the vehicles, but we still don't have a mechanism to track the vehicles to their exact location. And this system would be implemented toward the tail end of next year once we make our award. And what we would like to do is have a call-ahead system where -- when the vehicle gets within, say, ten minutes of the passenger, we could implement a call-ahead system to the passenger to get ready to pick up the vehicle.

But it's still not going to address the issue where we have passengers that get a ride from family, friends, members or whatever, and the bus subsequently goes to the door and has to wait -- it's required for 15 minutes by the Federal Government to wait for the passenger. For 15 minutes, that bus is essentially tied up for those 15 minutes, and then it has to request permission to leave. So the bus is essentially tied up for possibly up to --

CHAIRMAN SCHNEIDERMAN:
What about to say they're calling a day ahead of time?

MR. LENBERGER:
We could implement that. We would have to investigate it somewhat to see the cost ramifications and tie it into the AVL.

CHAIRMAN SCHNEIDERMAN:
Do you have any answers in terms of how the contractors are compensated?

MR. LENBERGER:
They are on a fixed contract for this year, and then it's up to negotiations starting next year, but that is dependant on the amount of drivers that are assigned. And we're anticipating that they're going to have to hire probably in the neighborhood of ten drivers next year to just keep up with the demand regarding this denial issue. We are also buying 49 vehicles, possibly a few more next year. Majority of those are replacement, but we should be increasing the capacity by another ten vehicles next year.

CHAIRMAN SCHNEIDERMAN:
Does this fixed year mean there's a lump sum for the year? Is it readjusted at the end based on actual ridership?

MR. LENBERGER:
It's not adjusted at the end of the year, but it's based on the amount of drivers. And right now -- we're at capacity right now, so we have to anticipate expanding next year.

CHAIRMAN SCHNEIDERMAN:
It sounds like it actually would be not in the contractor's interest to have an inefficient system. It would cost the contractor more money; is that right or no?

MR. LENBERGER:
I don't understand.

CHAIRMAN SCHNEIDERMAN:
Well, if they're getting a fixed rate, whatever it is, X, for the year, they are going to want to keep

their costs down as much as possible then to increase their profits.

COMMISSIONER ANDERSON:
Correct.

MR. LENBERGER:
It's also based on their evidence of their drivers and their costs associated with it.

CHAIRMAN SCHNEIDERMAN:
So then there is a milage adjustment?

MR. LENBERGER:
There's not a milage adjustment no. But there is -- it's a mount for the drivers. So they have somewhere's around over 100 drivers -- actually probably around 150 drivers that they're utilizing. And that's going to increase next year, and they have to evidence those costs based on their drivers.

CHAIRMAN SCHNEIDERMAN:
If it could be done more efficiently -- instead of having 100 drivers, it could be done with 80 drivers, that would bring the costs way down.

MR. LENBERGER:
No, because they're operating, you know, 5:00 a.m. till, you know, somewhere's around ten o'clock at night. You are talking six and a half million miles a year we do. We do 21,000 miles a day.

CHAIRMAN SCHNEIDERMAN:
Do you know what the cost per trip is? Do you have a breakdown like that.

MR. LENBERGER:
No, I'd have to get that for you.

CHAIRMAN SCHNEIDERMAN:
Approximately?

MR. LENBERGER:
Not off the top of my head. I don't want to misspeak.

CHAIRMAN SCHNEIDERMAN:
Anybody else have any questions at this point regarding SCAT or the transportation system in general? I know we are going to debate raising fares soon, so you might want to stick around. Let's go to the agenda.

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

This is that critical artery plan, as I like to refer to it, the ten interconnected routes, which was to be paid for with a 50 cent increase across the board to the general fare. And we finally got to the same page of agreeing that that would cover it, but now we're talking about raising the fares possibly 50 cent. Any comments at this point on that?
COMMISSIONER ANDERSON:
No. I think when we get to the public hearing resolution, that will be later in the agenda, I would suggest that we table this again until we have a chance to really look at the new request as well as what's really needed, because we do have some info on the two East End routes based on last year's program. So hopefully we can get some good numbers and maybe, you know, do something with

this.

CHAIRMAN SCHNEIDERMAN:
My one concern is, you know, I've gotten a lot of support from bus riders about this Sunday bus plan, and if we raise the fares 50 cents now without providing additional service and then go up an additional 50 cents for the Sunday service, we're talking about a dollar increase. That would bring the fare to $2.50. It actually would be higher than Nassau's rate. Of course, Nassau does provide that Sunday service. That is why I've been pushing a lesser general fare increase so there might be some wiggle room there. But that's something we would obviously debate. Legislator Barraga, did you have something you wanted to say?

LEG. BARRAGA:
Well, I think the Chairman sort of brought up the point that I was going to make. I just want a clarification, because on these specific bus routes, especially the ones on the East End, the rate has already gone up 33% to $2. And I take it it would go up another 50 cents. So that would be 2.50 or roughly a 66% increase over the current bus fare of $1.50. And that's an exorbitant increase for people who on average make, you know, 20 or $25,000 less than someone who doesn't take bus transportation.

I really think we have to take a long hard look at this, because these are people that have the least disposable income in order to incur these kinds of increases. I mean, it isn't as if everything else is static. I mean, they still have to buy food and clothing and shelter. You know, all the other expenses that we all incur are continually going up. And for them to -- they're earning a lot less than most people, that's why they take the bus. To have a 66% increase on these particular routes, that's really way out of whack. Even a 33% increase for whole system. I know that the argument's been made, "Well, you know, we haven't had a raise in 16 years," but again, everything else around you is going up dramatically. You really can't afford that 33%. You can't afford to go from $1.50 to $2, much less to go from $1.50 to $2.50.

So we really have to maybe step back and take a look at this. I don't know what we do. I know we're hard pressed for dollars from an economic perspective, but it seems like we're really making a dramatic increase on people who can least afford it.

CHAIRMAN SCHNEIDERMAN:
So I guess, you know, in interest of the further discussion about rates in general, I'm willing to table 1165. There's a frustration level there, because I felt like we were pretty close do making this happen. I know -- and I'm looking forward to seeing your numbers on the pilot program, but I know the ridership overall on that S-92 was up 10%, which is great. I'm hoping that the sales tax is reflected from people going shopping on Sundays.

