

**PUBLIC WORKS
AND
TRANSPORTATION COMMITTEE**

of the

SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, October 7, 2008.

MEMBERS PRESENT:

Legislator Brian Beedenbender - Chairman
Legislator Steve Stern - Vice-Chairman
Legislator Wayne Horsley
Legislator John Kennedy
Legislator Daniel Losquadro
Legislator Edward Romaine

MEMBER NOT PRESENT:

Legislator Rick Montano

ALSO IN ATTENDANCE:

George Nolan- Counsel to the Legislature
Kevin Duffy - Budget Review Office
Gil Anderson - Commissioner - DPW
Tom Laguardi - Chief Deputy Commissioner - DPW
Kaitlyn Boyd - Aide to Chairman Beedenbender
Barbara LoMoriello - Deputy Clerk - SC Legislature
Ben Zwirn - Deputy County Executive
Gail Lolis - County Attorney's Office
Debra Alloncius - AME
All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:52 P.M.*)

CHAIRMAN BEEDENBENDER:

We're going to start with the Pledge, and we'll get right into it, led by Legislator Horsley.

SALUTATION

Okay. I have one card. Did anyone else -- all right. What we're going to do -- we have one card, and then I know we have several people here who have been waiting. We're going to take one bill out of order, and then we're going to get right into our presentation. So the first card I have is Herbert Balin and Gene Wishod, co-counsel for Tallmadge STP.

MR. BALIN:

Good afternoon, Chairman, Members of the Committee.

CHAIRMAN BEEDENBENDER:

Turn the microphone on, please, sir.

MR. BALIN:

Thanks. I'm Herbert M. Bailin from Certilman-Balin. With me, co-counsel. How's your shoulder? I had the same operation. It works well. We're here on resolution 1882, authorizing execution of agreement by the administrative head of Suffolk Sewer with reference to North Country Plaza and Tallmadge Woods. We've work with Legislator Losquadro for quite some time on this, and we have turned over the plant and everything seems to be going fine. And this is one of the last steps in the Tallmadge. So we ask respectfully that you approve this. And we're here to answer any questions[.]. [.]

CHAIRMAN BEEDENBENDER:

All right. If there are no questions, I think we're going to go to Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Mr. Chairman, I'd like to make a motion to take IR 1882 out of order, please.

LEG. KENNEDY:

Second.

CHAIRMAN BEEDENBENDER:

Okay. I will second the motion to take IR 1882 out of order. All in favor? Opposed? Abstentions? **IR 1882, authorizing execution of agreement by the administrative head of Suffolk County Sewer District No -- 2 - Tallmadge Woods with the owner of North Country Plaza (COUNTY EXEC)** is before us. Does anyone have any questions or anything for Mr. Wishod or Mr. Balin or any comments? Hearing none, we need a motion.

LEG. LOSQUADRO:

I will make a motion to approve.

CHAIRMAN BEEDENBENDER:

Legislator Losquadro makes the motion, seconded by Legislator Kennedy All in favor? Opposed? Abstentions? IR 1882 is **APPROVED (VOTE: 6-0-0-1 - Not Present - Legis. Montano)**.

MR. BALIN:

Thank you very much.

CHAIRMAN BEEDENBENDER:

No problem. Is there anybody else in the audience that wishes to address us? Fantastic. Okay.

We're going to move directly into our presentation with apologies again for the late time period. Rich? Rich? There you are. Rich, if you could come forward and Christina as well. Just to give a brief, very brief, explanation of what this is, last week, I had a rather extensive conversation with Rich on the phone about the state of the bond market both for serial bonds, tax anticipation notes and the municipal bond market as a whole.

So the way I wanted to start out with this, Rich, is I figured we'll start with good news. So -- then we'll move -- it may be short. But there is some good news, and I think we should start with that to frame it. The first thing; some of you may have heard of Jefferson County, Alabama, which may or may not at this point be the largest municipal bankruptcy. I don't know if they went under yet. And they were involved in derivatives with Lehman Brothers and things like that. So, Rich, we are not involved in anything like that, right?

MR. TORTORA:

That's correct.

CHAIRMAN BEEDENBENDER:

All right. That's good news, number one. Number two is there's also another financial instrument called auction rate bonds. And this market apparently collapsed in February. And, Rich, we are not involved in any of that, right?

MR. TORTORA:

You are not and you never have been.

CHAIRMAN BEEDENBENDER:

Fantastic. Okay. Last thing, we also know that there is another instrument called variable rate bonds that another county on Long Island may be involved in. But, Rich, does Suffolk County have any exposure there?

MR. TORTORA:

You do not.

CHAIRMAN BEEDENBENDER:

Fantastic. Okay. So there's the good news. Let's move on to the rest. Start -- talk to me a little bit about the bond insurance. And I guess for the perspective of the committee, when we go out -- actually, Rich, why don't you explain it?

MR. TORTORA:

Suffolk County, like most jurisdictions in New York State, when they go into the market for competitive sales as they're required to do, they -- as financial advisor, we make sure that the issue qualifies for a policy of municipal bond insurance. And in the instance that the bidders want to pay the premium for the bond insurance and factor that into the rate, they do so. And then that issue that's insured, the rating on that particular issue goes from your underlying rating, which is currently Double A to Triple A based on the credit quality of the insurer.

Since January, there had originally been six insurers that were rated Triple A in the municipal securities industry. Since January, four of them have lost their ratings. Most of them have seen very significant declines in their ratings. So as a result, if indeed the County were to be insured in the future, there'd only be two options; FSA and assured guarantee. The biggest player in the industry, NBIA, lost its Triple A ratings most recently. {Fidgec}, {Amback} and {Excel Capital} all lost their ratings. I believe Excel is like a Triple B now, subinvestment grade. So they've really had difficulty.

Fortunately, as we've said before, the County having as good a credit rating profile as it presently does, the best in its history, has never come at a better time, because the likelihood that you'll need insurance is somewhat remote, because you're so strong based on your underlying credit

fundamentals at the Double A level.

CHAIRMAN BEEDENBENDER:

Okay. And the other point with the bond insurance is that -- not to -- well, from our position, the fact that those insurance companies went down, it's not really a problem of the issuer, it's a problem of the holder.

MR. TORTORA:

That's correct, because any debt that you've issued that was sold with insurance, while you issued the debt, you have your funding. Now, whoever is holding your paper, if they chose to sell it before maturity, it doesn't have the value that it once did, because it's no longer Triple A paper, it's only Double A paper. So it's diminished somewhat in value.

CHAIRMAN BEEDENBENDER:

Okay. And then I guess the -- graduating down into the really bad news. Talk to us about -- I mean, I know you and I had a very long conversation about the status of the bond market and basically the willingness of investors to go out there. And we heard two weeks ago, you know, and I repeated this this morning, governments throughout the United States went out for 6 billion, only 100 million got bought. We heard that California wants 7 billion and there's nowhere to get it. And you also made one other comment when we were on the phone that -- and I think you just repeated it -- that our bond rating really never has been more important than it is right now. So if you could talk to us and give us a general sense of what's going on in the market and how that might have changed from a week ago when we spoke, besides the fact that the Stock Market is going south, not north.

MR. TORTORA:

Sure. Obviously, we're all paying attention to what's going on in the market and we see the wild gyrations of the Dow Jones Industrial average, which even today, as Mr. Bernake was speaking was going down, was going down -- it was down as much as 260 points prior to us, you know, coming in this afternoon.

The way this impacts Suffolk County and municipalities throughout the United States, because there's a lot of uncertainty in the marketplace and investors ranging from big institutional investors to small mom and pop investors like you and I that might have 10,000 in a college fund or 10,000 in a house fund, etcetera, we know that in the month of September in a ten day period, almost \$17 billion in mom and pop came out of Wachovia. And that caused that bank to fail basically or come close to failing, having to be taken over.

We also know that, I believe, the number is in the hundreds of billion got pulled out of money market funds after one particularly large fund broke the buck and you can no longer redeem shares for a dollar. So there's an extreme lack of confidence on the part of investors, both on individual investors and institutional investors. As a result, there's no cash in the market. People pulled all this money out and put it in what it thought was the best option, which was treasury securities. As a result, the yield on short treasury securities went down to almost nothing. Literally, you buy a treasury and get nothing in return other than security of the Federal Government, which is certainly a good thing to have.

As a result, the way this impacts Suffolk County and other municipalities, the last deal of any size done in New York to our knowledge, bigger than ten million, was a deal for which our firm served financial advisor for Sachem Schools on the 25th of September. They were selling, as they always do, a cash flow note for \$36.6 million. Sachem had pushed off the borrowing because they didn't need the money, they knew the cost of capital was going to be high, so they figured they'd shorten the term, which was certainly a good idea. When they went into the market on the 25th, preceding that time, we called every bidder that had bid on Suffolk -- excuse me -- on Sachem. We also called anyone that had been buying paper. And we weren't getting a very good response.

We dual-tracked their issues such that we knew that we could negotiate the note deal. In New York you can negotiate notes, but you can't negotiate bonds unless you sell at a discount with the Comptroller's approval. So we had a deal in our back packet to negotiate the Sachem deal. And it wasn't until about an hour before the originally planned competitive sale that we decided we don't have to negotiate this, we can indeed sell this competitively, because we heard from one financial institution that they would indeed bid on the whole issue.

What our concern was is that we were going to go into the market with a \$36 million deal for Sachem and not get bids for anything close to 36 million. Maybe we would get bids for 10 million or 12 million, and we thought that based on how the market had received other deals in the preceding days. Long story short, we sold Sachem competitively. They did very well, they got three bids. They sold it to, I believe -- Commerce Capital Markets, I believe, bought the issue at, like, a 252.

