

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 January 31, 2012.

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.
Leg. John Kennedy - 12th Legislative District
Gil Anderson - Commissioner - DPW
Bill Hillman - Chief Engineer - DPW
Robert Doering - Budget Review Office
Catherine Stark - Aide to Chairman Schneiderman
Paul Perillie - Aide to Legislator Gregory
Renee Ortiz - Chief Deputy Clerk - SC Legislature
Ben Zwirn - County Executive's Office
Jeanette Salvin - Commack Community Association
Bruce Ettenberg - Commack Community Association
Robert Creighton - Councilman, Town of Smithtown
Dot Kerrigan - AME
Michael Mallin - Sergeant SC Police Department
Alex Prego
Theodore Klein
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver - Legislative Aide

(*THE MEETING WAS CALLED TO ORDER AT 2:00 P.M.*)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting of the Public Works and Transportation Committee to order this 31st, it's the last day of January, 2012. If you will rise and join us for the Pledge of Allegiance led by Legislator Stern.

SALUTATION

You may be seated. This is our first committee meeting of the year. I'd like to start out by thanking our Presiding Officer, Bill Lindsay, for reappointing me as Chair of the Public Works and Transportation Committee again this year. Looking forward to working on many of the issues that we face in terms of maintaining our infrastructure safely and efficiently as well as our public transportation needs.

We have -- not a bad agenda before us. I have one yellow card. Mr. Robert Creighton. Sir, if you'll step forward to the podium. I know you're speaking on the truck inspection site and so you have three minutes to make your comments.

MR. CREIGHTON:

Good afternoon, my name is Robert J. Creighton, I am currently a Town Councilman in Town of Smithtown. I am a former police commissioner in Suffolk County and a former Police Officer who worked in the highway patrol, so I have a little bit of knowledge about the weight unit with the Suffolk County Police Department.

The Town of Smithtown worked with the County of Suffolk, we leased a piece of property off of Crooked Hill Road for this truck inspection site. The site itself, to me, is a terrific advantage to the County. It's an advantage to the public and an advantage to the Police Officers who work on the roads. It provides for the police an opportunity to take the trucks that they are inspecting off the road and into a secluded area without impacting anybody else and provides for safety for the police officers. The work that the police officers do provides for safety to the public because not only do they weigh the trucks that they inspect, which provides a substantial amount of income to the County, they also inspect the vehicles for safety violations. And I believe the figure is well in excess last year of 10,000 vehicle and traffic summonses that were issued by these police officers. They protect the public. The site itself will protect the public. And I want to thank the Legislature for entering into the contract with the Town of Smithtown for the ten year lease. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Sir, if you'd stay there for a moment because I want to more fully understand it. So this truck inspection is currently going on now. Is it not?

MR. CREIGHTON:

Yes. They have been inspecting trucks, they've currently been doing it in various locations. I think the last location that I was aware of, and again, I am not in the Police Department now, was they were using part of a shopping center, which created some problem because they're on private property, they have red lights flashing and that concerns people who are coming into the parking lot and concerns, I think, the owners of the parking lot because it impacts their business. This particular site is secluded, it's off the road fenced in and should have no impact on the public.

CHAIRMAN SCHNEIDERMAN:

You had mentioned weighing the trucks. Were they not being weighed? It doesn't sound like the supermarket would of had a scale that the trucks would drive over so is that -- would be something

new, the weigh station?

MR. CREIGHTON:

No, they have -- as far as I know -- what I knew I don't know now they have portable scales.

CHAIRMAN SCHNEIDERMAN:

Oh, okay. And you had mentioned revenues too, substantial revenues, you said for the County. Where do those revenues go? Is it Suffolk County PD? Is it the County General Fund? Do you know where --

MR. CREIGHTON:

I think the [ledge|Legislature] passed some legislation in around 2007 or '08, however, remember I am not in the Police Department now so I don't know but I believe they did around 2007 directing that the funds go to the County for that -- for those summonses. And that, I mean, I honestly can't answer that, I think you can answer --

CHAIRMAN SCHNEIDERMAN:

Yeah, no, I can get it, other people will have that answer, I thought you might have it. And so for Smithtown, this is a beneficial thing for the Town of Smithtown?

MR. CREIGHTON:

Absolutely. It's beneficial in that it protects, in my view, the citizens and it protects the police officers, otherwise they would be doing it in a shopping center or on a main road. And if they were doing it on a main road that provides or gives a sense of danger to --

CHAIRMAN SCHNEIDERMAN:

Where -- the trucks that they'd be inspecting, what roads would they be traveling on?

MR. CREIGHTON:

They could be travelling on any roads around the area. They could be traveling any place in Suffolk County. I would think --

CHAIRMAN SCHNEIDERMAN:

Because I've seen these stations along the sides of the Long Island Expressway, we have a lot of truck traffic, but I'm not used to them in, you know, small towns like the Town of Smithtown.

