

PUBLIC WORKS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Public Works 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 January 29, 2013.

Members Present:

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

Also In Attendance:

Presiding Officer William J. Lindsay, 8th Legislative District.
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Catherine Stark - Aide to Legislator Schneiderman
Jill Moss - Budget Review Office
Robert Doering - Budget Review Office
Paul Perillie - Aide to Legislator Gregory
Debbie Harris - Aide to Legislator Stern
Tom Vaughn - County Executive's Office
Gil Anderson - Commissioner Public Works
Vincent Falkowski - Chief Deputy Commissioner Public Works
Patrick Hahn - Center Moriches Watchdog Community Assoc.
John Damianos - Damianos Realty Group
All Other Interested Parties

Minutes Taken By:

Gabrielle Skolom - Court Stenographer

Minutes Transcribed By:

Denise Weaver - Legislative Aide

(THE MEETING WAS CALLED TO ORDER AT 2:12 PM)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Public Works and Transportation Committee to order this 29th day of January 2013. If you all will rise and join me for the Pledge of Allegiance led by Legislator Horsley.

(Salutation)

CHAIRMAN SCHNEIDERMAN:

Please be seated. Okay. I'd like to start today's meeting with public portion. I'd have but one card. It's in the name of John Damianos. Mr. Damianos if you will come up to the podium, identify yourself for our records and then you have three minutes to make your comments known.

MR. DAMIANOS:

Thank you very much. I'm John Damianos of Damianos Realty Group. We're based in Smithtown, but we have a shopping center called Center Moriches Square on Main Street in Center Moriches also known as the King Kullen Shopping Center.

I'll try to be brief. The first thing I would ask considering the background that we've never really gotten any notice about a crosswalk coming from the school to the front of our property is that we be noticed for any future meetings. I filled out the card and there's a lot of contact information there for this. So I'd appreciate notice from whoever's involved because we're directly involved with this situation.

The plan involves a crosswalk, new crosswalk to be built across from a school on Main Street that would come over to our property. The crosswalk, I'll get into that in a minute, would -- the crosswalk plan would involve eliminating two wide driveways that go to our property and the wide driveways allow a lot in ingress and egress. They're very good. We never have a problem with people entering or leaving the shopping center. We've got Radio Shack, King Kullen, Suffolk County Bank, other -- CVS, other brand names in there. It's about 70,000 square feet. We really would like these to be left open. The plan calls for these to be closed and a new smaller entrance and exit for the center. I won't go into too much more detail about that, but I will say that this crosswalk should be looked at a little more carefully. It -- it is for apparently handicapped children to cross the street to come to the shopping center and perform certain duties that the average person would be accomplishing; shopping in the stores, walking into the stores, whatnot. We don't really have an objection of that part of it, but it's a little unusual in that there are already two crosswalks and two lights at the two corners in front of the school. This just adds to the convenience, I suppose, but it's really not necessary to have a light in the middle of the block and another crosswalk. There are some other considerations. There is a van that can take children from the school to the center. How am I doing on time?

CHAIRMAN SCHNEIDERMAN:

That's time. If you could just wrap up real quick.

MR. DAMIANOS:

Okay. Also I'm not sure it's entirely for the children. We've never made an objection to teachers parking in our lot, apparently they're full across the street, and that's another factor that should be taken into consideration when you're looking at the plan. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Sir, what's the bill number on this?

MR. DAMIANOS:

I don't have a bill number yet. As I said, we really haven't been noticed on it.

CHAIRMAN SCHNEIDERMAN:

Okay. I'm looking through the packet, I'm not seeing it. Commissioner?

COMMISSIONER ANDERSON:

No, this has nothing to do with any legislation. A letter was sent to Mr. Damianos' organization. There is at this location, as Mr. Damianos said, there is a school across the street from his shopping center, there are two crosswalks on either side of the school down the block. Two, I don't remember if both intersections are signalized, but there are crosswalks at this point. The community, at least the school, is looking to have the students at the school, and I believe they're autistic or there's some handicap there where they need to be guided across the street rather than walking down to the signalized intersection where there is a crosswalk and a signal, they have been fighting for a crosswalk at that location.

