

**PUBLIC WORKS AND TRANSPORTATION COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**  
**MINUTES**

A 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, 725 Veterans Memorial Highway, Smithtown, New York, on November 27, 2012.

**Members Present:**

Legislator Schneiderman - Chairman  
Legislator Stern - Vice-Chair  
Legislator Barraga  
Legislator Horsley  
Legislator Muratore

**Also In Attendance:**

George Nolan - Counsel to the Legislature  
Renee Ortiz - Deputy Clerk  
Michael Pitcher - Aide to Presiding Officer Lindsay  
Tom Vaughn - County Executive's Office  
Paul Perillie - Aide to Legislator Gregory  
Debbie Harris - Aide to Legislator Stern  
Jill Moss - Budget Review Office  
Robert Doering - Budget Review Office  
Gil Anderson - Commissioner of Public Works  
Robert Kessler - Yaphank Historical Society  
Rick Brand - Newsday  
All Other Interested Parties

**Minutes Taken and Transcribed By:**

Gabrielle Skolom - Court Stenographer

**(The meeting was called to order at 1:53 p.m.)**

**CHAIRMAN SCHNEIDERMAN:**

This is the Public Works and Transportation Committee on the 27 day of November 2012. If you all will rise, join us for the Pledge of Allegiance lead by Legislator Muratore.

**(Pledge of Allegiance)**

You may be seated. We'll start today's meeting off with public portion. If you wish to be heard by the committee, you need to fill out a yellow card. They are available at this front table from the Clerk. I have one yellow card. It belongs to a Robert Kessler speaking -- representing the Yaphank Historical Society. Mr. Kessler, you have three minutes to make your comments known.

**MR. KESSLER:**

Hi. My name is Robert Kessler. I'm the president of the Yaphank Historical Society. I don't know if I'm in the right committee, but let me just read my little thing here, and we'll see what happens.

The Society manages two buildings for the -- for Suffolk County: the Robert Hewlett Hawkins House, which is an 1850 house in Yaphank, and also the 1829 Mary Louise Booth House, which is also in Yaphank. We are also in the process of restoring the 18 -- the 1790 Homan-Gerard House in Yaphank, and all these houses are on or being considered for the national register. We are also working with the Town to restore the Swezey-Avey House on Willow Lake in Yaphank. We've also installed historic fencing throughout the district and have just come out with an Arcadia series books on Yaphank.

I bring all of this up so that you know we are a very active society and we take care of the houses that we maintain. The Society is looking to acquire the old post office building in Yaphank for our archives. This is a cement block building, and it would provide a safe and secure place for our archives. The society over the last 40 years has acquired an extensive archives. Right now, they are scattered about in the houses and members' homes because we have no place to store them or display them. We need a building such as the old post office building for a secure storage facility for our archives.

I come to you today because the building's under the management of DPW, and it is currently used by the PAL to store baseball equipment. They just have a little bit of baseball equipment and some sports equipment in there. We very rarely ever see them in there taking things in or out. We have tried to get this building for quite a while. We have even gone to Kate Browning, and she hasn't had any success with it, and I was wondering if this committee could in any way help us with getting this building for archives. There are certainly -- I'm sure there are other buildings they can use to store baseball equipment in and around -- the police property room or the maintenance garage is down there. So I was just wondering if you could help me -- help us with this matter.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Anybody represent that area, Yaphank? No, probably not at this body. Maybe when the commissioner steps up, I'll ask him what he knows about that building.

**MR. KESSLER:**

Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else who wishes to be heard or who hasn't filled out a card? All right. I'll close public portion. Let's move on to the agenda.

Commissioner, if you'll step forward. I don't have any bills in front of me that have to do with the old Yaphank Post Office. Do you know anything about that.

**COMMISSIONER ANDERSON:**

Actually, no. I don't know anything about the building. I will look into it. But most likely --

**CHAIRMAN SCHNEIDERMAN:**

Is that mike on?

**COMMISSIONER ANDERSON:**

I thought I got lucky. I don't know anything about the building. I will look into it. Most likely, in order to do that, we would have to find a place, as the gentleman mentioned about locating the equipment for PAL. I'll get back to you at that next committee about it.

**CHAIRMAN SCHNEIDERMAN:**

So we own the building and right now it's being used to store PAL?

**COMMISSIONER ANDERSON:**

I honestly don't know. I don't know anything about it. I'll look into it and get back to you.

**CHAIRMAN SCHNEIDERMAN:**

It's the first I'm hearing of it. Okay. I appreciate that.

All right. Let's go to the agenda. Anybody have anything for Gil before we start? Do you have anything for us before we start, Gil?

**COMMISSIONER ANDERSON:**

No.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

So on **1802, Eliminating impact assessment fee (Cilmi)**. This is a tabled resolution. Gil, I remember going to a meeting with the sponsor and you on this. Has this been amended? Have you guys worked something out? Not yet?

**COMMISSIONER ANDERSON:**

I don't believe the updated version has been forwarded.