I hope if we do raise the fares 50 cents across the board, we don't have to end this successful pilot program. But we're going to have to really think it through, because $2.50 would be a very high fare. And it's almost like going backwards. We're trying to stimulate the economy, get people to work, get people to go shopping, and then suddenly, we throw up an obstacle. But I'll make a motion to table 1165, seconded by Legislator Barraga. Any discussion? All those in favor? Opposed? 1165 is **TABLED (VOTE: 6-0)**

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

LEG. STERN:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
Motion to table by sponsor, seconded by Legislator Horsley. And discussion? All those in favor? Opposed? So **TABLED (VOTE: 6-0)**

IR 1786 - Establishing guidelines for the implementation of the Sewer Infrastructure Program. (Romaine)

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

IR 1809 - Authorizing the County Executive to execute a lease agreement with the Town of Smithtown for the purposes of creating a Law Enforcement Motor-Carrier Check Site, situated on Town of Smithtown Real Property, identified as SCTM No. 0800-173.00-03.00-012.000, pursuant to Section 72-h of the General Municipal Law. (Co. Exec.)

LEG. STERN:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
Motion to table by Legislator Stern, I will second that. On the motion, you were in discussions last time we tabled this because you were discussing with the Commissioner some of your concerns, is that --

LEG. STERN:
Yes, and we have a meeting coming up on that.

CHAIRMAN SCHNEIDERMAN:
Okay. Commissioner, you're on board?

COMMISSIONER ANDERSON:
To be honest, I'd like to see it move forward if we could maybe move forward without a recommendation.

CHAIRMAN SCHNEIDERMAN:
Have the meeting, then it can move forward.

COMMISSIONER ANDERSON:
10-4.
CHAIRMAN SCHNEIDERMAN:
Okay. So we had a motion to table and a second. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0)**

IR 1834 - Adopting Local Law No. -2011, A Local Law to lower the sewer connection fee for Canon USA, Inc. (D'Amaro)

I know I have a meeting coming up with a representative. So I will make a motion to table, seconded by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0)**

IR 1844 - Approving extension of license for Sayville Ferry Service, Inc. For Cross Bay Service between Sayville, New York and the Fire Island Communities of Fire Island Pines, Cherry Grove, Water Island and Sailors Haven. (Pres. Off.)

Is this closed, the public hearing? It has closed. All right. Is there any motions? Motion to approve -- on 1844, we closed the public hearing. This is the extension of the license.

P.O. LINDSAY:
I'll make a motion.

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

IR 1916 - Directing the Department of Public Works to install a full three-color stoplight at the intersection of CR 111 and Halsey Manor Road. (Romaine)

Commissioner.

COMMISSIONER ANDERSON:
This, again, as in the last meeting, we recommend it be tabled. Our staff is reviewing the entire corridor to better improve it. As I stated last time at the last meeting, we had just received the police report for that accident like a month or so ago that claimed the mom and her kid. So I would ask, you know, to table this until we've had sufficient time to review everything. We are moving forward with this.

CHAIRMAN SCHNEIDERMAN:
Now, this light is not at that intersection where the accident was.

COMMISSIONER ANDERSON:
Correct.

CHAIRMAN SCHNEIDERMAN:
Can I ask you, are you guys studying the intersection where the accident occurred?

COMMISSIONER ANDERSON:
Again, we're looking at the whole corridor. I would note that I believe where the intersection was a signalized intersection. It's a blinking light, okay.

CHAIRMAN SCHNEIDERMAN:
It was. But people have raised concerns about line-of-sight, trees.

COMMISSIONER ANDERSON:
Right. As I stated, we just received the police report. We're looking at that intersection to see what, if anything, could be removed.

CHAIRMAN SCHNEIDERMAN:
Over the current stoplight, I guess there are no shades. Sometimes they put a covering over them. I don't know if their LED lights or red incandescent lights. But, Jim, are you guys looking into all this?

MR. PETERMAN:
We had a meeting the Monday before Thanksgiving with the community. We got a lot of input from them, so we're looking at some of the things they brought out. We're going to go back to them with our suggestions and the results of our study, and then we'll come back here and fill you in on it.

CHAIRMAN SCHNEIDERMAN:
Legislator Romaine is suggesting a full stoplight. Right now there's a blinking light at that intersection by the firehouse, right? It's the same intersection?

MR. PETERMAN:
That's correct. But the department doesn't necessarily -- is against putting a light in, but we need to study it before any kind of signal does go in.

CHAIRMAN SCHNEIDERMAN:
Sure. I'll make the motion to table. Is there a second? Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0)**

INTRODUCTORY PRIME

IR 1978 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 Twelve Pines and McKeon Rolling Steel Door Company (BR-0799.10). (Co. Exec.)

Commissioner, you have some additional information?

COMMISSIONER ANDERSON:
Again, as the title states, this is requested to execute an agreement between Suffolk County and this company McKeon Steel and Rolling Door Company. They're seeking permission to discharge 1201 gallons per day to Sewer District Number 7, and we recommend approval.

P.O. LINDSAY:
Motion.

CHAIRMAN SCHNEIDERMAN:
All right. There's a motion by Legislator Lindsay, I'll second. Any discussion? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0-0-0)**

IR 1979 - Amending Resolution No. 1053-2008 in connection with improvements to the Yaphank County Center Wastewater Treatment Plant (CP 8158). (Co. Exec.)

Commissioner, any additional information?

COMMISSIONER ANDERSON:
This simply amends the resolution to appropriate funds so that $50,000 can be used for additional planning that was needed once we started design of the denitrification facility within the Yaphank Sewer Plant. It really just realigns the funding so that 50 goes to planning and 450,000 goes to construction. We feel we have enough money to do it with the 450,000.

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

IR 1980 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the owner of Eranta, LLC (BR-1581). (Co. Exec.)

Again, Commissioner, this was spoke of by Mr. Wishod prior. You guys have worked out some kind of arrangement?

COMMISSIONER ANDERSON:
Yeah. The district was expanded by a group known as Sewer District 11 Associates, I believe. And after it was expanded, it was found that there was additional capacity, so that we decided we would reach an agreement with that company to split the additional volume and allow some of that to be the $7.06 per gallon per day goes to the District 11 venture and $7.94 per gallon per day goes to District 11. And that funding going back to the District 11 venture helps them recoup some of their cost.

CHAIRMAN SCHNEIDERMAN:
So that split was determined based on capacity and gallonage expected from those uses?