Again, there hasn't been a deal more than 10 million sold in New York since then, that's almost two weeks ago. The most recent sale today, a school district on Long Island, very strong credit, was selling a \$7 million deal. They got -- because they were what they call a bank-eligible issuer, so banks that buy their paper and hold it, there's a tax benefit for that, they got bid from Flushing Commercial Bank, but only for a million. JP Morgan Bank bid on two million. Again, to protect the banking relationship. Commercial Capital bid on the whole issue. And had Commerce Capital not bid on the whole issue, their cost of capital, this particular school district, ended up being about 3.25%. But if Commerce hadn't stepped up and bid on the whole issue aggressively, the next bid was at five and a half percent.

So in the same scenario, had Suffolk been in the market today, we suspect that if indeed you sold your debt, if you could sell the entire amount, say you were borrowing \$50 million, A, you would have difficulty selling it, and we're not quite sure where the interest rate would come in. We think it would be substantially higher than what this particular school district got today.

CHAIRMAN BEEDENBENDER:

Okay. To kind of tie this back to the Public Works Committee, because I don't want to take dominion over Ways and Means or Budget or anything else, I know that this month we're supposed to do a Tax Anticipation Note for 85 million, next month we would anticipate \$100 million in serial bonds, and then in December or early January, we would anticipate a \$300 million Tax Anticipation Note. I'm sorry. Correct me if I'm wrong, Christina.

MS. CAPOBIANCA:

No. Actually, three weeks from today, on October 28th, we're looking to sell the short term DTANs for 85 million, and we're also looking to sell the serial bonds, \$88 million in serial bonds on the same day.

CHAIRMAN BEEDENBENDER:

Okay. So bringing it back to this, I guess the fundamental question I would have -- well, I think we understand in terms of cash flow and that need that the DTAN is more important to get sold than the serial bonds, the underlying projects notwithstanding. So is there a sense from your perspective, as for this group of policymakers here, the Legislature, that we should curtail the serial bond offering? Is there an approach that you think would make sense for us? Because my concern is I want to make sure that TAN -- the DTAN gets sold. And we also have to worry about the TAN in December. But is there a sense that if we go to market for the whole thing that will be a disincentive to sell any of it? I mean, I know there's two separate issues.

MR. TORTORA:

Sure. No. Fortunately, Suffolk has two things in its favor; one is time, that with this bailout plan, we expect that funding will slowly work its way into the market and start to lubricate the market so that transactions can start to take place again. So you're still -- you're three weeks away from the market. We'd like to think that we'll see a lot more liquidity in three weeks.

As you appropriately said, we would be selling notes and bonds using the same official statement. So it's two different markets; short term investors looking at the notes and long term investors looking at the bonds. Based on market indicators as recent as today, talking to a half dozen banks before coming today, the bond market is more receptive it appears to financing right now than the note market is. The reason being, the alternatives for investors who are investing short term, if you can invest in short term variable rate paper, which is having a very bad time, you can get 8% today. It's only for maybe a week or so, but you can get a very high return. So you're competing against those dollars. That being said, we'd like to think that when you come into the market in three weeks, there will be appetite for the entire note issue, and there will be -- separately, there will be appetite for the entire bond issue.

CHAIRMAN BEEDENBENDER:

Okay. Would you say though -- I know we had some discussion about this during the full -- during our conversation. Is it more of a concern as we sit here today -- and I know five hours from now is a lot different, never mind a week or three weeks from now -- that it is more of a cost of capital or availability? Because right now, it seems like availability. And in three weeks, it may be there, just the cost might be higher despite our bond rating.

MR. TORTORA:

Right now, it's all about availability. It's -- everyone -- there may be two dozen bidders that are interested in Suffolk paper. As a matter of fact, we looked on the -- on the big TAN issue that you sold last December that closed in January, you had bids from 16 different financial institutions. Unfortunately, of those 16, four of them are out of business. So you have fewer bids just by virtue of that.

But that being said, it's -- everyone's comfortable with the County's credit. People know that the County -- just a cycle of borrowing puts Suffolk County in the market this time of year every year with an issue of about this size. So that's not a problem. It's not the credit, it's just, is there funds, does Bank of America, does JP Morgan Chase, do they have the internal credit approval to buy \$85 million, say, for the DTANs from Suffolk County? My understanding as of this afternoon is they don't. They can't extend that much credit to any one issuer in New York.

CHAIRMAN BEEDENBENDER:

Okay. Let me ask one more question, then I'm sure my colleagues have some questions. So I guess at this point -- and, you know, at 3:07, it doesn't -- you would feel comfortable with the fact that -- because for the purposes of this conversation, that the serial bond issue will be something that's -- something that will get bought at a reasonable cost of capital? And I will hold you only to this minute.

MR. TORTORA:

I don't feel comfortable about anything that's going on in the market right now because of all the uncertainties. But again, we're optimistic that with the passage of time, that's going to help you. The fact that you don't need to sell this today or next week and close on it shortly thereafter, that's going to help you. And kind of the mantra is when investors are ready to get back into municipal securities, we'd like to think you're going to be offering some of the most attractive paper in the market in New York State.

CHAIRMAN BEEDENBENDER:

Well, I guess, before I open it up, I would just ask, you know, I know you obviously will keep in touch with the Comptroller's Office and keep in touch with everybody else, but if you could just -- pardon me -- let my office know as we get closer to that, because as a committee, I think we would want to have a major part -- if it did get to the point, and obviously we're not there right -- that it might be advisable for both our Comptroller, our Treasurer and yourself that -- and our Budget Offices that we scale back on that, we'd like to be involved in crafting whatever plan that was. So if you could just keep us up to date. And anybody else that has questions, anybody? Mr. Presiding Officer.

P.O. LINDSAY:

Mr. Tortora, really as someone that's very naive about these issues, with the volatility in the Stock Market, wouldn't one think that money would shift to a relatively safe investment like County paper?

MR. TORTORA:

Conventional wisdom would say absolutely. However, there's such concern that individual investors, not only are spooked about the equities market, the Stock Market, they're spooked about the real estate market. They don't even think -- it appears they don't even think municipal securities are safe. And that the result of that is we have this strange anomaly in the market. Right now, if you are to buy a treasury security and a municipal security with the same term, you'd get a higher yield on a municipal security, notwithstanding the fact that there's a tax -- there's a tax benefit in investing in munis above investing in treasuries.

So the answer to your question, conventional wisdom would say, certainly, people should be -- in addition to buying treasuries, they should be buying municipals because they are strong, but the market isn't supporting that. The market is -- all of the money is coming out of the mutual funds, coming out of the saving and loans and going into the treasury market.

P.O. LINDSAY:

At almost a zero percent return.

MR. TORTORA:

On the short paper at almost a zero percent return. It's extraordinary.

P.O. LINDSAY:

It doesn't make any sense.

MR. TORTORA:

It doesn't make much sense.

CHAIRMAN BEEDENBENDER:

Rich -- I'm sorry. Are you done, Bill?

P.O. LINDSAY:

Yep.

CHAIRMAN BEEDENBENDER:

Just to add to that, do you think -- is it the flight from the munis as well? Because, I mean, I know Jefferson County -- but is there a concern that a lot of counties or a lot of municipal governments have gotten involved in these other more -- well, the variable rates and all those other things that -- are there -- is there concern out there in the market that a lot of governments are going to be -- I know this one, Suffolk County is good, but is there a concern that a lot of governments are just going to --

MR. TORTORA:

I don't think a lot of governments in New York State have gotten into derivatives. I would guess the vast, vast majority have never gone near derivatives.

CHAIRMAN BEEDENBENDER:

Okay. But even without derivatives -- and not to, you know, cast dispersions on Nassau, but Nassau has the -- the newspaper reported that they have some variable rate exposure and their costs have gone up \$25 million in a week. So it would seem to me if there's lots of governments out there in a municipal, as an investor I'd want to stay back, because I don't know if these governments who are getting less sales tax, less property tax and all their costs are going up, if they're going to be able to make their payments.

MR. TORTORA:

Legitimate concern. I'd also add that the vast majority of governments in New York State haven't done variable rate debt either. It's really a small handful of the larger seemingly more sophisticated governments that have done that.

CHAIRMAN BEEDENBENDER:

Okay. Legislator Horsley, you were next.

MR. TORTORA:

I have to interrupt. Local governments. The State and the State agencies are in variable rate debt and derivative debt.

LEG. HORSLEY:

Wasn't it Orange County that had problems a couple of years ago with derivative? I mean, wasn't the reason why they failed is there was no --

MR. TORTORA:

That's right.

LEG. HORSLEY:

Do you think they would have learned that lesson somewhere along the line?

MR. TORTORA:

You might have thought so.

LEG. HORSLEY:

The question I have, Rich, is since all this pressure of people and counties and states and municipalities that are looking to borrow is being bottled up, when the markets do eventually open up, whether it be three weeks, four weeks, five weeks, won't there be so much demand that the interest rates are going to go up appreciably?

MR. TORTORA:

I would think. There will certainly be demand. I might have mentioned to some of you earlier, the Commonwealth of Massachusetts, today, for the second time, cancelled an intended sale of \$750 million in debt because they knew it wouldn't sell. So that's been put on the back burner.

LEG. HORSLEY:

So you've got them, you've got California, you've got all these things. They must be like gazillions out there about ready to hit the market as soon as someone opens up a door and say, okay, we're really. So won't that impact when we send out for these DTANs, what, three weeks from now or whatever it may be?

MR. TORTORA:

Yeah, you would think that rates would be higher, certainly. That with all that paper flooding into the market, there would be competition for those investment dollars and the rates would go up.

LEG. HORSLEY:

Right. That's what I'm thinking. It's supply and demand. I mean, that's --

MR. TORTORA:

That's the thought, certainly. But, again, this market has been behaving in a way that no one seems to be able to anticipate. But, again, conventional wisdom, you're right on target.

LEG. HORSLEY:

Would it be to our best interest then to hold off, I mean, at least as far into the future as we can go or maybe just even do partials until this thing start to become, as you put it, lubricated? I like that term, by the way.

