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5 **PUBLIC WORKS, TRANSPORTATION & ENERGY COMMITTEE**
6
7 **OF THE**
8
9 **SUFFOLK COUNTY LEGISLATURE**
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11 **MINUTES**
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14 A meeting of the Public Works, Transportation & Energy Committee of
15 the Suffolk County Legislature was held in the Rose Y. Caracappa
16 Legislative Auditorium of the William H. Rogers Legislature
17 Building, 725 Veterans Memorial Highway, Smithtown, New York on
18 June 15, 2020.
19

20
21 **MEMBERS PRESENT:**

22 Leg. Al Krupski, Chairperson
23 Leg. Thomas Muratore, Vice Chair
24 Leg. Bridget Fleming
25 Leg. Susan A. Berland
26 Leg. Robert Trotta
27

28 **ALSO IN ATTENDANCE:**

29 Presiding Officer Robert Calarco, 7th Legislative District
30 Sarah E. Simpson, Counsel to the Legislature
31 Lora A. Gellerstein, Chief of Staff/Legislature
32 Amy Ellis, Clerk/Legislature
33 Lance Reinheimer, Director/Budget Review Office
34 Joseph Brown, Commissioner/Department of Public Works
35 Darnell Tyson, Deputy Commissioner/Department of Public Works
36 William Hillman, Chief Engineer/Highway/DPW
37 Robert Braun, Deputy Bureau Chief/County Attorney's Office
38 Stephanie Rosen, County Executive's Office
39 Ed Molten, County Executive's Office
40 Steve Randazzo, County Executive's Office
41 And all other interested parties
42

43
44 **MINUTES TAKEN BY:**

45 Diana Flesher, Court Stenographer
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THE MEETING WAS CALLED TO ORDER AT 2:01 PM

CHAIRPERSON KRUPSKI:

All right, well, it's two o'clock. We'll start the Committee meeting. All rise for the Pledge of Allegiance led by Legislator Berland.

SALUTATION

LEG. MURATORE:

Muratore on.

CHAIRPERSON KRUPSKI:

Welcome, Tom. So this is -- welcome to the regular meeting --

LEG. MURATORE:

Can you have them turn the mike up a little bit so they can speak a little bit louder?

P.O. CALARCO:

I think he means to make sure everybody speaks into the microphone directly so he can hear us.

CHAIRPERSON KRUPSKI:

Ready, Rob? So welcome to the regular meeting of the Public Works, Transportation and Energy. There will be no public portion today. Comments could be submitted from a phone message or on e-mail or mailed at any time to the Clerk Office of the Suffolk County Legislature at 725 Veterans Memorial Highway in Smithtown 11787 or you could call to get directions and whatnot at 853-3685.

TABLED RESOLUTIONS

There are no presentations today. And, of course, there are no appointments so we'll start with Tabled Resolutions. **IR 1384, Amending the 2020 Capital Budget and Program and appropriating funds in connection with Engineering, Planning, and Design of MacArthur Industrial (CP 8102). (Co. Exec.).**

LEG. FLEMING:

Motion.

CHAIRPERSON KRUPSKI:

Motion to what?

LEG. FLEMING:

Motion to approve.

CHAIRPERSON KRUPSKI:

I have a motion to approve.

LEG. TROTTA:

Make a motion to table this. I think we tabled this the last time.

CHAIRPERSON KRUPSKI:

And I have a motion to table. So I guess I need something from the

1 Administration if they could give us any kind of insight. We
2 tabled this last cycle or two. If anyone would like to speak on
3 this, I would welcome their insight. Welcome, Bill.

4
5 **MR. HILLMAN:**

6 Is this on?

7
8 **CHAIRPERSON KRUPSKI:**

9 It is. You just speak really close to it so that we get you on the
10 record. Thank you.

11
12 **MR. HILLMAN:**

13 IR 1384, is that correct?

14
15 **CHAIRPERSON KRUPSKI:**

16 Yes.

17
18 **MR. HILLMAN:**

19 Unfortunately, I'm not familiar with that IR.

20
21 **CHAIRPERSON KRUPSKI:**

22 Well, we're going to -- then we'll table it for a cycle and we'll
23 see what happens.

24
25 **MS. DiSTEFANO:**

26 Commissioner Brown is on his way.

27
28 **CHAIRPERSON KRUPSKI:**

29 Oh, so we'll pass on that. We have two motions, one to table and
30 one to approve. We don't have any seconds. So we will pass on
31 that and we will go onto Introductory Resolutions.

32
33 **INTRODUCTORY RESOLUTIONS**

34
35 **IR 1499, Appropriating funds in connection with rehabilitation of**
36 **various bridges and embankments (CP 5850). (Co. Exec.).**

37
38 **LEG. FLEMING:**

39 Motion to approve.

40
41 **LEG. MURATORE:**

42 Motion.

43
44 **CHAIRPERSON KRUPSKI:**

45 We have a motion to approve by Legislator Fleming; a second by
46 Legislator Muratore. And if we could, Mr. Hillman, give us an
47 explanation of what this is for.

48
49 **MR. HILLMAN:**

50 Absolutely. This resolution appropriates \$1.3 million for the
51 design of three bridges. The first is CR 105 over the Peconic.
52 The second is CR 105 over Hubbard Avenue. And the third and final
53 design for over the Long Island Rail Road.

54
55 **CHAIRPERSON KRUPSKI:**

56 Now, what do you mean when you say design? Are the bridges there?

1 **MR. HILLMAN:**

2 Yes, the bridges are there, yes. The first two are
3 rehabilitations. The second project, CR 80 over the railroad, that
4 is a complete replacement project.

5
6 **CHAIRPERSON KRUPSKI:**

7 Okay.

8
9 **MR. HILLMAN:**

10 That project is (inaudible) it has a funded through Bridge New York
11 and we're receiving \$15 million of Federal aid or the project will
12 cost about \$15 million. I believe it's -- yeah, it is 90 percent
13 funded.

