

**WAYS AND MEANS
and
CONSUMER PROTECTION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means and Consumer Protection 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 **June 15, 2004**.

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MEMBERS PRESENT:

Legislator Cameron Alden • Chairman
Legislator Andrew Crecca • Vice•Chair
Legislator William Lindsay
Legislator Lynne Nowick
Legislator Peter O'Leary
Legislator Vilorina•Fisher
Legislator Elie Mystal

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ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Robert Lipp • Director, Budget Review Office
Charles Gardner • Director of Consumer Affairs
Ilona Julius • Clerk's Office
Ben Zwirn • County Executive's Office
Bill Faulk • Aide to Presiding Officer
Warren Greene • Aide to Legislator Alden
Ed Hogan • Aide to Legislator Nowick
Frank Tassone • Aide to Legislator Crecca
Janet Longo • Real Estate Division
Lynne Bizzarro • County Attorney
Kevin Rooney • Oil Heat Institute of Long Island

Glenn Gruder • Starlight Properties

Richard Amper • Long Island Pine Barrens Society

Mitchell Pally • LIA

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:38 A.M. *)

CHAIRMAN ALDEN:

Good morning and welcome to the Ways and Means and Consumer Protection Committee Meeting. We'll start with the Pledge and have Legislator O'Leary led us in the Pledge.

SALUTATION

CHAIRMAN ALDEN:

Thanks, Legislator O'Leary and Happy Birthday.

LEG. O'LEARY:

Thank you.

CHAIRMAN ALDEN:

We're going to keep that quite because we have a surprise party for you later. All right. We have two cards. Actually, on one card we have two people, Richard Amper and Mitch Pally. You are going to split your three minutes, or you want to three each? Either way.

MR. AMPER:

My name is Richard Amper, I'm with the Long Island Pine Barrens Society. Good morning, everyone. We're eager to see this proposal for a new Department of Energy and Environment move to the Legislature. This is a very ambitious and tremendous opportunity. We think the environment should be prioritized. This Legislature did a wonderful job last week in terms of encouraging open space, preservation and farmland preservation. We think because this is so

complicated and there's some any elements, and there's so many opportunities for success, that the sooner we get this to the full Legislature, the sooner we can get the input of all of the Legislators.

Clearly, there are any number of •• change is always difficult, but it represents a tremendously positive opportunity. We pay attention to the economy in this County, we pay attention to the environment, but I think this will bring a really new credibility and a new spotlight on the importance of the environment. And it's just so complicated, has so many elements and Legislators have so many opinions about it, the sooner we get this in front of the full Legislature, the sooner the environmental and business community can talk with you and refine the process so that we all comfortable with something that can really offer a tremendous opportunity.

CHAIRMAN ALDEN:

Actually just to point something out on your statement just now, every Legislator has a copy of it, and because we do have a committee system, which sometimes I don't support the committee system, but the committee system is in place. So it's our job right here to do the work. So getting it to the floor, you know, in front of the whole Legislative body, that's not really going to advance it. This committee is charged with the duty and responsibility to iron out any problems and to, you know, reach out to our fellow Legislators. So the work would probably be done in this committee if it's •• if there's things that other Legislators don't like. But •• and that's unfortunately or fortunately, that's our committee system. We're charged with the duty of doing it.

MR. AMPER:

We do understand the function of the committee in this process. We think this is a particularly unusual situation. It's very large, it's very extraordinary. We're not undermining it. We actually share your view where we know the Legislature's going to have a broader view. I think they frequently appreciate the kind of referrals they get from all of the committee of this Legislature, but here's one that everybody is telling us that they want to grapple with from the beginning, from the get go. We're not trying to bypass anything, we're just trying to expedite the process.

MR. PALLY:

Good morning. The Long Island Association also wants to thank the members of the County

Legislature for its work last week on the open space acquisition program and the master list. That was very, very important. We are also •• we are here basically just to express our support for the context of the Department of Environment and Energy. I'll talk with two different hats. From the LIA's perspective, we believe that creating a department in this context is very important, because it will allow all environmental issues to be concentrated in one place, which is very important from a business community standpoint. So our business people will know where to go, what do to, to have a policy •• aspect of that in the County Executive's Office and in the County would be very important to us, and that's one of the reasons we support that.

And my other hat as Chairman of the Suffolk County Electrical Agency, we support the aspect of the energy part of that going there. We have, as you can understand, a number of energy issues relating to the Energy Agency and its context in relation to where it is because the Energy Agency is a policy making body composed of representatives of both the Executive Branch and the Legislative Branch. And many times the agency does not know exactly where it fits in the context of everything happening in Suffolk County on other energy issues. We think that's somewhat been mollified now, but it would be very helpful to us to have a department in place where the Energy Agency would report both to the Executive Branch in that context and to the Legislative Branch in whatever other context the Legislature wants to do. So from the Energy Agency's perspective, we also support the legislation and would urge the County Legislature to enact it as quickly as it can.

CHAIRMAN ALDEN:

Any questions?

LEG. VILORIA • FISHER:

Yes.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Mr. Chair, I wanted to ask a few questions regarding this resolution, because there •• local law rather, because there is an amended copy that we received that was dated June 9th.

CHAIRMAN ALDEN:

We're actually going to debate it in a few minutes if you want to.

LEG. VILORIA • FISHER:

Yes. But I wanted to ask you when will we have the opportunity to ask questions about the changes, because it's such a big bill and I'm having difficulty locating the different subparagraphs?

CHAIRMAN ALDEN:

I have one more card, then I have a presentation from the Consumer Affairs Department, then we're going to go into the agenda.

LEG. VILORIA • FISHER:

Okay. So when we're at the agenda, Mr. Deering will be coming forward? Who will be coming forward to answer the questions?

CHAIRMAN ALDEN:

Actually, someone from the County Attorney's •• County Executive's Office has indicated they are going to be speaking on it. I don't know if it's Mr. Deering.

LEG. VILORIA • FISHER:

I just simply wanted the opportunity to ask •• I have quite a number of questions regarding the changes. I'm having difficulty finding the paragraphs.

CHAIRMAN ALDEN:

Good. You'll have that in a few minutes.

LEG. VILORIA • FISHER:

Thank you.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

I wanted to get a comment from these two gentlemen before us. I just wanted to share some thoughts and get your reaction to it. The bill is a very ambitious bill, the department is an ambitious department, and there's a concern that if it isn't handled properly, instead of making things better it could make things worse. Of course, you know, Mr. Deering comes to us with a

tremendous reputation, but do you folks have any concern about that?

MR. PALLY:

Well, I don't think that there's any question that when you make extensive changes, and there's no question that this legislation does that, you run the risk of making things worse than better. We think the way the bill is drafted makes the way things work •• will make things work in the County better. Obviously, we have a tremendous amount of confidence in Mr. Deering to implement that. Does that mean there's an automatic that will happen? As we all know, the answer is no. With any piece of legislation, we depend on a wide variety of circumstance, a wide variety of people, and a wide variety of issues.

We are hopeful •• as with the legislation you passed last week, we are hopeful that will do better things for the people of Suffolk County. We are very hopeful that this legislation will do the same. Is there a guarantee? As with this as anything else, the answer is no. I think what we have to do both from our aspect of the community and your aspects of the communities is to keep a watchful eye on how the legislation is implemented if it is passed, how it is done, and if there are problems inherent in that, to come back and make the appropriate changes to do so. So there's never a guarantee with legislation. You can only hope that it will be implemented in the best interest of the County, and that the people who will be there can do that. We believe, obviously, Mr. Deering can in this context. We'll go beyond that when we have to go beyond that.

LEG. LINDSAY:

It makes me a little bit nervous that we create this super department. And what •• you know, I don't •• Mr. Deering looks very healthy, but if something was to happen to him and we got the wrong person in that spot, you could affect a lot of things the County does.

MR. AMPER:

Well, Legislator Lindsay, I'm predictably responsive to this. We had a very good interaction between this Legislature and the Executive Branch in those Legislative reforms that were completed last week. And just for historic note, Mr. Deering and the developers and the environmentalists sat down more than ten years ago to grapple with the matter of preserving the Long Island Pine Barrens. And I want to tell you that the process was difficult and painful and we really had an enormous amount at stake. But his individual leadership taking what we started from, what the stakeholders brought to the table and proposed in refining it and trying

to address the concerns to make it work, actually encourages me, because this is really a landmark piece of legislation that everybody walked away from satisfied, that it was going to do what we thought it was going to do. And it could not in my judgement have done any better.

So no one is claiming that somebody simply throws a bill on the table and all of the problems are resolved. That's why we think the sooner the Legislature as a whole begins to take this up and work directly with the business and environmental communities so that we get it right. Nobody wants to mess up a good thing. We know the environment is an important priority to this legislature. We know that there's commitment on the part of the County Executive to try to refine the process by which we take care of the environmental matters. And the sooner we are all sitting around getting that job done, the better. That's out point of view.

LEG. LINDSAY:

And I too have some questions and like to see the redrafted bill the modified bill. But I wanted to thank both of you gentlemen for coming here this morning. It means a great deal, I know to me, to see the environmental community and the business community come together and encourage a bill such as this. Thank you.

MR. PALLY:

Dick and I have had many conversations about this and working with Mike and the County Executive and many members of the County Legislature. You know, we are at a crossroads in Suffolk County, as we all know. We have financial issues, we have housing issues, we have environmental issues, we have open space issues. Twelve years ago, I guess it was, we had Pine Barrens issues, many of those, I'm not saying all of them have been resolved, but many of them have. And our feeling is that working together we can accomplish a lot more than working separately. And whether it's on this bill, the Workforce Housing Bill, which we are both very supportive of because of the absolute necessity in providing workforce housing for our people who want to live in Suffolk County, especially our young people, open space preservation, farmland preservation, tourism. I mean, you know, at the moment, you're standing between me and getting to the US Open, which is a major economic kick in •• for Suffolk County.

LEG. LINDSAY:

I'm not asking any more questions.

MR. PALLY:

That's okay. You know, that's an opportunity for people to see the East End of Suffolk County. People who have never been here before. Obviously a lot of the people are from Long Island, but they probably have never seen Eastern Long Island in its context. And if the purpose of getting them out to the East End is to see it from a golf tournament and then for them to roam around and see the wineries and the farms and everything else, that's great because they'll come back.

CHAIRMAN ALDEN:

Suffolk County beaches, Suffolk County golf courses, Suffolk County parks.

MR. PALLY:

All of those things are very important for people to see and to come back whether they live in Suffolk County and don't take advantage of all of it. Or they live in Nassau County or in the City and want to take advantage of a difficult type of lifestyle. So, you know, we look at it as we're all in this together, we want to make things happen, we're hopeful that we will. We will be coming back to you with a number of proposals on workforce housing in the next three to five months that, you know, we're not looking to put it off, we're looking to put a shovel in the ground. We believe we can find sites that are appropriate for that to do that, just like we found sites that are not appropriate for that that should be saved. You know, one goes with the other in that regard. So, you know, we look at it in that context. And that's our job to do, and we'll continue to do that.

MR. AMPER:

If I can just summarize one other thing. The environmental and the business community were not always as close as they have been in the last few years. We've gotten better and better working together because our economy is our environment and vice versa. And the fact of the matter is we're all pragmatic. We know if we're hurting our economy by taking care of the environment, that's not a useful thing. If we're advancing an economic interest and it's not going to work for us environmentally, that's not good public policy. Here's an opportunity for us to sit down and work as we did as recently as these last bills last week where we really got a consensus, where we went to the Real Estate Division and found out exactly what needed to happen in order to make it work better and had 18 people sitting around this horseshoe all agreeing that that's something that we collectively are going to do.

Are we done? We're not. We may still have to fine tune. We are concerned about the personnel matters that Legislator Caracciolo raised. We have other things that we have to ensure get done. But one of the best ways to do that is to get the primary stakeholders; the business and environmental community on Long Island working directly with the Executive and Legislative Branches and making that happen. So the sooner we can get everybody involved in this fairly challenging process, the more likely we are to produce a good result. Thanks for having us. I appreciate it.

LEG. VILORIA • FISHER:

Mr. Chair, just one more comment.