COMMISSIONER ANDERSON:
Yeah. And work that was done, the expansion, that type of thing. It was an agreement that was -- went through the process of Sewer Agency.

CHAIRMAN SCHNEIDERMAN:
And was fair in your mind?

COMMISSIONER ANDERSON:
Yes.

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

IR 2026 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the repair of the jetties and/or the dredging of Mount Sinai Harbor, Town of Brookhaven (CP 5200). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:
The jetties at Mt. Sinai Harbor that are owned by the Town of Brookhaven have failed and permit sand to readily enter the harbor. The frequency in which Suffolk County has had to dredge this harbor to maintain safe navigation to the boating public has increased from once every ten to 12 years to about once every four to five years. Both Suffolk County and the Town of Brookhaven desire to repair the jetties to limit the flow of sand into the harbor reducing the frequency of dredging and are partnering on this project. The overall cost of the project will likely range between six to $8 million. The project will jointly be funded not only by the County, but through a Federal grant as well as funds from the Town of Brookhaven. The funding will provide the County share for a combination of jetty repair and/or dredging of the navigational channel. The Town of Brookhaven expects to progress this project in 2012.

CHAIRMAN SCHNEIDERMAN:
Where are we taking money from?

COMMISSIONER ANDERSON:
Various offsets are going to be utilized under this; Capital Program 1713, replacement of equipment at various County facilities, 100,000. There are no major equipment replacements at this time anticipated. The Capital Project 1760, elevator controls and safety upgrading at various facilities, $75,000. Similarly, there are elevator control replacements anticipated at this time for this year. Capital Program 3301, safety improvements at various intersections, $100,000, will be able to fund the safety improvements with the existing funds that we have on hand. Capital Program 5138, safety improvements to County Road 21, Main Street in Yaphank, $100,000 of the funds are not

needed at time. Capital Program 5510, reconstruction of County Road 3, Pinelawn Road, $784,000 due to delays in the acquisition of properties in connection with this construction project. The construction has been delayed until 2012. Capital Project 5565, Sagtikos Corridor, $800,000. These funds are not needed at this time. Capital Project 5658, the purchase of the public transit vehicles, 400,000 is not required at this time. Capital Program 8730, restoration of wetlands, 141,000, there are no restoration of wetlands anticipated at this time for the rest of the year.

CHAIRMAN SCHNEIDERMAN:
Let me ask. Just overall, you're okay with all these offsets? There's a lot of capital items that are being offset.

COMMISSIONER ANDERSON:
Yes.

CHAIRMAN SCHNEIDERMAN:
Why are we paying to repair Brookhaven's jetties? I mean, do we do this for anybody else?

COMMISSIONER ANDERSON:
This is really going to help pay for the dredging project in the harbor itself. That's really the only work that we're committing to do.

CHAIRMAN SCHNEIDERMAN:
Are we going to do this, let's say, out at three Mile Harbor, which the town owns the inlet there? Are we going to do the same -- I mean, are we opening up a can of worms here by doing this?

COMMISSIONER ANDERSON:
No. This is an agreement -- again, we have Federal funding. We have a million dollars in federal funding that's going to this, and we're -- again, we anticipate the money that we're putting aside here to go toward the dredging of the inlet.

CHAIRMAN SCHNEIDERMAN:
Let me ask you, assuming we get past this, there's been many cases in and around these inlets where the area down drift claims that their properties are eroding faster now because we've -- you know, the jetties have been extended or strengthened, and then they go come sue the County saying that we have to pay to repair their properties. Are we creating liability for the County by suddenly now funding this? Are we taking ownership interest in this jetties? Is there liability now that we're going to have by building these jetties?

COMMISSIONER ANDERSON:
No. We're not taking an ownership interest in this. These were existing jetties. The jetties, I think, were installed in the '50's when they redid the harbor.

CHAIRMAN SCHNEIDERMAN:
Are you enlarging them though?

COMMISSIONER ANDERSON:
Well, no. We're -- they were -- back in the '90's, they were rehabilitated, done but they were done incorrectly -- it wasn't a County project, I believe it was a town project -- they didn't use the right size stones. It wasn't built correctly and it failed.

CHAIRMAN SCHNEIDERMAN:
Will the town indemnify us from any claims?

COMMISSIONER ANDERSON:
I wouldn't see why they wouldn't. I don't know though.

CHAIRMAN SCHNEIDERMAN:
I know the Presiding Officer has questions[.|. |.] Hi, Bill.

MR. HILLMAN:
Hi, Legislator Schneiderman, how are you? You do bring up a good point, and this has happened on other projects, when we contribute funds to a town or any other municipality, if we're bonding it, which we are on this, it's my understanding that we do need to have an ownership interest in it to carry that bond for the life of the bond. So that would have to be an intermunicipal agreement between us and the town, which could be executed, but from a legal standpoint, it wouldn't be us to decide that. But because we now have an ownership interest in it because we helped finance it, does that put us in a legal issue if there is ever anything downstream? I don't know the answer to it, but it is a good question.

CHAIRMAN SCHNEIDERMAN:
I appreciate that. I will try to get the answer.

COMMISSIONER ANDERSON:
If I could just briefly. I was trying to make the point before, and I will be brief. These jetties have existed for over 50 years. I mean, any damage that would have been done was done early on. In fact, we're seeing the fact that the jetties have failed has impacted the inlet as well as the slopes to the, you know, hills which are right adjacent to that inlet as you go to Mt. Sinai Harbor.

CHAIRMAN SCHNEIDERMAN:
I understand the rational; it would be cheaper for us probably to fix the jetty than to keep going and dredging it every couple of years. Presiding Officer, you had a question too?

P.O. LINDSAY:
Just to clarify. This money is to rebuild the jetties, not to dredge, but by rebuilding the jetties, the time span between dredges will be extended?

COMMISSIONER ANDERSON:
It's a two-pronged approach. We are going to rehabilitate the jetties, but we're also going to dredge the harbor inlet and then replace --

P.O. LINDSAY:
So part of this money is for dredging?

COMMISSIONER ANDERSON:
Absolutely.

P.O. LINDSAY:
And part of it is to redo the jetties?

COMMISSIONER ANDERSON:
Yes, sir.

P.O. LINDSAY:
And all the projects you read off are 2011 Capital Projects, money has been appropriated, it's going to die anyway.

COMMISSIONER ANDERSON:
Correct.

