

PW 3/14/16

**PUBLIC WORKS COMMITTEE  
OF THE  
SUFFOLK COUNTY LEGISLATURE  
MINUTES**

A meeting of the Public Works Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on March 14, 2016.

**Members Present:**

Legislator Al Krupski - Chairman

Legislator Rob Trotta

Legislator Kate Browning

Legislator Steve Stern

Legislator Rob Calarco

Legislator Bridget Fleming

**Excused:**

Legislator Tom Muratore - Vice-Chair

**Also In Attendance:**

Amy Ellis - Chief Deputy Clerk of the Legislature

Sarah Simpson - Assistant Counsel to the Legislature

Catherine Stark - Aide to Legislator Krupski

Alyssa Turano - Aide to the Majority Leader.

Gil Anderson - Commissioner, Public Works

Bob Doering - Budget Review Office

Rick Brand - Newsday

All Other Interested Parties

**Minutes Taken and Transcribed By:**

Gabrielle Severs - Court Stenographer

(The meeting was called to order at 1:04 p.m.)

**CHAIRMAN KRUPSKI:**

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

**(\*Salutation\*)**

Welcome to the regular committee meeting of Public Works, Transportation, and Energy. We have no cards. Is there anyone who would like to address the committee before we start? I'll get right into the business at hand: tabled resolutions.

**IR 1027, Adopting Local Law No. -2016, A Local Law to clarify affordable housing requirements at developments connecting to a County sewer district (Calarco).** Motion to table by Legislator Calarco. Second by Legislator Trotta. All in favor? Opposed? Abstentions? So moved. **Tabled (VOTE: 5-0-0-2, Not Present: Fleming, Muratore)**

I have to mention that Legislator Muratore has an excused absence today.

**IR 1049, Approving renewal and extension of ferry license and fares for Tony's Freight Service, Inc (Gregory).** Is there a motion on Tony's Freight Service? Motion by Legislator Calarco. Second by Legislature Browning. Any discussion? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-2, Not Present: Fleming, Muratore)**

**IR 1158, Adopting Local Law No. -2016, A Local Law amending provisions relating to the administration and enforcement of the Uniform Fire Prevention and Building Code (Gregory).** Do I have a motion? Motion by Legislator Calarco. Do I have a second? Second by Legislature Browning. On the motion, Legislator Calarco.

**LEG. CALARCO:**

Just so I understand the bill correctly, this is going to allow the community college to process their own building permits; is that correct, Gil? What does this do?

**COMMISSIONER ANDERSON:**

No, that's not. Actually, what it does is it turns back responsibility for oversight of the code to New York State, who is actually the governing jurisdiction. The state can certainly turn it over to the school if they choose, but this really only turns it back to the state.

**LEG. CALARCO:**

The "state," meaning the education department?

**COMMISSIONER ANDERSON:**

Yes, SUNY.

**LEG. CALARCO:**

So then we wouldn't need to have -- one of questions that was raised is whether or not there would be any process by which they'd at least notify us or keep us in the loop in terms of what's going on as they go through their building process.

**COMMISSIONER ANDERSON:**

Correct; it would be up to them to advise us directly.

**LEG. CALARCO:**

But they are, through the state, going to be having that oversight provided?

**COMMISSIONER ANDERSON:**

The state would oversee all the plans and make sure that they follow the building code.

**LEG. CALARCO:**

I guess that this would be similar to -- akin the way it works with the public schools that they all go through the education department.

**COMMISSIONER ANDERSON:**

Uh-huh.

**LEG. CALARCO:**

Okay. Thank you.

**CHAIRMAN KRUPSKI:**

Thank you. Legislator Stern. And there are people from the college here also if anyone has questions about that.

**LEG. STERN:**

So essentially we're saying that those buildings that are on the grounds of the college are going to be within the jurisdiction for these purposes of the state. Are there buildings that will -- that are on the college campus that would not be within that jurisdiction that still remain within ours?