CHAIRMAN ALDEN:

Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

Actually, with regard to Legislator Lindsay's first remark which was the concern about this kind of uber department, you personify the the reason why we need that large department that encompasses a variety of areas so we can see where the overlap occurs, we can have one go•to person if there is a question. There have been many instances here at this horseshoe where we have asked well, what is the list of all of the properties that we have, what is the plan for all of the properties. And we haven't been able to •• so you see this department as capable of interconnecting all of those dots.

MR. AMPER:

Well, that's the problem. A lot of these functions are simply not interconnected, and that in turn creates the same impact as a duplication of services or non efficiency. So if we can simply get all of those whose environmental input is necessary to result in good public policy making, that's obviously useful. To the extent that it creates separate problems in terms of the relative role of the Executive Branch or the Legislative Branch, then we need to work that out. Obviously that's what makes government in Suffolk work when it's working best, that's what worked for us last week. We want to give it another go.

CHAIRMAN ALDEN:

Uber is actually eber, and it's u•b•e•r with an umlaut over the U. Legislator Nowick.

LEG. NOWICK:

Good morning. I'm going through all this, and there's a lot to grasp. Can you tell me in one paragraph, maybe five sentences, no more, exactly what this department will do? Not a lot of detail.

MR. PALLY:

I think the hope is, okay, that it will formulate one policy on the variety of environmental and energy issues. What has happened in the past because different parts of the County agencies have been in different places with different policy makers is that many times business people go to the County and ask what's your policy on X and get two different answers depending on which agency they happen to be talking to at that particular period of time. And from a business person's perspective, just give us one answer and we'll deal with it. Don't give us two answers, one of which may contradict the other aspect of it. The hope is I think that this agency or department will coordinate all of the County's environmental and energy issues in one place to provide one policy by the County for them so that people who are working with those issues will know exactly where the County stands. I think from our perspective, that's the benefit we get out of the department.

MR. AMPER:

The only other sentence that I would add is that if we are able to consolidate various and sometimes competing functions and especially have a place to go, if you know that if we really want an answer to the question and we want to know what the policy of this government is, we go to a single location rather than to different locations and different people with different priorities. If it's environmental, you go here. And the same way, if it's economic, you go here. A, we have made things more efficient and more consistent, but B, we have prioritized the environment. We've sent a message to the people of Suffolk County that the environment is sufficiently important to us, that we've made somebody responsible for it.

LEG. NOWICK:

Thank you.

CHAIRMAN ALDEN:

Mitch, you mentioned the US Open before. You are going out there, you're going to be parking where, over at Southampton College, so are your guests and the LIA, or do you have to park over at ••

MR. PALLY:

Gabreski Airport. Take the bus. Last time I took the bus it was like ten minutes, it was great.

CHAIRMAN ALDEN:

Just curious. In case somebody in the audience had, you know, like, some kind of ticket or something like that from the LIA and was going out there.

MR. AMPER:

And as important as this is for Mitch and for •• I have to check out what they are putting on those greens.

LEG. VILORIA • FISHER:

Actually, Dick, I understand that they are very careful about what they are putting on those greens and that it's almost •• it's a model for low pesticides.

MR. AMPER:

It's absolutely tremendous. Tomorrow they are going to dedicate the new Sebonac Course immediately to the west of this course. This will be the first privately created organic golf course in the entire east coast. It shows that in Suffolk County, we're able to do both.

LEG. VILORIA • FISHER:

It can be done, yes.

CHAIRMAN ALDEN:

Thanks a lot. All right. We have one other card, Glenn Gruder, speaking on Starlight Properties.

MR. GRUDER:

Good morning, Mr. Honorable Chairman and the Honorable Members of the Suffolk County Legislature, my name is Glenn Gruder. I'm a member of the law firm of Certilman Balin Adler and Hyman. We represent Starlight Properties speaking this morning on the last item on your tabled resolutions agenda, which is 1558 of 2004. I read the transcript from the June 1st 2004 session. Since then, I've been in contact with Counsel to the Legislature, Ms. Knapp, as well as Lynne Bizzarro of the Suffolk County Attorney's Office in attempt to address some of the issues which were raised on June 1st, 2004. If I could take some time this morning to hopefully clarify

some of those issues for the entire Legislature, it might be helpful for you.

To refresh your recollection without going into too much detail, the resolution would authorize Suffolk County to permit lifting of a covenant on certain property that is currently owned by my client, and that's key. Just so everyone is clear, the property which is the subject of the resolution is owned by Starlight Properties. However, Suffolk County pursuant to a transaction in 1985 and 1986 acquired the development rights to the subject property. The fee title, however, is owned by my client. And the development rights in essence prevent all development on the property. My client made an application to the Town of Brookhaven Planning board to subdivide the property, which is adjacent to this area which is the development rights area. That subdivision application was referred to Suffolk County Planning Commission for its recommendation. Reviewing the subdivision map, the Suffolk County Planning Commission recommended that two additional tap roads be provided as additional access for the subdivision, and these tap roads would in fact run right through the development rights area that is currently in favor of Suffolk County.

So the Suffolk County Planning Commission recommended these tap roads. This idea did not generate from my client. The reason a Planning Commission or a Planning Board recommends tap roads is generally to provide additional ingress and egress for emergency vehicles; fire and ambulance. What the matter was referred back to the Town of Brookhaven Planning Board, it in fact accepted the recommendation of the Suffolk County Planning Commission, and as a condition of the final subdivision approval, required that my client put these tap roads in to the subdivision which would run across the development rights area.

So therefore, there was a resolution before this committee on June 1st, 2004. And to clarify, I'm not sure what the existing language currently is, but the specific requests should be that Suffolk County authorize an easement over the development rights area in favor of the Town of Brookhaven to authorize my client to construct tap roads across the development rights area. If in fact ultimately this approval is obtained from the Suffolk County Legislature in Suffolk County, then my client will construct these roads, but these roads ultimately would be owned by the Town of Brookhaven. So therefore, there is an additional statutory authorization for what we're requesting. Not only would it be a specific request we're making for a resolution, but General Municipal Law Section 72•H specifically provides for one municipality to convey an interest in real property to another municipality for a public purpose; in this case, roads that would serve as additional ingress and egress for emergency vehicles.

CHAIRMAN ALDEN:

Your three minutes is up. Could you just sum up, and then there will be some questions.

MR. GRUDER:

I am aware that the Suffolk County Attorney's Office has taken the position that a local law is required. On behalf of my client, I respectfully disagree. This is not a sale of real property, so therefore, County Law Section 215 does not apply. The original deed of development rights, which was granted by my client to Suffolk County in 1986 was pursuant to a resolution, not a local law, a resolution. And most importantly under General Municipal Law Section 72•H, clearly a resolution is permitted means for accomplishing this end. I'm here to answer any questions, and I thank the Legislature on behalf of my client for its time.

CHAIRMAN ALDEN:

Legislator O'Leary, then Legislator Vioria•Fisher.

LEG. O'LEARY:

Good morning, Mr. Gruder. My understanding as the sponsor of the resolution is that the language has been modified to address the concerns of the County Attorney, but late yesterday, my office was faxed some other concerns raised by the County Attorney, and I shared them with you for purposes of explanation, if you will. Could you care to comment on that, on what the •• what the substance of that fax was and the impact on the resolution.

MR. GRUDER:

Yes, Legislator O'Leary. I had written a letter to you and I copied Ms. Knapp and Ms. Bizzarro explaining my position on behalf of my client in response to Ms. Bizzarro's comments on June 1st, 2004 that in fact a local law was required. My original letter indicated that because the original deed of development rights was pursuant to resolution that an easement over those development rights could simply be grand by resolution as well. Ms. Bizzarro's fax to you at 6:00 p.m. yesterday indicated that clearly a local law was required because there was a local law in 1985 which originally authorized the land swap, which in turn, generated the resolutions, including the resolution for the deed of development rights. It is still our position, however, that County Law 215 does not apply because that is not sale, and therefore, a local law is not required. Most importantly, under General Municipal Law Section 72•H, which specifically by state statute authorizes a conveyance of these real property interests can be by resolution.

Finally, the case I gave Ms. Bizzarro in my •• actually gave you, Honorable Legislator O'Leary, in my letter, the DeVitt versus Heimbach was a resolution, specifically a resolution from Orange County, from the Orange County Government authorizing a conveyance of real property by resolution. So despite the contents of that fax at 6:00 p.m., we are still very confident that the law permits this Legislature to achieve this end by resolution.

LEG. O'LEARY:

All right. And you had mentioned during your statement that it's very key that this particular property is owned by Starlight. Can you explain why you feel that that is such a critical component.

MR. GRUDER:

Because County Law Section 215, which is cited By Ms. Bizzarro in her letter, which requires a local law, and I believe the highest bidder applies only to the sale of real property.

LEG. O'LEARY:

And so in effect what we're looking to do here is looking for the County to grant an easement.

MR. GRUDER:

Not only an easement, but an easement to the Town of Brookhaven, not to my client, to the Town of Brookhaven. And I believe that's very, very •• two critical facts.

LEG. O'LEARY:

All right. And if, in fact, an easement is granted, then would not the Town of Brookhaven still maintain the control of destiny, if you will, of this particular properties?

MR. GRUDER:

Well, actually what would happen would be my client at some point would convey its fee title to the Town of Brookhaven, which is in fact encumbered by this deed of development rights, because the Town of Brookhaven would own the road, and in addition, Suffolk County would grant the Town of Brookhaven an easement for the purposes of permitting the construction of the road as well the travel of the cars on the road.

LEG. O'LEARY:

Thank you. Thank you, Mr. Chair.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Good morning. Thank you for being here with us today.

MR. GRUDER:

Good morning.

LEG. VILORIA•FISHER:

You mentioned several •• well, you cited several instances in which a parcel was conveyed through 72•H or transferred through 72•H or sold, for example, you mentioned a resolution in Orange County, which transferred properties. Where any of those properties which you've cited •• here in Suffolk County and in Orange County, where any of them properties that had development rights which were encumbered?

MR. GRUDER:

I did not read every case under Section 72•H. Clearly, the one case from Orange County was not, Legislator Viloría•Fisher, but 72•H certainly would encompass a conveyance of a real property interest, which in this case would be a restriction on development rights from one municipality to another. There are a number of ••

LEG. VILORIA•FISHER:

Can you read me where •• can you quote for me where development rights could be transferred? Because I'm just going to let you know where I'm going with this and why it's so critically important. The County is spending a great deal of taxpayer money to protect development rights because of our long term interest in protecting our environment. The Suffolk County taxpayers have been willing to expend a great deal of money in paying their taxes, in voting affirmatively for a number of referenda which have supported the expenditure of money in the protection of development rights. And so it does rise to a much higher level when we want to reconvey those development rights, be it to an individual or another municipality. And I believe that's the reason why we're looking at having to address this issue by local law and not simply by resolution. We owe it to the taxpayers when we're going back or backtracking on the expenditure of their money for the protection •• for the purposes of

environmental protection of development rights. We really owe it to the taxpayers to raise the standards of scrutiny and to go to local law in order to change any kind of development rights. You have mentioned several times that the owner of the adjacent properties in fact owned this property. That's how the development rights work. The owner always owns the property, we only own the development rights. So it's redundant to say they own the property and therefore they are entitled to a lesser level of scrutiny. Development rights by definition means that we don't own the property. And so that argument certainly doesn't have any impact on this particular issue. We must protect the integrity of our environmental program. And in order to do that, we must treat development rights almost inviolably. We can't just freely reconvey development rights through a resolution.

MR. GRUDER:

May I respond?

LEG. VILORIA • FISHER:

I didn't put a question mark, by resolution. I'll put it as a question for you.

MR. GRUDER:

Legislator Vilorina•Fisher, I'm not suggesting in any means that this conveyance requires any lower level of scrutiny than any other properly considered resolution or local law. The reason I point out that my client owns the fee title, and I'm obviously aware how development rights work, is only to point out that because my client does own the fee title, it is our position that County Law Section 215 does not apply, because that is the sale of fee title. That's the only reason I point that out.