CHAIRMAN SCHNEIDERMAN:
I still have this legal concern. I know that the clock is ticking on this, so, you know, maybe discharge it without recommendation, we can try to get the legal question answered. Everybody okay with that? And, Gil, I mean, again, I've never seen this before where we're going in and rebuilding a town structure.

COMMISSIONER ANDERSON:
We're not rebuilding it. This has been a project where we've had involvement from the Army Corps on down to ourselves and the town. You know, granted, we could go back in and just dredge, but it's going to fill right back in. If you go out there and take a look at it, you can actually see on the west jetty where the water is just getting right out behind it. And on the east jetty, same thing.

CHAIRMAN SCHNEIDERMAN:
Again, I just want to make sure if we're doing whatever we're doing for Brookhaven we're also doing for Islip and Smithtown and Huntington. You know, maybe we're going in a particular direction that we haven't gone before. Bill, you want to comment on this? I have some concerns about getting involved in a project like that.

MR. HILLMAN:
Agreed that this is probably precedent-setting. However, in the future, if the County is responsibility to dredge a canal, and by assisting the town, it decreases our overall cost in the future, I think we should partner with them and do that. Now, obviously, that's my opinion, and it's this Legislature and the County Executive who make those decisions. But overall, we would be reducing the overall cost to the County by assisting in this.

We have told the Town of Brookhaven that we will not dredge it until jetties are repaired, because we're throwing money in the water. So if we as a County decided to bypass that decision and go in and dredge it every four or five years at a cost of two and a half million dollars -- you know, spending money on the jetties, we will recoup very quickly by extending the life of the dredging event. So in that instance --

CHAIRMAN SCHNEIDERMAN:
I hear the fiscal sense. You know, the same thing you can say to the towns, "We're not going to dredge it, so go fix your jetty if you want us to dredge it." Let them pay the full cost of fixing the jetties. You know, here we're saying, "We are going to help you do it." And if we're going to help one do it, we better help them all do it. I think it's worth having that conversation before we go ahead and do it. That's all. Mr. Presiding Officer.

P.O. LINDSAY:
The dredging is clearly our responsibility, it isn't the town's responsibility at all.

COMMISSIONER ANDERSON:
Correct.

P.O. LINDSAY:
What would it cost us to dredge this harbor?

MR. HILLMAN:
That's a variable question depending on how much material is in the channel.

P.O. LINDSAY:
A range.

MR. HILLMAN:
Around two and a half million presently, but -- we typically spend about two and a half million to dredge something like this. About 80,000 cubic yards is when we begin to see problems. But since we've told the town we're not dredging it until they fix their jetties, it may be -- by the time they fix the jetties and by the time we get to actually dredge it, it could be double that. It could be a four million dollars project, because it took so long. So it's highly dependant upon the amount of material in the channel. And the longer we wait, the more material we're going to have, the more it's going to cost us.

P.O. LINDSAY:
If this works, it will double the life of the dredging?

MR. HILLMAN:
Yes. The Army Corps has provided studies that show that, and we also believe that.

CHAIRMAN SCHNEIDERMAN:
Bill, do you know what the cost share here is in terms of the -- forget about the dredging component. Some of this money is going toward that jetty reconstruction. Are we paying 10%, 50%, because as we talk about precedence, it's going to come up again.

MR. HILLMAN:
The original amendment was 50%; the town would have a 50% share, we would have a 50% share.

CHAIRMAN SCHNEIDERMAN:
Okay. Being the Legislator from the area that probably has the most inlets, it's a concern. Legislator Barraga.

LEG. BARRAGA:
I guess my concern is not so much the fiscal end of it, but I understand what you are talking about. But how do you prevent nine other towns in the future from coming forth saying, "Look, you know, we have jetties and we have a dredging problem. You've helped Brookhaven with the jetties, we want you to help us"? You're setting a precedent here.

MR. HILLMAN:
Without a doubt. You'd have to take it on a case by case basis. And if it on the long term benefits the County, you -- we may want to consider that. But I have no other answer than that.

LEG. BARRAGA:
Well, you'd have to almost prove the circumstances surrounding some other town were not the same as Brookhaven, consequently, the County is not going to do something. Otherwise, they would be making the assumption that if you helped one, you have to help the rest of us.

COMMISSIONER ANDERSON:
Correct. And they would have to have the same conditions where you have a navigable channel that's under the jurisdiction of the County, that you have, you know, a jetty similar to that. I don't know that there are all that many jetties out there of the same nature and under the same situation.

CHAIRMAN SCHNEIDERMAN:
Legislator Stern has a question concerning the --

LEG. STERN:
Thank you, Mr. Chairman. The overall amount of the project is the $2.1 million that's in the resolution; is that right? Do you know what the approximate breakdown between the jetty work and the dredging work is to make up that 2.1?

MR. HILLMAN:
It's a little bit of a moving target. The original agreement or the original understanding was that a six and a half million dollar project would rebuild the jetties and remove the sand from the channel; roughly a million dollars to be borne by the Village of Port Jefferson via a FEMA grant of a million dollars. That would leave five and a half million dollars for the remaining project split by the County and the town, two and a quarter million each.

CHAIRMAN SCHNEIDERMAN:
The town is actually paying for some of the dredging costs?

MR. HILLMAN:
No. However, since that point, since that has been identified, the make up of the project is fluctuating. The Village now -- it's been determined that they may not actually be able to bring forward a full one million dollars. Their portion of it is 11,000 cubic yards of material to be removed from the canal. That's what they're approved by FEMA to be for this project. So whatever that results in dollar value, it could be $5 million or it could be 100,000, it doesn't matter, it's 11,000 cubic yards of material that they're allowed to remove from the channel. So the Village of Port Jefferson will be doing a portion of the sand removal. The remainder would be split between the County and town and the repair of the jetties.

CHAIRMAN SCHNEIDERMAN:
Does that answer your question? It made it more confusing for me.
So I think what Legislator Stern was trying to get at was the actual cost of the jetty work and how much the County is contributing toward the repairs of the jetty, but it sounds like everything is kind of mixed together here.

MR. HILLMAN:
Yes, you are correct, it's not broken out that way.

CHAIRMAN SCHNEIDERMAN:
So it's possible that the town is actually paying for part of dredging cost here the way you have it set up?

