

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 April 30, 2013 at 2:00 p.m.

Members Present:

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

Also in Attendance:

Legislator DuWayne Gregory - 15th Legislative District
George Nolan - Counsel to the Suffolk County Legislature
Renee Ortiz - Chief Deputy Clerk, Suffolk County Legislature
Jill Moss - Budget Review Office
Tom Vaughn - County Executive's Office
Gil Anderson - Commissioner, Suffolk County Department of Public Works
Garry Lenberger - Suffolk County Department of Public Works
Debbie Harris - Aide to Legislator Stern
Christina DeLisi - Aide to Legislator Schneiderman
Kevin LaValle - Aide to Legislator Muratore
Richard Koubek - Welfare to Work Commission
Ana Giraldo - L.I. Bus Riders Union
Ryan Lynch - Tri-State Transportation Campaign
Charlene Obernauer - Long Island Jobs With Justice
Fernando P. Tirado - Sustainable Long Island
Adrienne Esposito - Citizens Campaign for the Environment
Brian Roffsi - Suffolk Green Party
Douglas King - Suffolk County Disabilities Advisory Board
Marilyn Tucci - SILO
Janet Allen - SILO
Rick Brand - Newsday
Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

Minutes Transcribed By:

Kim Castiglione - Legislative Secretary

(The meeting was called to order at 2:39 p.m.)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Public Works and Transportation Committee to order this last day of April, April 30th, 2013. Rise, if you are able, and join us for the Pledge of Allegiance led by Legislator Stern.

Salutation

You may be seated. Okay. We are going to start today's meeting with public portion. I have about seven cards. Each speaker will have three minutes to make their comments known to the committee. If you wish to be heard and you haven't already filled out a yellow card they are available through this front table. If you are not able to come to the front table just signal and we will bring a yellow card over to you. Okay. So what I'll do is I'll announce the speaker and then I will announce who the following speaker is so that person can be prepared, and when you first begin speaking if you could just state your name, even though I've already said it, if you could state it for our official record that would be helpful. The first speaker is Fernando Tirado representing Sustainable Long Island.

MR. TIRADO:

Good afternoon. My name is Fernando Tirado of Sustainable Long Island. Honorable Members of the Suffolk County Legislature's Public Works and Transportation Committee, Sustainable Long Island stands alongside our community partners and your constituents to call for the permanent implementation and expansion of evening and Sunday bus service on select routes throughout Suffolk County. We support the resolution presented by Legislator Schneiderman and cosponsored by Legislator Krupski that would invest \$1.1 million in new and additional State Transit Operating Assistance Funds for Suffolk County transit for expanding these services.

The Sunday Bus Service Program has already proven itself successful via the pilot projects that have been implemented on the East End for the last two seasons. By expanding Sunday bus service the County provides the opportunity to help thousands of weekend commuters get to work, to houses of worship, to recreation destinations, and to take care of their personal needs, all while eliminating vehicular congestion and improving air quality. In terms of value, the benefits of funding Sunday bus service provide the greatest return on investment that the County can gain from STOA funding.

Sunday bus service is very much in line with Sustainable Long Island's mission to promote economic development and environmental justice. We believe that implementing this program will further transportation equity for many Long Islanders and will contribute to the County's economic growth.

We thank you for hearing our testimony and we are hopeful that the Legislature and the County Executive will approve this initiative to support the interest of the constituents. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. I forgot to say who was on deck. Brian Roffsi is the next speaker, followed by Dick Koubek. Can Mr. Roffsi be assisted in terms of showing him the buttons so the mic is activated?

MR. ROFFSI:

Oh, it's on.

CHAIRMAN SCHNEIDERMAN:

Oh, there you go, Brian. I don't -- is the light on? Can somebody just double check it?

MR. ROFFSI:

How's that?

CHAIRMAN SCHNEIDERMAN:

That's much better, thank you.

MR. ROFFSI:

I'm still not used to this microphone. My name is Brian Roffsi. Let's see. I'm the Chair of the Suffolk Green Party Disability Issues Coalition. Many here have seen me speak on this topic last year. I'm actually wearing the same big bright daisy shirt I wore last year so people remember who the heck I am. And I'm speaking here as a legally blind person who uses the SCAT paratransit system to also, as the gentleman before me said, I also support obviously since I use it, expanding the service to include Sunday and evening service. I know I would like to get to a church on my own. I would like to be able to attend events that go past early evening, and it definitely impacts disabled people throughout this County to be able to have more independence and dignity to be able to go to events and places since -- for those of us who don't drive. So I urge you folks to pass this resolution, please. Thanks.

CHAIRMAN SCHNEIDERMAN:

Thanks. Appreciate that. Just one thing, Brian. I know you're visually impaired. Just so you're aware, there's a bill in another committee just before this, in the Education and Technology Committee, it's -- 1300 is the number. It's an effort to get the County's websites to be accessible to the visually impaired to -- enabling them for print readers. Just so you are aware of that. And I think the bill has quite a bit of support where, in fact, the discussion in the last committee was how do we actually make it happen quicker. So I just wanted you to be aware of that.

MR. ROFFSI:

Oh yeah, thanks. I actually was at the last five minutes of that.

CHAIRMAN SCHNEIDERMAN:

Oh, okay. Great.

MR. ROFFSI:

Thanks.

CHAIRMAN SCHNEIDERMAN:

Okay. Dick Koubek is our next speaker followed by Ana Giraldo.

MR. KOUBEK:

Good afternoon. My name is Richard Koubek. I'm Chair of the Welfare to Work Commission of the Suffolk County Legislature. We were here two weeks ago presenting to you the recommendations in our report on poverty that were released in December in which we call for evening bus service and Sunday service. At that time we had presented to every member of the Legislature a letter endorsing Introductory Resolution 1295, which would have dedicated all of the \$2 million in new STOA funds for extended bus service.

I just want you to know that this morning the Commission voted to endorse the amended version, Legislator Schneiderman, that would dedicate 1.1 million of the STOA funds and then would seek funding from -- additional funding from JARC. And I commend you and I commend the County Executive Bellone for working out this compromise and I think we're going to get this done. We've been working on this, as you know, with you for what, three years now, and I think we're going to get it this time. So it was a great compromise. We would prefer the entire two million, but it's a time of budget crisis, as you know, and I think you worked out an excellent arrangement. So please

know the Welfare to Work Commission fully endorses it. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Dick. Thank you for your work with the Welfare to Work Commission and your work on this bill and your willingness to compromise, because we all know that the Sunday service is needed and evening hours and we have limited funds and, as you say, a budget crisis. So I think the compromise, which the County Executive has supported, is an approach that acknowledges both the needs of the County as well as the needs of the bus riders. Thank you.

MR. KOUBEK:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Ana Giraldo followed by Charlene Obernauer.

MS. GIRALDO:

Charlene will be in later, just in case. My name is Ana Giraldo and I'm the community organizer for the Long Island Bus Riders Union. I thank you for this opportunity today. According to the American Public Transportation Association, every dollar spent on public transportation adds six dollars to the local economy. It is true that expanding Sunday service will be good for bus riders, but it will also be good for our economy.

For instance, for health care workers who take care of the sick and the elderly this is equivalent to \$30 extra in their pockets every week, money that can be spent on local businesses, on sales tax and as a boost to the economy, or money that simply can be used to support their families. Investing two million in public transportation is so important because it is needed. A student, workers, community members that do not own a car will have the opportunity to take advantage of one more day of public transportation. They can go to church on Sundays, they can go to the library and they can go to local businesses. More of a service will also yield even more revenue, which can be used to further improve the system. We applaud Legislator Schneiderman's efforts and urge all of you to support this critical bill for our economy. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Our next speaker is Charlene Obernauer followed by Adrienne Esposito. I don't think Charlene is here. Adrienne, do you want to go ahead?

MS. ESPOSITO:

Good afternoon, members of the Legislature. My name is Adrienne Esposito. I'm with Citizens Campaign for the Environment. I'm going to change the topic for three minutes. I'm here to support IR 1260-2013, which is the bill that limits greatly the use of the air curtain destructors. You might be saying to yourself what is that and I would be happy to tell you.

You may or may not know that Suffolk County used four air curtain destructors. We, however, not so affectionately call them air quality destroyers, same thing, more of a realistic vantage point. But you used four of them all located or concentrated at the Brookhaven landfill. They are basically burn boxes, and they were used to burn the vegetated material from Sandy.

The EPA has a real problem with these things. There was one of them that was located in Floyd Bennett Park in Brooklyn and the EPA came in and put eight air quality monitors around them to make sure they don't exceed particulate matter air standards. In Suffolk County we had four and zero air quality monitors. How is that possible? I called the Suffolk County Exec's Office. They said, "Oh we should monitor the air?" I said, "Yes." They said, "Okay, we will." So to their credit they put in three monitors, two right at the landfill and one south. Substandard monitoring, but

nevertheless the reason I'm here is to tell you that you can't do it.

It exceeded standards. There were full days that exceeded particulate matter standards and also many days where segments of the day exceeded the standard, and the rest of the day was reduced, but if you are breathing bad air for five, six, seven hours, it still matters. Particulate matter, as you know, is clearly documented in the health and scientific literature to cause asthma and heart attacks and respiratory ailments and many other ails. We can't solve the problem of vegetated waste disposal by creating a public health threat, and that's, in fact, what we did.

I'm not blaming anybody. I don't think anybody really knew, but now we know and we can't do it again. So the purpose of this bill is to look back at the past and make sure it doesn't happen again in the future. We received numerous calls at our office saying, "There's ash all over my car, ash all over my truck, I go outside and I have to brush the ash off my furniture on my porch, what is going on?" And obviously you now know what was going on.

So it was a cheap, easy, quick fix to get rid of this debris, but it was very unhealthy for the public to be breathing this air. So we're asking you to please support this bill. It's the right thing to do and we hope that you support it. I have a memo of support which I will be handing out. Thank you.

CHAIRMAN SCHNEIDERMAN:

Adrienne, before you sit down, Legislator Stern has a quick question.

LEG. STERN:

Adrienne, do you know what the impact was, what kind of a standard, what is the acceptable standard and how dramatically did the situation result in exceeding that standard. What were some of the numbers involved?

MS. ESPOSITO:

Okay. I might be one of the few people in the County that actually culled through all of the data. I FOILed it. I filed a Freedom of Information Act and paid \$150 for the free data, and basically what it illustrated was some -- the standards, I can't remember if it's 30 or 35, but let's -- 35. It just came to me. And some days there would be several hours where it would be five, six, seven, .5, and then it would jump to 55, 65, 85, 90. You know, I talked to some people, they were like, "Oh, that's the days, you know, the wind was blowing and it might have been ash at the landfill." And I said "Well, why did we put them at the landfill?" And then I looked at the data from the firehouse, which is the Brookhaven Firehouse, which is located on Montauk Highway in Brookhaven about a mile south, and even there there were days when the data was up to 70, twice the allowable standard, and that's a mile away. And then we only had one off site south, and the last I checked, Legislators, the wind blows east, west and north some days, too. So even though we only captured data south of those ACD's, I have every reason to logically conclude the wind on some days blew it north, east and west. So we don't have enough data to really illustrate what impact happened, but we do have enough data to know we greatly exceeded air standards on some day and half days.

