

**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 June 8, 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.  
Leg. Leslie Kennedy - 12th Legislative District  
Catherine Stark - Aide to Legislator Krupski  
Neal Lewis - Sustainability Institute at Molloy College  
Sarah Oral - Cameron Engineering  
Mark Thielking - PACE  
John O'Connell - Vice-President, Transmission & Distribution PSE&G  
John Samuelian - Senior Managing Scientist, Integral Consulting, Inc.  
Gil Anderson - Commissioner, SC Department of Public Works  
Garry Lenberger - Transportation Director - SC Dept. of Public Works  
Robin Mayr  
Troy Brown  
Rebecca Singer  
Jack Forst - LIBFRE  
Douglas King - SCDAB  
Denise Coleman - SILO Transportation Committee  
Bernard Ferracane - VIPS  
Ann Nappi - VIPS  
Victory Neisch - VIPS  
Marilyn Tucci - SILO Transportation Committee  
Teacha Gomez - SILO Transportation Committee  
Donald Gomez - SILO Transportation Committee  
Andrea Mullen - VIPS  
Michael Jordan - SILO Transportation Committee  
Dawn Cookler - SILO  
Charles Contona - VIPS  
Marie Contona  
Ecaterina Henter  
Chuck Idol  
Steve Couzzo - SILO  
Linda Jones - ADAM and SILO Transportation

Pamela Burner  
Steve Russo, Esq., Greenberg Traurig  
Rick Brand - Newsday  
All Other Interested Parties

**Minutes Taken By:**

Gabrielle Severs - Court Stenographer  
Diane Flesher - Court Stenographer

**Minutes Transcribed By:**

Denise Weaver - Legislative Aide  
Kim Castiglione - Legislative Secretary

***(\*The meeting was called to order at 2:00 p.m. \*)***

**CHAIRPERSON KRUPSKI :**

Okay. Welcome to the regular meeting -- committee meeting of the Public Works, Transportation and Energy. Could we all rise for the Pledge of Allegiance led by Legislator Browning.

***(\*Salutation\*)***

All right. Welcome to the committee meeting. We start with a public portion. We have 19 cards today, so everyone gets three minutes. If you could keep your comments brief and organized, we all appreciate it.

So the first card is Neal Lewis who is going to -- I understand going to defer because he is a speaker under the presentations portion of the program. The second card is Robin Mayr, and on deck is Troy Brown. Thank you, Jason. So Robin Mayr is up first.

**MS. MAYR:**

Good afternoon. I'm here representing myself as a disabilities advocate. I happen to be on the Disabilities Advisory Board, so -- and I use the SCAT buses, so this is a very important issue.

One of my concerns is that we -- we aren't -- we aren't given the opportunity to be as independent as we with disabilities would like to be and have a right to be, and part of that is because the transportation system doesn't allow it. We're kind of -- for instance, say we want to go to school, we want to go to a university and take classes, we can't take evening classes because we can't get home.

Now, they increased Sunday service, but only nominally. So if you live in an area next to a fixed-route bus that's riding, you're going to get Sunday service, otherwise you're kind of stuck. Life doesn't stop at 8 o'clock at night or 8:30 at night, it keeps going. And I'm here to just say we need to be treated like the rest of the world. I wish I could get into a car and drive, but I can't. You know, and I pay my dues, I pay my taxes, I would like to have the same rights as individuals who are able-bodied. Thank you.

**CHAIRPERSON KRUPSKI :**

Thank you, Robin. Troy Brown and Rebecca Singer.

**MR. BROWN:**

Hello. Good afternoon, everybody. I'm representing disabled committee as well as the fellow -- my fellow taxpayers. Before I went blind I was a taxi driver and I ran several businesses and I was a dispatcher for many years. As a rider on the SCAT buses, I see a lot of waste and a lot of time

wasted and a lot of our resources that are unused. I mean, I live in West Babylon, there's no reason why they should send a bus from Southampton to pick me up in West Babylon to go someplace in Lindenhurst; that's a waste of time and taxpayer money, as well as impacting the environment.

Let me think. Like the lady said, life doesn't end at 8 o'clock; for some of us, life just starts at 8 o'clock. You know, there's plenty of -- there's plenty of places on Long Island where people work at night, where we go to spend money, we go to interact with people and we go to do our own personal business and make our livings, you know. There's bartenders, restauranteurs, entrepreneurs and all sorts of other things. You know, we work in factories, fast food places, manufacturing, computer tech -- computer houses, and those people need to get back and forth to work. And there's a lot of things that are cut off from us because of the late night hours. The hours stop -- the last trip stops at, what, 8:30? If we extend these hours, it's going to be a big boon as far as personal income taxes, the State collects the sales taxes, people want to go and spend money as well as people like myself being more independent and self-sufficient. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you. Appreciate the comments.

**MR. BROWN:**

No problem.

**CHAIRPERSON KRUPSKI:**

Rebecca Singer; and on deck, Jack Forst.

**MS. SINGER:**

Hello. Before we hear from PSEG, here are some facts on the toxic chemical pentachlorophenol. The Stockholm Treaty on Pesticides just approved a historical, global ban of pentachlorophenol. The Treaty represents 206 countries, basically the world. The U.S.A. is not included due to lobbyists and corporate interest. Four New York State Legislators have sponsored bipartisan bills in the Assembly and Senate to ban penta for use on utility poles in Nassau and Suffolk County.

The EPA is conducting a recertification review for penta that is an unacceptable five-year review process. They could expedite that review by using Stockholm's already significant scientific research. A recent 2015 EPA study found children who spent more time outdoors tested significantly higher for penta in their urine. The only possible source of that penta is from penta-laden utility poles. Senator Schumer has asked PSEG and National Grid to halt the use of penta on utility poles until they can be proven safe. A residential risk assessment must be added to the EPA's 2015 recertification process. In 2008, the EPA ignored those requests and said since penta was banned for public use, a residential risk assessment was not necessary because children were not likely to be near the utility poles. These poles are placed throughout residential communities, feet from homes, schools and playgrounds. The 2015 Recertification Plan expressly states, *There is no residential risk assessment*, incorrectly stating it is unnecessary.

An independent cost estimate of undergrounding lines is significantly lower than the figures given by PSEG whose numbers have varied greatly for the same job. Why isn't it possible to get a detailed estimate from PSEG upfront for any planned underground line? The independent study shows a course of 2.5 million per mile. PSEG has quoted anywhere from five million to eight to ten million per mile for the same project. PSEG's 2013 annual report stated they were budgeting 60 million for 20 miles of undergrounding or three million per mile. So what is the real number? Why has PSEG's own number skyrocketed in two years? The utility companies imply that the cost difference between wood and composite poles is very high. Looking at only that figure is misleading. Research shows, although pole to pole cost may be significantly different, the full installation cost including the poles, are very close and over the life of the poles, the composite poles are significantly less expensive;

almost half.

National Grid, a British company which is affected by the Stockholm ban on penta in Britain, is currently refusing to remove a penta pole from the lawn of a Syracuse family with four children ages six months, three years, six years, eight years. Both the father and one child have asthma. National Grid can import toxic poles to us but can't use them in their own country? There's something wrong with that. Thank you very much.

**CHAIRPERSON KRUPSKI:**

Thank you. Jack Forst; and on deck, Doug King.

**MR. FORST:**

Good afternoon. My name's Jack Forst, I'm the secretary of Long Island Businesses for Responsible Energy, commonly known as LIBFRE. I'm delivering this speech written by our Chairperson, Helene Forst, and will submit a copy for you at the end.

East Hampton is defined by the unique character of its hamlets, villages, countryside. The farmland is rated the best in the State. The Nature Conservancy has designated the area as one of the "*Last Great Places in the Western Hemisphere*."

East Hampton Town is rich in historic and cultural resources. Development has not erased the natural and scenic characteristics once covering all of Long Island. The town treasures and is committed to sustaining the rich array of natural and cultural resources that are unique to East Hampton. And East Hampton will continue to be a green community, a leader in protecting its environment, saving energy and preserving open space. Future development should be harmonious with the existing character of the community.

The hardening and upgrading of our electrical grid, however, has not been harmonious with the unique characteristic and nature of our community. PSEG Long Island's installation of 65-foot toxic utility poles laden with pentachlorophenol, has contaminated our air, soil and groundwater, destroying the aesthetic beauty of our residential areas, devaluing our homes and creating a situation that negatively effects the health of the residents and our environment.

Soil samples taken near utility poles in East Hampton show concentrations of PCP more than 300 times the New York State permissible limits for poisonous substances. In a recent water test requested by the Village of East Hampton and East Hampton Town, the groundwater was found to be contaminated with five poisonous chemicals that are part of the penta formula. Yet, response from New York State Department of Health, New York State DEC and Suffolk County Health Department falls on deaf ears.

Pentachlorophenol is an extremely toxic wood preservative that threatens the health of people and the environment. It builds up in the food chain and our bodies and is passed onto our children through breast milk. Penta belongs in a class of dangerous chemicals that have left a toxic legacy around the globe. It is classified as a probable carcinogen by the Environmental Protection Agency. It is highly persistent and migrates down under conditions such as heavy -- downgrades under conditions such as heavy rains, snow melt, runoff and potentially contaminating private wells, wetlands. Cancer-causing chemicals like penta should not be able to be leaked from utility poles in our community.

On May 16, 2015, delegates from more than 90 countries took the unprecedented step of voting for a global ban on pentachlorophenol. This historic vote came at the combined meeting of the Basel, Rotterdam and Stockholm Convention in Geneva, Switzerland.

New York State Assemblyman Fred Thiele, in his bill 2013. And New York State Senator Ken LaValle in bill 1879, has proposed legislation to ban pentachlorophenol in New York State to prohibit the installation of new poles with penta and to prohibit the application of penta to maintain existing poles. There's approximately one million utility poles treated each year with penta. Senator Charles Schumer reported that over 95,000 poles have been installed on Long Island and to our dismay --

**CHAIRPERSON KRUPSKI :**

You're going to -- I'm sorry. Are you --

**MR. FORST:**

-- PSE&G Long Island continues to harden our electrical grid and install thousands more of these penta-laden poles.

**CHAIRPERSON KRUPSKI :**

Your three minutes is up, though, you're going to have to wrap it up.

**MR. FORST:**

Now, who would I give the rest of this to?

**CHAIRPERSON KRUPSKI :**

To the Clerk. Thank you.

**MR. FORST:**

Thank you very much.

**CHAIRPERSON KRUPSKI :**

We'll get a copy. Thank you. Doug King; and on deck, Denise Coleman.

**MR. KING:**

Good afternoon. My name is Douglas King, I am on the board of the Suffolk County Disability Advisory Board. I'm the Legislative Chairperson.

There's several reasons why I'm coming to talk to you today. The one reason is because of IR 1484, which is before us today. That is a resolution to bond for a survey for the Americans with Disabilities Act. I'm extremely against this, because instead of bonding, we should be able to go to Department of Justice, okay, and get funding that way instead of us bonding for the next ten years.

The other reason why I want to talk to you today is because on Monday of last week it was brought to my attention of a lawsuit that went against the County back in 2006, and basically what it is is that the Department of DPW is not in compliance of the Americans with Disabilities Act. Now, you're probably wondering why I'm bringing up an old case. The reason being is because the Department of DPW still does not have an ADA compliance officer for that department. So instead of spending millions on a survey that we have to bond with, why don't we just spend the -- why don't we just hire somebody that's more than qualified to become an ADA compliance officer where we would be able to save the County multimillions of dollars. Thank you.

**CHAIRPERSON KRUPSKI :**

Thank you. All right. Denise Coleman; and on deck, Bernard Ferracane.

**MS. COLEMAN:**

Good afternoon, and thank you for giving me this opportunity today. I lived in Suffolk County for the first 40 years of my life and then moved to Manhattan in 1991 here I continued to build my career and served as Vice-President in several major universities.

I lived with spine problems since I was 12 years-old, but I was able to manage until the pain became extraordinary, and I did have four major spinal surgeries. In 1995, I was also diagnosed with Multiple Sclerosis and it was found that I had had it for at least 15 years. I moved back to Long Island in 2012 so I could live near my daughter and her family, including my two wonderful grandsons, who moved to Centerport from Manhattan. I bought a house in Huntington and I'm in the process of having it made accessible.

I attended the Suffolk County Independent Living Organization, also known as SILO, for the first time on May 13th and found that those in attendance, many here in yellow shirts today, were having similar issues that I have. I spoke to Alice Young after the meeting and discussed the possibility that my past experience in advocacy work and in various community relations might help. One thing I believe and stressed to my staff always was that if you bring up an issue to a group, you should be prepared to help come up with a solution.

We know that finances are a main issue in the County and the van -- and the SCAT vans run a significant amount to run. Therefore, we propose that the County or SCAT have a three-month pilot program during which buses run until 10:00 pm and have some services on Sunday mornings. We propose that this program take place after a sufficient time is given to notify all eligible riders that this pilot program is taking place so that you will see and receive a real accurate state of ridership. The reason this is important is because so many of us are cut off from living a full, independent and fulfilling life. For instance, I joined one of the Meetup -- I don't know if you know Meetup, it's a website -- and it's called Great Restaurants on Long Island where they schedule dinners all over Long Island in wonderful restaurants. I can get there, I just can't get home. So obviously I don't go, I only go to those in Huntington where I can afford a taxi home.

I believe that a three-month program is -- would be clear to everybody that people with disabilities desire to have a better quality of life, which can be partially achieved by providing transportation so they may do things, many things, that it once did or have a desire to do and have not been able to do. Sorry. Let me just give you one example. People here have come today, many of us by SCAT. We're here because it's an important part of our life. I urge you to talk to Alice Young, the Department of Trans -- the committee transportation head and let us all work together to put together a pilot program and come together. I would be willing to sit down with anybody and talk about what we need to do to develop this program, to identify the issues and to come up with solutions that would help everybody live better lives and feel better about what they're providing.

**CHAIRPERSON KRUPSKI :**

Thank you, Denise.

**MS. COLEMAN:**

Thank you very much for letting me speak today.

**CHAIRPERSON KRUPSKI :**

Thank you. Bernard Ferracane; and on deck Ann Nappi.

**MR. FERRACANE:**

Hello all, and thank you for coming. I've been President of the Islip Alliance for three years now and member of the Islip Alliance for ten years. I have escorted a lot of fellow blind people from my organization that we belong to, that we're all here in yellow shirts representing the visually-impaired people of Suffolk County.

I can solve this problem with a few solutions. To extend the hours of operation and on -- and add Sunday, all you have to do is consolidate the rides. I can't count the number of times I have seen four or five buses picking up people from the same location and going to basically the same general

area. One particular time, three different buses picked up three different people at the same location; one person going to Shirley, one person going to Mastic and one person going to Moriches. What an incredible waste of time, fuel, maintenance and money.

I know there are other unforeseen problems that I may not be aware of, but if you try the simple solution, you will have the funds needed to to extend the hours of operation. Please help the people that need SCAT. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you. Ann Nappi and on deck Victory Neisch.