MR. CREIGHTON:

Well, what you see on the Long Island Expressway is the rest area, sir, and that's somewhat different. That's where trucks go in just to stop; not to be weighed or to be issued summonses. Where you see all those trucks lined up, they're not lined up for a weigh station.

CHAIRMAN SCHNEIDERMAN:

No, but I thought they open it up and they force those trucks off at certain times of the year for inspections.

MR. CREIGHTON:

Well, you might be right on that because there's a site out east on the Expressway, which was a rest area, which at the time I had something to do with closing because there was some usually activity going on there and I do think that they use that. This is east of exit 65, I think. I do think they might use that, open that up on occasion.

CHAIRMAN SCHNEIDERMAN:

So basically it's been the town's interest is to get this activity, the inspection of these trucks out of

the supermarket and into a secluded location and that's why the town is willing to provide the piece of property to the County.

MR. CREIGHTON:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Okay, all right. So I think I understand. I have other Legislators who also, I think, have questions for you, sir, so don't step down.

MR. CREIGHTON:

Okay.

CHAIRMAN SCHNEIDERMAN:

I saw the Commissioner -- I think I'll defer to the Commissioner first. Commissioner Anderson.

COMMISSIONER ANDERSON:

Yeah, thank you. I just wanted to let you know that we have a representative from the Motor Carrier Unit, Sergeant Mallin who could provide some level of detail but in fact, you know, what the Councilman noted was correct, the town has given the County the property to basically improve it so that the Motor Carrier Unit has a site on the west end that it can pull vehicles, you know, tractor trailers off the road and make sure the safety inspection can be done, make sure that they're not overweight because those two issues are of prime concern not only to the traveling public but also they impact the roads in our road network.

CHAIRMAN SCHNEIDERMAN:

That sounds good. But before we bring him, I'd rather bring him up when we debate the bill, so.

COMMISSIONER ANDERSON:

Okay.

CHAIRMAN SCHNEIDERMAN:

And, Mr. Creighton, I hope you'll stay, we'll try to debate the bill, you know, shortly after you step down.

MR. CREIGHTON:

Certainly. I'll sit down if you want me --

CHAIRMAN SCHNEIDERMAN:

Let me just first see if there's any other questions from Legislators for you while you're at the podium. Anybody?

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, although I'm not a member of the committee, if I can, (A), first of all, thank the Councilman for being here; we are fortunate that we have not only a local town representative but somebody who actually having been the police commissioner knows this issue very well. But as to the specifics associated with the roadway, I think it's very important for the committee to

understand that this is an issue where the Town of Smithtown is taking the action to make this property available but the benefit in yours really to all of Suffolk County the one road in particular that the area is proximate to, County Road 4, Commack Road, has a tremendous amount of truck traffic that runs from exit 52 on the Expressway up to the municipal incinerator that services all of the Town of Huntington and all of the Town of Smithtown for its refuse.

In addition, there's a highly commercialized area right along Pulaski Road and Townline that is the site of quite a bit of sand and gravel; mining operations, stone delivery.

And so as we heard at the public hearing on this bill on January 17th, the residents in this area are subject to an inordinate amount of truck traffic in that area and so having safe operation has a multi-town benefit. This is not something that's just a benefit for the Town of Smithtown itself.

CHAIRMAN SCHNEIDERMAN:

Let me ask you a question because, you know, your describing these trucks, which I imagine have very heavy loads and I'm guessing that some of them may be in excess of the weight limits on these roads.

LEG. KENNEDY:

No doubt.

CHAIRMAN SCHNEIDERMAN:

But I'm also wondering then if you're putting a fixed inspection station there and it's going to be operating what, every day? Or is it just periodically? Because I'll just tell you what my concern is that the trucks are going to avoid that area and they're going to be end up going through residential areas and creating worse of a problem.

LEG. KENNEDY:

See, that's what my experience has been as yours has as a Legislator that fortunately our law enforcement folks are multi-talented and I think Sergeant Mallin may speak to some of the policy that's associated with bringing vehicles in. Ironically, most of our firms in the County of Suffolk want to operate legitimately and most of them actually welcome having the Motor Carrier Unit come in to inspect their vehicles. Some do not. Some, as a matter of fact, operate illegally and obviously it's our responsibility to make sure all motorists are protected.

You know, the fine aspect that Councilman Creighton spoke to, as you'll see from the material I've distributed to the committee, has gone up substantially and he's correct, it was almost 10,000 uniform tickets that were issued.

More importantly if you look at numbers of vehicles taken out of operation per month; as many as a 150 of them, those are potential nightmares operating on our roads that our Motor Carrier safety folks will take out of operation and compel the operators to go ahead and restore either the safe operation or {inaudible}.

So I think it's important that we understand that this has got a regional impact to it, it's not just the Town of Smithtown.