**COMMISSIONER ANDERSON:**

Only those lands that are owned by the county that are county buildings, if you will. In this particular case, this is only going to impact college buildings.

**LEG. STERN:**

The notes I have here are that we're talking about buildings that are within their custody. Do we know, from a legal perspective, what does that mean? What does a building that is within a custody of one jurisdiction or another?

**MR. NOLAN:**

Well, the state education law says the community college buildings are within the custody and control of the board of trustees of the college, so they control the buildings.

**LEG. STERN:**

It's objective. It's identifiable. There would be no question as to which level has custody over a particular building.

**MR. NOLAN:**

Right. If it's on the community college campus, the college is going to have custody of those buildings and always has had custody of those buildings. It'll be responsible for the management.

**CHAIRMAN STERN:**

Which is why I ask the question because the question from before was are there going to be any buildings that are on the college campus that are not going to remain within the custody and -- Gil, what did you say; that there are county buildings that are on campus or are not?

**COMMISSIONER ANDERSON:**

No, I can't think of any.

**MR. ZWIRN:**

Ben Zwirn for the College. I just want to also add that that county health department and the fire

marshall's office will still have jurisdiction and still be subject to all the inspections that they do now. I mean, it's not that the college is going to be excluded from that, so the county have still will have their departments that will have jurisdiction.

**CHAIRMAN KRUPSKI:**

Legislator Browning.

**LEG. BROWNING:**

I was at a LECET meeting. I know that we had representatives from DPW, so as far as oversight's concerned, one of the -- they were showing some slides and the D.A.'s office was there with school buildings that were poorly built, you know, substandard quality materials. So if we do this, and the community college now does have their own authority as far as bidding processes and prevailing wage and all of that, does that still stay in place?

**MR. ZWIRN:**

Yes, the college still does that now, and that would continue to be the norm for the college.

**LEG. BROWNING:**

It's just that, you know, when -- I know that the schools are required to, I believe -- like our school districts, they are required to do prevailing wage, and it's not always the lowest bidder but the best lowest bidder, so I just want to make sure that we're not going to wind up seeing someday that there's going to be a bidding process where there's going to be substandard materials used, which is what I saw the other day at that conference.

**MR. ZWIRN:**

The college has the personnel that have the appropriate degrees and background to do the work that they may be asked to do. They've had it for a long time. Farmingdale State does their own, Stony Brook does their own, Nassau Community College does their own, so it's not new in that sense. It'll help the college move the process along. Sometimes our buildings get delayed to no fault of DPW, but they have a lot to do, and they want to see the entire project, all the work done before they'll approve anything. If some of the stuff could be done piecemeal the way it comes in, if those projects could be approved, we could probably move a little faster. You know, we use the same consultants that the county uses.

**LEG. BROWNING:**

It's just, you know, that the minute things go south, we get the phone calls from the buildings trades and --

**MR. ZWIRN:**

As I say, the health department, which covers septic systems, we have to meet all their standards. Fire marshall's office can come on at any time to do an inspection; we have to get their approvals, which goes to public safety. Nobody is looking to circumvent that. We want to build good, safe buildings. Again, we have some of the members here today from the community college staff if you'd like to hear from them, but they have all the degrees, they have all the training that the county has.

**COMMISSIONER ANDERSON:**

And if I may, this only refers to oversight of the building code, and that's all, so the procurement, everything else still stays the same.

**LEG. BROWNING:**

Okay. Thanks.

**CHAIRMAN KRUPSKI:**  
Legislator Trotta.

**LEG. TROTТА:**  
Why are we doing this?

**COMMISSIONER ANDERSON:**  
This was requested by the college to help them, as Ben Zwirn just mentioned, enable them to essentially move their projects along at an expedited rate as much as they can. Our building review personnel would ask for, what we felt to be, the needed requirements, the needed paperwork and sometimes, especially when the beginning of school or right before school started, it came down to a point where everything needed to be expedited. Given the workload that we had, we felt their requests -- we were fine with their request.