**MS. NAPPI:**

Hi. Thank you. My name is Ann Nappi, I come from Shirley. And you know, I'm a longtime resident of Suffolk County. I moved out here with my children in '59, my youngest was only two months old. We did that because living in Brooklyn was not going to be very nice. So now being I'm here this time, I saw a lot changes over the years, a lot of service on the SCAT bus, a lot of buses. But honestly, really -- you know, it's very hard. I'm blind, naturally, I'm an older person, I want to go out and have a good time, but you really can't because the time stops at 8:30 for the SCAT bus to come home or to take us home. Please, if you can see or can do, extend the hours to later hour. That would help us a lot.

Also, like I say, the Sunday trip would be nice. I'd like to go to church. I go to a different church than my children do, but I like to go to mine. All right, please, Sunday would be nice too. And, you know, too -- also, with the buses, the 1400 is not a very nice bus; it's uncomfortable, the floor is slippery. The new 15 bus is small and you actually have to go sideways to sit to a seat. There's a single seat there. Now, last week, I was on a 1517 bus, the driver helped me buckle in the single seat, helped me buckle in. When he started up the chair moved. Oh, when he stopped the chair moved. So I said to the driver, *This is moving*, he goes, *All right, I'll note it, and I'll put in a complaint or I'll put the problem in*. Thank you on that.

So I'm telling you the buses are not very nice either. They're very uncomfortable but I know everybody did their best in trying to get the SCAT buses for us and thank you. I'm going say God bless everyone here and all of you Members on the board here. Thank you, God bless you.

**CHAIRPERSON KRUPSKI:**

Well, thank you very much. Victory Neisch; and on deck, Marilyn Tucci.

**MS. NEISCH:**

Good afternoon. I'm here with my guide dog, Yukon, and I'd like to talk a little bit about the 1500 series buses. They were purchased and when they sent the prototype to SILO they said they were going to make a number of changes. Well, I tell you, some of the changes aren't very good. The seats were child seats. They put a board, a base seat over the top of it, that bench seat is very uncomfortable. My average ride is approximately 60 miles. I do it a couple of times a week and the problem is is that when I get off that bus, when I get home, my back and my kidneys are hurting. The buses, number one, have a very hard suspension plus the bench seat that was made is padded, has very little -- also has very little resiliency. I think that that should be looked into and anything you could do, I would greatly appreciate it.

Another thing is today after the -- after you people go home I'm here until five o'clock. I made reservations at seven o'clock in the morning last -- last week, last Wednesday. They told me there was no buses available for me. I live on the East End. Why is there no buses available for me at four o'clock? I'll be sitting here in the lobby till five o'clock waiting for a bus. I think there's something you could do with the computer. We have people that are going the same direction I am

and I'm not permitted to get on their bus. We just called and asked that they make a change, and they said the County will not permit any changes, and that means that there's probably going to be an extra bus running all the way out to East Marion with me on it. So whatever you could do, I greatly appreciate it. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you. Marilyn Tucci and Teacha Gomez.

**MS. TUCCI:**

Good afternoon. I work for SILO, I'm the Outreach and Advocacy Coordinator, but I'm here today as a taxpayer and somebody who rides the SCAT bus.

Unfortunately, I am forced to ride the SCAT bus because of poor public transportation. I can't take a public bus to go to work. If I could I'd have to take six public buses in a day. I would rather spend 75 cents on a public bus than have to spend \$8 on SCAT and also sit on that bus for hours and hours, but I have no choice. I have to go to work, I have to go to doctors. I have friends that I would like to visit, which I try not to too often unless I can get a ride. And we are asking for later night services because, as many of the people here said, our lives don't stop after 8:30.

Now, two weeks ago I had a Lions Dinner to attend. I'm also a Lion, and Mr. Ferracane is the President of the Lions Club that I am a part of. I had this dinner at Momentum in East Islip, I had to be there at 6:30, the bus was able to get me there. The bus driver sat there for two hours and waited for me to come out. I had an 8:30 pickup; I didn't ask for an 8:30, but that's what reservations said because I found out she was a 9:30 driver. If we can have drivers that stay until 9:30, why can't we get later night service on the bus? You're paying this driver to sit there. She sat there for two hours and did absolutely nothing while I was having dinner and then took me home. And I said I would have come out early because I wanted to leave early, but unfortunately they told me that all they had was an 8:30 pickup and I went out there and there she was, and she said to me, *I'm a 9:30 driver*. So there's a waste right there of taxpayers' money. You know, you're having a driver sit there for two hours and this happens many, many times.

Now, when we go home today, we have buses picking us up. I don't know if the people that live in my area are going to be on a bus, and we could all be on different buses for all we know and we all live five minutes apart, many of us. To me, again, that's a waste of taxpayers' money. I don't understand. I know how the system works, I've had a tour of the bus company. Most of the drivers are great. I think it's a great service, but it should be run a lot more efficiently than it is; and if it was, I think then we could save the taxpayers a lot of money.

I know the AVL system that was put in. You people spent millions of dollars on the system that there's so many flaws in. You know, but yet, when we ask for late night service we're told, *You can't have late night service because the County doesn't have the money*. I'm sure if you found the money for this AVL, you could find a little bit just to give us a few hours late night service so we can also be a part of society at night like the rest of you are. I'm sure when all of you go out in the evening you don't say, *Oh, 8:30. I've got to get in my car now because my car will stop running past nine o'clock. You know, I've got to be in the car*.

So we would like the same things that you have. We want late night service, we want to be able to go places also on Sunday, to attend churches, some people might want to attend a synagogue, I don't know. But we want to be treated the same way as everybody else, and unfortunately we're not and it all lies on transportation. Thank you.

**CHAIRPERSON KRUPSKI:**

Okay, thank you. Teacha Gomez; and on deck, Donald Gomez.

**MS. GOMEZ:**

Hello. Hello. My name is Teacha Gomez and I am very hard of hearing, so I don't know if you provide sign language interpreter for me. I've been here many times and have been no interpreter, so how am I supposed to hear you, you know, answer my question with no interpreter?

But anyway, I have noted the buses, the SCAT buses, you know, they're small and hard to get up on the step, you have to bend your head down and the seats are very small. Now the population, people who are overweight have medical problem and people can't sit in these seats because they're very small, you know, and I'm -- you know, take myself, my husband and I together going on the bus and there's no room and we can't sit. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you. Donald Gomez; and on deck, Andrea Mullen.

**MR. GOMEZ:**

Hello, everybody. My name is Donald Gomez, I'm a board member at SILO. I'm a board member at Third Eye, I'm a Vice President of VIP, Vision Impaired People of Suffolk, and I represent all these groups as well as myself.

You know, we -- I've been riding SCAT for 18 years and there was a lot of problems in the past and we come to where we are today and there is still the same problems. You know, especially with the 1400 bus and the 1500 series. I mean, I've been hitting my head every time when I ride those buses, coming off the bus. Why? The drivers do not tell you, they forget to tell you to duck and, you know, when you can't see, you're in trouble. You know?

And then the extended service, I think that we should definitely have extended service because I have a restaurant group for the disabled as well. We meet once a month going to different restaurants throughout Suffolk County. We have up to 45 people coming to these groups and they spend money; every time we go, we're spending over a \$1000 in restaurants. And that's revenue for the County, it's revenue for the businessman who runs these restaurants, and it gives us pleasure to be out amongst regular people who can drive, who you ain't taking for granted because they have cars, we don't. And we can't -- we have to depend on SCAT, and when we have -- you know, when I have to make reservations from 5:00 to 8:30, we have to hurry up and eat because most of the time SCAT comes earlier than they should and then, you know, we can't relax, you know what I mean? So I feel that something should be done about that.

And on Sunday I know a lot of the guys here in our group of VIP's, you know, we go to different churches on Sunday. We have friends that we would like to go see as well, and we can't do that because there's no buses. You can go -- I mean, you'll have some buses that can go in certain areas, but you go outside that area you're in trouble, you got nothing.

So I just feel that, you know, something should be done with the legislation -- our Legislators here because we are voters. You see every shirt in yellow here, it says *We Vote*, and we do. And I deal with a lot of different groups and if we have to we will -- we're going to make it known that we're going to get out there and vote. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you, Donald. Andrea Mullen; and on deck, Michael Jordan.

**MS. MULLEN:**

Hi. I'm married and my husband works on weekends and I would like the bus mainly running on Sundays so like I can get to the church or go grocery shopping and have that on Sundays, and also extended hours during the weekend -- during the week, so in the evening I can go out with friends

to dinner or places or to a late night movie, and that would be appreciated if we had the bus. All right, thank you.

**CHAIRPERSON KRUPSKI:**

Thank you. And just -- Michael Jordan; and on deck, Dawn Cookler.

And just so everyone knows, the Commissioner of Public Works, Gil Anderson, is here and I see him taking a lot of notes. He's been -- he's been very good about working with Suffolk Bus and Garry Lenberger on a lot of these concerns.

**COMMISSIONER ANDERSON:**

Thank you.

**MR. JORDAN:**

Good afternoon. I'd like to just state a few things with the SCAT riding and all things present.

I know a few people who are taking chemo who would rather do it in the evening and get out late night, so after their exhausted day of taking a bag that takes a four-hour treatment, a five-hour treatment, they can come home and rest. But being that the SCAT or public transportation doesn't run past 8:30 or even 9 o'clock, they have to do it during the daytime where they can't get any rest.

I know a few people that work late at night. They go to work on SCAT, but they have to spend \$80 a week to take a cab home from Riverhead to Rocky Point. I know a young man that has a job in Coram who lives in Middle Island. He has to spend \$64 a week to take a cab home at night because there's no public transportation or SCAT to run after 9 o'clock when he gets off work. And even for myself, I was turned down taking a class in counseling because I couldn't stay past 8:30 because the class got out between 9:30 and 10 o'clock.

And on Sunday's I would like to have a ministering program for people who are disabled, people who are drug addicted and are even bound and just -- they're stricken with stuff, but I can't do that because I have no transportation back to the place I fellowship.

So I'm here today just to cover the whole basis of the transportation system, not just SCAT but fixing the fix line and SCAT line so it runs longer and it's more north to south, not just east to west so we can improve the mobility in Suffolk County. And I would love to have the extended hours a little bit longer and love to have Sunday, too.

Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you, Michael. Dawn Cookler; and on deck, Charles Contona.

**MS. COOKLER:**

Good afternoon, everyone. My name is Dawn Cookler, I'm on the board of directors for SILO, which is Suffolk Independent Living Organization. I don't know if anybody explained what that was, but it's a community center for people with disabilities, and I'm also on the Special Needs Task Force for Town of Brookhaven. And I would like to extend the bus services in all of Suffolk County, not just for SCAT but for all of Suffolk County, because SCAT has to do whatever the regular buses do. So the only way to increase the hours for SCAT is to increase the bus service for all the buses in Suffolk County.

About a week ago my doctor just told me I could go back to work. I've been out of work for three years due to medical issues. My health is improved and I'm very lucky and grateful to God that I'm able to work. My job, I called them last week. My job's in Islip, they asked me to come back right

away, so I'm starting my job tomorrow. And the shift, the work shift is from 5 p.m. to 10 p.m. I have to leave at 8 p.m. because I have to take the SCAT bus home. I have no other way to get home. I cannot get in a taxi cab with my scooter and I can't get a -- I can't get a ride from anybody because my scooter does not fit in the car, so SCAT is my only means of transportation. So I'm allowed to work from 5 p.m. to 8 p.m., only because I work for the same company for 12 years and I had a perfect attendance record because I planned my trips properly. I have to leave my house two hours before my work shift starts in order to get to work on time.

In my job, if you're more than ten minutes late, they send you home, so I have to be there on time. I had a perfect attendance record for 12 years and I was employee of the month for every six months for 12 years, so because of that they're letting me leave at 8 o'clock instead of 10 o'clock. But if the buses ran an extra hour, I could work an extra hour.

Now, you may ask why I go through all this effort just to get to work? I love my job and I'm like happy as a lark that I'm going to back to work; I never thought that would happen and I'm really grateful I could go there and work, and I need money. I only have \$10 to my name at all times, so it would be nice to have a little bit of money, you know. And I'm just very grateful I'm able to go to work, but if SCAT extended the hours I could work an extra hour or an hour and-a-half. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you, Dawn. Charles Contona; and on deck, Marie Contona.

**MR. CONTONA:**

Good afternoon, everyone. My name is Charles Contona. I am a retiree from the MTA for the past 15 years, I put in 27 years and three months. And when I had picked up many, many people with disabilities, and while I was experienced in doing so to my best of ability, I helped them not only enter but exit the system as well.

Now, I realize that SCAT has issues, and they do. They have proper scheduling as well as evening or extended hours, like people in my group have mentioned. Now, they're not extending -- or we're not expecting, I should say -- private limousine service or red carpet rolled out. But come on, guys, this system has issues in mechanical abilities as well, and the only way they're going to get around is if the system is actually adjusted and fine-tweaked, so to say.

Now, who would ever think I, as a bus driver that had sight, that this would happen to me? Now, let me tell you, just being on the other side of the fence, my heart goes out to these people. I have never met such a fine group of people that I have been introduced to in such a short amount of time.

So, I ask you, very kindly and politely, just listening to all of my friends, that you, too, will take it serious and the issues that they have, because I know riding the system myself, it can be perfected. I thank you so much for listening to me.

**CHAIRPERSON KRUPSKI:**

Thank you, Charles. Marie Contona.

**MS. CONTONA:**

Good afternoon. Yes, Charles is my husband and, as he said, he's a former MTA bus driver. He was recently blinded two years ago, and because of the numerous imperfections with the SCAT system, I am forced to drive him everywhere and I have medical disabilities myself. I suffer with Lupus and heart problems and I'm a diabetic and it's -- some days it's virtually impossible, you know. And I know that he needs go places to get out and socialize, and also he has doctor appointments and things, so it makes it very difficult.

If the SCAT system would be more perfect -- nothing is perfect, but an improvement would greatly help us. He would be free to travel with the SCAT more frequently and that would alleviate some of my traveling time. And I just ask for help with the SCAT system that we need so -- so much, we really do. And I just want to say God bless all and I hope that this all works out and we do get improvement. Thank you.

**CHAIRPERSON KRUPSKI :**

Thank you. The next speaker is -- and I'm sorry about this name, Encalenna (*sic*) Henter? And on deck, Chuck Idol.

**MS. HENTER:**

Good afternoon, everyone. My name is Ecaterina Henter and I'm here to represent not only myself, but everyone who is disabled here in Suffolk County.

As you heard from so many of us already, that it's very difficult to go to places in the evenings because we have no ride back. Now, I am a social worker, so that's why I'm saying it's important for me -- not only for myself, but for everyone who's disabled here -- that we have to be able to go to different places. And as a social worker, I'm looking for a job, and unfortunately I can't find some of the -- I can't even look at those jobs where I have to end after 8:30. A lot of the social work positions are late in the evenings. Why do I have to be different from anyone else who went through the same schooling, same years, got my license as everyone else and still be -- still have to be different than anyone else? It should not be this way.