LEG. STERN:

Thank you.

MS. ESPOSITO:

Thank you.

D.P.O. HORSLEY:

Quick question of Adrienne.

CHAIRMAN SCHNEIDERMAN:

Go ahead. Sorry, Adrienne.

D.P.O. HORSLEY:

Adrienne, I just had a quick question. I see the bill says -- and I'm sorry, I don't know more about this. Limiting? Is limiting okay?

MS. ESPOSITO:

It's a very fair question. The answer, you know, if Rick Brand wasn't here.

MR. BRAND:

I'll leave.

MS. ESPOSITO:

No, I'm only kidding. Look, I prefer not to have them at all. When I talk to the EPA --

D.P.O. HORSLEY:

Adrienne's standards are not --

MS. ESPOSITO:

Yeah.

D.P.O. HORSLEY:

Okay. But limiting is --

MS. ESPOSITO:

But I know you might have different standards than the resident environment, but I --

D.P.O. HORSLEY:

Never, Adrienne.

MS. ESPOSITO:

Never. Good answer. Get that down, Rick. But seriously, when I talk to the EPA, the EPA was actually here last week. They gave a presentation on Earth Day about impacts, environmental concerns of, you know, of the decade. And they talked about the one site that they monitored at Floyd Bennett and that that one box was exceeding standards. And someone from the audience said, "Well, what would you do if you had four boxes concentrated in one location?" And she said, "Oh no, you shouldn't have that." I'm thinking well, but we did. So one box exceeded standards.

D.P.O. HORSLEY:

So you're limiting the boxes.

MS. ESPOSITO:

What the bill does, it says one box per area and the area is defined within a five mile radius.

D.P.O. HORSLEY:

That's the limitation. I got it now.

MS. ESPOSITO:

That's the limitation.

D.P.O. HORSLEY:

Thanks.

MS. ESPOSITO:

Oh, I'm sorry. Was that your question?

D.P.O. HORSLEY:

It's all part of it, but now at least I understand what it's about.

MS. ESPOSITO:

Right. Now, before I walk away again, anything else? Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Let me just check if Charlene came back. No, not yet. Let's go on to Douglas King followed by Marilyn Tucci. Go ahead, Doug.

MR. KING:

Good afternoon. My name is Douglas King. I'm part of the Suffolk County Disability Advisory Board. The main reason why I'm here today is to talk to you about IR 1306, which is to raise the SCAT price 50 cents. I'm a hundred percent in agreement with this. At first I had heard that it was going to be raised a dollar, which would be very detrimental towards people with disabilities. So again, I am in favor for 1306. I'm also in favor of IR 1295, which is for Sunday service and I would also ask that this committee look into maybe further down the line of doing weeknight service on SCAT as well.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you, Mr. King. Any questions for Mr. King? Okay. Thank you, Doug. Next up is Marilyn Tucci followed by Janet Allen.

MS. TUCCI:

Good afternoon. My name is Marilyn Tucci. I work for SILO, Suffolk Independent Living Organization, and our agency helps people with disabilities throughout Suffolk County. So as you all know, we have a big field to, just like you guys do, to help people, because Suffolk is a big County. I myself, because I can't drive, I use the public buses and I use SCAT. I have to use SCAT a lot more than I use the public buses.

I am for you raising the fare to 50 cents. A dollar would be, I don't know what word to use, but many of my consumers have said, "What do I do, Marilyn? I can't afford that dollar increase." They live on \$700 some of them, a month, and when you have to take that bus to go someplace it really hurts them in the pocketbook. And I said to them, "Well, now you are going to have to pick and choose where you go." And many of them have to go to doctors and they said, "We don't know what we're going to do now because how are we going to get to the doctors if we can't come up with an extra \$2 for a ride." And I said to them, "Well, there's nothing we can do about it. That's up to your Legislators. Write your Legislators and explain to them."

As far as 50 cents go, many people can afford 50 cents. A dollar is a vast increase for people living on a limited income, and the majority of people who take the buses live on a limited income. In fact, almost all the people that take SCAT live on a limited income, so that would really hurt them.

I am for the Sunday service because it's something we've never had living here in Suffolk County. I go into other counties and I see how well everything runs there, where people can get around on a Sunday, they can get around all night. I can go into the City and I can get a bus at 12 o'clock at night. Here I can't go anywhere. I am limited. I am also a Lion in Lions of the Islips. I don't live in the Islips but I belong there, and when I go to my board meetings and my regular meetings to do community service, I have to ask somebody can you drive me home because once I come here at night I'm stranded if I can't get a ride home. So for people like myself that belong to other organizations, we are very limited. So I am all for the evenings to go, you know, a lot later and for

Sunday service. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Next is Janet Allen followed by Ryan Lynch.

MS. ALLEN:

Good afternoon. Thank you. I'm also with SILO. My name is Janet Allen. I'm currently an employment specialist working with people who seek to go to work, people with a disability, many different types. It's ironic that in a time when the Office of People with Developmental Disabilities and Office of Mental Health, one of their big priorities is to try to get everybody back to work or to work for the first time with appropriate accommodations, and if we don't make transportation affordable as well as accessible, we are basically cutting them off at the knees.

SILO has a Transportation Committee of which I'm a member and currently the Chair, so we're happy to support both resolutions, 1295 and 1306, which will limit the increase in the bus fare to 50 cents rather than the full dollar as was originally scheduled. On 1295 we, too, are sad that the full \$2 million will not be available right away, but we wish for the best with the application that's going in to supplement with the JARC money to help fill that gap, to make the extensions of evening service as well as some Sunday service possible as was recommended in the October 2008 Adams-Cherwony Report, which it's good that you've recognized there all the work that was done, the preliminary studies and analysis that you can begin to move forward to implement some of that. So we trust that you will know that you have our community support for these bills. Thank you.

CHAIRMAN SCHNEIDERMAN:

Before you sit down I actually have a question. And certainly I appreciate your support of those bills. I wanted to ask you on the SCAT bill, because I know you work with a lot of SCAT riders and I appreciate that you're willing to accept even a 50 cent increase, because that fare has been the same for quite some time. The fare is scheduled to go up I think May 1st by a dollar currently, and what the bill I'm offering allows for a reduced 50 cent reduction, kind of phasing it in, the 50 cents, and then three months of time to come up with an alternative. I've presented an alternative, which would be a different fare increase. On the general bus there is a reduced fare, currently 75 cents which would go up to a dollar. But I'm curious as what that impact may be, too, because that's a senior fare. There are some people who can't drive who are disabled who use that fare, too. I just thought it would be better to raise that a quarter than SCAT a dollar. Is that what the people that you work with are agreeing with?

MS. ALLEN:

What we did here, even regarding the SCAT fare increase, was that some riders would not mind paying more money if they were going to get extended service for the increase, but initially it was just isolated by itself as a fare increase. And so I think that you will find from many people who are able to use the fixed route buses that a dollar will still be better than paying a taxi ten or \$15 to go a mile or two from the railroad station to their home or wherever else they might need to go. It will still be --

CHAIRMAN SCHNEIDERMAN:

You're saying the extra quarter.

MS. ALLEN:

Yeah, from 75 cents to a dollar is a reasonable increase, but just recognizing, as I think you do, that with inflation everything is going up. The cost of all their services, their food, their energy and so forth. And even rents are increasing. So we don't have any reason to protest against that particular proposed increase, in fact, I thought it was rather ingenious on your part that you were proposing this as another way to increase some revenue without putting it in the category of being way beyond

the scope of what people could afford. And of course we keep that in the perspective of the people going to Fire Island manage to keep their fare rather low for whatever reason, so.

CHAIRMAN SCHNEIDERMAN:

I don't know if it's ingenious, but we have a rule that requires actually that if we change the budget in a way that eliminates revenue then we have to offset it, so I had to come up with another basically \$200,000 to do that. And under the bill I just figured if we could wait on that second half of the SCAT fare increase to allow for this other idea to even be vetted, then we could decide based on the public testimony what the ridership would prefer.

MS. ALLEN:

It is hard to predict how riders will adjust to even the extra 50 cents, whether many riders will be closed out of things or whether people will ride more contentedly because they can get to more things that they wish to participate in or to be fully a part of their community, which is what the independent living movement is all about.

CHAIRMAN SCHNEIDERMAN:

There's also an issue -- the regular bus doesn't make change, and so to pay a 75 cent fare, a lot of people I would imagine are giving a dollar and not getting the quarter back anyway, so in some cases they are paying a dollar. Maybe that can be confirmed by Transportation. But otherwise you have to come up actually with the coinage to pay that 75 cent fare.

MS. ALLEN:

The question of handling coins is a challenge for some people with disabilities as well, but no one has said, "Well, we'd rather pay the dollar because we can't figure out a 50 cent piece different from a quarter." Some people with mobility types of limitations it may be a challenge, so hopefully over time the system will be ready to move to fare cards or other systems similar to New York City and elsewhere which will obviate that as a challenge.

CHAIRMAN SCHNEIDERMAN:

I mostly wanted to make sure in your support of the bill that you understood that another fare was increasing with this one going down.

MS. ALLEN:

Yes, absolutely.

CHAIRMAN SCHNEIDERMAN:

Just Garry, because we're not debating the bill now, but is that true that the buses don't currently make change and that if you don't have 75 cents and you give a dollar they don't give you back the quarter, right?

MR. LENBERGER:

Yeah, that is true right now, but under the capital program that we have presently for this year we are going out to bid on a new fare collection system that will not so much make change, but give you credit back in the form of something that looks like a MetroCard. So you will actually get change back but, you know, it's for additional, you know, credit on future rides. And I just want to clarify that the increase is scheduled to go into effect May 15th, not May 1st.

CHAIRMAN SCHNEIDERMAN:

Oh, thank you. May 15th. Okay.

MS. ALLEN:

That's what the drivers have been telling riders and also the recorded message when they call SCAT

that it would be May 15th for implementation.

I just would point out to Garry about the fare card that for a person who's not sighted, there will need to be some way of them distinguishing that from a different kind of card or a credit card or something else. Those of us who use MetroCards, you know, we can look at it and see that it's blue and yellow and yes, this is the right card. But for the unsighted that will be just an additional challenge. But stores give you credit back when you return something often on a card so that you'll continue to go and shop there, so it's a commonly accepted practice which I don't imagine most people would object to. Thank you, though.

CHAIRMAN SCHNEIDERMAN:

Thank you. Any other questions? Okay. Charlene, I see you're in the room now so I have a card for you. Charlene Obernauer with Jobs With Justice.

MS. OBERNAUER:

Hi, good afternoon, everyone. I'm sorry I was out of the room before. Again, my name is Charlene Obernauer. I'm the Executive Director of Long Island Jobs With Justice and I know I have spoken with a lot of you before about our support for the issue and our reasons for supporting the issue, and my colleague spoke earlier so I'll just be brief.