**LEG. TROTТА:**  
Can you give me an example of something that you're talking about?

**COMMISSIONER ANDERSON:**  
A couple years ago at the Riverhead center, I believe it was the culinary institute, had just finished construction, and there were some -- it wasn't a hundred percent complete and they were looking to open up the building, so at the last minute, everybody's scrambling to try and basically -- what we did was we gave them a temporary CO to allow them to open up the school. It didn't affect public safety, per se, but as an overseer of the building code, we didn't feel comfortable giving them a final CO until we had everything in place.

**LEG. TROTТА:**  
So you give the buildings and the county college a CO?

**COMMISSIONER ANDERSON:**  
Yeah, we do --

**LEG. TROTТА:**  
Now they're going to be able to give them their own? No, it's going to go to the state. The state is now going to take it over. Does the state know about this?

**COMMISSIONER ANDERSON:**  
Yes, I believe they do.

**LEG. TROTТА:**  
You believe they do or they do?

**MR. ZWIRN:**  
The state is involved, as I said, with -- we're in the SUNY system. The state is involved with Stony Brook, Farmingdale State, Old Westbury.

**LEG. TROTТА:**  
I'm missing what this is going to really do.

**MR. ZWIRN:**  
It'll move things along more quickly.

**LEG. TROTТА:**  
How?

**MR. ZWIRN:**

Because we'll get approvals quicker.

**LEG. TROTТА:**

From who?

**MR. ZWIRN:**

From the state. We can do it in increments as opposed to doing it in increments and then having to go through the entire process at the end all over again, and what's happened is we've had projects that just a lot longer than they normally would, and what happens is the costs go up.

**LEG. TROTТА:**

This is for new construction only?

**MR. ZWIRN:**

Yes.

**LEG. TROTТА:**

Only new construction.

**MR. ZWIRN:**

Yes.

**LEG. TROTТА:**

So if we're building a new building that has to do with the college, it doesn't affect anything else we do, just the college.

**MR. ZWIRN:**

Correct.

**CHAIRMAN KRUPSKI:**

Legislator Stern.

**LEG. STERN:**

Yeah. Thank you. To Mr. Zwirn, would you characterize this initiative as an opportunity to cut red tape?

**MR. ZWIRN:**

Well, we're still going to go through the entire process, but it will be expedited. It is not as if we're going to take any shortcuts in that sense, but we wouldn't have to go through -- once we get approvals from the consultants and from our people, we don't have to then go ahead to the county and get a second opinion, a second okay.

**LEG. STERN:**

You would characterize it as making the process more efficient?

**MR. ZWIRN:**

More efficient and, probably in the long run, a lot less expensive.

**LEG. STERN:**

You'd also characterize it as having no adverse impact on safety standards?

**MR. ZWIRN:**

Oh, absolutely not.

**LEG. STERN:**

Thank you.

**CHAIRMAN KRUPSKI:**

One more question. I think Legislator Trotta asked it but the relationship between the college and the state, and I think the question is the state knows this is coming so they are just going to get the application from the college instead of getting it from DPW. How does that...

**COMMISSIONER ANDERSON:**

We notified the state that there was issues going on, that we were having these discussions, but I don't know that the state knows that this is coming.

**CHAIRMAN KRUPSKI:**

Will it matter to them if they get the application in from the county or the --

**MR. ZWIRN:**

The state does does it now for most of the schools that they are involved with. It's not going to be anything new for them. They do it now as a matter of course.

**CHAIRMAN KRUPSKI:**

All right. We have a motion and a second. Do we have a motion and a second?

**MS. ELLIS:**

Yes.

**CHAIRMAN KRUPSKI:**

All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 5-0-0-2) (Not Present: Muratore)**

**1189, Appropriating funds in connection with Roof Replacement on Various County Buildings (CP 1623)(County Executive).** Is there a motion?

