

PUBLIC WORKS, TRANSPORTATION & ENERGY COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Public Works, Transportation & Energy 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 July 18, 2016.

Members Present:

Legislator Al Krupski - Chairman
Legislator Tom Muratore - Vice-Chair
Legislator Rob Calarco
Legislator Kate Browning
Legislator Steven Stern
Legislator Bridget Fleming
Legislator Rob Trotta

Also In Attendance:

George Nolan, Counsel to the Legislature
Amy Ellis, Chief Deputy Clerk/Legislature
Gil Anderson, Commissioner/Department of Public Works
John Donovan, Chief Engineer/Department of Public Works
Alyssa Turano, Aide to Leg. Hahn
Greg Moran, Aide to Leg. Trotta
Katie Horst, County Executive's Office
All Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

Minutes Transcribed By:

Denise Weaver - Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 2:01 PM

CHAIRPERSON KRUPSKI:

All right, welcome to the regular meeting of Department of Public Works, Energy and Transportation. All rise for the Pledge of Allegiance led by Legislator Calarco.

SALUTATION

CHAIRMAN KRUPSKI:

All right. I don't have any cards here. I don't know if anyone would like to address the Committee before we start.

TABLED RESOLUTIONS

Seeing none, Tabled Resolutions: **IR 1322 - (Adopting Local Law No. -2016), A Local Law to further incentivize the creation of affordable housing. (Calarco)** Legislator Calarco, what's your pleasure? Your bill. Would you like to share something with the class? *(*Laughter*)*

LEG. CALARCO:

I'll make a motion to approve, please.

CHAIRMAN KRUPSKI:

There's a motion. Is there a second?

LEG. FLEMING:

I'll second it.

CHAIRMAN KRUPSKI:

Second by Legislator Fleming. All in favor?

LEG. TROTТА:

On the motion.

CHAIRMAN KRUPSKI:

On the motion, go right ahead.

LEG. TROTТА:

Which one is this? This is the -- it has to be on the same location?

CHAIRMAN KRUPSKI:

Yes.

LEG. TROTТА:

Not just in the same town, but on the same location?

CHAIRMAN KRUPSKI:

Yes.

LEG. TROTТА:

Thanks.

CHAIRMAN KRUPSKI:

All right. And this is, I mean, this is -- this is something that I tried to clarify last year and reached

an impasse. I believe that planning would dictate that you could site the affordable housing in a location that might better serve the community than just that location.
So that's where we --

LEG. CALARCO:

Sure. On the motion.

CHAIRMAN KRUPSKI:

Absolutely.

LEG. CALARCO:

So you are correct, it does specify that it needs to be done onsite, but there's -- there is provisions in here that would make the onsite connection more affordable for the developers. And actually LIBI strongly supports this. I helped -- they helped me in crafting this legislation so that it is something that makes sense from the developer's standpoint as well.

So, you know, we can't -- you can't say that affordable housing can't be located in one place, but -- located somewhere else, that's a false argument that the towns can't really make. In fact, there have been multiple lawsuits involved in the Town of Oyster Bay, the Town of Huntington, Nassau County, the City of Glen Cove that have all been successful in terms of disputing that allegation. You can't -- the towns can make zoning decisions and are required and should and must make zoning decisions based on what's best for the character of the community. They can make determinations on what density should be or should not be allowed in an area based on what is suitable for that location. But they can't say you can or cannot put the affordable housing component in there. They can't tell a developer how much they could sell those units for; they can only tell them how many units they can build onsite and other provisions.

So what we have -- what the development community has told us about the requirement of 20% on-sites that the County currently has or -- we've disputed onsite versus offsite -- is that oftentimes the added density that sewers allow to be created that offsets the cost of the -- providing the affordable housing units at 20% of the total project, often doesn't work financially for the developers because what ends up happening is is, say, the density they could get is ten per acre but the town doesn't feel ten per acre is appropriate, they want six per acre. So at that point in time the numbers don't add up anymore for them.

So what they have requested is that we provide some other mechanism. And to me this is another carrot approach to the County in terms of providing affording housing and communities. So we lowered the bar to 15% the first get in, 15% onsite so instead of 20% connection (inaudible), it's a 15%. But at 20% connection, or 20% affordability, you now get a 20% discount on your connection fee. And there's a sliding scale that goes all the way up to 75% affordable project, you get 100% waiver of your connection fee. So it gives those developers a financial incentive to still do affordable housing whether it's at 20% or 30% or 75% and to also ensure that they're connecting to the County system.

So what you would see developers have decided to do instead is that because of the 20% provision sometimes makes the numbers not work for them based on what they can get zoning-wise, they decide not to connect to a sewer plant at all. And then you have them relying on traditional septic systems or Cromaglass or some of these alternative systems that don't work as effectively and certainly are under as well of supervision as the County's plants are themselves.

So this is really trying to find a way of being fair to the development community, encouraging that affordable housing, but still ensuring that the projects are accomplishing the task of developing those projects onsite in the same location as the main project, which is what makes affordable

housing work. You don't want to have one neighborhood be affordable housing neighborhood and another neighborhood being the market-rate neighborhood.

CHAIRMAN KRUPSKI:

All right, so we disagree on all that but -- I never should have given you the mic. No. Because it is planning to say maybe some units should go in different areas. You can incentivize different renewal projects in different areas if you incentivize the builder to build it there. Towns and villages have that ability if you can move the affordables offsite. And there's nothing reason to give them -- there's no reason not to give them that -- that tool in the toolbox to say that both the developer and, maybe they own another piece of property somewhere else in town, the developer and the municipality to say, well, maybe they could expedite the project if you can move some of the affordables there.