MR. TORTORA:

Some of the things that we've been talking about with the Comptroller's Office, and we talk, of course, everyday, some times many times during the course of the day with the Comptroller's Office and other officials in the County, where we have them looking at the cash flow needs to see do they indeed need to sell on October 28th and close a week later, or can we push it off a couple of weeks. Our intention --

LEG. HORSLEY:

Can you do partials? I mean, is that -- is that a possibility? Maybe even a better idea.

MR. TORTORA:

Perhaps. You do incur, of course, costs every time you go into the market, but they're relatively di minimus in light of what you are trying to achieve. But right now, our recommendation to the County would be to prepare to be in the market the 28th. So you'd have two weeks to prepare documents. If indeed it looked as though the market was ready to receive a deal of this size, we'd say, let's mail that deal and let's get ready to open bids on the 28th. We would be watching the market every single day between when we mail and when we sell.

LEG. HORSLEY:

So we have Column One, Column Two, Column B, whichever one, is that the point?

MR. TORTORA:

We would dual track it. We'd also be talking to investment banks about perhaps negotiating the sale with them as the County had done for many years in the past. Maybe in the '80's and '90's they used to do a lot of negotiation of note debt. So we'll probably dual track this. We'll look at negotiating, see what's the best deal we can get via negotiation. But we tend to think that the competitive sale as you always do it, you have for the last 15 years, in most -- in almost all markets will get you the best results.

But again, if we think we're not going to be able to sell all the -- the entire deal or we think the conditions are going to improve, we understand that based on the most recent review of the cash flow, you might be in a position where you can push the sale back of those notes by a couple of weeks. And we might advise you to do that at that point.

LEG. HORSLEY:

So we're literally going to be competing against the whole country's municipal bonds.

MR. TORTORA:

You always do. You always do. And you always do well, because your credit quality is higher than most, certainly. But, yeah, you're right, you will be in the market with two -- three significant borrowings at a time when there's going to be a lot of pent up need for capital. And they might all be rushing into the market at the same time. But, again, have confidence in the fact that your paper is rated better than most that are going to be in the market with you.

LEG. HORSLEY:

Thank you.

MR. TORTORA:

You're welcome.

CHAIRMAN BEEDENBENDER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you for coming. It's been actually since, I guess, about 9:45 this morning that we've been wrestling essentially with the same theme. And Legislator Romaine brought up some questions this morning about our inter-fund borrowing. And Legislator D'Amaro, as a matter of fact, spoke at one point when we were talking about a vendor coming in to get tax credits. And as I'm sitting here, I don't know, maybe I'm just starting to get like huge brain drain, but what I'm sitting here saying to myself is I don't have a clue whether or not we can even make payroll next week.

I hear us discussing -- well, I'm going to ask you to weigh in in a minute, Christina -- and I don't say that we're going to go ahead and needlessly send a message to create fear, but this discussion as to whether we delay for two weeks the letting of 85 million or if we talk about vending it in lesser increments or we explore some other alternative in negotiated sale, do two things; one, my recollection when I dealt with this stuff 13 or 14 years ago was a TAN or DTAN by definition is a debt instrument that's less than 365 days, correct?

MS. CAPOBIANCA:

Correct.

LEG. KENNEDY:

Okay. It's going to be some time period where we're going to vend it, and some time in '09, we're going to have to pay it back. We don't expect to get \$85 million worth of delinquent collections in '09, do we? Because we've only got 31 million in collections this year.

MS. CAPOBIANCA:

It's multiple years that we borrow against.

MR. TORTORA:

The DTAN is structured such that we're not only borrowing against delinquent -- delinquencies that occur in '08, but --

LEG. KENNEDY:

Multiple years; three, four, five years out.

MR. TORTORA:

Right. Exactly.

LEG. KENNEDY:

And you're looking at a variety of maturities with interest and penalty and the likelihood that we're actually going to realize them.

MR. TORTORA:

That's correct. And the coverage ration. So let's say we're borrowing 85 million, I haven't looked at the cash flow lately, but the borrowing of 85, the expectation is that you might be receiving 120. There's a very strong coverage ratio. So your point is well taken. What if, you know, times are tough and the delinquencies increase? Well, all the prior years' delinquencies are still out there certainly. There would still certainly a sufficient coverage ratio that would give the market -- because these get rated by the three rating agencies, it would give them comfort that you will indeed collect sufficient revenues to pay this off upon its maturity.

LEG. KENNEDY:

Tell me about what just occurred, I guess, three or four weeks ago, because we retired the '07 DTAN, didn't we?

MS. CAPOBIANCA:

Yes. We retired the -- we paid back the DTAN on September 11th.

LEG. KENNEDY:

Okay. Now what did we go out for in the first instance, Christina, how much?

MS. CAPOBIANCA:

Last October, we borrowed 55 million for the DTAN, and we paid it back September 11th.

LEG. KENNEDY:

And we paid it back based on the fact that we had realized that much in collection of delinquent taxes, interest and penalty, or did we pay that back from that plus other proceeds? Did we cover the note?

MS. CAPOBIANCA:

We covered the note, sure.

LEG. KENNEDY:

We covered the note from the projected source?

MS. CAPOBIANCA:

Yes, from the projected source. Absolutely. Every year we borrow it for approximately ten months. So we borrowed it in October of '07, we paid it back on September 11th of this year from the source.

LEG. KENNEDY:

Do you what years we reflected in that DTAN, Christina?

MR. TORTORA:

I believe -- I think it's five years. The traditional practice is the current year and four preceding years. And as I said earlier -- and we can get you this information specifically -- the way it's structured, you never borrow based on every dollar you expect to receive. You take -- you know, you downsize it significantly such that the --

LEG. KENNEDY:

Seventy -- five percent, 60%, 65%?

MR. TORTORA:

Perhaps maybe 75%, so that for every dollar that you're paying back, maybe you anticipate collecting \$1.25 or \$1.50 even.

LEG. KENNEDY:

So framing this debt instrument at this point at that amount, it's your professional judgment we are going, in fact, to be able to cover it with the amount you're contemplating going out with?

MS. CAPOBIANCA:

Yes. We do cash flow projections through '09. And we can borrow 85 million and repay it by next September.

LEG. KENNEDY:

You're answering my question, but you're leaving out one piece. And I'm not asking you to do -- it's kind of like what Legislator Beedenbender was saying before. I'm not asking you to guarantee with some degree of certainty like an interest rate or something like that, but I'm hearing about what's the equivalent of economic Armageddon. I drive through my Legislative District and I see for sale signs, and I know the foreclosures, I know the people who have already gone out, I know the veterans who I'm trying to keep in houses and are going down poor man's road. One's e-mailing me right now. What's the likelihood that we're going to go 30 million higher, we have that many more properties in foreclosure, and you're still telling me we're going to cover? How's that going to

happen? What am I missing? Clearly, I don't understand that.

MR. TORTORA:

I can chime in, again, not having the cash flows in front of me. Last year, while you borrowed 55, the cash flow is probably -- the inflow of revenues from those five years that you were borrowing against might have justified you borrowing 155. It's just that the way -- the way the County's Audit and Control sized the cash flow, a \$55 million borrowing is appropriate. So the coverage ratios last year might have been two or three times.

LEG. KENNEDY:

Okay. Then here's what I need to do, Richard, and I'll go back to it's not this committee's job to educate me, but clearly I don't understand what's going on with the range there. And when I hear about delinquent taxes, I know it generally, but shame on me that I haven't familiarized myself with the absolute numbers. So I need those numbers. I need those numbers.

MR. TORTORA:

And we'd be happy to spend time with you, certainly.

LEG. KENNEDY:

And I need to know actually at this point what we're looking at with that DTAN. And I also need to know how far out we can go before we begin to go ahead -- and I'm not going to use the example of not making payroll, because that would needlessly cause harm and fear in employees' lives, which is not my intent -- but we have to pay LIPA, I presume, we have to cover car insurance, we have to buy gas to put it into the tanks here to run our fleets. I guess I'm leading to know how close are we getting to not having anything left in the wallet or the cookie jar? Where are we at?

MS. CAPOBIANCA:

Our cash flow projections show that although cash it tight, we have sufficient cash to cover all our cost. We will not go into a deficit until the middle of December, but by then, we will have hopefully gone into the market on October 28th or some day -- some date close to that and borrow the 85 million in DTANS. The DTANS are cash flow borrowing. So we are okay until the middle of December, at which point, we'll have the DTAN money to continue to fund our cash flow needs.

LEG. KENNEDY:

So you're making it sound as if, I guess, it's inevitable that we're going to have this instrument let whether it gets offered as a general offering in the market or we've gone to what you describe as negotiated, which is, what, at a higher cost?

MR. TORTORA:

Potentially. And again, the County, just like many jurisdictions across the state and across the country, routinely does cash flow financings to fund itself when there's, you know, kind of a mismatch when revenues as -- your bills are relatively constant, your revenues aren't. They come in in increments. So again, the County routinely borrows against its DTANS in the fall, and against upcoming year's TANS in December, closing the first business day of January. That's just been your practice for -- certainly as long as I've been here and a lot longer before that. And it's the same practice as certainly most school districts in Nassau and Suffolk County and a lot of other jurisdictions across the State and country relying on cash flow borrowings.

LEG. KENNEDY:

Last question, I guess, and I'll yield. We heard this morning about this oversight committee of electeds that do this cash flow analysis. Obviously, I guess, Mr. Sawicki is a member, Treasurer Carpenter is a member, BRO is on it; all bright, intelligence people. But again, I don't have a clue what they're looking at and I don't have a clue what they're deciding. Is there something that you do as a prep doc for them that I might be able to see? Because invariably, somebody's going to want to skewer me if it doesn't go well.

MS. CAPOBIANCA:

Sure. We have a monthly cash flow analysis that we prepare, and we could share that with you.