Our biggest, you know, our biggest reason for supporting this is because we believe it supports working people on Long Island, particularly people who rely on the buses on Sunday. You know, there are some folks who are looking to go into the community, who are looking to go to church, who are looking to, you know, spend time with their families, but then there are a lot of people who are low income workers who are looking to go to work. Long Island has an increasing aging population as we're all very well aware of and, you know, who do you think is going on a Sunday to take care of our elderly members of our population. They are usually low income people who need the buses in order to get to their jobs. Currently, people will either walk -- you all have heard stories or some of you have heard stories about people walking five miles to get to work or they'll take a cab. And for someone who earns, you know, \$8 or \$10 an hour, that can be half of their income spent on cab fares just to get to work.

So this is something that if they're not paying their money on cab fares they can then take that money and they could invest it in the economy. They could take that money and, you know, buy something which will go towards sales tax revenue.

So we think it's a win-win. We know that this issue has had bipartisan support. We thank Legislator Jay Schneiderman for being such a strong advocate, literally for years, on this issue of Sunday bus service. And we believe that right now we do have the political will to get this done in Suffolk County and that's a great accomplishment for those of us who have been working on this for a long time.

If you have any questions about this, about why we support the bill or anything, feel free to talk to me, but we really are thankful for all of you who have issued your support. We hope that this is something that can get done and we believe that it will get done, so thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Charlene. Ryan Lynch. If there's anyone else who has not spoken and wishes to, just make sure you get a yellow card and fill it out. This is the last yellow card that I have. Ryan.

MR. LYNCH:

Good afternoon. Thank you for the opportunity to testify today. My name is Ryan Lynch. I'm the Associate Director for the Tri-State Transportation Campaign. We're a nonprofit organization

working to create more balanced, environmentally friendly and equitable transit options and transportation options in the downstate New York, New Jersey and Connecticut region.

Thank you again for the opportunity to testify on behalf -- in support of the amended legislation, IR 1295. A lot of people have come up and shown their support already. We support this legislation as well. I mean, obviously we'd prefer to have all two million go to expanded transit service, but we also recognize that the County's in a precarious fiscal situation and we see this as a good compromise to add service and also address some of the County's fiscal needs.

We also think that the directive to apply for Job Access Reverse Commute Funding, a Federal operating pot of money, is a smart one. It's something that we've been calling for for years. We will support that strongly and write letters of recommendation in support of that application and we're happy to see that included in the legislation.

I want to thank Legislator Schneiderman, Legislator Muratore and Krupski for cosponsoring and sponsoring the bill, as well as everyone that we've met with on this. We met with scores of Legislators, Legislator Gregory in particular as well and Legislator Stern, on all this, on these bills, and they've shown support for it, so we want to thank you again for your support on this.

Moving forward, you know, \$2 million, regardless if 1.1 or it only goes to the system or two including the JARC goes to the system, is only going to get us so much. And one of the things that we think needs to happen is that we need to do more to advocate for increased State contribution to this system. New York State only contributes roughly 30% of Suffolk County Transit's operating budget, while Nassau County's bus system receives over 50% in operating support from the State. Suffolk County has done a very good job of funding its bus system through the years and should be rewarded with increased State funding, which would allow for even greater service expansion to more Sunday routes, later into the evenings and more frequent service on existing routes. The first step towards achieving this has to be a more proactive approach to searching for State funding.

We're also here to support legislation that mitigates fare increases on SCAT riders. We recognize that SCAT has not seen -- not enacted a broad based fare increase in roughly 20 years despite the fact that ridership and costs have increased over 280% and 300% respectively in the past ten years. That's why we support a strategy of this phased in fare hike or we consider it a fair mitigation. If passed, this resolution will reduce the burden on SCAT riders, saving them from increased costs of almost \$500 a year. We're not in the habit of endorsing fare hikes on riders, but we do recognize that riders have to contribute to the operating costs of the system to some degree.

If this legislation is adopted all riders of Suffolk County transit and SCAT will have paid a fare hike in recent years, and we need to make sure that we don't go back to them in the near future to help pay for the system again. That's why we need more action from the State level.

Thank you again. I'm happy to take any questions and thank you again for all your leadership and support on this.

CHAIRMAN SCHNEIDERMAN:

Thank you, Ryan, and thank you for your support. This bill really wouldn't be here today if it wasn't for your advocacy, so I really appreciate all the work you've done in building consensus around this agreement to not use all of the money, but to use a significant portion of it at least to get the ball moving. You know, this is incremental change, but for those who use the system it will be monumental to have that service.

Is there anyone else who wishes to address the committee? Okay. We're going to go to the agenda. Commissioner Anderson. Let me see if we can take some things out of order. Why don't

we start with the bill that most people spoke about. Let me find the number here.

LEG. GREGORY:

Jay, if I can.

CHAIRMAN SCHNEIDERMAN:

Legislator Gregory has the floor.

LEG. GREGORY:

Thank you, Mr. Chairman. I know I'm not a member of the committee, but I wanted to take the opportunity to publicly thank the Commissioner and Bill Hillman. We had a community meeting last night about some roadwork that we're looking to do and Bill Hillman was fantastic. He really -- there were some questions in the community about the recommendations that the Department of Public Works is looking to do and he completely won over the crowd. So he did a fantastic job so I wanted to thank the Commissioner and Bill Hillman personally on the record, so thank you.

COMMISSIONER ANDERSON:

Thank you, and I apologize for my scheduling snafu that I missed the meeting, but, yeah, I'm glad Bill was there and he was really the right one to answer the questions. It worked out good, I'm glad.

CHAIRMAN SCHNEIDERMAN:

All right. So I'd like to make a motion to take 1295 out of order. ***IR 1295-13 - Utilizing State Funds To Expand Bus Service In Suffolk County (Schneiderman)***. Second by Legislator Stern. All in favor? Opposed? Abstentions? 1295 is now before us. I will make a motion to approve.

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Muratore. This is the amended copy, so this we use 1.1 million of the new STOA money toward expanding services. Your department, Commissioner Anderson, will be charged with developing a utilization plan for that money. It will also direct your department to apply for a JARC grant, which the deadline is fast approaching so I imagine you have already started putting that together, and that will then be used to provide a match, basically another million dollars. So if we're able to get that and I'm told we should know by June whether we've received it or not, it would allow us to basically double these funds and do more, obviously. Do you have any comments?

COMMISSIONER ANDERSON:

No, we're -- as you mentioned, we're in the process of making the application now. We have to get it in I believe by Thursday, so we're working harder, getting all the documentation needed and we will have it submitted.

CHAIRMAN SCHNEIDERMAN:

Let me just, because Garry is here and you're here, let me just say for the record the riders have overwhelmingly been asking for Sunday service. I know these funds are limited. They're also asking for evening service, and whatever plan you develop, because it's not, we don't have time to bring it back here for approval, I would hope you do, you know, look at things, talk with the riders, look at the Cherwony study, but look at areas where there's pockets of poverty, where there's high retail, high Saturday ridership and connectivity possibly because the East End has one route. Certainly that Huntington 110 corridor I think is an important area. Just do your best to maximize those dollars should this pass.

COMMISSIONER ANDERSON:

Okay.

CHAIRMAN SCHNEIDERMAN:

Any discussion?

LEG. MURATORE:

You always do.

COMMISSIONER ANDERSON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Do we have a motion to approve? Motion to approve and a second. Hearing no further discussion, all in favor? Opposed? Abstentions? It's approved. **(Vote: 5-0-0-0)**. It'll go to the floor. Thank you to all the advocates who came out today and spoke on behalf of this.

I'd like to actually go and take, while they're still here, the paratransit bus service, bus fee bill, IR 1306 out of order. I'll make a motion to take 1306 out of order. Seconded -- can I get a second to take it out of order? Seconded by Legislator Krupski. All in favor? Opposed? Abstentions? 1306 is before us. ***IR 1306-13 - Moderating fare increase for paratransit bus service (Schneiderman)***. I will make a motion to approve if I can get a second at least for the purpose of discussion.

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Second, Legislator Muratore. Any other motions? As you heard, on May 15th there is a one dollar SCAT fare increased that's scheduled. It was part of the budget we approved. It was in a Resolved clause. Often those fare increases in the budgets do come back to us, but the way we worded it and the budget we adopted did not require it to come back to the Legislature, so right now there is a dollar fare increase from three dollars to four dollars planned for May 15th.

What this bill effectively does is it allows for the 50 cent increase to happen on May 15th, but it stalls the other 50 cents until September and gives an opportunity for a counterproposal to be vetted through public hearing. That counterproposal would take the reduced fare, the senior fare which is currently 75 cents, it would move it up to a dollar and that money would be used to offset the second half of that SCAT fare. Commissioner or Mr. Vaughn, I know there's a difference of opinion here, so.

MR. VAUGHN:

Yes, Mr. Chairman. The Administration would prefer to see the paratransit fee as it was adopted in the budget go forward as it's currently scheduled. We are concerned about the resolution. We are concerned that it will put a hole into the budget paratransit, and I'm sure the Commissioner can provide the numbers. It is already a very heavily subsidized program and he can provide you those exact numbers.

Look, we approved this fare as part of the budget. I would point out that the resolution in the budget reads nearly identically to the resolution increase in the fare that is in IR 1306, so just as there would have been no need for the budget bill to come back, there will be no need should DPW decide to -- if 1306 was approved, there would be no need for DPW to come back for a fare increase on seniors either.

Look, I don't think that I have to tell any members of the committee the perilous budget situation that we are in, and I certainly don't think that anyone wants to solve our budget crisis on the backs of any one population, but the fact is that this is a program that is quite expensive to run, and it's a very necessary and worthwhile program, but I think at the rates at which we are charging the revenue that we're bringing in I don't even believe covers the gas for this program currently.

I would also point out that the committee consider the Stern Law, which asks for an offset to any decrease in revenue, and while we appreciate the fact that the Legislator has put in an offset for the senior fare increase, I would point out that we would still have to get that fare increase up and running. So there is going to be a gap in which revenue is not coming in. If you put the fare at 50 cents today and even let's say three months from now we're able to raise the other fare 25 cents, you would still have three months in which there was no revenue coming in other than the 50 cents, which is not what was budgeted for this year, so you're still putting a hole into the budget. That 25 cents in not going to account for the three month's difference.

CHAIRMAN SCHNEIDERMAN:

Do you know, Tom, what was budgeted for revenues from this increase in the 2013 budget?

MR. VAUGHN:

I believe the revenue that was budgeted for was approximately \$470,000.

CHAIRMAN SCHNEIDERMAN:

Okay, 470,000. So it basically anticipated a full year increase of a dollar.

MR. VAUGHN:

I actually don't think that that's necessarily correct. I believe Mr. Lenberger in conversations that he and I have had have said that the revenue once it comes online will be able to meet the projections that were in the budget. Correct, sir?

MR. LENBERGER:

Yes.

MR. VAUGHN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Mr. Lenberger, \$400,000. There are roughly 400,000 SCAT rides per year, so -- which is roughly equivalent to a dollar increase per SCAT ride would generate \$400,000. So how do you figure if you have it for a half a year that you're getting \$400,000. What I am saying is that the budget -- there's already a hole. There already is a hole because you've anticipated more revenue than you're going to get. I don't know how, Garry, you come up with that \$400,000 increase for half a year.