And also the provision of this, right now the law is written if you're going to connect into a County sewer district, is 20% affordable. So this bill weakens that and says it's only 15%. And I -- and I think you're starting from a lower threshold, you should have at very least started at 20% if you want to give a discount. But to start at a low threshold provides for less affordable housing.

LEG. CALARCO:

Well, I think, by getting -- at 20%, a 20% waiver on your key money you're going to see that's a substantial amount of money. So when you're talking almost \$10,000 per unit what you would pay for your connection fee that you're going to see developers choose to go to the 20% or higher mark in order to achieve those savings and their key money because that's actually going to affect their bottom line, the dollar amounts. So I don't think it hurts it from that perspective. I think it actually is strengthening the opportunity to create affordable housing in the County.

CHAIRMAN KRUPSKI:

I think they'll just build less.

LEG. CALARCO:

And to the other point in terms of moving the affordable component, we only had one incidence where the developer has asked to do that. And in that particular instance we agreed to give it to him because he successfully argued that we didn't have a clear law. And at this point in time, he doesn't have another site offsite. He made the argument at the time that he did, but now they are coming under pressure from the town not to, you know, the town's coming under pressure from the community, they don't want to build the affordable housing in that other offsite location within the same hamlet, within the same zip code. So now they're regrouping; they're going to try to find him another site; is he not going to go there; is he going to end up -- and that's the concern all along is that you're going to cluster all of your affordable units into one location as opposed to having a mixed development where you have the various types of units all in the same location, the same hamlet and same school district. And for that matter why would we give a benefit to a developer to connect into a district from out of -- you know, an area from out of district and then to let them build the affordable housing someplace completely not near that sewer? Because then -- then those -- those affordable units aren't even connecting to the sewers. So we're giving them a benefit and we're not actually achieving any real benefit to the County in that location.

CHAIRMAN KRUPSKI:

Maybe it is. Maybe it's the kind of redevelopment that you want in an area. Maybe those affordable units, if they're moved offsite, would be connected to a sewer. Maybe they're closer to transit; maybe they're closer to jobs. And so maybe that's what -- and plus, if you allow them to -- if you allow them -- affordables to be moved offsite, you're allowing them to be moved offsite; you're not mandating that they are moved offsite. It's just a -- it's just an option. Or you could move one or two or all of them.

LEG. CALARCO:

But the argument to allow that because the towns want to be able to dictate where the affordable housing goes is counter to all the lawsuits that have been fought out over the last five, six, seven years in Suffolk County or in Long Island, which is that towns cannot preempt affordable housing from going into a specific neighborhood or a specific area.

CHAIRMAN KRUPSKI:

I don't think that's a -- yeah, that's a town zoning and planning issue. That's not --

LEG. CALARCO:

Yeah, that's -- but that's the argument being made is that we shouldn't make them onsite because we want the towns to have the ability to move the affordable to another location. And the towns don't have that legal authority to do that.

LEG. CALARCO:

All right. So, anyone else? Sure.

LEG. BROWNING:

Because it talks about, you know, County sewage treatment plants, like for example, in Brookhaven, if you could give me an example of affordable housing projects that are occurring or will be occurring that will be tying into a County sewer district.

LEG. CALARCO:

The one that I'm aware of that's in progress and has been approved by the County, there is one in Farmingville that was being built, I believe, by Mike Kelly. And that's a project that was approved by the -- by the town already and has an outer district connection that's coming into the County -- a County plan.

So there are a number, I don't have the list in front of me, there are, I think, about 13 various projects throughout the -- the life of this law as it applies now that have done connections into -- out of district. So it's not a proliferation of a ton of projects. I think this actually might make it an increase in number that connect because -- we're making it more affordable for the developer to do it; we're making it more financially viable for them.

LEG. BROWNING:

No -- because what I'm thinking about is, let's take, for example, the Ronkonkoma Hub or the Wolkoff project, Heartland project, where they would be tying into the Southwest Sewer District but they're not actually in the Southwest Sewer District.

LEG. CALARCO:

So Ronkonkoma Hub would be a -- this law is specifically for projects that are connecting from out of district. I think the Ronkonkoma Hub project is a bit different because -- and the Commissioner's here and he can correct me if I'm wrong -- I think the conversation is creating some sort of a district that covers Ronkonkoma Hub even if it's a district that's paying for the pipeline that's going to connect --

LEG. BROWNING:

Yeah, but they're hooking up to the Southwest Sewer District.

LEG. CALARCO:

I believe that's the plan, but, I mean, the Commissioner could correct me if I'm wrong in terms of how that applies.

COMMISSIONER ANDERSON:

The legislation applies strictly to outside developments that are outside of the actual district connecting in. So in a case, I mean, in the case of Ronkonkoma Hub, I believe there is an affordable component and they are meeting that.

LEG. BROWNING:

Right, but you're looking to increase the affordable component which could increase the number of units?

COMMISSIONER ANDERSON:

It's optional, I believe.

LEG. CALARCO:

It could increase the number of affordable units in the total project, if they are in compliance with the law. So if you do 20% affordable, you get a 20% discount. If you do 30% affordable, I don't have the number in front of me, I think it's something along the lines of a 28% discount. So you are reducing the amount of key money you pay in if based on the increase in affordable units that you create out of the total project.