CHAIRMAN SCHNEIDERMAN:

Legislator, you know, I had asked the question earlier about the money, do you know, because I know there's like a \$600,000 bond associated with this project in 2013. And I've heard that this is going to be offset by revenues. Do you know, is there sufficient revenues and what part of the County are those funds going into? You know, I know that sometimes police funds go toward the State, sometimes they go to the Police Department, sometimes they go to the County. Do you

have an answer on that?

LEG. KENNEDY:

Well, I do as a matter of fact, again, I had the opportunity to go ahead and get some data from the P.D. and I can tell you that in 2011 alone we wound up with I think about 3 million in revenue associated with the uniform traffic tickets. That's up from about 1.5 million, I think, in 2009. I'm told that with a secure and safe area to operate that the opportunity to inspect a greater number of trucks goes up exponentially.

Also, to a question about the scale. The unit operates with a number of different scales. There are portable scales that take a significant amount of time to run a truck through, but there's a larger piece of equipment and Sergeant Mallin is going to speak to us about that that will weigh a vehicle in a much shorter period of time, but they need a place to lay it out, it's like a three or four foot piece of equipment, I guess, and in order to get the truck on it, off it, and it prints out the weight. And when they're overweight they write the weight ticket.

So it really lends itself to not only a higher number of vehicles that can be inspected but more importantly a safe area for our police personnel. You know, it wasn't too long ago that we had the tragedy in Nassau County with the officer who had pulled over the illegal operator who was hit and killed on the Expressway.

So this is something that goes towards better safety for our motorists, better safety for our personnel and not five cents to the County of Suffolk for the land.

CHAIRMAN SCHNEIDERMAN:

I thank you Legislator Kennedy.

MR. CREIGHTON:

Mr. Schneiderman, may I say something?

CHAIRMAN SCHNEIDERMAN:

Councilman Creighton.

MR. CREIGHTON:

In relation to something that Legislator Kennedy said and in response to one of your questions, the County Road 4 is Commack Road at that point. When it crosses Jericho Turnpike, which is the route that these trucks take to go to the incinerator, it becomes a residential street called Townline Road. The road really is in terrible shape. It is not equipped to handle overweight trucks and there are two schools on it in addition to all the houses.

So any safety precautions that we take benefit the people on Townline Road who are really upset with the size and the speed of those trucks.

CHAIRMAN SCHNEIDERMAN:

Okay, I appreciate that. And thank you, Councilman Creighton, for coming today.

MR. CREIGHTON:

Okay.

CHAIRMAN SCHNEIDERMAN:

You may sit down. It's our first item on the agenda so we're going to debate it in a moment.

MR. CREIGHTON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

MR. CREIGHTON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I got -- one other card came in. If you wish to be heard by the committee and you haven't filled out a yellow card, you do need to do that.

Bruce Ettenberg. Sir, come to the podium, identify yourself for our records and I'll also give you three minutes to speak your concerns.

MR. ETTENBERG:

Bruce Ettenberg, 12 Pinecone Lane, Commack, New York. I'm President of the Commack Community Association. We have been lobbying our representatives in the Smithtown, Huntington Town Councils for the last two years to try to alleviate the problem of the heavy trucks coming past our high school and our elementary school. We have 3,000 students at those two schools and the trucks come by just at the time when the parents are dropping off the kids at school in the morning. So we've got Heavy Duty trucks coming by at that time and we've got parents dropping off kids and then we've got bad weather and when the snow comes down and the Heavy Duty trucks are coming down and the parents are there dropping off their kids and there's more parents dropping off their kids in bad weather; we've got a really terrible accident waiting to happen.

So we've been trying to get both the towns of Smithtown and Huntington to try to keep the trucks off that road and the trucks should be coming down Indian Head Road, which is a four lane road. And we're hoping that the trucks at least coming down that road will be safe if we have an inspection station on Commack Road.

So the Commack Community Association is very much in favor of having this inspection station on Commack Road so we know at least the trucks coming from the Kings Park industrial area down Townline Road through a residential section, in front of two schools, are not overweight and have the proper brakes.

CHAIRMAN SCHNEIDERMAN:

So you are in support of this resolution?

MR. ETTENBERG:

We are certainly in support of this resolution.

CHAIRMAN SCHNEIDERMAN:

Okay. Okay, just making sure. So this is Commack Road; it's off Commack Road where this spot would be.

MR. ETTENBERG:

The inspection station?

CHAIRMAN SCHNEIDERMAN:

Yeah.

MR. ETTENBERG:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. ETTENBERG:

It's to the west of Commack Road.

CHAIRMAN SCHNEIDERMAN:

Okay. And it's on the Smithtown side.

MR. ETTENBERG:

It's on the Smithtown side.

CHAIRMAN SCHNEIDERMAN:

Is that the Commack Road dividing line? All right. Thank you, sir. Any questions from the committee? All right. I have yet another card came in. Jeannette Salvito on the same issue.

MS. SALVITO:

I'm Jeannette Salvito. I'm Vice-President of the Commack Community Association. I've lived in Commack for 53 years and in that time I've seen more and more traffic along Commack Road and Townline Road; now that's going to happen simply by virtue of the fact that we've grown here.