MR. LENBERGER:

Okay. We get approximately 500,000 riders a year. Some of those riders ride for free because they're aides to the disabled passengers who are coming on board. We still count them for Federal Transit Administration purposes in our reporting standards to a database, but some of those people ride free. So basically you're achieving a revenue of \$470,000 on an annual basis. I just want to add that --

CHAIRMAN SCHNEIDERMAN:

On an annual basis.

MR. LENBERGER:

Yeah, on an annualized basis. Now we're talking May 15th. What I'd like to point out is --

CHAIRMAN SCHNEIDERMAN:

I just want to be clear because it was just said that the dollar increase starting in May 15th would generate the \$475,000. I don't see how that adds up. So can you correct that?

MR. LENBERGER:

Yeah, I would correct that, yes. I apologize.

CHAIRMAN SCHNEIDERMAN:

So there's roughly what, \$100,000 difference, \$200,000 difference?

MR. LENBERGER:

We've probably lost about \$100,000 right now.

CHAIRMAN SCHNEIDERMAN:

Okay. That was my point, that as Mr. Vaughn talks about the hole, there already is a hole.

MR. LENBERGER:

I'd just like to add that if we do raise the fare on the fixed route buses for the seniors, it's actually classified as seniors and disabled. So the disabled passengers who ride the fixed route bus, which we do encourage, would also get their fares raised by 25 cents. We also have to have public hearings. We have to give notice for the public hearings, so we're probably talking about a public hearing that's going to happen sometime around in June, July, and then we have to give notice to the passengers, 30 days notice, and then we have to request a tariff increase with the State, which is going to push it back even more.

CHAIRMAN SCHNEIDERMAN:

That's why the bill allows for September for the implementation of that other secondary fare. And I certainly understand, yes, that is a fare increase on that ridership of 25 cents versus a dollar fare increase that the SCAT riders are looking at.

MR. LENBERGER:

Right. I just also want to add that our fuel budget for this year is \$2.671 million, and if we receive four dollars for 500,000 people that's \$2 million. We're still short. We're not even covering our fuel costs.

CHAIRMAN SCHNEIDERMAN:

I understand. SCAT is heavily subsidized. It's also a requirement. We have to provide this service.

MR. LENBERGER:

Absolutely, yes.

CHAIRMAN SCHNEIDERMAN:

Anyone within, what, three-quarters of a mile --

MR. LENBERGER:

Three-quarters of a mile, that's correct.

CHAIRMAN SCHNEIDERMAN:

And there's a Federal limitation as to how much we can charge. We can't charge more than double the main fare on the --

MR. LENBERGER:

That's also correct.

CHAIRMAN SCHNEIDERMAN:

So four dollars is the maximum fee, but it's actually also higher than Nassau's able ride. We've often talked about how our fares are less than Nassau County's fares, like they charge two and a quarter for their main bus and they're going up, and we charge --

MR. LENBERGER:

I'd also like the point out that --

CHAIRMAN SCHNEIDERMAN:

But we will soon exceed them on our SCAT fares, in which I believe is going to be one of the most expensive SCAT fares in the entire State.

MR. LENBERGER:

We also are the -- we're also doing about 15 miles on an average trip where Nassau County does about five miles.

CHAIRMAN SCHNEIDERMAN:

Right, no doubt. Any other questions? Legislator Horsley.

D.P.O. HORSLEY:

I have a question and I think it might be best answered by George, by Counsel. The -- we are using as an offset the senior increase as one of the offsets, and it is -- we don't know whether that's going to be passed or not. So we're using an offset that is precarious at best, because I know there will be a lot of members who will probably be -- find it very difficult to raise the senior fare at this point in time. So is this a legitimate offset, then, to have a precarious offset that may or may not actually even occur.

MR. NOLAN:

Well, the resolution states, as Tom Vaughn stated, that after they have the public hearing the Commissioner can implement that fare increase without coming back to the Legislature for further approval. I think the question I have is whether that proposed offset, raising the fare from 75 cents to a dollar at some point later this year will generate enough revenue to offset what will be lost by --

D.P.O. HORSLEY:

You're questioning the dollar amount of the offset, not is it even going to happen.

MR. NOLAN:

I'm saying that's a question we have to answer. To me that's not the question. It's whether what the proposed offset is, is it sufficient, and then you have to look to the budget people to really answer that question. I don't know.

D.P.O. HORSLEY:

Okay. Thank you. Mr. Vaughn, did you want to comment?

MR. VAUGHN:

We do not believe that the 25 cent fee implemented later on this year would cover that gap.

CHAIRMAN SCHNEIDERMAN:

Does it generate in the second year more money, because then you'd have it for a full year, and a lot more people use that fare than we have in terms of SCAT rides.

D.P.O. HORSLEY:

Mr. Schneiderman, on the question that Mr. Vaughn just raised, and would you commit today that you are going to place this 25 cent fare increase on seniors?

CHAIRMAN SCHNEIDERMAN:

I'm sorry?

D.P.O. HORSLEY:

Since apparently the Commissioner has the ability to raise the fare and we don't have to vote on it, is the Administration ready to do that?

MR. VAUGHN:

Legislator Horsley, what can be raised without a vote is that if a piece of legislation is adopted that gives the Commissioner the power to hold that public hearing, he does need to first be directed by this Legislature to hold a public hearing. That's actually why we didn't go forward with this similar fare increase last year, because that measure to hold that public hearing was actually defeated in approximately June of last year. Now, what was in the budget and what was discussed during the Budget Committees on I believe October 24th was the fact that this fare increase was in the budget, and the language that was in the budget actually mirrors exactly Legislator Schneiderman's current resolution, which directs the Commissioner to hold that public hearing. And once given that direction, he then has the ability to raise that fare increase. So would I commit to doing a 25 cent increase on anybody today? No, sir, not without appropriate legislation first.

D.P.O. HORSLEY:

Okay, then let me go back to Counsel, then. Counsel just told us that we -- it does not have to be approved by this Legislature. Yes, technically that is correct, but what you would need is legislative approval to hold public hearings to raise the senior -- and I misstated. That would be the question and since it has been turned down in the past, why do you foresee that it's going to be approved in the future?

MR. NOLAN:

Well, this resolution itself has that clause directing them -- this resolution directs DPW to hold that public hearing regarding the fare increase, the other fare increase, the 25 cent fare increase, and gives them the authority after the public hearing is completed to raise it. I would anticipate if this passed they would do that.

D.P.O. HORSLEY:

So this is an approval to raise the fees on senior citizens.

MR. NOLAN:

We are essentially -- we are delegating it to the department, giving them the authority to implement the fare increase. But again, to me the -- I would anticipate they would do that. The question is, is that sufficient to offset the revenue you're losing by --

D.P.O. HORSLEY:

Right, I understand that end issue, but what we're doing today then is approving the Commissioner to be able to raise fares to the senior citizens.

MR. NOLAN:

Absolutely, yes.

D.P.O. HORSLEY:

That is part of this bill, and I think that's gone unstated or at least it wasn't.

CHAIRMAN SCHNEIDERMAN:

More importantly it would stop the dollar increase in SCAT. It would make it a 50 cent increase immediately upon passing this and then allow those public hearings on the other fare increase.

COMMISSIONER ANDERSON:

Let me ask you this. Now all of a sudden we have the public hearings. We have a lot of senior citizens that come out to speak against this. Now effectively the County Exec could possibly say no or I could possibly say no, we don't want to increase it because we had such a drastic turnout to speak against it. I mean, it's not a done deal by any means.

CHAIRMAN SCHNEIDERMAN:

You could have said that with the current SCAT fare increase of a dollar, you could have said after the public hearings that it's going to put too much of an impact on our SCAT riders, our disabled community.

COMMISSIONER ANDERSON:

Most of SCAT riders that spoke at the hearings, and Garry correct me if I'm wrong, there were -- if I remember right there were like 30 people that probably spoke at both hearings. They all spoke in favor as long as the service was improved. That was generally the comment that I remember reading in the, you know, the minutes that were taken.

CHAIRMAN SCHNEIDERMAN:

They spoke in favor of a dollar increase as long as the service was improved.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

And are you taking steps to improve their service?

COMMISSIONER ANDERSON:

Well, we're trying to do the Sunday service now. I mean, that's certainly one step that we're working towards.

CHAIRMAN SCHNEIDERMAN:

Right. Well, for some lines it will be, but that's, you know, we're a long way before we're across the board, so many SCAT riders are going to be paying a dollar more and not receiving any benefit, any -- maybe not benefit, but any additional services.

COMMISSIONER ANDERSON:

Right. I think the big question, at least from my viewpoint, is going to be we have -- the deficit is huge. Not even talking about the Countywide deficit, the Transportation Division deficit, it's over \$30 million a year that the County has to subsidize into the program beyond the STOA and the Federal funding that comes into us.

So, you know, again, every little bit is going to help us. I certainly don't want to do anything on the backs of the SCAT riders, but this was a budget that was approved by this Legislature last year, and again, any changes to this are going to be some impact whether, you know, no matter how small you look at it, it's going to be an impact and that's something that you all have to decide at the end of the day.

CHAIRMAN SCHNEIDERMAN:

I know, but the idea behind a public hearing is to assess where the public is at. We know we need

the money, that's a given. You know, if you're a SCAT rider, and you might have a very limited income, and now let's say you use it every day. Roundtrip that's two dollars a day, you know five days a week, that's ten dollars. You know, 50 weeks, that's \$500 a year. That's a lot of money to people.

COMMISSIONER ANDERSON:

I totally understand that, but it's also probably one of the best deals that you'll get anywhere on the east coast. It's also -- I lost my train of thought. The -- I mean, really that's all I wanted to say is that the fact that you have a huge deficit here and it's just going to increase the hole even farther. We know what we've been through, we know what we're looking at, you know, this coming year and it's not pretty. I'm not trying to ride the budget woes on anybody, but if we don't -- if this get passed we have a certain period where we're going -- you know, it's just going to get a little bit bigger. So that's all I really wanted to say is the, you know, the impact of this will just make the deficit bigger.

MR. LENBERGER:

I would just like to add -- I'm sorry. The average cost for a fare is \$44 for the SCAT rider. That's the average cost for a ride in our system.

CHAIRMAN SCHNEIDERMAN:

Right, and this is a subsidy for people who lack mobility. It's not their fault. They have no ability to drive a car or whatever. They're completely dependent upon us providing the service, and I can look across the County and say ok, yeah, there's a \$40 subsidy per person every time we pick them up in SCAT, but you know, you can look at our affordable housing programs, our nursing homes. You might find individual subsidies that make this look tiny, tiny, so, you know, it's really -- it's a question of public will. They're entitled to this program. The law requires that we provide it. If you make it too expensive they're going to stop using it and we're really then denying them the ability to get around.

I personally I'm not going to support a dollar increase. I think a dollar increase is too much. I think 50 cents -- I would rather not see that, but I can live with that. I think this is a legitimate offset. I think it's the right thing to do. I don't know where the committee is on it, but I, you know, certainly hope it gets to the floor so we can discuss it with the full Legislature.

Is there anyone else? Okay. So what motions do we have? I have a motion to approve.

D.P.O. HORSLEY:

I'll make a motion to table.