LEG. BROWNING:

Right, but now you're hooking up -- what I'm asking is, could this potentially increase the number of units, not just the number of affordables, but the total number of units?

LEG. CALARCO:

Well, I mean, the intention of connecting -- any developer who's connecting to a sewer district is doing -- for the ability to get greater density on the project, right? So, you know, you're only allowed so much flow per acre through traditional septic systems or even if you build one of the standalone systems of Cromaglass, what have you, but if you connect to one of the County's districts it's going to get you greater flow and it may be a lot more cost effective besides. So that's the reason why the County implemented a 20% rule in the first place was because we were wanting to get something out of that for those out of district connections. If you're in district it's -- you have an as-of-right to connect and we can't put any provisions on that.

LEG. BROWNING:

Right, right. But, you know, one of the concerns that I have and typical example is Ronkonkoma Hub, you can't keep shoving everything down to the Southwest Sewer District because they only have so much capacity and they're only going to be able to build out so much. And how many projects currently exist that are tying into the Southwest Sewer District not just, you know, the Hub, not just Heartland, but how many other projects are going to be going into the Southwest Sewer District where there are people who live within the Southwest Sewer District who are still not hooked up.

LEG. CALARCO:

Sure, no, there's --

COMMISSIONER ANDERSON:

Can I respond really quickly to that?

CHAIRMAN KRUPSKI:

Please do.

COMMISSIONER ANDERSON:

Just so you know, the capacity of those -- every residence within the County, sewer district three, is

already taken into -- taken into, you know, sorry, I'm drawing a blank.

LEG. BROWNING:

Consideration.

COMMISSIONER ANDERSON:

Thank you. The, you know, the excess capacity is intended for outside connections to come in and it would be similar in any of the treatment plants, in any of the districts that we have that do have additional capacity such as, you know, Port Jeff and, I'm sorry, Kings Park and some of the other plants that we have that do have that excess capacity.

LEG. BROWNING:

Where are the town supervisors because I guess, you know, this is something that they -- they're responsible, you know, it's the zoning and all of this is under their jurisdiction. Are they supporting this? Or --

LEG. CALARCO:

Well, I haven't addressed the town supervisors on this, I don't think this is taking away anything from their jurisdiction. They have zoning. They continue to have zoning. They will continue to say to developers what kind of density they're going to get out of a project, they need to say to developers, you know, what the project has to look like and all those other things depending on where the developer's looking to build that project because that is not only their right, it's their responsibility to those communities, to make sure that -- that what's being built is in conformity with what the community is -- looks like and it requires and those kind of things and that's all still their purview.

What this is doing is saying that if you're going to connect to a County system, we want a certain amount of density and we want you to build it onto that density -- or not, excuse me, density, we want a certain number of affordable units, we want those units to be onsite and the more of those units that you make affordable, the more of a discount you may be able to get on your key, your application, your money that you're paying to get in them.

LEG. BROWNING:

That's the ones that are within their sewer districts. Like Brookhaven doesn't have -- there's not too many County sewer districts for those types of projects from what I can see.

LEG. CALARCO:

These are only applicable to County sewer districts that you're coming into an out of district connection to a County plant. For anybody whose building who's not connected to a County plant, we -- you know, other than -- other than them still having to comply with our sanitary code standards for those projects, however they may meet those, you know, that's -- that's totally separate and apart from this purview -- this law.

LEG. BROWNING:

I do think that the town supervisors do and should have some kind of a say to kind of get an input from them, an opinion from them. I definitely would like to hear from them to see what their opinion and their thoughts are. I mean, Brookhaven doesn't have really much to talk about, but, you know, Patchogue has done a lot of work but Town of Babylon, Southwest Sewer District, it seems like everything's going to the Southwest Sewer District, and at some point in time -- I think it's unfair to take too many out of district projects and send it to them and so I'm curious to find out what that supervisor feels about all of this.

LEG. CALARCO:

Sure, no, and I could appreciate that. And I think and I know you have concerns about how the Ronkonkoma Hub project is being developed and whether or not they should be an out of district versus building a plant and I think there's some valid arguments there that you are looking at. You know, I don't think that's necessarily -- it certainly wasn't the thing that was on my mind when I was doing this -- this proposal. What I was trying to do, we had the -- the debate last year about onsite versus offsite, and we had a developer that came in that is clearly having difficulty finding his onsite -- his offsite location now, but he made his case and I voted to give him his connection because I think he made a case. We're trying to -- to clarify that law now, and what I was trying to do through this -- this proposal is to find a compromise because clearly the developers wanted to have enough flexibility in order to do a project that works. The towns need to be able to do their zoning and make sure that they're getting projects that are appropriate for the location the developer's looking to do the project and this is trying to provide some of that financial flexibility to make a project work. It doesn't mean that the developer has to do that amount of affordable housing. If they want to connect from a district, in fact lowering it a little bit so that gives them a little more flexibility, but it's also giving them -- by having what they conveyed to me very clearly, was that it's the key money, connection money, that really makes it sometimes financially difficult for them. So this is giving them some wiggle room in that regard to make it more plausible.

LEG. BROWNING:

Okay. And that also goes to many of these projects -- let's go to the construction of those projects and who's building them and is it out of state labor and now are we -- cause those are also concerns. So it's while it's, you may not think it's something to do with this, it kind of does if you remember in Patchogue when they were using the out of state labor and now you're giving them discounts for not hiring Long Island workers. That would be another issue.