The problem, however, is that it's become more and more dangerous. Even when I was in high school it was -- and that goes back a way, you'd see the trucks come down and it would be dangerous. You're seeing that constantly now. I spoke to a woman who is a crossing guard who was hit on Townline Road and has been disabled for quite some time as a result of it. And so this is something that is -- is it going to alleviate all the problems, I know you're concerned about where the money is going to go, I heard you before, and that it's significant. There's no doubt about that. But the fact of the matter is that this is a crisis waiting to happen. One of things that we've proven and I -- Mr. Creighton was kind enough to make note of it, is the fact that if you take core samples of that road, that road was never intended for truck traffic by any vehicular methodology. This is something that is enormous at this point and has gotten worse and worse and worse and it's far more dangerous than it's ever been. And when you're talking small children, it's incredulous to me that somebody hasn't said, "look this is the problem, never mind all the other things, it is the children, it is the kids and the people who live there that need some restitution at this point." Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you. All right. That was our last speaker card. Why don't we go to the agenda. This is the first item.

INTRODUCTORY RESOLUTIONS

IR 1016, 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. (Kennedy) And Commissioner, is there anything before we begin our debate that you want to add to the discussion in terms of what's already been said or hasn't been said?

COMMISSIONER ANDERSON:

No, I think everybody's pretty well covered it. It's been an agreement that we've backed in the past working with the town, working with the developer who gave the property to the town. So, you know, we're comfortable in working with the Department and moving forward to create a site that will benefit the community as well as give the police the area they need to work.

CHAIRMAN SCHNEIDERMAN:

Specifically this site; you're supporting this site?

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

And in terms of the money, is it in the Capital Program for 2013 yet?

COMMISSIONER ANDERSON:

I believe it is; yes.

CHAIRMAN SCHNEIDERMAN:

It is. So it doesn't -- we're not offsetting. Legislator Lindsay -- Presiding Officer.

P.O. LINDSAY:

I know I joined you a few minutes late, but I would like to question a Police Officer from Motor Carrier.

CHAIRMAN SCHNEIDERMAN:

Absolutely.

P.O. LINDSAY:

If you don't mind, sir.

CHAIRMAN SCHNEIDERMAN:

Mr. Mallin. Officer Mallin. The table is fine.

P.O. LINDSAY:

Sit at the table. Relax, Sarge.

CHAIRMAN SCHNEIDERMAN:

Mr. Presiding Officer.

P.O. LINDSAY:

First of all, Sarge, I'm a huge fan of what you guys do. I think that if you look at some of the most horrific accidents nationally, they're either involving tractor trailers or buses. And unfortunately, too many of those companies that run that equipment put profits against, as opposed to safety and people. So as far as I'm concerned the more of these places that you guys need around the County I'm all for it. But I just want -- how many truck stops do we have in the County?

MR. MALLIN:

Sir, the only really dedicated ones are more on the east end of the Long Island Expressway by exit 65, one on each side, eastbound and westbound that can be used for this. There is no other site, dedicated site, in the County for us that we can control to use.

P.O. LINDSAY:

So everything else you do is impromptu and you set up on the temporary basis.

MR. MALLIN:

Correct. Yes, sir.

P.O. LINDSAY:

Okay. Why this site?

MR. MALLIN:

As you could tell actually why, the people speaking here, there's a need that's been identified for commercial vehicle enforcement on County Road 4 in that corridor it's a heavily used road by trucks as Legislator Kennedy pointed out. You know, you recall about a year and-a-half ago the tragic crash up there, the garbage truck, brakes not functioning, overweight, on Bread and Cheese Hollow and Pulaski Road overturned over there because of mechanical defects and killed a woman. So there's a big need especially on the west end of the County to conduct commercial motor vehicle enforcement.

And with that too, we also -- and you can talk about some of these tragic crashes that have made the news, buses, motor coaches, which is in our purview too, we also do inspections of motor coaches and also limousines.

P.O. LINDSAY:

So you fully concur with this reso.

MR. MALLIN:

Yes, sir. And the issue especially for the west end of the County is locations for -- my office to operate safely. When we stop a stuck, it's not like a standard car stop, you think of you're stopping someone for not wearing a seatbelt, approach, get a person's license, registration, go to your car, write a ticket and go back. When we conduct a safety inspection on a truck or a bus it's a -- kind of a big deal. The officers are out of the vehicle walking around the truck and then we actually go underneath the truck, our mechanic's creepers, then we might be putting scales on the sides so we need substantial amount of room to -- for the officers to conduct a truck inspection and -- in a safe manner.

P.O. LINDSAY:

How much time?

MR. MALLIN:

For a smaller truck a box type truck might take a half an hour from start to finish. For a larger truck, tractor trailer, that we might weigh, up to an hour to conduct a safety inspection, inspect the driver for all his paperwork, logbook and weigh the vehicle.