14
15 **CHAIRPERSON KRUPSKI:**

16 Which bridge is that? You cut off a little bit there.

17
18 **MR. HILLMAN:**

19 It's CR 80 Montauk Highway over Hampton Bays overpass over the Long
20 Island Rail Road.

21
22 **CHAIRPERSON KRUPSKI:**

23 Okay. Thank you. All right. So we have a motion and a second.
24 Does anyone have any other questions?

25
26 **LEG. TROTТА:**

27 I just don't know why we're spending \$1.3 million to design a
28 bridge that's already there.

29
30 **CHAIRPERSON KRUPSKI:**

31 Can you answer that?

32
33 **MR. HILLMAN:**

34 I'm sorry, I didn't hear the question.

35
36 **LEG. TROTТА:**

37 I don't know why this cost \$1.3 million to design a bridge that's
38 already there. I mean, we don't have engineers who can say we need
39 to fix this, this and this and put it out to bid? I don't
40 understand why we don't have -- employ people who have the ability
41 to do this.

42
43 **MR. HILLMAN:**

44 It's for three bridges; it's not for one.

45
46 **LEG. TROTТА:**

47 So? Three times I don't know why -- more the reason why we should
48 employ somebody. All right. I'm not going to support it.

49
50 **CHAIRPERSON KRUPSKI:**

51 Legislator Calarco.

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

54 Mr. Hillman, thank you for joining us. My understanding, you said
55 it was three bridges?

56

1 **MR. HILLMAN:**
2 That's right.

3
4 **P.O. CALARCO:**
5 And one is a complete rebuild?

6
7 **MR. HILLMAN:**
8 Two are rehabilitations and one is a complete replacement.

9
10 **P.O. CALARCO:**
11 Okay, so the one that's a complete replacement, I imagine that's
12 eating up the biggest chunk of this funding, right?

13
14 **MR. HILLMAN:**
15 Actually, it's already been -- the preliminary engineering's
16 already complete. It's \$500,000 for final design for that bridge.

17
18 **P.O. CALARCO:**
19 Five hundred for the final decision.

20
21 **MR. HILLMAN:**
22 Correct.

23
24 **P.O. CALARCO:**
25 Do you know what -- these days what an engineer bills out at?

26
27 **MR. HILLMAN:**
28 We use as an estimate, just a rough estimate, anywhere between ten
29 (inaudible) nine is usually 10 to 15 percent of the construction.
30 And the --

31
32 **P.O. CALARCO:**
33 No, I understand that, but that is very nebulous to those of us
34 sitting behind a horseshoe in terms of why it's 10 percent. And I
35 think that's the argument that always gets made. I'm just
36 wondering like do you know what like an engineer working for a
37 private contractor that we are hiring to do this work, what do they
38 bill out as like in terms of -- like if you thought of it in terms
39 of like an attorney, they charge you \$400 an hour. What is an
40 engineer's going rate these days?

41
42 **COMMISSIONER BROWN:**
43 Good afternoon. Can you hear me?

44
45 **P.O. CALARCO:**
46 Yeah, you gotta talk right into that mic, Commissioner. We can
47 wipe it down. We're trying to keep it clean in between speakers.
48 So if you give Jerome a second, he'll wipe it down for you.

49
50 **CHAIRPERSON KRUPSKI:**
51 Yeah, I just got a text it's like scratchy and I -- and that's what
52 I thought. I just texted my staff. They're like why is it --

53
54 **P.O. CALARCO:**
55 That's the speakers.

56

1 **CHAIRPERSON KRUPSKI:**

2 Okay. So you have to speak right -- directly into the mic but
3 don't get too close to it. That's the key.

4
5 **COMMISSIONER BROWN:**

6 Okay, is that better?

7
8 **CHAIRPERSON KRUPSKI:**

9 Yes.

10

11 **COMMISSIONER BROWN:**

12 Yeah, the rates for engineers generally looking for an hourly rate
13 or what it cost us? What it cost us internally, what it costs us
14 externally?

15

16 **P.O. CALARCO:**

17 No, just -- when a contractor -- when the engineering firm is
18 putting together the proposal to us, and they're saying okay, we're
19 expecting to work X number of hours on this, generally what is it
20 that an engineer, an actual PE working on a design, is billing out?

21

22 **COMMISSIONER BROWN:**

23 So generally it could be, you know, the highest paid perhaps, you
24 know, up to a hundred dollars an hour. Some are less. And then
25 they bill us double. So if somebody is working for say \$50 an
26 hour, then we pay \$100 hour for all of their benefits.

27

28 **P.O. CALARCO:**

29 That's what the going rate is from the firm, right?

30

31 **COMMISSIONER BROWN:**

32 Yes.

33

34 **P.O. CALARCO:**

35 About \$100 an hour?

36

37 **COMMISSIONER BROWN:**

38 Yes.

39

40 **P.O. CALARCO:**

41 How many hours goes into like one of these bridge redesigns; what's
42 the expected work that an engineer would have to put in.

43

44 **COMMISSIONER BROWN:**

45 You usually have a team put together, so you have technicians, you
46 even have a secretary.

47

48 **P.O. CALARCO:**

49 Sure, yeah.

50

51 **COMMISSIONER BROWN:**

52 So you get, you know --

53

54 **P.O. CALARCO:**

55 That's partly why you contract this out because --

56

1 **COMMISSIONER BROWN:**

2 Like six, seven titles, each with a different rate. We watch very
3 closely because -- you know, you don't want the prime engineer
4 being listed on 20 different projects and billing us per quarter.
5 You watch the billing very closely. They'll intentionally put, you
6 know, a star on all of their projects. You gotta make sure that
7 person actually shows up and does the work. They're not just doing
8 that to get the work. So it's really a cross-section of people who
9 are making, you know, as low as say \$25 an hour up to \$100 an hour
10 depending on what they're doing. And then --

11
12 **P.O. CALARCO:**

13 No, it is the answer I was looking for, Legislator Trotta. Because
14 I want to -- I think it's important to explain the number of hours
15 that the engineers and the firm has to put into it and what is --
16 how these rates get developed. And they're not just pulled out of
17 thin air and saying, "Okay, this is 10 percent of the cost of this
18 project is what we're going to charge you because we know that's
19 what you're going to pay."