DPW, we don't like unsignalized crosswalks, as you are well aware, and we came up with a proposed reconfiguration of the site, which would involve the front entrance and exit of Mr. Damianos' property. We had sent a letter to him requesting approval, and I don't remember whether -- I assume we were looking for some form of discussion, which I would be glad to have, you know, in another forum rather than in public, but I'd be willing to talk about it now.

So that's the genesis of Mr. Damianos' concern is that reconfiguration. Obviously we can't do anything without his approval to his property. It is a local issue and, you know, again, the next step I would say would be to meet my staff with your staff or however you want to do it and talk about what we can do to reconfigure it. The community is very vocal on having these crosswalks. Obviously we're just as adamant in not creating a crosswalk where it's an unsignalized because we don't want the kids, you know, getting hit.

CHAIRMAN SCHNEIDERMAN:

Mr. Damianos, are you willing to sit down with Gil and his staff and see if you can come to any consensus?

MR. DAMIANOS:

I'd be delighted. Thank you.

CHAIRMAN SCHNEIDERMAN:

That sounds great.

UNKNOWN SPEAKER:

(Inaudible).

CHAIRMAN SCHNEIDERMAN:

(Laughter) That's great. Hopefully we won't see you, see you for a little bit.

P.O. LINDSAY:

Another problem solved.

*(*Laughter*)*

CHAIRMAN SCHNEIDERMAN:

Mr. Damianos, before you sit down or is for Commissioner -- one moment sir, Legislator Krupski, I'm going to have to get used to that, thank you, Legislator Krupski, the new Legislator has a question.

LEG. KRUPSKI:

Thank you. Could you include me in that discussion please since that's my district there.

COMMISSIONER ANDERSON:

Absolutely.

LEG. KRUPSKI:

I've had some response from the community already on both sides of the issue. So I'd be happy to learn a lot more about it and have to -- I'd have to visit the site also.

COMMISSIONER ANDERSON:

Okay, we'll get you the background information as well.

LEG. KRUPSKI:

Thanks.

COMMISSIONER ANDERSON:

Okay.

CHAIRMAN SCHNEIDERMAN:

Okay. I have one other card, Patrick Hahn and -- Center Moriches Watchdog Community Association. This has to do with shopping center and school on CR 80, a crosswalk. Same issue.

MR. HAHN:

Ladies and gentlemen, thank you. I have a letter, I would like to give it to the Chairman. Thank you. My name is Pat Hahn, I'm the Center Moriches Watchdog Community Association President. I'd like to congratulate our newly elected Legislator for our district, Al Krupski.

LEG. KRUPSKI:

Thank you.

MR. HAHN:

Congratulations, sir. I look forward to working with you.

I'm here today representing our community. We are also in opposition of this crosswalk. If you read the letter that I had sent, I also sent letters to our Legislators and I'll bring ours up to speed when I have an opportunity to meet with him. We are opposed to this. They have two existing crosswalks in this town, it's only less than 200, 300 feet away from the crosswalk. They're using the excuse for having autism children to walk across the street. The Center Moriches Fire Department donated a bus for special ed students. Anyone that walks a kid across the street, you know you walk him at a protected crosswalk, where there's a crossing guard and traffic lights. To walk him across the street is ludicrous because then where are they going to go? They're going to walk down the sidewalk like they're supposed to to Lake, turn the corner, walk down the sidewalk to where the bank is and come in that way. The safe way. You could do the same thing on the other side of road to walk down to the crosswalk.

If you logistically look at the -- the way the building is set up, either entrance whether it's coming out on the Clayton Huey gym or whether it's coming out of the middle of the school itself, it's only two to 300 feet away. You have parking that's across the street with staff that work at the school that is also in illegal parking. To just do it for convenience for the people to be able to cross the street when they park in the parking lot is a little ridiculous for \$150,000.

