

PW 5/21/15

**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 May 21, 2015.

**Members Present:**

Legislator Al Krupski - Chairman  
Legislator Tom Muratore - Vice-Chair  
Legislator Tom Barraga  
Legislator Kate Browning  
Legislator Steven Stern

**Also In Attendance:**

George Nolan - Counsel to the Legislature  
Catherine Stark - Aide to Legislator Krupski  
Robert Lipp - Director, Budget Review Office  
Laura Halloran - Budget Review Office  
Rick Brand - Newsday  
All Other Interested Parties

**Minutes Taken and Transcribed By:**

Gabrielle Severs - Court Stenographer

(\*The meeting was called to order at 2:31 p.m.\*)

**CHAIRMAN KRUPSKI:**

If we could all rise for the Pledge of Allegiance led by Legislator Muratore.

(\*Salutation\*)

Welcome to the regular committee meeting of Public Works, Transportation, and Energy. We have no presentations. All right. Thank you. We will start with tabled resolutions.

**IR 1157, Establishing a Green Roof Pilot Program (Hahn).** To the sponsor here, motion to table under the suggestion of the commissioner. Second. All in favor? Opposed? Abstentions? So moved. **Tabled (VOTE: 5-0-0-0)**

**IR 1388, Appropriating funds in connection with planning and design for the rehabilitation of Guggenheim Lake (Deer Lake), Towns of Babylon and Islip (CP 8716)(D'Amaro).**

**LEG. STERN:**

Motion to approve.

**CHAIRMAN KRUPSKI:**

Motion to approve, Legislator Stern. Is there a -- second by Legislator Barraga. On the motion. Commissioner, do we have a -- I know this has been an issue before with access to the lake? Do we have -- is there public access to this area?

**COMMISSIONER ANDERSON:**

The current project calls for public access via a fishing pier that would be constructed on the south side of the lake. The last meeting we had with members of the homes that are surrounding the lake verbally said that, you know, they were in favor of it. I have not seen anything in writing formalizing that.

**CHAIRMAN KRUPSKI:**

Would we have -- well, how would you describe "access"?

**COMMISSIONER ANDERSON:**

"Access" is a point where a portion or all of the lake is made accessible to anybody in the county. If you're spending public funds, it has to be accessible to the public.

**CHAIRMAN KRUPSKI:**

I know, but I mean is there going to be a parking area? You said a pier; is it going to be adjacent land to put a -- and I'm not familiar with Guggenheim Lake. Is there going to be a launching area for, like, a kayak or a canoe or something like that?

**COMMISSIONER ANDERSON:**

No, it would be strictly fishing access. The lake itself is predominantly privately owned. There is, up on the north end, a number of lots that are county-owned within the lake, and part of the plan would be to acquire that portion of the southern lake where there's a weir damn, if you will, and we would look to acquire that land and build a pier so that anybody could come there, park, walk out there, fish; but that would be the predominant use, would be fishing.

**CHAIRMAN KRUPSKI:**

Striped bass, tuna; what are you looking at here?

**COMMISSIONER ANDERSON:**

At this point, the DEC has stated that if we can get this project moving, they will stock it. I assume trout. I don't know that much about it.

**CHAIRMAN KRUPSKI:**

What's the size of the lake?

**COMMISSIONER ANDERSON:**

Right now, it's very shallow. There's been a lot of road runoff, if you will, over the years that has filled in the lake, and part of the project would be to take that nonnatural material and essentially build a habitat island and basically also excavate a portion of the lake so that the fish that are stocked there can survive during the winter.

**CHAIRMAN KRUPSKI:**

Who would be paying for that?

**COMMISSIONER ANDERSON:**

It would be -- at the present time, it's fully county-funded.

**CHAIRMAN KRUPSKI:**

Who owns the underwater land?