20
21 **COMMISSIONER BROWN:**

22 And then in-house is more expensive that you might think, Presiding
23 Officer. The State uses a rule of 2.6, so if they're billing for
24 somebody making \$50 an hour, they're billing -- you know, I guess
25 that would be \$130 an hour to the Feds because with all the
26 benefits, and then the pension and your health benefits and the
27 fringe benefits and the cost of their office and the cost of their
28 vehicle and the cost of everything, the State has determined that
29 that's a 2.6 equivalent of their salary over the actual cost. So
30 in-house can be more expensive than you may realize in the long
31 run.

32
33 **P.O. CALARCO:**

34 Plus, because when you hire an outside firm to do some of this work
35 and they put together that team, whereas if we were doing in-house
36 and we had one engineer, say, doing all this work, how much work
37 could they actually get done in a year; how many projects could
38 that one engineer actually cover?

39
40 **COMMISSIONER BROWN:**

41 Yeah, it's a team of engineers working generally part-time. There
42 might be one full-time project manager and the rest are coming and
43 going as they're needed and working on a variety of project
44 requests. And billing just the appropriate hours. So somebody
45 might be billing ten hours a week where the project manager might
46 be billing, you know, 40 hours a week.

47
48 **P.O. CALARCO:**

49 From the private firm?

50
51 **COMMISSIONER BROWN:**

52 Yes, from the private firm.

53
54 **P.O. CALARCO:**

55 In order to have a comparable type of workload covered here, we'd
56 have to have how many staff members?

1 **COMMISSIONER BROWN:**

2 For a bridge job, you'd have five people involved. And probably --
3 I mean, for designing it ourselves, it may be more like eight
4 people involved and a squad that's full-time on that, a squad of
5 five people that's full-time on that.

6
7 **P.O. CALARCO:**

8 And how long would it take them to get it done full-time?
9

10 **COMMISSIONER BROWN:**

11 What is this, a 50 -- what price is this bridge project, 50
12 million? Fifteen million. Yeah, so, design costs are assumed to
13 be 10 percent, roughly.
14

15 **P.O. CALARCO:**

16 But how many hours do they need to work to --
17

18 **COMMISSIONER BROWN:**

19 Yeah, I was trying to back into it. If you're at 10 percent, then
20 that's, you know, two-and-a-half million over the course of, say,
21 at least two years. So, you can sort of back into the total, you
22 know, the rate and how much you're spending per month and, you
23 know, by going from that start, I'd say two-and-a-half million
24 spread over, say, two-and-a-half years.
25

26 **P.O. CALARCO:**

27 So needless to say if we just hired one or two new engineers, it
28 wouldn't necessarily allow us to do all this work in-house.
29

30 **COMMISSIONER BROWN:**

31 Yeah, you'd be spending about a million a year on the staff.
32

33 **P.O. CALARCO:**

34 Yeah, that's -- okay, that's what I thought. Okay, thank you very
35 much.
36

37 **CHAIRPERSON KRUPSKI:**

38 Legislator Trotta, do you have another question?
39

40 **LEG. TROTТА:**

41 Yes. Do we do design-build here? Do we do, like, put its bid out
42 to bid and then to build it?
43

44 **COMMISSIONER BROWN:**

45 Yeah, we don't have the legal authority. As I understand the State
46 does. Some entities do, like the City apparently does not, I
47 believe, have the legal authority to --
48

49 **LEG. TROTТА:**

50 Do you know how we get the legal authority to do it?
51

52 **COMMISSIONER BROWN:**

53 Yeah, I don't know the whole process legally, but whether it's
54 through the Legislature or from the Legislature to the State. It
55 would be good to have in your back pocket as an option.
56

1 **P.O. CALARCO:**

2 And you're referring to the Wicks Law, right? The Wicks Law is the
3 law that requires us to bid --

4
5 **COMMISSIONER BROWN:**

6 No, the Wicks Law is just for buildings.

7
8 **P.O. CALARCO:**

9 Okay.

10
11 **COMMISSIONER BROWN:**

12 It doesn't apply to bridges and highways. So, no, it's --
13 design-build would be -- we don't do the design. You turn it over
14 to the contractors and they compete. And they all prepare a design
15 and then, you know -- assuming the design costs two million to
16 produce, you might give them all each like 500,000 for putting the
17 information together, the basic information together about what
18 they're going to be doing; then you select that firm. It's a
19 combination of price and the quality of their design. Maybe they
20 can do it faster, maybe they can do it in a way that's going to
21 give us a better product. And then that combination determines who
22 gets it and then they finish the design and they have to meet their
23 deadlines. And along with design-build, you also have best value
24 option which is somewhere in between, but is a nice option because
25 you can eliminate poor performing contractors that always bid low.

26
27 **LEG. TROTТА:**

28 Did you find it very helpful in the State and cheaper to do a
29 design-build?

30
31 **COMMISSIONER BROWN:**

32 I wouldn't say it's cheaper, but it does allow you to move a
33 project faster, you know, to get them out; like a couple of the 347
34 projects that were accelerated were design-build.

35
36 **LEG. TROTТА:**

37 And you have less problems with the builders saying *oh, this design*
38 *doesn't work* because they designed it.

39
40 **COMMISSIONER BROWN:**

41 You still have problems. For instance, you have to be very careful
42 about -- you want to give them as much freedom as possible to be
43 creative, but you still have to specify certain things that you
44 don't want to happen. Like, for instance, on 347 they put in ten
45 very small pipes to get the flow underneath at one point, a creek
46 underneath 347, which just clogs up. So, after that, you know,
47 they learned their lesson and now they specify a minimum size pipe
48 so they can't buy, you know, ten cheap pipes, you gotta buy three
49 large pipes.

50
51 So, there's things that you have to do to, you know, make sure that
52 you're getting the quality of design. But you give as much freedom
53 as possible to the contracting team. It's really a combination of
54 the contractor and the design firm together that will put in a
55 proposal -- a preliminary design. And the combination of that and
56 lowest price. So, it's not always the lowest price. The

1 Kosciuszko Bridge was the second lowest price.

2
3 **LEG. TROTТА:**

4 It's also safe to say that there's probably 200,000 bridge designs
5 in a computer somewhere, a computer-aided dispatch that really is
6 going to greatly reduce, you know -- because if you can build all
7 these bridges at certain spans, they're all basically built the
8 same way, maybe the way they enter and exit. So it seems to me
9 that the County of this size should be having someone -- the
10 ability to do this and save millions and millions of dollars
11 because we just -- whatever, I'm not going to support it.