LEG. CALARCO:

I mean, they're getting a benefit from the County by getting an out of district connection, sure, by providing them the -- the -- by providing them with a little bit of a reduction in key money you might be giving them, you're giving them a little more incentive; correct. The County has laws that are on the books, certainly how far those laws carry on in terms of even the affordable housing programs and such into all those labor issues and I definitely agree with you. I would prefer these developers using our local labor, using union and organized labor from my perspective, and our laws, I think, are covering those as effectively as we can under the confines of State law.

LEG. BROWNING:

You know, I'm not even just talking about, you know, the unions and, but it's, you know, prevailing wage, and --

LEG. CALARCO:

Sure, sure. Absolutely.

LEG. BROWNING:

-- local labor.

LEG. CALARCO:

And I -- and I --

LEG. BROWNING:

I think we need to have something in place with that also. So I'm curious to find out what -- if you wouldn't mind reaching out to our supervisors and trying to get some input, especially the ones who have the large sewer districts that are going to be most impacted by these types of projects.

LEG. CALARCO:

Sure.

LEG. BROWNING:

And if we would hold off for one cycle and see what -- see what they got to say.

LEG. CALARCO:

So, you know, in the interest of trying to get the consensus here I'll make -- I'll withdraw my motion. I'll make a motion to table for the cycle and we'll work on lining up some more support.

CHAIRMAN KRUPSKI:

Okay, thank you. Is there a second on the table?

LEG. BROWNING:

I'll second it.

CHAIRMAN KRUPSKI:

Second by Legislator Browning. All in favor? Opposed? Abstentions? So moved. **Tabled (VOTE: 7-0-0-0)**

1407 - Establishing the Suffolk County Safer Streets Program (Cilmi).

LEG. FLEMING:

Motion to table.

CHAIRMAN KRUPSKI:

Is there a -- motion to table, Legislator Fleming. Is there a second? Second by Legislator Calarco. Any discussion? Seeing none, all in favor? Opposed? Abstentions? So moved. **Tabled (VOTE: 7-0-0-0)**

1465 - Directing County participation in regulatory proceedings. (Krupski) I'll make a motion to table, second by Legislator Muratore. This is a work in progress. We're working with DPW, we're working with the County Attorney's Office and we're working with Budget Review and we're trying to find a way that the County, who is a major consumer of energy, and we represent all the other consumers of energy in the County, how we can be effective in participating in these regulatory proceedings. The price of energy is really important to the homeowners and the business and all municipalities and we should be on top of it. So all in favor? Opposed? Abstentions? So moved. **Tabled (VOTE: 7-0-0-0)**

1581 - Adopting Local Law No. -2016, A Local Law to amend the County's purchasing and contract eligibility requirements. (Stern)

LEG. STERN:

Motion to approve.

LEG. CALARCO:

Second.

CHAIRMAN KRUPSKI:

Motion to approve, Legislator Stern; second by Legislator Calarco. On the motion anyone?

LEG. TROTТА:

One second.

CHAIRMAN KRUPSKI:

Go ahead. Anyone else? What is the -- on the motion, Legislator Stern, what is the intent here?

LEG. STERN:

If approved, this will be Suffolk County's version of BDS. BDS is the Boycott Divestment Movement that is really having an impact across the country and many municipalities, many jurisdictions at every level of government, unfortunately not the federal level of government, but every other level of government is doing their part and sending a very strong message that -- that we will not tolerate and we will not do the peoples' business with those companies that are supportive of BDS and that take a position that would do harm in whatever format that takes against an important ally of the United States of America.

New York State has implemented its version of BDS and this version of our legislative initiative is tied to that and so if approved this initiative will provide that Suffolk County will not do business with those organizations that support BDS here and -- throughout the country and around world.

CHAIRMAN KRUPSKI:

So how does it affect the way we do business today? How would it affect if we -- say we pass this, how would it change the way we do business?

LEG. STERN:

This would essentially state that there is a list of companies that is developed by New York State and that we would be looking at that same list to determine who is and who is not eligible as a potential County contractor. And so it would be part of the contracting process for DPW to, and others, to make a determination as to whether a particular company is eligible in the first place to be able to enter into a County contract.

COMMISSIONER ANDERSON:

It would be something similar we do with lists that are provided for those who don't follow prevailing wages, or things like that. The State has -- the State Department of Labor has these lists that are -- we generally attach to all the documents.

CHAIRMAN KRUPSKI:

Okay. And so it's -- so who, I'm sorry, who are we -- BDS -- I'm not really that familiar with it; Biological Demand Services? I'm not really familiar with BDS. And who are we protecting? I don't, honestly, I don't. How does that -- but how does that affect the way we do business today? I mean, are we doing business with these companies today?

LEG. STERN:

The State's going to draw up a list.

CHAIRMAN KRUPSKI:

Oh, the State doesn't have a list.

LEG. STERN:

Right. New York State has issued an Executive Order and as part of that Executive Order is developing a list and, if approved, our County initiative would look to that same list that's being developed at the State level. It would essentially put our process in alignment with State policy.

CHAIRMAN KRUPSKI:

You don't want to be on the list.

LEG. TROTТА:

So we're going to agree with a list we haven't even seen and we know nothing about.

LEG. STERN:

It is a list that's going to be developed pursuant to standards being implemented by the Executive Order at the State level.