I would, in response to your question, refer you to the Suffolk County Planning Commission, which I believe would obviously have Suffolk County's development rights at the top of its list in consideration of all applications before it. And it was the Suffolk County Planning Commission and not my client, fully aware of these development rights, which passed the resolution stating that it the town may want to consider provisions for the opening of an alternate access in the form of a tap street, and further, quote, covenants and restrictions regarding the Suffolk County development right buffer would need to be modified. So it was clear. The Suffolk County Planning Commission fully aware of the deed of development rights when it made this recommendation to town to permit the construction of tap streets. I can't think of, other than this body, any other body in Suffolk County that would have higher regard for the development rights than the Suffolk County Planning Commission. They were aware of it, and it was their

recommendation. Thank you.

CHAIRMAN ALDEN:

Any other questions or comments? Thanks a lot for coming down.

MR. GRUDER:

Thank you very much.

CHAIRMAN ALDEN:

Lynne, do you have a request for an Executive Session?

MS. BIZZARRO:

I believe so, yes.

CHAIRMAN ALDEN:

How many items, we only have that one item? One? All right. Let's take •• I'm going to take a recess right now, go into Executive Session, we'll take care of that, then we'll come back and finish the agenda. And we're going to do the Executive Session in this conference room.

Excused •• not excused, but permitted; people from the County Attorney's Office, Legislators, and Legislative personnel that's deemed appropriate to be in there, Legislative Counsel. Okay. Good. So it's 10:10, we're going into Executive Session.

(* AN EXECUTIVE SESSION WAS HELD FROM 10:12 A.M. UNTIL 10:27 A.M. *)

CHAIRMAN ALDEN:

Good morning. We're back from Executive Session. The Executive Session authorized me as the Chairman to sign a letter of settlement for a lawsuit against the County. Now we're back in regular session, and I lied, public portion isn't over. While we were in Executive Session, we took another card. And Mr. Rooney would like to speak.

MR. ROONEY:

Good morning, Mr. Chairman, members of the committee. My name is Kevin Rooney. I am the Chief Executive Officer Oil Heat Institute of Long Island. I would like to speak this morning in very general terms about Introductory Resolution 1627•2004, authorizing legal action against oil companies to obtain price relief for consumers. I represent one segment of the energy industry, obviously, the home heating oil industry, an industry which is subject to some

volatility in prices at various times of the year in the heating season due to exigencies and events beyond our control. I think the idea of •• and while we are all concerned certainly about high gasoline prices as we enter the bulk of the driving season, I am some what concerned that if this Introductory Resolution is passed that it would set a very dangerous precedent of having this body go on record filing lawsuits against major oil companies. I'd be interested to know who the County will sue; Exxon Mobil, Amarat Hess, Royal Dutch Shell, Aramco. Are we going to sue the State of New York because of the fact that the State of New York has the highest gasoline taxes, excise taxes, in the nation?

Once you start down this road, there's no telling where it might end. To be perfectly honest, I think that milk prices, which are now at the highest price ever recorded, are excessively high. Who are we going to sue, dairy farmers, local distributors? You can look around at almost anything that you don't like and say the price is too high, and therefore, we should sue the suppliers or the vendors of that particular product. I see all kinds of resolutions in here regarding exempting the sales tax on gasoline in order to bring the price down. This is the same Legislature that the day after an election not so long ago imposed a sales tax on all heating sources, home heating oil, natural gas and electricity. Well, if we're going to reduce the sales tax on gasoline during the driving season in order to help consumers, then why don't we remove the sales tax on heating fuels in the winter season to help consumers?

It's somewhat disingenuous. It is illusory at best. And the idea of having our tax dollars spent to sue major oil companies for something that we have no control over is clearly, I think, not within the purview of this body. It is something that should be addressed at a federal level, if it is addressed at all. Simply that. Thank you, sir.

CHAIRMAN ALDEN:

Any questions? Legislator Lindsay has a question.

LEG. LINDSAY:

I thank you for coming down with your comments, Mr. Rooney. There is no doubt about it that New York State taxes on gasoline are some of the highest in the nation, but they're there, they haven't accelerated. Gasoline prices have gone up 40% in what, six months? We had testimony at our last committee meeting from the industry, the gasoline industry, that more or less described a perfect monopoly from the well head to the gas station. It seemed to •• to me anyway that the consumer is not being protected from this huge increase in a vital resource that

all of us, especially Long Islanders need.

In terms of spending taxpayers' money, there is history of this Legislature implementing lawsuits on behalf of the citizens of Suffolk County on a whole host much of issues from pharmaceuticals on down. And we have been very successful at it. Most of those lawsuits are taken by law firms on a contingency basis. So there isn't any money expended on behalf •• out of the County Treasury on behalf of the taxpayer.

MR. ROONEY:

I would only add two things, Mr. Lindsay. One, I don't represent the gasoline industry. I pay the same gasoline prices that you all pay. I was here for that session where Kathy Kenny from the State Petroleum Council testified. She represents the major oil companies. The idea of using legal action to force an industry to take actions which you deem to be in the interest of the consumer is a worthwhile endeavor. However, I don't know that this body should be on record Don Quixote like, tilting at windmills and suing the major oil companies. I don't think that any good will come of that.

I think history shows quite clearly the contrary. And I think it is also setting a very bad, very dangerous precedent. There's all kinds of reasons why oil prices are higher. I mean, you simply have to go back a year and look at the price of crude oil. I think Ms. Kenny testified quite clearly that the price of crude oil has more than doubled over the course of the last 18 months. We see that alone in the heating oil industry. The idea of hiring a law firm even on a contingency basis to sue major oil companies because you think gasoline prices are too high, I think is folly. That is a personal opinion and is one which is shared by my board, but it is folly nonetheless.

LEG. LINDSAY:

That's what makes this country great. We all have opinions.

MR. ROONEY:

That is correct, sir.

LEG. LINDSAY:

The same argument was made against our pharmaceutical suit as well about two years. And we

are starting to succeed with that, believe it or not.

MR. ROONEY:

Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN ALDEN:

Any other questions? All right. Now does anybody else want to address us during the public portion so I don't become a liar? All right. That ends the public portion. Now we can go right to the agenda.

TABLED RESOLUTIONS

1039•2004. Establishing Commission to study alternative form of County Government. (BINDER)

LEG. VILORIA•FISHER:

Motion to table.

LEG. LINDSAY:

Second.

CHAIRMAN ALDEN:

Do you want to address us on that? Legislator Binder.

LEG. BINDER:

Thank you, Mr. Chairman. I have, I guess, a number of things on the agenda today. This is the first of a few.

CHAIRMAN ALDEN:

What does this do?

LEG. BINDER:

This basically says that a commission should be formed to look at different forms of county government, municipal government across the nation and take a look at from managers to

boards of supervisors to other different forms, innovative forms, and see if •• if, you know, as we have doing this since 1972, there might be others that are more efficient, might be other ways to run government that are more efficient. It really is just basically getting some people or experts together to take just a fresh look. In the end they might •• the task force might say what we have here in Suffolk County is a wonderful form of government, you should •• we should continue that because it works better than anything else or they might have some •• some ideas on changes that might be beneficial to the people of Suffolk County.

CHAIRMAN ALDEN:

Now the Commission, would they be paid?

LEG. BINDER:

No.

CHAIRMAN ALDEN:

Is this going to cost us any money?

LEG. BINDER:

It shouldn't cost anything.

CHAIRMAN ALDEN:

So it's just advisory?

LEG. BINDER:

Just an advisory opinion.

CHAIRMAN ALDEN:

All right.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I have a question for Legislator Binder. Are we trying to revisit the abolition of the Legislature and put in •• I mean, why do we need this? We have probably the best form of government in this Legislature in terms of a representative body. Why are we going to study whether we should change to a Board of Supervisors or city manager? I mean, this is the best democratically elected place we could be. I mean, even our towns are moving to a councilmatic district and we want to study whether we should go back to a Board of Supervisors.

LEG. BINDER:

I actually support councilmatic districts in the Town of Huntington, in fact. But this is not a question of whether we •• whether we should change the government right now, this is not a piece of legislation that says something is better, this is basically asking for people with a detachment •• we don't have that detachment, we're part of the government •• so some other group, other body, who can take a survey of what's going on around the country. The problem, I guess, when you're sitting here in the Legislature is we look at Suffolk County, we do Suffolk County's business on a regular basis, we don't look around the country at counties in the midwest, in the west, in the northeast. There might be things out there that are going on that we might be able to take some advantage of. This is not to say we're going to turn our government into a Board of Supervisors. That's not the intention of the bill. The intention is to have some people do a survey around the country and see if there is innovations that are out there. It might have nothing •• it might not even change the form of government itself, but they find innovations in government that we might be able to use here and integrate into getting efficiencies in government and different things that we can do to promote our government and offer better representation. That's it.

LEG. MYSTAL:

Mr. Chair, regardless of what Mr. Binder is saying, it's going to cost money because you'll have a study done, you're going to have to have support staff to do the work, they may have to travel to other places to see, you have to pay for that.

CHAIRMAN ALDEN:

I might differ with you on that, whether it's going to cost money, because I have a Cablevision subcommittee, and it hasn't cost one dime. It costs me money, but, you know, it hasn't cost the Legislature or the people of Suffolk County one dime.

LEG. MYSTAL:

This is exploring other forms of government throughout the nation.

CHAIRMAN ALDEN:

You can do that on the internet. You are bet equipped to do that than any of us.

CHAIRMAN ALDEN:

I'm going to make a motion to approve, seconded by Legislator O'Leary.

LEG. VILORIA • FISHER:

Motion to table.

CHAIRMAN ALDEN:

There's a motion to table by Legislator Vilorina•Fisher, seconded by Legislator Lindsay. All of favor of the motion to table? You have three. All opposed? I'm opposed.

LEG. CRECCA:

Which is this?

CHAIRMAN ALDEN:

It's 1039. There's a motion to table. We have three in favor. I'm opposed, Legislator Nowick is opposed, Legislator O'Leary is opposed.

LEG. CRECCA:

I'll abstain.

CHAIRMAN ALDEN:

Legislator Crecca abstains. Tabling motion fails. There's a motion and a second to approve 1039. All in favor?

LEG. VILORIA • FISHER:

On the motion.

CHAIRMAN ALDEN:

On the motion, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

I just did want to clarify for the record when there was mentioned that it would cost nothing,

there is a provision for \$3000 in expenditures. So that should be noted for the record.

CHAIRMAN ALDEN:

That's dually noted. Up to \$3000 would be authorized for expenditures on this. All in favor? Opposed. Opposed? We have three opposed.

LEG. CRECCA:

Before you call the role, motion to discharge without recommendation.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Seconded by Legislator O'Leary. All those in favor. Opposed?

Legislator Mystal, Legislator Vloria•Fisher. And Legislator Lindsay, opposed to discharge?

LEG. LINDSAY:

No.

CHAIRMAN ALDEN:

Okay. So that's **Discharged without recommendation. (VOTE:5•2•0•0) (Opposed; Legis. Vloria•Fisher and Mystal)**

1086•2004. Adopting Local Law No. 2004, A Charter Law to create the Real Estate Acquisition Anti•Corruption Reform Act. (BINDER)

CHAIRMAN ALDEN:

I'm make a motion to approve, seconded by Legislator Crecca. Now it's before us. Legislator Binder, can you explain what this is?

LEG. BINDER:

Thank you, Mr. Chairman. I put on a bill last year. This was during the prior administration, so no one think this was directed at this particular administration. It was actually, if you think about it, directed at the prior administration. As real estate acquisition in this County became something of a question of confidence, I think that's where we lost our ability to purchase land.

People weren't sure, the public wasn't sure, Legislators were not sure. We were passing legislation to try to stop the corruption. The interdependency between people and the relationships between people and title and money that comes into people's campaign accounts and how they can purchase land, flip it, we wouldn't know. I mean, I can't tell you how many times I've been sitting here and find out afterwards that we didn't have the information.

And this is during a Republican Administration. Doesn't really matter what kind of administration. During any administration, you can find out afterwards, after we as Legislators vote that people had connections to the land, and they made a wind fall, they buy it one day, flip it to the County, and we are talking a million dollar profit. So something has to change with the way we do this. And what was •• as I focus in on it, what would be the way to change this? The way to change this is to make this professional, not political. This is not political. This is not a Republican fix, a Democratic fix. This is a professional fix.