12
13 **MR. HILLMAN:**

14 Can I add to that?

15
16 **CHAIRPERSON KRUPSKI:**

17 Certainly. This is important. The more information we get is
18 helpful. Thank you.

19
20 **MR. HILLMAN:**

21 I think it's important to realize that over the next decade we will
22 probably have multiple bridge jobs. We have -- our structures are
23 -- we have several structures over the next decade that will need
24 major rehabilitations and replacements. However, after that you
25 have a 50, 75, possibly even a 100-year life span of these
26 structures. So if we're going to hire a lot of engineers to do
27 that work over the next decade, well, we just hired them for the
28 next 30 years. We didn't hire them for a decade. We can't release
29 them after the job is done. So, again, that's an opportunity or --
30 a project like this, we believe, is well suited for consultants.

31
32 **CHAIRPERSON KRUPSKI:**

33 Thank you. Anyone else on IR 1499? So, we have a motion to
34 approve and a second. Is that the only motions we have? All in
35 favor? Oh, you have to call the roll. Thank you.

36
37 (*Roll call by Ms. Ellis, Clerk of the Legislature*)

38
39 **LEG. FLEMING:**

40 Yes.

41
42 **LEG. MURATORE:**

43 Yes.

44
45 **CHAIRPERSON KRUPSKI:**

46 Yes.

47
48 **LEG. TROTТА:**

49 No.

50
51 **LEG. BERLAND:**

52 Yes.

53
54 **P.O. CALARCO:**

55 Yes.

1 **MS. ELLIS:**

2 Five. (VOTE: 5-1-0-0)

3
4 **CHAIRPERSON KRUPSKI:**

5 Thank you. So that resolution passes. IR 1505, authorizing the
6 Town of Islip to purchase fuel from Suffolk County under the
7 County's Fuel Management/Preventive Maintenance Inventory Control
8 System which was authorized by Resolution No. 1233-1997. (Co.
9 Exec.). I'll make that motion.

10
11 **LEG. MURATORE:**

12 Second.

13
14 **CHAIRPERSON KRUPSKI:**

15 Second by Legislator Muratore. Can we get a little bit of a
16 history lesson on what the County's Fuel Management Preventative
17 Maintenance Inventory Control System is? Welcome, Ed.

18
19 **MR. MOLTEN:**

20 Thank you for the question. Yeah, in terms of the history, we had
21 -- the County had previously, I want to say many years ago but at
22 least several years ago, created a program that in effect would
23 allow other local governments to enter into fuel sharing
24 agreements, for lack of a better phrase, to be able to fuel their
25 vehicles at County pumps. To date, we have the East Moriches Fire
26 District, the Suffolk Cooperative Library System, Center Moriches
27 Fire District, Westhampton Beach Fire District, the Village of
28 Westhampton Beach, Harborfield School District, and as a backup for
29 the Town of Brookhaven all have entered into similar agreements
30 with Suffolk County to use our pump facilities.

31
32 **CHAIRPERSON KRUPSKI:**

33 And that just helps them because they get it cheaper or because
34 they don't have to actually have the expensive fueling facilities
35 on their own.

36
37 **MR. MOLTEN:**

38 Sometimes both. In the case of Islip I believe it's a matter of --
39 it's both, but it provides some convenience for them at this time.

40
41 **CHAIRPERSON KRUPSKI:**

42 Thank you. Anyone else have any questions? So, we have a motion
43 and a second. Call the roll, please.

44
45 (*Roll call by Ms. Ellis, Clerk of the Legislature*)

46
47 **CHAIRPERSON KRUPSKI:**

48 Yes.

49
50 **LEG. MURATORE:**

51 Yes.

52
53 **LEG. FLEMING:**

54 Yes.

1 **LEG. TROTTA:**

2 Yes.

3

4 **LEG. BERLAND:**

5 Yes.

6

7 **P.O. CALARCO:**

8 Yes.

9

10 **MS. ELLIS:**

11 Six. (VOTE: 6-0-0-0)

12

13 **CHAIRPERSON KRUPSKI:**

14 All right, that passes. IR 1509, Authorizing execution of Title
15 Sponsorship Agreement with Fairfield Properties for naming rights
16 to Suffolk County Ballpark. (Co. Exec.).

17

18 **LEG. MURATORE:**

19 Motion.

20

21 **CHAIRPERSON KRUPSKI:**

22 Motion by Legislator Muratore; second by Legislator Fleming. Is
23 this -- so, on the motion. Is this something that has to go to the
24 Naming Committee? And how does this work? How do you get to name
25 the ballpark?

26

27 **MR. RANDAZZO:**

28 Can you repeat the question, Legislator?

29

30 **CHAIRPERSON KRUPSKI:**

31 Is this something that would have to go to the Naming Committee?
32 And how do you get the rights? How do you reach out to people to
33 say, "Hey, you know, we're going to name the ballpark, are you
34 interested?" Do you set that rate?

35

36 **MR. RANDAZZO:**

37 So, we did an analysis what our peer teams in the Atlantic League
38 have for their naming rights deals and we came to an assessment of
39 what we could potentially ask for a naming rights deal. Then we
40 followed a competitive where we solicited a number of different
41 local firms with strong foundations in the Long Island community
42 including our current title sponsor, which did not meet or ask for
43 the title sponsorship. So, we negotiated a contract in good faith
44 with Fairfield Properties, which as many of you know, Fairfield
45 Properties has longstanding ties to Suffolk County, Long Island and
46 want to present that contract here to the Legislature, not go to
47 the Waiver Committee. We didn't feel that was appropriate. I also
48 just want to note for Legislator Trotta and others that no
49 contributions to the Administration from Fairfield Properties
50 either the Corporation or the owners of the company.

51

52 **CHAIRPERSON KRUPSKI:**

53 Does anyone have any questions?

54

55 **LEG. TROTTA:**

56 Yeah.

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

3
4 **LEG. TROTTA:**
5 How much -- so it's no longer Bethpage?