**CHAIRMAN SCHNEIDERMAN:**

All right. Motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Any discussion? All in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

**1997, Directing the Department of Public Works to make common sense changes to Bus Routes 1A and 1B (Gregory).**

**COMMISSIONER ANDERSON:**

This one, I had asked to be tabled based on the fact that we are working on this right now. We are, I believe, waiting for approval from the site owner to allow us to, you know, run the busses through there or change the location.

**CHAIRMAN SCHNEIDERMAN:**

Is the sponsor, Legislator Gregory, part of the loop? Not the bus loop but the conversation --

**COMMISSIONER ANDERSON:**

Yes, he's aware. Yes, I made him aware prior to the last committee meeting, and he was aware. If he wasn't, I'm sure he'd be here letting -- or let somebody know.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Stern. All in favor? Opposed? Abstentions? So **tabled**  
**(VOTE: 5-0-0-0).**

**1998, Directing the Department of Public Works to conduct a traffic study on a portion of County Road 28 (Gregory).** Again, Commissioner, where do you stand on this?

**COMMISSIONER ANDERSON:**

We are, as I stated at the last committee meeting, moving forward with the traffic study at this location. We have identified the need, and it is moving forward. I had requested last time that this be tabled. I asked that it be tabled with the purpose that if for any reason it doesn't move forward, we would progress it. But we are moving forward with a traffic study at this location, which is the meat and potatoes of the bill.

**CHAIRMAN SCHNEIDERMAN:**

And again, the sponsor is in the loop on this.

**COMMISSIONER ANDERSON:**

Yes. He was made aware prior to the last committee.

**CHAIRMAN SCHNEIDERMAN:**

Do you know when it's going to be finished, this study?

**COMMISSIONER ANDERSON:**

I can find out by the next committee but we're -- no, I don't know off the top of my head. I have asked the staff to make this rise to the pile -- to the upper part of the pile, but we do have an awful lot of traffic studies that we're doing right now.

**CHAIRMAN SCHNEIDERMAN:**

Committee, what do you want to do? Is there a motion?

**LEG. MURATORE:**

Table.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator Muratore. Second by Legislator Stern. All in favor? Opposed? Abstentions? So **tabled (VOTE: 5-0-0-0).**

**IR 2017, Directing the Department of Public Works to study establishing concessionaires at certain County facilities (Cilmi).**

Commissioner, I think this has been modified, or maybe it hasn't been modified. Where do you stand on this? This is to look at possibly bringing concessions into various County buildings, like Dennison.

**COMMISSIONER ANDERSON:**

Okay. It was modified from 90 to 100 days.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, you would want it part time, right?

**COMMISSIONER ANDERSON:**

I'd ask for more time; otherwise, we don't have a real problem doing the study.

**D.P.O. HORSLEY:**

I heard it was more than 100. I thought it was 180.

**COMMISSIONER ANDERSON:**

180 days. What did I say?

**D.P.O. HORSLEY:**

One hundred.

**COMMISSIONER ANDERSON:**

Oh. I meant 180.

**D.P.O. HORSLEY:**

Tom just briefed me on it.

**COMMISSIONER ANDERSON:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

It sounds like double the amount of time. There's a motion by Legislator Muratore to approve. Second by Legislator Barraga. All in favor? Opposed? Abstentions? **Approved**  
(VOTE: 5-0-0-0).

**IR 2027, Adopting Local Law No. -2013, A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County (Schneiderman).** We have closed, I believe, the public hearing the last session, so I will make a motion to approve.

**LEG. MURATORE:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Muratore.

**COMMISSIONER ANDERSON:**

If I may.

**CHAIRMAN SCHNEIDERMAN:**

Yes, of course. We have Commissioner and we have Legislator Horsley. Commissioner, go ahead.

**COMMISSIONER ANDERSON:**

I would ask this be tabled for further clarification. The intent of this resolution is to use ASRF funds and access \$140 million to process consultant services, to inspect and monitor municipal private plant operations. It's also --

**CHAIRMAN SCHNEIDERMAN:**

Where did you come up with that, \$140 -- that's the total ASRF.

**COMMISSIONER ANDERSON:**

Well, that's everything above the \$140 million. That's what you're looking to do. My concern is, number one, if the intent is to bring people back, that's one thing, but then if you do, does that funding stream end when we run out of, you know, the overage? Again, we've also been directed by previous legislation to use those funds to increase sewers in the County to improve our facilities, so I need a little more direction on this.

**D.P.O. HORSLEY:**

And, in fact, to make that point even stronger, I'm surprised that BRO would allow that because that would be contrary to present law.