If you read our objections it'll be pretty much fine-tuned explaining the whole thing. Closing down those entrance ways, you're going to create a massive congestion inside that parking lot. Nobody looked at the clear picture when it comes to the safety aspect of it with the fire department or the police department that have to respond for any type of emergency that goes into that shopping center. You have big trucks. If you -- close down those roadways, those entrances, you're coming in off Lake, it's a smaller entrance and it's by a bank that has a drive-in that comes directly out to that -- that entranceway. It's a hazard waiting to happen if this ever got proposed and passed.

So I urge that you reconsider and knock this thing down. We have a proposed crosswalk that we've been putting forth on Bank Avenue -- Bank Street and Canal. We're asking that you would reconsider if you get the \$150,000, we really would like to have it benefitted to the Center Moriches district and for the entire public of Center Moriches including our disability and senior citizens that cross in an unprotected area that really desperately need that crosswalk.

I thank you for your attention on this and I look forward to working with our newly elected Legislator, Al.

LEG. KRUPSKI:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Hahn. Gil, there's nothing before us on -- is this a capital project?

COMMISSIONER ANDERSON:

No. There's no, no. This --

CHAIRMAN SCHNEIDERMAN:

This is Safe Routes to School. Is that what this is?

COMMISSIONER ANDERSON:

What Mr. Damianos and the previous gentleman were speaking about was a proposal to address community concerns. It's not -- it's not a finite project. It's just we, you know, we actually agreed with the gentleman initially. We're trying to find some type of project that will accommodate the entire community, you know, make both sides happy, if you will, and still keep traffic safe.

CHAIRMAN SCHNEIDERMAN:

So right now there's no funded project.

COMMISSIONER ANDERSON:

No.

CHAIRMAN SCHNEIDERMAN:

Were you thinking of just doing this out of sidewalk money?

COMMISSIONER ANDERSON:

I don't know at this point where we would get the funding. But it was really to come up with a proposal that we could begin the design, to begin everything that would needed, so.

CHAIRMAN SCHNEIDERMAN:

Right. And that would have to come before this body at some point for approval.

COMMISSIONER ANDERSON:

The authorization for the funding; yes.

CHAIRMAN SCHNEIDERMAN:

Right. So, yeah, I would just ask you to work with the school and --

COMMISSIONER ANDERSON:

We have been.

CHAIRMAN SCHNEIDERMAN:

-- the commercial business and Legislator Krupski --

COMMISSIONER ANDERSON:

Yep.

CHAIRMAN SCHNEIDERMAN:

And you'll see where it goes.

COMMISSIONER ANDERSON:

Will do.

CHAIRMAN SCHNEIDERMAN:

All right. Anything for Commissioner Anderson before we go to the agenda? Anything off agenda? All right. Then let's go right onto the agenda. Gil, is there anything you want to make us aware of?

COMMISSIONER ANDERSON:

Actually, I just briefly, take two seconds. I just wanted to introduce you to the new Chief Deputy Commissioner, Vincent Falkowski, is a new member of our team and, you know, welcome, we're very eager that he's on board and I'm glad to have his help.

P.O. LINDSAY:

Good luck to you.

MR. FALKOWSKI:

Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. So we're going to start with tabled resolutions.

TABLED RESOLUTIONS

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

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Stern, second by Legislator Horsley. Any Discussion? All in favor? Opposed? Abstentions? So tabled. **TABLED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

IR 1998 - Directing the Department of Public Works to conduct a traffic study on a portion of County Road 28. (Gregory) Same motion, same second, same vote. **TABLED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

IR 2027- Adopting Local Law No. -2012, A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County. (Schneiderman)

I'll make a motion to table, second by Legislator Horsley. All in favor? Opposed? Abstentions? So tabled. **TABLED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

IR 2167 - Directing the Department of Public Works to consider rising water levels and storm surge when planning projects. (Hahn) Motion to table by Legislator Stern, second by Legislator Krupski. All in favor?

Opposed? Abstentions? So tabled. **TABLED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

IR 2192 - Studying efficiencies during sewer infrastructure improvements or expansion. (Horsley)

D.P.O. HORSLEY:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by the sponsor, second by Legislator Stern. Did you want to say something, Wayne?