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Renee, do we have a motion to approve and a second? Was there a second to approve? Okay, by Legislator Muratore. Okay. And a motion to table and a second. Who made the motion to table, Legislator Horsley?

LEG. MURATORE:

Well, then I can't make the motion to table if I made the motion to approve so someone else --

LEG. STERN:

I'll second the motion to table just to have it -- both before us.

CHAIRMAN SCHNEIDERMAN:

Okay. Look, there is a timeliness here. This is on the motion to table. The fee is scheduled for May 15th. It's really -- if this is going to stop that full dollar increase it has to be approved today. There's no other way to do this. So I would ask that it go to the floor even if it means without recommendation.

I'll amend my motion to discharge without recommendation. Tom, do you want to support that with the hope that maybe we get the votes? Okay, so it's a motion to approve and a second. Okay. So the tabling motion comes first. All in favor? All opposed? Three opposed. Are you opposed or in favor? Oh okay, all right. So there is three to table, so it's tabled. Four to table. It's tabled.
(Vote: 4-1-0-0 Opposed: Legislator Schneiderman)

Tabled Resolutions

We're going back to the agenda. ***IR 2027-12 - Adopting Local Law No. -2013, A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County (Schneiderman).*** I will make a motion to table.

D.P.O. HORSLEY:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Horsley. All in favor? Opposed? Abstentions? Tabled. **(Vote: 5-0-0-0)**

IR 2167-12 - Directing the Department of Public Works to consider rising water levels and storm surge when planning projects (Hahn). I'll make a motion to table there as well.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

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

IR 2253-12 - 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). I'll make a motion to table. Second by Legislator Stern. All in favor? Opposed? Abstentions? Tabled. **(Vote: 5-0-0-0)**

IR 1027-13 - Directing the Department of Public Works to study the S62 and 5A Bus Routes (Anker). I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. Commissioner, you I think said last time you had no preference on this?

COMMISSIONER ANDERSON:

Yes, I did. I'm fine with moving it forward. I could even -- Garry can speak better on it, but we've made some improvements to the routes that we're recommending. I'll let Garry take that.

CHAIRMAN SCHNEIDERMAN:

Mr. Lenberger, do you want to comment on the S62 and 5A bus routes?

MR. LENBERGER:

Yes. We actually were -- had our staff speaking with Legislator's staff this morning on modifications to the 5A. As far as the 62, that would be rather difficult given our budget situation, but we are prepared to amend our schedule for the 5A and increase service on the front end of the schedule and the back end with the elimination of one slightly used route -- I mean run during the middle of the day.

CHAIRMAN SCHNEIDERMAN:

Any questions for Mr. Lenberger? Any other motions? There's a motion to approve and a second. Hearing none, all in favor? Opposed? Abstentions? 1027 is approved. **(Vote: 5-0-0-0)**

1035 is next. ***IR 1035-13 - Eliminating impact assessment fee (Cilmi)***. Actually the sponsor asked me to table this one. So at the request of the sponsor I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Stern. All in favor? Opposed? Abstentions? Tabled. **(Vote: 5-0-0-0)**

IR 1173-13 - Adopting Local Law No. -2013, A Local Law to ensure adequate ferry service (Calarco).

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Stern, second by Legislator Krupski. Commissioner, we're on 1173, so this is to ensure adequate ferry service. It allows us, I guess, to suspend the license, I believe, if the rates -- if the service diminishes by like 20% of the expected levels or something to that extent.

COMMISSIONER ANDERSON:

I mean, to be honest with you, I usually look at ferry service as not even within our purview. I mean, it's something that we have little --

CHAIRMAN SCHNEIDERMAN:

I see what you're saying.

COMMISSIONER ANDERSON:

Yeah, so.

CHAIRMAN SCHNEIDERMAN:

All right. You don't need to comment on it then. Counsel, can you just explain this?

MR. NOLAN:

It's basically what you stated, that it requires at the time that the ferry operator comes in for a license or a renewal he's going to attach to that a proposed ferry service schedule. If thereafter they substantially reduce the service by 20% during the year or 40% during a particular season, the Legislature then has the authority to look again at the license and any fare increase that might have been approved based on that schedule service that was represented and were to revoke the license,

it could go that far. But it just gives us that additional authority to act if a ferry operator really deviates from the schedule service that was represented to us.

CHAIRMAN SCHNEIDERMAN:

That sounds like a prudent provision so I'm going to support that. All right. Anyone else? We have a motion to approve and a second. Any other discussion? No? Hearing none, all in favor? Opposed? Abstentions? 1173 is approved. **(Vote: 5-0-0-0)**

Introductory Prime

Moving on to Introductory Resolutions. ***IR 1260-13 - Limiting the use of air curtain destructors by the Department of Public Works (Browning)***. Do we have a motion on this, at least for discussion purposes?

LEG. MURATORE:

I'll make the motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Muratore. He doesn't want anybody destroying those curtains.

LEG. MURATORE:

Well, for discussion you said.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. Is there a second? I will second. Commissioner, I know after Hurricane Sandy there was a lot of debris, construction, vegetative debris. So you used these boxes that are called air curtain destructors?

COMMISSIONER ANDERSON:

Yeah. The air curtain destructors, and I --

CHAIRMAN SCHNEIDERMAN:

I didn't know we had air curtain destructors.

COMMISSIONER ANDERSON:

We rented them out. We brought in contractors that worked it. We also used them during Irene. During Irene we had about 100,000 cubic yards of material. Under Sandy we had 1.2 million cubic yards of vegetated debris that we had to get rid of.

CHAIRMAN SCHNEIDERMAN:

It's all vegetated, it's not construction?

COMMISSIONER ANDERSON:

It's all wood. It's like your fireplace.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER ANDERSON:

I mean, I'm not making light of it. It's just really, it's all wood and it really has to be, and what --

CHAIRMAN SCHNEIDERMAN:

But it's a vegetative wood so it's not wood lumber or anything like that.

COMMISSIONER ANDERSON:

Correct. No, strictly --

CHAIRMAN SCHNEIDERMAN:

It's not decks.

COMMISSIONER ANDERSON:

And it really for the most part winds up being the trunks of the trees. They burn -- the units burn the material down to 2% of its original volume, so it's the large -- it really functions best when you put in a 36 inch or 24 inch diameter tree almost in its -- in its whole piece into the box.

CHAIRMAN SCHNEIDERMAN:

I just want to make this perfectly clear, because obviously if there are things like somebody's dock gets washed down, because you are going to end up with CCA and creosote and all that stuff. They put a lot of toxins in.

COMMISSIONER ANDERSON:

We monitored it --

CHAIRMAN SCHNEIDERMAN:

It's just vegetative lumber.

COMMISSIONER ANDERSON:

Correct. It's strictly tree and bushes, that's all it is. And this legislation seeks to restrict us to place one burner per site maximum. As I said, the burners reduced the material to 98% of its original volume. During Irene, with only 120,000 yards of material one burner was sufficient. We also use tub grinders and grinders in general in other areas. When we saw the significance of Sandy and how bad we were going to hit, we starting bringing in burners. We brought two in originally and with the oversight of FEMA, which is a critical thing, this wasn't us just making it up as we go, we had FEMA basically giving us guidance. We were able to bring in two others.

At the time during the storm, or after the storm, we made the request to use other sites so that -- primarily because we didn't want to haul from Southold and Riverhead into Brookhaven. We wanted to kind of see if we could use Calverton or other locations and we were mandated by DEC to only use that one site, which was the Brookhaven landfill. And the placement is due to the location of residents, you know, neighborhoods and airports and things like that.

What I would say is the curtain burners enabled us to dispose of this material four to five times faster than we would have been able to just with tub grinders. If you had seen the operations, and I can certainly provide slides of anything, you would see the volume, the massive amount of material that we got rid of, and got rid of in a very quick time. And that was only one site. There were also sites in each of the towns and a lot of the villages.

So once significant concerns were raised by the local community and the town, you know, made the request, we brought in air quality monitors as Adrienne had said earlier. I'd thought we brought in four, but I will go with three. We placed one in the immediate vicinity of the burners. We also placed the others around the proximity, one down at the firehouse and one across the way at a site. I think we were about to do a third. The problem with air quality monitoring is the particulate level isn't necessarily just dictated by the burners. We had days when the burners weren't running and the particulate level was above the 35 microns that, you know, that are the level that they ask you to, you know, keep it below.

We used the monitors to shut down the program when we found the weather conditions or, you know, if the weather was too humid or the wind was blowing in the wrong direction. If it got above 35 or it looked like it was heading that direction we shut down the operation to try and minimize the impact to the community. We also reduced the hours of operations from 24/7 down to 12 hours a day, and eventually we brought it down to one burner and then we shut it down. In the beginning of March was the time we actually shut it down.

So having said all this, my concern with this resolution is that it restricts our ability to respond during emergencies such as the ones we've been faced with over the past two years. The likelihood that if any storm should occur again of that size, or even of Irene size, the Town of Brookhaven will not likely let us bring in more than one unit to their site. They were pretty overwhelmed. Obviously it was an impact to their residents. I would request that this bill not be progressed in case another event occurs and this site or another more suitable site becomes available. While I hope we're never faced with this situation again, I want to keep all the tools available at our ready if we're needed.

In conclusion, I just want to let you know that if you ever get to go out to the site where Brookhaven was running the curtain burning operation, go over to the eastern end and go up the mound. There's about a 40 foot mound, you can drive around and get and top, and you can see where the entire operation -- I can obviously send you pictures. And when you're on that 40 foot mound, look down at where your feet is. That 40 foot mound is debris from Gloria in '86 that is still there. So while we understand the impact that was felt by the community, we had a job to do, and that was to get rid of 1.2 million cubic yards of material. As I've said, I am concerned that this will not allow us or restrict our ability to do what we had to do, and that's it. That's my pitch.

CHAIRMAN SCHNEIDERMAN:

I think there's a number of questions. I have some too, but I'll defer first. I think Legislator Stern and then Legislator Krupski. Anyone else? Okay.

LEG. STERN:

Thank you. So I just wanted to make sure that I was clear on what you had said, Gil, that the site or sites that were able to conduct this type of activity, did you say it's really dictated by DEC? That there -- under the circumstances there would not have been another place or places to go conduct this kind of activity?

COMMISSIONER ANDERSON:

At the time, yes. We made the request for other sites and we were turned down. They said the only place we could bring it -- we tried to bring it to Islip, we actually tried Calverton, and we were told in both instances they were unacceptable because of proximity to either the airport or to other neighborhoods.

LEG. STERN:

Is this a situation where the activity started and then there was a request to DEC to go elsewhere or is it part of our plan when there is this type of an event that we conduct this kind of activity at this location.

COMMISSIONER ANDERSON:

Under Irene we did -- we ran the same operation, certainly much smaller. We had one curtain unit at the Brookhaven landfill and because it worked so well we initially -- like I said, when we knew the storm was coming we immediately got in touch with P and J, Phillips and Jordan, and asked them to deploy their curtain burners or at least have them in a close proximity so that after the storm we could bring them in as quickly as we could and get them operational. So that was the first we had two come in.