CHAIRMAN KRUPSKI:

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

Approved (VOTE:7-0-0-0)

All right, Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

IR 1608 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 20 - William Floyd and 64 Ridge Road (BR-1665). (Co. Exec.)

Motion by Legislator Browning, second by Legislator Stern. On the motion, anyone? All in favor? Opposed? Abstentions? So moved. **Approved (VOTE:7-0-0-0).**

IR 1610 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest and LIE Welcome Center between Exits 51 and 52 (HU-1430). (Co. Exec.) Same motion, same second.

LEG. TROTТА:

On the motion.

CHAIRMAN KRUPSKI:

I don't know, I'm gonna -- I'm waiting for consent. Yes? All right. Okay, that's what I was waiting for, I didn't assume it.

LEG. CALARCO:

I'll second it.

CHAIRMAN KRUPSKI:

Second by Legislator Calarco. Motion by Legislator Browning. All right, on the motion.

LEG. TROTТА:

This is the -- what is it called? A park and ride or the service station or welcome center? Are they paying us or how does this work?

COMMISSIONER ANDERSON:

The agreement is with New York State Department of Transportation. It is for the rest stop. It is an older agreement. It's been in here -- in preliminary stages for quite some time. It would provide them with 60,000 gallons per day of capacity if they connected. They would in turn pay us \$900,000, which is based on the grandfathered fee of \$15 per gallon. They actually preceded the up -- the increase in fees when we did it in '07 or '08, whenever we did it.

LEG. TROTТА:

What is it now?

COMMISSIONER ANDERSON:

Right now it's \$30 per gallon per day.

LEG. TROTТА:

So we're giving it to them for half price?

COMMISSIONER ANDERSON:

They've had an agreement with us since that time.

LEG. TROTТА:

How much have we taken since that time?

COMMISSIONER ANDERSON:

They haven't connected yet. They've never connected, they just had a preliminary, you know --

LEG. TROTТА:

So if I wanted to buy a car eight years ago I can come in and demand the same price now?

COMMISSIONER ANDERSON:

It'd be an eight-year-old car. Yeah, I mean, that's the way, you know, the --

LEG. TROTТА:

I mean, this is the same State that we send all the money up there and we get a little bit back and now we're going to give it to them? What if we don't vote? I mean, they should be paying \$30 like everybody else.

COMMISSIONER ANDERSON:

The legislation that increased the fees allowed all existing previous approvals to stand, including the rates. So at that time, and I apologize, I don't know the year we did it, but I know it was in the last ten years, when we increased those fees, those that already had conceptual agreement were allowed to stay --

LEG. TROTТА:

Conceptual agreement?

COMMISSIONER ANDERSON:

Yep.

LEG. TROTТА:

Is there signed documents that we have with the State on this?

COMMISSIONER ANDERSON:

I believe so. It would have been through the Sewer Agency.

LEG. TROTТА:

Do we know if we have those documents?

COMMISSIONER ANDERSON:

So there's no signed document, but they came through the Sewer Agency for the conceptual approval.

LEG. TROTТА:

So there's no signed documents.

COMMISSIONER ANDERSON:

No, but there is -- there is a sewer agency agreement or approval that was given.

LEG. TROTТА:

Is it like verbal approval or --

COMMISSIONER ANDERSON:

No, it's -- there's written record of it. I don't know whether there's, you know, a written document per se other than they submitted something that was conceptually approved. They had to come in, they had to fill an application out I'm sure. And we would have that on record.

LEG. TROTТА:

So you expect 60,000 gallons a day.

COMMISSIONER ANDERSON:

I don't know how they would do that. That's an awful lot of flow, but that's what they were originally --

LEG. TROTТА:

Is it based upon the flow or is it based upon 60,000? I mean, do you measure this somehow and then send them a bill?

COMMISSIONER ANDERSON:

It's -- they're basically purchasing 60,000 gallons of capacity. So if they get -- I don't know how they're going to do it with a rest stop or even with the facility that they're proposing, but they will have that additional capacity.

LEG. TROTТА:

So if they only use 20, they're paying for 60.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN KRUPSKI:

That's for the hookup. Then they're going to pay per gallon every day.

COMMISSIONER ANDERSON:

That's right. The State based it on other facilities they've done like this, which I think is the one upstate off the Teconic. Because we questioned that during the agency hearing and they were confident that they were going to get this level of flow.

LEG. TROTТА:

So this is the connection fee.

COMMISSIONER ANDERSON:

Correct.

LEG. TROTТА:

Of \$900,000.

COMMISSIONER ANDERSON:

Correct.

LEG. TROTТА:

So we're giving it to them at half price if they were to come to us today.

COMMISSIONER ANDERSON:

Essentially, yep.

LEG. TROTТА:

And then they're paying -- on top of that they're going to be paying per gallon what actually occurs during that time period?

COMMISSIONER ANDERSON:

Correct.

LEG. TROTТА:

And how much is that fee?

MR. DONOVAN:

Basically they'll be paying user fees because they'll be connected and it's based on their actual flow. And we coordinate that or correlate that flow into what a single family equivalent flow is of 225 gallons a day. So, for instance, if they use 22,500 gallons a day, that's a hundred SFEs, if my math is right. And they would pay a hundred times what a homeowner pays. A homeowner pays roughly now about \$700, so they would pay 70,000.

LEG. TROTТА:

And how long ago did this go back to that they --

COMMISSIONER ANDERSON:

2003.