**LEG. CALARCO:**

Motion.

**CHAIRMAN KRUPSKI:**

Motion by Legislator Calarco. Second by Legislator Stern. I see from the lack of buckets in the hallway here that this must be ongoing. Is there any questions? All in favor? Opposed? Abstentions? So moved.

**Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1190, Appropriating funds in connection with replacement of Major Buildings Operations Equipment at Various County Facilities (CP 1737)(County Executive).** Same motion, same second. Any questions? All in favor? Opposed? Abstentions? So moved.

**Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1191, Appropriating funds in connection with Elevator Controls and Safety Upgrading at Various County Facilities (CP 1760)(County Executive).** Motion by Legislator Fleming.

Second by Legislator Stern All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1192, Calling a public hearing for the purpose of increasing and improving facilities and modification to the plan for Suffolk County Sewer District No. 18 – Hauppauge Industrial (CP 8126) (County Executive).** Motion by Legislator Fleming. Second by Legislator Stern. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1195, Appropriating funds in connection with reconstruction of Culverts (CP 5371) (County Executive).** Same motion, same second. No discussion on the culverts. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1198, Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 11 – Selden (CP 8117) (County Executive).** Motion by Legislator Calarco. Second by Legislator Stern. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1199, Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 7 – Medford (CP 8150) (County Executive).** Same motion, same second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1201, Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 10 – Stony Brook (CP 8175) (County Executive).** Same motion, same second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1202, Calling a public hearing for the purpose of modifying the plan for the increase and improvement of facilities for Suffolk County Sewer District No. 3 – Southwest (CP 8181) (County Executive).** Same motion, same second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1203, Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 3 – Southwest (CP 8180) (County Executive).** Same motion, same second. All in favor? Opposed? Abstentions? So moved. **Approved (VOTE: 6-0-0-1) (Not Present: Muratore).**

**IR 1212, Authorizing the conveyance of County-owned surplus unused right-of-way having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 02.00 Lot 009.000 fronting two (2) parcels of land having Suffolk County Tax Map Identification Numbers of District 0200 Section 663.00 Block 02.00 Lot 005.000 and District 0200 Section 663.00 Block 02.00 Lot 010.000 pursuant to Section 125 of the New York State Highway Law (County Executive).** I'll make that motion. Is there a second? Second by Legislator Fleming. On the motion, Commissioner Anderson.

**COMMISSIONER ANDERSON:**

Yes, sir.

**CHAIRMAN KRUPSKI:**

Can you describe this parcel of land and why it's surplus and unused?

**COMMISSIONER ANDERSON:**

Sure. When the county creates land to construct a road of a right-of-way or a highway, generally the parcels we purchase will conform to the existing property lines at that time. In this particular

case, this is the remnant of another lot that was purchased to construct Sills Road, which is County Road 101. It's a small, triangular portion between Old Town Road and Long Island Expressway on the west side of the road. It's a surplus parcel that we'll never use. It remains a liability as long as it's just sitting there, so we had a request to purchase it. Fair market value was obtained at \$63,000, and we're making the request to transfer that to this person or persons.

**CHAIRMAN KRUPSKI:**

Thank you. Any questions? Legislator Calarco.

**LEG. CALARCO:**

Gil, this happens to be in my district. Could you maybe tell me who's looking to acquire the property and what they're planning to use it for.

**COMMISSIONER ANDERSON:**

I don't believe I have that information.

**LEG. CALARCO:**

This is, where this is located now, it's kind of an industrial area but also kind of towards the end of a neighborhood in Medford that kind of abuts that industrial area, and I'd be interested in knowing if this -- adjacent property owner -- this is all wooded area right now, the adjacent property is wooded as well, what they're looking to actually acquire it for. You know how people just want to buy a piece of property for the fun of owning it and being --

**COMMISSIONER ANDERSON:**

I'm assuming they want to develop the site off Sills Road but it's -- I'm looking at the parcel map that was attached. It's adjacent to land, which is adjacent to Old Sills Road. I can get you the actual usage and who's looking to purchase it, but I don't have that information with me.