LEG. STERN:

So because this is what you had done and where you had done it after Irene you knew that if there was going to be this kind of an event where you did need to conduct this kind of activity, this would be the location where it would be conducted.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

Okay. And, I mean, just an opinion on the language in the bill here. If it says that, you know, you can only conduct it, you know, spread out within a certain, you know, radius, I guess what you're saying is there was no other location that you would have been allowed to operate under DEC rules. It just would not have been possible to disperse it into other areas.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

No more than one per location. Sounds like another law we passed. All right. Legislator Krupski.

LEG. KRUPSKI:

You talked about 35 and then higher numbers. What's the unit of measure? What are you measuring exactly?

COMMISSIONER ANDERSON:

They are called microns. I can get you that. It's a little more technical than I can explain. To be honest, it's the size of a particle, but it's significantly much smaller than the eye can pick up. And what it is, is the air quality monitoring unit has almost a filter where these are picked up and then they measure it by the passage of light through that filter.

LEG. KRUPSKI:

All right. So you said it was unlikely that Brookhaven would allow you to use more than one burner at their dump in the future.

COMMISSIONER ANDERSON:

I would imagine, correct.

LEG. KRUPSKI:

So in the event of another storm of that, you know, relatively same magnitude, what are your options going to be going forward, then?

CHAIRMAN SCHNEIDERMAN:

Much bigger burden.

COMMISSIONER ANDERSON:

Well, like I said, we do have tub grinders. You know, we use tub grinders in each of the towns. We were able to deploy tub grinders to the towns, a couple of villages. While they're efficient on the smaller -- the branches and things like that, the larger stuff is what we use for the curtain burners. Now, that's really what we'd wind up doing, is just we'd have to do more chipping, and we'd have to do chipping and hauling. So what we were doing at the end was in some cases we were shipping

the chips, chip material, Upstate. There was a site that processed chipped wood and then we were also delivering some of the chipped wood to a local farm in the area.

LEG. KRUPSKI:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

So, Gil, correct me if I'm wrong. So the result of this resolution, which requires only one per site and you're saying the DEC is unlikely to allow a lot of sites, you're going to end up having to engage in a much more costly process. Though you might be having some benefits on the health side, you are going to be shipping some of this out. Do we know approximately the economic results? Even before you answer that, this bill as I read it requires for each air burner a minimum of four monitors, east, northeast, south, southwest. Do we have those monitors?

COMMISSIONER ANDERSON:

We hired a consultant to provide those services. I could certainly put numbers to each of those things. I just haven't had time to do it.

CHAIRMAN SCHNEIDERMAN:

Because there may be another economic impact component of this. If we're spreading these burners and we have to put four in four different locations, we need 16 monitors, one for each direction at each monitor, whereas if you had four in one location you'd only need four monitors potentially.

COMMISSIONER ANDERSON:

Correct. Again --

CHAIRMAN SCHNEIDERMAN:

I'm just trying to get the economic impact because as an environmental initiative it sounds good. It makes a lot of sense, don't impact one community with all this, but we also have to look at the fiscal impacts as well. And I don't want to tie your hands particularly in an emergency. I mean, Sandy was, you know, extraordinary in terms of the impact and you did a tremendous job responding to that. It doesn't really speak to the size of the burner either, so you are going to end up having one burner but it will be four times bigger, right?

COMMISSIONER ANDERSON:

We had two different size burners, and the two -- I think 20 yarders and two 40 yarders. And basically that's the size of the box itself.

CHAIRMAN SCHNEIDERMAN:

I mean, how do -- I mean, you can respond if you want on the fiscal side, but I think the environmental side is important, too. Do you have some ideas how we can better mitigate community impacts in the future? If we didn't, let's say, support this bill, is there another approach or can you work with the sponsor to make it more manageable?

COMMISSIONER ANDERSON:

I mean, you know, obviously we looked at this to look at what the impact would be to the communities. You know, there's a timeline. If you're trying to remove all this material off of the streets as quickly as you can. Now you've got a significant volume -- I mean, for example, the Town of Islip's landfill was packed, I mean solid with debris, that would have taken them probably over a year to dispose of. I mean, you know, there is that impact. I don't have numbers attached from one thing to another. I mean, I could put it together and I could provide that, but again, I don't -- the amount of time it would take you to dispose of this material, I mean it would probably be four to

five times as long to have to deal with all this. Now you're talking about overtime costs, running all these trucks continually. It's a significant impact to a County budget. I mean, the County's budget -- the County expended probably close to \$22 million on this storm.

CHAIRMAN SCHNEIDERMAN:

The fiscal impact we can try to determine. I guess I'm trying to balance two things because I don't know if you saw that report about air quality. Suffolk County did not do very well in a recent report.

COMMISSIONER ANDERSON:

That was significantly different material than what these particulates are.

CHAIRMAN SCHNEIDERMAN:

But, you know, there are a lot of incidents of asthma and other respiratory illnesses. There is a lot of soot, you know, from automobiles. I think those are valid concerns, air quality. And even if there's a slight increase in the cost maybe these air curtain destroyers are not the right tool for us, but I would need to know what the cost of not using them is. Mr. Vaughn.

MR. VAUGHN:

So Legislator Schneiderman, before one of questions that you asked was what was done or what could be done to limit the impact to the community, and I would just remind the committee that during the Commissioner's remarks he talked about the responsibility that DPW took to limit the impact to the community. The burners had initially been running 24/7. Once there were concerns raised about the impact on the environment those were shut down to 12 hours a day. We reduced the number of burners from four burners down to two burners, so I do think that there was absolutely an effort on the part of the Department's part to reduce that environmental impact.

The other thing that I would just, you know, ask that the committee consider is well, we can't control what Brookhaven Town will ultimately do. If Brookhaven Town will allow us to use more than one burner there that's fine, if Brookhaven Town won't allow us to use more than burner there that's a situation that we're going to have to live with, but that's beyond our control. What is within our control is this bill and what we would ask is that the committee please not limit the ability of our Department of Public Works to respond to a natural disaster, and we do understand the need to respond in a responsible manner and I do believe that they have responded in a responsible manner.

CHAIRMAN SCHNEIDERMAN:

I hear that, but they're also saying they have alternatives. They have chippers and things like that. I mean, incinerating all this vegetation is going to have an impact, so.

COMMISSIONER ANDERSON:

Again --

CHAIRMAN SCHNEIDERMAN:

It's going to have an impact, Gil.

COMMISSIONER ANDERSON:

Yes, I understand there's an impact, but you're talking a timeframe -- it would be a significant impact for that material to have to be chipped down. It would have to be broken down and then ground. It's a long -- like I said, just go out there.

CHAIRMAN SCHNEIDERMAN:

So for staff time while you've got a million things you're doing in the emergency, you are going to be spending a lot more time dealing with vegetated debris.

COMMISSIONER ANDERSON:

Correct. And also keep in mind there's a 40 foot pile that you can drive up on at Brookhaven landfill from Hurricane Gloria which was in '86. I mean, it's just sitting there.

CHAIRMAN SCHNEIDERMAN:

I mean, I certainly would feel better with a resolution that was discouraging the use of air curtain destroyers rather than prohibiting them.

COMMISSIONER ANDERSON:

Again, there's two things. As Tom said and I said earlier, it's unlikely that the town would let us have more than one given the experience that we have been through. However, we don't know what we're going to be faced with, and to limit our ability to act, even if it's only for a month or two, you know, to basically hit it as hard as we can. I mean, we were fortunate that it happened in the winter. Most everybody is inside. You know, if it happened in the summer and people are trying to be out in the backyard you bet we would have heard it. But, you know, we're also charged with trying to get rid of all this material and, you know --

CHAIRMAN SCHNEIDERMAN:

I don't know if you remember a few years ago Legislator Eddington had a bill banning heating systems that burned wood outdoors. I think we ended up passing it, but the smoke -- it had to be a certain size stack if they were going to have it. Do they have these types of units that exhaust it higher up into the air so it wouldn't impact communities?

COMMISSIONER ANDERSON:

No. What the burner unit is is really just a large dumpster, if you will, and there's a blower that's attached that forces air above the burning wood that intensifies the burn, but also gives you the cleanest burn that you can get. It, you know, ensures that it's as hot as it can be. The key, not that I'm an expert, but the key in doing this is you wanted to have the best type of weather. You didn't want to have a damp, foggy day where everything's hanging. You want everything to go up into the air and then dissipate out.

I don't know even know if I said this before. Like we said, we monitored the -- we had an air monitor right next to the site and we had one downwind, and just to address the comment Adrienne said, we put it to the south as the first one because the prevailing winds during the winter are from the north. So we wanted to make sure that that community was -- we could keep an eye on it as we -- you know, we had to bring the program in, we had to create the program, we had to get everything running. That being said, the ideal weather is clear, you know, gentle breeze where the smoke and the heat rises and actually gets it to dissipate away from the Island. Don't always have that control over the weather.

So again, I would ask that, you know, this not be progressed because it does hinder our ability. We don't know what we're up against and I want to have all the tools that I can and I don't want to be sitting there doing this for two years.

CHAIRMAN SCHNEIDERMAN:

Anyone else? And just, Renee, where are we? Do we have a motion to approve and a second? Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chairman. So, Commissioner, how long have we been using these air curtain destructors?

COMMISSIONER ANDERSON:

This is only the second time we've used it.

LEG. GREGORY:

So we used them in Hurricane Irene and in Tropical Storm Sandy.

COMMISSIONER ANDERSON:

Correct.

LEG. GREGORY:

So it could easily -- we could make the conclusion or presumption that the next time we'll use them will be during a state of emergency.

COMMISSIONER ANDERSON:

Absolutely.

LEG. GREGORY:

Okay. This bill, from what I understand, provides an exemption if a state of emergency is declared by the County Executive or the Governor, so it wouldn't really restrict the department's use of these air curtain destructors when you're going to need them most.

COMMISSIONER ANDERSON:

Yeah, again, I would -- here it is, the third Resolved. Again, I argue that we would only use this during an emergency, not necessarily always during an emergency -- I mean I would imagine only during an emergency declared by the County Executive but again, there is always a potential that, you know, barring an emergency declaration, a period when we wouldn't have that declaration where we would need to burn this material. Again, it just hinders our options that are available to us and that's my concern.

LEG. GREGORY:

Okay. Understood.

CHAIRMAN SCHNEIDERMAN:

Anyone else? All right. So we have a motion to approve and a second. Any other motions? I'll make a motion to table. Is there a second to the motion to table?

LEG. KRUPSKI:

Second.

CHAIRMAN SCHNEIDERMAN:

Second to the motion to table. Okay. To me, I would at least need to know the economic impact before supporting this bill. If I succeed in my motion to table, could you give us a rough estimate as to compliance with this regulation, how much additional it would cost?

COMMISSIONER ANDERSON:

Yes.

CHAIRMAN SCHNEIDERMAN:

And also, you know, if there are any ways to modify these air curtain destructors that, you know, could capture some of the soot, some of the ash that may reach the communities, if there are other models out there that might make sense.

COMMISSIONER ANDERSON:

We'll take a look at it.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Stern, on the motion.