In Nassau County, I know that Able-Ride runs until 11 o'clock. They pay 3.75, we pay \$4. And do we see improvement? We did see some, but it should be more than that.

Sunday service also, we have to go to places on Sundays; we cannot do that. I have -- I personally have continuing education classes that I have to attend as a social worker. Can I go to those? No, because some of them start at 7 o'clock and end at 9 o'clock. What can I do? I have to ask someone to take me back home. Can I be independent? No. I'm just asking to please think about it. If all the cars would be stopped at 8:30 in the evening, no one would be able to drive. Suffolk County would stop. This should not be this way and I'm asking you to please do something and have a deadline when you have to accomplish something about this, because we keep coming here and asking for the service and it doesn't seem like we're receiving all of them.

So that's -- thank you so much for listening to me and looking forward to coming back again, and thank you for all the service that you give us. Thank you.

**CHAIRPERSON KRUPSKI :**

Thank you for coming. Chuck Idol; and on deck, Steve Couzzo.

**MR. IDOL:**

Thank you, Legislature, Members. My name's Chuck Idol, I'm from Nassau County. I'm here to talk about pentachlorophenol. Hi, thank you for letting me speak, and I'll be brief. You've had two excellent speakers who've summed up many of the issues with this chemical.

I want to state one thing to you; this chemical is not safe. I'm going to repeat that; the chemical is not safe. Anyone who would stand here before you and tell you it's safe is misleading. The EPA and OSHA require anyone working with the chemical, they must be wearing rubber gloves, respirators. If the chemical has gotten on any of the workers' clothes, they are told to disrobe, make sure they do not bring this chemical back into their home.

I've been at this with this chemical for quite some time in Nassau County. I run a website *pentachlorophenol.info*, I'm giving you that information here. I've got films on there from workers, I've got films on there from towns that have been shut down from this chemical. Some of them where consultants have gone in to try and clean up the chemical. If you remember the Love Canal, you can go look at that material there; Cass, which is a Minnesota town, which has had massive issues. I can't stress to you, the chemical is really incredibly not safe.

I want to tell you one last thing. I have letters, happy to share them with all of you, from homeowners who are losing access to their home. Utility poles are put up within 30 feet of the homes. I have a letter here, I'm giving it to the -- to the group. They have to close their windows now. They can't -- they literally cannot use their own homes. Those letters have been sent to the Governor, they've been sent to Ed Mangano, I'll be happy to share them with you here, whatever it takes. My message is there are alternatives. There are composite poles, there are steel poles. The website that I run, I'm even trying to show you all of the states that are doing things now to not use these chemical poles. I know we need electricity and that's fine, I understand that, but I can't stress to you, there are alternatives.

And I'm happy to answer any questions you have. My e-mail is *Chuckidol@aol.com* and I thank you for letting me speak.

**CHAIRPERSON KRUPSKI:**

Thank you. Steve Couzzo; and on deck, Linda Jones.

**MR. COUZZO:**

Hello. My name is Steven Couzzo. Good afternoon, Ladies and Gentlemen of our great Suffolk County Legislature. I've spoken before in the past with you.

This is in reference to the SCAT and extending hours for evenings and full service on Sundays. There's just so much that goes on in our communities and so much we could -- we could gain from being involved in them. One gentleman was talking about the Lions Club, there's a dance this -- this Sunday, there's no service for most of us on that. The Lions are picking it all up. There's -- I live in the Town of Huntington, there's Heckscher Park, there's all kinds of night events there we can't attend. The Vanderbilt Museum has night theater; we can't go. You have to make arrangements for rides back or -- or figure out your schedule around what we can't do. It's not why we can't do it, you know, it's -- it should be feasible. I mean, we're not talking a long -- a lot -- to 10 o'clock, 11 o'clock, whatever's available, and full service on Sundays where people can go worship. You should be able to get this done. I don't think it's in the realm of being -- not being able to get done. We've offered ourselves with groups through SILO, Suffolk Independent Living Organization, and ADAM to be accessible to the Suffolk County bus and to the Legislature to help out in a liaison or whatever capacity that we could help you to -- to get it done.

I was in the industrial field for a long time and it was -- it was always had a -- you always had to have a solution, there was no -- no not getting it done. That was never -- that was never an answer to the bosses. You had to figure it out, and if you had to do some lean -- lean enterprising to make it work, that's what we did.

But I appreciate your hearing us today and I know you're -- after as many as we've spoke there's -- you're quite aware of what we're looking to do, is extending hours and just getting back into society to where we can enjoy some of the things that are set up. There's so many parks, Tanner Park on the South Shore, Riverhead, all kinds of concerts, churches have events. They all run past the hour of getting the last call on the bus, which is difficult at 8 o'clock and then the window of 15 minutes either way, so pretty much you go out and you have to be ready to leave by about 7:30. And just you're missing so much in our towns and our communities and the economics are missing our part of

it, and thank you.

**CHAIRPERSON KRUPSKI :**

Thank you. Linda Jones.

**MS. JONES:**

Okay. Good afternoon, Members of the Committee and attendees. My name's Linda Jones and I am a cofounder of ADAAM, Americans with Disability Act Awareness Movement. We are an advocacy group of the disabled for the disabled. We bring a face to the face of -- to face and counter of the disabled to the committee of the Legislature to try to improve our role in the transportation system called SCAT.

First off, I would like to thank the committee and SCAT for letting us make reservations for people who live in the same area and going to the same place. Obviously, a lot of people are not getting that, but me and a gentleman that just spoke are in the same area so we -- when we call up SCAT we say, *He's going too, at the same time. Can I get his bus too?* And they say, *Yeah, sure,* and then they schedule him to call in and verify it. So we've done that like four times already, so I don't know if anybody else has tried it yet, but I just wanted to make that part clear.

The 1500 buses are perfect for me, not everyone else, and I sit behind the driver and there are plenty of room for me and my dog. Thank you for all you do.

I'm here today to ask the Legislator [*sic*] to extend the services on weekdays and to extend them to -- on weekdays and Sundays and to extend them to all SCAT users. I tell you the truth, I would love to be able to go to church on Sunday and I can't. I have to go on Saturday afternoons when I can use the bus. I want to go to the family gatherings on Sunday but I can't go to that either unless somebody is coming by on the way. We just -- we just want our independence to go and come as we please every day. That's why I have a guide dog to guide me where I want to go. I don't have to hold someone's arm and I'm out and about -- when I'm out and about. It's such a wonderful feeling, like I've been freed or even liberated.

I am an inspector for the Board of Elections and I will be using the BMD machines this coming year and I am proud -- and I'm proud of it. I always make sure my vote counts and my taxes are paid. I think to make a difference, I am -- I'm significant. There are over 300,000 -- 300,000 disabled voters in Suffolk County and we all make a difference, a big difference. Thank you.

**CHAIRPERSON KRUPSKI :**

Thank you. Thank you for coming.

Now, we had -- we've gone through all the cards this afternoon that have been presented to us. Is there anyone else who'd like to address the Committee? And just to add to all the comments, most of them, the majority of them were for comments on the SCAT bus, the service and whatnot. And Garry Lenberger here is here from DPW and he has been taking notes also, and I appreciate him coming to hear what you have to say and hear your concerns. And he's -- I know he's -- he's worked very hard on this.

So we have two presentations this afternoon. The first is Suffolk County Climate Action Plan. We have Neal Lewis, Sarah Oral and Mark Thielking, and they're going to give us a presentation on the proposed plan. And after their four hour debate here, I think we'll have -- how long did you say you needed, Neal, four hours? I think after that, then we have PSE&G to talk about different issues with the poles.

**MR. LEWIS:**

Well, good afternoon, Mr. Chairman and Members of the Committee. As you said, we have the four of us here, we're going to hit the highlights and present this Climate Action Plan and ask that it -- and ask that it be accepted by the Legislature. So if we could go to that.

So the Climate Smart Communities Program is a New York State program. It's administered by several different State agencies, including the DEC and NYSERDA. *[Indicating]* You see here some of the elements of the program. It's not something that's required, each municipality has a choice, and the funding for the program is from the Greenhouse Gas Initiative, so it's very directly focused on reducing our greenhouse gas emissions. The program was presented to Nassau County in the form of a -- excuse me, to Suffolk County in the form of a resolution that was adopted, and you see the date here, so it was November of 2012, Wayne Horsley was the Legislator at the time who brought the motion. So that gives you a sense of the time that went into preparing the work product that we're bringing forth to you today.

I do have the committee members identified and wanted to point that out. So it's a two and-a-half year time period. It did involve eight specific meetings of the committee and there was some changes in membership, but for the most part this is -- this is the membership that participated throughout the process.

So we produced -- I also do want to acknowledge a thank you to a number of people that assisted the committee who were not members of the committee, and so we're very appreciative of that. And I believe a few of them are here today also, so we want to acknowledge some of those folks. We've -- we're presenting this plan, fortunately Cameron Engineering was able to produce some written copies, so we do have this in front of you today, and I want to say a word about the way it's organized. *[Indicating]* So this one page is meant to give you an overview of the structure of how we organize this plan, and hopefully you can use it as sort of a quick reference to the structure of the plan. In this area of energy efficiency and renewables issues, many times there's questions about what the different layers in local government -- what's an appropriate place for actions of different types. So here we wanted to make sure in this plan that we started with the things that the County has direct control over. So it starts with municipal facilities and operations, because we wanted to be clear that those are things the County has direct control over.

When it comes to community-wide policies, we wanted to make clear that those are areas where there's more of sort of suggestions, there could be ongoing programs, there can be incentives. And sometimes there may be a mandate, but many times the County does not have direct land use control and so a lot of things that might constitute a direct mandate that would impact the public in general, we really had to take more of a form of recommendations and encouraging programs. So we wanted to distinguish between those things that are Countywide initiatives versus those things that the County has direct control over. And we also wanted to treat the community college separately because it's such a big program at the County, so it's really about ten pages in the plan is just directed to the County.

And then separately we handled the County initiatives in the areas of adaptation and resiliency. Just because that's such a big area, we really wanted to keep that separate from what is otherwise mitigation efforts, which constitutes the bulk of the plan.

And then lastly, in drawing your attention to this outline section, if you see how we make the distinction between past accomplishments where the County has really done a great deal, and I want to emphasize that in the very next slide about past accomplishments. But then we move onto the projects that are ongoing and may, in fact, be currently under consideration. So if there's any kind of study being done on a proposed action, then that would fit into that middle category, and then the potential future actions, again, we wanted to keep these separate. So it's distinguishing

between these three broad categories for pretty much all the sections that we have in the plan.

So that's all by way of setup as to, you know, what you might expect in plan, the people that worked on the Climate Action Plan, how it fits into the broader Statewide program for Climate Smart Communities. Now we get to some of what the findings are.

The biggest takeaway really has been tremendous success in the area of those programs that the County has carried out when it comes to retrofitting County facilities. So clearly, very aggressive efforts. And, you know, as a committee we were just helping out and pulling this together, so I certainly don't deserve any recognition for the work that got done. You have a very extensive effort within County government and we hope that you, you know, reach out to and support those efforts that are ongoing by the County's personnel that are carrying out these programs; we mention a number of them in the thank yous and also in the makeup of the committee.

So in all these efforts that have gone on, essentially they've targeted a series of buildings and gone after the buildings that many times could yield the most dramatic results first. And with those retrofits, many people say, *Well, what's the bottom line? What's the takeaway here?* If you add up all the retrofits that have been done by County -- at County facilities, what we're seeing right now is that energy efficiency, for the sake of Suffolk County, is proven to be a very real source of money savings for the taxpayers. So energy efficiency is now producing some almost \$5 million annually in avoided energy costs. So this is a very real, tangible takeaway as a result of these investments. And these are net numbers, so this is taking into account the money spent on the retrofit, so even after the retrofits we're seeing these savings.

You know, on any given retrofit, the savings can range between 30 to 60%, each one is going to be different, but it tells you. And we do have an appendices to the report; Appendices A that lists a lot of the projects, some of those, I would assume, have gone further since the date of when it was compiled into the -- for the purposes of the report. So some may be completed now, they're still listed as, you know, next in the queue. But each project, different size, different scale. So what we've also done in the appendix is a listing of specific projects so you can get a sense of the amount of money spent and the savings that were produced.

So to us, that's the exciting takeaway. It should be looked upon in the context of the overarching goals for the program. The often-stated goal is this one which is considered not overly aggressive, it's kind of -- but it's a pretty tight timetable. And basically it's saying a goal of a 20% reduction in both those things the County has direct control over: The County facilities, which we said already, very aggressive efforts to retrofit the buildings, about half of the buildings have been done; and then also Countywide for, you know, beyond government operations, so they're community-wide. And in both of those specs, the goal of 20% by 2020 is commonly stated at the State level. As we point out, one of these is very much akin to one of the Executive Orders. So we think these are reasonable goals and achievable.

I could point out that we don't yet have 2015 numbers, but we do have 2010 Greenhouse Gas numbers and it was about a 10% reduction from 2005 to 2010; that's for community-wide. So it certainly suggest that we could continue that kind of progress towards a 2020 goal of 20% reduction.

So we wanted to mention a couple highlights, although in many respects we did not prepare a list of the recommended actions separate from the plan because we want you to make your own judgements as to which items in the plan you maybe feel strongly about and what to follow-up on. So we didn't want to say, you know, *Here's a plan with X number of pages, but here's the only takeaways.* So we don't have a short list. But we do want to point out, this takeaway is something that we were specifically asked to identify demonstration projects, and so clearly the renewable

energy center -- the Renewable Energy and Stem Center at Suffolk Community College, that's something that the Legislators here are all very familiar with, the effort to get funding for that. So there's a lot of excitement about that and that's gonna really be a great project for the County.

Less, sort of the other extreme, something that probably no one will hear about is sort of an internal kind of thing, but it's sorta on the other extreme and so we wanted to mention it. It's a different type of demonstration project and that's real-time energy management in building dashboards, so that you would have this sort of ongoing information about -- about various energy use so that we could really take the energy efficiency work to the next level, so to speak.

Okay. So that's it of our prepared. I do want to point out in general something about some of the recommendations, I want to say something about certification and then we're going to be hearing about the PACE Program. So, as I say, there's many recommendations for future actions, some of them are in that category of things you can do with your own government buildings, in that nature; continuing the LEED lighting transformation or switching over; continuing the ongoing list of building retrofits -- as I said, there is an appendix in here of buildings -- also issues of operations in general, adopting best practices, we have some in here, some stuff in here that we think could be adopted when it comes to annual tune-ups of heating systems and other ways to make sure you're getting the best operations efficiency-wise.

Let me just say a word, that if you look at the plan overall and all the categories that are covered, there is a twist on the State's program for Climate Smart Communities where they'd like to see a certification. So what we asked was for Cameron Engineering to pull together a summary of the certification requirements and sort of a potential rating of how the County would do under that, and we have that as a separate outline. And Sarah, would you like to say a word or two on that one?