MR. HILLMAN:
Probably unlikely, but -- let me backtrack. The other point to make is that it's now come to light that the six and a half million dollar project, other than removing the 11,000 cubic yards of material with the Village, does not include dredging. So that is only for the jetties. We are -- the County is in discussion with the town about scoping the jetty project down to something that will prevent the sand from coming in and have a long-term benefit to the County, but reduce the cost.

CHAIRMAN SCHNEIDERMAN:
So the numbers might be three million to the County, three million to the town to repair this jetty if we went with the current scope?

MR. HILLMAN:
No.

CHAIRMAN SCHNEIDERMAN:
You said it was a six million dollar --

MR. HILLMAN:
We have made a commitment -- not commitment. We have a hand-shake agreement with the town or an understanding with the town that we would commit two and a quarter million towards this project. Again, the details are of how to prevent the sand from getting in and accomplish the dredging are not all hammered out. But even if -- even if we were to put it all on to the town to repair the jetties, we would still need the majority of these funds to do the dredging. So we need the funds one way or the other. It's really a matter of do we want to apply them to the jetties.

CHAIRMAN SCHNEIDERMAN:
When are you doing the dredging, in 2012 or 2013?

MR. HILLMAN:
No. The dredging is quite a ways away. At that point, it could be programmed into the '13 Capital Program.

CHAIRMAN SCHNEIDERMAN:
Because I know these things often take years before you get all the permits.

MR. HILLMAN:
Without a doubt.

CHAIRMAN SCHNEIDERMAN:
So if you need this money for the dredging and we offset it for the jetties, will the money be there for the dredging when you need it? I don't know.

MR. HILLMAN:
Well, the funds could -- the basic question that I think this Legislative Committee is asking is do we want to spend County money to repair town jetties. If the answer is no on that, we could modify this resolution and appropriate it just for the dredging so it could only be spent for the dredging. If the answer is yes, it could move forward as is, and it would be flexible. It would give us the ability to use it for dredging, and it would give us the ability to assist the town in making repairs to the jetty.

CHAIRMAN SCHNEIDERMAN:
Let's say we didn't act on this today, we tabled it, is there adequate time for you to still -- you know, we have a couple more meetings left -- authorize the money before the end of the year?

MR. HILLMAN:
We have one more meeting, so, yes, we can continue to discuss the issues and research anything you would like.

CHAIRMAN SCHNEIDERMAN:
It might be better. Let's authorize it for the dredging itself, later it could be amended, right? At least it would appropriate the money.

MR. HILLMAN:
If it's appropriated for dredging, then amending it at some later date, we've always found to be problematic with the Budget Office for reasons unknown to me.

CHAIRMAN SCHNEIDERMAN:
But at least the money would be encumbered. You know, because I do have, you know, those two concerns; one is about the precedent; two, about the liability of owning this structure. There other people that wanted to speak. I think, Legislator Stern.

LEG. STERN:
Yeah. With this, we shouldn't forget about the threshold legal issue that needs to be answered, number one. But if we decide as a policy matter that we are only going to appropriate the money for dredging, is this something that we wouldn't even need to do now, because, as you say, the dredging itself wouldn't take place for a year or perhaps longer?

MR. HILLMAN:
Absolutely correct. If this body decides that we're only going to appropriate the money for dredging, it would not have to go right now, because we would not be dredging it in 2012, we do not have the permits. Therefore, it could be put into the 2013 Capital Program and normally programmed.

CHAIRMAN SCHNEIDERMAN:
That's got to take a long time in permitting too, the jetties. Is that something that would happen in 2012?

MR. HILLMAN:
The town is pursuing permits. And they had originally proposed being ready for 2012. That's why if they do achieve that goal, we wanted to be ready with our funds.

CHAIRMAN SCHNEIDERMAN:
Presiding Officer Lindsay.

P.O. LINDSAY:
Yeah. If we are going to do this, I would prefer to do it now, because moving forward, our Capital Budgets are going to shrink. We're going to have less money next year and probably the year after. I mean, these are projects that were in the '11 Program that we're not going forward with.

If we don't do this now, that money -- we lose that money, and I don't know whether we're going to have the money in '13 to add this. I can understand, you know, the legal question, but I would recommend that we either table this now and get that answer over the next two weeks or else discharge it without recommendation and see if we can get the answer by next Tuesday. But I don't think -- I don't think you can kick the ball down the road with this. If we're going to do this, we should do it now.

CHAIRMAN SCHNEIDERMAN:
On the question of if we don't appropriate money that's in the Capital budget, do we lose it? And maybe this is a question more for BRO. It means we have less debt service to pay. That leads to a little bit of turnover savings, right?

MR. DOERING:
Exactly. We wouldn't go out and bond those monies, therefore, we would have reduced debt service going forward.

CHAIRMAN SCHNEIDERMAN:
Which may help us too. I'm not sure just because it's in the Capital Budget we should spend it, but if it's a worthy project and we've passed the Capital Budget that showed this amount of spending not for this project, it might be wise to move forward with it. So I'm going to say -- my suggestion

would be to table it and try to get these questions for the next meeting rather than wrestle with this on the floor next week. That gives a little bit more time to answer the legal questions and wrestle with this policy issue of whether we want to get in the business of helping the towns repair their costal structures. That's a big one. That's a big one. So I'll make a motion to table, but if somebody wants to make a different motion, that's fine too.

LEG. BARRAGA:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator Barraga. Any other motions? All in favor? Opposed? Abstentions?
TABLED (VOTE: 6-0)

IR 2037 - Directing the Department of Public Works to hold public hearings on new bus fares. (Pres. Off.)

P.O. LINDSAY:
Motion.

CHAIRMAN SCHNEIDERMAN:
Motion by the Presiding Officer. Is there a second? Seconded by Legislator Muratore. On the motion, this is to have -- this public hearing is on a 50 cent fair increase. Our budget called for a million dollars in new revenues. I've asked DPW to see if there's another way to come up with a million dollars through operational savings as well as other fare increases and capping the general fare at a 25 cent increase. DPW, you haven't done that yet, right, that analysis?

COMMISSIONER ANDERSON:
No, we haven't.

CHAIRMAN SCHNEIDERMAN:
When would this bill set the public hearing?

COMMISSIONER ANDERSON:
This just directs us to set the public hearing, it doesn't establish the date of the public hearing. We would have to go through all the motions; advertise it and set it up. This really just directs us to hold the public hearing.