LEG. KENNEDY:

Okay. Through the Chair, I'd ask to see that please.

CHAIRMAN BEEDENBENDER:

Okay.

LEG. KENNEDY:

Thank you.

CHAIRMAN BEEDENBENDER:

Legislator Romaine, right before we get to you, I just wanted to ask a follow-up question. In terms of -- potentially, and we'll keep using that word -- there's the perspective that the interest rates could be higher. And, I guess, Christina, this is probably more of an appropriate question for you. Under County Law, how does the Comptroller go about -- is there a circuit breaker -- I mean, is there a point where the interest rate would be so high that he would say, you know, no? Or is there a mechanism in County Government to provide for that situation?

MS. CAPOBIANCA:

Well, he is the borrowing authority of the County, so he does have leeway to make a decision on the interest rate with -- in consultation with our financial advisors. You know, we -- there are some options that we have. If the interest rate looks like it's going to be very high on October 28th, we do have a little bit of leeway to maybe hold back and go to the market two to four weeks later, and maybe interest rates will settle down at that point. So, you know, we'll make all these -- this determination in about two weeks from now when we take a look at the market.

CHAIRMAN BEEDENBENDER:

Well, I guess, what I would offer is the assistance of this committee, and the Comptroller certainly doesn't need it in terms of the expertise in the market, but in the sense that, you know, if we do have a situation where the cost of capital is higher, I would offer the assistance of this committee at least for the serial bond portion, that we may be willing to withhold some things to make the issue smaller so the overall payments would be less until such time as the interest rates got better. So if the Comptroller wishes to examine that, I would offer the assistance of the committee in maybe providing some policy guidelines, or the Legislature as a whole, some policy guidelines on what we might shrink the serial bond by to make that less.

MS. CAPOBIANCA:

Okay. I'll relay that to him.

CHAIRMAN BEEDENBENDER:

Thank you. And Legislator Stern and then Legislator Romaine.

LEG. STERN:

You know, like everybody, I'm watching the news to see what Congress is doing and asking how it's going to affect, you know, us here in Suffolk County Government. So I was wondering what -- what you thought the Federal bailout plan effect would be particularly on the municipal market.

MR. TORTORA:

Sure. Just kind of reiterating my comments from earlier. What the intention is, of course, is to get funding back in the market, because obviously, the mom and pop investors that pulled so much money out of mutual funds and savings and loans, they're not comfortable right now.

So the thought is and one of the things that seems to be happening pretty quickly is the Feds starting to buy commercial paper back. And as they buy commercial paper back, now they own it,

that money gets back into the system. You know, a lot of people, a lot brighter than I worked on this for a long time and think that this is going to be the fix. Putting capital in the market carefully over the coming weeks and months should settle things down.

I mean, years ago, a few years ago, Mr. Greenspan said about the internet bubble, you know, irrational exuberance. You might now say there's irrational fear. I mean, most people don't have money in excess of \$100,000 in a savings bank that is FDIC Insured. Notwithstanding that, I'm sure a lot of us have been tempted to say, maybe I should pull \$10,000 out and just stick it in my drawer just in case. Those are the things that hurt the market. You know, people have to get comfortable that this is going to settle down, hopefully sooner rather than later. And this plan by the Federal Government to inject a lot of capital in the system -- it's starting already, certainly -- we expect it will do the trick. It's going to take some time though certainly.

CHAIRMAN BEEDENBENDER:

Legislator Romaine.

LEG. ROMAINE:

Yes. I just have one question. Earlier today at the Budget Committee, I raised questions about internal transfers between funds; borrowing from reserve accounts, borrowing from dedicated funds, which I don't think many Legislators were aware that we did on a regular basis. The Budget Review Office was kind enough to give me a copy of resolution 62 of 2008 in which we authorized the Treasurer to do that.

In that resolution, however, there was no mention of any committee to exercise oversight over these inter-fund transfers, although I understand there is a committee that does that. However, the resolution does say -- and I'm going to quote -- that a report must be generated within five business days following any transaction that either decreases or increases the fund balance in any County fund to internal transfers between funds.

And that report is supposed to be provided to Legislature, the County Executive, the County Comptroller, the County Executive's Budget Office, and the Legislative Budget Review Office. I've asked formally now by e-mail to Lance, I've asked for a copy of all of those reports in compliance with this resolution. And my concern is, and I will state this again, that there is not sufficient checks and balances.

I understand the need to borrow and to do inter-fund transfers from dedicated funds that you think are dedicated and whatever and from reserve accounts. But to keep these funds available for inter-fund transfers, I want to express my concern again that they must be kept in liquid investments that pay a lower yield as opposed to higher investments if they were there for a fixed period of time that would pay a higher yield.

And I am interested in seeing the reports and how often these reports were generated in compliance with Resolution 62 of 2008. So I just want to put that on the record, and I thank you, Mr. Chairman.

CHAIRMAN BEEDENBENDER:

No problem. If we have no comments, Rich or Christina, is there anything else you'd like to add, anything that we didn't ask you about that you wanted to put on the record?

MR. TORTORA:

Buy bonds.

CHAIRMAN BEEDENBENDER:

Buy bonds. You should have come in here with a big hat on and look like Apollo Creed. All right. Well, then I'll thank you Christine and please extend my thanks to the Comptroller. And, Rich, thank you very much for coming down and helping us out.

We're to move right to the agenda at this point. We'll start with the Tabled Resolutions.

1358. Adopting a Local Law to reduce the emission of pollutants from the County's diesel-fueled motor vehicles (COOPER).

And this -- I'm going to make a motion to table at the request of the sponsor.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Actually, the public hearing isn't closed. Motion by myself, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0-0-1: Not Present; Legis. Montano).**

1505. Authorization of alteration of rates for Fire Island Ferries, Incorporated (PRESIDING OFFICER).

I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0-0-1: Not Present; Legis. Montano).**

1536. Appropriating funds in connection with construction of sidewalks on various County Roads (SCHNEIDERMAN).

I'll make a motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 6-0-0-1: Not Present; Legis. Montano).**

1673. Adopting a Local Law to establish a minimum altitude for operations of helicopters (ROMAINE).

LEG. ROMAINE:

I'll make a motion to approve since the public hearing has been closed.

CHAIRMAN BEEDENBENDER:

All right. We have a motion to approve. I will make a motion to table.

LEG. STERN:

Second.

CHAIRMAN BEEDENBENDER:

We have a second on the motion to table. Do we have any other motions or seconds? Okay. The motion to takes -- well, it's the only motion before us. Is there any comments on the motion? Legislator Romaine.

LEG. ROMAINE:

Yes. I'd like to know what the reasoning is behind tabling so I could better understand the purpose for the resolution.

CHAIRMAN BEEDENBENDER:

Sure. I'll explain. Well, before I go, Gail, is there something you would like to share with us?

MS. LOLIS:

Well, just to remind the committee -- Gail Lolis, Deputy County Attorney -- that the law is preempted by both Federal and State Law. The FAA Regional Administrator sent a letter concerning this particular bill to Congressman Bishop advising him that it is preempted.

LEG. ROMAINE:

Do I get an opportunity to ask some questions?

CHAIRMAN BEEDENBENDER:

Absolutely.

LEG. ROMAINE:

Could you comment on the New York State Laws and the New York City Laws that governor altitude of helicopters that have not -- that are still on the books and have been on the books for long periods of time?

MS. LOLIS:

There can be certain distinctions with local ordinances. It has to do with a proprietary function. In this particular case, there is -- there was a Second Circuit case a few years ago that struck down a New York City Law trying to regulate helicopters. There's been a Supreme Court decision saying that you can't -- there may be certain exceptions for State Law. There is a State Law on the books now that has a minimum height, as you probably know, a thousand feet, less for helicopters. This would actually be in violation of that too. But so far, that law has not been stricken down.

LEG. ROMAINE:

Right. So there are laws that do regulate altitude that haven't been stricken down that still exist on the books. I believe the State Law has been in effect for a long period of time and hasn't been stricken down. And I do believe the City Law that deals with altitude requirements also hasn't been stricken down. And I also believe that because this deals not with altitude but the unsafe regulation, unsafe use of helicopters that we avoid that technical problem, because we define unsafe as altitudes of 2500 feet lower over populated areas.

So we're not dealing with altitude, we're dealing with the unsafe use of a helicopter over populated areas. So I would ask you -- I would almost challenge your legal research on this because we had several people that dealt with this that would absolutely contend what you are saying is not so, that the County has a perfect right to regulate the safe operation helicopters over populated areas. And if we -- and that's exactly what this law does. It happens to define safe as 2500 feet other than landings or takeoffs over populated areas. But we have a right to regulate the safe use of helicopter over populated areas in Suffolk County.

MS. LOLIS:

I'll be more than happy to provide you with cases and even as far as the State Law. And through the Chair, this local law conflicts with the -- with the State Law. So 25 -- 2500 feet directly conflicts with the State Law and the Federal Law.

CHAIRMAN BEEDENBENDER:

Okay. Thank you, Gail. The reason I offered the motion to table is I agree if not -- if you take the legal research, you put that for a second just conceptually, I know that our Federal representatives -- well, the three of them who represent this particular area have been working on this. And I got a

report from the Eastern Regional Helicopter Council about Labor Day Weekend. Now, I know they have a vested interest in this bill and the particular operation, but according to their statistics, and I've had no opportunity to compare them to others, 97% of all observed aircraft on Labor Day Weekend were about 2000 feet and 93% were in compliance with all the suggested guidelines and operated at an average of nearly 2700 feet.

But moreover, even if you put that aside, I just fail to see how -- I know from time to time this body adopts things where people have suggestions about enforcement, but I think this is less -- even more compelling. You know, I know the County has four helicopters, but besides, you know, our police flying and policing helicopters, which I -- that's a heck of a traffic stop -- I don't know how we enforce it.