**COMMISSIONER ANDERSON:**

Predominantly privately-owned. We would pick up the land to allow the fishing pier, and I assume over where the fishing pier is going to go as well, so it would be over public land.

**CHAIRMAN KRUPSKI:**

Public access has always been a major stumbling block at Deer Lake, and it's my understanding, based on a phone call I made earlier today, that the Parkdale Civic Association, which is one of the few associations in that area, they've had a recent meeting based on a meeting about a month ago, they had a meeting in the last several days, and -- of members, and they voted 44 to 5 to proceed, knowing public access would be a key element of this, so I'd like to move this along.

**CHAIRMAN KRUPSKI:**

I would like to ask the commissioner if we move this along and there's no consensus between the community and the county -- that's why I ask what "public access" is. It can't be, you know, someone can drive by and look at it; it's got to be meaningful access to something. It's got to be really -- I think you really have to have an agreement in place before we can advance any money towards this, and then I'd be happy because public access to natural lands like this is very important, but I would like to see something in place. Normally, when you have public access, it's the publicly-owned land so it's not an issue. This is a little different.

**LEG. BARRAGA:**

Well.

**COMMISSIONER ANDERSON:**

If I may, this is \$25,000. It would begin the study of what we would do, develop what needs to be done as far as acquisition of land. We'd have to acquire land, which means we'd have to buy the land. There's a significant -- there's a long way to go before we get to that point where we're actually even going to construction, so this would allow us to begin that design.

**CHAIRMAN KRUPSKI:**

But wouldn't you get public access agreement before we spend any money? Because without the public access agreement, without everyone understanding what that means as far as parking, and you said a pier -- and the pier is fine. I'm sure it's appropriate. But I think because of that point, you would need the ability for someone to at least to launch a kayak or a rowboat or something there.

**COMMISSIONER ANDERSON:**

Normally, when we do projects, we do go into the design. Generally, they are -- I would put it or equate it to, like, a road project where you start the design. That initial design is the first step; then once you've developed what you need, then you go to acquire that land. Certainly, there is no moving forward on the project if we don't have the consensus of the community that we're going to be able to gain that public access, even if it's only the fishing pier.

**CHAIRMAN KRUPSKI:**

Well, when you say, again, "public access" but then we're acquiring land, so if we buy the land that's adjacent to the lake, then we would have access to the lake, right? Well, we wouldn't put a pier on it because we don't -- you're saying we don't own the underwater land, but we would have -- the public would then have access to it and especially under, you know, what the EPA considers navigable waters of the United States. Anybody can put a boat or a kayak or a canoe in.

**LEG. BARRAGA:**

Well, certainly, I think from the civic association perspective, this general consensus with regard to public access, certainly as far as any written agreement, that would have to certainly come forth after you go through the planning stages and before you go any further as far as trying to purchase private lands for access by the public. But I think the planning stage, Mr. D'Amaro and I feel both that we can probably go ahead with this. If that vote came back and was extremely negative, I would probably agree with Mr. Krupski. Nothing should go forward until we actually see something in writing, but based on the meeting that was held a month ago, there was a lot of misunderstanding, misconception in terms of what public access really meant. The county really controls a lot of the rules and regulations as far as access, and I think the civic association based on a vote is overwhelmingly in support now.

**CHAIRMAN KRUPSKI:**

The parcel that you're looking to acquire for access, is that upland? Is it considered a building lot?

**LEG. BARRAGA:**

No, it's not considered a building lot. You can't do anything with it. It's privately owned.

**COMMISSIONER ANDERSON:**

Right. They've already had the determination with DEC that they can't build on that lot.

**CHAIRMAN KRUPSKI:**

But could we use it for access? I mean is it, the DEC -- because I assume it's wetland. It's regulated by the state.

**COMMISSIONER ANDERSON:**

That much, I don't know, but it is private land.

**CHAIRMAN KRUPSKI:**

Could we get people from the road, then, to the lake? I mean, that's the question. How do you get people -- if the DEC won't allow for building, how do we get people from the road -- are they going to allow for a catwalk or something?