**MS. ORAL:**

Good afternoon. We at Cameron Engineering have been working very closely with Suffolk County to make sure that, for the certification, you would get credit for all of the work that you had done and all of the projects that are in the process of being done at Suffolk County.

Just as a background, Climate Smart Communities created the certification program to provide a structured framework to guide local governments in their climate action efforts. Sometimes it seems a little bit overwhelming, but as you can see from the handout and the matrix, everything is really listed, they give you some ideas of where to go if you don't already have that vision. The certification is based entirely on the ten pledge elements that were present when you adopted the Climate Smart Communities Pledge back in 2012, and there are several activities for each pledge.

Now, depending on what actions you have enacted or you hope to do in the future, you are assigned a certain number of points. You can get partial credit if you partially partake in the activity, and all of these points come together and there are several levels of certification. You become certified at 120 points, bronze at 250, silver at 350 and gold at 450. As of now, it's a draft, so it's not complete and there is still an application process. It appears that Suffolk County will have 558 points, which will make them a gold certified community. They will also be the largest County in New York to be certified and the first on Long Island. So this will really show that you are cutting edge in New York when it comes to being climate smart.

And a lot of the work for the application process is paperwork, and luckily you have an intern coming starting this week who will be specifically finding all of that paperwork so that the application can be done and you could become gold. Thank you.

**CHAIRPERSON KRUPSKI:**

Thank you.

**MR. LEWIS:**

Yeah. So, I mean, I think this is a good news report. It has some impressive details in terms of the point that we made already about the money being saved. And similarly, I think in many respects, from what we've seen statewide, this can be one of the more concrete plans being adopted by any municipality that's participating in Climate Smart Communities across the State, and the preliminary analysis of the certification criteria scoring seems to definitely reinforce that. So we're definitely, you know, hoping to urge the County to continue to be participating in this program.

So under the category, again, for potential future actions, we didn't save all that up and put it at the end, instead under each of the different categories it says what the potential could be. And so when it comes to educating the public or trying to have an impact on the public, we talk about some strategies and things that particularly like the Suffolk County Planning Commission can do by helping to identify model codes. And in that area, it's very clear that they're not imposing that on anybody, and quite the contrary. It's a -- it's a collaborative process where they reach out to some of the towns and get their engagement, but in the end -- so the codes that they've adopted, such as a model code for geothermal, is simply being made available for local towns and villages to consider adopting it. And similarly, last year's great success with solar for rooftops was something that came out of this Suffolk County Planning Commission. And similarly, looking ahead now, they've just completed a process that we've been engaged in for ground-mounted solar. So each of these are things that we want to see the County continue to be very much engaged in.

And sometimes we do ask this question; what could the County do on energy issues, since there's such a good history here. And we think there's an exciting program that really would be tremendous if the County could take the initiative on it. So it's one of the other items in here and I'd like to ask that the person who's really the State expert on PACE tell us a little bit about the PACE Program and how it might be applicable to Suffolk County as a potential future action.

**MR. THIELKING:**

Hi. Good afternoon. I'm Mark Thielking, I'm the Executive Director of the Energy Improvement Corporation which is a not-for-profit local development corporation helping commercial building owners improve their properties. And I'm very encouraged, it sounds like you have a lot of progress here within the County in your public buildings, moving them forward with efficiency. But the biggest elephant in the room really is our commercial building stock, in particular, because there is a tremendous amount of money that's being wasted everyday out of improvements that are being delayed or deferred because of various reasons.

So if I could jump into the presentation. Energy is a huge issue, obviously you're dealing with it. In New York, we spend \$35 billion a year on energy and buildings, of which ten, over \$10 billion is wasted through substandard insulation, old mechanicals. Our building stock is old; it's beautiful but it's old and it wastes a lot of money. Yet, people are not moving forward mostly with this, and the reasons why are, number one, they need help moving forward with commercial building upgrades, they also need financing. And so what the solution is is to provide low cost, long-term financing for clean energy improvements in the commercial building sector, as well as supporting property owners through the process because many a times they get stuck.

So the EIC, as we like to call it -- again, we're a not-for-profit, local development corporation. We're owned by counties and cities across the State to scale energy efficiency and renewable energy within their commercial building stock. We utilize a shared service model, meaning that our infrastructure is used across the State to provide these services. We're funded by NYSERDA, Department of Energy, and we serve the program -- serve the property owners with four programs; the one we're talking about today is Energize New York Finance, which is a property assessed clean energy financing program.

So what is property assessed clean energy? In 2009, New York State passed Article 5-L, which allows counties and cities across the State to provide financing for upgrades in buildings that relate to energy efficiency and renewable energy. The unique component to this is that the repayments of the financing is paid back through a property tax charge; it's an extra line, essentially, on the tax bill.

The PACE concept is pretty dramatic. There are about 36 states now that offer this. New York was one of the first to pass a law, but as you all know, current tax law in New York State is pretty complex, so it took some time to figure out how to make this work. Eligible buildings are pretty much any commercially-owned building, that includes residential buildings that are commercially-owned, and this set of buildings represents our current list of projects already going through. Eligible improvements also are renewables and efficiency; in essence, anything that NYSERDA or your local utility funds or incentivizes, we'll finance.

And the benefits are pretty impressive. So, number one, we can cover 100% of the project cost, and this is very unusual for a commercial building loan. Usually you need to put up at least ten or 20%, and that usually stops the project right there, because most people want to save their capital for their business specific purposes.

In addition, we can offer long terms with very competitive rates. Right now we can offer a 20-year financing at 6%, which again, if you're talking about commercial building property owners, they can't access that type of capital. But what it does allow for is very significant, deep upgrades with positive cash flow. I mean, year one they're going save more than they paying out on their tax bill charge.

Another key component is that it automatically transfers to the next property owner. As you all know, taxes are paid by the property owner. It does not travel with the property if they sell the property, so as long as that financing lasts, it stays with the property. And this really speaks to the short-term nature of commercial property owners. Most property owners don't know how long they're going to own the property, thus they don't invest in the energy improvements that are essential to improving our communities. So this is a key component to PACE financing and why it's so successful across the country.

And, finally, the program is controlled by the local government, controlled by Suffolk County, in essence. So we can focus the program on various aspects, but all these components will sit here are embedded within the program because, again, it's the program of the counties.

So people ask what's the finance criteria, and it's really two main components you have to remember. The first, is the building able to carry that extra tax charge? So we check to make sure that the property is paying their taxes, number one. But number two, has there been bankruptcies? Are they current on their mortgage? These are very common sense checks. But the other component is do the savings amount to more than what the tax charge is? So, in essence, what are the economics with the project itself? If it's certified by NYSERDA and by the -- and/or by the utility, and it shows positive economics, we can finance it.

So what's the municipal role? So what's Suffolk County's role? Number one, they must pass a local law and in your packets there's a blue folder, which was handed out before the meeting started, are all the components of the specific requirements. Number one, passing a Local Law which just restates Article 5-L of the General Municipal Law. In addition, you need to sign a municipal agreement and that codifies who's doing what; EIC provides the capital, we provide the underwriting services. But you have to, meaning the County has to collect the charge, and then you must formally request membership through our EIC board which is made up of municipal members.

So what are the costs? There are no variable costs. Obviously, you need to have the tax charge bill and that's done through your County portion of the bill on the town tax bill; so this is what you do anyway, pretty much, but there are no variable costs at least. But there is, again, a significant obligation and that is, aside from adding the tax charge, you do need to collect that tax charge, enforce it, and you must remit that charge regardless of whether the property -- the property is paying that tax bill. And that is, again, consistent with every *in behalf of* enterprise that the County uses to provide services, if it's a water services entity, if it's a school district. Again, this is the County's role.

The one difference, though, is that EIC provides a reserve if there's a permanent loss on collection. So our reserve is funded from the Federal government and New York State reserves. We also are building it every financing we do. That's the only difference between your water and sewer or township obligations, we actually do provide a loss reserve in case there's a loss on collection.

We have a case study where, again, if we did \$5 million of financings, that would amount to about \$500,000 in annual taxable charges, assuming that is a 15-year financing. At your current delinquency rate of 3.9%, that would amount to essentially just under \$20,000 in annual delinquent tax bills. It's a pretty small number, you have a very low tax delinquency rate. And this actually does not represent the delinquency rate for commercial buildings, which is much lower, but we decided to use this number just to give a perspective. But by year three, which is when most taxes are repaid, again, you're earning interest and penalties, which you keep, you've recouped your investments, you don't really have any losses on these collections; so in essence, you're made whole and then some.

Just to show how the capital flows work; Bank of America is committed to \$75 million worth of capital for the program. We provide the underwriting services, the municipal member collects the tax. And this flow, again, is pretty simple, it's actually modeled after the Environmental Facilities Corporation, which provides water and sewer financing. We had the former president of the EFC on our board that helped us design this program.

Current members are over 21. The program is expanding very rapidly now after we launched it last year. And again, it's -- these are the perspective members that are joining as we speak and working through the membership process.

We also provide other services related to helping property owners move forward. On the member side we help launching the program; on the property owner services, again, we help property owners move forward with the projects that they are interested in moving forward with.

Orange County was the first County that joined and they launched it as an economic development program specifically. And our first project was actually in Orange County, it was a farm that now is covering 100% of their electricity with a solar system that we financed. But there are three main reasons why counties around the State are joining. The first is economic development; again, with lower energy costs, that's an attractive component to attracting new employers. And if your building stock has gone through significant upgrades, this is a major selling point to attract, again, new employers.

Second is workforce development. These efficiency upgrades and renewable energy upgrades create a lot of jobs. It's the number one growth industry, certainly in this whole area.

And finally, the environmental benefits. And as you'll see in your Climate Action Plan, this type of financing program is mentioned as a way to drive that.

So, the steps to join, again, are to review the template of Local Law legislation, this is in your

packet. In addition, the municipal agreement needs to be reviewed. And finally, once that's done, we can launch the program. This is my contact info if you have any questions.

**CHAIRPERSON KRUPSKI :**

Thank you. Is there any -- could I jump in here for a second? Is there any downside to this? I mean, someone's already been doing it, we're not going to recreate the wheel here.

**MR. THIELKING:**

A downside to the Energize New York Program?

**CHAIRPERSON KRUPSKI :**

Yes.

**MR. THIELKING:**

Well, the -- there is an obligation to collect the tax charge and to remit that. It's something that the County does anyway for pretty much every other public benefit. So the question then just becomes how do you restrict the program to having properties that are not likely to be in trouble, and so we've already gone through the underwriting process over the last two years. We think we've gotten there, but if there is a particular class of building that might be more likely to be delinquent on taxes, then we could, again, add that as a carve out to the program. That's really the only issue that comes up in these discussions which are happening across the State.

**CHAIRPERSON KRUPSKI :**

Thank you.

**MR. LEWIS:**

So you could see there's a lot of enthusiasm for PACE and it was worthy of getting that special attention to go over this program, because with -- what Mark is reporting to you, there's really a lot of advantages and it's all kind of set in place rather than creating it from sort of where we were. Like several years ago when it was being discussed, it was a little more complicated than now.

**MR. THIELKING:**

We Figured it out. It took a while.

**MR. LEWIS:**

Now it's an exciting thing that's really concrete that you could act on. For today we weren't looking for action on PACE, we were looking simply to review the plan with you and present it to the Legislature to be accepted. And the specific, you know, action items hopefully would be things that would flow at future meetings and be up for consideration and such.

**CHAIRPERSON KRUPSKI :**

Very good.

**MR. LEWIS:**

So that's essentially what we have on the plan. We're open to any questions or such.

**CHAIRPERSON KRUPSKI :**

I've got a -- I've got a couple, I'll start first. The Employee Energy Policy, is there -- I was taking a look here under *potential future actions and initiatives*. Do you see that as a place where the County could -- we're trying to reach that 20%. Is that a place to start with energy, you know, energy conservation within the workforce? Is the workforce buying into a culture of energy savings and energy conservation?

**MR. LEWIS:**

Well, we as a committee put it out there as an item that we think should be identified. It was discussed at our meetings. At this stage, what we're sort of -- we're sort of like leaving it to you to see if it's something that you want to follow up with with members of the Executive Branch. I know we do have people here prepared if you had any questions about some of the retrofits, but I'm not sure on this question whether there's anybody here from Operations. But we do mention a couple of things that have to do with operations in terms of, you know, best practices, in terms of turning equipment off at night and issues with green purchasing, which there's some of but could perhaps be expanded, and there's several other items that have been identified.

**CHAIRPERSON KRUPSKI:**

Thank you. Do any committee members have any questions?

**LEG. BROWNING:**

No. I'm just saying, we don't even recycle here in Suffolk County. We really don't do a very good job of that. And actually, I just visited with the Suffolk Transportation to learn a little bit more about their dispatching. I know we have some of the people still here on the issue with the SCAT bus Mand I know Mr. Corrado had said that they have been looking at more fuel efficient, electric type vehicles. And so, I think, obviously we're not fitted yet to accommodate that type of transportation, so maybe you can fill in on both. I mean, the fact that we don't properly -- I can tell you the paper, I know we have tried to reduce the amount of paper that we use, but we're still using a lot of paper, and it's not being recycled, it's getting thrown into garbage cans. And, you know, when it comes to bottles, in each district office, I mean, a lot of times I'm bringing some of the paper home to put in my recycle. And I'm sure the Town of Brookhaven may not appreciate my comments on that, but it's a killer to think that you're just throwing paper in the garbage can. So maybe you can respond to that and how we can do a better job and also on our public transportation because, you know, gas is not cheap, but how do we -- how could we move forward in retrofitting buses or bringing in new buses, electrified? Because Suffolk County is so different than Nassau County.

**MR. LEWIS:**

Legislator, we're certainly in agreement on those points, I think the way in which we saw the plan is playing out is it helps set the stage for these -- for these items to be further debated. I think your point is that you're already well aware of some of the limitations in terms of recycling and such. All we could say is -- like, for example, in some area we identified things that you hadn't heard about, so when it comes to the argument that there should be annual tune-ups and cleanings of all heating systems in all buildings, that's borne out of the concerns about recent past experiences with carbon monoxide poisonings and such. So that's a new item.

But some of the other things that you're mentioning, it's sort of like, okay, we know already from past experience that we're not doing as much as we could with recycling and such. The plan doesn't necessarily resolve those issues, it attempts to make recommendations where we could, but we are hoping that it would be used as follow up when you're meeting with some of the department heads, that you could ask these questions and push them along the lines of what you just asked.

**LEG. BROWNING:**

All right. And I'm sure our Commissioner would love to be able to do a lot of that work, but I can guarantee you, he's going to tell you he doesn't have the bodies. He doesn't have the employees to do it. So, you know, if we hired the people to do, you know, that maintenance, then could we save money? Would those people be paying for themselves because we'd save money in the end on the energy?

So, you know, I would love to hear our Commissioner's viewpoint on that.

**CHAIRPERSON KRUPSKI :**

And I think you're right. I think that's why this document has great value in kind of pointing us in the right direction on a lot different opportunities that we have.

All right. Well, thank you very much. I appreciate it.

**MR. LEWIS:**

Thank you, Mr. Chairman, Members.