**CHAIRMAN SCHNEIDERMAN:**

Hold on. It just changes the law. As you know -- well, first let me compare it to the 477 fund. So the 477 fund, we are now funding a certain number of County employees with 477 which was intended for water quality. If those funds dry up, then potentially we lose these positions. This is the same thing. This is Assessment Stabilization Reserve. It's actually a similar portion. It comes from the Quarter Penny Tax as well, like the 477, and it would then allow the Health Department to take on a couple additional people to provide a higher level, people who, I guess, were laid off or going to be laid off. It would allow those inspectors to remain with the County so that we can provide a higher level of monitoring, which would be, I think, good for the County and good for the public and the environment. It is new to do this. Now Legislator Romaine -- now Supervisor Romaine had suggested using I think 477 funds to do this. We just don't have any 477 funds left that we believe are really available. I -- we couldn't do this under the original program, so what this law does is it modifies the program to allow for this type of use which is really very compatible with what the program was set up to do which is to promote sewer and sewage treatment and to monitor those sewage treatment plans. It's really a water quality function. To me, it makes an awful lot of sense. It allows us to provide that -- the right level of monitoring without impacting the General Fund of the County. That's why I put this forward and --

**COMMISSIONER ANDERSON:**

And, again, I'm not arguing with the need, but I think it needs further clarification, whether it's a sit-down meeting or whatever, to identify what's the priority. Are we looking for a certain number of positions? What does that take away from the excess stabilization funds? And, then, how does that impact the sewers -- sewer projects that we were looking to identify?

**CHAIRMAN SCHNEIDERMAN:**

It's not the first time that we will have amended the ASRF. We did it, Legislator Horsley, for your bill where we created that \$2 million fund for alternatives as well as money for the --

**D.P.O. HORSLEY:**

That was all part of the negotiating process with the County Executive, and I looked at that as all part of being the same bill.

**CHAIRMAN SCHNEIDERMAN:**

That was a lot more money. This is kind of a minor amendment to that in a sense.

**COMMISSIONER ANDERSON:**

My concern is there's limited -- the outlook right now is limited on the amount of time we'll have for the amount of funding that we'll have for two or three years and where this all plays out. I would ask that it be tabled just so we can iron out what these priorities are before we move forward. Again, we have this. Are we going to hire 10 people? At what cost? And, then, what impact to the overall -- you know, what's a priority when things get tight?

**CHAIRMAN SCHNEIDERMAN:**

I have to check, but I think if we're going to save a couple of those positions, we would have to get this done by the end of the year; otherwise, we'd be hiring them back.

**COMMISSIONER ANDERSON:**

And I'm fine. I fully agree with saving the positions. Again, my concern is how we delineate how this money is spent. At the end of the day, we're going to have a certain kitty that we can play with, and, you know, how are we going to spend it? What's the priority? I mean, one cycle, we'll have one last cycle to pass this if we can get this ironed out in the next two weeks.

**CHAIRMAN SCHNEIDERMAN:**

It would be up to the Legislature and the County Executive to determine how much of that surplus could be used for salaries. This just enables some of the money to be used for salaries, whether it's one person or -- the bill doesn't say how many people we'd hire, right? It only allows us to be able to do that? Wayne? Legislator Horsley.

**D.P.O. HORSLEY:**

Yeah, and my reaction to that, and I had heard about this the other day, that this is a direct version of the intent of the bill in which we passed last year that we went through so much labor and working throughout -- diligently throughout the year to assure us that we're going to grow sewers in Suffolk County. So this would be a direct last-minute attempt to alter the intent of the Legislature. And I'm a little shocked by it that we haven't had this discussion prior to this. They're coming out and having it voted upon.

But beyond that, that's beside the point. It is -- we are about ready to -- the application process is about ready to proceed. We have been working diligently to create those applications. They are going to be going out to the municipalities and those sewer -- those possibly sewer areas that within the next couple weeks and to now say, "Let's poll that back. Let's hire people with it," and we know just from our experience with the 477 account that once you open Pandora's Box, we'll be using it for employees until the end. And I think that it will destroy the sewer intent, and I'm a little surprised that BRO would allow this as an offset. It just seems to me that that's -- that's not something that I think that is appropriate.

**COMMISSIONER ANDERSON:**

Again, I think if we -- again, I certainly do not want to be in the way of saving anybody's positions, but I think this needs further clarification.

**CHAIRMAN SCHNEIDERMAN:**

Well, I'd like to speak because, Legislator Horsley, I'm not sure where you're coming from.

**D.P.O. HORSLEY:**

I thought I was quite clear.

**CHAIRMAN SCHNEIDERMAN:**

A, this is not a last-minute attempt to subvert anything, and I don't appreciate that characterization. I actually worked and supported the original bill. I was one of the votes that helped it pass. It was challenged in the courts, as you know. It prevailed so -- and I thought it was a good bill. It helped provide some relief to the general budget. There were some who said it had to go up on the ballot, and some people didn't think it was a good idea, but I supported it. This doesn't take -- this, to me,

is not a threat to it. It's the same kind of line of thinking in a way. We need to monitor sewage treatment plants. We are reducing the monitoring levels dramatically, and one of the reasons we're doing it, I believe, is because we don't have the money to do it. There is adequate funds to do everything you want to do with those sewer programs as well as hire a couple people to provide a little bit of increased monitoring. It doesn't challenge that bill.

**D.P.O. HORSLEY:**

Would it make more sense, then, to look at those dollars below the \$140 million as a possibility?

**CHAIRMAN SCHNEIDERMAN:**

BRO, what is the surplus? Where are we with the Assessment Stabilization Reserve Fund?

**MR. DOERING:**

I think the estimated surplus in 2012 was about \$33 million over the \$140 million right now.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Horsley, do you know how much you need for your program?