LEG. STERN:

Thank you, Mr. Chairman. On the motion, I'm going to support the tabling motion as well. I just don't know if any of us know enough at this point how this kind of process goes and what entity governs, particularly and if the underlying policy here is not necessarily to prohibit that activity, but to disburse it somehow into more than one location. And it sounds like, Commissioner, if I have it correct, ultimately where we're able to conduct this activity is governed by the DEC. So we don't have it within our own purview to determine how and when and where we conduct this activity. It would seem to defeat the underlying reason behind the initiative here.

So I think for me I would like to know more about how that determination is made, what kind of work needs to be done before an event, what kind of planning goes into it to determine where we might be able to conduct this activity, if it's more than one location how do we get other locations on that list, what's the process behind it. I think we would need to know that before we come up with a policy that says that it's going to be disbursed to other areas when we can't within our own purview determine where that activity is going to be carried out.

COMMISSIONER ANDERSON:

Just one thing I did fail to mention, either the Corp, I believe the Corp but it could be FEMA, in their guidelines basically state not to bring air curtain -- air monitoring units into the site because they are not effective in monitoring this type of operation. So I can provide that as well. I'll put this together. I'll get the information that you've asked for as well as Legislator Stern and --

CHAIRMAN SCHNEIDERMAN:

Can I just try one more idea?

COMMISSIONER ANDERSON:

Sure.

CHAIRMAN SCHNEIDERMAN:

Because, you know, the County produces, I forget the number, it's like two billion pounds of garbage or something a year, something really high. Half that garbage does go to incinerators on Long Island. The other half gets -- well, more and more of it's getting trained off the Island and a lot of it was being trucked off the Island. Now we have this new rail terminal that's happening in the Yaphank area. I mean, might it make sense to have a plan where we could take, if we had a hurricane like this again, a Super Storm Sandy, an event like that, to load this into railcars and have it leave and maybe burn it in some remote area of the country in the midwest somewhere?

COMMISSIONER ANDERSON:

I believe, in fact, we were also doing that, certain areas. For example, Town of Huntington was bringing some of their vegetated debris to their incinerator, but there was an issue with the rate of burning when you are burning vegetated debris compared to household debris. I remember it was the discussion because believe me, we were beating these around for a while, was that it would impact the ability not only to get rid of the solid waste, but you'd have to I believe turn down, if you will, the burner in the incinerators to handle the wood and that was an issue. We -- again, you have to have vendors off Island to handle all this material that you would be shipping out. Now you're not only competing --

CHAIRMAN SCHNEIDERMAN:

I guess what I'm saying is you potentially develop a plan in conjunction with BRT in the event of an emergency to be able to put this into railcars and get it -- you know, maybe somebody will take it for compost somewhere and not even burn it.

COMMISSIONER ANDERSON:

And we talked about that, but you have to have a final destination. And while we're trying to get rid of our debris, Nassau is trying to get rid of their debris, the City is trying to get rid of their debris. There's only so much, you know, there's only so many places you can send it.

CHAIRMAN SCHNEIDERMAN:

Sounds like the Islip barge, remember that?

COMMISSIONER ANDERSON:

Yeah.

CHAIRMAN SCHNEIDERMAN:

But that's a possibility, barging it.

COMMISSIONER ANDERSON:

Well, we were. We were barging the chip debris up to a place for processing Upstate. And, in fact, one of the local chip processing companies out on the East End was taking the material from Nassau County when they had that God awful accident on the expressway.

CHAIRMAN SCHNEIDERMAN:

Because I do think the intent here is a good one, you know, to protect air quality.

COMMISSIONER ANDERSON:

I fully agree.

CHAIRMAN SCHNEIDERMAN:

I don't think there's anybody here who wants to tie your hands in an emergency.

COMMISSIONER ANDERSON:

Right.

CHAIRMAN SCHNEIDERMAN:

But maybe there are other plans possibly that don't tie your hand and would have a greater degree of air quality protection.

COMMISSIONER ANDERSON:

We are in the process right now of putting out a contract, or contracts, for the various equipment that we need to deal with this type of situation again. We're also, as I've stated, the likelihood that a local municipality is going to let us put more than one, maybe two, burners on a site is pretty remote no matter what happens. We have very limited control in where we place them, but given all that, I would want and I would make the request that I'd want the ability to deal with this material as quickly and as expeditiously as I can, and that's the curtain burners.

CHAIRMAN SCHNEIDERMAN:

Right, but the practical reality is if there was another storm tomorrow maybe Brookhaven will give you one, and the DEC might not approve any other location, so you're going to need another plan anyway.

COMMISSIONER ANDERSON:

Well, I mean, that's the discussion I think we would have with the DEC at the time, just as we had in the past storm, where we talked about the possibility of Calverton, the possibility of different areas and each one was shot down. We had a site already chosen with Brookhaven, so that was the low hanging fruit, if you will.

CHAIRMAN SCHNEIDERMAN:

Anyone else on this? All right. So we have a motion to approve and a second. We have a motion to table and a second. The tabling motion comes in first. All in favor of tabling? Any opposed? No one opposed. Okay, it's tabled. **(Vote: 5-0-0-0)**. And just Commissioner, if you could get us some of that information.

COMMISSIONER ANDERSON:

Will do.

CHAIRMAN SCHNEIDERMAN:

Because this will be debated again in I guess a few weeks.

All right. ***IR 1293-13 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with development of a Village Square at the intersection of CR 80 and CR 46, Shirley (CP 6421)(Browning)***. Sudden silence. What do we have? Do we have a motion?

LEG. STERN:

I'll make a motion to approve but to discuss it.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Stern. Is there another motion? Is there a motion to table? It's going to die for lack of a second in a moment so. IR 1293.

LEG. KRUPSKI:

Second to the motion to approve by Legislator Stern.

CHAIRMAN SCHNEIDERMAN:

We have a motion to approve by Legislator Stern and a second by Legislator Krupski.

LEG. STERN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

All right. On 1293, Legislator Stern.

LEG. STERN:

Yes, thank you. My understanding, Gil, is that there has been an amount that has already been allocated to this project. This is an additional amount that's required just to finish it off.

COMMISSIONER ANDERSON:

That's correct. This is for the development of the Village Square at the intersection of Montauk and William Floyd Parkways. It was bid a few months ago and we had insufficient funds to construct the project. Legislator Browning is requesting that we appropriate an additional \$50,000, which will get us over the hurdles and we can complete this job which is important to her community in Mastic.

LEG. STERN:

So this is already in our capital program, this is something that we were already committed to, this is just the additional funding just to finish it off.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

That poses the next question of course is why are we in need of additional funds?

COMMISSIONER ANDERSON:

Well, as I said, the bid that came in was -- it was above the funding that was available and this will allow us to do the entire project as was planned in this site.

CHAIRMAN SCHNEIDERMAN:

On the offset, 1755 is the offset. What's left in that account?

MS. MOSS:

That's something I'm going to have to look up.

CHAIRMAN SCHNEIDERMAN:

All right, but there's enough money there to cover this as an offset?

MS. MOSS:

Again, I'm going to have to look it up.

CHAIRMAN SCHNEIDERMAN:

The resolution indicates there's \$950,000. It started out with a million and we're taking \$50,000, so it would be 950,000. All right. There's a motion and a second to approve. Is there any other motions? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

So Legislator Browning did not get her air curtain destroyer bill but she got her Village Square. Okay. We did 1295. ***IR 1303-13 - Resolution amending Bond Resolution No. 1136-2012, adopted on December 4, 2012, relating to the authorization of the issuance of \$500,000 bonds to finance the cost of construction of improvements to Suffolk County Sewer District No. 10 – Stony Brook (CP 8175.314)(Co. Exec.)***

MR. NOLAN:

It's just changing a point number in the bond resolution. It's almost like a technical correction.

LEG. STERN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Stern. Second by Legislator Horsley. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

IR 1305-13 - Directing the Department of Public Works to assess the vulnerability of Suffolk County infrastructure to sea water rise (Hahn). Commissioner, can we get your opinion on this?

COMMISSIONER ANDERSON:

Again, we're legislating something that I think could have simply been a request and we could put

together. Having said that, you know, we can study this inhouse. What I would do is I would overlay, take our GIS system, overlay all the County facilities on it, identify which are within the 100 year floodplain. Look at, you know, what within the capital project is being -- sorry, what within the capital program is being approved. Basically a simple table, you know, probably a couple of pages long, but something simple I would envision. I wouldn't envision going out or needing to go out to a consultant for this, and I don't think there was any funding applied for this anyway. So I'm glad to do it.

CHAIRMAN SCHNEIDERMAN:

So you're taking all infrastructure valued at over \$50,000 that falls within the 100 year flood zone and you're going to address their vulnerability to rising seawaters.

COMMISSIONER ANDERSON:

Correct. You would basically take the geographic information system that the County has in place, overlay, you know, look at, pull out all the County facilities. Identify what they are, see what's being done to mitigate any impact from sea level rise or storms such as what we've had. We do this as we go through each project anyway, but if this is something that the Legislature wants us to do we can do it.

My only concern is, to be frank, is, and I know it sounds crazy, but by December 31st, you know, we got a lot on our plate right now and -- but we can do it.

CHAIRMAN SCHNEIDERMAN:

That's my concern, too. The 100 year floodplain, I mean, it sounds like there might be an awful lot of structures within that 100 year floodplain.

COMMISSIONER ANDERSON:

Not terribly. I mean, if you consider along the beach, you know, you're going to have -- you have Bergen obviously. You are going to have beaches, you may have some parks, things like that, but I think it's going to be relatively limited.

CHAIRMAN SCHNEIDERMAN:

But the bill says here to address their vulnerability. Does that mean to come up with a solution?

COMMISSIONER ANDERSON:

Essentially come up with some type of plan. Look, we had -- during Sandy we had I believe five locations on County highways that were impacted, that we had slight damage to. So it was a couple of hundred thousand dollars. We made the repairs, we got them fixed. You know, that's the type of things I would envision. Most cases, most County facilities are well, I would imagine, are above the 100 year floodplain unless it's a beach or a park, something like that. At that point then, you know, again, this could be used as a preliminary design document, if you will, just to identify any, you know, any potential risk, whether due to severe storm event or rising sea level. Something we would look at as we improve each individual site, you know, you've got the Shinnecock Inlet that's, I mean, that's one site that we are mitigating impacts from Sandy.

CHAIRMAN SCHNEIDERMAN:

You know these sites, like Bergen Point, Shinnecock Inlet, you know, the lock system, that would take a while to come up with a plan.

COMMISSIONER ANDERSON:

Well, in general you're going to, again, you're going to come up with a general preliminary plan.

CHAIRMAN SCHNEIDERMAN:

December is not that -- you know, Christmas is coming, it's not that far away. Fifty thousand is a low number. I mean, I can't think of very many capital projects we have that are worth less than 50,000. I would feel better if it was, you know, in the millions of dollars range.

COMMISSIONER ANDERSON:

I mean, what I could do, if you table this I will start the process, we'll do a GIS overlay of the County and look at what we are up -- you know, what are we talking about. Right now hypothetically, I mean, we've identified, you know, you know Smith Point, Cupsogue, you have Meschutt, which is always getting beat up. You've got, you know, on the north shore you've got a couple of, you know, smaller park facilities. If you table this, let me put something together for this committee and if you feel it needs to go any further, you know, but again --

CHAIRMAN SCHNEIDERMAN:

No, I'm just one Legislator, but I just -- I can't tell how big the scope is right now, and maybe if we raised it from 50,000 to a million you might really focus on those major capital projects that really need your time and attention.