**CHAIRPERSON KRUPSKI :**

All right. Next we'd like to welcome up PSE&G to have a discussion about the use of pentachlorophenol on utility poles. Come on up, please.

**LEG. STERN:**

Welcome and thank you for being with us today. Maybe you guys can introduce yourselves and put all of your names on the record.

**MR. SAMUELIAN:**

My name's John Samuelian and I work for Integral Consulting and I'm a consultant to PSEG for this matter.

**MR. O'CONNELL:**

And I'm John O'Connell, Vice-President, Transmission and Distribution for PSEG Long Island.

**MR. RUSSO:**

Steven Russo, the Law firm of Greenberg Traurig, we're outside counsel for PSE&G Long Island.

**LEG. STERN:**

Thank you. All right, welcome to all of you.

**MR. O'CONNELL:**

Okay. Good afternoon, Committee. And did we lose Chairman Krupski?

**LEG. STERN:**

He is on his way back.

**MR. O'CONNELL:**

Okay. Thank you for having us here today. As I said earlier, my name is John O'Connell, Vice-President of Transmission and Distribution for PSEG Long Island. I have been employed in various capacities in the electric utility industry for nearly 30 years.

PSEG Long Island has been the service provider for the Long Island Power Authority since January 1, 2014. LIPA is a wholly-owned subsidiary of the New York State public authority that is charged with law providing electric service to Long Island.

In its capacity as LIPA's service provider, PSEG Long Island has essentially taken over the electric transmission and distribution and billing functions formally performed by the Long Island Power Authority or its prior service providers. PSEG Long Island now interfaces between LIPA and the Long Island transmission and distribution system, as well as with Long Island electric customers. Our principle goal is to supply Long Island with a safe, reliable, resilient and economic electric grid.

We understand that we're invited here today to contribute to the Committee's understanding of LIPA's transmission and distribution operations; in particular, as to wood preservatives used on LIPA utility poles, both existing and those recently installed. As a preliminary matter, I've been directed by our attorneys to inform you that the Long Island -- that the issue regarding LIPA utility poles in general and their treatment by the manufacturer with wood preservatives, are the subject of ongoing litigation with governmental and private parties in various forums. Consequently, I will not be directly commenting on issues that are pending litigation.

There are, however, some fundamental facts that I will share with you today regarding longstanding and wide use of wood preservatives in aboveground utility poles on Long Island and throughout the United States. Specifically, I will discuss industry practices with respect to using treated wood utility poles and the basis for these practices and PSEG Long Island's utilization of them. I will not address specific cases or instances involving particular transmission and distribution projects or any anecdotes about particular treated poles or any observations made in connection with them.

We are hopeful that with this information, the Committee will come to understand that PSEG Long Island's lawful practices are also quite common, having been in place for many years prior to our arrival on Long Island, and that the appropriate regulatory agencies have studied the issue in great depth and have deemed any risks associated with them to be negligible and far outweighed by the society's need for reliable, robust electric infrastructure. I have with me to my left Dr. John Samuelian of Integral Consulting who will explain some of the sciences behind my operational perspectives.

As pertinent to our discussion today, PSEG Long Island, on behalf of LIPA employees, the longstanding and common industry practice of transmitting electric current across transmission and distribution facilities on overhead utility poles. The Long Island electric grid was laid out long before PSEG Long Island came on-line in January of 2014, and a lot of work to ensuring reliability consists of repairing, replacing or installing existing poles and wires as needed.

Wood utility poles are treated with preservatives to extend their useful life by protecting them from fungal decay and wood-destroying insects and microorganisms. One of the most commonly used wood preservatives in the utility industry is pentachlorophenol, otherwise known as penta, which is and has long been used on Long Island for decades. This preservative is applied to the utility poles by the manufacturer, which uses sophisticated pressure treatment techniques to do so. All of this occurs at the manufacturing facility.

United States Environmental Protection Agency reported in 2008 that there were approximately 60 million utility-owned wooden poles in service across the United States that had been treated with wood preservatives. A 2014 industry survey reveals that 96% of new utility poles and 92% of replacement utility poles installed in the United States each year are made from wood. Of these, 55% are treated with penta; 29% are treated with another preservative known as CCA, and of the remaining 16%; miscellaneous of wood preservatives are used.

The selection of utility pole material is based on several factors including reliability, performance, life expectancy, ease of maintenance, costs and aesthetics. The cost of utility infrastructure, such as wires and poles, is included in LIPA's utility rate base and ultimately paid for by ratepayers through their electric rates. Protecting against decay and pest destruction reduces the frequency of pole replacements and thus provides costs and benefits to our ratepayers. Put in another way, untreated or less effectively treated poles would decay more rapidly, require more frequent inspection and maintenance, result in greater costs incurred to the overall detriment of ratepayers. On the other hand, studies do show that the use of utility poles treated with penta typically extend the poles' useful life by a factor of five to twenty times over a non-treated wood application.

There are other practical reasons why treated wood poles have been preferred choice in the industry for decades. For example, treated wood poles are much easier for the utility worker to climb than poles made out of other materials and, therefore, are, to some degree, safer. Further, wood poles are lighter than other types of poles, such as a concrete pole, and can be more easily transported, installed and removed. Steel or concrete poles are much less forgiving and can cause more damage to automobiles upon collision than wood poles. And unlike wood utility poles, steel poles present the risk of electrocution to our field personnel. Finally, most alternatives to treated wood poles cost four to five times as much as a treated wood pole option, a cost that would ultimately be passed onto our ratepayers.

In approving the registration of penta in 2008, the EPA reached many of the same conclusions regarding the benefits of treated wood poles over alternatives, and I'll quote from their proceedings:

*Many of the -- "Many are not truly interchangeable due to safety, environmental, efficacy and other economic considerations. In the case of utility poles, for example, the material selected can affect the maintenance personnel's safety. Although steel utility poles may result in less human or environmental exposure to penta, they also increase the likelihood of electrocution for workers. For poles treated with chemical alternatives, certain alternatives make poles more slippery and, therefore, harder to climb, which may also affect worker safety. Although the risk of electrocution and slippage cannot be compared quantitatively to potential environmental exposure, the Agency considers direct and indirect safety consequences as result of its decisions."*

The EPA also explained the several economic advantages associated with the using treated wood; and again, I quote:

*"Economic considerations almost always impact decisions regarding project materials. Included in economic considerations are initial cost -- example, the cost of the wood treatment -- the lifespan and the maintenance costs of the product and disposal costs. Although many exceptions exist, penta generally offers lower initial cost than many alternatives, offers documented and predictable lifespan, and in many cases can be disposed of in a municipal landfill. Because certain alternatives, although lower in initial costs, do not offer the same resistance and/or do not last as long as penta-treated products, they also cannot be considered as direct replacements. Economic considerations are particularly relevant to utility and other public works users because increased costs are frequently passed onto the public."*

Although I am not a scientist -- I have brought one along to my left -- my understanding is that penta has been authorized by the EPA for treatment for utility poles based on the agency's finding that penta's use in utility poles does not pose any unreasonable risk to human health or to the environment.

So, in conclusion, PSEG Long Island is following a long-standing and common practice of using utility poles treated with a preservative that has been reviewed and is registered for exactly this use with the EPA. The potential risks of using penta both as a general proposition on utility poles have been studied at length and continue to be studied under appropriate Federal and State agencies. We and LIPA use materials that have been reviewed and authorized for the United States Federal and State regulatory agencies.

Thank you for your time, and I will endeavor to answer any questions within the scope of my testimony.

**CHAIRPERSON KRUPSKI :**

Thank you. You mentioned different materials that you use on the poles. One of them was chromated copper arsenate; do you use that on Long Island any longer?

**MR. O'CONNELL:**

Yes, sir, we do.

**CHAIRPERSON KRUPSKI:**

How about creosote?

**MR. O'CONNELL:**

No new poles are installed with creosote treatment.

**CHAIRPERSON KRUPSKI:**

When did that end? When did that practice end?

**MR. O'CONNELL:**

That practice ended in the late 80's, early 90's.

**CHAIRPERSON KRUPSKI:**

So you're putting -- you're putting the poles in on public right-of-ways.

**MR. O'CONNELL:**

Correct.

**CHAIRPERSON KRUPSKI:**

So do you -- and you need permission from the correct municipality to put the poles in.

**MR. O'CONNELL:**

Most of the -- most of the work that we do is replacement poles, poles that are hit.

**CHAIRPERSON KRUPSKI:**

Right.

**MR. O'CONNELL:**

Poles that are old. And, in most cases, we do not obtain a pole setting permit to do a pole replacement.

**CHAIRPERSON KRUPSKI:**

Would it be -- and it is a legal question, and I know you're under some legal constraints because of different lawsuits, you mentioned that. And I don't know if you can answer this, but is there -- and I know certain towns have banned certain materials from going in on on town property, and specifically the CCA going on underwater lands in different towns. Could a municipality ban the reuse of these or the replacement of certain chemicals in their right-of-ways? You know, poles treated with those chemicals in their right-of-ways?

**MR. O'CONNELL:**

I'll defer to Counsel on the answer to that question, sir.

**MR. RUSSO:**

I think we'd prefer just not to get into the legal issues today.

**CHAIRPERSON KRUPSKI:**

That's fine. Not today, okay. There was a question about -- oh, you mentioned disposing of the old poles. And how is that -- how is that done? And I've got a list of questions that I wrote down as you spoke, but I also have some questions of people who have, you know, expressed concerns about different things. You know, I understand if you can't -- whatever constraints you can't answer

them today, but I'm going to ask them anyway just to make sure that maybe you can.

So the disposal of the old poles, the broken poles, how is that accomplished?

**MR. O'CONNELL:**

We have an environmental staff, you know, on staff of PSEG Long Island who is versed in all of the appropriate salvage and reclaim and disposal practices, and we maintain contracts to remove poles and have them disposed that are in complete compliance with any environmental regulations that are -- that are current. And while I don't have the details, sir, I could testify to that statement, that we're in compliance with regulation and have a staff in place to do so.

**CHAIRPERSON KRUPSKI:**

Uh-huh. Thank you. How do you make the decision to use the penta over the CCA?

**MR. O'CONNELL:**

There's a couple of different considerations. We are continuously examining sourcing and what products are available on the market, if something new is coming along, something's a little more expensive or little less expensive, so we do have an ongoing process that looks at cost and value, so that plays into how many poles we're stocking, what types of poles we're stocking.

We also look at field applications. The CCA poles that you've mentioned do tend to be more brittle because of that type of treatment, and so larger poles, over a certain height, we try to stay with the penta because we don't want them to be brittle and crack in transport. So driving the pole out, it's on a -- it's on a trailer and the forces can crack the pole, so larger poles tend to be penta.

We also consider certain permit requirements that we have for wetlands permits or other permits that might have specific requirements, and certain of our permits do require that we set the CCA poles in those areas. So it's a combination of factors that play into our decision.

**CHAIRPERSON KRUPSKI:**

You mentioned wetlands. You're restricted by local ordinance or are you restricted by EPA, whatever's on the label?

**MR. O'CONNELL:**

It's not a local ordinance, it's a -- a blanket wetlands permit that we have for working in wetlands; so it's State, it's not local.

**CHAIRPERSON KRUPSKI:**

So -- and as far as the use of the chemical itself, do you -- the poles are treated, you know, commercially and they're shipped to you.

**MR. O'CONNELL:**

Correct.

**CHAIRPERSON KRUPSKI:**

Do you treat the ground with the pentachlorophenol at all?

**MR. O'CONNELL:**

No, sir, we do not.

**CHAIRPERSON KRUPSKI:**

Thank you.

**MR. O'CONNELL:**

There seems to be, at times, some suspicion or some belief that we do, but we do not.

**CHAIRPERSON KRUPSKI:**

And then you talked about -- well, we talked about, you know, the chemical itself and the possibility of it leaching into the groundwater. So I'm sure you've done studies relating to that, different soil types; could you address that?

**MR. O'CONNELL:**

I can't speak in detail, but my colleague will later in some testimony. And again, all of the science that I've been made aware of indicates that using these -- both types of preservatives does not present a risk of chemical leaching into water supplies.

**CHAIRPERSON KRUPSKI:**

And when will he speak?

**MR. O'CONNELL:**

Excuse me?

**CHAIRPERSON KRUPSKI:**

When will your colleague speak?

**MR. O'CONNELL:**

Sure.

**MR. RUSSO:**

He has prepared testimony, too. I don't know --

**CHAIRPERSON KRUPSKI:**

Oh, okay, okay. I get it. All right.

**MR. RUSSO:**

I mean, I guess we could have had them both read, so whatever your preference is on that.

**CHAIRPERSON KRUPSKI:**

What's the replacement rate on these poles? I mean, if you went to -- you know, you talked about alternative material, and I think that's a big concern also for poles of every height. Is there -- you know, what are your options here? And is there a way -- I'm sorry. Is there a way of -- it's kind of a two-part question, is there a way of treating the pole but encapsulating it so that it cannot possibly leach into the ground or, you know, adjacent ground or into the groundwater?

**MR. O'CONNELL:**

Okay. So you had a couple of questions there.

**CHAIRPERSON KRUPSKI:**

Yeah.

**MR. O'CONNELL:**

We -- we replace about 1% of our poles each year from the normal maintenance of vehicle hits, trees falling on them, that type of thing. So we're doing about -- and I'm really rounding some numbers but, you know, 2500 poles each year of 250,000 poles -- and I'm doing some rounding. So that was one of the your questions, that's one of our rates. What was some -- what was your other question, sir?

**CHAIRPERSON KRUPSKI :**

What are the options as far as treating it? You know, you have a treated pole, is there any way of encapsulating the bottom of the pole that comes in contact with the water?

**MR. O'CONNELL:**

Yes, sir. There are technologies available that vendors will pitch and will sell to do some sort of a sock on the bottom of the pole. An {imperbiable} sock that goes around the bottom of the pole and then the pole is set in that and then into the soil, that are their claim to reduce -- further reduce any chances of any kind of permeation of the chemicals into the soil and further from the pole.

We've looked at those alternatives and have not deployed any of them to date. Our thoughts at this point are that we've got a lot of science that that has indicated that we don't have that risk, and we don't see that leaching. In the immediate area, after a new pole set, yes, we do see some, they call it bleeding or drippage of a new pole. But all of the science and all of our experience has not indicated that that -- that preservative migrates far from the base of the pole and gets into groundwater. And as such, we've elected not to make the additional cost, the additional maintenance, there's aesthetics issues with deploying these wraps or these socks wide-scale.

**CHAIRPERSON KRUPSKI :**

You say not wide-scale, because I see some poles have some sort of covering on them, it's about a three-quarter to an inch thick, brownish --

**MR. O'CONNELL:**

Yes.

**CHAIRPERSON KRUPSKI :**

-- and it's about maybe three feet to four feet above grade.

**MR. O'CONNELL:**

Correct. So there's one concept that's out there to try and capture any preservatives from the bottom of the pole and not let them get far from the pole.