LEG. TROTТА:

What does it cost to hook up this thing?

MR. DONOVAN:

You mean the construction cost?

LEG. TROTТА:

Yeah, I mean this \$900,000. Is that going to cover what we're doing?

MR. DONOVAN:

No, no. They -- that's just to pay to connect to us. They have to pay all their costs to get to our sewer district. They're building a pump station, force main --

LEG. TROTТА:

They're paying for that all that?

MR. DONOVAN:

They're paying for all that, correct.

LEG. TROTТА:

This is just a big -- something you gotta --

MR. DONOVAN:

This is to buy capacity in the existing district.

LEG. TROTТА:

To buy capacity.

CHAIRMAN KRUPSKI:

You're buying into the existing infrastructure that's already there.

LEG. TROTТА:

I mean, to the County Executive's people, are they happy with paying half price when we're not getting -- we're sending all this money to Albany and we're not getting it back?

MS. HORST:

I think that there's an agreement in place that we are -- we have to honor.

LEG. TROTТА:

That's exactly -- I'd like to see the agreement. Do we have this agreement?

MS. HORST:

Well, I defer to the Commissioner. I think he's answered that question.

COMMISSIONER ANDERSON:

We can provide you with all the documentation that shows the --

LEG. TROTТА:

That we signed and they signed and -- -

COMMISSIONER ANDERSON:

Well, the -- again, it would have been based on approval of the sewer agency at that time in '03.

LEG. TROTТА:

In '03 did you say?

COMMISSIONER ANDERSON:

In '03.

LEG. CALARCO:

If I may?

CHAIRMAN KRUPSKI:

Legislator Calarco.

LEG. CALARCO:

Just on that particular issue, when the County increased the rates from 15 to \$30 per gallon per day, it was written into the provision of the law that anybody who had an existing conceptual approval would continue to be eligible for the \$15 rate. So for a period of time after that happened, because that was quite a few years ago, we saw a number of those \$15 coming in even though the rate was then \$30. This is probably one of the most outstanding that still has a conceptual plan.

LEG. TROTТА:

I don't know what a conceptual approval is.

COMMISSIONER ANDERSON:

Essentially you're coming to the agency with a proposal for a development of some kind. And, you know, you're saying you would like to -- you're reserving flow. And it gets brought to our staff, our staff review whatever plans there are at the time, and they defer to the agency and say, yes, we recommend that this be approved and the agency votes on it.

LEG. TROTТА:

But they haven't paid anything for all these years.

COMMISSIONER ANDERSON:

Nobody has to pay until they get final approval. There's nothing -- there's not like any two step payment plan. It's just at the time you get final approval. I'm assuming that's because they didn't want to burden the developments with any additional funding until they actually had a final approval with all the town and health and our approvals that are required.

LEG. TROTТА:

It seems to be moving along pretty quick now.

COMMISSIONER ANDERSON:

Well, right now it's got the final -- you know, it's got -- they've come in for final approval. They've met with the agency. The agency's approved it. You know, the State -- whatever their decision-making process is, has progressed this project. They've developed -- redeveloped, I think, the rest area. And they're looking to do this other project, Pace New York thing, or whatever it is.

LEG. TROTТА:

What are they --

COMMISSIONER ANDERSON:

The Welcome Center. I think they're going to --

LEG. TROTТА:

They're doing that now, right?

COMMISSIONER ANDERSON:

Yeah.

CHAIRMAN KRUPSKI:

Don't forget, Legislator Trotta, this is coming out of your other pocket so --

LEG. TROTТА:

That's exactly my point. We should get as much back as we possibly can. We're sending more up than we get back and now we're giving the guy who's not giving us money back a break. I can't support this.

CHAIRPERSON KRUPSKI:

Okay, anyone else?

LEG. STERN:

Yeah, I have consistently opposed this project. I remain opposed to this project. At this point DOT is going forward with the development of this project. It is literally being built as we speak. It did receive approval through the Sewer Agency so we are now at this point where we are faced, my understanding is, either to allow the connection to the sewer district or to have another alternative which would be an STP, which I would find absolutely unacceptable. So I will support it.

CHAIRPERSON KRUPSKI:

Thank you.

LEG. TROTТА:

I just have a quick question. When did they change the fee from 15 to 30?

COMMISSIONER ANDERSON:

I don't --

MR. NOLAN:

I think it was 2007 or 2008; quite a while ago.

CHAIRMAN KRUPSKI:

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

LEG. TROTТА:

Opposed.

CHAIRPERSON KRUPSKI:

One opposed. Abstentions? So moved. **(VOTE: 6-1-0-0)**

IR 1611, Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest and Bimbo Bakers USA (IS - 0727). (Co. Exec.)

Can I get a motion? I'll make a motion. Can I get a second? Second by Legislator Muratore. Any -- does anyone need any explanation? All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1625, Appropriating funds in connection with modifications for compliance with Americans with Disabilities Act (ADA) (CP 1738). (Co. Exec.) Same motion, same second.

Anybody need any details from the Commissioner? All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1626, Appropriating funds in connection with the renovations to the Public Works Building, Yaphank (CP 5194). (Co. Exec.) Same motion -- motion by Legislator Browning;

second by Legislator Muratore. Anyone interested in the details? All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1627, Appropriating funds in connection with the alterations to Public Works Materials Testing Lab in Yaphank (CP 5197) (Co. Exec.) Same motion, same second. On the motion,

Commissioner.