P.O. LINDSAY:

And the only reason I ask that, Sergeant, is I think the longer you're out there on the road subject to traffic, you know, the more dangerous it becomes and the more chance you have of having one of your officers hurt. So that's why my interest in the timeframe, you know.

MR. MALLIN:

Yeah, I appreciate, sir. I'm out there with my officers every day. I have to meet the same standards of doing a minimum of a 100 truck inspections a year. So I see firsthand some of the close calls we're had. We've been in some of the shopping centers off to the side where it's not many cars, actually have some cones set up and I've seen people drive through the cones and, you

know, narrowly miss one of my officers whose, you know, legs were sticking out while checking the brakes of a vehicle so it's -- can be dangerous to say the least.

P.O. LINDSAY:

That's all I have, Mr. Chair, I appreciate your comments.

CHAIRMAN SCHNEIDERMAN:

I still have some questions in terms of operations. So it's something to be operating every single day or is it just something periodically that you'd operate?

MR. MALLIN:

No, good questions. And that's come up before. It's periodic. As I think Legislator Kennedy mentioned before, we're, first of all, we're at any given time it's basically only seven of us working. We have two teams of six officers and one sergeant so we are basically 16 hour coverage. So it's only, let's see, seven of us if everybody's in that day working. And we have responsibility for entire County. So we're at a different location basically every day. So we would use this location one to two times a week and one likely, say, two officers over there while other officers work the East End of the County.

CHAIRMAN SCHNEIDERMAN:

Yeah, because, you know, just like a police routine check, if it's always at the same place every day; you're going to avoid that spot. Or some people will, maybe I won't, but other people will. So it doesn't make sense -- because I just want to make sure because I know there's residential areas all around Commack Road that we're not driving these trucks into, you know, we're not going to create some unintended consequences and drive people -- trucks into neighborhoods where they really don't belong.

MR. MALLIN:

This location, I actually have a map here, I don't know if you've seen it where the location is. It's actually off of Crooked Hill Road so it's not on the main location, it's on Crooked Hill Road by the shopping centers over there. There's no residential -- there's no homes in that area. It's actually about 20 feet lower than Commack Road so that might mitigate any type of noise, which really isn't or any lighting. So it's really out of the way. And generally we're just going to take a truck off of Commack Road, which is this area of concern, you could hear from some of the residents and we got feedback on that needs enforcement on and have the truck follow us into this inspection site, so we're not going to have trucks lined up on Commack Road or even Crooked Hill Road, like you might see it on the Thruway at some of these inspection sites.

CHAIRMAN SCHNEIDERMAN:

You don't just pull every truck over you just select for whatever randomly or whatever for maybe you have some suspicion that it might be overweight.

MR. MALLIN:

Right. When we can -- when we do, say a full blown checkpoint with DOT up on the Expressway out east, generally we'll open up and every truck comes in till we have enough trucks in there to do inspection, say six trucks, so we have that capability of doing that. But generally what my officers do are observe traffic so they might be out there doing some speed enforcement on Commack Road also with the radar or laser. Maybe observe a truck speeding, we'll stop that truck and not only is he going to get a speeding ticket from my officers, he's going to get a safety inspection also. Or my officers will do -- patrol up and down the road and look for violations on the trucks. And my officers, believe me, the training they received is really topnotch. They're great officers when it comes to spotting violations on trucks to include observing if a truck is potentially overweight.

So generally that's what we do and my guys take a lot of pride in that in looking for trucks that might have mechanical defects and we bring those trucks in. And out of 2,327 trucks we inspected last year, over 50% of them had serious mechanical issues and were put out of service. So over 300 -- 1,300 of those 2,300 trucks towed or mechanic had to come down on the spot, repair the truck before it was allowed to leave. So my officers are out there with over 50% out of service rate, which is, in the business I do is pretty impressive.

CHAIRMAN SCHNEIDERMAN:

I think I get it. So you're not pulling over just any truck that goes by, you have to have some cause to pull them over. Because I know a lot of residents that, you know, come across a busy and probably everybody would want less truck traffic on it, but this is not to keep trucks off of Commack Road, it's to make the trucks that are on Commack Road safer. Right?

MR. MALLIN:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. MALLIN:

It's true of voluntary compliance with all the appropriate laws, regulations and protect the infrastructure, the roads from -- avoid trucks.

CHAIRMAN SCHNEIDERMAN:

Okay. I have no further questions. Anybody? Okay, Presiding Officer Lindsay.

P.O. LINDSAY:

This is really putting you on the spot. Any idea what kind of revenue this station produced?

MR. MALLIN:

I testified in the past and as an officer I -- always hesitant to put out numbers because I'm -- and, I know you know we're not in the business of generating revenue, it's not our purpose, is to protect the public and safety.

P.O. LINDSAY:

But it is ours.