LEG. ROMAINE:

It's very simple, Mr. Chairman. The same way -- if you just read that report from the East End Helicopter Association, they clearly state that you can look at radar right on your personal computer and determine the altitude. In fact, my aide called in a number of reports to the East End Helicopter Association over Labor Day Weekend, because he was able to go on his laptop, figure out that that was flying at about 700 feet instead of the 2500 that they say everything flies at and call that in as a complaint. We can look -- you sit right on a laptop and do all of this and do your enforcement through that, not a problem.

CHAIRMAN BEEDENBENDER:

Okay. Do we have any other statements? Any other comments for the record?

LEG. ROMAINE:

I would simply say that obviously this is an interest -- this is of interest to a great number of people in Suffolk County. And I'm sure they'll be disappointed to hear that this tabled, and I'm sure that I will encourage them come to the Legislature and make their opinions known on this vote. And I'm sure they'll be disappointed that the.

County Executive's Attorney's Office gave an opinion that I -- did not share with me beforehand, because there's certainly other opinions that we have that we could provide that I think would have countered that and certainly been pause for thought.

So clearly, this is an issue that will not go away. I thought this would be a way that we could address it, and then we could talk about enforcement at the Legislature.

CHAIRMAN BEEDENBENDER:

Well, Legislator Romaine, while I agree that this is a problem that needs to be addressed and I agree that there are residents of Suffolk county who have a genuine concern in this situation, I think your statement that they'll be disappointed it didn't pass only exists because we have a bill that -- you know, this is not the solution. It would not solve their problem. And I think this is a straw man. And, you know -- so they might be disappointed --

LEG. ROMAINE:

Yeah. This straw man has brought our Federal representatives to the table. We just had a meeting last week out at East Hampton Airport. Without this bill, there would be no one at the table to talk about the regulation of helicopters. And there's a lot of practical things that can be done, but they lay outside the powers of this Legislature. This is a method to get it addressed. And I have to say, if this goes down, the impetus for dealing with this problem will kind of die, and then I'll have to let all those who have an interest know of this and encourage them to be as vocal as they possibly can be on this issue.

CHAIRMAN BEEDENBENDER:

Okay. Legislator Losquadro, I know I saw you, but Legislator Kennedy did have -- - right before you.

LEG. KENNEDY:

Mr. Chair, this is an issue I think that actually unfortunately is one that's prevalent in many of our districts. While I did not have the number of constituents come out and speak at the public hearings out in Riverhead, nevertheless I do have a number of constituents even as recent as over this weekend who approached me about this, be it helicopter traffic approaching Mac Arthur or, you know, traveling further east.

And, you know, I, in the past, have talked about preemption. However, I find that when we pass legislation where there may be a question with preemption, it does seem to help us to move sometimes to affect a positive change for our constituents. So I am inclined to support this bill.

CHAIRMAN BEEDENBENDER:

Legislator Losquadro.

LEG. LOSQUADRO:

I want to echo some of the comments that Legislator Kennedy just made and just point out the fact that Legislator Romaine is exactly correct. For several years now, we have these same Federal representatives holding press conferences talking about solving this issue and affecting absolutely no change in the situation other than to have some sort of voluntary accord put into place which is routinely violated and having the only statistics given to us by those who are actually flying the helicopters which are being criticized, sort of like the fox guarding the hen house, so to speak.

This has absolutely brought this issues to the forefront. This is forcing those same Federal representatives to try to find a solution, if only to save face for themselves on the Federal level. But I do think we absolutely have to regulate this on a local level. Whether or not it could be challenged and find us preempted, I think is open for legal interpretation. But I have received -- remaining through this year and past years many complaints regarding this issue. And I hear them myself on the North Shore. I think this something that absolutely has to be addressed. It's been give a lot of lip service over the years by the Federal representatives that claim to have the whole sway over this issue and have not addressed it. And like many other issues where the Federal Government has failed us, we take it upon ourselves to address those issues whether it be immigration, or in this case, the FAA. So I'm supporting this.

CHAIRMAN BEEDENBENDER:

Thank you, Legislator Losquadro. The one thing that I would add, I guess I would disagree on point. I know that Congressman Bishop many months ago, before this bill even came before the Legislature, he had introduced as a part of the FAA reauthorization -- and it actually passed the House -- it was a study specifically for Long Island, and it's the first step towards regulation, and not just agreements, but regulations towards the helicopters.

Now, it has not passed the Senate yet, so I think to suggest that our Federal representatives have not done anything, I think would be inappropriate. I understand your position and I understand -- I understand that constituents call about lots of things, and as their representatives you want to react. I just think that this will not provide the relief that they -- that they seek. And I understand I can respectfully disagree with my colleagues. I just don't happen to think this would be the way to do it. Do we have any other comments? Legislator Stern.

LEG. STERN:

Yeah. Just a quick comment. I want to applaud Legislator Romaine and his effort and the progress that he's been able to make to date. To be honest with you, the position he has taken today and some of the arguments that he's making I'm not so familiar with; the court cases that he's pointing to. I'd be happy, Legislator Romaine, to review your legal research to make a better informed decision as we go forward.

CHAIRMAN BEEDENBENDER:

Okay. If we have no other comments.

MR. ZWIRN:

If I might. I think that I'm concerned about the enforcement part, I think, from the County Executive side. The County Exec, I think, has said publicly if the bill comes to his desk he'll sign it even though he thinks it probably is preempted, because it makes them feel better. At least, you think, they think something is being done.

I think a few months ago they thought when the Federal representatives got together and they came up with a plan to try to alleviate this problem that they felt better about it at that time. But it's frustrating, I think, to the citizens of the County that when you pass legislation -- and the question is how do you enforce this. I mean, Legislator Romaine says you can do it by a computer. I don't know -- I mean, it would be nice to see a demonstration. How do you know -- if they don't file flight plans, how do you know which helicopter was up there that you're looking at that's not at 2500 feet?

LEG. ROMAINE:

Because all of them have transponders and you can identify them on the screen.

MR. ZWIRN:

You can identify the transponder on the computer?

LEG. ROMAINE:

Absolutely.

MR. ZWIRN:

Have you contacted any of the people that violated the --

LEG. ROMAINE:

That's not my job and you know that. But what I'll be happy to do --

MR. ZWIRN:

No. No. I'm just asking.

LEG. ROMAINE:

I'll be happy to send you the information, because they use the same technology that the East End Helicopter -- Regional Helicopter Association uses to track helicopters the same way my aide did over Labor Day Weekend.

MR. ZWIRN:

I'm not questioning that. My question is --

CHAIRMAN BEEDENBENDER:

You can go, just let Mr. Romaine finish.

MR. ZWIRN:

But can he answer my question?

CHAIRMAN BEEDENBENDER:

Hold on. Ben, just let Mr. Romaine finish and then you can say whatever you like.

LEG. ROMAINE:

Just like they've generated the report that the Chairman referred to -- and I appreciate the courtesy, Mr. Chairman. Just like they generated that report, you can generate a report and identify that. These helicopters are flying to essentially three heliports all on the East End; Westhampton, Southampton, East Hampton. You can identify exactly who they are and you can trace them and you can determine them. And it is relatively simple to do. It's not a huge commitment of money, and we would attempt to do that.

Now, hopefully -- and I've gone and attended a meeting in Melville at Senator Schumer's Office with a number of Federal representatives, and I've attended a meeting in East Hampton Airport, again, with a number of Federal representatives, and there are other things that we're looking at. One of them is to have a control tower, not a tower, but what is considered a control tower that they can lease for the summer, which operates out of a trailer in East Hampton Airport, because if they have that, then they control the direction of flights. So that may be one solution, not only there, but at the County Airport at Westhampton.

There are multiple solutions, none of which are in our authority to except possibly Westhampton. And we will be making recommendations about that. The reason that there's been such a flurry of activity is because of this resolution. And there has been no plan. The plan -- the plan that came forward was to remove, almost prevent people from flying the Ocean route and sent all the traffic over the North Shore of Suffolk County and the North Fork, and then they have to cross over to go to Westhampton, Southampton and East Hampton. That's where all the complaints are coming from.

And we talked about that, and we talked about that alternating routes, but all of those things are without my jurisdiction. But regulating the safe use of helicopters over populated areas in Suffolk County is within my jurisdiction. And I've chosen to define that as establishing a minimum altitude other than takeoff or landing for people involved in commuter helicopters, not people doing agriculture or police work or work for real estate firms, as something that to be safe, if you're flying over a populated area, should be about 2500 feet.

Now, that's what this bill does. What this bill does also, it grabs attention. Unfortunately, in government, I think we understand sometimes it's the squeaky wheel that gets the grease. The pressure is there to try to get agreement on alternating routes. You're never going to do away with noise ever. Even at 2500 feet, there's noise. That's not the purpose. The purpose is to have alternating routes and to have some form of noise abatement for the North Shore and for the North Fork and other areas, even in Southampton Town. I mean, I get complaints all the time from Noyack, from Sag Harbor, all those areas. I don't know where you live, but I guess springs --

MR. ZWIRN:

I live under the route that comes from the North Fork. When they come across the North Fork across -- they come across Gardiner's Bay and they fly right -- and they come right over my house. So I'm familiar with the problem.

LEG. ROMAINE:

Actually, they don't come across Gardiner's Bay, they come across Shelter Island Sound, and cross where the South Ferry is, over that way.

MR. ZWIRN:

I live right by Cedar Point Park, the County Park, and I get my fair share of helicopters coming over. But the only -- and if I might. My questions were -- really, I understand there may be a transponder. And I don't know enough about this, so I don't know the answer. And Legislator Romaine has indicated that if you -- you can tell by the transponder on a computer who owns -- you can identify that particular helicopter?

LEG. ROMAINE:

You can.