D.P.O. HORSLEY:

Yeah, on the motion. Just, Gil, we've been reaching out to set up a date to pull in some of the -- some of the players. Where are you guys? Did you get a date? Does that --

COMMISSIONER ANDERSON:

I believe Diane just reached out to us in the last week or so and we either scheduled it or in the process of scheduling it.

D.P.O. HORSLEY:

Okay, good. So they're starting to get some play out there. A lot of people are talking about the same issue so I certainly want to move the -- move it forward.

COMMISSIONER ANDERSON:

Okay.

D.P.O. HORSLEY:

Good, thanks.

CHAIRMAN SCHNEIDERMAN:

All right. There was a motion and a second. All in favor of tabling? Any opposed? Abstentions? So tabled. **TABLED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

All right. We're going into the introductory resolutions.

INTRODUCTORY RESOLUTIONS

IR 2238 - Authorizing the acquisition of a portion of a certain parcel of real property having a Suffolk County Tax Map Identification Number of District 0800 Section 182.00 Block 01.00 Lot 011.004 for sewage pumping purposes and requesting conveyance of same from the Town of Smithtown, Suffolk County, New York pursuant to General Municipal Law §72-h. (Co. Exec.)

P.O. LINDSAY:

Motion.

CHAIRMAN SCHNEIDERMAN:

It's a motion to approve by Presiding Officer, second by Legislator Stern. Any discussion? Any questions? All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

IR 2239 - Authorizing the acquisition of a portion of a certain parcel of real property having a Suffolk County Tax Map Identification Number of District 0800 Section 185.00 Block 01.00 Lot 041.000 for sewage pumping purposes and requesting conveyance of same from the Town of Smithtown, Suffolk County, New York pursuant to General Municipal Law §72-h. (Co. Exec.) Same motion, same second, same vote. APPROVED (VOTE: 6-0 - P.O. Lindsay included in the vote)

IR 2253 - Requiring Suffolk County to install stormwater remediation practices and/or stormwater filtration gardens when paving new and existing County-owned parking lots with the assistance of the Suffolk County Soil and Water Conservation District. (Anker)

That's a -- a mouthful. So, Commissioner, can you give us a little background on this.

COMMISSIONER ANDERSON:

This is similar to some previous legislation, one that was enacted -- I'm sorry. Oh, the -- we do this. We do this automatically when we come into a parking lot. If we have enough area and funding, obviously, that we build a rain garden; essentially what it is is an aboveground area similar behind the Cornell Cooperative was one that was recently built. It's a planted area. It's a low-lying area where the water goes and effectively drains, you know, into the drainage system from that point. It removes a lot of nutrients and undesirable, you know, chemicals in any of the stormwater. We do that automatically. We're mandated under Stormwater Phase II Program through the EPA and the DEC wherever we can put that in and that's what we do.

So my only statement would be that this be tabled because it's, you know, redundant and, you know, and actually I believe Legislator Hahn had a resolution last year where she required us to look at any -- doing any type of green, you know, improvements when we do parking lots similar to this. Which we do.

CHAIRMAN SCHNEIDERMAN:

You know, the problem with a bill like this is there's the implicit assumption that you're not already doing it.

COMMISSIONER ANDERSON:

Right, and we are.

CHAIRMAN SCHNEIDERMAN:

You know, though it's -- it doesn't really hurt to pass it, it doesn't really need to be passed either. Do we have a motion of any kind?

LEG. STERN:

Motion to table.

LEG. STERN:

Motion to table by Legislator Stern, second by Legislator Krupski. Any discussion? All in favor? Opposed? Abstentions? So tabled. **TABLED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

Moving onto 1011, **IR 1011 - Rescinding Adopted Resolution No. 768-2011 and authorizing planning steps for the voluntary acquisition of land and if necessary public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of C.R. 48, Middle Road from Ruch Lane to Chapel Lane, Town of Southold, Suffolk County, New York (CP 5526, Phase II). (Co. Exec.)** I guess we'll -- I'll entertain a motion by Legislator Krupski to approve and a second by Legislator Stern. Gil, can you give me more detail on this.

COMMISSIONER ANDERSON:

This is just a legal clarification, previous resolution didn't require all the steps it needed to acquire the land under this project. The next -- the next bill behind this, which is 1012, is similar. Both are on the project for County Road 48, it basically will allow us to go through the planning steps and if we can't acquire the property that we need we can then go into condemnation. It's just a formality on both of them and we were advised to do that, I believe, through the County Attorney's Office.

CHAIRMAN SCHNEIDERMAN:

What's the end goal here? What's the project doing?

COMMISSIONER ANDERSON:

This is to realign a small portion of County Road 48 in front of, and I apologize I don't know the name of the motel.

LEG. KRUPSKI:

Soundview.

COMMISSIONER ANDERSON:

Thank you. Basically to move the highway away from the road to give a protected area for pedestrians that would be crossing the road and would allow a, you know, a delineated portion of the highway so that pedestrians crossing could see where they can stop, where they can get, you know, there'll be an island in between both lanes and that type of thing. So that's what it's really intended to do. So if this is --

LEG. KRUPSKI:

I'm supposed to meet with -- and I talked to Bill Hillman about this, and I'm supposed to meet with him out there when he meets with the owners to try to work everything out.

COMMISSIONER ANDERSON:

Right.

LEG. KRUPSKI:

The location of the road and whatnot.

COMMISSIONER ANDERSON:

Right.

CHAIRMAN SCHNEIDERMAN:

You want to table it? Or do you want to --

LEG. KRUPSKI:

Oh, no. No, no. Moving forward.

CHAIRMAN SCHNEIDERMAN:

Oh, moving forward.

LEG. KRUPSKI:

Yeah.

CHAIRMAN SCHNEIDERMAN:

Okay. At least it'll go to the floor and you'll have time to -- are you going to go see it between now and when we vote on it next week?

COMMISSIONER ANDERSON:

The -- this is really -- this has nothing to do with the actual, you know, process, this just enables us to do the process correctly. Whatever was in the original legislation we left out either the planning steps or the ability to condemn if we had to. That's why we're doing this. The intent is really, it's a safety improvement of County Road 48, it moves the highway away from the motel and also, like as I mentioned, delineates a space where pedestrians can cross and then have a little bit of safe haven in between both directions of traffic.

CHAIRMAN SCHNEIDERMAN:

Are you okay with it? Okay. So there's a motion and a second to approve. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

I guess the companion resolution, **IR 1012 - Rescinding Adopted Resolution No. 765-2011 and authorizing planning steps for the voluntary acquisition of land and if necessary public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of C.R. 48, Middle Road, from Horton Lane to the vicinity of Grove Road, Town of Southold, Suffolk County, New York (CP 5526, Phase III). (Co. Exec.)** Same motion same second. And, Gil, did you want to add anything to this or you pretty much covered it.

COMMISSIONER ANDERSON:

Yep, yep.

CHAIRMAN SCHNEIDERMAN:

So, all in favor? Opposed? Abstentions? **APPROVED (VOTE: 6-0 - P.O. Lindsay included in the vote)**

Brings us to our last resolution, **IR 1017-13 - To create a task force to enhance the County's Procurement Process. (Gregory)** Is there a motion?

LEG. STERN:

I'll make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Stern and a second by Legislator Krupski. Commissioner, do you want to chime in on this?

COMMISSIONER ANDERSON:

No, we're fine. Welcome to discussion. Obviously if we can, you know, enhance any type of procedure, especially when coming to procurement, we're fine.

CHAIRMAN SCHNEIDERMAN:

Bill, is this --

P.O. LINDSAY:

I wanted to see how the Commissioner felt about it.

CHAIRMAN SCHNEIDERMAN:

Okay, so we had a motion to approve and a second. All in favor? Opposed? Abstentions?

APPROVED (VOTE: 6-0 - P.O. Lindsay included in the vote)

Is there any other business? Then we are adjourned. Thank you.

THE MEETING CONCLUDED AT 2:34 PM

{ } DENOTES SPELLED PHONETICALLY