And there's also a concept that is available that we have deployed in, you know, very specific cases to wrap as you see, a plastic wrap around the pole, and that really is to prevent contact; not to prevent migration of the substance, but to prevent someone from rubbing up against the pole. There are cases when a pole will be set and it will drip. You know, most of the time there's nothing significant, but we have gotten complaints where somebody says there a pole that really appears unsightly and wet and concerning. We have gone out on some specific cases and put that -- that wrap around the poles.

**CHAIRPERSON KRUPSKI :**

Would anyone like to ask any questions, or we'd like to hear the rest of the testimony?

**LEG. BARRAGA:**

Let's hear the rest of the testimony.

**CHAIRPERSON KRUPSKI :**

Okay.

**MR. SAMUELIAN**

Okay. Good afternoon, Chairman and rest of the Committee here. My name's John Samuelian, I'm a Senior Managing Scientist at Integral Consulting, which is a national science engineering firm that provides multidisciplinary services in the fields of health, environment, technology and sustainability.

I've held this position since January, 2010. PSE&G Long Island LLC has asked me to provide some public health related information regarding the application of pentachlorophenol to utility poles.

And as is the case with Mr. O'Connell who spoke a few minutes ago, I have been directed by Counsel to inform you that the issue of LIPA utility poles in general and their pre-treatment by the manufacturer with wood preservatives are the subject of ongoing litigation with governmental and private parties in various forums. Consequently, I will not be commenting directly on those matters at issue in those litigations.

Now, I'm going to put out one additional item here. My printed testimony has two exhibits, or was supposed to have two exhibits but never made that actual production, so we'll be providing you those separately so you have them for your record. But when you see with our first Exhibit A, which my curriculum vitae, I hold a Bachelor of Science Degree in Biology that I earned at Union College in 1979. I also earned a Doctorate of Philosophy Degree in Environmental Health Sciences from New York University, 1990.

I have served on a number of projects as Environmental Chemist, Senior Task Leader, Project Manager and/or Senior Technical Reviewer of Human and Ecological Risk Assessments and Commercial Product Risk Assessments.

The products -- the projects on which I worked included PCB and dioxin sites, building investigations, municipal and industrial landfills, arsenals, lead shot sites, pulp and paper mill sites, contaminated sediment sites and solvent waste sites. Overall, I have 28 years of experience in environmental consulting, environmental and analytical chemistry and undertaking human and ecological risk assessments.

I have provided expert witness testimony and reports in several litigated cases, including a matter related to alleged releases of dioxins, polycyclic aromatic hydrocarbons -- shorthand, PAHs -- and other chemicals into the environment from an active wood products facility in Arkansas.

I also developed a micro exposure event risk model that estimates potential human health risks for workers at an active wood treatment facility. Saw concentrations applied in the end, what's called the {NME} model were based on distributions especially average, main concentrations of penta, arsenic, benzopyrene toxic equivalents and other chemicals. Further, I prepared work plans for and performed human and ecological risk assessments for two former wood treatment facilities in North Carolina, both sites were contaminated with several chemicals including penta.

So the wood preservative we are discussing here today, penta is regulated as a pesticide under various State and Federal laws. All wood preservatives are comprised of chemical compounds that help increase the service life of wood by protecting it from decay due to insect and microbial attack, and when used in underwater settings such as piers to protect against wood boring marine and vertebrates.

Penta itself is usually applied to wood as a liquid formulation with penta representing 5% of the applied solution by weight and the remaining solution comprised of diluents, such as P-9 oil, Number 2 fuel oil, kerosene or mineral spirits, and the printed copy of my testimony cites a reference for that as a footnote.

Let me begin the more detailed portion of my testimony with a discussion about how EPA performs risk assessments, like the one leading up to penta's reregistration as a wood preserve in 2008.

Reliable conclusions about environmental and health risk are impossible without an adequate risk assessment. The risk assessment paradigm includes the following three components that proceeds sequentially; risk assessment, risk management and risk communication. Risk management is triggered by the risk assessment results when the latter determines that a potential risk is present or may occur. The risk management process involves an evaluation of the risk assessment results weighing these against other issues such as economic or legal concerns and then a development of measures to address the potential risk. Risk communication is a stage which the risk manager communicates the potential risk to the interested parties and/or general public.

So under current EPA guidance, risk assessments include the following key elements intended to help characterize the risk: Exposure assessment, toxicity assessment and risk characterization. Briefly, the exposure assessment element is focused on the chemicals that may be present in the affected media, the receptors that may be exposed to those chemicals, the type and magnitude of exposure that may occur with the affected media and whether there are other factors such as bioavailability from the media; in other words, whether the chemical can be transferred from the affected media to the receptor that are relevant for the assessment.

The toxicity assessment element is an evaluation and summary of the inherent toxicity of the chemical. So EPA has developed toxicity benchmarks and one common one is called the reference dose which represents the dose below, which no effects are anticipated to assist the process in a toxicity assessment.

The final step in the risk assessment is the risk characterization integrates the results from the exposure and the toxicity assessment to yield an estimate of the risks to any identified receptors for the evaluating scenario.

So the EPA evaluated penta in 2008 and reported results of that evaluation and reregistration eligibility decision -- shorthand, RED document -- and that's provided as Exhibit B which we'll provide to you separately; it's also available online. The RED document includes a risk assessment that was prepared by EPA. Workers at the pressure treatment plants where penta is actually applied to utility poles were the primary receptors evaluating these risk assessments that EPA perform.

This is appropriate given that the workers have the greatest potential to contact the wood treatment fluids and the wet wood immediately after treatment with penta. Although the workers were the primary receptors because they have the greatest potential for contact, residential exposures to install penta-treated poles were also considered in the RED document or the EPA document.

Conclusions in the RED document regarding residential exposures are the most relevant to our discussions today. Risk assessment performed as part of the penta RED stated that, "*The's potential residential contact with penta treated materials,*" and I'm quoting this now, "*is unlikely to occur to adult and adult and child populations as a result of contact with PCB-treated wood products or through child contact with PCP contaminated soil via the dermal or oral route; i.e., incidental ingestion of CD, CDF residues through hand-to-mouth contact and direct soil ingestion.* The agency has not conducted an exposure -- exposure risk assessment for residential populations due to the following consideration: The opportunity for residential consumer contact is limited since PCB treated wood is not sold to the general public. Rather, it is predominately marketed for commercial installations as utility poles. "*Where utility poles are installed on homes/schools, this is quoting now, or other residential sites, child contact via dermal or oral routes is not anticipated since play activities with or around these poles would not normally occur in any incidental exposures would, therefore, be negligible.*"

And the hard copy of my testimony provides reference to that particular section of the risk assessment for your information.

There is also empirical data to support the absence of potential risk from current penta use. The penta RED from EPA summarized the total exposure and risk calculated from the Centers for Disease Control, CDC, National Health and Nutrition Survey -- shorthand, NHANS -- blood monitoring for penta for samples collected from 2001 to 2002.

As discussed in that document, assuming all pentachlorophenol exposure results from pentachlorophenol-treated poles, the total risks result in no unreasonable adverse effects in a currently registered wood preservative use. Based in part on its conclusion that there is negligible risk to residential receptors from penta-treated wood poles, the U.S. EPA reregistered penta as a heavy-duty wood preservative for use on utility poles and cross arms.

Further, I reviewed certain data concerning Long Island groundwater to evaluate whether penta-treated poles pose a risk to this important resource. Although tens of thousands of penta-treated poles are located in Long Island and penta has been active use on these poles for decades, penta was not detected in any Suffolk County potable water supply samples collected from 1996 through 2010 and was detected only once at a concentration of .11 microgram per liter or .11 part per billion, which was below the detection line and also below the New York State groundwater quality criterion in a Suffolk County monitoring well sample collected over the same period.

These findings were set forth in data compiled by New York State DEC in their 2014 report entitled *Water Quality Monitoring Data for Pesticides on Long Island, New York*. In my opinion, these findings are not surprising because penta is -- penta is not a highly mobile contaminant. National studies have shown that penta's ability to migrate into surrounding soils and underlying groundwater is controlled by several mechanisms including precipitation intensity, runoff percolation into the soil and soil characteristics, particularly soil PAH and organic carbon content. Generally speaking, the results of these studies indicate that penta contamination, if any, does not migrate in any substantial way and is contained in the nearer vicinity of the utility pole. And the printed document also has a reference to every document that supports that. Thus, I do not believe penta-treated wood poles are a threat to Long Island's groundwater supply.

Thank you, all. I endeavor to answer any questions that you may have or within the scope of my testimony presented here today.

**CHAIRPERSON KRUPSKI :**

Well, thank you. Does anyone on the Committee have any questions? Legislator Barraga.

**LEG. BARRAGA:**

Wooden poles. Why do you keep on using wooden poles? I mean, as a layman, I've seen cement poles, I've seen what looked like aluminum poles. It seems like a very old technology. I mean, I know we're talking about the treatment of a wooden pole, but the pole itself, it's like going back 40, 50 years. I can't believe there isn't technology out there to replace wooden poles with something else that doesn't require all sorts of treatment at the base.

**MR. O'CONNELL:**

So, Legislator, that's a very good observation. And, you know, I will say that, you know, we -- we look and we research. You know, I have a staff, a standards and procurement staff that is really interested in buying the best, the best stuff, and the best stuff from a short-term and a long-term perspective. And we just don't look at cost. We want -- we want to look at overall impact. And we don't just look at today's cost. We understand that, you know, if you pay a little bit more today but you save over the long haul, that's the right decision. So we are 100% with the concept of trying to find those solutions. Unfortunately, in this case, we just have not found any -- anything that meets that bill. There are steel poles that could be put in, they are four, five, six times the cost, and when

we model that out, you know --

**LEG. BARRAGA:**

I don't disagree. I mean, I understand why you're not doing it because of the cost factor associated with it. But it just seems to me there should be somebody out there, some technology out there that can put that steel pole or aluminum pole together that's safe and secure at much less of a price to make it to a point where you can consider, you know, using those poles instead of wood. Because I tell ya, here's your problem, PSE&G, far beyond your company. You know, between Nassau and Suffolk County we've got three million people. Environmental issues are extremely important to all of us. We see it all the time; you know, be it water supply and nitrogen and sewers and everything else. You're going to lose this, because you're going to lose it based on perception; not scientific background, perception. It's like, for example, you know, like years ago, even still today, you -- if you have poles in back of your home, people are worried about if you're trying to sell the house with electromagnetic fields. These towers, these cable towers that go up and people yell and scream because they're afraid of possible, possible cancer associated with the children.

The same holds true here. As long as you're treating those poles, people will interpret to being it's a carcinogen, it can hurt us. And people on Long Island are very sensitive to it, so you have to come up with a better solution. You're not going to win this. The very fact that you're here, it's more exposure, and it's not going to hurt us, it's going to hurt your company. It's going to put additional pressure on PSEG, and people like you, to come up with a solution. The wood poles are archaic. They should have been changed a long time ago. I can't believe there isn't technology. You know, if he can do so many dramatic things from a technology perspective, we can replace a wooden pole with something else that isn't carcinogenic, that might possibly, possibly hurt our people.

**MR. O'CONNELL:**

Well, that's a very good perspective, sir. And I will just say that we are anxious for a technology that can provide us a better pole, less impact, more customer acceptance, better overall cost structure. And you know, the day that something like that becomes available, or the day that we can help it become available, we will be there.

**LEG. BARRAGA:**

Mr. O'Connell, in this country, in the United States of America, there's something out there today. You've got to look harder.

**MR. O'CONNELL:**

Okay.

**CHAIRPERSON KRUPSKI:**

So I'd like to follow-up on Legislator Barraga's comment. And then we heard earlier today how over 200 countries have banned this chemical. So what -- they're not going to ban the electricity, so they're gonna -- there's got to be option that they're going to utilize to hold up the power lines off the ground, so, and keep them out of the trees. What is -- what are the options that they're -- and they can't consider them, they have to have options that they're going to use.

**MR. SAMUELIAN**

Well, the problem with that -- the Stockholm Convention, that some people were talking about before, the May, 2015 announcement did, in fact, say it was banned for production, but the use for utility poles wasn't banned. So that's an important difference. So -- and also it's European countries and they're -- their use of penta was far greater than U.S. They're using a lot of textiles and a lot of other uses, and actually and interestingly, building renovation work. So that -- their exposures actually were much higher to penta in European countries than they were in the U.S.

**CHAIRPERSON KRUPSKI :**

And they exempted the utility poles from that.

**MR. SAMUELIAN**

Exempted the utility poles.

**CHAIRPERSON KRUPSKI :**

Did they exempt anything else?

**MR. SAMUELIAN**

No, I don't believe so, just the utility poles.

**CHAIRPERSON KRUPSKI :**

I'm talking about like pilings, you know, all the waterfront construction where it's typically used.

**MR. SAMUELIAN**

Oh, I'm sorry. The only thing I'm aware of was utility poles.

**CHAIRPERSON KRUPSKI :**

Okay. I mean, because that's where treated wood is typically used in a marine environment besides utility poles.

**MR. SAMUELIAN**

Sure.

**CHAIRPERSON KRUPSKI :**

Any other questions from the committee? All right. So we're looking at -- one more question that no one's asked is that, of course, the alternative to utility poles is burying the lines. And could you talk about that briefly? It would -- and I know that the cost of burying the lines is going to vary greatly if you're going down the farm field with no other utilities and no other infrastructure, no trees, it's going to be cheaper than going through Main Street somewhere or if you have sewer lines or other utilities to consider when you're putting these underground, other things to tear up and replace.

So keeping that in mind, what are your -- what are our options here of burying existing, not new -- not new developments but existing development?

**MR. O'CONNELL:**

So the concept of burying lines comes up a lot. And it mostly comes down to a cost factor like many other things. We have our system built out, by and large, as an overhead system. Some small pockets are underground for different reasons. New residential developments get built with an underground distribution system, but the main feeds, the backbones, the supply lines continue to be built overhead. And, you know, we -- we try to throw around a general estimate that a underground system will cost between four and six times that of an overhead system. And it's very hard to be very specific because, as you said, Chairman, you know, sometimes you might be on the low end and you might get away with a soft digging, no tree routes, no rocks, no turns on city streets and you could come in at three times or two-and-a-half times the cost of an overhead circuit. But then there are those other cases where you end up on the -- on the high end.

So typically, we see -- we estimate that the costs are going to be four to six times the cost of an overhead equivalent. The underground system has benefits, but it also has detriments. When you have an overhead problem on a line, you ride down the line and you find that problem. The underground, it's a little more complicated, it can take longer, you need equipment, you need

sensing equipment.

The underground system, part of the reason it's more expensive is that it requires more redundancy because of the fact that a problem will typically be out much longer than an overhead problem; finding it, fixing it, just takes longer. We typically build in more redundancy and that adds to the cost. The underground assets do not have the same life as an overhead asset. The cables break down a little -- little more quickly than an overhead installation so that your lifecycle costs are a little bit more significant. And all those things weigh into the fact that with the current technology, with the current costs, you know, it has not been a widely deployed across the nation and on Long Island as a cost-effective alternative, targeted in certain specific cases it's been deployed. But we see it as a real cost challenge for our customers.

