

1 PUBLIC WORKS, TRANSPORTATION & ENERGY COMMITTEE
2
3 OF THE
4
5 SUFFOLK COUNTY LEGISLATURE
6
7 MINUTES
8

9 A meeting of the Public Works, Transportation & Energy Committee of
10 the Suffolk County Legislature was held in the Rose Y. Caracappa
11 Legislative Auditorium of the William H. Rogers Legislature
12 Building, 725 Veterans Memorial Highway, Smithtown, New York on
13 July 8, 2019.

14
15 MEMBERS PRESENT:

16 Leg. Al Krupski, Chairman
17 Leg. Thomas Muratore, Vice Chair
18 Leg. Robert Calarco, Deputy Presiding Officer
19 Leg. Susan A. Berland
20 Leg. Thomas Cilmi
21 Leg. Tom Donnelly (Absent)
22 Leg. Bridget Fleming
23

24 ALSO IN ATTENDANCE:

25 Jessica Nowak, Assistant Counsel/Legislature
26 Amy Ellis, Chief Deputy Clerk/Legislature
27 Rosalind Gazes, Budget Review Office
28 Laura Halloran, Budget Review Office
29 Catherine Stark, Aide to Leg. Krupski
30 Robert Martinez, Aide to Leg. Muratore
31 Irene Donohue, Aide to Leg. Fleming
32 Maria Barbara, Aide to Leg. Cilmi
33 Alyssa Turano, Aide to Leg. Hahn
34 Darnell Tyson, Acting Commissioner/Department of Public Works
35 William Hillman, Chief Engineer/Highway/DPW
36 Frank Castelli, Chief Environmental Analyst/Dept. of Economic Dev.
37 Amy Keyes, County Executive's Office
38 Douglas Sutherland, Deputy County Comptroller
39 Robert Braun, County Attorney's Office
40 Afreen Wright, County Attorney's Office
41 Ryan McGarry, AME
42 Rick Brand, Newsday
43

44 PUBLIC SPEAKERS:

45 Les Bluestone
46 Paul Pressman
47 Patricia Calandra
48 John Maltby
49 Gordian Raacke
50 And all other interested parties
51

52 MINUTES TAKEN BY:

53 Alison Mahoney, Court Stenographer
54

55 MINUTES TRANSCRIBED BY:

56 Lucia Braaten, Court Stenographer

1
2 (*The meeting was called to order at 2:07 p.m.)
3

4 **CHAIRMAN KRUPSKI:**

5 All right. So welcome to the Public Works, Transportation and
6 Energy Committee. Please rise for the Pledge of Allegiance, led by
7 Legislator Cilmi.
8

9 (*Salutation*)

02:06PM 10 So good afternoon. We have -- we begin the meeting with the public
11 portion. We have one card, Les Bluestone. And Legislator Donnelly
12 has an excused absence today. Is Les here?
13
14

15 **MR. BLUESTONE:**

16 Yes. Thank you. I'm here to talk about Item 1628, about
17 Matinecock Court. I'll give you a little background about the
18 project. The project is a 146-unit affordable housing site located
19 in Greenlawn in Huntington. The project has been in
02:08PM 20 pre-development for a very, very long time, decades.
21

22 **CHAIRMAN KRUPSKI:**

23 Excuse me, sir. I believe that project, that resolution has been
24 withdrawn.
25

26 **MR. BLUESTONE:**

27 I'm sorry?
28

29 **CHAIRMAN KRUPSKI:**

02:08PM 30 That resolution --
31

32 **MR. BLUESTONE:**

33 Sixteen --
34

35 **CHAIRMAN KRUPSKI:**

36 1628, the Matinecock Court's been withdrawn.
37

38 **MR. BLUESTONE:**

39 Oh, it has? Okay. Okay, thank you.
02:08PM 40

41 **CHAIRMAN KRUPSKI:**

42 Sorry we didn't save you the trip.
43

44 **MR. BLUESTONE:**

45 No problem.
46

47 **CHAIRMAN KRUPSKI:**

48 Okay. And I do have another card here for Paul Pressman. Welcome,
49 Paul.
02:09PM 50

51 **MR. PRESSMAN:**

52 Good, afternoon Legislators. I sent everybody an e-mail. That's
53 not what I want to talk about today. I'll save that for the
54 General Meeting next week. But I do want to bring up to you things
55 that are happening as far as getting funding for the buses for
56 Suffolk County. I don't know -- I don't think it's been out to all

1 the Legislators yet here, but I have had meetings, and I have
2 meetings this week with Assemblywoman Jean-Pierre. I had a meeting
3 with Steve Stern last week. I have a meeting with Senator Brooks.
4 There is a bill that is going to be, hopefully, passed in the next
5 session of the State. It was put together by Senator Brooks. It
6 has been put together in the Assembly by Jean-Pierre. It is Bill
7 Number, on the Assembly side, 8016. And it has a good chance of
8 passing, because the monies that will be gotten for Suffolk County
9 for funding for the buses is not money being taken from taxpayers.

02:10PM 10

11 And it is a bipartisan bill. Both Republicans and Democrats on
12 both sides want to see this passed. It's for Nassau, Suffolk and
13 Westchester, the only difference being that we don't get the short
14 end of the stick, because it is based upon the taxes that the
15 ride-share people will be giving to the State, and that money will
16 go to the three counties based on how much money the ride-shares in
17 Suffolk County bring in. That money will automatically go for
18 public transportation, so that we can fix some of these buses and
19 we can get them to work.

02:10PM 20

21 I'm going to tell you right now that the buses are an absolute
22 mess, other than the fact that we got 20 -- well, right now, we're
23 getting our 20 new buses. We've got about -- four or five came
24 into EBT. About six or seven are over at Suffolk Bus already.
25 They're absolutely gorgeous. They actually run correctly. The
26 only problem is the AVLs are still a disaster. I took a bus here
27 today that had broken down last week at Babylon. They put it out
28 on the road and the AVL doesn't work at all, no signs on the bus,
29 no nothing, and that's what's going on, and it hasn't changed any.
30 It has not changed at all.

02:11PM 30

31
32 I don't understand why they can't replace these buses. They're
33 getting new buses, and they keep putting out the buses that are
34 20 years old. It's getting ridiculous. And bus drivers are
35 complaining about the ARBOC buses. The air-conditioning does not
36 work. Half the -- half of the --

37

(Timer Sounded)

38

39

02:12PM 40

41 The thing to go down so people can get off the bus, they don't even
42 use them. On the big buses, as soon as they make a stop, the floor
43 goes down so you can get off the bus. Forget about it on the ARBOC
44 bus. It is such a pain in the neck for them to do it. They waste
45 more time at the stops and it's just a disaster.

45

46 But I know we're not getting the buses again, but just try to give
47 you a little bit of an update on what's going on. Thank you very
48 much.

49

02:12PM 50

CHAIRMAN KRUPSKI:

51 Thank you, Paul. As always, Paul, thank you. So I don't have any
52 other cards. If there's anyone else who would like to address the
53 committee who hasn't filled out a card. Then you can fill one out
54 after you speak.

55

56

1 **MS. CALANDRA:**

2 Hi. Good afternoon. I know you withdrew, or there was a -- sorry.
3 Patricia Calandra. I'm here to speak on Matinecock. I know it's
4 going to come up again, so I just want to have a little say.

5
6 My name is Patricia Calandra and I am a parent of two adult
7 children with Autism, and lifelong Suffolk County resident. I also
8 work for Support My Independent Life, in conjunction with the
9 Office of People With Development Disabilities, to support
02:13PM 10 individuals and their families with intellectual and developmental
11 disabilities who choose to self-direct their daily needs. This
12 program gives more control over how they fund their services, to
13 choose how they will work and live in their community and home.

14
15 I'm also a Master Housing Navigator, working under a grant from the
16 Development Disability Planning Council, New York Alliance and New
17 York Housing Resource Center for people with intellectual and
18 developmental disabilities to align and engage key housing
19 stakeholders to create more non-certified housing options.

02:13PM 20
21 The model or -- of a group home or certified housing that most
22 people know is not a sustainable or even viable option. This type
23 of housing no longer reflects best practices, and most people with
24 intellectual and developmental disabilities do not want to or
25 sometimes even need this type of housing. The majority of people I
26 support want to live their -- live life where they have grown up or
27 where they dream of, like their brothers, sisters and friends do.
28 Projects like Matinecock, with specific set-asides for the
29 intellectual and developmentally disabled, is a great start to
02:14PM 30 creating more noncertified housing options, so that people have the
31 freedom to choose where they live and lead a life in the community
32 of their choice.

33
34 I know some of you heard my statistics before, but I'm going to say
35 them again. There are 15,000 people identified in Suffolk County
36 by the Office of People With Developmental Disabilities, and
37 approximately 1,900 of those people are self-directing their
38 services. Their housing, when they need it, is and will primarily
39 be noncertified.

02:15PM 40
41 From the 2014 vital statistics data, there are 15,568 Suffolk
42 County -- babies born in Suffolk County each year. The following
43 is a sampling and does not include all disabilities. The rate of
44 Autism is one in 59, so that is 507 children born in Suffolk County
45 each year. The rate of Down Syndrome is one in 700, and that's 42
46 children each year. Cerebral Palsy is one in 323, adding another
47 93 children. From this -- from this data, it reflects that each
48 year we have identified 642 children born that will need long-term
49 supports and services, including noncertified housing.

02:15PM 50
51 We need to continue to be innovative here in Suffolk County, and to
52 be the leaders in creating more noncertified housing options and
53 opportunities for our loved ones. I thank you for your time and
54 support.

1 **CHAIRMAN KRUPSKI:**
2 Thank you. I did find your card. I had -- I had a -- you did --
3 Patricia, right?

4
5 **MS. CALANDRA:**
6 Yes.

7
8 **CHAIRMAN KRUPSKI:**
9 Yes, I did find your card. Sorry, it was under a folder here.

02:15PM 10

11 **MR. MALTBY:**
12 Thank you. I'm going to speak in support of the same --

13
14 **CHAIRMAN KRUPSKI:**
15 Your name, sir.

16
17 **MR. MALTBY:**
18 My name is John Maltby.

02:16PM 20

21 **CHAIRMAN KRUPSKI:**
22 Yes, and I do have your card, also.

23 **MR. MALTBY:**
24 Great. Thank you. To speak in the same motion or the same issue.
25 My name is John Maltby. I'm the Co-Director of the New York
26 Housing Resource Center for people with developmental disabilities.