What do I mean? In land acquisition we need to have at the top of land acquisition someone who is a consummate professional, has the background as a professional, knows what they are doing in land acquisition. This is their •• this is what they do in life. If we can pick such a person who isn't tied to either the Legislator or the County Executive or our contributions is some sense, even by perception, what we will have someone or a group who can acquire land on a purely professional dispassionate basis. Now in talking early with County Executive Levy about this, and he's talking about creating a Department of Environmental •• Environmental Department, and he was concerned about having an environmental imprimatur on real estate, I realized that he had a real point.

Now •• so what I did was one of the changes I made in the bill to incorporate his point was to make the deputy to the top person here someone with environmental background and experience. They have to be basically an environmentalist. So the top two people, the top person is going to be a professional acquisition specialist, a real estate professional. And the second person is going to be an environmental professional. And so at the top of this organization, you are going to have the two most important components to purchase of land. But what you won't have is the connection to politics.

Now, it's been attached in one sense by taking away the power of the County Executive. Normally, the County Executive puts in all the commissioners at least by appointment •• or wants to appoint them, brings the legislation over, then we confirm them. If that were the case

•• if that case continues, then what you have is someone who has to play to the County Executive because, clearly, if the County Executive is not happy and the County Executive's there the next time their term is up, then the County Executive might not put their legislation in. That means Legislators can't put the commissioner in and the County Executive doesn't, the guy's out of a job or the woman is out of a job. So they have to play •• now, why is that bad?

It's not about the County Executive Levy or County Executive Gaffney or any particular County Exec, but all County Executives need million of dollars to run. And in those millions of dollars are people who have severe interests in land. And even the perception that their interest and their money and their campaigns have something to do with the County Executive saying please go forward on this land or go forward on this land or I want this taken care of here or there hurts the system. I can tell you more corruption across government, and not just in Suffolk and Nassau, in New York State and across this country is being tied to land. That's where people go to jail. So what we're going to do •• what we do here is we say there's going to be a task force or a committee between the County Executive and the Legislature to pick the top person and we'll go forward together, then he can veto it and we can override the veto. So it's a long process, but that both sides get in to pick the top person.

This is an opportunity to professionalize the agency, to get professional acquisition, to get confidence back by the people and our confidence. There's more in the bill I won't go into about appraisals and information that we have to have. This forces us to give us all the information. This thing can work for us, it's informational, and it can work to build confidence and get our land acquisition process going again, as Legislator Crecca went forward on his master list. And I think that's what we have to go an do.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

I congratulate you, Legislator Binder, for the time you put into this and the thought. And we were faced with •• we had reached a critical mass a couple of years ago when it came to issues and scandals within our real estate acquisition process. I do have to tell you though that I disagree with a couple of the premises that you've set forth. And one is that the appointment of a commissioner by the County Executive is •• by virtue of being appointed by the County

Executive is more political than it would be if it were appointed as suggested in this legislation by the County Legislature. But the County Legislature, although there are 18 of us, is also made up of people who need to run for office and people who need to raise money. And there is always room for mischief. There are more checks and balances because there are 18. It does say here •• I'll read from the legislative intent, the commissioner which would be appointed by the County Legislature after a screening process by a select committee, but it would be appointed by the Legislature.

LEG. BINDER:

Would you suffer an interruption?

LEG. VILORIA • FISHER:

Yes. I'm asking you questions. If it's okay with the Chair, through the Chair, if I may ask direct questions of the sponsor?

CHAIRMAN ALDEN:

Sure.

LEG. VILORIA • FISHER:

Thank you.

LEG. BINDER:

The truth is that we always have appointment power. Why? Because in a sense it's confirmation. If a bill comes over from the County Executive suggesting that that health •• we had the Health Commissioner come over, we appoint because we either pass or don't pass on that resolution. If we decide not to, we don't. It's the same process. The difference is only how do you get to the commissioner in the first place. If you give one individual, elected official, who has to raise money to run and be a candidate, the power to decide on his own I will or won't appoint, then what happens? If that commissioner doesn't play to that one person and his money and who he is or she is and what they do, then they might not be able to get appointed and they want their job.

LEG. VILORIA • FISHER:

I'm going to disagree with that[. |. |.] Just stop there, because I disagree with the basic premise of what you just said, which is if we give to that one person. It is not we who are

giving to that one person the power to be the Chief Administrator of this County, it is the people of the County who have voted for that person to be the County Executive. And as the County Executive, it is within the purview of that person, it is within the purview and the authority of the County Executive to do just that, which is to set up the Administrative Branch of our government. And that is the purview of the County Executive. And it is not we who give the County Executive that power, but rather the people of the County who have elected whichever County Executive it is. And I do know that you had been working on this under the Gaffney Administration. So whoever the County Executive is and whatever party he is in or she is in, hopefully someday it will become that enlightened in Suffolk County as to have a female County Executive, that person has the administrative powers to choose the commissioners. And I'm looking at your bill, 1086, and I'm looking at 1345, which is the Charter Law creating a County Department of Environment and Energy. In many ways, these two bills seek to achieve the same goals. Would you agree with that?

LEG. BINDER:

No. I think they have a different emphasis. Mine really is a concern with corruption. I don't think •• in a system that had easily led itself to corruption, and that's why I single out land acquisition. Environmental is not that kind of question.

LEG. VILORIA • FISHER:

If you look at this bill, if you look at Local Law 1345, I believe it very clearly addresses the process, addresses many of the practices that led to corruption. It also call for the level of professionalism that you call for in your bill. If you look at the descriptions •• but we're going to get to that bill in a little while. I believe that 1345 does address a system that had been •• I'm not going to say it's broken, because we have made some significant land acquisitions during my tenure, but we always need to look at our system to see how we can make them better. And I believe 1345 does that while it keeps the administration where it should be, which is under the County Executive's purview. And I think that's the critical difference in these two local laws.

CHAIRMAN ALDEN:

Thank you, Legislator Vilorina • Fisher. Legislator Mystal.

LEG. MYSTAL:

The bill to me superfluous, because of what you already pointed out, Legislator Binder, that we

do have •• the bill is not needed, superfluous, got that? Okay. Now, you have already acknowledged that we do in fact have the power of appointment, because the commissioners come to us and say yes •• or we say yes or nay on that commissioner. So we do have the power to appoint. If the County Executive sends somebody here that we don't like, we can always vote that person down. So in that sense we do have that power.

The number two thing that you want to do in your bill is to set up a commission that would select a person. If I were to extend it to other branches of government, I would say then, you know, we should form a commission to select some of the members of the Cabinet of President Bush. You know, it's the same thing. If you extend it that far, I know you would have to have some ramification •• you would have to extend it. We will do the same thing with the Governor of New York, we could do the same thing with the President of the United States. If you really want to extend a view as a Legislative Branch it's what I would call interfere in the selection process of the Executive Branch. You know, we have the power here to reject or accept whomever the County Executive sends over. In that sense, the bill to me is not needed.

CHAIRMAN ALDEN:

All right. Legislator Crecca has withdrawn his second. He's made a motion to discharge without recommendation, I'll second that. All in favor?

LEG. VILORIA • FISHER:

Opposed.

LEG. LINDSAY:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN ALDEN:

Opposed, Legislator Vilorina • Fisher, Legislator Lindsay and Legislator Mystal. That's **discharged without recommendation. (VOTE:4 • 3 • 0 • 0) (Opposed; Legis. Vilorina • Fisher, Lindsay and Mystal)**

CHAIRMAN ALDEN:

1193, establishing a fair and affordable sick leave policy for exempt employees. I would ask the sponsor if he would withdraw this.

LEG. BINDER:

Okay.

CHAIRMAN ALDEN:

Thank you.

1222•2004. Adopting Local Law No. 2004, A Charter Law amending to mitigate County liability by expanding prior written notice of defective condition requirements. (COUNTY EXEC)

LEG. CRECCA:

Motion to table subject to call.

CHAIRMAN ALDEN:

Is there a second to that?

LEG. NOWICK:

Second.

LEG. CRECCA:

I'll withdraw it and make a motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca, seconded by Legislator Nowick. All those in favor?

LEG. VILORIA•FISHER:

On the motion, please.

CHAIRMAN ALDEN:

Motion is now to table 1222, not subject to call, just to table it. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Legislator Crecca, I have a question for you. This bill has been before us for a number of

months. During that time, you have indicated that you've invited members of the Bar Association to come here to speak to the merits or not of this bill, and they have yet to come before us.

LEG. CRECCA:

They said they're ready, willing and able to come before us any time. Maybe it's my fault, I didn't schedule that with the Chairman.

LEG. VILORIA • FISHER:

Okay. Because I would like to have a full discussion. I see great value in this particular bill. Okay. I know that as an attorney, you have a different point of view.

LEG. CRECCA:

It's not just as an attorney.

LEG. VILORIA • FISHER:

But you are having the Bar Association come, so I'm sure attorneys have a different point of view.

CHAIRMAN ALDEN:

Lynne, if I schedule this on as discussion point for the next •• unfortunately, it would be in late August or early September, we'll get all the sides in and we can get all the •• okay?

MS. BIZZARRO:

That's great.

CHAIRMAN ALDEN:

Late July or August.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair, because I'm not an attorney I would like to here the salient points on both sides of the issues so that we can make an informed decision. So if there are people from the Bar Association who want to speak on this issue, I'd like to hear them.

LEG. CRECCA:

Just so it's clear too, just so you understand my point of view, it's not so much for the

attorneys, it's for the litigant. It limits the ability for the people to sue the County I think in an unfair way. You know, and I don't think •• the County already receives special treatment as do all municipalities. When you limit litigation you really do hurt the ability of those who can't afford legal representation to sometimes get it.

CHAIRMAN ALDEN:

Motion to table and a second. All in favor? Opposed?

Tabled. (VOTE:7•0•0•0)

1223•2004. Adopting Local Law No. 2004, A Charter Law amending the Suffolk County charter to require the adoption of a reapportionment plan in a timely manner. (MONTANO)

LEG. VILORIA•FISHER:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Fisher, seconded by Legislator Mystal.

LEG. CRECCA:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca, seconded by Legislator Nowick. On the motion •• and we have a guest today, and I'll allow Legislator Montano •• not allow, I'm recognizing Legislator Montano.

LEG. MONTANO:

Thank you very much, Mr. Chairman. I want to put this bill in context. As you know and as you should know, this bill stems from last year's reapportionment battle. Essentially this bill is a charter law to amend the reapportionment process in Suffolk County. The existing charter provides that the County Legislature six months after the census is certified must come up with a proposal to reapportion districts so that each district has substantially equal population.

What happened last year or two years ago was that six months after the census was certified, the Legislature was •• this Legislature was unable to come up with a reapportionment plan.

The case •• the situation lingered for two years. It wasn't until March 28th, 2003, when this Legislature was sued, it was sued by my daughter Lauren as the lead plaintiff on behalf of Hispanic citizens of Suffolk County, Assemblyman Bill Ramos, Jordon Wilson on behalf of black residents of Suffolk County, Lenny _Billiard_ and _Lou Olivera_.

What happened there was that the Legislature's failure to act prompted members of the minority community in Suffolk County both the black and Hispanic community to coalesce and to bring a lawsuit under the Federal Voting Rights Act.

In court, the judge, Judge Spatt, Federal District Court ruled that we had standing and also ruled •• let me just step back. What the judge did was he ordered this Legislature into special session under threat that if a reapportionment plan was not proposed and approved, he would appoint a special master. This bill •• this bill actually makes the process for the Legislature easier. It leaves intact the six months that the Legislature has to propose a plan. Thereafter, it extends the time for 120 days in which this Legislature has to pass a plan. If a plan is not passed within 120 days, then this bill authorizes and compels the County Attorney to go back into Federal Court to seek an order from the judge for the appointment of a special master. The bill does not take away the power of the Legislature to propose and approve a plan. What it does is it puts some time limits on this Legislature's ability and obligation to pass a reasonable plan.

What will happen at that point is the Legislature •• up until a plan is mandated by a federal court, the Legislature has the ability, has the power, has the obligation and responsibility to pass a plan. My feeling on this bill is that it actually is a neutral bill. It takes the contentious nature of the reapportionment process, the partisan nature, gives this Legislature an additional four month after the six month time frame, which is already in the charter to come forward with a plan. Barring that, the matter moves into federal court.