MR. ZWIRN:

Well, that's pretty good. I'd like to see that confirmed, but that would be very helpful. The other thing is why didn't you go 3000 feet, because that -- when I went to all these public meetings, that's what most of the people were asking for. They said 2500 feet wasn't high enough.

LEG. ROMAINE:

I'm being opposed even at 2500 as unreasonable. I wanted to do something reasonable. The whole purpose was to get dialog going, because the best and most effective means -- I hope some day we can introduce a resolution to withdraw this because the Federal Government has addressed this. We all know helicopters don't file flight plans. Helicopters don't have -- they have suggested routes, but they don't have to maintain those routes.

MR. ZWIRN:

I think we all agree that's a real problem. They should have -- they should be -- the FAA -- we agree.

LEG. ROMAINE:

This is one of the busiest air spaces in the United States. This is an attempt to kind of fire one of those flares in the air and say we have a problem here, we have to start addressing it. I'm responding to my constituents, as you know. I'm going to make the best defense that I possibly can.

I mean, Mr. Losquadro shares some of these constituents, Legislator Vilorio-Fisher, Jay Schneiderman, we all experience this. This is something that I believe this is a way to address. If those forces feel so strongly, let them contest it. Let them contest it. I'm happy to have this contested. What I'm trying to do is focus attentions on this problem. Adoption of this resolution will do that. And I'm sure in your public life you've done things that you thought maybe might not be exactly dotting every "i" and crossing every "t", but you did it for a purpose.

MR. ZWIRN:

No. Not me.

LEG. ROMAINE:

Anyway.

MR. ZWIRN:

I understand. I can concur. I understand. I accept that.

CHAIRMAN BEEDENBENDER:

Okay. If there are no other comments, we have a motion to table and a second before us. I guess I'll call the vote. All in favor to table? All opposed?

LEG. ROMAINE:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRMAN BEEDENBENDER:

All right. 3-3, the motion to table fails.

LEG. ROMAINE:

Motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRMAN BEEDENBENDER:

We have a motion to approve by Legislator Romaine and a second by Legislator Losquadro. If there are no other comments, all in favor? Opposed?

CHAIRMAN BEEDENBENDER:

Opposed.

LEG. STERN:

Opposed.

LEG. HORSLEY:

Opposed.

CHAIRMAN BEEDENBENDER:

3-3, the motion **FAILS (VOTE: 3-3-0-1 - Opposed; Legis. Beedenbender, Stern and Horsley - Not Present; Legis. Montano).**

1701, Amending the 2008 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital fund and appropriating funds for the engineering phase of improvements to Suffolk County Sewer District No. 22 Hauppauge Municipal (CP 8171). (Co. Exec.)

LEG. KENNEDY:

I make a motion to approve. Didn't we see this on a CN?

COMMISSIONER ANDERSON:

No. No.

LEG. KENNEDY:

Oh, I;m thinking of 18. I'm sorry.

LEG. LOSQUADRO:

I'll second that.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Kennedy, seconded by Legislator Losquadro. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Gil, where are we at with 22 at this point, and what is that we're contemplating?

COMMISSIONER ANDERSON:

This is for -- to authorize funding for the design of improvements to the recharge facilities. So we've selected an engineering firm, LKB, to, you know, develop plans starting with a report. They'll go an analyze a number of different options that -- you know, just to give you an example, there's injections wells, possibly reuse discharge into the Nissequogue and possible recharge beds, or, you know, leaching pools. And that's what they're going to look at at this point.

LEG. KENNEDY:

Obviously you know those last two aren't going to fly. The remote leaching field issue, is that still something that you're exploring with that pos dec on the EIS?

COMMISSIONER ANDERSON:

At this point, it's just all very generic. They're going to take that wide open field. If, you know, the pos dec is a project killer, obviously, they're going to look and recommend something better. At this point, the LKB will begin their analysis, and they'll provide their recommendations.

LEG. KENNEDY:

The DEC is never going to allow for discharge into the headwaters of the Nissequogue here where there's an indigenous trout population in a million years.

COMMISSIONER ANDERSON:

Well, again, this is -- this is one of the options they'll look at, not direct discharge, but a discharge through bio remedial treatments; you know, wetland creation, things like that. Again, these are just options they're going to explore.

LEG. KENNEDY:

I'm trying to support the resolution because I know it's in the district here. I'm going to ask, there was some talk at one point about possibly linking 22 with the new improvements -- the newly configured 18. Is that something that's been rumor? Is there any viability to it? Or would you ask the engineers to look at that as well? I mean, if the leaching area and groundwater is so pervasive here and leaching possibilities are shot, is that something that you would ask the engineers to at least contemplate?

COMMISSIONER ANDERSON:

Certainly that's something that we could look into. You know, again, they would have to look at the cost.

LEG. KENNEDY:

Ben is here. Ben, is that something you are aware of? I mean, it's one thing to contemplate it, and it's another thing to know whether or not there may be any viability to that?

MR. WRIGHT:

It sounds like a rumor to me.

LEG. KENNEDY:

So there's been nothing substantive to explore that at all?

MR. WRIGHT:

No. The weak link over at 18 is going to be when everything is developed there, we need all of that land for recharge. And to add another 200,000 gallons a day would take away from some of the expansion capabilities within the park.

LEG. KENNEDY:

Which is what we're looking at now with expanding the parameters and looking to bring in other facilities. So that one's never going to fly.

MR. WRIGHT:

No, I wouldn't think so.

COMMISSIONER ANDERSON:

Just the cost to pump over to that would be pretty extreme.

LEG. KENNEDY:

All right. Well, clearly, something's got to be done, because you can't keep scraping these pits here. Has it -- has the recharge process gotten any better, or are you still flipping those pits once a week, or -- where is it at?

MR. WRIGHT:

It hasn't gotten any worse. It really hasn't gotten much better.

LEG. KENNEDY:

How much is this resolution for?

COMMISSIONER ANDERSON:

Two hundred thousand.

LEG. KENNEDY:

But out of this, basically, what we're going to look for is just primarily study. We don't have any hard construction money that's going with this. It's just going to be to come up with some recommendations of a way to address leachate; is that it?

COMMISSIONER ANDERSON:

As well as the -- you know, dealing with the environmental regulations, you know, the phases that we'll have to do.

MR. WRIGHT:

2009 and 2010 have funding for construction.

LEG. KENNEDY:

All right.

CHAIRMAN BEEDENBENDER:

Do we have a motion?

MS. LOMORIELLO:

We have a motion and a second.

CHAIRMAN BEEDENBENDER:

We have a motion and a second. And I'll just note for the record, Legislator Losquadro has an excused absence because of his shoulder. He hung in there like a trooper. All in favor? Opposed? Abstentions? **1701 is APPROVED (VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano).**

1710, Authorizing a GPS pilot program in the Department of Public Works. (Romaine).

I will make a motion to table.

LEG. HORSLEY:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Horsley. Do we have any comments on the motion? Seeing none, all those in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano).**

1769, Adopting Local Law No. -2008, A Local Law to provide parking for "Clean Pass" vehicles at County facilities (The Green Spaces Program). (Horsley)

LEG. HORSLEY:

Motion to table for a public hearing.

CHAIRMAN BEEDENBENDER:

Okay. Motion by Legislator Horsley to table, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED for public hearing. (VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano)**

1809, Authorizing fee modifications in the Suffolk County Department of Human Resources, Personnel and Civil Service and the Department of Public Works. (Pres. Off.)

All right? Do we have a motion?

LEG. STERN:

Motion to approve.

CHAIRMAN BEEDENBENDER:

Motion to approve by Legislator Stern.

LEG. ROMAINE:

Can I ask for an explanation of this?

CHAIRMAN BEEDENBENDER:

Sure. I'll second it for the purposes of discussion. Legislator Romaine has asked for an explanation. Gil, you look like you're prepared to give us one.

COMMISSIONER ANDERSON:

I hope so. Under Resolution 238-2008, establishing the County's cost savings plan, we were -- this Introductory Resolution establishes increases in fees for road opening permits, highway work permits, curb cut permits, Civil Service promotional exams and law enforcement exams. And that's what -- you'll see as in the attached table -- provides, you know, what the different road permits would be. As well as within the resolution there is an increase in the Civil Service exams.

LEG. ROMAINE:

Am I allowed to ask some questions, Mr. Chairman? All right? Let's talk about the utility highway work permit. Okay. We're increasing these fees. Tell me what this permit does and who has to apply for it.

COMMISSIONER ANDERSON:

I'll defer this one to Bill, because I'd be making an assumption.

CHAIRMAN BEEDENBENDER:

Bill, if you want to sit at the table, if it's easier for you, it's up to you.

MR. HILLMAN:

Any utility that will be placing a facility within our road right-of-way would need to come to us for a permit. For example, LIPA with a pole, Suffolk County Water with a water service, KeySpan with gas mains. They all need to come to us for permits.

LEG. ROMAINE:

Let me ask you now, how long does it take if I apply for a permit for you to grant that permit if everything else is in order? What is the delay, what is the backlog currently?

MR. HILLMAN:

For utilities?

LEG. ROMAINE:

I assume we're raising the fees because we're going to improve service.

MR. HILLMAN:

Well, generally, there's -- we don't really get a lot of complaints from the utility companies on delay.

LEG. ROMAINE:

Well, you have sway over their permits. I wouldn't complain to someone that could bury my permit and take a long time to get it back to me either.

MR. HILLMAN:

In fact, there have been times where the utility companies come in, they identify that the permit is urgent. If they walk it up to my office, I sign the permit, it's -- I mean, it's a fairly simple process. And we do work with them, they work with us.

LEG. ROMAINE:

Is there a backlog with these permits at this time?

MR. HILLMAN:

I can't say to the extent of the backlog. I mean, I think there's always a backlog of some sort. That could be days, it could be weeks, I don't know.

LEG. ROMAINE:

Will the increase in fees lessen the backlog? Will it be applied to improving service?