02:16PM 30

27
28 As Trisha mentioned, national prevalence rates for people with
29 intellectual and development disabilities range from 1 1/2 to 3%
30 across the spectrum based on a broad level of support needs.
31 Suffolk County, with a population of 1 1/2 million, includes
32 between 22,500 and 45,000 people with intellectual and development
33 disabilities. The Office of People With Development Disabilities
34 serves about half of that number. Most of the rest either will
35 receive services from other sources or no services at all.

02:17PM 40

36
37 Most people with developmental disabilities do not live in
38 traditional group homes. They want to remain in their community
39 where they grew up, went to school, where their families and their
40 friends live, but many will need some kind of support for most of
41 their lifetime, and in order to do so, we can no longer seek to
42 provide group homes. The reason we can't provide traditional group
43 homes is why? They cost too much annually. Cost for a supervised
44 group home in New York State, in Suffolk County is about \$150,000
45 per person per year.

02:17PM 50

46
47 In 1999, the Supreme Court, in its Olmstead Decision, held that
48 people should be free to live and to be supported in the community
49 and not in institutions or group homes, which are essentially mini
50 institutions. Federal policies since 2005 has held that money
51 should follow the person, not go agencies to provide services.
52 People should have choice as to how they design their own services.

53
54 Federal Medicaid regulations argue for smaller and more integrated
55 settings than traditional group homes. Now research and best
56 practice tell us that smaller settings give people a higher quality

1 of life. The labor force to work at the low wages paid to people
2 working in the group home system, the current unemployment rate's
3 around 3 1/2%, meaning we have a distinct staff shortage we cannot
4 fill. Smaller settings cost less. And given that Medicaid funds
5 most of those community settings, the burden on the counties who
6 contribute towards Medicaid costs should be spent more wisely.

7
8 Affordable and supportive housing are a sound sustainable option
9 for people who need long-term support or they want to remain in
02:18PM 10 their community. And I urge you, in the interest of all the people
11 in Suffolk, to support the case for making more supportive and
12 independent housing. Thank you.

13
14 **CHAIRMAN KRUPSKI:**

15 Thank you. Now those are all the cards I had. So is there anyone
16 else who would like to address the committee? All right. Seeing
17 none --

18
19 **LEG. CILMI:**

02:19PM 20 Mr. Chairman.

21
22 **CHAIRMAN KRUPSKI:**

23 Yes.

24
25 **LEG. CILMI:**

26 Before we get to the business, or perhaps after we get to the
27 business, it's up to -- up to you as Chair, but I would be
28 interested in understanding why the resolution was withdrawn, and
29 to know whether or not it's going to be reissued in some form.

02:19PM 30
31 **CHAIRMAN KRUPSKI:**

32 That is a good question. I cannot answer any of those things. We
33 could -- we could certainly ask Amy to give us a -- I'm trying to
34 look for the resolution number here.

35
36 **MS. KEYES:**

37 Sure. So it's 1628.

38
39 **CHAIRMAN KRUPSKI:**

40 Okay.

41
42 **MS. KEYES:**

43 It was withdrawn because there just were some issues with the bill
44 itself, that rather than try to amend it, it's easier -- it would
45 be easier and more clear to rewrite it. So we do anticipate
46 bringing it back.

47
48 **LEG. CILMI:**

49 Thank you, Amy. Thank you, Mr. Chair.

02:19PM 50
51 **CHAIRMAN KRUPSKI:**

52 Sure. Thank you, Amy.

53
54 **APPOINTMENTS**

55
56 All right. So under appointments, 3-0 -- **1305 - Confirming the**

1 **appointment of Philip A. Berdolt as County Commissioner of Public**
2 **Works. (Co. Exec.)** I'll make a motion to table.

3
4 **LEG. MURATORE:**
5 (Raised hand)

6
7 **D.P.O. CALARCO:**
8 Second.

02:20PM

9
10 **CHAIRMAN KRUPSKI:**
11 Second by Legislator Muratore. All in favor? Opposed?
12 Abstentions? So moved. (VOTE: *Tabled 7-0-0-1/Absent:*
13 *Leg. Donnelly*)

14
15 ***I.R. 1478 - Appoint member to the Community Choice Aggregation Task***
16 ***Force (Gordian Raacke). (Fleming)***

17
18 **LEG. FLEMING:**
19 Motion.

02:20PM

20
21 **CHAIRMAN KRUPSKI:**
22 Motion by Legislator Fleming.

23
24 **LEG. CILMI:**
25 Second.

26
27 **CHAIRMAN KRUPSKI:**
28 Second by Legislator Cilmi. Mr. Raacke, could you join us? You
29 could either stand or sit, it's up to you, while Legislator Fleming
30 grills you.

02:20PM

31
32 (*Laughter*)

33
34 Does anyone have -- and would you like to say a few words first, or
35 would you just take questions?

36
37 **MR. RAACKE:**
38 Happy to take questions. And happy to be back here at the
39 Legislature. Worked here in the '90s. There's some new faces
40 here.

02:21PM

41
42 (*Laughter*)

43
44 And for those of you who we haven't had a chance to work together,
45 my name is Gordian Raacke. I serve as Executive Director of
46 Renewable Energy Long Island. And prior to that, served as
47 Executive Director of a watchdog group, watchdog organization
48 called the Citizens Advisory Panel, which kept an eye on LILCO.
49 I've been doing this since 1993.

02:21PM

50
51 **LEG. FLEMING:**
52 I have a question.

53
54 **CHAIRMAN KRUPSKI:**
55 Legislator Fleming.

1 **LEG. FLEMING:**

2 Thank you for coming, Gordian, and for your willingness to serve.
3 As you know, the Task Force is charged with looking at community
4 choice aggregation, which is basically, as you know, an alternative
5 way of securing energy, in the hopes that we might look at rate
6 reductions and/or an increase in renewable energy production. And
7 the resolution establishing the Task Force called on us at the
8 Legislature to appoint someone who is a representative of an
9 organization that supports the development of renewable energy
02:22PM 10 resources, which is why you've been asked to join this group of
11 very experienced people in trying to help us on Long Island solve
12 some of the problems that we have with energy prices, as well as a
13 lack of renewable energy options, or less than we would like to
14 see.

15
16 So with that in mind, first of all, thank you for your willingness
17 to serve. To what extent does your background sort of lend itself
18 to the kind of discussion we expect?

19
02:22PM 20 **MR. RAACKE:**

21 Well, I can say that I see Community Choice Aggregation as a
22 potentially very powerful tool for communities to have a seat at
23 the table where decisions are made about our energy future here on
24 Long Island. We have the Long Island Power Authority that was
25 established back in 1998, taking over from the Long Island Lighting
26 Company, so we have public power. However, as I'm sure all of you
27 are aware of, the Trustees of the Power Authority are not elected
28 representatives, but appointed by the Governor and the Legislature
29 in Albany. The Long Island Power Authority currently procures
02:23PM 30 power on behalf of it's 1.1 million ratepayer.

31
32 Forming Community Choice Aggregation entities in our
33 municipalities, and villages, towns or cities on Long Island gives
34 the community and members and representatives of the community a
35 direct seat at the table to determine where that power is coming
36 from, and to determine essentially our energy future. We support
37 it, because it is, as I said, a potentially very powerful tool, if
38 it's done right, and it is a tool that can be used for more than
39 just procuring less costly power, but it can also be used to
02:24PM 40 procure renewable energy and run other energy-related programs such
41 as energy efficiency programs or demand response programs to reduce
42 peak demand, etcetera.

43
44 So, for all those reasons, the organization I head up, Renewable
45 Energy Long Island, support the establishment of Community Choice
46 Aggregation regimes here on Long Island.

47
48 **LEG. FLEMING:**

49 Thank you. Thank you, Mr. Chair.

02:24PM 50
51 **CHAIRMAN KRUPSKI:**

52 Is there a -- is there a time line for the -- to achieve the goals
53 of the Task Force, or is this open-ended?

54
55 **MR. RAACKE:**

56 There is a time line, I believe, but I'll let Legislator Fleming

1 speak to that.

2

3 **LEG. FLEMING:**

4 Yes, there are four. There's quarterly meetings over the course of
5 the next year, to be followed by a report.

6

7 **CHAIRMAN KRUPSKI:**

8 Well, we look forward to seeing that. Thank you. Thank you for
9 your willingness to serve. Does anyone else have any other
02:25PM 10 questions? Well, thank you for coming. And I don't think you have
11 to come to the regular meeting on Tuesday.

12

13 **MR. RAACKE:**

14 Okay. Thank you.

15

16 **LEG. FLEMING:**

17 Thank you very much, Gordian. And just in response to your
18 question, Mr. Chair, the report it's hoped will support the efforts
19 of municipalities, including Brookhaven, East Hampton, Southampton,
02:25PM 20 Huntington, who are looking at forming these Community Choice
21 Aggregation under the law. As the Public Service Commission issued
22 the rules, the County can't be a CCA, but the County can administer
23 a CCA, or act as a technical support. So because we have
24 particularly unique regulatory structure here, because we're not an
25 investor-owned utility, we're a quasi-public utility, it will be
26 helpful, I believe, to these smaller municipalities to have some of
27 the guidance of the experts on this task force to try to get past
28 that regulatory challenge.

29

02:26PM 30 **CHAIRMAN KRUPSKI:**

31 Well, thank you.

32

33 **LEG. FLEMING:**

34 Thank you.

35

36 **CHAIRMAN KRUPSKI:**

37 We have a motion and a second. All in favor? Opposed?
38 Abstentions? So moved. Thank you. Well done. (VOTE: *Approved*
39 *7-0-0-0*)

02:26PM 40

41 **TABLED RESOLUTIONS**

42

43 Tabled Resolutions: *1312 - Adopting A Local Law, a Charter Law to*
44 *amend the qualifications for Commissioner in the County Department*
45 *of Public Works. (Co. Exec.)* Motion to table.