CHAIRMAN SCHNEIDERMAN:
What's the procedure? So you hold the public hearing, the public comments, then you make a recommendation to raise the fares, or you have to come back to the Legislature to raise the fares?

COMMISSIONER ANDERSON:
After a public hearing is held, then there's essentially a report or a statement that's made approving the findings of that hearing. So if everybody comes in and says they think it's a great idea, that's given in the statement of findings, and then a recommendation to raise them or not raise them.

CHAIRMAN SCHNEIDERMAN:
Do we have to pass a separate resolution to raise the fares?

COMMISSIONER ANDERSON:
Well -- we just have the public hearing.

CHAIRMAN SCHNEIDERMAN:
And then DPW can -- the Division of Transportation can just raise the fares. Do you have to go up to the State and get approval from the State.

MR. LENBERGER:
Yes. You have to do a tariff of application.

CHAIRMAN SCHNEIDERMAN:
And how long of a process is that?

MR. LENBERGER:
Probably within a week or two.

CHAIRMAN SCHNEIDERMAN:
Okay. So it's fast.

MR. LENBERGER:
And we would give them the head's up.

CHAIRMAN SCHNEIDERMAN:
And if we pass this bill, do you foresee holding the public hearing this year, or are you looking at -- is this a December hearing or a January hearing?

MR. LENBERGER:
Based on the initial directive, we were going to hold one ahead of time and not wait that long, but since we're looking at a separate resolution, we'll address it in 90 days.

CHAIRMAN SCHNEIDERMAN:
In how long?

MR. LENBERGER:
Well, you have it in 90 days.

CHAIRMAN SCHNEIDERMAN:
You're directed to hold the public hearing within 90 days. The only thing -- and I really would like to work with the Presiding Officer on this. Mr. Lindsay, as you know, I'm trying to come with a second proposal. It may be worse than the 50 cent fare increase, because it may affect some other fares like the senior fare and student fare and transfer fares. But I would like at least a little bit of time -- I'm hoping to have something by today, but I don't. You know, then to perhaps to amend this to solicit input on both proposals; the 50 cent main fare increase versus, let's say, other rates going up as well and as a smaller fare increase on the general fare. I know that we have a budget that depends on this million dollars, and I don't want to mess up our budget, but I would appreciate two weeks before we acted to possibly come up with a counter proposal.

P.O. LINDSAY:
The only thing that I'd like to I point out is that we have a million dollars of revenue based on, I think, a January 1 implementation. So if you delay it until February or whatever, that money shrinks. And even at that, I talked to the Commissioner before this committee meeting, it doesn't -- it doesn't address the Sunday fares now. This only addresses going from $1.50 to $2. And it only raises $886,000.

COMMISSIONER ANDERSON:
It's 838,000 if you don't take into account the S -- 92 and the 10-C because they've already been

raised.

P.O. LINDSAY:
So, you know, we have to decide what we're doing with those two lines. And I'm amenable to -- if you have a different way of doing it, that's fine.

CHAIRMAN SCHNEIDERMAN:
So let me just understanding it, because you are saying that this 50 cent fare increase would not include the S-92 of the 10-C, it would be everything else? So they would continue to have the Sunday service or it would end the Sunday service program?

COMMISSIONER ANDERSON:
Well, effectively, it would -- to get -- if you include all the lines, including the S-92 and the 10-C, you are able to come up with the one million dollars that the Omnibus requires. But that takes away --

CHAIRMAN SCHNEIDERMAN:
If you cancel the Sunday program.

COMMISSIONER ANDERSON:
Correct, then you're not able to run the Sunday program. So you would have to amend the original bill that created the Sunday program. Now we will have figures based on, at the end of the year, what we need to run that Sunday service over a certain period, and we can then raise it beyond, but that's another consideration that you all have to make.

CHAIRMAN SCHNEIDERMAN:
Legislator Barraga.

LEG. BARRAGA:
The terminology that you will use to notify the public of the public hearing, is it very specific in nature or is it general that, "We're having a public hearing with reference to the feasibility of raising rates for County-wide bus service," or do you have to specifically state, "That this public hearing will deal with a 50 cent increase in bus service"? Is it general or is it specific?

MR. LENBERGER:
It's going to be as specific as you want. I mean, if you direct us specifically --

LEG. BARRAGA:
I mean, for example, Mr. Schneiderman is talking about the possibility of coming up with Plan B, which might be less than 50 cents. Do you have to specifically state in your public notice that you're talking about a 50 cent increase, or can you say, "The public hearing is to notify the general public to come before us to discuss the feasibility of raising rates"?

MR. LENBERGER:
No, you could say you just want to have a public hearing to discuss the feasibility of raising rates, yes.

LEG. BARRAGA:
I mean, I know what the budget is, but this way you're not locked into a specific figure, even though most people would come forth and probably talk about the 50 cents, because they've read it in the papers.

MR. LENBERGER:
Yes, you can do that.

LEG. BARRAGA:
This was it gives them the opportunity to come up with something else other than 50 cents, all right?

CHAIRMAN SCHNEIDERMAN:
So, Legislator Barraga, so basically if the bill were amended to not specifically say 50 cents, but up to 50 cents?
LEG. BARRAGA:
This way it gives you the flexibility of continuing to pursue what you want in terms of maybe the final analysis is it's not 50 cents, it could be less.

CHAIRMAN SCHNEIDERMAN:
Bill, are you okay with that?

P.O. LINDSAY:
Well, you have to have a public hearing. Until we have that public hearing, if you have any ideas, come forward with them.

CHAIRMAN SCHNEIDERMAN:
So if we tabled this and you amended the bill up to a 50 cent increase and we held the public hearing on that, we could discuss the whole --

P.O. LINDSAY:
The public hearing is about bus fare increases.

COMMISSIONER ANDERSON:
If I may, the original Omnibus, the 36th Resolved states that, "The Department of Public Works is to authorize the increase to bus fares to appropriate level to help offset anticipated increase in expenditures." And further in there, it mentions the million dollars. To do that, we automatically have to do a public hearing, so I think the general --

LEG. BARRAGA:
You don't have to mention 50 cents.

CHAIRMAN SCHNEIDERMAN:
But this bill does specifically mention 50 cents, doesn't it?

COMMISSIONER ANDERSON:
Right.

LEG. STERN:
The title of the bill directs the Department of public Works to hold public hearings on new bus rates. You can dress it up like Legislator Barraga is suggesting, but essentially it doesn't say anywhere what the specific dollar amount would be for any kind of an amount. I would think that you can hold a public hearing as it relates to potential bus rates.