COMMISSIONER ANDERSON:

Yes, sir.

CHAIRMAN KRUPSKI:

What are we testing?

COMMISSIONER ANDERSON:

This -- well, the site itself is a lab that handles two different types of testing. One is the materials-testing lab and the other one is the ABDL Testing Lab, which is the health runs to test for mosquitos and disease.

In order to save having to construct a new facility a few years ago, we combined them into the same building. Because obviously they're two separate functions and operations, the ABDL Lab requires more of a closed environment, a dust-free environment so they can test for the bugs and the disease; whereas it's almost the opposite side when you're -- when you're dealing with the material-testing lab with the dust and everything else.

So this funding is looking -- is requesting \$100,000 in planning so that we can bring somebody in that is familiar with this type of lab environment so that we can better segregate the two operations; also will require us to upgrade our HVAC system, again, because it is a sensitive environment. And that's what we're asking for the \$100,000 for.

CHAIRMAN KRUPSKI:

Thank you. All right. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1628, Appropriating funds in connection with improvements to the Vector Control Buildings (CP 5520). (Co. Exec.) Motion by Legislator Browning; second by Legislator Fleming. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

IR 1629, Appropriating funds in connection with the purchase of Public Works Fleet Maintenance Equipment (CP 1769). (Co. Exec.) Same motion, same second.

COMMISSIONER ANDERSON:

The -- sorry.

CHAIRMAN KRUPSKI:

Go ahead.

COMMISSIONER ANDERSON:

The equipment that we're looking to get are -- we're looking for a drive-on lift, three wheel balancers, three tire machines and six lifts including one drive-on lift.

CHAIRMAN KRUPSKI:

And the -- all those years and the County never had any of that?

COMMISSIONER ANDERSON:

We have them. They're --

CHAIRMAN KRUPSKI:

It's their replacement.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN KRUPSKI:

All right. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

LEG. BROWNING:

Now you just need the people.

COMMISSIONER ANDERSON:

It's all automated.

CHAIRMAN KRUPSKI:

Maybe it'll be the next one.

IR 1637, Accepting FTA FFY 2014 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funds for the provision of SCAT Paratransit Service beyond the three-quarter mile corridor required by the Americans with Disabilities Act. (Co. Exec.) Motion by Legislator Browning; second by Legislator Fleming.

LEG. BROWNING:

Yeah, and on the motion, while we're doing this, you're in the process, I guess, of reducing rides. And I did receive a very disturbing e-mail from the union that represents the bus drivers that she potentially will lose 120 employees, 120 of the workers are going to lose their jobs because of these transportation cuts. So while we have a County Executive who talks about creating jobs; he's diminishing jobs in the transportation field.

So I don't know if you've had a conversation. I'm assuming you've had a conversation with Suffolk Transportation, but I was kind of disturbed -- it was about a week ago that I received this information. And I'd like to see if there's some way that we can find a way, I don't know how we can do it yet, to cobble up some money so not to lose -- the transportation issue, it's going to be a disaster. We're talking about Connect Long Island and all of these great projects. Well, Connect Long Island doesn't work if you don't have public transportation. So I think we seriously need to look at what's going on with the rides.

And I just found out, too, that the workers, because we have downsized on the busses, that we've now got some smaller busses, a lot of those workers are going to be losing money in their hourly wage. So there's a lot to be talked about. So I'd like, maybe, that you could reach out to the union or reach out to Suffolk transportation and to see what the impact is on them, because the last thing we need to see is 120 people losing their job.

COMMISSIONER ANDERSON:

We have spoken with Suffolk County Bus as well as another carrier about the potential loss in jobs. While there is that factor in there, if we do have to reduce the routes, and we're looking to do it with the least amount of impact that we can, the bus companies have told us that they will work to try and minimize any type of layoffs or reductions in staff. It's obviously an impact to them.

The right sizing of the busses, as I call it, I think that, you know, there may be some impact to their wages. I don't know. That's something that they would have to --

LEG. BROWNING:

Yeah, I mean --

COMMISSIONER ANDERSON:

-- do through their own collective bargaining.

LEG. BROWNING:

It is. And that's not your problem. That's within the collective bargaining which precedes the current president.

COMMISSIONER ANDERSON:

Right.

LEG. BROWNING:

So I think that's something she's trying to work on, but I'm a little worried that 120 people could wind up out of a job.

COMMISSIONER ANDERSON:

And I don't recall any numbers that high. I remember -- I remember the discussion being much less. You know, we're talking somewhere around 20 routes, if it does. And those are the ones that, you know, only about 1500 riders take per day. It's -- you know, obviously this is what we do and we don't want to not do it, but, you know, we're looking to minimize any impact on the ridership as well as, you know, the folks that are driving the busses as well.

LEG. BROWNING:

Right. But -- well, I don't know who's going to be in the operating budget, but it's something that really needs to be looked at.

CHAIRMAN KRUPSKI:

Thanks. And -- Legislator Fleming, go ahead.

LEG. FLEMING:

Could I just follow-up on that. I mean, 120 sounds really very high. So is there a possibility that there are six jobs per route? Or is this just a --

COMMISSIONER ANDERSON:

I think it's worst case scenario. I'm sure it's based on some fact. I don't think anybody would put it in writing if there wasn't some concern. But my gut is it's not that high. It's going to be -- again, there are 20 routes. I'm sure you have folks who drive on a regular basis during the course of a week and then you probably have some folks who drive over the weekend, so -- and then there's shifts. If it's a late-running bus, then there will be two shifts so -- and, you know, generally you have to have somebody on in case a bus breaks down, so. You know, I have no doubt that you could develop that number.