46

47 **LEG. MURATORE:**

48 Second.

49

02:26PM 50 **CHAIRMAN KRUPSKI:**

51 Second by Legislator Muratore. All in favor? Opposed?
52 Abstentions? So moved. (VOTE: *Tabled 7-0-0-1/Absent:*
53 *Leg. Donnelly*)

54

55 **CHAIRMAN KRUPSKI:**

56 *I.R. 1362 - Authorizing the Department of Public Works to provide*

1 **routine road maintenance on certain access ramps. (Sunderman)**

2
3 **LEG. CILMI:**

4 Motion.

5
6 **D.P.O. CALARCO:**

7 On the motion.

8
9 **LEG. CILMI:**

10 Motion to approve.

11
12 **LEG. FLEMING:**

13 Second.

14
15 **CHAIRMAN KRUPSKI:**

16 Motion to approve, Legislator Cilmi; second by Legislator Fleming.

17
18 **D.P.O. CALARCO:**

19 On the motion.

20
21 **CHAIRMAN KRUPSKI:**

22 On the motion, Legislator Calarco.

23
24 **D.P.O. CALARCO:**

25 So my understanding is this is an amendment to an earlier version
26 that called for us to pave the ramps, and the State has recently
27 paved those ramps. I think the sections that Legislator Sunderman
28 is speaking to is service roads that are literally the section of
29 roadway that gets you from the on/off ramp to the nearest
30 intersection. And I'm hesitant to direct Public Works to start
31 doing this until we get some sort of commitment from the State to
32 pay for it, since this is not our responsibility. Maybe someone
33 from DPW could come forward and speak to that.

34
35 **CHAIRMAN KRUPSKI:**

36 Could we get Acting Commissioner Tyson to join us? Thank you.
37 Welcome. I know there has been, and I think thanks to Legislator
38 Sunderman, a great deal of paving activities on these ramps that
39 had been pretty, pretty treacherous when you're coming off a
40 highway at 55 miles an hour, and I'm pretty sure no one is going
41 any faster, that --

42
43 (**Laughter**)

44
45 -- that some of those ramps were pretty rough. And a lot of those
46 ramps have been resurfaced, which has made, of course, a big
47 difference. And I'm probably using the wrong words, because I know
48 there seems to be a difference in the wording on some of the work
49 that's been done that's going to trigger whether the County or the
50 State has the responsibility?

51
52 **DEPUTY COMMISSIONER TYSON:**

53 This is true. There were a number, approximately ten ramps that
54 were off, either off-ramps or on-ramps that were repaved. So I
55 guess the top coat of asphalt was removed and placed down by State
56 DOT.

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02:29PM

02:29PM

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02:29PM

02:30PM

CHAIRMAN KRUPSKI:
So to Legislator Calarco's concerns.

D.P.O. CALARCO:
So my understanding is that the -- we are not responsible for the resurfacing of the roadways; is that accurate?

DEPUTY COMMISSIONER TYSON:
Yes. I think that what we are responsible for would be sort of smaller scale patch jobs or --

D.P.O. CALARCO:
Filling a pothole.

ACTING COMMISSIONER TYSON:
Yes.

D.P.O. CALARCO:
Fixing a crack.

DEPUTY COMMISSIONER TYSON:
Small things. But once you get to larger resurfacing --

D.P.O. CALARCO:
When you get to a -- milling the road down and putting a new surface, it triggers the ADA compliance, correct?

DEPUTY COMMISSIONER TYSON:
This is correct.

D.P.O. CALARCO:
And so, therefore, the Feds and the State have both determined that that kind of action is not maintenance work, and that's why we have said to the State, "This is your responsibility to deal with on these sections." Even though we have maintenance responsibilities, it's not our responsibility to do surface.

DEPUTY COMMISSIONER TYSON:
Agreed, because it would be a large scale effort. It could involve constructing curbs.

D.P.O. CALARCO:
And, in fact, because we basically won out on that argument, because they came in and they paved the ramps.

DEPUTY COMMISSIONER TYSON:
I mean, you can argue that they certainly understood that this was a problem that needed to be corrected.

D.P.O. CALARCO:
Well, when we said, "Listen, we'll take you to court over it," they came and then they did the ramps.

DEPUTY COMMISSIONER TYSON:
Yeah.

1
2 **D.P.O. CALARCO:**

3 Okay. So now, what we're talking with these areas -- and my
4 concern is not actually us doing it, and I have had some talks with
5 my counterparts in the Senate and the Assembly, and they were
6 actually pretty -- sounded pretty positive that they thought they
7 could find some funding that would help offset our costs, but if we
8 take this on, it's going to become a regular cost to us throughout
9 the County. I mean, this resolution is just for a couple of
10 ramps -- a couple of roadways within Legislator Sunderman and my
11 districts, actually. But as you get into the wider picture, you
12 can start -- all of the roadways and ramps that we maintain between
13 Sunrise Highway and the Long Island Expressway could start adding
14 up over time.

15
16 **DEPUTY COMMISSIONER TYSON:**

17 Yes. This could be on order of millions of dollars of additional
18 unanticipated work.

19
20 **D.P.O. CALARCO:**

21 And that's my concern, that this will add millions of dollars into
22 our capital program of costs that we will incur without getting a
23 commitment from the State to at least provide us some sort of match
24 to those dollars. And as I said, I actually had some pretty
25 productive conversations. Senator Martinez thought that she was
26 going to be able to identify some funding, and -- but what we were
27 asking them to do is find some recurring funding. So we can just
28 create a new line in our Capital Program with the anticipation,
29 even if it's a 50/50 match, that we have some understanding of what
30 it is that they're going to chip in and what we're going to be
31 expected to do. Otherwise, we could pave these sections, but then
32 the fight's going to happen on the next section down the road,
33 because the State isn't maintaining their section. And I just -- I
34 don't want to -- I don't want to open up that can of worms. So I'm
35 going to make a motion to table.

36
37 **CHAIRMAN KRUPSKI:**

38 Legislator Fleming has a question.

39
40 **LEG. FLEMING:**

41 I have a couple of questions. One is if it's the LIE, why is it
42 not Federal dollars that are responsible for it?

43
44 **DEPUTY COMMISSIONER TYSON:**

45 So I think that it could be -- it is possible that you could
46 probably get some Federal money offset for this. It's just that in
47 terms of responsibility, right now it would be the County that
48 would have the major burden. And this is one of those -- it's kind
49 of like another ADA compliant requirement that right now does not
50 have funding attached to it.

51
52 **LEG. FLEMING:**

53 No. But, I mean, why are we going to the State -- why are we
54 looking to the State if it's a Federal highway? It's the Long
55 Island Expressway, which is part of the Federal Interstate System.
56 I understood that we had a President who's very interested in

1 infrastructure improvements. Isn't that where we should be looking
2 for LIE ramps?

3
4 **DEPUTY COMMISSIONER TYSON:**

5 I could say, though, that we use Federal funding for other, other
6 pavement jobs, like when we rehabilitate bridges that are also our
7 responsibility as well. But, actually, hold on a second.
8 Actually, maybe Bill Hillman, maybe he can come up to explain
9 better.

02:33PM 10

11 **LEG. FLEMING:**

12 And while we're waiting for the Chief Engineer, I would ask also,
13 just in terms of liability, if we were to take these on, then say
14 an accident happens on a ramp, would this -- if we took on the
15 improvements, would that increase our exposure in terms of
16 liability for lawsuits if somebody found fault with the work that
17 was done?

18

19 **MR. HILLMAN:**

02:33PM 20

21 The answer to your last question is I would say yes. If there was
22 fault with the work that we performed, we would have liability for
23 that.

24 **LEG. FLEMING:**

25 Well, I chair the Ways & Means Committee and there are times when
26 the County is sued and there's no determination regarding fault.
27 We end up settling cases for, you know, significant sums of money,
28 even if it's never been established that there was fault. So I'm
29 just a little bit concerned, wearing that hat, about exposing
30 taxpayers to liability for whatever happens once you undertake the
31 work. But I think you've answered my question. But on the first
32 one, with regard to the Federal responsibility for the Long Island
33 Expressway, where does that lie?

02:34PM 34

35 **MR. HILLMAN:**

36 The Federal government doesn't own or operate any roadways, they
37 transfer all that down to the states. So even though it's an
38 interstate, it's a State highway, New York State DOT highway that
39 connects between states. So the Federal government would -- it
40 just provides funds. Each state then is required to then allocate
41 those funds as they see fit.

02:34PM 42

43 **LEG. FLEMING:**

44 Thank you, that's very helpful. And just to Legislator Calarco,
45 through the Chair, if I could. So there's hope that you think that
46 the State representatives might be able to find a way to fund this
47 effort?

48
49 **D.P.O. CALARCO:**

02:35PM 50

51 Yeah, I think there is. Senator Martinez' office has indicated
52 that she thought she might find 500,000 or so do some sites, but we
53 needed to give her specific locations. And my bigger ask to them
54 was, actually, can you find us some recurring revenue and we'll
55 just take the responsibility on as we see fit, because I know that
56 the ramps that they recently did were all one that we were --
basically went out and said these are identified as the most

1 dangerous, difficult locations that need to get done. I believe
2 they were the ones indicated in this resolution, as well as another
3 one a little further west, if I'm not mistaken.

4
5 So there are -- you know, we're the ones out there doing the
6 regular maintenance, patching the potholes. We're going to know
7 which roads get to a point where they need to be resurfaced, and a
8 patch isn't going to do it anymore. But I would just like to see
9 some dollars coming in to help us on a more recurring basis.

02:36PM 10

11 **CHAIRMAN KRUPSKI:**

12 I'm going to -- I'm going to start with a question --

13
14 **LEG. FLEMING:**

15 Thank you.

16
17 **CHAIRMAN KRUPSKI:**

18 -- more at the beginning. So these -- this can't be the first time
19 that these ramps have needed work, and that -- and that they've
20 been full of holes. What's happened -- well, it's --

02:36PM 20

21
22 **MS. SIMPSON:**

23 It's no longer ramps. The agenda actually has the incorrect title
24 on it. We amend -- when we made the amendments to the bill, we
25 amended the title as well, and it's for certain services.

26
27 **CHAIRMAN KRUPSKI:**

28 All right. So --

29
30 **D.P.O. CALARCO:**

31 Not really service roads in these areas. These -- at 112, which is
32 Exit 65, there's a service road. But, really, the ones at Yaphank
33 Avenue and the intersection of 101, they're not really service
34 roads, they don't lead anywhere. It's the road that gets you from
35 101 to the ramp, or the road that gets you from, you know, the LIE
36 ramp to 101. It doesn't -- it's not like a continuous roadway.

02:36PM 30

37
38 **CHAIRMAN KRUPSKI:**

39 Right. No, that's -- and that's what I was referring to, to not
40 only the agenda, but actually the physical part of the road that
41 gets you from, in this case, the Expressway to the jail road.

02:37PM 40

42
43 **D.P.O. CALARCO:**

44 And you actually get off the ramp --

45
46 **CHAIRMAN KRUPSKI:**

47 Where you actually get off the Expressway to the next road, to the
48 intersection of the next road, and that's what had been paved. So
49 whose -- whose responsibility had this been in the past? Because
50 this road's been there for decades.