6
7 **MR. RANDAZZO:**
8 For the remainder of this season it would be Bethpage, and then we
9 would be entering into a new title sponsorship.

10
11 **LEG. TROTTA:**
12 It's so funny you said that because they do donate money but under
13 different (inaudible). And why did the IDA give them a \$7 million
14 tax break on the apartment complex when they're billionaires?

15
16 **MR. RANDAZZO:**
17 I can't speak to that, Legislator.

18
19 **LEG. TROTTA:**
20 Don't worry, you'll find out. I will not support this.

21
22 **CHAIRPERSON KRUPSKI:**
23 Anyone else have any questions? All right, so we have a motion and
24 a second. Call the roll, please.

25
26 (*Roll call by Ms. Ellis, Clerk of the Legislature*)

27
28 **LEG. MURATORE:**
29 Yes.

30
31 **LEG. FLEMING:**
32 Yes.

33
34 **CHAIRPERSON KRUPSKI:**
35 Yes.

36
37 **LEG. TROTTA:**
38 No.

39
40 **LEG. BERLAND:**
41 Yes.

42
43 **P.O. CALARCO:**
44 Yes.

45
46 **MS. ELLIS:**
47 Five. (VOTE: 5-1-0-0)

48
49 **CHAIRPERSON KRUPSKI:**
50 **IR 1512, Amending the 2020 Capital Budget and Program in connection**
51 **with the County Share for the Downtown Montauk Stabilization**
52 **Project, Town of East Hampton (CP 5383). (Co. Exec.).**

53
54 **LEG. FLEMING:**
55 Motion to approve. And please list me as a cosponsor.

56

1 **CHAIRPERSON KRUPSKI:**

2 Motion to approve from Legislator Fleming; second by Presiding
3 Officer Calarco. So, on the motion. If we could get some
4 information on this. This is a project I'm familiar with, but I
5 think we need to have information on what our obligations are here.

6
7 **LEG. FLEMING:**

8 Can I just note before anybody pipes in that I did hear from the
9 East Hampton Supervisor's Office, and I just lost the e-mail but --
10 who informed that the project was completed, they needed far less
11 replenishment. And I think it's about \$29,000 total sand cost for
12 2020. But we still owe for '19 which is what -- this is just
13 writing the check. This is still what's due for 2019, I believe.
14 But I wanted to let you know because I know it's important, but the
15 replenishment was very successful and there was far less sand that
16 was needed this year.

17
18 **CHAIRPERSON KRUPSKI:**

19 But we're only halfway through the year, right?

20
21 **LEG. FLEMING:**

22 This is -- the intended project was completed and they'll be
23 submitting vouchers for half of the 29,000. Let me get back on my
24 e-mail and I'll confirm that.

25
26 **MR. HILLMAN:**

27 If I could?

28
29 **CHAIRPERSON KRUPSKI:**

30 Bill, please, proceed.

31
32 **MR. HILLMAN:**

33 Sure. The sand needs to be placed before May 1st. So, the
34 Legislator's correct, we expected about a -- anywhere from a 30 to
35 \$50,000 invoice this year. It was a much smaller project this
36 year. The previous two years were \$500,000 each. We expect this
37 one to be much smaller. In fact, the funding will pay for 2019 and
38 2020.

39
40 **LEG. FLEMING:**

41 Sorry, the five fifty that we're doing now will cover the voucher
42 that they haven't even yet submitted?

43
44 **MR. HILLMAN:**

45 That's correct.

46
47 **LEG. FLEMING:**

48 That's good news.

49
50 **CHAIRPERSON KRUPSKI:**

51 Could you explain to us why we're obligated to do this?

52
53 **MR. HILLMAN:**

54 Yes. So the Army Corps designed this project and came in --
55 actually constructed the project. The New York State DEC is their
56 partner at 30 percent cost. And then the Town of East Hampton was

1 actually the local sponsor for this project. And as far as the
2 maintenance costs go, the County agreed to pay half of the
3 maintenance costs up to a million dollars. So, \$500,000 would be
4 our share annually, if it's needed. And the previous two years in
5 '18 and '19, it was needed and we see in 2020 that it really --
6 most of it was not needed.

7
8 **LEG. FLEMING:**

9 If I may, I was able to retrieve the e-mail from Joanne Pilgrim,
10 the Executive Assistant to Supervisor Van Scoyoc and she says that
11 2020 sand replenishment was completed last month at a total cost of
12 \$29,900. The much lower cost this year is the result of a need for
13 much less sand showing that the prior more extensive replenishment
14 effort was effective in holding back the erosion. At least for now
15 that's what we've got. So this is very good news.

16
17 **CHAIRPERSON KRUPSKI:**

18 So what's the schedule on replenishment and who sets the -- so we
19 get a nor'easter next week and the sand disappears, who sets the
20 timing on when the sand should get replenished again?

21
22 **MR. HILLMAN:**

23 That's written into the maintenance agreement which is approved by
24 New York State DEC and the US Army Corps. We would not be able to
25 place more sand until sometime between March of 2021 and May of
26 2021 even if there was an event.

27
28 **CHAIRPERSON KRUPSKI:**

29 The window's that small?

30
31 **MR. HILLMAN:**

32 Yes. It's evaluated in February; a plan's developed in March and
33 sand's placed in April and May.

34
35 **CHAIRPERSON KRUPSKI:**

36 Thank you. Legislator Trotta.

37
38 **LEG. TROTТА:**

39 Yeah. I think -- I think this happened over months and I
40 complained and I looked it up. I was under the impression that
41 once we did it the first time, we were off the hook. There was
42 some part of that we were off the hook, if something else happens.

43
44 **LEG. FLEMING:**

45 Initially the Army Corps and the Town were responsible. But once
46 the Army Corps left, when Legislator Schneiderman was in my seat,
47 there was an agreement that was entered into that once Army Corps
48 had completed, then the County and the Town would be liable for 50
49 percent of the project each. And that goes until -- I believe
50 until FIMP, until there is a more significant replenishment; until
51 such time as those bags don't need to be protected. Is that right,
52 Bill?

53
54 **MR. HILLMAN:**

55 The term of the contract, I believe, is -- I think it had an
56 initial five-year term and then another one year -- five-year

1 extension. So, I believe it's ten years.