I've had some discussion with some of my colleagues on this issue, some legal debate. The reality is that if this bill is not approved, and I know that most of us will not be here when the issue comes before the courts 10 years down the road, myself, if I have the ability, the eligibility, I won't be term•limited to be here. The bottom line is that the charter now proposes that we can also reapportion within five years if in fact the demographics of Suffolk County change, which is probably unlikely. However, if this bill does not pass, it leaves the Legislature in the same position it was in last year. And I can guarantee you that six months after the

census is certified, if there is no reapportionment plan in place in Suffolk County, this matter will wind up in litigation in any event.

Last year's legal battle cost the residents of the Suffolk County at least \$58,000, which has already been expended and probably another 50 or \$60,000, which is outstanding. You know, this bill is designed, number one, to place the obligation on the Legislature to fulfill its responsibility. And number two and more importantly, to save the taxpayers money. And number three, also to make sure that communities that are protected by the Federal Voting Rights Act are not disenfranchised, which is what happened last year. We were in court last year when the political calendar had already commenced. And it was a big debate as to whether or not we should suspend the political calendar, suspend the elections in Suffolk County because the Legislature was unable to come forward with a plan.

I might add also that it's a non partisan bill, because last year, not only was the Board of Elections sued, the Presiding Officer, who was a Democrat, I'm a Democrat, was sued, and, you know, parties intervened. So this bill doesn't take away the ability for the Republican Caucus or the Democratic Caucus to intervene in any lawsuit that might be brought because of the failure of the Legislature to reapportion. That's the genesis of the bill. Any questions, I'd be happy to address them.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

I just want to add, Legislator Montano and I have had this discussion before this, he knows I'm opposed to this bill. And let me just •• I just want to make it clear as to where my opposition lies. The problem I have with the bill is, I agree, Legislator Montano, that it took way too long to accomplish reapportionment last time. I've had that discussion with you and Legislator Fisher on many occasions. And the process is what the process is. And sometimes the process gets partisan. But I've looked a lot into legislative redistricting, not just in our case, but historically, it is a partisan process. That is the way it is set up under our federal law, under our constitution, reapportionment. To a certain extent it is, it is one of the factors.

And while I have to say that the problem I have with this bill is not in the fact that we should be doing our job and we should be doing it quickly or in a timely matter, the problem I have is two

things; number one, I don't think we should be setting up a situation for an out for Legislators to do what they're obligated to do. One of the things you said is it puts an obligation on the Legislature. The obligation is there already. We just failed at last time. And that situation last time presented unique problems. Number two is I have a real problem voting for anything where I'm directing the County Attorney to take an action that usurps the power of the Legislature.

And while I can't say I think it's illegal to do that, because we would give that power to the County Attorney, I have a problem with •• to me it's almost like asking your lawyer to do something that's adverse to your interest. And by directing that attorney to bring us •• our own attorney to bring us into court and to abdicate our responsibility to perform a Legislative function, I think is fundamentally wrong. And the other thing too is everyone should be aware of this, a lawsuit can be brought by an agreed party for our failure to act much earlier than it was last time. And I don't fault •• I think one of the reasons the lawsuits came late was because they were trying to work it out and trying to work in the process. But, you know, live and learn that probably that process should have been started earlier and the fire should have been lit earlier. But the reality is that I fundamentally have a problem conceptually with abdicating our responsibility. And that's the major problem I have with the bill without going into other minor things.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

Some historical context for Legislator Crecca and other people who were no there. The process in 1993 took just as along. It did not wind up in court, but Linda Burkhardt who was here could tell you, in 1993 we didn't pass the line in 1993 about a month or two before we passed this one, in 1993. So it's not a question of whatever happened last year, it is the process. But for Legislator Crecca, I have some historical background for you in terms of why we can do this. We had the same problem with electing a Presiding Officer in this body, which was a lengthy process that lasted 30 days, and we came back and decided to shorted that process from 30 to 15 days to send it directly to Clerk to do. So we have some precedence in terms of shortening the time we do things. Again, the Presiding Officer's election could be political, so could be the redrawing of the lines. So we do have precedence to change what we do by putting restrictions on ourselves. So those two precedents are there.

CHAIRMAN ALDEN:

All right. We have Legislator Vilorio•Fisher.

LEG. VILORIA • FISHER:

Legislator Crecca, you and I both know all too well how divisive this can become as it's drawn out, and it becomes a cyclical process where you're not really moving forward, you're running a lot in place. You're running in place a great deal. And this local law, I think, demonstrates that we are willing to impose some discipline upon yourselves. As Legislator Mystal said, it's not unprecedented. In the Presiding Officer process, we do relinquish our hour •• power to the County Clerk •• Legislative Clerk •• rather to the Clerk to make the decision as to who the Presiding Officer will be if we don't do it in a timely manner. It would benefit everyone who sits at this horseshoe to have a cleaner, faster, streamlined process in the redistricting. It wouldn't make it any less political, because it's the nature of the beast to be political.

LEG. CRECCA:

Putting into court will make it •• if you would just suffer. It's the same thing too, I mean, putting it •• getting it to a special master as it was last time, was a political option too that was exercised by some, and I don't say that in a negative way. No matter what you do, even this, it will stay political.

LEG. VILORIA • FISHER:

I'll take back my time. What's important here is that people of the Suffolk County know where they stand in a timely manner rather than having individuals in limbo because they are not sure what district they're in, who is going to be representing them, who is going to run where. For years, it look us much too long, and we didn't •• it didn't reach a head until we were forced to do it. I would rather be self directed. I would rather impose the discipline upon yourselves to do it in a timely manner. Thank you, Mr. Chair.

CHAIRMAN ALDEN:

The people of the Suffolk County at any point in time could have jumped in there and actually • or we could have, any one of us could have brought that same action. I'll give Legislator Montano the sum up, if he could just sum up briefly, then I'd like to call the vote.

LEG. MONTANO:

There were a couple of things that were said. Number one, and just to go back to the historical

context and talk about reapportionment, generally. Suffolk County •• the reapportionment process in Suffolk County was not unique to Suffolk County. This goes on across the state and across the nation, all right? There are numerous lawsuits that are commenced every ten years. There's a case in Texas where Legislators got on a bus and left the state so that they wouldn't be forced to vote on a reapportionment bill. These issues invariably wind up in the court because we're dealing with raw political politics.

Last year's issue had more to do with the protection of incumbents than it did with empowering communities in terms of the political process. This bill avoids •• tries to avoid those issues, tries to get a jump start on the process so that if, in fact, the Legislature abdicates, which it did last year and ten years prior, if it abdicates its responsibility to pass •• to propose and pass a plan, invariably it's going to wind up in the courts. This puts a little pressure on the Legislature, it gives a forewarning and it also extends the time, because I can tell you right now, six months after the census is certified, if this bill doesn't pass, this Legislature is going to wind up in court, and the courts have already •• if you read the case Montano versus the County of Suffolk, the court already ruled that plaintiffs have standing six months after the Legislature fails to act.

What's going to happen here is that hopefully with the passage of this bill, it will give the Legislature a four month period to dig in and get the job that needs to be done done. It also will save taxpayers money by saying we don't need to hire outside counsel, we don't need to spend money unnecessarily, we have an obligation to let communities know what districts are going to be imposed on Suffolk County for the proceeding election. And essentially the arguments that have been brought forward against it, I think are outweighed by the fact that we have a court decision that says the Legislature has to act, should act. We have a statute now that says six months after the census is certified, this Legislature must act. This bill simply closes the loophole because the bill •• the Charter as it stands now doesn't provide a penalty or a time limit in which to pass a plan. So I would ask my colleagues to move forward on this on the merits, not on a political basis.

CHAIRMAN ALDEN:

Just a point to clean up a little bit. As long as you're doing a history lesson, it was this Legislative body that passed a reapportionment plan. I really take exception with you saying that no one in this Legislative body was looking out for the people of Suffolk County. I think that we had everyone in this Legislative body took into consideration the people of Suffolk County, who to keep together, what kind of geographic boundaries there should be. So for you

to make that kind of a statement that there was a disregard or total disregard, I take a huge exception. It was strictly •• you said the only or the leading motivation was the preservation of incumbency. And I take •• really I can't express enough that how much I disagree with what you said. I know that in many discussions, I even brought up the fact that there's certain political and geopolitical groups, certain areas that really warranted to be left together and contiguous. And I really •• I can't express my displeasure and surprise with that kind of a statement.

LEG. MONTANO:

May I answer that, please?

CHAIRMAN ALDEN:

Legislator O'Leary, you indicated you wanted to make a statement.

LEG. O'LEARY:

It is not too often in my short tenure on the Legislature that I'm really torn between a proposed piece of legislation. And I must tell you that philosophically I'm not opposed to the merits of this particular resolution and the proposals therein. However, I do •• I am pleased that the discussion that has been brought forward has shed some light to me on the history of this particular problem. I concur with Legislator Fisher that there should be a sense of discipline within this body when it comes to performing the task before us and responsibility given to us.

However in light of the fact that this is the first time that there's been any lengthy discussion regarding this particular resolution and the merits of it or vice versa contrary, the •• I would •• I would be supportive of a tabling resolution (sic) so that I have an opportunity to discuss this matter further with my colleagues on my sides of the aisle, if you will, for purposes of advancing this particular issue at a later date.

LEG. MONTANO:

Legislator Alden.

CHAIRMAN ALDEN:

Legislator Montano.

LEG. MONTANO:

Yes. I would just like to address the last point you make so that we don't end this debate on a contentious nature. I just want to recall •• refresh your recollection and the recollection of the other members of the Legislature in the event that, you know, things were moving fast and we forget what happened. But the reason I made the statements I did about the Legislature failing to act was that in reality the Legislature had allowed •• this Legislature, had allowed the time to pass by which it could vote on a reapportionment plan in time for the primary and general election. And what happened here was that once the lawsuit was filed, the court •• I mean, we complain about the County Executive calling special sessions, but in this case, the federal judge called a special session of the Legislature on Tuesday and said, I order the Legislature to meet on Wednesday and come here Thursday morning with a decision or a bill.

So, yes, in fact the political nature of the debate caused the Legislature to abdicate all its responsibility. And had the lawsuit not been brought, we would not •• we would not have been able to run on the lines that we ran in September. And that's the reality of what happened here. So there was politics involved. It's unfortunate that you feel offended by that, but there was no offense meant. This was something that the entire Legislature was involved in on both side of the aisle. And this bill addresses that. So there's no personal attack with respect to yourself any other member of the Legislature. This is strictly a debate on the merits and on the law and the Federal Voting Rights Act and how it applies to the demographics in Suffolk County and the political process.

CHAIRMAN ALDEN:

Thank you. And you are entitled to your opinion. Legislator Crecca.

LEG. CRECCA:

Just two comments. On a lighter note, as far as protecting incumbents, Ginny Fields would disagree with your comments on that.

LEG. MONTANO:

Not any more.

CHAIRMAN ALDEN:

She'd very happily disagree.

LEG. CRECCA:

Just so you know, Legislator Montano, and to Legislator Vilorio•Fisher, we waited way too long

to start. Just so you are aware, Legislator Montano too, there was a discharge petition already signed •• I'm sorry, a petition to hold a special meeting scheduled, I believe, for Friday of the same week, which was signed by both •• members from both parties to finally put it before us. So I say to you in the sense that with a gun to our head, we finally were ready to act and did have the plan together. That's why we were able to adopt on that Wednesday, because things had been put together. But bottom line is, it should have never went that long. The one thing is Legislator Fisher is right, that we should be disciplining ourselves. I just don't think this is the way to do it. I think that had we not all been asleep at the switch, myself included, until late February, early March, I think that we would have taken action earlier.

CHAIRMAN ALDEN:

I'm glad you accept the responsibility, dually noted. There's a motion to approve and a second. There's also a motion to table and a second. The tabling motion takes precedence. All in favor of tabling? Opposed to tabling? Legislator Mystal, Legislator Lindsay, Legislator Viloría •Fisher. That's **TABLED (VOTE:4•3•0•0) (Opposed; Legis. Mystal, Viloría •Fisher, and Lindsay)**

1277•2004. Adopting Local Law No. 2004, A Local Law amending Local Law No.2 •1999, to expand the Home Improvement Contracting Licensing Law to add new home construction. (VILORIA•FISHER)

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA •FISHER:

I'm still working on this with Charlie Gardner. Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Viloría•Fisher, seconded by myself. All in favor? Opposed? 1277 is **TABLED. (VOTE:7•0•0•0)**

1345•2004. A Charter Law creating a County Department of Environment and Energy. (COUNTY EXEC).