**COMMISSIONER ANDERSON:**

You're talking about a home. That's what they basically denied in the permit request. This would be a small -- an area that would allow not only construction of the pier but access to it, so there'd have to be a walkway from the road to there.

**CHAIRMAN KRUPSKI:**

Okay. I will support this, but I think you need to provide -- I think part of the access should have to be, you know, safe off-the-road parking.

So I have -- do I have a motion to approve?

**LEG. BARRAGA:**

Yes.

**CHAIRMAN KRUPSKI:**

And a second? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**1392, Appropriating funds in connection with Weatherproofing County Buildings (CP 1762)(County Executive).** Is there a motion?

**LEG. STERN:**

Motion.

**CHAIRMAN KRUPSKI:**

Motion Legislator Stern.

**LEG. BARRAGA:**

Second.

**CHAIRMAN KRUPSKI:**

Second Legislator Barraga. Is everyone satisfied with the description? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0).**

**1393, Appropriating funds in connection with Public Works Buildings Operations and Maintenance Equipment (CP 1806)(County Executive).**

**COMMISSIONER ANDERSON:**

Hold on a second. Sorry. This I would ask to be tabled, if I could.

**CHAIRMAN KRUPSKI:**

I'll make a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN KRUPSKI:**

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

**IR 1396, Appropriating funds in connection with Energy Conservation and Safety improvements to the H. Lee Dennison Building (CP 1659)(County Executive).** Is that a motion by Legislator Muratore? All right. I'll second it. Commissioner.

**COMMISSIONER ANDERSON:**

We, last year, undertook a project where we replaced the stairs on the east and the south face of the building. There are portions of these plaza which are actually over the mechanical room below. Water leaks into the mechanical room over our newly-installed chillers, and we have to set up custom drain pans to temporarily address the problem, but the plaza concrete and waterproofing layer should be replaced to correct that problem, too, so that's what we're looking to do.

**CHAIRMAN KRUPSKI:**

So this was a situation that was caused by the maintenance work?

**COMMISSIONER ANDERSON:**

No. This was something we uncovered after we opened it up. It wasn't something that was a result of the concrete work; otherwise, we would've went after the contractor.

**CHAIRMAN KRUPSKI:**

Thank you. That was my question. All right. Any other questions? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0).**

**1397, Appropriating funds in connection with Decommissioning and Demolition of County Facilities (CP 1665)(County Executive).** Same motion, same second. Any specific -- Commissioner, any specific facilities?

**COMMISSIONER ANDERSON:**

Yes, sir. We're looking with these funds to currently take down two radio towers -- there's one in Yaphank, and the other one's in Hauppauge -- that currently need to be taken down. We have a number of buildings that we'd like to also take down, but at this point, this funding, the 100,000 for decommissioning and demolition will be sufficient to get those two down.

**CHAIRMAN KRUPSKI:**

Is that something we sell for scrap, or do you go to a contractor and say the scrap value is part of the bid? How does that work?

**COMMISSIONER ANDERSON:**

It would be the scrap value would be part of the bid. The concern -- and we've talked about this the entire time I've been with the county is how do we do this inhouse, and we just safely don't feel we can do this.

**CHAIRMAN KRUPSKI:**

You're worried about safety?

**COMMISSIONER ANDERSON:**

Absolutely, our own.

**CHAIRMAN KRUPSKI:**

Thank you. All right. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**IR 1401, Authorizing execution of Agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and 65 Marcus Drive (HU-1681) (County Executive).** Motion by Legislator Muratore. Is there a second? Second by Legislator Barraga. Commissioner.

**COMMISSIONER ANDERSON:**

This requests an agreement with 65 Marcus Drive to discharge 3,000 gallons per day into the southwest sewer district's collection's system and eventually into southwest. We have a connection fee of \$90,000, which relates to the \$30 per gallon per day of sewage capacity that would be discharged into our system.