2
3 **LEG. TROTТА:**

4 Because I remember vividly something, it ended. Once we did
5 something once, that was it and that's why I voted for it.

6
7 **CHAIRPERSON KRUPSKI:**

8 I wish you could find that.

9
10 **LEG. TROTТА:**

11 I think I actually looked. I think I pulled the -- I'm going to do
12 it again, though. Because I remember there was something that --
13 the reason I voted for it -- I remember you didn't vote for it.

14
15 **CHAIRPERSON KRUPSKI:**

16 That's right.

17
18 **LEG. TROTТА:**

19 And I wasn't going to but I was assured that that would be it; it'd
20 be a one-shot deal. Once it was, the Town was going to take it
21 over. I'll see if I can pull it again.

22
23 **CHAIRPERSON KRUPSKI:**

24 Legislator Berland.

25
26 **LEG. BERLAND:**

27 Well, if it was five with five-year extension, when does it end?
28 Do you know what year it ends?

29
30 **MR. HILLMAN:**

31 I believe 2025.

32
33 **LEG. BERLAND:**

34 So, we just -- we opted into the additional five? Or it just
35 automatically extended?

36
37 **MR. HILLMAN:**

38 I don't have those details. I can only speak to what has
39 transpired up until the --

40
41 **CHAIRPERSON KRUPSKI:**

42 That's a good question.

43
44 **MR. HILLMAN:**

45 -- extension. It may have been approved. It may be --

46
47 **LEG. BERLAND:**

48 Okay. Well, maybe we should know that before we --

49
50 **LEG. FLEMING:**

51 This is a bill that's owed. This is a something that -- and 500 --

52
53 **LEG. TROTТА:**

54 Lot of those.

1 **LEG. FLEMING:**

2 Well, on this issue, you know, this is an inter-municipal
3 agreement. We agreed to pay it last year. It took a very, very
4 long time for East Hampton to get paid. And this is a significant
5 amount of money. And, you know, they don't have a \$3 billion
6 budget. They have a \$95 million budget. So this has a very real
7 impact. And I would urge us to go ahead and just live up to our
8 obligation. This is a bill that's due.

9
10 **LEG. BERLAND:**

11 I hear you, Legislator Fleming. But I guess my concern is because
12 I don't really know what the term is. And if it ended in -- 2019
13 is one thing that we agreed to pay it, that's part of this. But
14 then you said whatever they expended in 2020 is also part of this.
15 So by us agreeing to pay for the 2020 part, are we then implicitly
16 agreeing to extend the contract for five years?

17
18 **MR. HILLMAN:**

19 No. I believe the 2020 was included in the previous -- the
20 original five-year agreement. That's my understanding.

21
22 **CHAIRPERSON KRUPSKI:**

23 So can we get -- I think Legislator Berland's right. Can we get
24 clarification on the specifics of the contract?

25
26 **LEG. BERLAND:**

27 Counsel, do we have that? Do we have that?

28
29 **MR. HILLMAN:**

30 Building on what Legislator Fleming was saying, though, this is a
31 bill that is owed.

32
33 **CHAIRPERSON KRUPSKI:**

34 Well, it's for '19. So it would still be covered under the
35 five-year contract.

36
37 **MR. HILLMAN:**

38 My understanding is 2019.

39
40 **CHAIRPERSON KRUPSKI:**

41 But Legislator Berland -- Lance, do you have any clarity? Can you
42 give us any clarity on that?

43
44 **MR. REINHEIMER:**

45 Yeah. Attached to the resolution in the backup, if you go onto the
46 Legislature's website and you hit the button for backup, the backup
47 is there. The inter-municipal agreement is attached in the backup.
48 You have to scroll way down because it's a backup for all
49 resolutions.

50
51 **LEG. TROTТА:**

52 What does it say?

53
54 **MR. REINHEIMER:**

55 It basically says that Suffolk County agreed to pay half the
56 maintenance cost and that we were invoiced for it. I mean, the

1 agreement doesn't say we were invoiced, but it just says that the
2 Town is the local sponsor and the County would agree to shoulder
3 half those costs. The inter-municipal agreement is in the backup.
4 I just checked.

5
6 **CHAIRPERSON KRUPSKI:**

7 And what was the term? It was a five-year term?
8

9 **LEG. FLEMING:**

10 I found it. The resolution in 2014 defines a ten-year term.
11

12 **MR. REINHEIMER:**

13 It's tied to this Federal \$8.9 million Federal grant as a result of
14 Superstorm Sandy to replenish the beach. It's part of that.
15

16 **LEG. BERLAND:**

17 It says -- it says in effect for five years and thereafter may be
18 automatically renewed upon approval of the Commissioner of the
19 Department at five-year intervals. And thereupon County
20 Legislature and town governing body approval for as long as the
21 town is obligated to operate and maintain the project. So, it's in
22 effect for five years and may be automatically renewed up to two
23 five-year intervals. So in theory it could be 15 years.
24

25 **CHAIRPERSON KRUPSKI:**

26 And then -- and he said it's up to the Commissioner to renew.
27

28 **LEG. BERLAND:**

29 Followed up by the Commissioner, and thereafter upon the County
30 Legislature and Town to approve.
31

32 **LEG. FLEMING:**

33 I don't think that the paying this bill is going to have an impact
34 on the contract terms. Is that what the implication is?
35

36 **CHAIRPERSON KRUPSKI:**

37 No. I think that she just wanted clarity. If this is still
38 covered under the first five years, it's covered under the first
39 five years. And I think Legislator Berland is asking is this going
40 to automatically renew for the next five.
41

42 **MS. SIMPSON:**

43 The contract was entered into in 2015 so it would expire, the first
44 five-year term it looks like it would end in September of 2020.
45

46 **LEG. BERLAND:**

47 So September of this year it would end.
48

49 **MS. SIMPSON:**

50 Yep, for the first five-year term.
51

52 **LEG. BERLAND:**

53 All right. So I guess it appears that we would be obligated to pay
54 under the first five. But then we have to be really careful
55 whether we agree to continue.
56

1 **LEG. TROTТА:**

2 So, who gets to pick if it goes for another five years?

3

4 **MS. SIMPSON:**

5 The Commissioner of the Department for the first two extensions.

6 And then after those first --

7

8 **LEG. BERLAND:**

9 And thereafter the County Legislature.

10

11 **MS. SIMPSON:**

12 It would be through the Legislature and the Town Board.

13

14 **LEG. TROTТА:**

15 I'm sorry?

16

17 **MS. SIMPSON:**

18 It would be the Commissioner of the Department for the first two
19 five-year extensions. After that it would be the town board and
20 the Legislature.