LEG. BROWNING:

I'll get the numbers for you. I have an e-mail from her, and I think it's actually a total of 80 drivers. Let me see.

COMMISSIONER ANDERSON:

But, if I may, that being said, this resolution is really more specific to our SCAT Program, which we've been able to increase, you know, to provide service outside of the three-quarter mile limit and have that half -- half of that cost reimbursed through the Federal government. So this legislation looks to approve our submitting for those grants and obtaining those grants. And it would be a savings of 1.2 million in 2016 and a little under 1.3 million in '17.

LEG. FLEMING:

Yeah, I appreciate that. I think Kate probably just sees this as an opportunity to have this discussion --

COMMISSIONER ANDERSON:

No, understood.

LEG. FLEMING:

-- about the public transportation. I thought -- I had understood that whereas originally the discussion had been about a \$10 million cut to services, that that number had been significantly reduced. I know I went up to Albany to lobby the legislators to return some MTA funding. I think we need to revisit that at budget time. They felt -- almost all the legislators, the State level, thought that it was a more appropriate discussion for budget time. So I think we need to renew that, you know, sort of all hands on deck, because it does make sense to return MTA funding to us in terms of public transportation. But is it true that the \$10 million has been reduced in terms of the cuts we're looking at?

COMMISSIONER ANDERSON:

Yes. It's been very -- we've reduced it significantly. We're looking around a \$3 million cut between gas savings and other savings. We brought that ten million down to three million, and that's why we're dealing with it, really, in the fourth quarter of this year rather than earlier in the year.

LEG. FLEMING:

But the three million is what's leading you to think there will be 20 routes that need to be --

COMMISSIONER ANDERSON:

Yes. In order to get -- and, again, I don't have the -- the actual final list hasn't been fully developed because we're -- you know, we're not only just looking at reducing routes, we're also looking to see where we may be able to reduce some service mid-day. You know, whatever ideas we can to kind of come up with the least amount of impact to the ridership that we can and get the, you know, the best bang for our buck if you will.

LEG. FLEMING:

Thank you.

COMMISSIONER ANDERSON:

You're welcome.

CHAIRMAN KRUPSKI:

Thank you. So thank you for trying to manage that system as best you can. And I appreciate that. The question I have has to do with this resolution. So you're required by law to provide SCAT service off of the fixed routes?

COMMISSIONER ANDERSON:

Under law, we are required to provide SCAT service up to three miles -- sorry -- three-quarters of a mile within all standard transit routes.

CHAIRMAN KRUPSKI:

So my question, then, relates to you having to cut because they're under-used, cut some of the fixed routes that will then, in fact, affect the SCAT service in those areas also; right?

COMMISSIONER ANDERSON:

No, because we're maintaining the entire County envelope. Once we got -- we applied for these grants, we agreed to pick up service for SCAT riders anywhere throughout the County, with the exception of Shelter Island obviously. But that was always the provision of these funds when we first went for the grant. And we're hoping we can still, you know, with your approval, go for the funding.

CHAIRMAN KRUPSKI:

And if the grant doesn't -- for whatever reason doesn't come through?

COMMISSIONER ANDERSON:

Then we would have to make a decision about whether we wanted to keep maintaining the -- outside the three-quarter mile limit.

CHAIRMAN KRUPSKI:

And then only on the fixed routes.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN KRUPSKI:

All right, just to be clear. Thank you. And, again, thank you. I know it's a difficult thing, but I appreciate your efforts. And I know you're certainly paying close attention to it.

COMMISSIONER ANDERSON:

Thank you.

CHAIRMAN KRUPSKI:

All right, we have no other business.

COMMISSIONER ANDERSON:

If I may?

CHAIRMAN KRUPSKI:

Oh, I'm sorry.

COMMISSIONER ANDERSON:

I just have one real quick thing.

CHAIRMAN KRUPSKI:

I'm sorry, let me call the vote. All in favor? Opposed? Abstentions? So moved. **(VOTE: 7-0-0-0)**

COMMISSIONER ANDERSON:

Briefly, there -- we're hoping to and we plan to progress three Certificates of Necessity at the Legislative meeting. Two are with regard to grants that we need to get approval to pursue them. One is for the rails-to-trails project; the other is for Route 110 BRT Federal aid. In both cases we have to have legislative approval as well as all the paperwork processed by the beginning of September, and given the legislative cycles that we're faced with, we could lay them on the table now. We might be able to get them through the process, but it would give us a week from legislative approval to get everything, you know, the timeframe is very tight. So we're asking for a Certificate of Necessity on those two.

The last one is with regard to a vehicle that we're looking -- we're looking to surplus it and lend it to -- or transfer it to the Town of Shelter Island. The town is assisting us in tick monitoring. This is a vector vehicle that we were going to decommission. They'll take it. They'll maintain it. It'll be theirs so that they can do the -- pick up the ticks from the four post -- four posters.

CHAIRMAN KRUPSKI:

As long as at the end of the resolution it says as is.

LEG. FLEMING:

It's Shelter Island. They are used to making due.

CHAIRMAN KRUPSKI:

All right. All good? Okay. All right. Thank you. We are adjourned.

THE MEETING CONCLUDED AT 2:55 PM