**CHAIRMAN KRUPSKI:**

Thank you. Any questions? We have a motion and a second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**IR 1419, Authorizing the filing of a Grant Application for Federal Fiscal Year 2014 Section 5339 Bus and Bus Facilities Funds to purchase paratransit vehicles for the Suffolk County Accessible Transportation Program (County Executive).**

**LEG. BROWNING:**

Motion.

**CHAIRMAN KRUPSKI:**

Motion by Legislator Browning. I'll second the motion. Is this as straightforward as it sounds?

**COMMISSIONER ANDERSON:**

Yes, it really is. This proposed resolution will permit the county to apply for a grant for federal funds and matching New York State funds that will allow us to purchase para-transit vans for SCAT.

**CHAIRMAN KRUPSKI:**

Thank you. The new SCAT busses?

**COMMISSIONER ANDERSON:**

Yeah, we'll be able to --

**CHAIRMAN KRUPSKI:**

The new and improved.

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRMAN KRUPSKI:**

Thank you. All right? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**IR 1430, Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number of District 0100 Section 230.00 Block 01.00 Lot 053.00 pursuant to Section 125 of the New York State Highway Law (County Executive).** Is there a motion?

**LEG. BROWNING:**

Motion.

**CHAIRMAN KRUPSKI:**

Motion, Legislator Browning. Second, Legislator Muratore. Commissioner, can you give us a location and circumstances?

**COMMISSIONER ANDERSON:**

Yes. This resolution requests to convey a portion of unused or surplus county right-of-way. The right-of-way in question is the old Bergen Avenue down in West Babylon. There's a triangular section at the intersection of Old Bergen and Angelica Court, which we're looking -- we've received a request from the adjacent homeowner. We agree with the request, and we've got an appraised value of \$8,800, which will be paid to the county by the adjacent homeowner for the land.

**CHAIRMAN KRUPSKI:**

Thank you. Any questions? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**IR 1431, Accepting FTA FFY 2012 Section 5316 Job Access and Reverse Commute (JARC) funds for the provision of Sunday Bus Service for the Suffolk County Transit Bus System (County Executive).** Motion by Legislator Muratore. I'll second the motion. Commissioner.

**COMMISSIONER ANDERSON:**

Yes. This resolution allows us to accept the JARC funds that we received a few years ago. This is a formality. We've been using these JARC funds to help offset the expansion of the Sunday service.

**CHAIRMAN KRUPSKI:**

Thank you. Any questions? We have a motion and a second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**IR 1432, Authorizing the execution of an Agreement between the County and the New York State Department of Transportation for Federal and State Aid funding for the continuation of the HOV Bus Service on the Long Island Expressway for 2015 (County Executive).** Same motion, same second. Commissioner.

**COMMISSIONER ANDERSON:**

Yes. This extends the existing funding for the high-occupancy lane bus that runs along the LIE. It has three stops: exit 63, exit 58 -- I'm sorry, four stops. It goes into the Hauppauge industrial park and then along Route 110. This is a program we've been using. We're getting \$752,000 in federal funds, \$188,000 in New York State funds, and it doesn't cost the county anything.

**CHAIRMAN KRUPSKI:**

How is the ridership on that line?

**COMMISSIONER ANDERSON:**

I don't know, but it's good enough for them to extend it another year. Not to sound like a wiseguy, but that's --

**CHAIRMAN KRUPSKI:**

Sure. All right. Any questions? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**IR 1434, Authorizing the Energy Utility Legislative Oversight Committee to intervene in the Public Service Commission proceedings relating to PSEG-Long Island's proposed rate increase (Cilmi).** Motion by Legislator Muratore. Second by Legislator Barraga. Commissioner, do you have any insight into this, or could I ask Joe Schroeder to come up and provide us with some insight?