21

22 **LEG. TROTТА:**

23 The DPW Commissioner could just say we're going to extend another
24 five years.

25

26 **MS. SIMPSON:**

27 For the first two automatic renewals, yes.

28

29 **CHAIRPERSON KRUPSKI:**

30 All right. Any other questions? We're still on the first
31 agreement. We're all in agreement we're on the first agreement.
32 Okay. So, we have a motion to approve and a second. Please call
33 the roll.

34

35 (*Roll call by Ms. Ellis, Clerk of the Legislature*)

36

37 **LEG. FLEMING:**

38 Yes.

39

40 **P.O. CALARCO:**

41 Yes.

42

43 **CHAIRPERSON KRUPSKI:**

44 Pass.

45

46 **LEG. MURATORE:**

47 Abstain.

48

49 **LEG. TROTТА:**

50 Yes.

51

52 **LEG. BERLAND:**

53 Yes.

54

55 **CHAIRPERSON KRUPSKI:**

56 No.

1 **MS. ELLIS:**

2 Four. (VOTE: 4-1-1-0)

3
4 **TABLED RESOLUTIONS**

5
6 **CHAIRPERSON KRUPSKI:**

7 That moves on. 1512 moves on. So now we have to go back to the
8 Tabled Resolutions, **IR 1384, Amending the 2020 Capital Budget and**
9 **Program and appropriating funds in connection with Engineering,**
10 **Planning, and Design of MacArthur Industrial (CP 8102). (Co.**
11 **Exec.).** Commissioner Brown, welcome once more to the stage.

12
13 **COMMISSIONER BROWN:**

14 This is the MacArthur Commercial District add-on to increasing
15 capacity for the delivery tank; correct? That resolution?

16
17 **CHAIRPERSON KRUPSKI:**

18 1384, yes, I think that is the tank.

19
20 **COMMISSIONER BROWN:**

21 So, I brought a map. I hope you can see it. My reading glasses.
22 My arm's used to be long enough. So at the top you see the
23 expressway, Railroad Avenue, MacArthur Airport. And then this is
24 all commercial --

25
26 **P.O. CALARCO:**

27 Commissioner, I need you speaking into that mic because the
28 stenographer can't hear you and Legislator Muratore can't hear you.
29 Maybe Darnell can help you with an assist here.

30
31 **COMMISSIONER BROWN:**

32 So this whole area that's blocked in, that's highlighted, the
33 MacArthur Airport and the MacArthur Commercial District below is
34 not connected. Without these equilibrium tanks, without these
35 storage tanks and -- instead of widening the whole system, instead
36 of putting in the new pipes throughout the whole system, this just
37 creates a huge tank -- system of tanks that can hold, you know,
38 sewage overnight 'til there's lower flow and then it drains out.
39 By putting these in, we will be able to add these two areas: The
40 airport and the MacArthur Commercial District. Without these tanks
41 or some other means of expanding the system, we cannot.

42
43 **LEG. TROTТА:**

44 But this isn't putting the tanks in. This is designing them.

45
46 **COMMISSIONER BROWN:**

47 To design to put the tanks in. But we're on a time limit, you
48 know, every -- if you postpone the design, you postpone the
49 construction and then you postpone the connection.

50
51 **LEG. TROTТА:**

52 Why can't we do this?

53
54 **COMMISSIONER BROWN:**

55 Why can't we do the design? Equilibrium tanks is not something we
56 have expertise with.

1 **LEG. TROTТА:**

2 Why not?

3

4 **COMMISSIONER BROWN:**

5 You don't do it very often.

6

7 **CHAIRPERSON KRUPSKI:**

8 Are there any equilibrium tanks in any other county sewer system?

9

10 **COMMISSIONER BROWN:**

11 A few of the -- a couple of the resolutions that went in originally
12 were a package with this resolution had equilibrium tanks. I'm not
13 aware of others in the system before that.

14

15 **CHAIRPERSON KRUPSKI:**

16 Is there an existing sewer district here?

17

18 **COMMISSIONER BROWN:**

19 No, this is creating a new sewer district to connect to the, you
20 know, Ronkonkoma pumping station.

21

22 **CHAIRPERSON KRUPSKI:**

23 And then that all gets pumped into the ocean from there?

24

25 **COMMISSIONER BROWN:**

26 It goes down to Bergen Point.

27

28 **CHAIRPERSON KRUPSKI:**

29 So, that would be -- when would the district be created?

30

31 **COMMISSIONER BROWN:**

32 Excuse me?

33

34 **CHAIRPERSON KRUPSKI:**

35 When would this be added to the district, then?

36

37 **COMMISSIONER BROWN:**

38 As soon as -- as soon as the equilibrium tank is done. So if you
39 design it, you build it, you're looking at two to three years.

40

41 **CHAIRPERSON KRUPSKI:**

42 And then would we recoup that money from the sewer district?

43

44 **COMMISSIONER BROWN:**

45 Yes, a hundred percent.

46

47 **CHAIRPERSON KRUPSKI:**

48 Thank you. Legislator Berland.

49

50 **LEG. BERLAND:**

51 I just want to confirm. I'm looking at the list that the County
52 Executive sent over. This is one of the ones that was listed as
53 priority; is that correct?

54

55 **COMMISSIONER BROWN:**

56 Yes.

1 **LEG. BERLAND:**
2 Okay, thank you.

3
4 **CHAIRPERSON KRUPSKI:**
5 Anyone else? So, we have -- do we have a motion on this?

6
7 **MS. ELLIS:**
8 We have a motion to table and a motion to approve but no seconds.

9
10 **P.O. CALARCO:**
11 Second the approval.