CHAIRMAN SCHNEIDERMAN:
Let's ask Counsel, because the 1st Resolved is, "the Director of Transportation Operation in the Department of Public Works is hereby directed to hold as soon as possible public hearings to consider raising full bus fares from $1.50 to $2." And that's what the bill says, so that the public

hearing would be from $1.50 to $2.

COMMISSIONER ANDERSON:
Again, I go back to the original Omnibus directs us to increase fares. And we can hold the public hearing based on just general fare increases. You know, whether this moves forward or not, we were planning on doing it.

CHAIRMAN SCHNEIDERMAN:
This public hearing is only on raising full bus fares, whereas I'm talking about perhaps looking at some of the other fares. It's really up to George here if this is how the language is here. I would feel better if we tabled it, and we added some language that would allow the public to comment on other potential fare increases. George.

MR. NOLAN:
The direction was that fare was going from a buck-fifty to $2, and that's the language that's in the resolution. That's what we're directing DPW to do. If this committee and the body wants the Department of Public Works to do something different, we probably should change the resolution.

CHAIRMAN SCHNEIDERMAN:
I was there at the work group. I fought hard so that it was non-specific in terms -- yes, we would raise a million dollars, but we did not say specifically how we would get there. Then it ended up being this 50 cent increase, which was initially proposed, but that's why I fought for that new language that would allow some alternatives, but then this bill comes out that's got the 50 cents in there. So if we could just table it and fix the language to match the language that was in the Omnibus Resolution. I know it messes us up for two weeks, but --

MR. NOLAN:
In the past when we've done these public hearing resolutions, typically there's more specific direction to the department in terms of where the fare is going to go, because when it's all said and done, a new fare, I presume, is going to have to be implemented to generate the money that's in the budget, and, you know, I think the department may be looking to some more specific guidance from the Legislature. I don't know.

CHAIRMAN SCHNEIDERMAN:
Anybody?

P.O. LINDSAY:
What do you want to do?

CHAIRMAN SCHNEIDERMAN:
I'd like to table it and have the bill amended to give more flexibility so we could entertain other potential rates. Two weeks, one cycle.

P.O. LINDSAY:
Okay. The problem is you have to have a hearing. And if you're going to implement it, if it isn't ready to go January 1st, you're not going to get your million dollars.

CHAIRMAN SCHNEIDERMAN:
I understand that. We meet again at the Legislature, what, two weeks from now? If we pass it then, how much time do you need to notify the public to hold a legal public hearing?

MR. LENBERGER:
Thirty days notice. You have to put all postings on your buses. We have to advertise it, we have

to post it on the bus at least 30 days, plus we have to advertise.

CHAIRMAN SCHNEIDERMAN:
So we could potentially lose two weeks of revenue by doing this?

COMMISSIONER ANDERSON:
Yes.

CHAIRMAN SCHNEIDERMAN:
I'm going to make a motion to table it. If we could just amend the bill to reflect what the budget actually did, I would feel better about it. Is there a second to the tabling?

MR. PETERMAN:
Can I make a suggestion? Can we schedule the meeting for the beginning of January with the 30 day notice, two weeks from now you pass the resolution that you want?

COMMISSIONER ANDERSON:
Keep the verbiage in the advertisement in general at this point, because we still -- the next question I was going to have is what do we do about the Omnibus? The Omnibus basically directed us to be in this process anyway.

CHAIRMAN SCHNEIDERMAN:
Right. The Omnibus directed you to come up with a plan to raise a million dollars.

MR. LENBERGER:
Authorized to raise fares.

CHAIRMAN SCHNEIDERMAN:
Right. But not necessarily raise the main fare by 50 cents.

COMMISSIONER ANDERSON:
Right.

CHAIRMAN SCHNEIDERMAN:
This bill as written doesn't reflect what the Omnibus resolution did. If we go and pass it and you set the public hearing, and then we pass a secondary bill in two weeks --

P.O. LINDSAY:
Legislator Schneiderman, I think it's probably a question for Counsel. Can they go ahead and schedule a public hearing for notices for 30 days now? I'm fine with tabling this as long as that hearing is scheduled and it doesn't push back the process. Can we do that, George, without -- can they set the public hearing on the basis of the Omnibus.

MR. NOLAN:
I think this is governed, I think, by Federal Law in terms of raising bus fares, I believe. I don't know. I don't have a definitive answer for that. I can speak with these guys after the meeting is over to see if they could go forward with scheduling the public hearing, but right now, sitting here, I don't know.

P.O. LINDSAY:
Then I would oppose the tabling and say that we move forward with the public hearing. If you come up with a plan, I'd be happy to change it as long as we get the million dollars. But if we lose 30 days, you're behind the eight-ball before you even start it, and this budget is so fragile now.

COMMISSIONER ANDERSON:
A question maybe for Counsel, maybe it's already been asked. Generally, we would put out an advertisement, we would establish the date, and it would be -- as Legislator Barraga said, it would be a public hearing for general fare increases. And then at that point, you would identify what those fare increases -- or, again, we're talking two weeks, whatever. By that point, we should have an idea of what we're going to pose to the local riders who are going to be attending. So I don't know that -- you know, we can't move forward -- I don't know. I leave it up to you guys.

MR. NOLAN:
I just don't know what the notice requirements are when you're going for a fare increase like this. I'd have to check the law. I don't know if you'd have to give more precise information or you can just get away with saying you're going to have a public hearing about raising fares. I don't know what type of notice that is to people.

P.O. LINDSAY:
Why don't we discharge this bill, you get those answers, and if the answers are adequate, I don't mind tabling it on the floor to give you more time. We just can't delay this process.

CHAIRMAN SCHNEIDERMAN:
I understand that. If they just were to notice it for a general fare increase of 50 cents, that would be -- let's say then we decided that the student fare was going to go up by a quarter, there's no way students would have known their fares were going up, so they wouldn't have had adequate notice, so we'd have a bit of a problem. I'll discharge it without recommendation and then maybe table it on the floor if I get the right answers. If not, we move forward with this public hearing, and maybe they'll be another public hearing a week later for a different fare. I don't really know how to approach. It's a complicated -- in terms of the Sunday bus pilot program on the East End, did we get an answer whether this is affecting it if the general fares go up by 50 cents? You're calculating $800,000, so you're assuming the $2 fare increase on the East End will stay and that money will continue to fund the Sunday service on the East End?