COMMISSIONER ANDERSON:

We know that the sites that were impacted by Sandy, as I stated, were Bergen very slightly, but there was the concern and it was impacted. You had the Shinnecock which was impacted, you had Smith Point and Cupsogue, which were both severely impacted. How do you mitigate that, you know.

Again, I would suggest give me -- it's not going to happen in two weeks, but I need to look at the geographic information system, overlay the County's -- let's identify what sites we have out there, and if it's that -- otherwise those that were impacted by Sandy, we're already looking at mitigating -- supposedly the Federal Government is coming out with all these funds that are going to look towards, you know, and it would be a competitive program, to mitigate any potential risk from future storms. So, you know, we know kind of what's out there. If there is something we missed, you know, this might identify it.

CHAIRMAN SCHNEIDERMAN:

But it may force you to look at a lot of other structures because of that 100 year floodplain. I don't know how big of an area it is and how many structures, and that \$50,000 threshold is a very low threshold. So pretty much everything is going to, in the 100 year floodplain, is going to meet that 50,000. I kind of would like -- if we could -- if in the next two weeks you could come with us with a sense of the scale of, you know, the scope of this as it's currently written and maybe it's not so bad, but maybe it is way too much.

COMMISSIONER ANDERSON:

I will try and put something together and I will get something before the next committee.

CHAIRMAN SCHNEIDERMAN:

So I'll make a motion to table. I don't know if I have any support.

LEG. KRUPSKI:

Second.

CHAIRMAN SCHNEIDERMAN:

Legislator Krupski is supporting me. Okay. Any other discussion? We have a motion to table and a second. We have a motion to approve and a second.

LEG. KRUPSKI:

No, there's no motion to approve.

CHAIRMAN SCHNEIDERMAN:

I think so. Renee, we have a motion to approve and a second too, right? Oh, so just a motion to table and a second.

D.P.O. HORSLEY:

I'll throw the motion to approve.

LEG. STERN:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to approve by Legislator Horsley and a second by Legislator Stern. Okay. The tabling motion comes first. All in favor? Opposed? Opposed is Legislator Stern and Legislator Horsley, but we did have three in favor so it is tabled. **(Vote: 3-2-0-0 Opposed: Legislators Stern and Horsley)**

Again, I think it's a great initiate, I just think we might need to tighten the scope a little bit. We did the next one, 1306.

IR 1314-13 - Directing the initiation of procedures to replenish the dunes at Smith Point County Park (Browning). Any motions?

COMMISSIONER ANDERSON:

I can give an explanation.

CHAIRMAN SCHNEIDERMAN:

Okay, explanation first.

COMMISSIONER ANDERSON:

This resolution, and I'm not trying to be snarky, but this resolution implies that DPW hasn't been doing anything, and that's why I kind of get my back up on it. But since Sandy, DPW has been integrally involved in closing two breaches, one at Smith Point beach, the other at Cupsogue County Park. The closure of these sites used material we were planning to use to nourish Smith Point County Beach from a storm which occurred back in 2010. The site was the Moriches Inlet. Since then, DPW has been working towards identifying a new sand source to use to replenish and reconstruct dunes and beach at Smith Point County Park. We expect to have the permit application with the recommended sites submitted within the next few weeks. On a parallel track -- and then before I get on the parallel track, this would be a County funded -- we do have some FEMA funding from the storm from 2010, which would provide us over 400,000 cubic yards of material, but the rest of that would have to be County funded.

On a parallel track at the same you have the U.S. Army Corps of Engineers is working with New York State Department of Environmental Conservation to develop a project that will restore the dunes and beaches from Fire Island out to Montauk Point. The Corps is currently waiting for formal direction from Congress to begin the formal preparation of this work. We had a meeting recently down in the Village of Mastic Beach where we were advised they expect to receive that formal direction by June first.

We, as I had mentioned, we recently met with Federal, State and local governmental officials as well as the various regulatory agencies involved to discuss what was happening along the barrier

beaches. Both our project and the eventual one from the Army Corp of Engineers will progress and move along parallel tracks to ensure that the work moves as quickly as possible. I would ask that this be tabled or withdrawn.

CHAIRMAN SCHNEIDERMAN:

Can I get just a clarification because you spoke of replenishing the beach and this bill seems to talk about replenishing the dune.

COMMISSIONER ANDERSON:

Right.

CHAIRMAN SCHNEIDERMAN:

There is, you know, often there's a distinction obviously. So is this bill asking you to do something different than what you are already doing?

COMMISSIONER ANDERSON:

We are looking -- originally we were looking at just replenishing the beach. You know, just as the barrier beach protects the mainland, the beach itself protects the dunes. The beach was, you know, we never got to repair the beach from the past group of storms, which may have led to the impact -- which we believe led to the impact of the dunes. While we were originally prior to Sandy looking at only replenishing the beach, we are now looking at doing both.

CHAIRMAN SCHNEIDERMAN:

So you're doing this. So your biggest objection is that it suggests that you're not doing it.

COMMISSIONER ANDERSON:

Yeah, it's -- it doesn't --

CHAIRMAN SCHNEIDERMAN:

It asks you to initiate a process they we're already well involved with.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

All right. I'll support tabling it. I'll make a motion to table.

LEG. KRUPSKI:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Krupski. Any other motions?

LEG. STERN:

No, just on the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Stern.

LEG. STERN:

This is a top priority, correct?

COMMISSIONER ANDERSON:

Absolutely.

LEG. STERN:

Okay. And the bill asks that DPW submit applications and/or documentation of furthering this top priority within 30 days. Talk to me about the 30 days. What happens within 30 days from now going forward, what can or cannot be accomplished within 30 days.

COMMISSIONER ANDERSON:

We are -- we are planning on submitting within 30 days the application, the permit application, to do this work. And what that involves beyond just the dune restoration is we have to have a borrow source. We have to have a place to get the sand from. As I said, originally we were going to use Moriches Inlet, but that's been used for the two breaches. Prior to discussions we were advised not to use an old borrow source which was offshore. We have now located a new borrow source which is really next to the old one. We feel it's a good source of sand. It would provide us with an amount of sand that we need. We were submitting that request with the application for the permit so it will all be one big package and that will be submitted before the next 30 days.

LEG. STERN:

So it's a top priority of the department. All of the information and documentation that's required is going to be submitted within 30 days from now. It also calls for keeping, in this case the Clerk, up-to-date every 30 days of what's going on. I'm assuming that you'd have the ability to keep the Clerk up-to-date on what you're doing, but perhaps much more importantly and effectively Legislators that are very concerned with what's going on in this particular area. Is that something that you're willing and able to do?

COMMISSIONER ANDERSON:

I can certainly submit an update to the entire Legislature through an e-mail and the Clerk included if that's, you know, again, without having to legislate it.

MR. VAUGHN:

And with the Chairman's indulgence if I could just add.

CHAIRMAN SCHNEIDERMAN:

I'll indulge.

MR. VAUGHN:

Thank you very much, sir, I do appreciate that. But I would just add that I don't know if we have Commissioner who has the attendance rate that Commissioner Anderson does in terms of attending committees. I mean, a lot of our Commissioners all attend committees and sometimes they send representatives, but I mean Commissioner Anderson is here all of the time and he's available to almost everybody all of the time. I have called him at God knows what time at night to get answers to questions during the storms and sometimes just because I like talking to him, but I mean he is the very definition of what we expect from our Commissioners. He's here all the time and I would just add that this committee meets a heck of a lot more often than 30 days and he's always more than happy to provide those updates.

LEG. STERN:

So it's a top priority, information, documentation is going to be submitted within 30 days, and you're keeping everybody up-to-date.

COMMISSIONER ANDERSON:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

All right. Anyone else? There's a motion to table and a second. There's no other motions. All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0)**

All right. Moving on rapidly. ***IR 1324-13 - Authorizing connection of Holiday Mid-Rise Tower (IS-1451) to Suffolk County Sewer District No. 13 – Windwatch (Co. Exec).*** I'll make a motion to approve, second by Legislator Horsley. Anything you want to add here, Commissioner? We're familiar with it.

COMMISSIONER ANDERSON:

This is -- this just authorizes the execution of agreement that has been approved by the Sewer Agency. It's for connection of the Windwatch for seeking permission to discharge 54,000 gallons per day. It will result in a connection fee of \$712,500 to be paid to the district for the connection.

CHAIRMAN SCHNEIDERMAN:

Any questions? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

IR 1325-13 - Authorizing execution of an agreement, pursuant to Local Law No. 11-2010, by the Administrative Head of SCSD No. 3 – Southwest with Wyandanch Public Library (BA-1477.1-001) (Wyandanch Rising)(Co. Exec.). We're waiving the connection in this one. I'll make the motion to approve.

LEG. MURATORE:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Muratore. Commissioner, how much are we waiving here?

COMMISSIONER ANDERSON:

The dollar figure I don't have but the --

MS. MOSS:

Fifty-two thousand, four-hundred and ten.

COMMISSIONER ANDERSON:

There we go.

CHAIRMAN SCHNEIDERMAN:

There we go, but who's counting, 52,410. All right. Appreciate that. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

IR 1326-13 - Amending the authorization of the execution of agreement by the Administrative Head of SCSD No. 3 – Southwest with Deer Park, LLC (BA-1633)(Co. Exec.). I'll make a motion. Second by Legislator Horsley. Commissioner, detail?

COMMISSIONER ANDERSON:

This authorizes an agreement between Deer Park LLC in the Southwest Sewer District to discharge 6,400 gallons per day with a connection fee of \$192,000 for said 6,400 gallons per day.

CHAIRMAN SCHNEIDERMAN:

Any questions from the committee? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

IR 1330-13 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and Karp Associates (HU-1644) (Co.Exec.).

Same motion, same second. Commissioner, any additional detail?

COMMISSIONER ANDERSON:

This is for agreement between Karp Associates and Sewer District 3 to allow 8,074 gallons per day, connection fee of \$242,228.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions? All in favor? Opposed? Abstentions? Approved. ***(Vote: 5-0-0-0)***

And our last item on the agenda. ***IR 1347-13 - Directing the Department of Public Works to conduct a traffic study on a portion of County Road 86 (Spencer).***

LEG. STERN:

I'll make a motion to table at the request of the sponsor.

LEG. KRUPSKI:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay. There is a motion by Legislator Stern to table at the request of the sponsor. Is there a --

LEG. MURATORE:

Do we have a second?

CHAIRMAN SCHNEIDERMAN:

Is there a second? Legislator Krupski. Don't go anywhere everybody. There is one more thing. So we have a second to the tabling motion. All in favor? Opposed? Abstentions? ***(Vote: 5-0-0-0)***

I'm not adjourning yet. Counsel wanted to check one thing that I guess pertains to our agenda. We might have to revisit something so just wait until George comes back. Nobody go anywhere. All right. Counsel informs me that everything is fine. All right, we are adjourned. Thank you.

(The meeting was adjourned at 4:36 p.m.)