MR. MALLIN:

And now that mentioned -- I mean overall it was over \$3.3 million last year in weight fine violations. And that's not including tickets for equipment or other safety defects -- just weight fine violations. At this location off of Commack Road we've been averaging about 150,000 a year and that's without a location to safely and, you know, efficiently weigh trucks.

P.O. LINDSAY:

And that -- I just, you know, just for your sake and some of our citizens in the audience, that's a question and I -- two or three years ago I wouldn't even ask. It's just that our fiscal condition is of a nature that we have to assess everything we do you fiscally. And if you could generate 150 grand there a year and it costs us 600,000 in payback; makes sense to me, you know.

CHAIRMAN SCHNEIDERMAN:

Any other discussion? No. The community -- there's been a public hearing within the community as I understand it.

LEG. KENNEDY:

Mr. Chair, yes. As a matter of fact there was a hearing held here on January 17th. At that time we did have three speakers. As a matter of fact, I believe, that I circulated the testimony to all of the committee members. We had other members from the Commack Homeowners Association who spoke in favor of the resolution, expressed some sentiment equivalent to this. We actually had one person from the trucking industry who questioned the expense, the capital expense and, but she mistakenly thought that our Suffolk County police officers had the ability to operate the truck station at exit 48. And somebody refreshed my recollection and put it out that that truck station is actually in Nassau County.

They also explained to me, Mr. Chair, that the Motor Carrier Unit of the Suffolk County Police Department has 12 federally certified truck inspectors. The alternatives at this point are apparently only two inspectors in the Sheriffs Office and I have to confirm that with Sheriff DeMarco. And in Nassau County only two certified inspectors.

So today with the two primary law enforcement agencies there's only four people and there's almost 80 miles of interstate highway that trucks are traveling on not only unsafe but possibly carrying radioactive material, carrying narcotics and all the other things that we see on our highways because I think, Sergeant Mallin, your unit is the primary homeland security unit as well. Isn't it?

MR. MALLIN:

Yes, sir. It's -- if you want to call it a -- a second half of our mission, I don't want to go into that. But criminal interdiction whether it be homeland security or drugs, guns, money type of interdiction we do also.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, there's apparently a meeting tonight. Do you know anything about that? Is that another community meeting? Do you know anything about that?

LEG. KENNEDY:

Legislator Stern has explained to me that he's elected to go ahead and host a meeting at the Commack library, which is good so that, I guess, additional folks in the community may have an opportunity to hear additional information and perhaps give some input. But I would ask this committee if they would suffer -- I would like to see the motion approved. I am not a member of the committee so obviously I can't make a motion. But if for whatever -- okay. Legislator Stern and I talked about this and I think there's a way for us to go forward and still fulfill the input function.

CHAIRMAN SCHNEIDERMAN:

Yeah, I mean -- if I may, I mean, it seems like a great thing to do. I can't see why we wouldn't do it. It is for 2013 though so it's not like we have to do it immediately. It's got to, you know, we got time on it.

LEG. KENNEDY:

Well, what I would say, Mr. Chair, is if you take a look at what was circulated to you, the Town of Smithtown took their action in June of 2011 and while there's always time to go; I don't want to be a part of an effort that slows down something that goes towards public safety.

CHAIRMAN SCHNEIDERMAN:

Right, no, I don't want to slow it down, but maybe in deference to this community meeting tonight, maybe a discharge without recommendation would be --

COMMISSIONER ANDERSON:

I believe the Capital funds are in '12. Just to clarify that.

CHAIRMAN SCHNEIDERMAN:

I thought it's 2013.

LEG. KENNEDY:

I believe it's 2012, Mr. Chair. We can confirm that, maybe BRO could speak to us.

MR. DOERING:

Yes, it's adopted in 2012.

CHAIRMAN SCHNEIDERMAN:

So it's this year.

MR. DOERING:

Correct.

CHAIRMAN SCHNEIDERMAN:

All right. All right, then I misspoke I thought I read 2013. Legislator Stern.

LEG. STERN:

Yes, thank you, Mr. Chairman. Sergeant Mallin and Commissioner Anderson have been very gracious with their time -- from time to time having conversations about this project and the goals to be accomplished. We've discussed it every which way and I appreciate their input. Sergeant Mallin has been kind enough to agree to take time out of his busy schedule to speak with area residents this evening to answer any questions that they might have.

So I will make a motion to discharge without recommendation and I do so specifically because, again, Sergeant Mallin will be meeting with community residents to answer any questions that they might have. And at the same time we could -- we can continue to have the discussion perhaps going forward, but I make the motion for that purpose.

CHAIRMAN SCHNEIDERMAN:

And, again, that does not color -- I mean, it doesn't slow anything down. And what it does effectively is it doesn't color the discussion tonight because there is no specific recommendation but it's at the floor the same way it would be had we approved it. And, you know, I'm planning on supporting this on the floor as well unless for some reason there's some real adverse impacts that we weren't aware of that come to light this evening.