02:37PM 50

51
52 **DEPUTY COMMISSIONER TYSON:**

53 Right. So as I understand it, the County has actually had the
54 responsibility for, I guess, basic maintenance for the roadways,
55 and we had done that on a regular basis at these locations up until
56 in 2013. The U.S. Department of Justice, at that point, said that

1 these actions that we were taking were no longer just maintenance,
2 that they were larger scale efforts that then triggered
3 requirements.

4
5 **CHAIRMAN KRUPSKI:**

6 The Department of Justice was looking at the ramps of the Long
7 Island Expressway. How did that come about? How did they -- how
8 did they focus on that?

9
10 **DEPUTY COMMISSIONER TYSON:**

11 Well, actually, the Department of Justice was more so looking at
12 actions that were taken that could either be considered
13 maintenance, or something like a more -- a more -- a larger scale
14 reconstruction of a roadway. So they weren't necessarily taking a
15 look at our exit ramps, it was the work that the County was doing.
16 And so this work that had been taking place beforehand was just
17 considered minor work. What happened was the change, the change
18 that occurred was that what was previously considered minor work
19 became major work.

20
21 **CHAIRMAN KRUPSKI:**

22 Who made that determination?

23
24 **DEPUTY COMMISSIONER TYSON:**

25 I believe there was a lawsuit that was brought before the
26 Department of Justice.

27
28 **CHAIRMAN KRUPSKI:**

29 And it -- did it specifically mention different projects like
30 the -- because, really, this is really just the resurfacing of a --
31 of the road. This isn't a -- this isn't any kind of change or
32 reconstruction.

33
34 **MR. HILLMAN:**

35 So, in 2013, there were several organizations that sued, because --
36 for noncompliance with ADA. And the whole premise was that when
37 you resurface a roadway, it's considered maintenance. That's why
38 we maintain the roadway, because it was considered maintenance.
39 In 2013, that lawsuit was completed, and The Department of Justice
40 agreed, and they then defined maintenance, and removed resurfacing
41 from the definition of maintenance and put it into what's called an
42 alteration. Alterations can be resurfacing all the way, everything
43 up to a full reconstruction, or a construction of a new roadway.
44 That's an alteration. So that new definition of maintenance is
45 across the entire country. It's not anything -- it's not
46 associated with any of our projects or -- it's a new definition of
47 maintenance for the United States of America.

48
49 **CHAIRMAN KRUPSKI:**

50 Okay. Thank you. That made it clearer, because I was wondering
51 why they would focus on the ramps on the Expressway. So we're
52 stuck with no recourse of challenging that, and somehow they've
53 given us basically an unfunded mandate.

54
55 **D.P.O. CALARCO:**

56 The State?

1
2 **MR. HILLMAN:**

3 No. This actually -- this actually removes it from the County and
4 puts it back on the State.

5
6 **CHAIRMAN KRUPSKI:**

7 Oh, it does?
8

9 **MR. HILLMAN:**

02:40PM 10 Yes, because it's -- they have the authority to direct us to
11 maintain sections of roadway, which they have done. We had been
12 maintaining it, including resurfacing. Now, in 2013, this decision
13 came down. We then said back to the State, "Okay, this is" --
14 "resurfacing is no longer maintenance."
15

16 **CHAIRMAN KRUPSKI:**

17 So what was their response when they -- because these ramps clearly
18 need, I'll call it repair. So what was their response? Because
19 they haven't been -- obviously, they haven't been resurfacing them.

02:40PM 20
21 **MR. HILLMAN:**

22 Over the last four or five years, there's been a letter campaign
23 back and forth between the County and the State, and we cite their
24 manual, which actually defines maintenance. We've cited the DOJ
25 determination in black and white, and they just simply say to us,
26 "No, you're wrong, you need to" -- "you need to resurface them."
27

28 Legislator Calarco may have additional information that I'm unaware
29 of, but I'm not aware of that the State has agreed to resurface
02:41PM 30 anything. They have said that since the ramps are not service
31 roads, they would resurface those. But as far as I know, the State
32 is still telling us, without anything in black and white, they
33 can't point to anything in black and white, but they're still
34 telling us that we need to resurface the roadways, and we're in
35 disagreement.
36

37 **CHAIRMAN KRUPSKI:**

38 So that what's the -- so what's the recourse here? Do we need a
39 meeting with our State representatives to say -- and the State DOT
02:42PM 40 to say -- you know, really, a sit-down meeting, what -- to say,
41 "What's your story," because there seem to be different stories
42 here.
43

44 **D.P.O. CALARCO:**

45 Yeah. I mean, they did come in and do those ramps. I think that
46 we have to continue to have some sit-downs. As I said, I did get
47 an indication from Senator Martinez, at least, that she thought she
48 could identify some dollars. What we were looking for, at least
49 what I was looking for was more repetitive dollars. If she
02:42PM 50 identified those dollars for these specific intersections,
51 locations, to get these locations done, that's great, but we're
52 going to run into the same problem again in another year in another
53 location.
54

55 **CHAIRMAN KRUPSKI:**

56 No. I mean, a meeting to define responsibility for maintaining

1 these areas.

2

3 **D.P.O. CALARCO:**

4 I think all --

5

6 **CHAIRMAN KRUPSKI:**

7 That's what we need.

8

9 **D.P.O. CALARCO:**

02:42PM 10 -- DOT and our DPW should come to an understanding, so a
11 legal-in-writing understanding that we agree.

12

13 **CHAIRMAN KRUPSKI:**

14 Do you have a regular meeting with the DOT?

15

16 **MR. HILLMAN:**

17 No. We have, again, been back and forth over the last five years
18 and I don't -- do not see any resolution ahead.

19

02:43PM 20 **LEG. CILMI:**

21 No.

22

23 **CHAIRMAN KRUPSKI:**

24 Legislator Cilmi.

25

26 **LEG. CILMI:**

02:43PM 27 So if -- so if we don't -- if you don't see a resolution ahead, and
28 you and I have spoken about this communication that you've had with
29 the State regarding other roadways, then perhaps the only recourse
30 is a lawsuit with the State to get them to do what they're supposed
31 to do. If, in fact, the Federal Government defines maintenance in
32 such a way that resurfacing a road is not maintenance, and,
33 therefore, not the County's responsibility, but, instead, the
34 State's responsibility, then the State ought to do what the State
35 is supposed to do based on those Federal guidelines.

36

02:44PM 37 It sounds pretty clear to me. I know lawyers will always argue,
38 but let's put the lawyers in court and let them argue in court and
39 let a Judge decide. So to me, the question is how do we -- how do
40 we get that to happen? And if we get that to happen by passing
41 this bill and directing the County to do it, and the County doesn't
42 want to do it, then the County Executive won't sign this bill, and
43 perhaps that will be enough incentive for us to go after the State.

44

45 **LEG. BERLAND:**

46 *(Raised hand)*

47

48 **CHAIRMAN KRUPSKI:**

49 Legislator Berland.

02:44PM 50

51 **LEG. BERLAND:**

52 I don't think passing this resolution in this format is the answer.
53 The Town of Huntington had litigation with the County to decide
54 who's maintaining certain roads, and that litigation, you know,
55 went on for years, and then was eventually settled with like the
56 division of some roads for the Town, some for the County, and

1 payment of who was going to be responsible for paying the back of
2 some roads and the forward of other roads. And I think that's the
3 kind of thing that this is going to come to a head, where we're
4 going to have to enter into that kind of lawsuit. So that's more
5 of a question for the County Attorney's Office to decide to bring
6 this suit on behalf of the County.

7
8 I don't think you want to pass a piece of legislation requiring us
9 to make any improvements on roads that we're -- on parts of roads
02:45PM 10 that we're claiming we don't have, you know, jurisdiction over,
11 because I think you do increase liability that way, and you do risk
12 us being in charge of areas and agreeing to pay for the maintenance
13 of things that we are going to argue we're not responsible for. So
14 I think that the litigation is the answer, not passing of this. I
15 mean, I agree, we should table this.

16
17 **LEG. CILMI:**

18 But, I mean, I think we -- one way or the other, we have to send a
19 fairly strong message, because, otherwise, the powers that be are
02:46PM 20 just going to keep going like that, and the roads will remain
21 unpaved. And, at this point, you know, everyone around this
22 horseshoe and in the audience has driven around some of these roads
23 and it's dangerous, so they need to get done. The question is how
24 do we -- how do we best facilitate getting it done? So maybe
25 the -- maybe the answer is to draw a resolution directing the
26 County Attorney to sue the State.

27
28 **D.P.O. CALARCO:**

29 Yeah, we can do that.

02:46PM 30
31 **LEG. BERLAND:**

32 Yeah.

33
34 **LEG. CILMI:**

35 So, you know, I'll ask -- I'll ask Counsel to start working on that
36 draft, then, and I'll hope for, you know, everyone's support. I'm
37 sure the sponsor of this bill will support it. And I know the
38 sponsor of this bill wanted to move this bill, and if there doesn't
39 seem to be enough votes to do that, then we'll go the other way.

40
41 **CHAIRMAN KRUPSKI:**

42 Well --

43
44 **LEG. CILMI:**

45 But I don't know. I've heard from Legislator Berland and from
46 Legislator Calarco, but I don't know what the Presiding Officer's
47 feelings were or the Chair's feelings.

48
49 **CHAIRMAN KRUPSKI:**

02:47PM 50 Well, after hearing from our professionals at DPW, it doesn't sound
51 like it's the County's responsibility. And if it's not our
52 responsibility, it's like -- you know, it's like me saying, well,
53 you know, the Main Road in Peconic, there's holes in it, I think
54 the County should come and repave the road. They shouldn't,
55 because it's not their responsibility. If everyone -- if there's a
56 Federal mandate that says road resurfacing isn't maintenance, then

1 that's the law of the land. If that's the law of the land, we
2 should be following it.

3
4 **LEG. CILMI:**

5 Can I ask through the Chair, does the County Attorney have any
6 opinion on -- has the County Attorney's Office been involved in
7 these communications back and forth with State DOT?

8
9 **MR. BRAUN:**

02:48PM 10 Not directly with the DOT, Legislator, but we have done some
11 research. And what Mr. Hillman has said we tend to agree with, and
12 that is that -- excuse me -- by redefining what constitutes
13 maintenance and what constitutes alterations, the Federal rules
14 currently require that if you're resurfacing a road, that you also
15 have to -- that implicates the Americans with Disabilities Act, and
16 you have to provide curbing and curb cuts, and so on and so forth,
17 that you wouldn't ordinarily in the past have done with respect to
18 just, you know, putting a top layer of asphalt down. And that's
19 what is now being defined as not the County's responsibility. So,
02:48PM 20 yes, we did look at -- we didn't talk to DOT, but we did look at
21 the issue in the law.