And there was some comments earlier about, you know, numbers, you know, kind of wiggling around wildly on these things and one of the -- one of the reasons is until you spend a couple -- a couple dollars, and I kid when I say a couple, to really design your underground system, to know what it really would cost, you need to spend thousands of dollars to get a detailed design and then you know what's on subsurface conditions and your exact route. And so very often people who are asking us for the cost, they don't want to pay for that detailed design, so we throw around some four to six times numbers and then when we actually do engineering we can get a more exact number. But that's -- that's the long and short of the discussion on underground lines.

**CHAIRPERSON KRUPSKI :**

Thank you. Does anyone else have any questions? All right. Well, thank you very much for coming in. We appreciate your attendance here and your input.

**MR. O'CONNELL:**

Our pleasure. Thank you.

**CHAIRPERSON KRUPSKI :**

Now we have an agenda, what we've all been waiting for.

**TABLED RESOLUTIONS**

***IR 1157 - Establishing a Green Roof Pilot Program. (Hahn)*** Motion to table.

**LEG. BARRAGA:**

Second.

**CHAIRPERSON KRUPSKI :**

Second by Legislator Barraga. All in favor? Opposed Abstentions? So moved. ***TABLED (Vote: 5-0-0-0)***

***IR 1393 - Appropriating funds in connection with Public Works Buildings Operations and Maintenance Equipment (CP 1806). (Co. Exec.)***

**COMMISSIONER ANDERSON:**

I would ask that this be tabled again.

**CHAIRPERSON KRUPSKI :**

I'll make that same motion to table,, second by Legislator Stern. All in favor? Opposed? Abstentions? So moved. ***TABLED (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)***

**LEG. STERN:**

Motion to table.

**CHAIRPERSON KRUPSKI :**

I have a motion to table, Legislator Stern. Do I have a second? I'll second the motion. And on the motion, though, Commissioner, could you give us some insight into this, if you could, as far as the County's role and who should be, in fact, the intervenor in the Public Service Commission proceedings? Or maybe Mr. Schroeder could lend us some of that insight.

**MR. SCHROEDER:**

The County of Suffolk is an active party in the proceedings already, along with the County comptroller. The County Attorney's Office and myself are on the distribution list for active parties, so we're getting all the correspondence at present and then reviewing the testimony of the relevant parties. That's where we're at right now.

**CHAIRPERSON KRUPSKI :**

So you think the County's role is being filled right now as intervenors in this -- in the rate, proposed rate increase proceedings.

**MR. SCHROEDER:**

Well, we are active parties, we are registered as active parties in the process.

**CHAIRPERSON KRUPSKI :**

All right.

**MR. SCHROEDER:**

We haven't actually filed any comments at this time, but we -- we are active parties.

**CHAIRPERSON KRUPSKI :**

All right, thank you.

**LEG. BARRAGA:**

So it's clear in my mind, who are you actually filing with? I know the Department of Public Service made certain recommendations with regard to the rate increase, they recommended that it be dropped dramatically. But the PSC doesn't make the decision. You have like an arbitrator? I mean, isn't it an arbitrator who makes the decision on the rate increase? Who makes the -- who makes the final decision?

**MR. SCHROEDER:**

Well, unlike a normal regulatory process, the Public Service Commissioners will not be weighing on the recommendations.

**LEG. BARRAGA:**

Okay, I understand that. Who makes the decision?

**MR. SCHROEDER:**

So the process that's ongoing right now is being administered by the Department of Public Service. They will ultimately make recommendations to the LIPA Board of Trustees who will then have a period of time to either accept those recommendations or counter those recommendations or simply

ignore those recommendations and adopt the rates as final effective January 1st.

**LEG. BARRAGA:**

So really it's LIPA that has complete control of this entire process.

**MR. SCHROEDER:**

Under the current guidelines, that's the jurisdictional limitations of the Department of Public Service. They do have --

**LEG. BARRAGA:**

But what's the feasibility of them going along with the Public Service Department or the County or anybody else? I would think they would just probably go with PSE&G and raise the rates.

**MR. SCHROEDER:**

At the moment, the proceedings are taking a normal course in that there was testimony submitted by active parties, there were a series of interrogatories that went back and forth and last Friday PSE&G Long Island and LIPA filed rebuttal testimony.

**LEG. BARRAGA:**

I guess the point I'm making, it seems to me like they're together, you know, LIPA and PSE&G. I mean, why are we going through the motions? It isn't as if the Public Service Commission can step in or the Department of Public Service can make a final decision, it's one of the main groups; in this case it's LIPA. I mean, is the outcome going to be any different? It seems to me that if PSE&G wants a certain rate increase, they're going to get most of what they want through LIPA.

**MR. SCHROEDER:**

Legislator Barraga --

**LEG. BARRAGA:**

You know, I know I could be wrong on this, but it's just the whole thing, it seems like smoke and mirrors to me.

**MR. SCHROEDER:**

We will not know how effective DPS evaluations and recommendations will be until LIPA makes the final decision. You are correct, LIPA will make the final decision.

**LEG. BARRAGA:**

Because I don't think that's been very clear to most people. Somehow people think it's going to be the Public Service Commission or somebody else, but it's really LIPA. All right, that's it.

**CHAIRPERSON KRUPSKI:**

All right, thank you. So there's a motion to table and a second.

**LEG. BARRAGA:**

Second.

**CHAIRPERSON KRUPSKI:**

All in favor? Opposed? Abstentions? So moved. **TABLED (Vote: 5-0-0-0)**

**INTRODUCTORY RESOLUTIONS**

***IR 1453 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with pavement resurfacing of CR 83, North Ocean Avenue from the vicinity of Sunrise Highway (NY27) to the vicinity of LIE (I-495) (CP 5599, PIN 076083). (Co. Exec.)***

Motion, Legislator Muratore. Is there a second? Second by Legislator Browning. Thank you. Commissioner?

**COMMISSIONER ANDERSON:**

Yeah, I'd like to make one general point moving forward this afternoon, if I could, and it's regarding this project as well as eight others that we'll be discussing.

The funding, as you'll note in our memorandum, notes that these projects were not part of the original Capital Budget -- Capital Program. What's happened is we have been working on the bridge over the Expressway. I'm going to -- I apologize, CR 16 over the Expressway and over the railroad, and we've been kind of in a feud with the Railroad at the time. Prior to this year we have always done the entire bridge, even though we are only responsible for the decking of the bridge, and because of the cost and the amount of money that the MTA gets, we've asked in the past few years to kind of meet with them to talk about them doing their share of the projects. If the structure is a problem, you know, we think it's only fair that the MTA pays their part of the cost and so far they've refused. So we've kind of drawn a little line in the sand and for that project, we've removed about \$17 million worth of work from there, we're only moving forward with the decking repairs, the upper repairs, the stuff that we're responsible for, and we're going to pursue those repairs.

As these are Federally-funded projects and they're in the tip, we have -- we are asking to allocate those funds to different projects that we feel are important. This is the first one of those at CR 83, from Sunrise Highway up to the LIE. It's going to involve resurfacing and the road is getting to the point where it needs it, this will extend the life of the road. But I wanted to just make hopefully clear where the funding is coming from.

**CHAIRPERSON KRUPSKI:**

Is everyone, hopefully, clear on that? Okay, thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**CHAIRPERSON KRUPSKI:**

So we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **Approved (Vote: 5-0-0-0)**

***IR 1454 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with pavement resurfacing of CR 100, Suffolk Avenue from the vicinity of Washington Avenue to the vicinity of NY 454 (CP 5599, PIN 076084). (Co. Exec.)***

**LEG. STERN:**

Motion.

**CHAIRMAN KRUPSKI:**

Motion by Legislator Stern. Second by Legislator Barraga. Okay. And no -- no questions for the Commissioner? All in favor? Opposed? Abstentions? So moved.

**LEG. BROWNING:**

I think I'll be a no vote on this one.

**CHAIRPERSON KRUPSKI:**

One no, Legislator Browning. **APPROVED (Vote: 4-1-0-0 Opposed: Leg. Browning)**

**IR 1455 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with -- oh, 1455, thank you. WITHDRAWN**

**IR 1459 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with improvements to CR 4, Commack Road/I-495 Bridge Replacement Feasibility Study (CP 5584, PIN 076088). (Co. Exec.)**

**LEG. STERN:**

Motion.

**CHAIRPERSON KRUPSKI :**

Motion by Legislator Stern.

**LEG. MURATORE:**

Second.

**LEG. BROWNING:**

My mistake, this is the one I was going to be a no vote on.

**CHAIRPERSON KRUPSKI :**

That's okay.

**LEG. BROWNING:**

On the other one, that's okay.

**CHAIRPERSON KRUPSKI :**

That other one was -- would you like to go back and vote on it?

**LEG. BROWNING:**

No, I'll fix it Tuesday.

**CHAIRPERSON KRUPSKI :**

Okay. Second by Legislator Muratore. So on the motion, what is the study? Who does the study and what will they -- what exactly -- I mean, you think of a bridge replacement, you think someone would look and see if it's sound or reparable or otherwise leave it alone. So is it -- what would the study show you really?

**COMMISSIONER ANDERSON:**

At this point we know of capacity issues, extended capacity issues that we're having at the bridge right now in the north/south direction. We've made some changes over the past six years to try and facilitate that, but we're looking right now to widen the underside of the bridge where Commack Road goes through. There's an abutment that -- a sloped abutment that we'd like to make completely vertical to add a couple of lanes so we can get turning movement, getting additional capacity.

The State has let it be known that they don't feel there's any issue with the intersection because the LIE really doesn't have any delays because of the intersection, so any type of repair to the bridge would be wholly on the County at this point.

So what this is doing is taking the first step in the Federal process of looking at the bridge to verify that there is a problem and then we will continue to -- hopefully, our plan is right now look at that additional lane adding underneath the bridge right now so we don't have to replace the entire bridge.

**CHAIRPERSON KRUPSKI :**

As far as the structural integrity of it, is the bridge sound?

**COMMISSIONER ANDERSON:**

Yes, we feel the bridge is fine. It's just the capacity moving under the bridge that's the issue.

**CHAIRPERSON KRUPSKI :**

And what alerted you to that issue?

**COMMISSIONER ANDERSON:**

For many years now we've been having significant backups as you move north to south through that intersection, turning movements, things like that. Ever since I've been with the County we've had an issue there. We've tried to address it with timing changes and things like that, but we're at a point now we have to start doing some physical changes to the bridges to add capacity to it.

**CHAIRPERSON KRUPSKI :**

And then we'll look at that and basically get a number and say, *If we can live with it today, or here's the number if you'd like to do the improvements.*

**COMMISSIONER ANDERSON:**

Yeah, we're pretty confident that we're going to say that we can do this, this is what the cost is and move forward. It will give us a benefit.

**CHAIRPERSON KRUPSKI :**

Thank you. All right, we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 4-1-0-0 Opposed: Leg. Browning)**

***IR 1460 - Amending Resolution No. 1204-2014 in connection with the improvements to buildings and facilities Countywide (CP 1817).  
(Co. Exec.)***

**LEG. BROWNING:**

Motion.

**CHAIRPERSON KRUPSKI :**

Motion by Legislator Browning, second by Legislator Muratore. On the motion, anything specific?

**COMMISSIONER ANDERSON:**

Yeah, this resolution requests amending Resolution 1204 of 2014, which authorized 800,000 in construction. We're asking that it be amended to \$400,000 for construction and \$400,000 for FF&E. The funds would be used for restacking Dennison. We're looking to bring the DA's staff into a floor there as well as restack different floors within the Dennison. The intent of bringing the District Attorney's Office, who is requesting this for some time, is that we can get them out of rented space and get them into the Dennison.

**CHAIRPERSON KRUPSKI :**

Very good. Thank you. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

***(The following was transcribed by  
Kim Castiglione, Legislative Secretary)***

***IR 1481 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with resurfacing of CR 80, Montauk Highway from the vicinity of CR 101, Sills***

**Road to the vicinity of NY 24 (CP 5599, PIN 076090). (Co. Exec.)** I'll make that motion. Is there a second?

**LEG. BARRAGA:**

Second.

**CHAIRPERSON KRUPSKI:**

Second by Legislator Barraga. What's the location of this?

**COMMISSIONER ANDERSON:**

This is Montauk Highway from County Road 101, Sills Road, to the vicinity of NY 24. It's just to the west of Hampton Bays, probably has a little bit of Hampton Bays in it.

**CHAIRPERSON KRUPSKI:**

Okay. And it's just a scheduled resurfacing?

**COMMISSIONER ANDERSON:**

Well, this is actually for engineering. In the Federal process we have to verify, examine and verify the age of the pavement, the condition of the pavement, to see whether or not a resurfacing program is warranted or we have to actually go into reconstruction. So that's what this would be for, it's for engineering.

**CHAIRPERSON KRUPSKI:**

Do you look at the drainage when you do this or has the drainage been -- I mean --

**COMMISSIONER ANDERSON:**

Yeah, we look at the entire roadway. We'll look at the drainage, any issues in the area, ADA, the whole thing.

**CHAIRPERSON KRUPSKI:**

Okay. And I think it's the shoulders are pretty wide, but that's all included.

**COMMISSIONER ANDERSON:**

Yes.

**CHAIRPERSON KRUPSKI:**

Thank you. All right. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

**IR 1482 - Appropriating funds in connection with the improvements to CR 7, Wicks Road/I-495 Bridge Replacement Feasibility Study (CP 5539, PIN 076089)(Co. Exec.).**

**LEG. STERN:**

Motion.

**CHAIRPERSON KRUPSKI:**

Motion by Legislator Stern, second by Legislator Barraga.

**COMMISSIONER ANDERSON:**

This, if I may --

**CHAIRPERSON KRUPSKI:**

Please.

**COMMISSIONER ANDERSON:**

This is similar to the Commack Road Bridge Study that we're going to undertake. Unfortunately, we don't have the luxury of an abutment in the same condition as with Commack Road, so -- but it is the first step in something we feel is going to have to come over the next few years. Again, this is 80% Federally funded and, you know, it is necessary and this is the first step.

**CHAIRPERSON KRUPSKI:**

Very good. Thank you. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

***IR 1483 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with Resurfacing of CR 48, Middle Road from the vicinity of Cox Neck Road to the vicinity of Horton Lane (CP 5599, PIN 076091)(Co. Exec.).***

I'll make that motion, second by Legislator Muratore. That road is a washboard is there any -- after this winter. Is there any -- was this moved up as a priority because of its condition or is this on a regular schedule?

**COMMISSIONER ANDERSON:**

This, again, is similar to two resolutions ago where we were looking at Montauk Highway. This is the first phase of the work the engineer -- it's an engineering study. The engineers will come in, assess the condition of the pavement, the drainage, the curb, the whole thing. It is really towards looking at resurfacing rather than necessarily reconstruction, but that will be determined.

**CHAIRPERSON KRUPSKI:**

So I can't tell my constituents it will be paved by Fourth of July weekend then.