LEG. KENNEDY:

Mr. Chair, I appreciate it. I appreciate the members of this committee considering that. I will just ask to you indulge for another 30 seconds if you will. Items that might have presented some concern from the community, Sergeant Mallin and his Lieutenants have been very helpful in explaining to me. There will be no stacking of trucks when they come in. There will be no idling of vehicles. As a matter of fact, their protocol is once a vehicle is safely into the lot it is shut off. That's not only for the safety of our folks but obviously people who are in the adjacent area. There will be no vehicles left over night. At the end of the shift vehicles have either been taken away by the operator or a contract tow company that our PD contacts to remove vehicles from the location. There will be no major ball field style lighting. It will be direct lighting and lighting lower to the vehicles for inspection purposes. So pretty much all of the things that community folks might find offensive have already been addressed and designed.

Finally, I'll bring to the committee's attention again, this is a voluntary lease entered into on the part

of the Town of Smithtown for more than an acre of dedicated property for \$10 consideration waived. I think its a good deal.

CHAIRMAN SCHNEIDERMAN:

So we had a motion from Legislator Stern to discharge without recommendation, we need a second; and a second from Legislator Horsley. God bless you to our Presiding Officer. All right. Any further discussion? Any other motions? All in favor? Opposed? Abstentions? **Discharged Without Recommendation (VOTE: 5-0)**

LEG. KENNEDY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. So we're going to continue on with our agenda.

IR 1026, Reappointing member to the Suffolk County Traffic Safety Board (Karl Klug)

(Pres. Off) Now with these reappointments, we don't typically ask these members to come before the committee, but if one is here, please stand as I get to your name. We'll be happy to interview you. All right. So do I have a motion to reappoint Karl Klug? Legislator Barraga making the motion, second by Legislator Horsley. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

IR 1027, Reappointing member to the Suffolk County Traffic Safety Board (Lieutenant Robert Pearce) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1028, Reappointing member to the Suffolk County Traffic Safety Board (Andrea R. Neubauer) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1029, Reappointing member to the Suffolk County Traffic Safety Board (Michael Salatti) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1030, Reappointing member to the Suffolk County Traffic Safety Board (Stephen Shadbolt) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1031, Reappointing member to the Suffolk County Traffic Safety Board (Richard Schneider) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1032, Reappointing member to the Suffolk County Traffic Safety Board (Susan Katz) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1033, Reappointing member to the Suffolk County Traffic Safety Board (Frank Pearson) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1034, Reappointing member to the Suffolk County Traffic Safety Board (Stephen Miller) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

1035, Theodore R. Klein, reappointing to -- appointing, this is an appointment. **IR 1035, Appointing member to the Suffolk County Traffic Safety Board (Theodore R. Klein) (Pres. Off)** This is a new appointment. Mr. Klein, are you here?

MR. KLEIN:

I'm here.

CHAIRMAN SCHNEIDERMAN:

All right. Mr. Klein if you'll step forward. You could take a seat at the table if you wish. Let me ask the committee, do you want to do the next three or next four individually or have them all come up? Let's have them all come up. All right. So we've got Michael Mallin. We've got Robert Behrle and Alex Prego. If you're here step forward. I got two. All right. Who did we get?

MR. PREGO:

I'm Alex Prego.

CHAIRMAN SCHNEIDERMAN:

Okay. So, Alex Prego.

AUDIENCE MEMBER:

For Bob Behrle the IR actually shows it as a reappointment.

CHAIRMAN SCHNEIDERMAN:

Sergeant Mallin. Okay. All right. So he's here too. We don't have to question you. We've already grilled you enough. All right. So, gentlemen do you want to state why -- I guess we'll start to my left with Mr. Klein. Do you want to state your interest in serving on this board and what you bring to the table, why we should appoint you for this volunteer position?

MR. KLEIN:

Well, I've been with the Suffolk County Planning Department for 15 years. And as planning implies we think about the future, the future of Suffolk County and I take great pride working with the Planning Department with regards to preserving the quality life in Suffolk County. Any my particular duties have generally involved reviewing subdivisions and site plans, work regarding open space. And when we look at, for example, subdivisions we consider road alignments, site plans, we consider access to the roadways. So, you know, we want to, you know, maintain safe access, safe roads.

CHAIRMAN SCHNEIDERMAN:

Okay. And, Mr. Prego, why should we have you dedicate lots of your own personal time with no compensation to the County?

MR. PREGO:

I'm currently the Assistant Director of Traffic for Suffolk County and I've been acting as the Executive Secretary for Traffic Safety Board for the last 18 months. So it's pretty much a no-brainer.

CHAIRMAN SCHNEIDERMAN:

Any questions? Well, thank you for putting your names forward, your willingness to volunteer and to give to the County in this regard and your expertise is certainly welcome. So let's -- we'll do them one at a time. Starting with 1035, I'll make a motion to approve, second by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

Moving onto Sergeant Mallin, which is **IR 1036, Appointing member to the Suffolk County Traffic Safety Board (Michael W. Mallin) (Pres. Off)** Same motion, same second, same vote. **Approved (VOTE: 5-0)** Congratulations. Thank you.

And we can't -- oh, we can -- is a reappointment so we can do it.

1037, I'll just read it as **Reappointing member to the Suffolk County Traffic Safety Board (Robert J. Behrle)**. (Pres. Off.) I'll make a motion, second by Legislator Barraga. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

And **IR 1038, Appointing member to the Suffolk County Traffic Safety Board (Alexander J. Prego)** (Pres. Off) I'll make a motion, second by Legislator Barraga. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)** Thank you.

Okay. We have a few more reappointments to the traffic safety board. **IR 1039, Reappointing member to the Suffolk County Traffic Safety Board (Lynn Weyant)** (Pres. Off) Motion by Legislator Muratore, second by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)**

IR 1040, Reappointing member to the Suffolk County Traffic Safety Board (Arvind Vora) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1041, Reappointing member to the Suffolk County Traffic Safety Board (John Saraceno) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1042, Reappointing member to the Suffolk County Traffic Safety Board (Douglas Death) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

IR 1043, Reappointing member to the Suffolk County Traffic Safety Board (Steven Kamvakis) (Pres. Off) Same motion, same second, same vote. **Approved (VOTE: 5-0)**

All right. That should take care of that traffic safety board. Who chairs that board with all these people on it? Mr. Schneider is --

COMMISSIONER ANDERSON:

Yeah, Richard Schneider.

CHAIRMAN SCHNEIDERMAN:

Okay. **IR 1051, Establishing a Blue Ribbon Panel to examine restructuring all County-owned sewer districts into one consolidated district.** (Horsley) Got to love those blue-ribbon panels.

LEG. HORSLEY:

There you go. Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Stern, second by Legislator Muratore.

LEG. HORSLEY:

On the motion.

CHAIRMAN SCHNEIDERMAN:

Yes, on the motion, Legislator Horsley.

LEG. HORSLEY:

I just wanted to assure the County Executive person -- is he here? Did Ben leave? Oh, he's hiding, oh, he's behind the podium. I just wanted to let him know that there's been conversation that they wanted to be assured that this committee would recognize that the Planning Department is just getting their new officers involved and that they're going to need a little time in getting their feet on

the ground and I certainly do respect that.

However, this issue is something that we're going to move forward with during the year and it's a very important committee. What we're planning on looking at is consolidating the sewer districts in Suffolk County into one to see if there's a -- not only economies of scale but also to address the issue that when new sewer districts or we're going to grow sewer districts that constituents are confronted with a sticker price of how much it costs to bring sewers into their area and we want to address that as a possibility as -- of being able to make that process more easy and more assessable so that we can grow sewers in Suffolk County.

So I would like to welcome anyone here that wants to, you know, to be a part of it as far as, you know, because I think it's going to be something that I'm hopeful that it's going to be -- if everyone agrees and if it's true what I suspect that we can grow sewers in Suffolk but also that we can make them affordable. So with that I'd like to move the motion.

CHAIRMAN SCHNEIDERMAN:

Commissioner, do you have anything you want to say on this? One more committee for you.

COMMISSIONER ANDERSON:

No, we look forward to the discussion. I think it's one that has to be had. It's been had in various forms over the years, I think it needs to, you know, forums such as this would do it good.

CHAIRMAN SCHNEIDERMAN:

All right. Any comments? All right. Hearing none we have a motion and a second. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0)** All right. That gets us to the end of our agenda.

COMMISSIONER ANDERSON:

If I may?

CHAIRMAN SCHNEIDERMAN:

You certainly may, Commissioner.

COMMISSIONER ANDERSON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I thought you were in a hurry to get the roads plowed. Right?

COMMISSIONER ANDERSON:

Yeah, I'm enjoying the weather. I have no complaints this year.

I just wanted to make the Committee aware that we hope to submit a C of N at the next week's Legislative meeting to restore some positions. Right now we 98% there. We're just working out the final financing to do that based on the Omnibus, but I just wanted to give you a heads up that should be coming.

CHAIRMAN SCHNEIDERMAN:

These are some positions that were in that 88 person list. Is that the immediate layoff list?

COMMISSIONER ANDERSON:

Yes, yeah. Correct.

P.O. LINDSAY:

Mr. Chairman, if I might.

CHAIRMAN SCHNEIDERMAN:

Certainly.

P.O. LINDSAY:

Public Works came to me early on and we've been working on proper offsets within the Department. Some of the personnel we selected might be more important than other personnel and it's one of those types of situations and we've been talking to the Executive and I'm in concurrence so far and we're just waiting for the Budget Office across the street to be in concurrence.

CHAIRMAN SCHNEIDERMAN:

That's fine. If we could save some jobs it'd be a great thing to do if we found a way. Okay. Anyone else? All right, thank you. We are adjourned.

THE MEETING CONCLUDED AT 2:53 P.M.

{ } DENOTES SPELLED PHONETICALLY