22
23 **LEG. CILMI:**

24 So is State -- I guess you could get into some legal semantics
25 here. But what if the State were to say, for example, "All right,
26 well, there's no reason to mill the road and repave it," thus
27 triggering the ADA issues, just throw some asphalt on top of what's
28 already there and be done with it?

29
02:49PM 30 **MR. BRAUN:**

31 That's a question for Mr. Hillman rather than for me. I don't
32 think that that's a correct from an engineering or a Public Works
33 point of view, but Bill can probably answer that better than I.

34
35 **MR. HILLMAN:**

36 You can do that and that would still be considered resurfacing.
37 Milling is separate from resurfacing, so --

38
39 **LEG. CILMI:**

02:49PM 40 Okay. So even if you -- if you were to do a complete curb-to-curb
41 paving, that would be considered under the technical definition of
42 resurfacing, and, therefore, fall under the maintenance -- fall
43 under the criteria that's not maintenance, but, rather,
44 construction?

45
46 **MR. HILLMAN:**

47 Correct.

48
49 **LEG. CILMI:**

02:50PM 50 Okay.

51
52 **CHAIRMAN KRUPSKI:**

53 So I would -- I agree with my colleagues, I'd rather not pass
54 something that somehow places the burden on the County to do -- to
55 try to give them responsibility for something that isn't theirs or
56 ours.

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02:50PM

02:50PM

02:50PM

02:51PM

02:51PM

P.O. GREGORY:
For the record, I'm against directing the County Attorney to do anything.

(*Laughter*)

LEG. CILMI:
So let's see. So --

LEG. FLEMING:
May I suggest, in the past, I've asked the County to bring -- oh, I'm sorry. Is it okay if I say something, Mr. Chair?

CHAIRMAN KRUPSKI:
Legislator Fleming.

LEG. FLEMING:
Thank you. I think for me, I think the wiser course is to direct feasibility analysis of bringing the suit, rather than directing them to actually sue.

LEG. CILMI:
Right, absolutely.

CHAIRMAN KRUPSKI:
Good idea.

LEG. FLEMING:
Because there are considerations we may not be aware of.

LEG. CILMI:
So --

LEG. BERLAND:
I assume that's what you meant.

LEG. CILMI:
That's what I meant, that's exactly what I meant. But the -- so, at this point, it just sounds like we don't have the votes to pass this today. And we have -- we do have a motion to table and a second, correct?

CHAIRMAN KRUPSKI:
There's no second.

LEG. BERLAND:
I'll second that.

CHAIRMAN KRUPSKI:
Second by -- okay. We do have a second.

LEG. CILMI:
Tabling is going to go first anyway, so.

1 **CHAIRMAN KRUPSKI:**
2 All right. And I think you know the -- you know, the lay of the
3 land here, as far as the committee feels that we would support your
4 bill to instruct the County Attorney to take some sort of action to
5 put the maintenance responsibilities on the appropriate
6 governmental agency.

7
8 **LEG. CILMI:**
9 Uh-huh.

02:51PM 10
11 **CHAIRMAN KRUPSKI:**
12 So I have -- a tabling motion goes first. All in favor to table?
13 Raise your hands, please.

14
15 **D.P.O. CALARCO:**
16 (Raised hand)

17
18 **LEG. BERLAND:**
19 (Raised hand)

20
21 **CHAIRMAN KRUPSKI:**
22 (Raised hand)

23
24 **P.O. GREGORY:**
25 (Raised hand)

26
27 **CHAIRMAN KRUPSKI:**
28 Four to table.

29
30 **LEG. CILMI:**
31 I'll support tabling as well, then, if the whole committee does.

32
33 **CHAIRMAN KRUPSKI:**
34 All right. Five to table. So then we're unanimous. (VOTE:
35 *Tabled 7-0-0-1/Absent: Leg. Donnelly*)

36
37 And thanks to Legislator Sunderman, because I know he has been
38 working on this for a while. All right. Chief Engineer Hillman,
39 you don't have to leave. All right. So we tabled 1362.

02:52PM 40

41 **INTRODUCTORY RESOLUTIONS**

42
43 Now we're in Introductory Resolutions: ***1607 - Appropriating funds***
44 ***in connection with Reconstruction of CR 86, Broadway-Greenlawn***
45 ***Road, Town of Huntington (CP 5090). (Co. Exec.)*** Motion by
46 Legislator Berland, second by Legislator Muratore. All in favor?
47 Opposed? Abstentions? So moved. (VOTE: *Approved 7-0-0-1/*
48 *Absent: Leg. Donnelly*)

02:52PM 49
50 ***I.R. 1608 - Appropriating funds in connection with improvements to***
51 ***Vector Control Buildings in Yaphank (CP 5520). (Co. Exec.)***

52
53 **LEG. FLEMING:**
54 Motion.

55
56

1 **CHAIRMAN KRUPSKI:**
2 Motion by Legislator Fleming.

3
4 **LEG. MURATORE:**
5 Second.

6
7 **CHAIRMAN KRUPSKI:**
8 Second by Legislator Muratore. All in favor? Opposed?
9 Abstentions? So moved. (VOTE: *Approved 7-0-0-1/Absent:*
10 *Leg. Donnelly*). Hopefully, you get some screens on the windows
11 there to keep the mosquitoes out.

12
13 (*Laughter*)

14
15 ***I.R. 1609 - Appropriating funds in connection with the Improvements***
16 ***to Building 158 - Civil Service/4th District Court (Capital Program***
17 ***Number 1140). (Co. Exec.)***

18
19 **D.P.O. CALARCO:**
20 Motion.

21
22 **LEG. MURATORE:**
23 (Raised hand)

24
25 **LEG. FLEMING:**
26 I'll second.

27
28 **CHAIRMAN KRUPSKI:**
29 Motion by Calarco, second by Legislator Muratore. All in favor?
30 Opposed? Abstentions So moved. (VOTE: *Approved 7-0-0-1/Absent:*
31 *Leg. Donnelly*)

32
33 ***1619 - Authorizing execution of an agreement by the Administrative***
34 ***Head of Suffolk County Sewer District No. 18-Hauppauge Industrial***
35 ***and Motor Parkway Plaza (IS-18006). (Co. Exec.)*** Same motion, same
36 second. All in favor? Opposed? Abstentions? So moved. (VOTE:
37 *Approved 7-0-0-1/Absent: Leg. Donnelly*)

38
39 ***I.R. 1621 - Calling a public hearing for the purpose of considering***
40 ***increasing the maximum amount to be expended for improving***
41 ***facilities for Suffolk County Sewer District No. 7-Medford***
42 ***(CP 8194). (Co. Exec.)*** Same motion, same second. All in favor?
43 Opposed? Abstentions? So moved. (VOTE: *Approved 7-0-0-0/Absent:*
44 *Leg. Donnelly*)

45
46 ***I.R. 1622 - Appropriating funds in connection with improvements to***
47 ***the Suffolk County Farm (CP 1796). (Co. Exec.)***

48
49 **LEG. FLEMING:**
50 Motion.

51
52 **CHAIRMAN KRUPSKI:**
53 Motion by Legislator Fleming.

54
55 **LEG. MURATORE:**
56 (Raised hand)

1
2 **CHAIRMAN KRUPSKI:**

3 Second by Legislator Muratore. All in favor? Opposed?
4 Abstentions? So moved. (VOTE: Approved 7-0-0-1/Absent:
5 Leg. Donnelly)

6
7 ***I.R. 1623 - Appropriating funds in connection with Traffic Signal***
8 ***Improvements (CP 5054). (Co. Exec.)***

9
02:54PM 10 **LEG. FLEMING:**
11 Motion.

12
13 **CHAIRMAN KRUPSKI:**
14 Same motion, same second.

15
16 **LEG. FLEMING:**
17 On the motion.

18
19 **CHAIRMAN KRUPSKI:**
20 On the motion, Legislator Fleming.

21
22 **LEG. FLEMING:**
23 Can I just ask where the proposed traffic signal improvement is on
24 County Road 51, and what the proposed improvement would be?

25
26 **DEPUTY COMMISSIONER TYSON:**
27 So the location on County Road 51, as were there locations all over
28 the County on this, would be at 51 in East Moriches-Riverhead Road
29 at Speonk-Riverhead Road.

02:54PM 30
31 **CHAIRMAN KRUPSKI:**
32 Isn't that -- I thought that was going towards the Community
33 College, no?

34
35 **LEG. FLEMING:**
36 Is this a new light?

37
38 **DEPUTY COMMISSIONER TYSON:**
39 I don't believe so, but one second.

02:55PM 40
41 **LEG. BERLAND:**
42 It looks like a list in the attachments. There's like nine
43 locations.

44
45 **CHAIRMAN KRUPSKI:**
46 Yeah. But we were -- we were trying to figure out which --
47 where -- if it's the College Road there, there's already a light
48 there.

02:55PM 49
50 **DEPUTY COMMISSIONER TYSON:**
51 Yeah. No, this is in Speonk, so this is south of that.

52
53 **CHAIRMAN KRUPSKI:**
54 51 doesn't go to Speonk.

1 **DEPUTY COMMISSIONER TYSON:**
2 Well, it travels. It comes from Eastport all the way up to
3 Riverhead, so it's definitely on the southern end.

4
5 **LEG. FLEMING:**
6 Could I ask you, Commissioner, what -- if we approve this funding,
7 then, do we learn -- bless you --

8
9 **CHAIRMAN KRUPSKI:**
10 Bless you.

11
12 **LEG. FLEMING:**
13 -- what the work is going to be? Is there another opportunity for
14 us to weigh in on it? Or is this once we approve this funding, a
15 new light is going to be placed there?

16
17 **DEPUTY COMMISSIONER TYSON:**
18 Yeah, I believe this actually is for equipment. So this is not
19 planning, this is actually work that is already programmed.

02:56PM

20
21 **LEG. BERLAND:**
22 There's a -- there is a list.

23
24 **LEG. FLEMING:**
25 I have a list, that's why I'm asking if that's the list.

26
27 **CHAIRMAN KRUPSKI:**
28 Mr. Hillman, do you have a location for us or any insight into the
29 change?