MR. HILLMAN:

That's a policy issue I can't answer.

LEG. ROMAINE:

Okay. What is it going to take to improve service? I'll ask it a different way.

MR. ZWIRN:

Who said service is bad?

LEG. ROMAINE:

Since you provide the service, what is it --

COMMISSIONER ANDERSON:

I don't know who said that.

MR. HILLMAN:

I don't know that service needs to be improved.

MR. ZWIRN:

Could we get a list of the complaints that you have in your in office, I mean, so we can address them?

CHAIRMAN BEEDENBENDER:

All I'm going to ask is that we just have one person talk at a time.

MR. ZWIRN:

I mean, there's an assumption that there's -- there's a backlog, and I would like to know --

LEG. ROMAINE:

I just heard the Chief Engineer say there's always backlogs, okay?

MR. ZWIRN:

Well, he said it may be a day. I mean, you walk in, you don't walk out the same -- the same minute. But if you have --

LEG. ROMAINE:

Let me move on to the next --

MR. ZWIRN:

If you have complaints from your constituents, could you forward them so we could address them?

LEG. ROMAINE:

Let me move on to the next one, Mr. Hillman. Plan review fees are being increased. Tell me what a plan review is.

MR. HILLMAN:

When a developer comes in to make an improvement to a site.

LEG. ROMAINE:

That's on a County Road.

MR. HILLMAN:

Or within a County -- whatever the town deems necessary that we review, we would then review that plan, comment on its feasibility and the impact to the County systems.

LEG. ROMAINE:

And how long does -- is there a backlog in that that you are aware of?

MR. HILLMAN:

Again, I can't speak to days or weeks or -- I don't know the backlog.

COMMISSIONER ANDERSON:

There is a review period that is required, because you do have --

LEG. ROMAINE:

By law.

COMMISSIONER ANDERSON:

Well, just by the nature of the process. You're getting a set of plans or construction documents. You have to assess them, what they're doing, what the impact is going to be on, you know, your road, your community.

MR. HILLMAN:

And I believe by law, there is some time frame that we have to get back to them. Two weeks is entering my mind, but we can apply for extensions. You know, each case is different. For example, Tanger, which Legislator Stern is extremely familiar with, had tremendous impacts, as does Pilgrim State, the redevelopment there with Mr. Wolcuff. Someone coming in with a resident -- a single-family residential home is not going to be treated as a Tanger or a Pilgrim State. So it's difficult to say that there's a backlog and just generalize what it is. Each one is really -- you've got to sort of put it into categories almost.

LEG. ROMAINE:

I don't know if you're prepared to answer this, because I don't know if this is within your purview, but the Civil Services exam applications, are the fee to apply now, to take the Civil Service exam, is being increased as well. My last look at Civil Service exams, people usually don't find out what they got in terms of a grade for a minimum of six months. By this increase in fee, are we going to shorten the time it takes to grade those exams?

CHAIRMAN BEEDENBENDER:

I don't think anybody from DPW will be able to answer that, Legislator Romaine.

LEG. ROMAINE:

I didn't think so, but it's listed here. You know, I guess there's no one here from Human Resources. My question is are we -- you know, are we getting value for -- I don't mind increasing fees, but, you know, are we going to do something for that, or are we just increasing fees?

CHAIRMAN BEEDENBENDER:

Ben, you --

MR. ZWIRN:

With respect to the grades, I think they're done by the State.

CHAIRMAN BEEDENBENDER:

Legislator Romaine, were you done? I'm sorry.

LEG. ROMAINE:

Yes.

CHAIRMAN BEEDENBENDER:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Anecdotally, I have heard of some complaints about connections when it comes to underground utilities, in particular gas connections that may be sought along County Roadways. I'm not opposed to raising fees for commercial construction, even residential construction. I mean, I think that's appropriately a cost of doing business and certainly something that we want to go ahead and adequately fund and staff.

I am vehemently opposed to raising the Civil Service fees. And I think what's going on at this point is you get to -- I guess I'm going to turn to Counsel, don't we have some kind of a threshold where you look at an application fee that's associated with nominal processing, and in a threshold that you cross that almost becomes, like, a disincentive?

LEG. ROMAINE:

A barrier to entry?

LEG. KENNEDY:

Yeah.

MR. NOLAN:

The only general principle in terms of fees for any government service is that it bears some resemblance to the actual cost of processing. Like, in the case of Civil Service examinations, if the application process fee is what you're charging, does it bear some reasonable correlation to the actual cost that the government is incurring in doing that function.

LEG. KENNEDY:

Okay. Did we get something to that affect, that the function associated with Civil Service processing has gone up 100%? How did we arrive at 100% increase? Primarily I'm looking at the civilian. I know the law enforcement has a much more exhaustive examination process with fingerprinting, psychological exam, some of the other things that go in. But with regular conventional blue collar or white collar Civil Service examination, have the costs associated with processing that truly increased by 100%? Do we know that? We don't know. Okay. How about if we go to BRO. What's the fiscal statement on this? What's the projected increase, additional revenue from this?

MR. DOERING:

There should be an increase of General fund revenue of approximately \$100,000 and an increase two Fund 105, the County Road Fund, of approximately \$139,000.

LEG. KENNEDY:

Meaning that the revenues are going to be split? Do the highway permitting fees go to that -- the General Road Fund?

MR. DOERING:
Correct. Fund 105.

LEG. KENNEDY:
We're projecting \$100,000 in additional collection associated with the Civil Service exam processing?

LEG. ROMAINE:
You'll get less people that apply.

LEG. KENNEDY:
Again, Mr. Chair, on this one, I'm going to respectfully make a motion to table if for no other reason, I guess, to see the math, to see what was the basis associated with moving from 25 to \$50 on the application fee associated with, you know, a simple clerk typist exam that only pays 26 or \$27,000 a year.

CHAIRMAN BEEDENBENDER:
Okay. Bill.

MR. HILLMAN:
One more point I'd like to make. Speaking to the highway work permits, I don't know the exact date, but I don't believe that these fees have been increased since the '80's. So it's been that long. I think it's been 15-20 years.

LEG. KENNEDY:
Were these two resos, I would make the motion to approve the highway fees. I do not disagree at all, wholeheartedly endorse it, and I'd even cosponsor it. Personally, I disagree vehemently on the Civil Service side.

LEG. ROMAINE:
I want to echo Legislator Kennedy's thing. If it was just the Public Works fees -- and I realize looking at the amounts, that obviously they haven't been raised in a few years -- I could support that. But the Civil Service fees and the projections of additional revenue at a time when we're hiring less people, far less people, and we may be making cuts, I mean, I don't think we're going to generate the additional revenues, and I think it's going to deplete the potential workforce that could apply for County jobs. In the end, it's counterproductive.

If these were two separate resolutions, I would vote for the Public Works fee increases. I'm not supporting the Civil Service fee increases at this time.

CHAIRMAN BEEDENBENDER:
All right. Okay. So there's a motion and a second to table. And if there's no other comments, we'll take up that motion. All in favor of tabling? All opposed. So the motion to table fails. There's a motion and a second to approve, Barbara.

MS. LOMORIELLO:
Yes, Stern and Beedenbender.

CHAIRMAN BEEDENBENDER:
I'll make a motion to reconsider the tabling motion then.

LEG. STERN:
Second.

CHAIRMAN BEEDENBENDER:
Seconded by Legislator Horsley. All in favor? Opposed? Abstentions? The motion is back before us. I will make a motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? **TABLED. (VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano)**

LEG. ROMAINE:

Mr. Chairman, one last thing. The Executive might be wise to submit a CN on the public --

CHAIRMAN BEEDENBENDER:

It's a Presiding Officer bill. I'm sorry.

LEG. ROMAINE:

A CN on the -- on the fees for DPW, if he's anxious to gain revenue for those fees, I think they would get support.

CHAIRMAN BEEDENBENDER:

Did you see a pig fly past the building today?

LEG. ROMAINE:

It's up to the Executive. I'm sure he's concerned about revenue too.

MR. ZWIRN:

The County Executive is concerned with revenue. We've put forth a whole bunch of bills, which I must say, that Legislator Romaine and Legislator Kennedy have not supported, but a majority of the bipartisan group of Legislators have. As we look forward -- I mean, I noticed today that we spent \$5000 of County taxpayers (sic) going to the Smithtown Alumni Club at a time when we're worried about laying people off. And not to increase fees in this particular time, you've got a choice, you can raise taxes or you can cut services. So that's before us. It's easy to vote no when you have to make some tough choices. And so far, some people haven't made any tough choices at all.

CHAIRMAN BEEDENBENDER:

Thank you, Ben.

1845, Amending Resolution No. 947-1993 to require identification of County purchasing personnel. (Co. Exec. Levy)

CHAIRMAN BEEDENBENDER:

Counsel, could you -- I'm confused by this. It seems -- it seems kind of innocuous, but I don't understand what it is.

MR. NOLAN:

Well, from what I can read, the Legislature passed a resolution back in 1993 that set up policies regarding procurement of Public Works contracts and goods and services and consulting services that was pursuant to a State Law requiring that the County do that.

Recently, the State changed the law, 104(B) of the General Municipal Law and indicate that the County should have in its policies and procedures the names of people who are going to carry out the procurement policies. I would suggest that we don't need to do this by a resolution, to have the names of individuals, because this is only going to end up being codified, and then we're going to have to change in the future.

I think we could probably just do this through internal policies and procedures, it does not have to be -- this particular aspect of our procurement policy wouldn't require a resolution. I would suggest

tabling it so we can at least discuss that.

CHAIRMAN BEEDENBENDER:

Can I make another suggestion. There's a motion to table by Legislator Romaine.

LEG. KENNEDY:

Second.