**D.P.O. HORSLEY:**

If we are to grow sewers, which was the intent of the Legislature, it's going to take -- this is just a drop in the bucket in the overall dollars that it's going to take to sewer Suffolk County. So the more dollars, the better, and certainly \$2 million of that would go to the East End and the private sewer operations. So I think that the fact that it's a growing amount is the capability of making this project work. So I think by opening it up, and I look at this as a Pandora's Box, if we open it up for County employees, it will be two today, it will be more later, and the concept of what the Legislature had will be destroyed.

**CHAIRMAN SCHNEIDERMAN:**

Isn't it a revolving nature that some of the money, some of those programs were as if eventually a sewer district will compensate the County back and the ASRF will be made whole?

**D.P.O. HORSLEY:**

That is -- I don't know if we've ever come to a final answer on that. We've argued that both ways. We're going to -- I don't think we've come to a final conclusion. Gil, what's your feeling on that?

**COMMISSIONER ANDERSON:**

We have -- DPW has a little bit of a difference of opinion from BRO. BRO feels the amount of money within that available funding above the \$140 million will eventually be gone. We tend to think we're going to be in better shape than BRO does because our facilities, we believe, are in good shape and have been maintained. It's kind of -- you know, there's an argument to be made either way. Again, my only issue is that if we could establish what you're looking to do with this, how many jobs you're trying to save, what's that impact? Are we talking \$500,000. I mean, that might be something -- I don't know, but without clarification, I don't recommend this --

**CHAIRMAN SCHNEIDERMAN:**

Right now, the bill is specific to monitoring sewage treatment facilities. I understand the concern that Pandora's Box is going to get opened and suddenly there's going to be 30 people who are being paid for -- under this program. I mean, I might be willing to put some limitations on. I tried to do this with 477 saying no more than 50 percent of the money could be used for salaries. You know, maybe in this case, it's a much smaller percentage -- five percent or even one percent of the money for salaries -- might be enough to cover the two employees that I was hoping we could hire through this program. I think Legislator Horsley is seeing the worst case scenario in arguing against a bill that I think has a good intent, not a bad one, that is in conformity with the original program, Water Quality Program. And frankly, if we don't provide adequate level of monitoring and we have a toxic plume that's resulting from a sewage treatment facility, it's going to throw such a wrench in the

works that a lot of your noble efforts to expand sewerage are going to be scuttled. So I think it makes good sense to make sure we have adequate levels of monitoring.

Anybody else on this? The question right now seems to be to what -- where is the upper limit, Legislator Horsley, in terms of how far might we go with salaries within this money that's allocated for sewers. Is that your big concern?

**D.P.O. HORSLEY:**

My big concern is that we had an intended purpose for these dollars that we've been working with for the last year and suddenly at the last minute, we want to open it up for salaries.

**CHAIRMAN SCHNEIDERMAN:**

I'm going to make a motion to table. Legislator Horsley, I ask that you work with me, and we'll see if we can come up with an agreement to move this forward.

**D.P.O. HORSLEY:**

I'm always open for working with people.

**CHAIRMAN SCHNEIDERMAN:**

Is there a second?

**LEG. BARRAGA:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**2029, Appropriating funds in connection with Public Works Buildings Operation and Maintenance Equipment (CP 1806) (County Executive).**

**COMMISSIONER ANDERSON:**

I believe the revised resolution has been submitted. It should state appropriating a sum of \$130,000, which will be used to purchase one heavy-duty boom truck. We spend about \$35,000 a year renting that piece of equipment. Within four years, it would pay for itself by not having to rent that. It's essentially needed to maintain the outside of buildings, things like that, lights within parking lots. So this would afford us, without having to go to a contractor to do it, we could do some of the work ourselves.

**CHAIRMAN SCHNEIDERMAN:**

Does that mean this is actually a cost savings to the County?

**COMMISSIONER ANDERSON:**

Yes. After four years, it will pay for itself.

**CHAIRMAN SCHNEIDERMAN:**

After four years. Any comment, questions? This is a piece you believe -- piece of equipment you believe the County should own?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

We've rented them?

**COMMISSIONER ANDERSON:**

We rent it annually. It's foolish not to have it.

**CHAIRMAN SCHNEIDERMAN:**

All right. I'll make a motion to approve.

**LEG. MURATORE:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Muratore. Any comments, discussion? All in favor? Opposed? Abstentions?  
**Approved (VOTE: 5-0-0-0).**

**2068, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Deer Park LLC (BA-1633) (County Executive).**

Motion by Legislator Stern. Second by Legislator Horsley. Commissioner, any additional information we need to know?

**COMMISSIONER ANDERSON:**

This just authorizes the execution of agreement with Deer Park LLC. It allows for connection to the Southwest Sewer District with a discharge of \$5,500 gallons per day. The connection fee is based on \$30 per gallon per day and comes to \$165,000.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion and a second. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-0).**

**2069, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 5 - Strathmore Huntington (sewer system) (CP 8115) (County Executive).** Same motion, same second. Okay with the same vote? Same vote. **Approved (VOTE: 5-0-0-0).**

**2070, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 11 – Selden (CP 8117).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**2071, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 7 – Medford (Woodside) (CP 8119).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**2072, Amending the 2012 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 21 - SUNY (Phase 2A) (CP 8121) (County Executive).** Commissioner, do you have any information on this?

**COMMISSIONER ANDERSON:**

This is -- appropriates \$767,851 which is basically 10 percent -- well, it's less than that. It's a percentage of the overall \$17 million that are needed to install denitrification facilities in the sewer district 21 plant up at Stony Brook. We've received a grant of \$12.07 million from EFC for this project additionally. Of that remaining funds needed, 3.5 million has been provided by SUNY Stony Brook itself. The remaining funding there is, I believe, 20 percent of the remaining funding beyond EFC.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask you when we approve appropriations, capital borrowing -- and I understand the sewer district is going to pick up the tab -- those within the sewer district, other than the public hearings that we hold, is there any other input that they provide in terms of voting yes or no to improvements to their sewer district?

**COMMISSIONER ANDERSON:**

In most cases, when it's a maintenance thing, it's just usually the regular public hearing. In this case, because it involves SUNY and a number of districts, we did hold a few community meetings a number of years ago.

**CHAIRMAN SCHNEIDERMAN:**

All right. We'll do same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

Let's move on to **2073, Appropriating funds through the issuance of Sewer District Serial Bonds for the increase, improvement and extension to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126) (County Executive).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**2074, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 14 - Parkland (Sludge Thickening) (CP 8128) (County Executive).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

Stop me if you have a question.

**2075, Amending the 2012 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 20 - William Floyd (Leisure Village) (CP 8148) (County Executive).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**IR 2076, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 23 - Coventry Manor (CP 8149) (County Executive).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**2077, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 7 - Medford (CP 8150) (County Executive).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**2078, 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).** Same motion, same second, same vote. **Approved (VOTE: 5-0-0-0).**

**2079, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 10 - Stony Brook (CP 8175) (County Executive).** Same motion, same second same, vote. **Approved (VOTE: 5-0-0-0).**

**IR 2082, Extending authorization for improvements to Suffolk Avenue (CR 100) (Montano).** This is actually a project I think was listed on a bill I saw earlier today in Budget and Finance which was to close out capital projects. Is that right, BRO?

**MS. MOSS:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Gil, do you know the status on this? Is this a --it was listed on a list of projects that are done?

**COMMISSIONER ANDERSON:**

Yes. We understand that. The resolution -- this resolution extends the authorization of the agreement with the Town of Islip, which was established under Reso 935-2006. The work's been completed by the Town. The funds have sunset. This will extend the funds through December 31 of next year so that the paperwork, in order to get the Town paid, can happen. It'll -- basically, the Town is in the process of completing whatever paperwork was required to get them paid for this. They did the work. I mean, it is an agreement.

**CHAIRMAN SCHNEIDERMAN:**

I guess the technical question is do we need to remove this from the closeout list if we remove this from the committee?

**MS. MOSS:**

IR 2083 was tabled this morning.

**COMMISSIONER ANDERSON:**

So they should remove it?

**CHAIRMAN SCHNEIDERMAN:**

Right. So 2083, do we need to amend 2083 to remove this project if it's still open? How can we close it out and have it open at the same time?

**MR. NOLAN:**

I think the County Executive's Office should amend that other resolution and move this project from the closeout list.

**CHAIRMAN SCHNEIDERMAN:**

As we stated, that was tabled in committee, so there's the ability to do that. I'll make a motion to approve 2082.

**LEG. MURATORE:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**IR 2140, Amending the 2012 Capital Budget and Program and appropriating funds in connection with Strengthening and Improving County Roads (CP 5014) (County Executive).** I'll make a motion. Second by Legislator Stern. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-0).**

Just, Gil, on the offsets for that one.

**COMMISSIONER ANDERSON:**

This one, we have an additional \$400,000 in this capital program that we're not going to purchase any more traffic signal equipment. We'd like to use these funds to basically extend our ability to repave roads under the reconstruction item, which is 5014.

**CHAIRMAN SCHNEIDERMAN:**

That's fine. Okay. I called the vote on that, so that was approved.

**2152 -- oh, this is why Dominick is here -- Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter. (County Executive).**

**CHAIRMAN SCHNEIDERMAN:**

Dominick, if you want to come up. I was present when this went through CEQ, so I got a little bit of a chance to ask questions there, so is there anything you want to mention specifically about next year's vector control plan?

**MR. NINIVAGGI:**

No. This plan, basically, is a follow-on since our long-term plan in EIS has been approved and basically uses the same methods that are outlined in that plan. So basically this is a relatively routine matter now that we've gone through all the agony we went through to get that plan in place. It's basically just a requirement to keep the program going.

**CHAIRMAN SCHNEIDERMAN:**

I'm trying to remember. I had a question at CEQ that I think you were looking into. Oh, you had mentioned a study that kind of contradicted what we knew about methoprene. There was some new information, maybe a Connecticut-based study that was raising some concerns. I guess my question, then, are we going to modify our program at all regarding methoprene based on some of those new concerns?

**MR. NINIVAGGI:**

Well, Connecticut DEP did some sampling. It was very preliminary work with a very small number of samples. They looked at both healthy and sick lobsters. And there, they claim that they saw traces of some of the materials that we used, namely methoprene and resmethrin. There are a lot of problems with that data. Nobody can figure out any kind of physical mechanism, you know, that would deliver that material, you know, that far out in the sound that deep. I know they were going to be sending their samples to other labs to try to confirm whether this is a real result or not because it's a very difficult thing to do analytically. So I haven't heard anything more whether those results have been confirmed and whether there's any follow-up information on that. So since this data is so preliminary and hasn't been scientifically vetted, there really isn't any need to make any changes. We've done a lot of work on these materials as far as their environmental fate, and, you know, we're very comfortable with that work, and much of that work has, in fact, been published in the open literature, so it has been vetted through the scientific community.

**CHAIRMAN SCHNEIDERMAN:**

Are there -- I remember a concern about a line in the vector control plan that contemplated the use of a particular chemical. It was adulticide that we try, for the most part, to avoid.

**MR. NINIVAGGI:**

Malathion.

**CHAIRMAN SCHNEIDERMAN:**

Malathion. Thank you.

**MR. NINIVAGGI:**

Malathion is one of the materials that was looked at in the long-term plan as a possible alternative if, for some reason, the preferred materials we have, we use now were not available on the marketplace or were cease -- maybe had resistance to them or something like, but malathion is not a material we've used for quite a number of years, and we don't have any plans to use that. It's

basically in the plan because it has been evaluated as a fallback if, for some reason, the materials we normally use --

**CHAIRMAN SCHNEIDERMAN:**

But you have no intention of using it? You'll take all actions to avoid using it?

**MR. NINIVAGGI:**

No. Yes, it's a material that basically it's an older class of materials, and based on the long-term plan results, the materials we use now are preferable environmentally so we would continue to use those.

**CHAIRMAN SCHNEIDERMAN:**

Our program continues to be based on prevention, right? You use the larvicides, BTI, bacterial approaches, the methoprene at times as well as a larval treatment and then try to avoid these adult populations that could have higher concentrations of West Nile Virus.

**MR. NINIVAGGI:**

Yeah. Exactly. What we try to do is we try to control mosquitoes at their source because, environmentally, that's preferable, and from an efficiency point of view that's much better also. When you have to spray for adult mosquitoes, the flying mosquitoes, basically you have to spray a residential area, and we like to avoid that because even though we're very confident about the safety and the materials we use, we prefer to avoid exposing people to pesticides whenever we possibly can.

**CHAIRMAN SCHNEIDERMAN:**

Volume-wise, are we seeing less use of the adulticides now than we were in the past; is our program working in that regard?

**MR. NINIVAGGI:**

Oh, yes. Well, just to put it in perspective, in the early '90s, I think we peaked at about 90,000 acres treated with adulticides. Last year, it's actually in the plan here, and we treated 24,747 acres, and a lot of that was in response to West Nile Virus, which we didn't even have in the '90s. So we maintained low levels of adulticide and we're trying to be very judicious with that.

**CHAIRMAN SCHNEIDERMAN:**

I know regionally, 2012 was a very hard year in terms of there was a high number of West Nile Virus detections and cases. How do we fare in Suffolk compared to Nassau and New Jersey and other areas?

**MR. NINIVAGGI:**

Well, we have, according to the latest figures, as far as human cases, we have six confirmed cases of West Nile Virus and eight probable cases. There are five confirmed neuroinvasive cases, the most serious cases that require hospitalization. Two of the neuroinvasive cases were considered probable probably because they don't have enough data to have them confirmed. Our peak year -- so if we look at --

**CHAIRMAN SCHNEIDERMAN:**

Any fatalities on that list?

**MR. NINIVAGGI:**

No fatalities here in Suffolk County. I believe our peak year was 2010 with 26 cases. So this was basically a middling year. We had a lot of virus detections, but a lot of them were in areas where historically we don't see a lot of human cases. They're very scattered.

**CHAIRMAN SCHNEIDERMAN:**

How do our numbers compare to other areas: Connecticut, New Jersey?

**MR. NINIVAGGI:**

This year, Nassau County, I believe, had 13 confirmed cases. We have six. So we continue to be generally lower than Nassau County. Again, this was basically a middling kind of year for West Nile activity. Our highest year was 2010, and it's always very difficult to determine what each year is going to bring. That's why we have to do a good surveillance program, and we're constantly looking for ways to refine the program and target it more effectively as we learn more about the virus. There's still an awful lot to learn.

**CHAIRMAN SCHNEIDERMAN:**

In terms of staff levels, are you pretty much where you were? Have you lost people in your department as well?

**MR. NINIVAGGI:**

You know, we've lost five filled positions, so of course that doesn't help, but we're basically in the same situation that most County departments and units are in. And, yeah, we continue to perform our basic functions. We'd certainly like to do more, but we understand the budget realities.

**CHAIRMAN SCHNEIDERMAN:**

The loss of those positions, you're still able to keep up with what you were doing in the past?