30
31 **DEPUTY COMMISSIONER TYSON:**
32 Yeah, this is more so modernization of existing signals. I don't
33 think that this is like planning.

34
35 **MR. HILLMAN:**
36 I don't have an answer for your specific question, but, in general,
37 this can be used for installation of new signals and/or
38 reconstruction of existing.

02:56PM

39
40 **CHAIRMAN KRUPSKI:**
41 Well, our concern was if it's going to be a new light --

42
43 **LEG. FLEMING:**
44 Right.

45
46 **CHAIRMAN KRUPSKI:**
47 -- that there's going to be a -- you know, the associated public
48 outcry with it.

02:56PM

49
50 **LEG. FLEMING:**
51 You know -- (laughter). You know what traffic lights do or do not
52 do. Either people want the traffic light or they don't want the
53 traffic light. Usually, the local community is very invested in
54 traffic light decisions. So I just was hoping to get some guidance
55 on the specifics of it before we authorize the funding. But if I
56 could get it before the General Meeting --

1
2 **CHAIRMAN KRUPSKI:**
3 That would be fine.

4
5 **LEG. FLEMING:**
6 -- I think that would be helpful. Thank you.

7
8 **DEPUTY COMMISSIONER TYSON:**
9 We could find out what's programmed at that location.

02:57PM 10
11 **LEG. FLEMING:**
12 Thank you.

13
14 **CHAIRMAN KRUPSKI:**
15 Thank you. So we have a motion and a second. All in favor?
16 Opposed? Abstentions? So moved. (*VOTE: Approved 7-0-0-1/Absent:*
17 *Leg. Donnelly*)

18
19 ***I.R. 1624 - Amending the 2019 Capital Budget and Program and***
02:57PM 20 ***appropriating funds in connection with the development of a Tick***
21 ***Control Plan (CP 8739). (Co. Exec.)***

22
23 **LEG. FLEMING:**
24 Motion to table. And if there's a second, if I can be heard on the
25 motion.

26
27 **CHAIRMAN KRUPSKI:**
28 I'll second the motion. Legislator Fleming.

29
02:57PM 30 **LEG. FLEMING:**
31 Thank you. I know Director Iwanejko is here, so if he needs to
32 speak, I don't want to speak for him. But I do know that at CEQ,
33 there were concerns about a plan that was designed to implement the
34 Tick Surveillance and Management Program that is funded under the
35 Capital Program at \$280,000 in '19, another \$195,000 in '20.

36
37 There was considerable concern at CEQ offered around the single
38 management technique of four-posters, the devices where the deer
39 are fed corn and get an application of pesticides on them when they
02:58PM 40 eat the corn. Very controversial. I know there's a Legislator
41 here who's not in support of that.

42
43 I just wanted to note that than rather repurpose this funding all
44 together, considering the crisis that we're facing in tick-borne
45 illness, that we might want to put it -- just table this resolution
46 for one opportunity for our Legislative Districts, Mr. Chair, to
47 meet along with some of the people both in Suffolk Share and
48 Mr. Iwanejko and Dr. Campbell, who have been doing such good work.

49
02:59PM 50 In 2016, those folks presented to our State officials a very robust
51 plan that included not only the four posters, but pathogen
52 surveillance, acaricide efficacy field trials that included
53 backpacks, vegetation management equipment, sampling equipment,
54 reusable data collection stations that would track environmental
55 conditions, allow the evaluation of various different tick control
56 management techniques, including host exclusion, education kiosks.

1 There's a lot of great stuff in there, and I would hate to see,
2 because one management technique has met with some resistance, that
3 we would move away from that great work, and, you know, toward
4 developing a plan with a consultant.

5
6 We've just authorized a new entomologist at the Health Lab. We
7 have an entomologist doing great work at Vector Control. There's a
8 lot of great stuff happening that I'd love to support. So I'm
9 asking that we table this resolution for a cycle in order to
03:00PM 10 understand how we might be able to move forward with implementation
11 of the plan that might not include the management technique that
12 has, you know, encountered some resistance.

13
14 **CHAIRMAN KRUPSKI:**

15 Thank you, Legislator Fleming. All in favor? Opposed?
16 Abstentions? For tabling, yes. So moved. (VOTE: Tabled
17 7-0-0-0/Absent: Leg. Donnelly)

18
19 So we did -- we just looked up the intersection, the previously
03:00PM 20 mentioned intersection. It is the College road there off of what?
21 I call it the College road, also, but it's
22 51, the road that goes towards the College, and then there's Speonk
23 Road that goes towards Speonk that the Community College is
24 actually off of, and so there is already a light there. So it must
25 be some sort of -- if you could just get us the details of the
26 actual upgrade.

27
28 **DEPUTY COMMISSIONER TYSON:**

29 Uh-huh.

03:01PM 30
31 **CHAIRMAN KRUPSKI:**

32 Yeah, we tabled it. Thank you.

33
34 *All right. 1625 - Accepting and appropriating 100% NYS PAVE-NY*
35 *program funds in the amount of \$1,391,570 and amending the 2019*
36 *Capital Budget and Program appropriating additional funds in*
37 *connection with strengthening and improving County Roads (CP 5014).*
38 *(Co. Exec.) I'll make that --*

03:01PM 39
40 **D.P.O. CALARCO:**

41 Motion.

42
43 **CHAIRMAN KRUPSKI:**

44 Motion by Legislator Calarco.

45
46 **D.P.O. CALARCO:**

47 By all means.

48
49 **CHAIRMAN KRUPSKI:**

03:01PM 50 Second by Legislator Muratore.

51
52 **D.P.O. CALARCO:**

53 An extra 500, we can do the ramp, too.

54
55 (*Laughter*)
56

1 **CHAIRMAN KRUPSKI:**

2 This is not -- this is not -- we're not calling it paving, though.
3 We're strengthening and improving, though.

4
5 **LEG. CILMI:**

6 Consent Calendar?

7
8 **MS. SIMPSON:**

9 No.

03:01PM 10 **D.P.O. CALARCO:**

11 No. It's amending the Capital Program.

12
13
14 **MS. SIMPSON:**

15 So this amends the Capital Program, so I'd rather not put it on the
16 Consent Calendar.

17
18 **CHAIRMAN KRUPSKI:**

19 Thank you. All in favor? Opposed? Abstentions? So moved.

03:02PM 20 (*VOTE: Approved 7-0-0-1/Absent: Leg. Donnelly*)

21
22 ***I.R. 1626 - Calling a public hearing for the purpose of increasing***
23 ***and improving facilities for Suffolk County Sewer District No. 1 -***
24 ***Port Jefferson (CP 8169). (Co. Exec.) Motion by Legislator***
25 ***Muratore.***

26
27 **LEG. FLEMING:**

28 Second.

29
30 **CHAIRMAN KRUPSKI:**

31 Second by Legislator Fleming. All in favor? Opposed?

32 Abstentions? So moved. (*VOTE: Approved 7-0-0-1/Absent:*

33 *Leg. Donnelly*)

34
35 ***I.R. 1627 - Calling a public hearing for the purpose of considering***
36 ***increasing the maximum amount to be expended for improving***
37 ***facilities for Suffolk County Sewer District No. 23-Coventry Manor***
38 ***(CP 8149). (Co. Exec.) Same motion, same second. All in favor?***
39 ***Opposed? Abstentions? So moved. (VOTE: Approved 7-0-0-1/Absent:***
03:02PM 40 ***Leg. Donnelly)***

41
42 ***I.R. 1628 is considered withdrawn.***

43
44 ***I.R. 1629 - Amending Resolution No. 655-2015; accepting an***
45 ***additional \$403,727 in Federal Emergency Management Agency Hazard***
46 ***Mitigation Grant Program Funds, amending the 2019 Capital Budget***
47 ***and Program, and appropriating funds in connection with the Tidal***
48 ***Wetland Restoration at Smith Point County Park to Improve***
49 ***Protection Against Flooding and Storm Damage-Phase I and Phase II***
03:03PM 50 ***(CP 8710.148/.336). (Co. Exec.) Motion by Legislator Muratore,***
51 ***second by Legislator Calarco. On the motion.***

52
53 **D.P.O. CALARCO:**

54 Just a --

1 **CHAIRMAN KRUPSKI:**
2 Legislator Calarco.

3
4 **D.P.O. CALARCO:**
5 Just a question to Counsel. Actually, usually these resolution go
6 through Public Safety, it's a FRES function.

7
8 **MS. SIMPSON:**
9 So this resolution, when we looked up Resolution 655, went through
10 Public Works.

03:03PM

11
12 **D.P.O. CALARCO:**
13 Oh, really?

14
15 **MS. SIMPSON:**
16 That's why we cited it as Public Works.

17
18 **D.P.O. CALARCO:**
19 Okay.

03:03PM

20
21 **CHAIRMAN KRUPSKI:**
22 What is the nature of the work, Darnell, do you know?

23
24 **DEPUTY COMMISSIONER TYSON:**
25 So, as I understand it, this funding will be used in order to
26 improve protection against flooding and storm damage, particularly
27 in the marsh area at Smith Point County Park. And it's accepting
28 Federal aid, I guess emergency management hazard mitigation money,
29 so it's for that purpose.

03:04PM

30
31 **CHAIRMAN KRUPSKI:**
32 What's the actual work? Frank Castelli is here. Are you in charge
33 of this project, Frank?

34
35 **MR. CASTELLI:**
36 Hi. Frank Castelli, Suffolk County Economic Development &
37 Planning. This project is being administered by Economic
38 Development and Planning through my department, and also through
39 Public Works. The Vector Control Division and Economic
40 Development & Planning have combined to secure the funding, this is
41 FEMA funding, and to work to implement the project.

03:04PM

42
43 The project itself is a wetlands restoration that will improve the
44 functioning of the marsh at Smith Point County Park, and serve as
45 a -- the improved functioning of the marsh will serve as some added
46 protection to flooding. That's why the funding is actually coming
47 through FEMA, and it's administered through the -- through New York
48 State.

49
50 **CHAIRMAN KRUPSKI:**
51 Is that manipulation of the elevation?