**LEG. CALARCO:**

Yeah, if you can get that to me before Tuesday, it would be great. I'd like to know if we're helping to encourage a development that maybe the community is going to look for.

**COMMISSIONER ANDERSON:**

Sure. Absolutely.

**LEG. CALARCO:**

Great. Thank you.

**LEG. TROTТА:**

How big is it?

**COMMISSIONER ANDERSON:**

It is 9,694 square feet.

**LEG. TROTТА:**

A quarter of an acre or something like that?

**COMMISSIONER ANDERSON:**

Yeah. It's tiny. It's an odd little shape.

**LEG. TROTТА:**

You can't build on it.

**COMMISSIONER ANDERSON:**

You can't do anything with it. I mean, it's really -- maybe it's 50 feet back at the apex of the triangle.

**LEG. TROTTA:**

I was just at a place where we're buying little pieces like this; now we're selling them. It's not near any environmentally-sensitive land or?

**COMMISSIONER ANDERSON:**

No.

**CHAIRMAN KRUPSKI:**

It's between two highways.

**LEG. TROTTA:**

I find it odd that we were just buying little pieces of land this size and now we're selling them.

**CHAIRMAN KRUPSKI:**

Okay. Thank you.

**LEG. BROWNING:**

Is this the one by the school?

**LEG. CALARCO:**

This is actually towards the end of Long Island Avenue, where Long Island Avenue meets into 101 just south of the expressway. It's a slightly industrial area but very underdeveloped in this particular location. I would just like to know what they're looking to do with that particular property before we allow a sale.

**LEG. TROTTA:**

Solar sale.

**LEG. BROWNING:**

Let's go solar.

**LEG. CALARCO:**

Trees for solar, huh?

**CHAIRMAN KRUPSKI:**

All right. There is a -- so we have a motion and a second.

**LEG. CALARCO:**

I'm okay with moving forward, and Gil can give me the information before Tuesday, and if it's an issue, we'll take it up then.

**CHAIRMAN KRUPSKI:**

Thank you. We have a motion and a second. All in favor? Opposed? Abstentions? So moved.

One more quick question, Commissioner, while we have you here. There was a long discussion this morning in EPA about fish ladders and about dam removal, and it came up the road at lower lake on the Carmans River in Yaphank, that we were going to spend a considerable amount of money on a fish ladder and roadwork and that the town was going to spend a considerable amount of money on invasive species remediation in the lake, and that maybe those two funding sources be combined to take the dam out and restore the lake to its natural water course, which would -- the testimony then

would -- to improve the breeding and habitat for brook trout because it's cold water, and I don't know if that's ever been discussed before.

**COMMISSIONER ANDERSON:**

I can only say that I believe it's been discussed in discussions with the town when they've spoken about trying to get rid of the invasive species on both lakes. One of the options that was considered was to temporarily remove the dams and allow the natural flow of water through there so that the sides would dry up. They could remove the invasive specie and then dam up the lake. As far as whether or not it would benefit the lake or the trout, I wasn't privy to that.

**CHAIRMAN KRUPSKI:**

Okay. Maybe we could have a discussion with the people who are more expert in removing the dams and restoring the more natural habitat there, and would serve more than one purpose than that. The point that was being made this morning is that you wouldn't spend money remediating the invasives and you wouldn't spend money on a fish ladder. You would remove the dam and repair the road instead, and it would solve different problems with the same pool of money.

**COMMISSIONER ANDERSON:**

I don't disagree. My own suggestion is you might want to include the town --

**CHAIRMAN KRUPSKI:**

Oh, absolutely.

**COMMISSIONER ANDERSON:**

-- only because the lake falls within their property.