CHAIRMAN ALDEN:

Do I hear a motion?

LEG. CRECCA:

On the motion. Well, I'll make a motion to table, then I'd like to be heard on this.

CHAIRMAN ALDEN:

Motion to table, second by myself. On the motion, Legislator Crecca.

LEG. CRECCA:

I've had an opportunity to •• I know the changes just came in on 6/10, I just looked at them this morning for the first time. And first of all, I want to say thank you to the County Executive's Office for making what I consider substantial efforts to try to conform it so we're all on the same page with the policy that was adopted by the Legislature last week. There are some concerns on the bill, specifically in the area of probably going a little too far, micromanaging ••

CHAIRMAN ALDEN:

Let me just stop you for one second. Ben come on up.

LEG. CRECCA:

It should say amended as of 6/10/2004 on top. Just so everyone's aware though, I have offered to meet with Mr. Zwirn, Mr. Deering and any other members of the Executive's Office along with our legislative Counsel later this week to try to hammer out what I think are some of the problems with the bill. And I just want to state that on the record that we would do that, we would make an effort to do that, with the possibility, and I say possibility, not a commitment, that we could try to move it on Tuesday via CN. If not, certainly by early August.

LEG. VILORIA • FISHER:

Mr. Chair. Could you mention some of the problems? Because we may have some issues in common that we're all looking at.

LEG. CRECCA:

Absolutely.

LEG. VILORIA • FISHER:

Although you are going to be discussing them in a different venue, I would like to know what they are.

LEG. CRECCA:

First of all, on a general basis, I think the bill is too encompassing. It incorporates too many minor changes and rules into a charter law. That's number one. Specifically, an example of that is incorporating the auction rules in the charter. The auction rules are •• currently come before us, we make changes from them from time to time. They're usually done at the request of the County Executive and then by committee or vice versa. We shouldn't be putting auction rules in the charter.

Another problem is I believe it takes away some authority and some of the functions of the Planning Department, which I'm not comfortable with. It also, I believe, has CEQ reporting to the department. I've got to look at that a little more, but CEQ is an advisory committee to the Legislature, which is the CEQ body in this County. It's thing like that. But for the most part, overall, it's 29 pages, this shouldn't be 29 pages long. When I say that, I say it as a constructive criticism, not as an attack. I just think it's a charter law, it goes way too far. Some of this should be done within the Executive's Office and doesn't need to be charter law changes. And I think we can try to work towards a common ground here.

CHAIRMAN ALDEN:

Legislator Vilorio•Fisher, if you want to bring up any of the concerns that you have, then we'll have Ben address, you know, any of the them.

LEG. VILORIA • FISHER:

Ben, I just wanted •• I was looking through the change and trying to find where the changes occurred. If you just help me locate some of the changes, the pages they are on, for example, because it is such a lengthy bill. For example, I'm trying to find the •• the categories •• okay. In the old bill, you had removed the subparagraphs from 42•2C, okay, closing property deadline. In the old bill, do you know what page that was on so that I could just take a look at what it is you're eliminating?

MR. ZWIRN:

I don't have that.

LEG. VILORIA • FISHER:

Okay. We'll go over that another time, and we'll just focus on the new bill. With regards the

auction process, you do refer to the auction process in a variety of places, and I did have some similar questions to what Legislator Crecca had said. For example, the auction provisions that are •• appear early •• I should have used tabs for this, I'm sorry •• the provision which states that there shall be no disclosure of the list of auction items before the public date, do you recall what I'm talking about? I think that's a good provision to have here so that we do eliminate some of the mischief that might occur in the auction process.

But there is another point where it does seem to be duplicative. So I'd like to look at the auction process and how it's addressed here, because it is addressed in a variety ways throughout the legislation. I believe it's very helpful to have the oversight of one commissioner. I think that's one of the strong points of this particular legislation, because there have been many times where we have tried to access a list of our holdings, an inventory of our real estate holdings, and it's been very difficult to access that, because it's been scattered throughout different departments.

I also •• actually, I was looking for more detail with regard to the energy piece of it and how the commissioner will be responding or directing efforts with regards to an energy master plan and energy use, energy conservation in our Department of Public Works. Those are very important issues for me, and I would like to have those questions answered. I wasn't real clear on that when I was looking. But I haven't had enough of an opportunity to look at the corrected copy. But those are some of the questions that I'm looking at. I do think that in •• it's basic thrust is very important and very will thought out. I think it's a good step.

MR. ZWIRN:

Any other questions that I can bring back, you know, from the Legislature today would be helpful.

CHAIRMAN ALDEN:

Ben, I think we need a little more time to digest the 6/9 and the 6/10. Was it just one corrected copy on 6/9 or was there one on 6/9 and one on June 10th?

MR. ZWIRN:

Six ten is •• there have been a number of drafts of this bill over the last couple of months. The last corrected copy was 6/10.

CHAIRMAN ALDEN:

Okay. Legislator Mystal.

LEG. MYSTAL:

Ben, are you amicable to a table so they can work through all this?

MR. ZWIRN:

Yes. There are some questions that Legislator Crecca raises ••

LEG. MYSTAL:

I make a motion to table.

MR. ZWIRN:

This bill was designed •• we tried to make corrections so that it would conform to legislation passed last week by this body. There may be •• that's why the corrections were made in trying to work together on this. And there are questions that Legislator Crecca raised before myself and Mr. Deering. You know, the good news is you have the business community and the environmental community on the same page as we did last week. They've come a long way. And I think as Dick Amper said, this would elevate the environment to, like, a Cabinet position. In Suffolk County •• I was in Nassau County. We preserved nothing. In the time that I was on the Board of Supervisors, we preserved sumps. That was our open space policy.

CHAIRMAN ALDEN:

Is that a confession?

MR. ZWIRN:

We actually preserved sumps as open space. We couldn't build on sumps. I mean, it was embarrassing. We had one land acquisition over the all the time I was on the board and before that. This County has set a model working together.

CHAIRMAN ALDEN:

Now you are over working for the good guys.

MR. ZWIRN:

Look, I live on the East End of Long Island. I went out there 30 years ago and I knew then it

was a special place, and that I wanted to live there permanently. And I do now. And I travel a long way back and forth every day to come into work, and it is worth every •• every mile an every time I spend in the car, because when I go home, it is special. And this County has preserved land in the Town of East Hampton, which, you know, the residents of the town can enjoy and people who come out there to visit can enjoy. And it's made this place, you know, very, very special. So if we can work together as we did last week on a terrific bill that's has got the support of, you know, the entire Legislature and the County Executive and the business community and the environmental community, I think this would be a step not just for this County Executive but any County Executive in the future, because land acquisitions and preservation of open space has been a high priority of this County Legislature for a long time. And this helps to just keep that going. I think with the County Executive's appointments, you know, not to be partisan, have been really outstanding appointments like Mike Deering. I mean, you've got some really good quality people that want to do the right thing for the people of this County.

LEG. VILORIA • FISHER:

Mr. Chair.

CHAIRMAN ALDEN:

Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

I had asked a question, and I do have the old copy here as well, and I do see precisely what you said that the portions that were left out were because they were covered by the Legislation that we passed two weeks •• last week. So, Legislator Mystal, the reason we're •• I'm asking some questions is because they require a long reply and I just wanted to give it to him now so that when we table, he can come back next time and go over it.

LEG. MYSTAL:

No problem. I'm just saying that I think we all agree that it could to be tabled so they can work on it. I want this bill to pass.

MR. ZWIRN:

I know that Legislator Lindsay has spoken to the County Executive's Office about some of his concerns about CEQ and Legislator Crecca raised the same issues earlier. We'll see if we can

get that all resolved. And if we can, we can do it •• if we can get it all resolved by Tuesday, then we'll proceed with a CN. But we appreciate your cooperation on this. Thank you.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Besides the specifics, I too had, you know, wanted to know, and I was trying to thumb through it all to find it, if the modifications were made to the legislation from last week, and you say they have been made.

MR. ZWIRN:

Every has been made.

LEG. LINDSAY:

Because the •• okay.

MR. ZWIRN:

I think Legislator Crecca wanted some more time to take a look at it because it's ••

LEG. CRECCA:

It's a lot to grasp.

LEG. LINDSAY:

And the other concern was that I had had a discussion with the Office last night, CEQ had traditionally been a product of the Legislature. Are we foregoing some of our traditional duties here?

MR. ZWIRN:

I don't think that was the intent, but I understand •• I understand your concerns about it.

LEG. LINDSAY:

And the last thing, just to relay, and it's same thing that I expressed to Mr. Amper and Mr. Pally, is it's •• it's a very ambitious piece of legislation, and I am absolutely sure that Mr. Deering is up to the task of heading up this new department. My concern is if Mr. Deering

should leave, we have quite a challenge to try to find somebody to live up to the task of managing this super department.

MR. ZWIRN:

Well, the qualifications are listed in the legislation, and they are extensive and pretty demanding qualifications.

CHAIRMAN ALDEN:

We have a motion and a second. Also, if we would forward our concerns to Legislative Counsel too, I think everybody could stay on the same page then. So we have a motion and a second to table. All those in favor? Opposed? 1345 is **TABLED** to do a little more work on. **(VOTE:7•0•0•0)**

1350•2004. Authorizing removal hearing for members of the Suffolk County Water Authority. (Eric Russo) (VILORIA•FISHER)

LEG. VILORIA•FISHER:

Mr. Chair.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Mr. Chair, I'm going to ask that the committee discharge this piece of legislation without recommendation. We have had •• without passing the resolution, we can't really get to the merits of the resolution.

CHAIRMAN ALDEN:

Here's what I'd like to do though. If you would suffer an interruption?

LEG. VILORIA•FISHER:

Sure.

CHAIRMAN ALDEN:

As Chairman of Ways and Means, I believe that we have jurisdiction to look into this matter. I will work as closely as you want with you, if you want to hold those hearings in this committee and then put findings out to the Legislative body. I don't feel comfortable with this type of resolution authoring hearings and we're sort of delegating authority to other people in this. I would feel very comfortable if you want to, you know, put together what questions, who you want questioned, what documents you want to look at, if you want to do that right in this committee, I will grant you a lot of latitude to do that. And I would feel comfortable holding it here because that seems to be the jurisdiction of this committee.

LEG. VILORIA • FISHER:

Okay. When I asked •• the history of this resolution is that when we had an Ad Hoc Water Authority Committee two years ago, there were a number of, it seemed like indiscretions that came before us at that committee, and they are all on the record. We on the committee group were concerned about that, and I asked Legislative Counsel at that time how we could address that. He did draft this last year, and we put it on the table this year, because by the time Paul drafted it for me, it was November, because the District Attorney was looking at the case and I didn't want to run something concurrently here. This is what Paul •• how Paul Sabatino said we should address it. I'm not certain what the process would be for addressing it within the Legislature, and perhaps Counsel can help me with that. How would we codify that we're going to look at this in committee hearings, Ms. Knapp?

MS. KNAPP:

I have not discussed with the Committee Chair before. I assume that what he is suggesting is something in the nature of he is Chairman, bringing before him Mr. Russo or members of the Water Authority and conducting an inquiry.

LEG. VILORIA • FISHER:

Is that what you are suggesting?

CHAIRMAN ALDEN:

In this committee, and I would allow you latitude, I would •• actually, if you wanted to, because it is your resolution, at a certain point make any points you want, question, bring documents,

submit documents into the record, I believe that's the proper forum for it.

LEG. VILORIA • FISHER:

Okay. I was following the proper forum that I had been advised by former counsel as by Current counsel as well.

MS. KNAPP:

The only comment I would make is that if there were to be charges brought and a decision made on the charges, then that would be this committee perhaps, what you are suggesting is ••

CHAIRMAN ALDEN:

We don't have jurisdiction to make charges. We have jurisdiction to investigate, explore, to create a record. And if from that, the Legislative body in mass wants to bring charges, then we would as a committee, as we do with other legislation, send that right up to all 18, then if charges were to come, it would come out of the full Legislative body.