**MR. NINIVAGGI:**

Yeah. Well, basically, we've been able to maintain our surveillance functions, our basic control functions. We could probably get out to more areas and do more preventative work if we had more people, of course. What kind of manager would I be if you gave me more people and I didn't get more work done? But we maintain the basic level that we need to.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions regarding the vector control program for next year?

**CHAIRMAN SCHNEIDERMAN:**

Where am I? Do we have a motion and a second? I'll make a motion. Second by Legislator Stern. Any discussion? All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-0).**

Thank you, Dominick.

**IR 2153, Authorizing the County Executive to execute an Intermunicipal Agreement with the Village of Southampton transferring maintenance responsibilities for sidewalks along CR 39, North Road that lie within the limits of the Village.** I'll make the motion.

**LEG. STERN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second. I remember this because the Village was concerned about those sidewalks that we're building. We've agreed to take care of them structurally.

**COMMISSIONER ANDERSON:**

Yeah. We're taking the long-term maintenance, any structural damage. Eventually when they need to be replaced through maintenance, the Village will -- in the agreement, the Village will take care of the day-to-day maintenance: Snowplowing, if you will, leaf pickup, things like that.

**CHAIRMAN SCHNEIDERMAN:**

They thought that was within the Village --

**COMMISSIONER ANDERSON:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

-- structural elements being too expensive and beyond their abilities. So I appreciate you guys working this out with the Village. I made a motion; there was a second, I think by Legislator Stern. All in favor? Opposed? Abstentions? Approved. **Approved (VOTE: 5-0-0-0).**

And our last resolution **IR 2167, Directing the Department of Public Works to consider rising water levels and storm surge when planning projects (Hahn)**. God, we've seen a lot of these, haven't we? Smarts, Complete Streets, green planning. Now this one is rising water levels. Go ahead. I'm sure you already think about these things but go ahead.

**COMMISSIONER ANDERSON:**

Yeah, we do, and I would caution unnecessarily legislating something that we do automatically, anyway. Certainly, I think under one of the last cycle bills, I spoke about how we're looking at Bergen Point as a prime example of the impact of, you know, rising water levels and storm surges, you know, to that facility. And certainly this is something we're looking at in every division, you know, make sure we're well --

**CHAIRMAN SCHNEIDERMAN:**

The storm surge piece, that's long been a requirement. Every town, every municipality has to look at the velocity zone --

**COMMISSIONER ANDERSON:**

The velocity zone, all new buildings have to be above the high water mark, things like that.

**CHAIRMAN SCHNEIDERMAN:**

Right. The construction standards changed with the flood zone.

**COMMISSIONER ANDERSON:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

This, though, also asks you to consider rising water which is different. I guess global warming, sea-level rise.

**COMMISSIONER ANDERSON:**

And, you know, again, that's something we would consider on any facility we build now and we are -- where needed to retrofit, we are looking at that as well.

**CHAIRMAN SCHNEIDERMAN:**

So do you have a recommendation? Do you think it's unnecessary? Does it harm you in any way to pass it?

**COMMISSIONER ANDERSON:**

No, it doesn't harm us. I just don't see why you would legislate -- I mean, can you send us a directive? It seems silly to -- I don't mean silly.

**CHAIRMAN SCHNEIDERMAN:**

Well, is there -- Counsel, is there specifics in terms of what they must consider in this bill?

**MR. NOLAN:**

It's very general. It really uses the broad terms of "surge" and "rising water levels." Just really

says they have to consider it when planning projects.

**COMMISSIONER ANDERSON:**

We do that. If you want to legislate it --

**CHAIRMAN SCHNEIDERMAN:**

I get concerned sometimes with bills like this --

**COMMISSIONER ANDERSON:**

I agree.

**CHAIRMAN SCHNEIDERMAN:**

-- that the County is proposing doing something --

**LEG. BARRAGA:**

We're already doing it.

**CHAIRMAN SCHNEIDERMAN:**

If a neighbor or a concerned civic group or something challenges it and they sue the County, "You can't do, you failed to consider sea-level rise. You were mandated under IR 2167 to consider these things. Where is your determination?" You're there going, "Oh, we thought about it," but there's nothing in writing. I don't know if these are entirely benign sometimes.

**COMMISSIONER ANDERSON:**

No. It's a very good point. It certainly will -- what we would wind up doing, and we were speaking about this on another piece of legislation, is creating almost a checklist so that when you go through any project, you actually physically have to at least discuss it and check off that indeed it is -- in fact, it was the Smart Streets we were talking about, you know, that we would create a checklist and go through that.

**CHAIRMAN SCHNEIDERMAN:**

When we're considering a Public Works project, is the Planning Department involved in some level as well, or do they review some of these?

**COMMISSIONER ANDERSON:**

No, generally not. In most cases, especially at the level that the legislator here is speaking about, it would be really more on the -- once we start the preliminary planning, the actual physical design of a facility, we would look at that and see, okay, what's its proximity to water, what's its elevation based on sea level, mean high water, and then address it accordingly.

**CHAIRMAN SCHNEIDERMAN:**

You obviously, you know, you follow New York State Building Code --

**COMMISSIONER ANDERSON:**

Without question.