**CHAIRMAN KRUPSKI:**

Absolutely, yeah. That was brought up. Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**CHAIRMAN KRUPSKI:**

If there's no other --

**COMMISSIONER ANDERSON:**

Actually, could I make a quick statement?

**CHAIRMAN KRUPSKI:**

Sure.

**COMMISSIONER ANDERSON:**

We'll be submitting a CN for additional funds for the Meschutt Beach alternate wastewater system that we're installing. We took in bids. There was \$250,000 that was appropriated for the funds that came out of the ASRF funding. The lowest bid came in at \$298,000, so we're going to be submitting a request based on approval of the ASRF committee to appropriate the additional funds, and that will be submitted as a CN.

**CHAIRMAN KRUPSKI:**

Legislator Fleming.

**LEG. FLEMING:**

Good morning, Gil.

**COMMISSIONER ANDERSON:**

Good morning.

**LEG. FLEMING:**

Or good afternoon. So how many bids did you get?

**COMMISSIONER ANDERSON:**

We got seven.

**LEG. FLEMING:**

Was there a big range?

**COMMISSIONER ANDERSON:**

They range from anywhere from around \$530,000 to the 298 that we got. The top low three were between the 298 to about 395.

**LEG. FLEMING:**

So looking at the seven, does your department feel that it's appropriate, in terms of the way the specs were laid out, that this was an appropriate bid?

**COMMISSIONER ANDERSON:**

Yes, and the contractor who was the lowest bidder is one that we've done work with and we know that they're reliable and a good contractor.

**LEG. TROTТА:**

This is for the cesspools at that beach hut?

**COMMISSIONER ANDERSON:**

This is the alternate septic system out at Meschutt, yeah, where the beach hut is.

**LEG. TROTТА:**

Three hundred grand.

**COMMISSIONER ANDERSON:**

Open three months a year, basically.

**COMMISSIONER ANDERSON:**

Basically.

**LEG. FLEMING:**

Could I just note, though, that that waterway is very important. That's right on the Shinnecock Canal, the only canal of its kind on Long, and there are considerable concerns with regard to the Shinnecock Bay where the canal empties, and it's right at the top. It's very, very heavily trafficked in the summer season, and I think it's a great opportunity for the county to demonstrate, you know, sort of putting our money where our mouth is with regard to water quality. It's a great opportunity to make an important change from my perspective, Rob.

**CHAIRMAN KRUPSKI:**

And it wasn't change for change's sake; it was dysfunctional, and it needed to be completely fixed, so this is the time to make that dramatic change. It wasn't like it was a functioning system and we just kind of eyeballed that one.

**LEG. TROTTA:**

How much are regular cesspools?

**COMMISSIONER ANDERSON:**

With the county installing them, it would probably be around -- this isn't like your home system. It's a very shallow, commercial-type of use, so it probably would have ran around -- when I asked, it was about 190, 200 for that system to be installed, so you're adding another 100,000.

**LEG. TROTTA:**

There's no sewer plant out there anywhere, huh?

**COMMISSIONER ANDERSON:**

Not nearby, no.

**LEG. FLEMING:**

Can you just, Gil, provide number with regard to the volume --

**MS. ELLIS:**

Can you please use the mike?

**LEG. FLEMING:**

So if you could provide volume numbers for us. I know -- I understand Legislator Trotta's concern with regard to the seasonality, but I understand that it is a very. Very heavily used restaurant and beach, public beach, so if you could just let us know. It may very well be that the numbers that we see in the season are almost as heavy as if it were open year round. Thank you.

**COMMISSIONER ANDERSON:**

10-4.

**CHAIRMAN KRUPSKI:**

Okay. No other comment. Commissioner, anything else?

**COMMISSIONER ANDERSON:**

No. All good here. Thank you.

**CHAIRMAN KRUPSKI:**

Thank you. We are adjourned.

(The meeting was adjourned at 1:32 p.m.)