**COMMISSIONER ANDERSON:**

I will defer to Joe.

**CHAIRMAN KRUPSKI:**

Thank you.

**MR. SCHROEDER:**

So my understanding is that the sponsor of this legislation wanted to ensure that there was representation in the ongoing rate proceedings on behalf of the county. The county comptroller is an active party to this process, and as of last week, the county is a party to this process. I have discussed this proposed legislation with Legislator Cilmi. I believe his intention is that the county be represented, not necessarily by the committee but just that the county's represented. One of the conversations that we've had during the last committee meeting was that if there's several parties representing the county, it becomes a fragmented approach and somewhat less credible in terms of the proceedings.

I'm not really certain as to what direction the county is taking on this, but I did discuss with the sponsor the possibility of including the names of the committee members on the distribution list on behalf of the county, which would give them access to all the information and enable them to provide input to the county representatives as part of that process. I'm not certain if that completely satisfies his desires, but it did seem to.

**CHAIRMAN KRUPSKI:**

Well, that would -- I'm not quite sure if I understand you. So that would mean that they wouldn't be formal interveners, but they would be aware of everything that went on; is that right?

**MR. SCHROEDER:**

That is correct. That's not the point of -- the point of this legislation would be to make them file for formal intervener status.

**CHAIRMAN KRUPSKI:**

Would that be routine for a county committee to assume that role?

**MR. SCHROEDER:**

Anyone who could demonstrate a degree of interest in the process should be authorized to be a party by DPS. It's just a question of who is going to be a representative of the county in the process.

**CHAIRMAN KRUPSKI:**

Is there any downside -- because certainly the energy utility legislative oversight committee is staffed with, really, quite a bunch of qualified and knowledgeable individuals. It's really extraordinary, so certainly they would at the very least understand what the county's faced with here. Is there any downside for them to be interveners?

**MR. SCHROEDER:**

Well, the only downside that I could see would be if, in fact, the committee chose to advocate a different position than the County of Suffolk is advocating for, as the County of Suffolk is an intervener, so if we were pursuing different paths, then there could be some confusion as to what the position of the county is on the part of DPS.

**CHAIRMAN KRUPSKI:**

Who from the administration is coordinating, well, their intervention, besides the comptroller?

**MR. SCHROEDER:**

The comptroller has filed separately on his own, and the county attorney filed at the request of the county executive.

**CHAIRMAN KRUPSKI:**

Could we make that -- giving them authorization to intervene based on their coordination with the county attorney?

**MR. SCHROEDER:**

My suggestion is that there be some coordinated effort here or some effort to coordinate.

**CHAIRMAN KRUPSKI:**

Well, the sponsor never reached out to me as to what his intentions were here, so I would make a motion to table to speak to the sponsor, unless it's really timely that we have to intervene immediately. I agree: If we're going to intervene, we should do it in a meaningful, concerted effort. So I'll make a motion until we can get the sponsor to -- so we have a motion to table and a motion to approve. And we do have a lot -- that committee, there's a lot of resource there. There's a lot of brain power, and I would certainly like to use it on behalf of the county. Okay. So tabling, all in favor? Opposed? Abstentions? So moved. **Tabled (VOTE: 5-0-0-0)**

IR 1439 and 1440 are similar.

**IR 1439, Authorizing the sale of one surplus County Para Transit Bus to St. Michaels (Schneiderman).** Is there a motion?

**LEG. BROWNING:**

I'll make a motion.

**CHAIRMAN KRUPSKI:**

Motion, Legislator Browning.

**LEG. BARRAGA:**

Second.

**CHAIRMAN KRUPSKI:**

Second, Legislator Barraga. Commissioner, I think Legislator Browning is going to ask the question.

**LEG. BROWNING:**

I think you're familiar with the issue with the ambulance company -- I guess majority of it's actually in Al's district -- where they had reached out to us some time ago about getting a vehicle. I'm not sure exactly what kind of vehicle they were looking for, and I know they went out to Westhampton, and I don't think they saw anything. How do we know about these surplus vehicles when they come around? I mean, I know I haven't received any.