03:05PM

52
53 **MR. CASTELLI:**
54 Well, the -- by improving the functioning of the march -- the
55 marsh, I'm sorry, you actually help the accretion of sediment,
56 so -- and that keeps the elevation, and it also keeps up with sea

1 level rise, and future storms will be somewhat -- the surges from
2 future storms would be somewhat better mitigated by the -- by
3 the --

4
5 **CHAIRMAN KRUPSKI:**

6 What's the scale of the work? Is it on the east or west side of
7 the bridge?

8
9 **MR. CASTELLI:**

03:05PM 10 This is all on the west side of the bridge, on the north side where
11 Smith Point Marina, north of the narrow bay their on the west side.
12

13 **CHAIRMAN KRUPSKI:**

14 Okay. All right. Thank you. We have a motion and a second. All
15 in favor? Opposed? Abstentions? So moved. (VOTE: Approved
16 7-0-0-1/Absent: Leg. Donnelly)

17
18 **MR. CASTELLI:**

19 Thank you.

03:06PM 20
21 **CHAIRMAN KRUPSKI:**

22 Thank you. *I.R. 1651 - Amending the 2019 Capital Budget and*
23 *Program and appropriating funds in connection with replacement of*
24 *Major Building Equipment (CP 1737). (Co. Exec.)* I'll make that
25 motion, second by Legislator Muratore. All in favor? Opposed?
26 Abstentions? So moved. (VOTE: Approved 7-0-0-1/Absent:
27 Leg. Donnelly)

28
29 *I.R. 1652 - Amending the 2019 Capital Budget and Program in*
03:06PM 30 *connection with the County share for the Downtown Montauk*
31 *Stabilization Project, Town of East Hampton (CP 5383). (Co. Exec.)*
32

33 **LEG. FLEMING:**

34 Motion.

35
36 **CHAIRMAN KRUPSKI:**

37 Motion by Legislator Fleming.

38
39 **LEG. MURATORE:**

40 Second.

41
42 **CHAIRMAN KRUPSKI:**

43 Second by Legislator Muratore. I've got -- yeah, I've got a
44 question, and maybe the Chief Engineer could come up also and
45 answer. I don't know if he has the -- so who's got the answers to
46 this? I remember, it was how many years ago did we enter that
47 agreement with --

48
49 **LEG. FLEMING:**

03:06PM 50 2014.
51

52 **CHAIRMAN KRUPSKI:**

53 Thank you, Darnell.
54

55 (*Laughter*)
56

1 **CHAIRMAN KRUPSKI:**

2 Was that --

3

4 **LEG. FLEMING:**

5 2014.

6

7 **CHAIRMAN KRUPSKI:**

8 Oh, thanks.

9

10 **LEG. FLEMING:**

11 That's when we committed to the fund.

12

13 **CHAIRMAN KRUPSKI:**

14 I thought he was throwing his voice.

15

16 (**Laughter**)

17

18 **CHAIRMAN KRUPSKI:**

19 So when that commitment was made, was it made to the Army Corps of
03:07PM 20 Engineers?

21

22 **DEPUTY COMMISSIONER TYSON:**

23 So, as I understand it, the initial placement of sand at that
24 location was done by the Army Corps of Engineers. They then turned
25 the project over to the State and the Town. At that time, an
26 operations and maintenance manual was constructed to make sure that
27 the initial placement would sort of stay intact. And from that
28 time, the Town entered into an agreement with the County by which
29 we would share in the cost of maintaining the dune.

30

31 **CHAIRMAN KRUPSKI:**

32 Now, at that point, and I remember it, there was -- part of the
33 agreement was that -- even though I did not support it, part of the
34 agreement was that the project had to be completed before there
35 was -- the Town or the County would have a responsibility to
36 maintain it. And part of the concern there was that as you armor
37 the ocean and then truck sand in, you're never going to keep up,
38 and the project could possibly never be completed, and that our
39 responsibility wouldn't begin until the project, in fact, had been
03:08PM 40 completed and deemed -- you know, signed off on as completed. Has
41 that ever been done?

42

43 **DEPUTY COMMISSIONER TYSON:**

44 So I do know that the County signed on to be a recipient of the
45 Federal money or as a local sponsor of the project. So we did
46 that. We have documentation from '14, you know, by which we
47 actually made that commitment. In terms of actual sign-off of the
48 initial placement of sand, it's sort of difficult to say. There
49 was a walk-through that was done in 2017, when that initial outlay
03:09PM 50 was performed. And since that time, the Town has, you know, again,
51 picked up the maintenance responsibilities, and we have assisted in
52 the Town with that. So this money that we're talking about here
53 today is actually to take care of -- there have been two such
54 placements of sand to recover the dune that was initially placed.

55

56

1 **CHAIRMAN KRUPSKI:**

2 But was -- but the original agreement, wasn't it that the project
3 be certified completed before there was any maintenance
4 responsibilities?
5

6 **MR. HILLMAN:**

7 So I think we'd have to dive into the exact language, but it's
8 unclear whether there's acceptance or the Army Corps has the
9 ability to just authorize or just transfer the project when they
03:09PM 10 deem it complete. We do have correspondence to the Town
11 transferring the project, but it's unclear whether the Town has the
12 ability, once they sign the initial agreement, to then say, "Well,
13 you didn't complete it, and, therefore, we don't want it." We'd
14 have to get into the details of the language.
15

16 **CHAIRMAN KRUPSKI:**

17 I think that seems important on a project where there's sand on the
18 ocean. And who -- let me just finish, Legislator Fleming. Who's
19 responsible for deeming the project complete? Shouldn't there be
03:10PM 20 like a day, like everybody's there and everyone does their -- sends
21 their survey team out and says, yes, this is the proper elevation,
22 this is the proper amount of sand covering the sand bags? Now it's
23 complete, you've signed the agreement to maintain it, now that --
24 those -- and that agreement should have certain terms, and I know
25 there were certain terms in it that stipulated if it were destroyed
26 in a major storm even, that it wouldn't be -- goes into the point
27 of maintenance anymore. Those are -- those were all important
28 details in that original agreement.
29

30 **MR. HILLMAN:**

31 The Army Corps seems to operate kind of on their own and not
32 fulfill some of those things. For example, the FIMI or
33 FEMI (phonetic) project that was just completed on Fire Island, to
34 my understanding, that they said we're not going to do the final
35 survey. You know, so they make decisions at times that are kind of
36 outside of the agreement, and, you know, they're the Army Corps.
37 I'm not sure what resource we on that. But, again, the County
38 wasn't involved with that, the Town was.
39

40 **DEPUTY COMMISSIONER TYSON:**

41 And I would add to that, also, that in some of the words of FIMI,
42 the expectation was that we would only take on this maintenance at
43 this location for a period of time, until which FIMP, which is the
44 Fire Island Montauk Point project, came through that area. And
45 then, at that point, what was happening in Downtown Montauk would
46 be absorbed into that. I mean, I think from the County's
47 perspective, we all agreed that it would be important to make sure
48 that the businesses in Downtown Montauk are protected. And so from
49 that kind of higher level perspective, it was better for us to --
03:12PM 50 whether we agreed with the way, the exact way that the Army Corps
51 performed their work, that we would do this work in the interim,
52 until the major project --
53

54 **CHAIRMAN KRUPSKI:**

55 And I understand that the County made a commitment to, you know,
56 the involved agencies, whether it was the Army Corps or the Town of

1 East Hampton, made a commitment to partner in this. But I think
2 it's important that we know that we are, in fact, responsible, and
3 that the Army Corps has fulfilled their responsibilities, also. So
4 if we could find out those details, I think it's very important.

5
6 **MR. HILLMAN:**

7 We'll do the best we can to find out that answer. We'll be going
8 back to the Town and asking them, you know, was there acceptance on
9 the Town's behalf, and we can --

03:13PM 10

11 **CHAIRMAN KRUPSKI:**

12 That would be important.

13
14 **MR. HILLMAN:**

15 We'll do the best we can to get you that answer.

16
17 **CHAIRMAN KRUPSKI:**

18 Legislator Fleming, I think, has a question.

03:13PM 19

20 **LEG. FLEMING:**

21 Well, I'm confused about this discussion, because I spoke to the
22 Commissioner over the course of the past -- this day, and asked him
23 to speak directly to the Supervisor. I spoke to the Supervisor.
24 The Supervisor said that the work had been completed, and he would
25 speak to the Commissioner and convey that.

03:13PM 26

27 This is the last meeting before the summer break. This is not the
28 recent project, this is last year's project. The Town of
29 East Hampton is waiting for a contract to be fulfilled that the
30 County entered into for a critically important infrastructure
31 program. It may be that not everyone agreed with the undertaking
32 of this program. However, this Legislator and the -- Legislature
33 and the County Executive agreed to reimburse the Town of
34 East Hampton for this critical work to preserve the economy of
35 Downtown Montauk. This is the past due bill. The more recent work
36 has not been paid for either.

03:14PM 37

38 And I -- actually, I was just looking at my Instagram feed to try
39 to find the date, but I was with then Commissioner Anderson and the
40 Supervisor, the Department of Highways, Superintendent of the Town
41 of East Hampton, and the Director of their Environmental Protection
42 Department, and we stood on the beach, we looked at the project,
43 and the Commissioner said to me, "The project is complete and we
44 will pay the bill." That was two years ago. We still haven't paid
45 the bill. And, you know, in a \$3 billion budget, \$500,000 has a
46 certain impact. On the \$84 million budget that East Hampton
47 operates under, this is a significant past due bill to be paid.

03:14PM 48

49 So I'm a little bit confused. Commissioner, I thought that you
50 spoke to the Supervisor. I was, unfortunately, in a meeting, so I
51 couldn't be on the call, but I thought you spoke to him after he
52 confirmed that the work had been done to their satisfaction. As a
53 matter of fact, they adjusted the original plan to require the Army
54 Corps to deposit more sand than was originally contracted for, and
55 that this was, in fact, complete. We're talking about not the
56 recent project, it's the project before that that was deemed

1 complete when Commissioner Anderson was the Commissioner.

2
3 **DEPUTY COMMISSIONER TYSON:**

4 Yes. To your point, I agree with you. This \$502,000 that's being
5 paid for here is for work that was conducted in 2018. We agree
6 that this work was done and to satisfaction. There is no
7 misunderstanding on that.

8
9 **LEG. FLEMING:**

03:15PM 10 But I just -- it seems that Legislator Krupski is not satisfied
11 that the answer to his question was the Army Corps' work completed
12 satisfactorily had been answered in the positive. If you're saying
13 that it is, then I suggest we call the vote. But if you're saying
14 that you don't have an answer yet to Mr. Krupski, I think there is
15 a peril to the East Hampton Town budget to table this at this
16 point. It has been such a long time coming to the Legislature.

17
18 **CHAIRMAN KRUPSKI:**

03:16PM 19 And this -- I agree with Legislator Fleming. There's no question,
20 this Legislature and County Executive made this commitment to
21 partner in the maintenance of this project. That's not the
22 question. Mr. Presiding Officer.