**CHAIRMAN SCHNEIDERMAN:**

-- and everything you have to do?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Suffolk Health Department, everything else?

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

I'm going to make a motion to table because I just don't think it's needed. But is there any other motions?

**LEG. MURATORE:**

Second.

**LEG. BARRAGA:**

Second.

**D.P.O. HORSLEY:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

I made a motion to table. We had a second by Legislator Barraga. On the motion, Legislator Horsley.

**D.P.O. HORSLEY:**

Yeah. Just quickly, it's kind of related now that what you're thinking about high water. See it's working already. Just a quick one. On the Bergen Point plan -- we mentioned it earlier -- I know we've been discussing the federal dollars that the one point whatever billion dollars that was mentioned by the governor and stuff like that for Suffolk County, was the Bergen Point plant, as far as the hardening of the plant itself, was that considered -- is that part of the --

**COMMISSIONER ANDERSON:**

Yes, it was. Yes, that was part of the fees that we quoted, yeah.

**D.P.O. HORSLEY:**

Nice. What kind of activities would you be thinking about?

**COMMISSIONER ANDERSON:**

In certain areas, basically raising the grade level, hardening the shores for future storm impact, things like that. I mean, during the storm, during Sandy, water levels got extremely high.

**D.P.O. HORSLEY:**

I know.

**COMMISSIONER ANDERSON:**

But we were able to keep things moving. Some of the issues we also spoke about were pump stations, making sure that the generators were high enough so that they wouldn't be impacted by flooding waters, things like that, but that was all considered when we gave them an estimate of what we thought it would cost.

**D.P.O. HORSLEY:**

Okay. So that was part of that one point whatever billion dollars -- one point three, one point seven?

**COMMISSIONER ANDERSON:**

I believe so.

**D.P.O. HORSLEY:**

Yeah, I think it was \$1.7 billion, and that would be part of that cost?

**COMMISSIONER ANDERSON:**

Correct.

**D.P.O. HORSLEY:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Barraga.

**LEG. BARRAGA:**

Commissioner, I'd like to follow up on Mr. Horsley's question with reference to the estimate that you have. I assume that the estimate was requested from you by the administration.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. BARRAGA:**

All right. Yeah, because I find it quite surprising and rather amazing that certain elected officials in the State are calling press conferences giving figures. Like yesterday, the Governor of the State of New York gave a figure of \$42 billion. Yet when you take a look at the tremendous amount of damage done to homes, to roads, to sewer systems, infrastructure in general, that \$42 billion figure will never stand. I mean, we're taking a look, especially when you take a look at the losses for business, for example, when you combine it all together, school districts, the works, we're talking probably 150 to 200 billion dollars.

I find it amazing that three or four weeks after a major, major crisis, these figures are coming forth, and they are not accurate. I mean, we saw a couple weeks ago, the United States Senator for this area, Schumer, saying 30; now it's 42. It's going to continue to go up, and I think they are making a big mistake by throwing those figures out. Because when you get down to Washington or you get down to Albany, many of these representatives come from different parts of the State and the nation. If you're at \$42 billion, then you go back and say, "Maybe it's like 60 billion or 80 billion or 100 billion," they are not going to be too happy with that. They're going to say, "It was \$42 billion. That's what you said it was." They are not going to be too prone to give you \$100 billion or \$150 billion.

So I don't know why they are doing this. They should be waiting until there's a really good consensus on the part of yours, Commissioner of DPW, and all the other important agencies in the State so they have a realistic, honest figure that they can actually come up with and say, "You know, it is \$150 billion, and that's what we're going to go to Washington for and try to get as much as we possibly can," because right now it's an embarrassment. I read the paper and I see 30 billion, 42 billion. Next week, it'll be 60. A month from now, it'll be 100. It doesn't make any sense what they're doing. It's as if they want to have a press conference for the sake of a press conference. Keep your mouth shut until you get the right figures, accurate figures, accurate input from all the different agencies involved, including business, including districts, including every State agency, every town, so that when you finally go and you say, "Okay. This is what we need."

If it's truly bigger than Katrina, Katrina was 150 billion. If we have more homes, more businesses, all right, more destructive elements along the coast here in New York State and New Jersey, wait 'til you have a finalized figure in each state but especially for New York.

But I don't think there's any doubt in my mind that someone can come to you, Commissioner, and you give a figure, but you know in your heart it's not a reliable figure. This thing is still evolving. We don't know where we stand. I mean, the figure today is it's going to cost the County \$70 million. 70 million? I don't think so. I think it will be much, much higher than that. 42 billion from the governor, statewide? Uh-uh. It's just not going to work.

**CHAIRMAN SCHNEIDERMAN:**

All right. So let's go back to the bill, which is Legislator Hahn's bill, which is to require the Commissioner to do what he's already doing, which is to consider rising sea level impacts, flooding, surge waters, those kinds of things. I think it's unnecessary, so I made a motion to table. Do I have a second? I had a second. Who was my second? Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions? So **tabled (VOTE: 5-0-0-0)**.

And this is our last agenda item, so we are adjourned.

**(Meeting adjourned at 2:50 p.m.)**