**COMMISSIONER ANDERSON:**

Yeah. There's no notification. If there's an interest, generally somebody reaches out to us. We see what's currently in surplus. As we're getting new vehicles in, the old ones basically are sitting around until such time. We have a pretty -- we're hoping to do a sale, I believe, towards the end of the summer, July, August. So right now, there are vehicles to choose from. I would state that, you know, there are requirements. There's mileage requirements that the FTA mandates that we cycle busses out, but in most cases, they're pretty beat up when they get them, so I would assume that when the ambulance company came, they didn't say anything they liked, it was probably because of the condition.

**LEG. BROWNING:**

Right. It's just to know that as they're coming in, I know when there's surplus computers, we

get the e-mail letting us know, and I know that -- 'cause these are non-profits, so I guess they're -- are they purchasing these, or this is -- oh, no, it's a sale. So what do they pay for these? I mean, how much are they having to pay for the vehicles?

**COMMISSIONER ANDERSON:**

The vehicles are based on similar prices that were received for vehicles of the same mileage. The first one is a 2008 coach, and it had 331,673 miles, and the price that they're paying is 2500.

**MR. NOLAN:**

2500.

**COMMISSIONER ANDERSON:**

Yeah, it's 2500, and the other one's the same thing. It's a little more miles, same year, 337,424 miles.

**LEG. BROWNING:**

Okay. I guess, Al, I don't know, because I know Manorville's mostly yours, then there's mine.

**CHAIRMAN KRUPSKI:**

Are there other vehicles available for Manorville if they're interested?

**COMMISSIONER ANDERSON:**

I believe at this time that there are. I would say to have them reach out to our staff, and we can show them what we have.

**CHAIRMAN KRUPSKI:**

Thank you.

**LEG. BROWNING:**

And I don't know if I want to put this on you to, you know, when surpluses become available --

**CHAIRMAN KRUPSKI:**

Get a memo.

**LEG. BROWNING:**

Get the info on it so we can -- I know it's not something -- I certainly wouldn't want to give somebody a 300,000-mile vehicle, but, hey, whatever it is they're using it for, you know, if they want to use it, that's their issue.

**COMMISSIONER ANDERSON:**

What I would suggest is, especially with regard to the transit busses, they are cycled out regularly. We have a very robust program. Rather than -- I'll try to get everybody a letter, at least send everybody a memo of what we have currently.

**CHAIRMAN KRUPSKI:**

Thank you. Oh, that's good, even once a year just to let us know that -- keep it in the back of everybody's mind that the vehicles are available.

**COMMISSIONER ANDERSON:**

Right. I know that there are vehicles available only because my staff has complained about the backup and the vehicles sitting on sites.

**LEG. BROWNING:**

Can the ambulance -- not just the ambulance, fire departments, because I know when they do trainings and...

**COMMISSIONER ANDERSON:**

We've done that before too.

**LEG. BROWNING:**

They did.

**COMMISSIONER ANDERSON:**

Fire departments, yeah, we give them something that they can tear apart and beat up and light a fire.

**LEG. BROWNING:**

Okay. Thank you.

**CHAIRMAN KRUPSKI:**

Thank you. Any other questions? All right. So 1439, we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0)**

**1440, Authorizing the sale of one surplus County Para Transit Bus to Camp Soulgrow (Schneiderman).** Motion by Legislator Browning. Second by Legislator Muratore. Same answer? Same paratransit --

**COMMISSIONER ANDERSON:**

Same price, just a little more milage.

**CHAIRMAN KRUPSKI:**

Higher mileage. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-0).**

Is there any other business here to conduct? If not, we are adjourned.

**(\*The meeting was adjourned at 3:02 p.m.\*)**