CHAIRMAN BEEDENBENDER:

Seconded by Legislator Kennedy. Going off of what George said, Gil, the question I would ask is if you do think -- if your position is different than our Counsel and you think that it needs to be named, could we not just name the title? Because it seems to me if we name Kathleen Koppenhoefer in the resolution and Kathleen Koppenhoefer no longer has that job, do we have to do another resolution? And I guess just to make your life easier in Purchasing, perhaps maybe it will just be easier to designate the people that hold whatever title, or is that not possible, George?

MR. NOLAN:

The statute actually says to identify the individual or individuals responsible for purchasing and their respective titles. But again, I would -- I would say that it doesn't have to be by a resolution, and it seems like it would be a mistake to me to end up codifying the names of Anita Katz and others when we don't have to do that.

CHAIRMAN BEEDENBENDER:

Whatever. It seems -- is there something pressing that needs -- that this needs to get done right now, Gil? I mean, if we wait one cycle to try to iron it out and make it easier for you in the future so you don't have to come back to us, is that a problem?

COMMISSIONER ANDERSON:

Not at all.

CHAIRMAN BEEDENBENDER:

All right. We have a motion and a second to table then. All in favor? Opposed? Abstentions?

TABLED.

(VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano)

1848, To expand the County's recycling program. (Romaine)

Motion to approve.

CHAIRMAN BEEDENBENDER:

Let me get the motion. We have a motion to approve by Legislator Romaine, seconded by Legislator Kennedy. Gil, you wanted to go, and I see Gail is up there. So, Gil, why don't you go first, and then, Gail, you can go next.

COMMISSIONER ANDERSON:

I just wanted to advise the committee that, you know, the recycling of cell phones is already included within the RFP, the Electronic Recycling Program RFP, we have currently out to bid. We expect proposals back in in November, and the cell phones are already included in there. The ink jet cartridges already -- you know, in most cases, you get a package that comes with the ink jet cartridge, which, you know, free mailing, you just put it in there and it goes right back to company for recycling. You know, I just wanted you to be aware of that before we proceed with this.

MR. ZWIRN:

And if I can just add, New York State already has a bill on cell phones. And if you bring your cell phone back to the dealer, they're required to take it back like motor oil at a gas station. So that's already -- you've got every authorized dealer around that's got to take back their cell phones. So

it's already been done on a State-wide level.

CHAIRMAN BEEDENBENDER:

Gail.

MS. LOLIS:

Just to add on that -- and this actually would probably apply to the RFP too -- just as far as the cell phones are concerned, the New York State Environmental Conservation Law expressly preempts any local legislation in the field of, and I'll quote, collection, return or recycling of wireless phones. As for the ink jet printers -- I'm Queen of Preemption today. As for the ink jet printers, that is -- that would not be covered under the current E-Waste contract that we have now that is referenced in the law. It is included, though, in the RFP, because the law that we have now does not allow for the taking in of anything that has any type of recycling value. Basically, all our E-Waste contract permits is for contracts and associated hardware that is just for destruction.

CHAIRMAN BEEDENBENDER:

Legislator Romaine.

LEG. ROMAINE:

Based on that information, Mr. Chairman, I'll make a motion to table, and I will ask Counsel, learned Counsel, and our Commissioner to forward me that information first on the RFP and on the environmental State Law that deals with that. And then with that information, I may be withdrawing this, but I'd like to get that information. I know I laid this on the table, I guess, at our September 14th meeting. It's interesting to get information at this late hour. But always thrilling, those last minute pieces of information to come forward. But I'm happy to review that information. And if it is duplicative, I will certainly withdraw it at our next meeting.

MR. ZWIRN:

Always glad to have Legislator Romaine at the table. Even if it's sometimes a little late, it's okay.

CHAIRMAN BEEDENBENDER:

Oh, come on, Ben. You couldn't help yourself, could you. You just can't help yourself. I wish there was a Stock Market that I could invest in in that. It would undoubtedly make a lot of money.

LEG. ROMAINE:

So I'll make a motion to table.

CHAIRMAN BEEDENBENDER:

All right. Motion to table by Legislator Romaine, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **TABLED (VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano).**

1850, Authorizing a Request for Proposals for sale of obsolete and surplus County personal property. (Pres. Off.)

LEG. KENNEDY:

Motion.

LEG. ROMAINE:

Second.

CHAIRMAN BEEDENBENDER:

Motion by Legislator Kennedy, second by Legislator Romaine. Gil.

COMMISSIONER ANDERSON:

This is to approve, the motion?

CHAIRMAN BEEDENBENDER:

Yes.

COMMISSIONER ANDERSON:

Okay. Before we do that, while we generally are in support of the resolution, vehicles at Bomarc site are vehicles that were impounded by Police or are still involved in court actions. As such, the actual vehicles that would be able to be included within the RFP would have to be identified by both Police and the District Attorney's Office. The RFP's required date of issuance must be predicated and established based on the date when DPW provided such a list. So what we would -- and also the time it will be required to move and segregate the vehicles, that would be included within the RFP, should be considered. This way potential bidders would be able to view and assess the value. So my request is that, you know, we -- this legislation be predicated on receipt of that list from the DA's Office and Police.

CHAIRMAN BEEDENBENDER:

Okay. Legislator Romaine, you had a question.

LEG. ROMAINE:

On a related topic. Do you have an inventory of everything that's stored at Bomarc in all those hangars?

COMMISSIONER ANDERSON:

I believe we know what's in there, yeah.

LEG. ROMAINE:

Do you have an inventory.

COMMISSIONER ANDERSON:

I'd have to check. I don't know offhand.

LEG. ROMAINE:

Okay. Could you check on that?

COMMISSIONER ANDERSON:

Sure.

LEG. ROMAINE:

I'd like -- I'm formulating a resolution in my head, and I'd like to get some input on this, because what I may ask you to do -- and I want to know how much of a burden it is -- I don't know if anyone's been out at Bomarc. If you've been there, you know what it looks like.

CHAIRMAN BEEDENBENDER:

It's an interesting place to say the least.

LEG. ROMAINE:

It's like a graveyard from the 1950's post-Apocalyptic movie. But -- and I've been there, because obviously the record storage facility is there. But what I'd like to do is ask you to develop that inventory, review that inventory and then make a resolution to sell all obsolete surplus equipment no longer needed by the County whether we sell it on Ebay or we give it to -- God forbid if Jack Eddington isn't here -- a scrap metal recycler or whoever. But I look at a stuff. Most of that stuff is never going to be used again. A lot of it it's pure junk, and some of it could go for scrap metal, particularly the old desks, the chairs, the file cabinets. I mean, it's all rusted out, it's a mess.

CHAIRMAN BEEDENBENDER:

Okay. George -- not George. You're George, you're Gil. Gil, basically you just would like it to be --

COMMISSIONER ANDERSON:

I'd like the bill to be revised so that we --

CHAIRMAN BEEDENBENDER:

Revised a little bit to give you -- until you can get that information from the DA and the Police.

COMMISSIONER ANDERSON:

Correct.

CHAIRMAN BEEDENBENDER:

All right. Well, I think that's a reasonable request. So would that be -- would that be substantive?

MR. NOLAN:

Just so I'm clear what the Commissioner asking for, you basically want the resolution to reflect that vehicles that are being held by the District Attorney and the Police Department would be excluded?

COMMISSIONER ANDERSON:

Correct. And identified so that we would know which vehicles would be part of this RFP, because if you've been out there, there's quite a few vehicles, and we would need to know which -- and that's where the trick comes in.

CHAIRMAN BEEDENBENDER:

I don't have the bill right in front of me, Gil, but the -- I don't have it. The bill said that, you know, the clock starts from such and such a date, and once you have -- you have to segregate the ones so people can come -- I guess the RFP responders can come and look.

COMMISSIONER ANDERSON:

Well, that's what we would have to do and want to do as part of the -- as part of the RFP. The bill becomes effective right after, you know, the effective date -- I'm sorry, let me try this again. After the date -- 60 days after the effective date of the resolution, we would have to issue the RFP, and then subsequent to that, another 60 days we would have to report back to this committee or the Legislature with our findings from that RFP.

CHAIRMAN BEEDENBENDER:

So you just want those 60 days to start once you get all the information from the PD and the DA about what they need you to keep there.

COMMISSIONER ANDERSON:

And maybe a little time more so that we can have time to segregate the vehicles that are going to be for sale or to be junked.

CHAIRMAN BEEDENBENDER:

It's a practical problem.

COMMISSIONER ANDERSON:

Right.

CHAIRMAN BEEDENBENDER:

Is that substantive?

MR. NOLAN:

I mean, if we chose to do that, we'd have to amend the resolution. It's not a Scribner's error, no.

CHAIRMAN BEEDENBENDER:

Okay. I know, but I'm saying --

MR. NOLAN:

I think it's debatable whether or not you would have to change the resolution. I think the Commissioner might have the authority in developing the RFP to obviously exclude vehicles under the jurisdiction of law enforcement. The sorting part might be more complicated. It's up to the committee really if they want to pass this.

COMMISSIONER ANDERSON:

That's really where we'd have the problem, because how would somebody give you a price on, you know, if they don't know how many and what condition they're in.

CHAIRMAN BEEDENBENDER:

All right. Well, given that, I'm going to -- given that testimony, I'm going to make a motion to table just so we can make that correction. And, Gil, if I could ask you to please reach out to the Presiding Officer's Office to convey that concern -- or actually, it will probably come to our Counsel anyway, but just reach out to him as the sponsor, because I think this is a good idea to get it going just to make sure that we can have this for the next committee. And IR 1882 was done -- I'm sorry. I'll make a motion to table, seconded by Legislator Stern. All in favor? Opposed? **Abstentions?**

TABLED

(VOTE: 5-0-0-2 - Not Present; Legis. Losquadro and Legis. Montano)

IR 1882 we took up at the beginning of the meeting, so that will conclude the meeting. We stand adjourned.

(*THE MEETING WAS ADJOURNED AT 4:25 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY