

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 March 12, 2013.

Members Present:

Legislator Schneiderman - Chairman
Legislator Stern - Vice-Chair
Legislator Horsley - Deputy Presiding Officer
Legislator Muratore
Legislator Krupski

Also In Attendance:

Legislator Lindsay - Presiding Officer
George Nolan - Counsel to the Legislature
Tom Vaughn - County Executive Assistant
Catherine Stark - Aide to Legislator Schneiderman
Michael Pitcher - Aide to Presiding Officer Lindsay
Catherine Stark - Aide to Legislator Schneiderman
Paul Perillie - Aide to Legislator Gregory
Kevin LaValle - Aide to Legislator Muratore
Robert Doering - Budget Review Office
Jill Moss - Budget Review Office
Gil Anderson - Commissioner of Public Works
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken and Transcribed By:

Gabrielle Skolom - Court Stenographer

(*Meeting called to order at 2:13 p.m.)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Public Works and Transportation Committee to order this 12th day of March, 2013. Please rise. Join us for the Pledge of Allegiance led by Legislator Stern.

(*Salutation*)

Madam Clerk, do we have any yellow speaker cards?

MS. ORTIZ:

No.

CHAIRMAN SCHNEIDERMAN:

Apparently, we do not. We typically start these meetings with public portion. Is there anyone who has not filled out a yellow card but wishes to be heard before we begin? I see no hands.

Then we will go to the agenda. I'd like to ask Commissioner Anderson to join us at the front table. I'd like to ask Legislator Horsley to allow Commissioner Anderson to join us at the front table. Before we jump into the agenda, is there anything off the agenda that any committee members want to bring to the Commissioner's attention, any questions?

P.O. LINDSAY:

Yeah.

CHAIRMAN SCHNEIDERMAN:

All right. Our Presiding Officer. Good to see you as always, Bill. You have the floor.

P.O. LINDSAY:

I just want to thank Commissioner Anderson. I called him Saturday morning about a flooding issue in my district, and although it was a town road, he responded, which I greatly appreciated your response.

COMMISSIONER ANDERSON:

You're quite welcome at any time. Don't hesitate. Just so you're aware, the flooding that occurred actually occurred from Mastic all the way into Lindenhurst and we're actively trying to push them to close that one remaining breach that's out there.

P.O. LINDSAY:

I talked to one of the business owners down there on Sunday. Told me he was closed for three days and that he simply -- they don't -- it wouldn't do any good to pump the water. There's no place to pump it. He said the same thing. It was across the whole South Shore, and he agreed with you about the breach.

CHAIRMAN SCHNEIDERMAN:

We were monitoring one of those breaches that opened, right, that's the one? And now we've learned that it's probably better closed. Do we -- because some of the other equipment we're using to close the other breaches is now out of town, so do we have any equipment ourselves that could close it?

COMMISSIONER ANDERSON:

No. I mean, certainly this is something that would be a result of having to dredge. Something this size, right now it's about the same size that Cupsogue was, and it required a large dredge to, you know, place a large volume of material over a short period. Otherwise, you would have to drive some piles and possibly then reduce -- you know, it's the current that's going to impact the ability, so you can't move -- just move dirt over to close up that channel. You really need something that's going to bring in enough material that it's going to counteract the current.

CHAIRMAN SCHNEIDERMAN:

Is that -- have we filed to do that? I know there's FEMA money. There's that \$3 billion from Hurricane Sandy. This seems like something that would qualify for possibly 100 percent Federal.

COMMISSIONER ANDERSON:

It would likely be the Army Corps that does the work; they would actually be the ones, so it wouldn't be anything that we would get reimbursed for because the Federal government would pay for it, anyway.

CHAIRMAN SCHNEIDERMAN:

But we don't have to lay it out; that's right. So it would be 100 percent better.

COMMISSIONER ANDERSON:

Right. The bigger issue right now is inactive again the Breach Contingency Plan, and then they have to go out to bid because there are no local contractors in the area like there were originally. The bid process itself and the whole -- and then the issue, obviously, with the piping plover would preclude any work going on before, really, July. So, you know, again, it's got to be the paperwork and then the process itself question, we wouldn't be able to get to it quick.

CHAIRMAN SCHNEIDERMAN:

One thing I'm thinking, if we are going to get an ocean dredge out there, there are other projects that are also looking for ocean dredges, I know, in Bridgehampton and Sagaponack, Montauk, there's a project for the beach in downtown Montauk. It certainly would bring everybody's cost down if we share the mobilization.

COMMISSIONER ANDERSON:

Right. The Corps is looking at that. The Corps is actually studying. They were doing LiDAR flyovers, and they're going to compare them with the prior storm LiDARs and then come up with priorities. Again, you're coming into the season with piping plover, that it's going to minimize or eliminate almost any work you can do. You know, I mean, we've made the argument of human --

P.O. LINDSAY:

So bottom line is we don't anticipate any resolution to this problem soon.

COMMISSIONER ANDERSON:

Absolutely.

D.P.O. HORSLEY:

On this question, Jay --

CHAIRMAN SCHNEIDERMAN:

Maybe in the fall or October or so when the dredge window opens up.

COMMISSIONER ANDERSON:

Certainly, that's our goal right now, yeah.

P.O. LINDSAY:

But it's hard to tell a business owner, Jay, that you're going to be closed three out of seven days a week.

CHAIRMAN SCHNEIDERMAN:

When it rains, right.

P.O. LINDSAY:

When it rains, or when a northeaster is coming in.

CHAIRMAN SCHNEIDERMAN:

Yeah, I definitely understand that. I don't know how we get past that, though.

COMMISSIONER ANDERSON:

The only hope I can even offer is -- and obviously I don't control Mother Nature -- but there is an erosion period -- an erosion period and a buildup period along the beach, so we're coming -- we should be coming into the buildup period, so hopefully that's enough to start to close up that breach naturally. You know, we do have issues, obviously, with the whole dune system along Fire Island that's been wiped out or compromised, whatever you want to use, so it is a big issue that we're still looking at. There's no easy answer, and we've got to really convince the Federal authorities and the State authorities that this is work that needs to be done.

P.O. LINDSAY:

Unfortunately, over the years, our zoning departments, all of us -- town, county, village -- have capitalized on sea views and ocean views and has tried to maximize the use of our seashore for business, and it's kind of a bet that isn't coming in, you know?

COMMISSIONER ANDERSON:

I mean, I think the argument that you're going -- again, I'm looking for simple arguments because I'm not a scientist, but, you know, the argument to be made against just being a push from the, you know, the ocean or the wind is that you had significant flooding on Ocean Beach and the Fire Island communities. So it wasn't just the north shore of Great South Bay. It was also along Fire Island that was flooded.

P.O. LINDSAY:

And the -- everybody's got to agree, whether it's global warming or whatever, our weather pattern has been exceptionally cruel to us the last year or two, you know.

COMMISSIONER ANDERSON:

Yeah, we've -- yeah. Yes.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Legislator Horsley.

D.P.O. HORSLEY:

Yeah, just on the same issue about the inlet. Have you been looking at, Gil, the science at all behind whether or not the inlet is causing the actual tidal increases? I mean, is it just the push from the -- from all -- because I'm getting it in Lindenhurst, where places we've flooded before, but it usually takes huge storms to flood. The other night, we were just -- I've got streets that are underwater, right up to people's houses. You know, it's all over again. Is somebody not accounting for that or?

COMMISSIONER ANDERSON:

The discussions I had yesterday with DEC and Army Corps, they are looking at the science. You know, again, this was -- even though there wasn't a lot of snow, these were two nor'easter systems that came through at the same time, so there was significant tidal impact. But, you know, the ability of the barrier beach to protect the mainland, you know, is compromised --

D.P.O. HORSLEY:

Is compromised because -- so, in other words, the truth is is that when you have another inlet, the actual sea levels rise at a quicker pace than they would if that was closed.

COMMISSIONER ANDERSON:

I go by --

D.P.O. HORSLEY:

So you would agree --

COMMISSIONER ANDERSON:

Yeah, I mean, I.

D.P.O. HORSLEY:

I know you're for it --

COMMISSIONER ANDERSON:

Yeah.

D.P.O. HORSLEY:

I know you're for it so, I mean.

COMMISSIONER ANDERSON:

We didn't have these issues before Sandy came in and opened up the old inlet breach, so my limited understanding is, well, if it didn't happen before, and now we have a breach, and it's happening now, then there's a direct link.

D.P.O. HORSLEY:

Yeah. I mean, exactly. That makes sense. It sounds like an engineer's point of view. It's a direct link, 'cause literally the other night, we had people -- not only was the streets flooded but literally the water got up to people's doors, which never had this problem before. And it's really shocking and alarming that, you know, of that minor weather event could cause such damage. I mean, it's kind of scary.

COMMISSIONER ANDERSON:

Again, I would note that, you know, it wasn't significant in the way of wind or even snow, but you did have those two storm systems which came in, which could have impacted the tide, and I'll leave that for the scientists, but we are going to keep pushing to get this breach closed. I just want to help Mother Nature along, that's all.

CHAIRMAN SCHNEIDERMAN:

Legislator Krupski.

LEG. KRUPSKI:

You did have -- you did have those big storms out there that pushed the tide; I noticed that too. It was way higher for a lot of days. You probably had some of the effects of the moon also to bring that tide in and keep it in. But as far as the breach goes, you know, I'm hearing the other side of it that people want to keep it open because, you know, you're going to improve the water quality because you have better flushing. So you're going to talk about -- you can have that debate also.

P.O. LINDSAY:

And we have.

COMMISSIONER ANDERSON:

I mean, there isn't an argument to be made the salinity would change, but the organisms that are living in the salinity now might be different than, you know -- it's a big argument. It's similar to the argument that's going on with regard to zoning, whether you -- you know, the homes that were damaged, do you buy them out; do you help them mitigate future flooding; things like that, so it's going to be a discussion for some time.

CHAIRMAN SCHNEIDERMAN:

All right. Anything else before we begin? Our prequel.

All right. So we're going to move to the agenda.

Tabled Resolutions

Starting with **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. Do I have a second? I will second. Any discussion? All in favor? Opposed? Abstentions. 1997 is **tabled. (VOTE: 6-0-0-0)**

1998, Directing the Department of Public Works to conduct a traffic study on a portion of County Road 28 (Gregory). Is there a motion?

LEG. STERN:

Motion to approve so we can talk about it.

CHAIRMAN SCHNEIDERMAN:

I'll second it for discussion purposes. Commissioner, my understanding from the sponsor is he has reached out to you to get this done administratively but nothing has happened, so I think he's --

COMMISSIONER ANDERSON:

Well, we have provided the Legislator with information. We've talked about a traffic diet in the area. We are aware of the need for some improvement, and we have submitted that to the Legislator. I can't tell you any recent discussions that I've had within the last couple of weeks, but prior to this, we have provided information. I would ask that it be tabled, but if it moves forward, I'm fine with that too. We'll just -- you know, either way, we are working towards resolving this.

P.O. LINDSAY:

Mr. Chair, just -- I'm not familiar with the term traffic "diet."

COMMISSIONER ANDERSON:

Okay. This is similar to something we did on Woodside where we actually took and -- rather than having two lanes in either direction, we reduced it down to one lane in either direction, and this was done on County Road 99, Woodside Avenue.

P.O. LINDSAY:

So it's like traffic calming?

COMMISSIONER ANDERSON:

Correct.

D.P.O. HORSLEY:

And shrinking, the diet part.

CHAIRMAN SCHNEIDERMAN:

All right. Does that answer your question? Okay. Well, I know the sponsor had asked for this to move forward if the --

COMMISSIONER ANDERSON:

I'm fine with it moving forward.

CHAIRMAN SCHNEIDERMAN:

-- Department doesn't have any problem with it, I don't see any problem with it moving forward. So there's a motion and a second to approve. Any other motions? Any discussion? All in favor?

LEG. STERN:

Just on the motion, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. On the motion, Legislator Stern.

LEG. STERN:

Mr. Chairman, yes, I had spoken with the sponsor. This is really to make sure that the issue was addressed. Let's hope that there's a good conversation between now and when we meet back in session next week, and hopefully there's some movement then.

CHAIRMAN SCHNEIDERMAN:

Okay. So, again, I'll call the vote. All in favor? Opposed? Abstentions? **Approved. (VOTE: 6-0-0-0)**

Moving on to **2027, Adopting Local Law No. -2013, A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County.** I do want to speak for a second about this, but I will make a motion to table.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. I remain convinced that we do not have adequate personnel to do all these monitorings for the SPDES compliance, and I am struggling to find a way of funding that without impacting taxpayers. I've looked at various different ways. I'm not convinced I have a

good solution yet, and that's why I'm tabling this. But I -- I just would urge you if we could figure out a way to do this. So at least if we could have one additional engineer, how we fund it, whether we fund it, perhaps I'll redo it through 477. That was Legislator Romaine's first inclination, but he had asked for, I think, two engineers and an additional analyst, environmental analyst perhaps. I think we were told that there wasn't enough 477 funds to cover it. Maybe there's enough 477 funds to cover one engineer here. Those 477 funds do replenish themselves, at least as a temporary measure, because this is an area, I think, that if we fall short, we're going to pay a much bigger price later. If we do see environmental damage, that will, I think, thwart some of the efforts to promote sewage treatment in the County. So I'm just going to ask my colleagues to work with me. We'll figure out -- try to figure out another way of doing it that's more acceptable, and I'll just amend the bill.

P.O. LINDSAY:

The motion is to table?

CHAIRMAN SCHNEIDERMAN:

Yep, motion to table. Any other discussion on that? Legislator Krupski.

LEG. KRUPSKI:

I thought the 477 was a dedicated fund for water quality improvements.

CHAIRMAN SCHNEIDERMAN:

Well, I would love to see a lot of it go toward actual improvements, like brick and mortar. We have used and we currently use about half the fund for employees within the County who are doing water quality related work. This certainly falls into that category. You can use it for salaries. There's no prohibition. The more used for salaries, the less are available for storm drains and things like that. So that's, I think, a judgment call of this body and administrative of the executive branch. But you could fund it that way since these jobs are directly related to water quality.

COMMISSIONER ANDERSON:

I think the only thing -- my only comment would have been, and we haven't had a chance to really discuss this, is to ask for further discussion basically to clarify a few points. Are we looking for health department personnel? Are we looking for consultants? DPW-wise, I think we're in -- I mean, yeah, do I want more people? Yes, of course I could use more people.

CHAIRMAN SCHNEIDERMAN:

It'll be health department, absolutely.

P.O. LINDSAY:

So it's in if wrong committee. This bill is in the wrong committee.

CHAIRMAN SCHNEIDERMAN:

It has to do with sewers, which typically has to do with this committee, so I think it's in the right -- that's your judgment call, Mr. Presiding Officer. I think it's in the right place. I just got to find the right funding. We could put it in Environment. Do we have an Environment committee? That would deal with the 477 piece of it.

P.O. LINDSAY:

Sure.

CHAIRMAN SCHNEIDERMAN:

We do have an Environment committee. That's Kara's committee. I would just ask that you --

P.O. LINDSAY:

Let's leave it where it is.

CHAIRMAN SCHNEIDERMAN:

Leave it where it is.

P.O. LINDSAY:

Move it, if you want, or you want to table it for now?

CHAIRMAN SCHNEIDERMAN:

We're going to table it. So IR -- so we didn't vote on the tabling, did we? All in favor? Opposed? Abstentions? **Tabled. (VOTE: 6-0-0-0).**

2167, Directing the Department of Public Works to consider rising water levels and storm surge when planning projects (Hahn).

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Stern.

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? Tabled. **(VOTE: 6-0-0-0)**

2192, Encouraging efficiencies and coordination during infrastructure improvements (Horsley).

D.P.O. HORSLEY:

I'll make a motion to table, and then I'll give an explanation once I get that on the --

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table. Second by Legislator Stern. Any discussion?

D.P.O. HORSLEY:

Yeah. Thank you, Legislator. It is a very large bill that's going to involve a lot of folks, and we're making a lot of headways working with all the utilities I see out there. We're making changes that particularly that LIPA is looking to have included in the bill. What this does, this bill itself, is to -- when projects, whether or not they are utility-born, or they are from the Towns, the County, et cetera, we're are going to be looking as a group at how does it -- how can we bet better harden the system for storms. I have been working with Gil, and LIPA has asked for some changes. Most of them, I thought were stylistic, but since it makes a difference to them, I'm going to make those changes. By the way, the new title of the bill will be "Encouraging Efficiencies and Coordination During Infrastructure Improvements."

P.O. LINDSAY:

Much better.