LEG. VILORIA • FISHER:

Then may I request that the Chair put out that request for our next Ways and Means Committee, which would be the end of July.

CHAIRMAN ALDEN:

I'll schedule time. You know, send a memo over to me, what documents you want ••

LEG. VILORIA • FISHER:

Well, I'm asking on the record that we ask Mr. Russo and the Water Authority to •• if I can discuss it with Legislative Counsel and perhaps she can write a letter to ask them to come to our meeting at the end of July. This is the man's name here that's hanging out here for month after month after month. And I believe that every deserves due process. If he's going to have his name here tabled month after month, we should try to find some closure to the issue.

CHAIRMAN ALDEN:

I agree with you.

LEG. VILORIA • FISHER:

And so I respectfully request if you are representing that this is how you want to handle it, that

we do it at the July meeting rather than let it drag on for three more months.

CHAIRMAN ALDEN:

That's fine.

LEG. CRECCA:

I would just ask, Mr. Chairman, that •• Counsel, and not here necessarily, either in Executive Session or maybe individually with Legislator Fisher, I think there are legal implications involved with moving forward on this hearing, and what, if any, legal implications there are in moving forward with any informal type hearing within the committee, because there are liability issues. I know the District Attorney has found that there was no wrong doing in, I believe ••

LEG. VILORIA • FISHER:

I believe criminal wrong. We're not looking at, you know, criminal.

LEG. CRECCA:

I understand that, but we should be careful how we should proceed here. There is precedent here in New York State that, I believe, of bodies being sued for similar type situations. So I just think we should proceed with caution. That's one of my concerns. I just ask you to address that before you move forward with that.

LEG. VILORIA • FISHER:

We'll be speaking with Counsel, and her good judgment will be used.

MS. KNAPP:

Perhaps, if I could suggest, I know that the next meeting, I believe, it's August 8th, then it's a very short cycle before the meeting following that ••

LEG. VILORIA • FISHER:

Don't we have a Ways and Means Meeting in July?

LEG. CRECCA:

No. It's the first week of August.

LEG. VILORIA • FISHER:

I thought it was the end of July.

LEG. CRECCA:

August 10th is the Legislative Meeting after the 22nd, and the next Ways and Means is August 3rd. But I think what Ms. Knapp is referring to is the fact that we have a Ways and Means Meeting a week after the General, August 17th. So that might be more appropriate to allow a little more time or whatever.

MS. KNAPP:

My only comment is that if we are going to look at this issue, between the Legislator and myself, if we go ahead and ask the Committee Chair now, I don't know whether or not there's a mechanism for amending that request between today and the next meeting, by giving our self the additional two weeks, we may be able to be a little clearer on that.

CHAIRMAN ALDEN:

I'll defer to the sponsor. If it's okay with Legislator Viloría•Fisher, we'll hold them on either one of those sessions, whichever ••

LEG. VILORIA•FISHER:

Well, we're still in June, we're only in mid June. We should be able to invite people to come to our Ways and Means Committee on August 3rd.

CHAIRMAN ALDEN:

Whichever way you want to do it.

LEG. VILORIA•FISHER:

I would like to address it on August 3rd rather than have this tabled again without having any kind of means of addressing the issue.

CHAIRMAN ALDEN:

Okay.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair.

CHAIRMAN ALDEN:

I'm going to make a motion to table 1350, seconded by Legislator Nowick All in favor?

Opposed? **TABLED (VOTE:7•0•0•0)**

1454•2004. Adopting Local Law No. 2004, A Local Law establishing anti•corruption act for County contracts. (COOPER)

CHAIRMAN ALDEN:

Is there a motion?

LEG. MYSTAL:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Mystal to approve.

MS. BIZZARRO:

Excuse me, Chairman Alden.

LEG. VILORIA•FISHER:

I'll second for the purposes of questions.

CHAIRMAN ALDEN:

Seconded by Legislator Viloría•Fisher. We have Lynne Bizzarro.

MS. BIZZARRO:

I just wanted to make a comment. I believe we reached out to Legislator Cooper on this, and we apprised him we already have a law currently on the books on this exact issue, but it conflicts in some degree with the resolution before you.

LEG. CRECCA:

Motion to table.

MS. BIZZARRO:

I just recommended that perhaps something can be worked out.

CHAIRMAN ALDEN:

Okay. So we have a motion to table by Legislator Crecca, seconded by myself. All those in

favor? Opposed? It's **TABLED (VOTE:7•0•0•0)**

1465•2004. Establishing policy on use of County Clerk's Office for title examination purposed pending County Center renovations. (CARACCIOLO)

LEG. MYSTAL:

Explanation.

CHAIRMAN ALDEN:

we need an Explanation, and I'm going to turn to Legislative Counsel for an explanation on 1465.

MS. KNAPP:

1465, quite frankly, there is a new resolution also that has been, proffered •• and I want to make sure I have the right one.

LEG. CRECCA:

While Counsel looks that up, I'm making a motion to table subject to call.

CHAIRMAN ALDEN:

Just make a motion to table. Motion to table by Legislator Crecca, seconded by myself. All those in favor? Opposed? 1465 is tabled.

LEG. LINDSAY:

Tabled subject to call, right?

CHAIRMAN ALDEN:

I changed the motion to table.

LEG. CRECCA:

No, I changed it to a motion to table, Legislator Lindsay.

CHAIRMAN ALDEN:

So there's a motion to table and a second. All those in favor? Opposed? It's **TABLED**

(VOTE:7•0•0•0)

1500•2004. Adopting Local Law No. 2004, A Local Law to reform to awarding of Suffolk County Government contracts to restore public confidence. (BINDER)

CHAIRMAN ALDEN:

Motion to approve by myself, seconded by Legislator Nowick. On the motion, Legislator Binder, would you give us a quick explanation?

LEG. BINDER:

Mr. Chairman, the quick explanation is this basically says that people who enjoy public confidence; Commissioners, Deputy Commissioners, appointed officials, that includes our staff people who are close to policy making decisions should not making calls to people to raise money for candidates. This is •• I have to tell you that in recent weeks •• this is not in this administration, again, this is not political to this administration •• I've heard it in the past administration, I'm hearing it now, people who are contractors or hope to be contractors of this County have, let's say off the record, in numbers told me that they have gotten strong•armed or a lot of pressure by people to buy tickets to events for candidates.

And I think it's just •• it's •• maybe it's too easy. And I've had •• over the years, I've had my people called people attached to me, and maybe it's too easy to misinterpret it the fact that they're calling. And so I don't have any problem looking to the party for their help in helping to make calls and call behind, let the party do the work. But to have people attached to policy making decisions, particularly •• I have to tell you, the worse part is those who have anything to do with contracting in Suffolk County, that's why I put the title if it is •• those who have something to do with contracts in Suffolk County, it would seem to me they shouldn't be making calls to •• they shouldn't be making calls to anyone for solicitation for funds for candidates. So that's what this would do. It would stop those kinds od calls, because I think there is even the •• at minimum there is the appearance of impropriety. At maximum, there's often the kind of pressure that we wouldn't deem reasonable on people who would like to enjoy county contract with Suffolk County.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Legislator Binder I, agree with the •• with curtailing abuses of this kind. I have to say that you

had 12 years under the Gaffney Administration to introduce this. I wish you had done it then, because then it would seem less partisan.

LEG. BINDER:

I should have. And I have to tell you that like anything, when you're here •• when you're in the Legislature a real long time, you think of things when you think of them. And maybe I thought of it because I'm a Republican and now I'm hearing about it. That could very well be. That's what in a sense triggers the thought. And maybe the thought should have been triggered before, I apologize that it wasn't. But it isn't a question, because it's not just the County Executive. There are Republicans who hold the County Clerk spot, who hold the County Treasurer spot, who hold the Sheriff spot. This goes for those officials. So this is not partisan in that sense that they can't have •• as the County Exec can't, as we can't as Republicans and Democrats and as those County offices shouldn't have people making calls in there stead do raise money.

CHAIRMAN ALDEN:

Any other debate? We have motion and a second to approve. All those in favor?

LEG. VILORIA • FISHER:

I'd like to make a motion to table so I can look at it more carefully.

CHAIRMAN ALDEN:

Motion to table by Legislator Vilorina•Fisher, seconded by Legislator Lindsay. All in favor of tabling? Opposed to tabling? I'm opposed to tabling.

LEG. CRECCA:

Opposed.

LEG. NOWICK:

Opposed.

LEG. O'LEARY:

Opposed.

CHAIRMAN ALDEN:

So Legislator Alden, Nowick, Crecca and Legislator O'Leary oppose tabling. Motion to approve and a second. All those in favor, aye? Opposed? Legislator Vilorina•Fisher, Legislator Lindsay and Legislator Mystal are opposed. **APPROVED. (VOTE:4•3•0•0) (Opposed; Legis. Vilorina •Fisher, Lindsay)**

1516•2004. Establishing a policy to promote Campaign Finance Reform Funding. (NOWICK)

CHAIRMAN ALDEN:

Motion to approve by Legislator Nowick, seconded by myself. On the motion, you want to give a little explanation, Legislator Nowick?

LEG. NOWICK:

This bill just allows for another vehicle in which voluntary campaign contributions can be collected. This is going to be a vehicle that will cost •• not cost us any money at all, unlike the prior effort. It's simply advertising to the public that there is a vehicle in which they can send their contributions, they can send then to the Suffolk County Treasure's Office. That's all it is. It's making the public aware.

CHAIRMAN ALDEN:

Any further discussion on this? There's a motion and a second.

MS. BIZZARRO:

Chairman Alden, if I could make a comment.

CHAIRMAN ALDEN:

Sorry, Lynne. Go ahead.

MS. BIZZARRO:

I think I put this on the record last time. Not to the policy of this bill at all, Legislator Nowick, but what is contemplated in this needs to be accomplished by local law, not just by resolution. I just wanted to apprise the committee of that.

LEG. NOWICK:

Counsel, did we look that over and find that •• is there a disagreement there?

MS. KNAPP:

When we talked about this as a policy, we viewed it as something that we weren't going to mandate that our official newspapers do this and that we were instead going to chose from official newspapers who expressed a willingness to do this. I'm not sure that •• quite frankly, I don't remember Ms. Bizzarro's comment that this should be a local law. Are you suggesting that we mandate that official newspapers do this?

MS. BIZZARRO:

No. No. Just the content of this resolution •• County Law 214 describes how the official newspapers are designated and what criteria the legislation •• the Legislators use in choosing the papers. So basically this proposed resolution would supercede County Law, which it can do with the Municipal Home Rule and just create your own law, which not a problem. You just need to do it by local law not by resolution. And you can do it the same way you're doing it now.

CHAIRMAN ALDEN:

All right. Motion and a second all in favor? Opposed? 1516 is **APPROVED. (VOTE:7•0•0•0)**

1519•2004. Adopting Local Law No. 2004, a Local Law creating Geographic Information system Committee. (COUNTY EXECUTIVE).

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Viloría•Fisher.

LEG. LINDSAY:

Second.

CHAIRMAN ALDEN:

Seconded by Legislator Lindsay.

LEG. CRECCA:

Explanation.

CHAIRMAN ALDEN:

Explanation.

LEG. CRECCA:

Big words, GIS.

CHAIRMAN ALDEN:

No. I said what it was, a Geographic Information System. Legislator Crecca, you are out of order. You know what I just noticed I have? I have a gavel.

LEG. CRECCA:

I'm going to get one soon.

CHAIRMAN ALDEN:

Ben, can you shed some light on this.

MR. ZWIRN:

It's an advisory committee that's just expanding so the information can get out.

CHAIRMAN ALDEN:

How much is the cost of this?

LEG. CRECCA:

It says not to exceed \$2.6 million.

CHAIRMAN ALDEN:

Ben, it might not be an advisory committee. It sets standards ••

LEG. VILORIA • FISHER:

There's no financial impact on it.

LEG. CRECCA:

It says right in the bill that the committee shall establish by•laws, set policy and standards for

GIS projects and contracts, set GIS data policy and standards for GIS data, grant permission and priority measures for such data, formulate agreements for data sharing. So it's obviously more than advisory.

CHAIRMAN ALDEN:

But wait a minute. Then the question becomes are they going to do all that or does it come back to County Legislature for approval of all that stuff?