12
13 **CHAIRPERSON KRUPSKI:**
14 All right. So the motion to table has no second. The motion to
15 approve, could you call the roll, please.

16
17 (*Roll call by Ms. Ellis, Clerk of the Legislature*)

18
19 **LEG. FLEMING:**
20 Yes.

21
22 **P.O. CALARCO:**
23 Yes.

24
25 **CHAIRPERSON KRUPSKI:**
26 Yes.

27
28 **LEG. MURATORE:**
29 This is to table or to approve?

30
31 **MS. ELLIS:**
32 Approve.

33
34 **LEG. MURATORE:**
35 Yes, to approve.

36
37 **LEG. TROTТА:**
38 No.

39
40 **LEG. BERLAND:**
41 Yes.

42
43 **MS. ELLIS:**
44 Five. (VOTE: 5-1-0-0)

45
46 **CHAIRPERSON KRUPSKI:**
47 All right, thank you. I did ask the Commissioner if he could give
48 us just a brief update -- you know, we don't need all the facts and
49 figures on the bus system. We get asked questions about it on a
50 regular basis and I thought maybe you could give us a brief update
51 on ridership on both the line and the SCAT bus.

52
53 **COMMISSIONER BROWN:**
54 There's been no significant change to the bus service. The
55 para-transit was reduced with the reduced reservations. But with
56 at least as many buses per person as we had before. So, we've not

1 been -- had to reduce service. We do have social distancing issues
2 on the buses. So, as we've seen some major increases the last two
3 weeks, in a couple of locations we've added a trailer bus just in
4 certain times of the day so that we can deal with the social
5 distancing. We'll be switching back to having riders come in at
6 the front of the bus as opposed to the rear soon, which is also a
7 good thing, you know, later this month is the plan.

8
9 And as far as addressing really the fares and the cost, it's a
10 little premature for us to do that. It's hard for us to put in the
11 exact numbers. We did get the Cares Funding, which was 26.2
12 million, which is a huge help, the Cares Act, which, you know, bus
13 companies and transit companies around the country all got a piece
14 of that. And that really is making a huge difference in tiding us
15 over. But to give you some sort of rough numbers, it's still too
16 early to tell. It's very encouraging that the last two weeks we've
17 seen significant increases in bus ridership.

18
19 **CHAIRPERSON KRUPSKI:**

20 Thank you. Appreciate that. Legislator Fleming has a question.

21
22 **LEG. FLEMING:**

23 Commissioner, just to follow up on that. So the Cares Funding,
24 what are the restrictions on that? I know for some -- in some
25 areas of government lost revenue is not eligible for replenishment
26 by the Cares Funding. But in this case they'll be able to fill --
27 we'll be able to use that 26 million to shore up the budget in
28 light of the lost revenues from the fare boxes?

29
30 **COMMISSIONER BROWN:**

31 Yes, it's for operating costs.

32
33 **LEG. FLEMING:**

34 Great.

35
36 **COMMISSIONER BROWN:**

37 Darnell, do you have anything to add to that?

38
39 **LEG. FLEMING:**

40 And is the pilot with regard to the, while we're at it, the
41 micro-transit pilot, is that still proceeding, the RFP? I know the
42 RFP was out on the street when the virus hit. I don't know where
43 we are on that. And I don't mean to put you on the spot but if you
44 don't know, you don't know.

45
46 **COMMISSIONER BROWN:**

47 We are proceeding, you know, obviously COVID has got us all a
48 little distracted. Darnell and Bill and I have been spending more
49 than half of our time on COVID issues. It's part of the reason,
50 I'm sorry, I was a couple of minutes late. Was the Board of
51 Elections determining social distancing before I came here. So --
52 but there's no plans to put any of that on hold.

53
54 **LEG. FLEMING:**

55 It's just -- from my perspective, it's a very interesting moment in
56 time to learn lessons and move forward with a vision that might

1 shift a little bit in terms of what works and doesn't work. I
2 would hate to see the commitment sort of -- recent commitment to
3 public transportation solutions fall off because public
4 transportation is a very challenging area in light of social
5 distancing. And maybe the micro-transit is an opportunity for some
6 creative thinking about that. I don't know if that's a fact, but I
7 do hope that there is a level of commitment to creative thinking so
8 we don't lose as a coastal community opportunity to continue to
9 find ways to reduce carbon emissions and the other sort of savings
10 that come with multi-passenger transportation solutions. I gave a
11 little speech, sorry.

12
13 **COMMISSIONER BROWN:**

14 Legislator, as you know, Darnell's been very busy, you know, with
15 two or three hats recently. So part of the reason I was asked to
16 come in -- and then Phil Berdolt has been asked to come back, very
17 capable leader, is to free Darnell and his staff up, who have been
18 very distracted by COVID and other things to focus on, that
19 initiative and other transformative initiatives.

20
21 **LEG. FLEMING:**

22 That's very good to hear. Thank you.

23
24 **CHAIRPERSON KRUPSKI:**

25 Thank you. All right, if there's no other -- Legislator Calarco.

26
27 **P.O. CALARCO:**

28 Thank you, Mr. Chair. And I just want to take a moment to thank
29 all my staff. We just came back into the building for our
30 committee cycles and I think today went actually very well. And I
31 want to just thank all my staff who worked hard to put together the
32 procedures and the protocols and set it up so that we can return
33 and start getting some semblance of normal legislative cycles
34 going. So I appreciate all of their hard work.

35
36 **CHAIRPERSON KRUPSKI:**

37 And I'm going to thank the Presiding Officer because, you know, we
38 come here and we expect everything to be ready for us, but I know
39 it does take a lot of work. So, you know, we should appreciate
40 that, that work. Because we all feel safe here. We're, you know,
41 we're back here and it's good to be back to business. So, thank
42 you.

43
44 **LEG. FLEMING:**

45 Thank you.

46
47 **CHAIRPERSON KRUPSKI:**

48 And you kept the wheel turning. And everyone has really, keeping
49 the wheels turning for the last three weeks -- I mean, three
50 months, it's really been a good story, so thank you, everyone.

51
52 With that, we are adjourned.

53
54 **THE MEETING CONCLUDED AT 2:47 PM**

DATE

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