D.P.O. HORSLEY:

There ya go. What it means is we're going to harden the system when a storm comes, and we're going to harden it together. So I'll have this all ironed out by next go around, so I think that it -- we're all moving in the right direction now.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion and a second to table. Any further discussion? All in favor? Opposed? Abstentions? 2192 is **tabled. (VOTE: 6-0-0-0)**

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).

LEG. STERN:

Motion to table.

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Stern. Second by Legislator Muratore. All in favor? Opposed? Abstentions? So tabled. **(VOTE: 6-0-0-0)**

1027, Reappointing member to the Suffolk County Traffic Safety Board (Lieutenant Robert Pearce) (Presiding Officer).

LEG. STERN:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Stern. Second by --

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

-- Legislator Muratore. Any discussion? All in favor? Opposed? Abstentions? **Tabled. (VOTE: 6-0-0-0)**

1035, Eliminating impact assessment fee (Cilmi). Motion to table at the request of the sponsor. Motion made by Legislator Muratore.

Second by Legislator Krupski. All in favor? Opposed? Abstentions?

Tabled. (VOTE: 6-0-0-0)

IR 1115, Approving the extension of the license and franchise of Davis Park Ferry Co., Inc., for Cross Bay Service between Patchogue, New York and Fire Island Community of Davis Park (Presiding Officer).

We closed the public hearing on this. Mr. Presiding Officer, I think this is your district. Do you have an inclination --

MR. NOLAN:

It's Calarco's district.

CHAIRMAN SCHNEIDERMAN:

Oh, it's Calarco's district? I'm sorry.

P.O. LINDSAY:

Yeah, it isn't my district, but traditionally, anything to do with the licensing of Cross Bay Licenses comes through my office. Yeah, I don't have an objection to moving it.

CHAIRMAN SCHNEIDERMAN:

Okay. So I'll take a motion from the Presiding Officer. Second from Legislator Stern. Any discussions? All in favor? Opposed? Abstentions?

P.O. LINDSAY:

Budget Review will be ready to give us a synopsis of the report at the meeting?

MR. NOLAN:

There's no fare increase so --

P.O. LINDSAY:

There's no fare increase?

MR. NOLAN:

No, it's just a straight extension.

P.O. LINDSAY:

Oh, okay.

CHAIRMAN SCHNEIDERMAN:

There were no objections from BRO on this one, right, on the report?

MR. DOERING:

No, no objections.

CHAIRMAN SCHNEIDERMAN:

Okay. I called the vote, right? So it's **approved. (VOTE: 6-0-0-0)**

Moving on to *Introductory Resolutions*.

1149, Increasing transparency in RFP process (Browning). I did speak with the sponsor. She asked that this be tabled. She's still working with the Commissioner on this, a couple points. So I will make a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? 1149 is **tabled. (VOTE: 6-0-0-0)**

IR 1173, Adopting Local Law No. -2013, A Local Law to ensure adequate ferry service (Calarco). This requires a public hearing, so we'll have to table this. I'll make a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? So 1173 is **tabled. (VOTE: 6-0-0-0)**

IR 1199, Directing the Division of Transportation, Department of Public Works, to promote 511ny.org for planning public transportation routes (Gregory). Commissioner, do you have

any comments on this?

COMMISSIONER ANDERSON:

Yeah, we're fine with it. We do work towards getting that information out there to groups such as the -- what is it -- 511NewYork.org. They have our -- so you can go online and use the system, you know, to basically plan out your trip. We're working with Google right now with their systems as well, so we're fine with this being moved forward.

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

I want to make one technical point because the title has changed since we printed the agenda, so let me just read the correct title. It's still IR 1199. It's "Directing the Division of Transportation Department of Public Works to Promote 511NewYork.Org For Planning Public Transportation Routes." Are you familiar with the changes, commissioner, before we approve this?

COMMISSIONER ANDERSON:

I had seen that, yeah. Like I said, I'm fine with it.

CHAIRMAN SCHNEIDERMAN:

Okay. So there was a motion and a second, was there not? Who made the motion?

LEG. STERN:

I made the motion. There was no second yet.

CHAIRMAN SCHNEIDERMAN:

Oh, okay. Motion by Legislator Stern. Second by Legislator Horsley. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 6-0-0-0)**

All right. Is there any other business that needs to be discussed? Seeing none, we are adjourned.

(*Meeting was adjourned at 2:38 p.m.*)