COMMISSIONER ANDERSON:
Well, that's part of the discussions that have to be had.

MR. LENBERGER:
We took it out of the calculation.

CHAIRMAN SCHNEIDERMAN:
You took it out of the calculation?

MR. LENBERGER:
Right.

CHAIRMAN SCHNEIDERMAN:
Okay.

MR. LENBERGER:
It was $954,000. If you take out the 10-C and the 9-A, it would be 838.

CHAIRMAN SCHNEIDERMAN:
So that money would continue to fund this pilot program potentially. I mean, I like that, but other people are not going to like that. So everybody is paying the $2 fare, but some people get Sunday

service and others don't. You're going to run into problems with that.
But anyway, there's a motion to discharge without recommendation, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? **DISCHARGED WITHOUT RECOMMENDATION (VOTE: 6-0)**

IR 2042 - A resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 Southwest (infrastructure improvements) (CP 8170). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:
This is -- this basically states the findings of a public hearing that was held on August 2nd for infrastructure improvements at Sewer District 3. The total project cost was 5.2 million, and it's for improvements to the building; electrical, mechanical, HVAC and auxiliary systems.

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

IR 2043 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 Southwest (infrastructure improvements) (CP 8170). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:
This essentially follows the previous legislation. This appropriates $5.2 million to provide the construction for the infrastructure improvements, again, for the buildings within the Sewer District Plant; electrical, mechanical, HVAC and auxiliary systems, which are VFDs, instrumentation, things like that.

CHAIRMAN SCHNEIDERMAN:
They are all funded by the Sewer District itself.

COMMISSIONER ANDERSON:
Correct.
CHAIRMAN SCHNEIDERMAN:
Same motion, same second, same vote. **APPROVED (VOTE: 5-0).**

IR 2044 - Amending the 2011 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP 8181). (Co. Exec.)

COMMISSIONER ANDERSON:
Correct. This is for $4.5 million to begin the construction of the infiltration inflow prevention program. It includes a million dollars for design work which was identified during the RFP process as well as half a million dollars for equipment. So the total is 4.5 million that's being requested.

CHAIRMAN SCHNEIDERMAN:
All these offsets for this, are they all from the Sewer District?

COMMISSIONER ANDERSON:
This is all within the Capital Program.

CHAIRMAN SCHNEIDERMAN:
Don't we have a rule or something, we don't allow offsets out of -- using the Sewer District outside?

COMMISSIONER ANDERSON:
Well, this is within the Sewer District.

MR. NOLAN:
It's within the same.

CHAIRMAN SCHNEIDERMAN:
All right. So we'll do same motion, same second, same vote. **APPROVED (VOTE: 5-0).**

IR 2045 - Amending the 2011 Capital Budget and Program, transferring funds from the assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 22 Hauppauge Municipal (CP 8171). (Co. Exec.)

COMMISSIONER ANDERSON:
This project seeks to improve recharge facilities for Sewer District 22 - Hauppauge Municipal. While originally intended to acquire land for these purposes, 200,000 was intended to evaluate the available land. We are now looking at using abandoned recharge facilities within Sewer District 18, which is the Hauppauge Industrial Park for these same purposes. As such, we're no longer need the $200,000, but are looking for $300,000 in planning and design funds to conduct a field survey and soil borings to verify that the location is still viable and enabling the final design to be completed.

CHAIRMAN SCHNEIDERMAN:
Any questions? Same motion, same second, same vote. **APPROVED (VOTE: 5-0)**

IR 2046 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2011 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 3 Southwest UV Project Planning (CP 8183). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:
This requests the ability to use escrow funds to provide additional planning for our ultraviolet disinfection project over at Sewer District 3. The increase in need for additional planning was due to increased flow of the facility as well as multiple locations developed a triad over the course of the design.

CHAIRMAN SCHNEIDERMAN:
Any questions? Legislator Horsley.

LEG. HORSLEY:
Gil, on the UV Program itself, in other words, you had done the planning for the current size of the plant. The expansion is what you're looking at, is that what you're saying?

COMMISSIONER ANDERSON:
The flow through the UV facility itself was increased, not necessarily for the plant. And John can probably speak a little more on that, but we did look at different areas and we've always had to do a

full design of that facility within, because of the need to realign the effluent as well as connect into it. I'll let John talk about the flow.

LEG. HORSLEY:
But this is not because of the expansion, this is because of just -- I'm not sure why.

MR. DONOVAN:
It's part of the expansion -- the UV was going to be added no matter what, and then we had a -- we were going to expand by 5 million gallons up to 35. And we already awarded the contract to do for 35 million for the UV, and then we changed a 10 million gallon a day -- so they had to readjust their design for the 40, and that's what some of this money is for as far as that.

LEG. HORSLEY:
Okay. I guess because we made that decision incrementally, is that what --

MR. DONOVAN:
We already awarded them the contract to do 35. And then after they got their contract to do 35 for the UV, we went up to 40, so they had to amend their design. They were already in the process of designing up to 35.

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

CHAIRMAN SCHNEIDERMAN:
Before we move on to the last resolution, let me just stay in Sewer District Number 3 for a second. Any update on the In-Pipe? Did that work out, what we did there with adding bacteria into the system? Are we seeing any savings?

MR. DONOVAN:
We're in the beginning stages. They are putting their material in our system, so we haven't seen any results yet. It's still in the first month of operation.

CHAIRMAN SCHNEIDERMAN:
Just keep us posted, please.

Moving on to, I think, the final resolution.

IR 2047 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2011 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 13 Windwatch (CP 8123). (Co. Exec.)

Commissioner.

COMMISSIONER ANDERSON:
This requests permission to use escrow account funds, $521,220, to fund various improvements at Sewer District 13. Originally, we expected these improvements to be completed under the expansion of the district project. That was to be done by private developers. But being that their project has stalled and the expansion has stalled, we do need to get this work done, and that's why we're looking to use these escrow funds to make the repairs. The repairs will be on the roof and other infrastructure within the building.

CHAIRMAN SCHNEIDERMAN:
Any questions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**.

That's the end of the agenda. Is there anything else? Any other questions for the Commissioner? Hearing none, we are adjourned.

(*THE MEETING WAS ADJOURNED AT 2:31 P.M.*)