23
24 **P.O. GREGORY:**

25 Thank you, Mr. Chair. Acting Commissioner, so what is the exact
26 commitment? Is it 500,000 for this phase? Is it every year? Is
27 there a time limit? Is it -- what's the commitment?

28
29 **DEPUTY COMMISSIONER TYSON:**

03:16PM 30 So we are supposed to be in -- we are supposed to pay 50% of the
31 maintenance cost, in partnership with the Town of East Hampton, for
32 replenishment of the dune that was placed. So, as it happened,
33 work was done in 2018. That's what this, Legislator Fleming just
34 mentioned, sort of overdue bill refers to, is work that was done in
35 2018, and it amounted to 500K. We actually came back again in
36 2019. We have -- in April, they had to go back out to that
37 location to place more sand, so work has been done again at that
38 location. So we're only on the hook for 50% of whatever that cost
39 is, but that is the magnitude that we've dealing with.

03:17PM 40
41 **P.O. GREGORY:**

42 Yeah. My question is, so is that commitment infinitum, is it 10
43 years, five years, or is it --

44
45 **DEPUTY COMMISSIONER TYSON:**

46 I believe that the arrangement is for a 5-year, with a possible
47 extension to 10 years. So it's between 2015 and 2025, I believe.

48
49 **P.O. GREGORY:**

03:17PM 50 And was this -- because I remember when Supervisor Schneiderman was
51 here. Was this the part of where they put sandbags, that whole --

52
53 **DEPUTY COMMISSIONER TYSON:**

54 Yes, what this -- what the profile actually represents would be --
55 it was 31,000 -- I'm sorry -- 3,100 feet long, a berm -- I mean, a
56 sand placement with geotextile bags. It was approximately 1400

1 bags, and then two feet of cover, two feet of sand cover over that.
2 So that's what was actually ultimately placed at that location.

3
4 **P.O. GREGORY:**

5 And a lot of that washed away. I mean, it was literally like there
6 were restaurants like almost falling in the water. I mean, this is
7 like very serious conditions.

8
9 **DEPUTY COMMISSIONER TYSON:**

10 Yes.

11
12 **P.O. GREGORY:**

13 If I remember, yeah. So I definitely support this. I support the
14 Legislator's efforts as well. I see the need for -- I know, at the
15 time, if I recall, Legislator Schneider, or Supervisor Schneiderman
16 and Legislator Krupski got into it a little bit about, you know,
17 the methodology and the strategy and how to address it. But I
18 think, you know, some of the pictures, if I recall, I mean just
19 lines of sandbags. And I know it was very controversial locally,
20 too. They had some meetings, if I recall, about which way to go.
21 But I think, you know, when you have restaurants that are literally
22 falling into the water, and it's just horrific, I think we have an
23 obligation to support this, so.

24
25 **CHAIRMAN KRUPSKI:**

26 So we have a motion and a second?

27
28 **LEG. CILMI:**

29 All.

30
31 **CHAIRMAN KRUPSKI:**

32 Oh, Legislator Cilmi. I'm sorry.

33
34 **LEG. CILMI:**

35 I just want to make sure that I understand it correctly. So we
36 approved this bill in 2014, October of 2014 via CN, 17 yes votes.
37 And it sounds like -- I just want to be sure. It sounds like you
38 guys are supporting this, right, this bill that's before us today?

39
40 **ACTING COMMISSIONER TYSON:**

41 This bill, in terms of paying this overdue bill?

42
43 **LEG. CILMI:**

44 Yes.

45
46 **ACTING COMMISSIONER TYSON:**

47 Yes.

48
49 **LEG. CILMI:**

50 Okay, good. Thank you. That's all I wanted.

51
52 **CHAIRMAN KRUPSKI:**

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

1 **LEG. FLEMING:**

2 Thank you.

3
4 **CHAIRMAN KRUPSKI:**

5 We have no other business. We are adjourned.

6
7 **LEG. CILMI:**

8 Wait, wait.

9
10 **CHAIRMAN KRUPSKI:**

11 Oh. We have other business.

12
13 **LEG. CILMI:**

14 If I may, Mr. Chair.

15
16 **CHAIRMAN KRUPSKI:**

17 Legislator Cilmi, certainly.

18
19 **LEG. CILMI:**

03:19PM 20 Mr. Pressman remarked earlier with respect to the ARBOC buses. And
21 so while we have the Commissioner here, I just wanted to ask. The
22 remark, if I heard it correctly, was, and I'm going to paraphrase,
23 but he basically said, "I know we're not buying anymore of the
24 ARBOC buses," which, given the controversy surrounding those buses,
25 I completely understand if that's the case. But I wanted to make
26 sure that that's the case, first of all.

27
28 Second of all, and to me, an even more important point here or
29 question here is I had suggested back when I was an Aide to
03:20PM 30 Legislator Tom Finlay, in the mid to late '90s, that we reevaluate
31 our -- the size of our buses, and use smaller buses for those
32 routes that only demand smaller buses, that don't demand so much
33 seating. I would hate now if we were -- and I was so thrilled to
34 see that we were finally getting that done a couple of years ago,
35 and I'd hate to see that we're abandoning that.

36
37 So I just want to hear from you, Commissioner. If we're not buying
38 ARBOC buses anymore, and I respect and appreciate why we wouldn't
39 do that given the problems that we've seen, what are we doing to
03:21PM 40 continue to right-size our fleet?

41
42 **DEPUTY COMMISSIONER TYSON:**

43 So I think to your point, yes, the next current purchases that are
44 programmed, I would say none of them involve the ARBOC bus. I
45 think we all kind of have experienced, or we have a better
46 understanding of, you know, what the issues are with that vehicle,
47 particularly the limitations it places on our customers that use
48 wheelchairs. But I think from a -- from a global perspective, we
49 do still have in mind making sure that we have the correct type of
03:22PM 50 equipment out there and something that is appropriate, you know,
51 for the routes that are traveling.

52
53 So while we're not looking into the ARBOC anymore, I think that the
54 idea of if something comes out that is not problematic, there would
55 be potential for consideration of another smaller vehicle. It's
56 just that we don't have one program right now. The purchases that

1 we are making are for standard size vehicles, because we don't have
2 any issues with this. But if something else comes up that, again,
3 is not problematic for us, then it would be a consideration.

4
5 **LEG. CILMI:**

6 So, with due respect, that's not really good enough for me.

7
8 **DEPUTY COMMISSIONER TYSON:**

9 I hear you.

03:22PM 10

11 **LEG. CILMI:**

12 We have a problem, and of the -- we have many problems, but one of
13 the problems that we have is that our buses are too big in many
14 cases. And as we rolled out the idea of the ARBOC buses, or as we
15 rolled out the ARBOC busses, we, rightly so, extolled the virtues
16 of the smaller buses; less gasoline, less maintenance costs, they
17 run more efficiently and cleaner to the environment, they are safer
18 from a liability point of view. And so -- and, certainly, they're
19 less expensive. So it makes sense to proactively pursue, rather
20 than say if something becomes available, we would considerate it.
21 It makes sense to proactively pursue some alternative to the larger
22 bus. And if that means that we -- you know, if there's nothing
23 else on the State list of approved buses, and that's a -- I'll
24 frame that in terms of a question, because I don't know if that's
25 the case. Answer me whether or not that's the case. But if there
26 is nothing left, then why don't we go out and actively seek some
27 other solution here?

03:23PM 28

29 **DEPUTY COMMISSIONER TYSON:**

30 I think that's fair. I should talk to the Division about that and
31 see what -- and see what --

03:24PM 32

33 **LEG. CILMI:**

34 Yeah. I mean, we all agreed that it was the smart thing to do, to
35 go with the smaller buses. Unfortunately, we weren't prepared for
36 the problems associated with those smaller bus to those who are in
37 wheelchairs and other handicapped.

38
39 **DEPUTY COMMISSIONER TYSON:**

40 Yeah. I mean, we went with the vehicle that was off of the
41 State -- you know, State contracts, which we presumed would sort of
42 not --

03:24PM 43

44 **LEG. CILMI:**

45 Exactly. And, certainly, I get that, but -- and I know that we,
46 you know, did some limited outreach beforehand to make sure that
47 they were okay, and with limited response back and so -- but my
48 only point is that I don't want to sit here and wait until the
49 State decides to put some other bus on their list. I want to
50 actively go out and find a smaller bus that satisfies those in
51 our -- those resident who are disabled and have to be in
52 wheelchairs, but that also satisfies the very real issues that we
53 have with the bigger buses. So let's go out and actively pursue
54 that -- those answers, rather than wait until they come to us.
55 That's my only ask of you at this point. And I'd love to, you
56 know, in a month or two perhaps, maybe after the summer is over,

03:25PM

1 I'd love to hear back in this committee as to those efforts.

2

3 **DEPUTY COMMISSIONER TYSON:**

4 All right. I mean, I --

5

6 **LEG. CILMI:**

7 Okay?

8

9 **DEPUTY COMMISSIONER TYSON:**

03:25PM 10 Again, I --

11

12 **LEG. CILMI:**

13 And we have a couple of months before our next cycle, I think.

14

15 **DEPUTY COMMISSIONER TYSON:**

16 Right, but we also -- we also have the schedule study that we have
17 to get off the ground. We also have the bus stop --

18

19 **LEG. CILMI:**

03:25PM 20 Fair enough. But within, within a couple of months, two, three,
21 four months I would love to hear -- I would love to hear what the
22 plan is for right-sizing our fleet, given the challenges that we've
23 seen with the ARBOC buses. Paul, I see you raising your hand, but
24 I don't think there's facility -- I don't think there's --

25

26 **CHAIRMAN KRUPSKI:**

27 No. No, but I think --

28

29 **LEG. CILMI:**

03:26PM 30 I don't think we can engage you at this point.

31

32 **CHAIRMAN KRUPSKI:**

33 -- Legislator Cilmi makes a very good point and very reasonable.
34 I'm not going to comment on the timeline. Two or three weeks I
35 think is plenty, I think he's right. But I think that there -- but
36 he's definitely got -- you know, he's on the right path there.
37 Thank you.

38

39 **LEG. CILMI:**

03:26PM 40 Yeah. Thanks, Darnell, appreciate it.

41

42 **CHAIRMAN KRUPSKI:**

43 No further comment? We are adjourned.

44

45 *(*Meeting adjourned at 3:26 p.m.*)*

46

47

48

49

50

51

52

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54

55

56

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