**COMMISSIONER ANDERSON:**

Just don't tell them which year.

**CHAIRPERSON KRUPSKI:**

Okay.

(\*Laughter\*)

**COMMISSIONER ANDERSON:**

Engineering humor.

**CHAIRPERSON KRUPSKI:**

All right. There's a motion and a second. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

***IR 1484 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with County Wide Highway Inventory Study for American's with Disabilities Act (ADA) Compliance (CP 3314, PIN 076087)(Co. Exec.).*** Do I have a motion?

**LEG. BROWNING:**

Okay. I'll make the motion because I know that there was some comment about that.

**CHAIRPERSON KRUPSKI:**

Yes. Motion by Legislator Browning. I'll make a second.

**LEG. BARRAGA:**

On the motion. I guess the person earlier testified against this particular resolution, but as I understand it, I guess his concern was the amount of serial bonds that were going to be issued and whether or not it was actually needed. But as I look at the bill, it's a million dollars worth of serial bonds that we have to expend initially as a County, but then we get an 80% reimbursement from the Federal Government. Is that right?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. BARRAGA:**

And in your judgement, if we don't go ahead with this, because there's Federal funding, it probably would just go someplace else.

**COMMISSIONER ANDERSON:**

Absolutely.

**LEG. BARRAGA:**

Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**CHAIRPERSON KRUPSKI:**

Legislator Browning, any other questions?

**LEG. BROWNING:**

No, Tom asked what basically -- and answered the question. Thank you.

**CHAIRPERSON KRUPSKI:**

So it is being funded Federally.

**COMMISSIONER ANDERSON:**

It is. This, 1484, this one, if I could just give a brief description. Although the ADA has been in effect for a few decades, in the summer of 2013 the Department of Justice determined that resurfacing projects can constitute reconstruction, and thus must be included in the ADA mitigation. As such, DPW is planning to prepare the County's transition plan, which is required until all our facilities come into compliance. This resolution requests appropriating a million dollars for engineering in the form of providing an inventory of sidewalks, curbs, ramps, signage and other related highway appurtenances to help identify those areas along County roadways that will require update, repairs, reconstruction to ensure compliance with ADA. The inventory will be developed in a GIS format that will allow us to monitor our progress as we move forward towards conformance.

**CHAIRPERSON KRUPSKI:**

Great. Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**CHAIRPERSON KRUPSKI:**

So we have a motion and a second. All in favor? Opposed? Abstentions? So moved.

**APPROVED (Vote: 5-0-0-0)**

***IR 1485 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with the County share for participation in resurfacing of CR 94, Nugent Drive/Center Drive from the vicinity of River Road to the vicinity of CR 51, East Moriches-Riverhead Road (CP 5599, PIN 076092)(Co. Exec.).***

I'll make that motion, second by Legislator Stern. Is this in connection with the Flanders traffic circle or is this adjacent to it?

**COMMISSIONER ANDERSON:**

This is to the north, north of the circle. This is our portion of the road which extends from the LIE south. And, again, this is funding that's coming out of the bridge work that we're now looking to -- and Nugent's getting to the point now where we need to start analyzing it, to start developing it for a program and this will be the first step in doing that, is engineering.

**CHAIRPERSON KRUPSKI:**

Will you have to make, because of the work at the Flanders circle, will the road change there at all or is this just the straight resurfacing leading up to it?

**COMMISSIONER ANDERSON:**

We're anticipating it's a straight resurfacing.

**CHAIRPERSON KRUPSKI:**

Okay. Thank you. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

***IR 1486 - Calling for a public hearing for the purpose of considering the proposed increases and improvements to the facilities at Suffolk County Sewer District No. 11 – Selden (CP 8117)(Co. Exec.).***

**CHAIRPERSON KRUPSKI:**

Motion by Legislator Muratore, second by Legislator Browning. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

***IR 1511 - Directing the development of a cost benefit analysis for retaining a County architect (Cilmi).***

**LEG. BROWNING:**

Motion.

**CHAIRPERSON KRUPSKI:**

Motion by Legislator Browning, second by Legislator Muratore. Motion to table by Legislator Stern. Well, we have a motion and no second, but let's have a discussion.

**LEG. BROWNING:**

I'm a cosponsor on this and I think that, you know, during the budget process we were talking about architects, and I think it was the Vanderbilt where we talked about needing a specialized architect and how you were going have to put the bid out to have a specialized architect for one of the buildings at the Vanderbilt Museum. You know, and I think this bill is really, from what I see that, you know, there's no financial impact to researching the need or not the need of an architect who can do that type of work. You know, I think it's important that we should be looking at how much money are we spending to hire architects, and are we spending more money than it would actually be to have one on staff, and I'm sure you could certainly figure that out quite easily. I don't see -- there's no financial impact to this bill, so I think it's something that we should be looking at, not just

for architects, but for many other things that we do in the County, especially in DPW.

**CHAIRPERSON KRUPSKI :**

Commissioner, could you give us an answer to that? I mean, it is always I think the age old question, should we have someone in-house or should we have someone come in and do the piecemeal as we need it.

**COMMISSIONER ANDERSON:**

This is a very awkward position to be in, but to be frank, and I mean this with all due respect to the Legislators who put the legislation forward. You know, we can, and I've made the statement we need staff. I don't know that an architect is my top priority, there's other divisions, but without having the budget in place that can pay for them, it's very difficult to make a case that we don't, you know, we do need one. We obviously can use them. I can use an architect, but again, one architect is not going to gain me very much. In many cases, like the Vanderbilt, I know the -- Copsogue keeps coming up. While I have architects who I believe could do the work, and I meant to bring it with me and I didn't, our quarterly report, if you look at the number of projects that we have, it's quite enormous. And, you know, obviously we're backlogged. I think it's somewhat intuitive that we, you know, we need the people, but how do we pay for them, and I don't know, you know, what this report will show that we don't probably already know.

**LEG. BROWNING:**

Okay, but, you know, we're hiring consultants all the time to do this work, and so how much money are we spending on consultants versus having somebody on staff? Is it going to cost us less? I mean, you may come back and say *nah, it's not a good idea*, and that's okay. We accept that.

**COMMISSIONER ANDERSON:**

Well, the capital portion of the Operating Budget is very small compared to -- I might shoot myself in the foot here. The capital portion of the budget is a small percentage of the overall Operating Budget. To have staffing come in, and I have lost a significant amount of staff, you know, that's really where the money -- I mean, I wouldn't -- I think anybody would want to recommend trying to pay for salaries out of capital, so I'm assuming we got to fix the Operating, and I'm looking forward to those discussions coming up.

**LEG. BROWNING:**

Right, but this bill there's, what I believe from the financial impact statement, there is no cost to reviewing and considering this. It's basically saying to develop a cost benefit analysis for retaining the architect, and again, it's not going to cost us anything to look at it. It's when we decide if it's a good idea to do it, that's when we're going to have to look at where do we get the money.

**CHAIRPERSON KRUPSKI :**

I'm going to second the tabling motion from what I've heard here. It might not be the right time to have this discussion. It might be best heard during the Operating Budget Working Group to ask the Commissioner to give us some more insight into that.

**LEG. BROWNING:**

I think with or without the bill I'm sure that our Commissioner would be happy to provide us that information for the Operating Budget.

**COMMISSIONER ANDERSON:**

It certainly gives me a direction to look in.

**LEG. BROWNING:**

Thank you.

**CHAIRPERSON KRUPSKI:**

So we have a motion to table and a motion to approve. The motion to table, all in favor? Two, so the motion to table fails. **(Vote: 2-3-0-0 Opposed: Legislators Browning, Muratore and Barraga)**

So the motion to approve goes next. All in favor? That passes. **APPROVED (Vote: 5-0-0-0)**

**IR 1516 - Approving Ferry License for Beachcomber Freight Service, LLC d/b/a Coastline Freight (Pres. Off.).**

There's a motion to table from Legislator Browning. I'll second that motion to table for public hearing. All in favor? Opposed? Abstentions? **TABLED for PUBLIC HEARING (Vote: 5-0-0-0)**

**IR 1517 - Approving Ferry Freight rates for Beachcomber Freight Service, LLC (Pres. Off).** Same motion, same second, table for public hearing. All in favor? Opposed? Abstentions? **TABLED for PUBLIC HEARING (Vote: 5-0-0-0)**

**IR 1519 - Adopting Local Law No. -2015, A Local Law To clarify affordable housing requirements (Krupski).** Same motion, same second, to table. **TABLED for PUBLIC HEARING (Vote: 5-0-0-0)**

**IR 1524 - Establishing a policy for the removal of roads from the County Road System and the apportionment of the maintenance costs associated with County Road Systems (Co. Exec.).**

I'll make a motion, second by Legislator Muratore. All in favor? Opposed? Abstentions? So moved. **APPROVED (Vote: 5-0-0-0)**

**IR 1525 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with improvements to the Suffolk County Farm (CP 1796)(Browning).**

**LEG. BROWNING:**

I'll make a motion to approve, but I know the Parks Commissioner is here. There was some discussion. We believe that the offset from the Blydenburgh Park was an appropriate offset, so I'd like to confirm that. I certainly don't want to take away from Blydenburgh Park in a project that needed to be done, so.

**LEG. BARRAGA:**

I'll second the motion.

**CHAIRPERSON KRUPSKI:**

So motion by Legislator Browning, second by Legislator Barraga.

**LEG. KENNEDY:**

On the motion.

**CHAIRPERSON KRUPSKI:**

Go right ahead.

**LEG. KENNEDY:**

I'm not on the Committee. After Commissioner Dawson speaks I would like to request that someone might table this to find another offset besides Blydenburgh. We have waited four years for this to come up. We have switched our project in Blydenburgh. I have the 1977 Blydenburgh plan, the

2007 parks plans, and last year we did a historic overview, Capital historic overview, and the consensus was that we are not taking good care of our parks. The building that we're speaking about here has been -- is now the Miller's House. It is the only building in New York State that has the neoclassical style silver plaster, the only one in all of New York State. Blydenburgh Park is our oldest historical park in all of Suffolk County. I think we can find another offset for this very worthy project.

**LEG. BROWNING:**

Right, and that's why we've asked the Commissioner to come to speak on why it's an appropriate offset and why BRO thought it was an appropriate offset.

**COMMISSIONER DAWSON:**

Okay. I think the issue is the \$500,000 that we have in 2015. We do have \$500,000 appropriated in other funding for that. Actually, I think it's 575,000 and we have 100,000 in planning. Each time I come before -- each time before I come before this body in order to get those funds appropriated you've always asked for a plan to be put in place. Right now we're using that \$100,000. The Department of Public Works is going out for an RFP to see how that money is going to be spent in Blydenburgh at the Miller's House. So once that plan is in play, we'll take the \$500,000, we'll get the project started. We'll start working in 2016 on a retaining wall and do some infrastructure work on the property. But we're not going to get this \$500,000 appropriated without the plan from DPW, and they are just putting the RFP out now. So, you know, we'll be coming back in 2017 asking for those funds, if that makes any sense.

**LEG. BROWNING:**

So you're not seeing that this is going to impact the Miller House and that project.

**COMMISSIONER DAWSON:**

Well, not in -- to some degree. We do have \$575,000 to start construction, but we're not going to -- we're not going to do any construction on that until a plan comes back from the Department of Public Works. They have to go out for a formal RFP to come up with a contractor, to come up with plans do the work, so it's going to set the timeline back a little bit, but it's not going to eliminate the project.

**LEG. BROWNING:**

It's not going to happen in 2015, so you're looking maybe 2016.

**COMMISSIONER DAWSON:**

2016 to start the construction. Again, they're just going out for an RFP now to kind of get the ball rolling on the plan and on the planning funds.

**LEG. BROWNING:**

What's the timeline on that RFP, because I know generally they wind up around six months anyway.

**COMMISSIONER ANDERSON:**

Yeah. We're preparing the RFP now. We will have it out shortly. We anticipate having the consultant on board -- to be frank, as you mentioned, there's a three to six month process. Once we get them on board, I'm estimating it's going to be about a year to get the plans constructed, go out to bid. So we're not going to go to construction until 2017.

**LEG. KENNEDY:**

Can I just ask one additional question? On the 2007 statement on the park it says the brick foundation on the northwest addition and the rear embankment retaining wall, mortar is really deteriorated, brick shifting, breaking up, integrity of the wall is compromised due to water

penetration and lateral loads imposed by the soil. And I could keep going talking about foundation issues. What we were told when we switched off from the mill to the Miller's House is that that back wall was in danger of coming down. Is that the truth?

**COMMISSIONER DAWSON:**

Yeah, that's what we said. The \$575,000, I mean, that's the first part of that project. I think in 2016 we can commence with that. We know that -- we know that that needs to be done. We're still going to have to go out for plans, but I think we can start that -- I mean, I'm going to defer to Commissioner Anderson, but I think we can start that retaining wall in 2016 and then go with the construction -- the infrastructure on the interior of the house in 2017.

**COMMISSIONER ANDERSON:**

If it's work that can be done with basically cutting a work order, we do have 575,000 that we can put towards it and start that work going.

**LEG. KENNEDY:**

Minus 100,000 for the planning for the rest of the project.

**COMMISSIONER KRUPSKI:**

Right.

**LEG. KENNEDY:**

Okay. We'll fight to get it in next year's Capital Program.

**CHAIRPERSON KRUPSKI:**

Okay. So we have a -- is there any other questions about this?

**LEG. BROWNING:**

Well, you know, I know that we had the Homan House and that was -- structurally there was some issue was that. I want to be sure that structurally the Miller House, because I'm a big supporter of our historic homes, buildings, making sure that we maintain them, that nothing happens to them, so, you know, while this is an offset for the farm, I just want to make sure that, you know, the structure is not in jeopardy between now and next year, that you are doing what you need to do to maintain that structure.

**COMMISSIONER DAWSON:**

Again, we do have the \$575,000 that we could proceed with construction in 2016, but similar to the Homan-Gerard House, getting those funds -- any funding in 2015 -- if I were to come before this body to appropriate that \$500,000 this body would be asking me for a formal plan. I mean, we've been through that on a number of occasions with other historic property, so I don't know if I could get it appropriated anyway.

**LEG. BROWNING:**

Okay. Thanks.

**LEG. KENNEDY:**

Gil, engineering wise, can you guarantee that it's going to stand up until the beginning of 2017 being as it's the only one in New York State that has that type of plaster walls? Also, the roof is leaking, so.

**COMMISSIONER ANDERSON:**

You have my commitment that I will take a look at this and I will get back to you exactly where we are and what this immediate needs are. And if we have to cut a work order to do the immediate

repairs to make sure it's stabilized, we will do that.

**LEG. KENNEDY:**

Okay. Thank you.

**CHAIRPERSON KRUPSKI:**

All right. So we have a motion and a second. All in favor? Opposed? Abstentions? So moved.

**APPROVED (Vote: 5-0-0-0)**

So that is our meeting. We are adjourned.

*(The meeting was adjourned at 4:50 p.m.)*

*{ } Denotes Spelled Phonetically*