MR. ZWIRN:

I don't have the bill in front of me. I have the fiscal impact statement.

LEG. VILORIA • FISHER:

The title doesn't say advisory.

MR. ZWIRN:

Do you have the list of the people who are on •• the different representatives that are on the committee?

CHAIRMAN ALDEN:

No. Mr. Zwirn just said it was an advisory committee when he was giving a brief overview of it.

LEG. CRECCA:

It's creating an agency, Ben, to actually implement this GIS policy and technology activities for the County. So it's certainly a lot, you know, a lot more than ••

MR. ZWIRN:

I saw the word committee.

LEG. CRECCA:

It's just letting you know. It also says that it sets a mandatory policy and standards. So this is •• has a rather ••

CHAIRMAN ALDEN:

Like Legislator Mystal said before, we don't need any more committees.

CHAIRMAN ALDEN:

I'm going to make a motion to table, seconded by Legislator Crecca. All those in favor? Opposed to tabling? It's **TABLED. (VOTE:7•0•0•0)**

1558•2004. To permit the construction of two tap roads through property owned by Starlight Properties located in Yaphank, Town of Brookhaven. (O'LEARY)

LEG. O'LEARY:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary.

MS. BIZZARRO:

I'd like to make a comment, please, on the record.

CHAIRMAN ALDEN:

I need a second though.

LEG. NOWICK:

Second.

CHAIRMAN ALDEN:

Seconded by Legislator Nowick. Okay. Go ahead, Lynne.

MS. BIZZARRO:

I just would like to let the committee know that there still remain several legal problems with the bill as amended. Under County Law Section 215 to effectuate a transfer, such a sale, lease or a grant of easement here in development rights can only be to highest bidder under County law. Suffolk Laws only allow sales without the bidding process for property obtained through tax sale redemption or properties valued under \$5000. I just wanted to let the committee know the way this original transaction took was there was a local law that was specifically enacted just prior to the authorization that was ultimately passed by the Legislature for this swap. Basically, there was a swap in lands, and the County retained the development rights regarding this particular location. Subsequently, the local law was repealed. So we just don't have a

local law on our books allowing for this. There's no compensation states herein, there's been no appraisal done. We also have that problem, there's a recitation of General Municipal Law 247, indicating that the buffer zone was for open space. At a minimum, there has to be a release of the covenant not to develop anything on the location.

My concern with the recent amendment to the bill is that it takes the developer's attorney's proposed language that I received yesterday basically word for word and does not protect the interest of the County or meet the legal requirements for the transaction. All the language change does is alter some of the language from sale to easement, but leaves language in the bill that goes far beyond that of an easement. It talks about giving away all rights, title and interest to the property. A local law would still be necessary to accommodate this. There's been mention of a 72•H transfer, that may be an available mechanism, I have to say I have not explored that.

I oppose Mr. Gruder's comments that section 215 of the County Law does not apply. It refers specifically to interests in real property and an interest is a development right. It also refers to sales, leases and easements of County property. It absolutely applies to this transaction. Mr. Gruder wishes this committee to believe that because the County merely only owns development rights that it does not get the protection of the statute, and that is untrue and absolutely inaccurate. The County spends millions of dollars on developments, and those rights get the same protection as any other property rights that County has. Thank you.

CHAIRMAN ALDEN:

Thank you. Legislator O'Leary, then Legislator Vilorio•Fisher.

LEG. O'LEARY:

I'm not going to ask you repeat that Ms. Bizzarro. But it sounds like a lot legalese to me, and that's the reason why I'm going to defer to Legislative Counsel regarding the issue of whether or not a local law is necessary with respect to this particular resolution. We have made amendments to the initial resolution, which I thought satisfied all the legal departments within the County Attorney's Office as well as Legislative Counsel. I'm curious as to •• to hear Legislative Counsel's remarks concerning whether or not a local law is necessary for purposes of advancing this issue.

MS. KNAPP:

I think that Ms. Bizzarro made some points about development rights and what they're entitled to. However, if she was indeed correct that we needed a local law, then there would probably be ten resolutions that are before this Legislature at any given time that we would be doing by local law, and I can think of an easement we're granting to the Water Authority right now that is simply moving a utility easement over park property from one place to another. Clearly when we granted that easement over park property to the Water Authority, we did that by resolution and that was two years ago. We're giving easements to one of the municipalities out on the East End, Southampton I think it is, for straightening out a road construction. We've routinely given to towns property for roads. Now, again, this Legislature has to decide whether they wish to do or not, but to the extent that we require a local law to give the Town of Brookhaven a road, again, we would be revamping everything we've ever done if we needed to do this.

LEG. O'LEARY:

All right. That's specifically the point I want to focus on with respect to the amended •• amendment that this •• this amended resolution does in fact grant to the Town of Brookhaven an easement over the development rights insofar as necessary to bring construction by Starlight Properties of the two tap roads. As you cited, this wouldn't be setting a precedent. And it's •• I'd like to see my colleagues move this resolution forward before the full body for purposes of voting on it.

LEG. CRECCA:

Legislator Fisher.

LEG. VILORIA • FISHER:

Before I ask the question I was thinking of earlier, I'd like to just ask Counsel, Mea, you've mentioned several examples of easements, but they were to municipalities for public use. This easement for these tap roads is different, because it's roads for the purposes of this private entity having the ability to develop. So I see a distinction there. And, also, the second part of that question, were any of those easements on properties that •• to which we had the development rights?

MS. KNAPP:

The one to the Water Authority is over parkland, dedicated parkland.

LEG. VILORIA • FISHER:

Is it dedicated to the Nature Preserve? How is it acquired? Do we have the development rights? You know •• there are many different subcategories.

MS. KNAPP:

In that case we own the park. And to extent that we talk about public purpose, again, we may disagree with whether or not we want the development. However, when you dedicate a road to a municipality, it is by definition a public purpose, a road is a public purpose. People drive on it.

LEG. VILORIA • FISHER:

But it's to give the ability to this developer to be able to develop the property.

MS. KNAPP:

That's another decision that this Legislature has to make, but it's not illegal.

LEG. VILORIA • FISHER:

But that the reality of the situation.

MS. KNAPP:

The road legally becomes a road of the Town of Brookhaven. The fact that Brookhaven may want it in connection with the development is looking behind the actual •• the legality, and that's something that's appropriate.

LEG. VILORIA • FISHER:

It's not looking that far behind, because the original resolution was for to us to give the road to Starlight Properties so that they could do •• I mean, give the property for the tap roads to Starlight Property in order for them to have their development, and we've just amended the original resolution. So we're not looking that far behind to see what the purpose of this is.

MS. KNAPP:

It skips the step of making Starlight dedicate it to the town.

LEG. VILORIA • FISHER:

Okay. Now, I have another question, and I'd like the attorney for the Planning Commission to come forward, please. Ms. Braddish. Here were some statements made earlier by Mr. Gruder

regarding the conclusions or representations by our Planning Commission. And I was concerned about those statements, and I would like your view of what occurred at the Planning Commission meeting.

MS. BRADDISH:

I do serve as Counsel to the Planning Commission and attend all their meetings, and I do recall when this application was presented. And I just wanted to clarify what actually happened. When the Planning Commission considers an application, it will be brought to light by staff instances like this where there are development rights. The Planning Commission will not consider the legal effect of those. The only thing they're looking at, they acknowledge that they're there. They don't say they can be gotten rid of, they don't comment on the procedures to get rid of it, they acknowledge that they existed and that is it. So when it was implied that it was approved, these tap streets over the development rights, that's not what happened. The Planning Commission looks for the best design for a new subdivision, and if that includes tap streets, they're going to say there should be tap streets. And they do not make a commentary with regard to the existence of legal encumbrances on the property. So that's just a clarification.

LEG. VILORIA • FISHER:

Thank you very much, Ms. Braddish. Because the implication earlier was that the Planning Commission •• that their judgment was that we should grant the easement on our development rights.

MS. BRADDISH:

No.

LEG. VILORIA • FISHER:

Or reconvey our development rights.

MR. BRADDISH:

That's not a topic that would ever be before the committee, nor would they comment on it. Their only basis of consideration is the proper development of the property, and if they're going to approve a subdivision, it should include tap streets. They don't even necessarily say where the tap streets should go. If they do have a proposed design in front of them, they may

indicate where in connection with that design, you know, it makes sense that they go X and Y, but it's not mandated, nor do they comment as to the legality or how you would go about doing it. That's not their concern to advise an applicant.

LEG. VILORIA • FISHER:

Thank you very much. Mr. Chair, Mr. Gruder sat before us today and made a representation which was very different from this. And we as a Legislature must be very, very careful with development rights and what we do with them. We have been entrusted with the taxpayers' money to use that money to protect our environment. When that money has been spent on development rights, and we see how the cost of those developments is becoming higher and higher, we cannot turn around and reconvey those development rights back to the owners. And whether we're hiding it under Brookhaven Town in a 72•h or not, the purpose of doing this is so this developer can develop that property on which we hold development rights. That is a betrayal of the public trust. It is truly a betrayal of the public trust. We cannot do this.

And to have that attorney represent this morning that our Planning Commission saw that as a justifiable action with our developing •• development rights is unconscionable. And I ask this committee to not only table this, but defeat this resolution. It's inappropriate, it's a slippery slope. We're going to •• we're looking at ways to protect our land acquisition programs. We read pages and pages of reforms to our acquisition program, and yet, here we are with money that we have spent representing that we are protecting the rights of the taxpayer, that we're protecting the environment for the taxpayers. We cannot turn around and just give this away to a developer who needs access to a development. I can't stress strongly enough how wrong I think it would be to vote yes on this particular resolution.

CHAIRMAN ALDEN:

Your reference to development is the development of the roads?

LEG. VILORIA • FISHER:

These tap roads are built •• will be built on what •• what we call development rights.

CHAIRMAN ALDEN:

I just wanted to distinguish between develop the property or develop the ••

LEG. VILORIA • FISHER:

The roads, the tap roads

CHAIRMAN ALDEN:

Okay. Legislator Crecca's next.

LEG. CRECCA:

Yeah. I've got a couple of questions. First of you'll, actually with the Chairman's permission, I'd ask the attorney for Starlight Properties to come up, also. Ms. Braddish, would you stay up here? Squeeze in.

MR. GRUDER:

Would you like me to stand here.

CHAIRMAN ALDEN:

I don't have subpoena power, but you're appearing voluntarily, I note for the record.

MR. GRUDER:

That's correct, Chairman Alden

LEG. CRECCA:

Couple of questions. I'm looking at the backup, which is the map of Starlight Properties here.

MR. GRUDER:

Yes.

LEG. CRECCA:

Situated in Brookhaven. The six lots that are there •• I'm sorry, five lots that are indicated as numbers one through five. Those are the proposed •• those are the existing lots today?

MR. GRUDER:

I believe those are proposed.

LEG. CRECCA:

Okay. And those, you ever the right, in other words, to develop on those, correct? Those are exclusive of our County's development rights?

MR. GRUDER:

That's a difficult question, let me see if I can answer it this way. To develop that property we needed permission from the Planning Board of the Town of Brookhaven. They gave us what's known as final conditional approval. Before we can file a subdivision map in the Suffolk County Clerk's Office, in which the subdivision lots are then recorded and they're vested to the extent that the map is filed. And there's other provisions of the town law which gives the developer the right to make improvements so he can keep those lots. One of those conditions is that we obtain these tap roads. So without our ability to obtain these tap roads, then we will never be able to satisfy the conditions of the Planning Board's approval and will either have to •• we'll have to probably go back to the Planning Board.

LEG. CRECCA:

All right. Because I don't understand, so bear with me here. You already have an access road going in, correct? Or the ability to build one off of Horseblock, correct?

MR. GRUDER:

There is one access point, correct.

LEG. CRECCA:

And like, lot five, for example, is listed as 20 acres, but then it says available area, I guess, to be developed is 12.087 acres. What's the other eight acres? They can't be developed, is that what it is?

MR. GRUDER:

Unfortunately, I don't have the map in front of me. It could be either subject to a cluster approval, it could be subject to buffers or other covenants and restrictions, but I'm assuming that there is some sort of restriction on the amount of acreage in that total area which can be developed.

LEG. CRECCA:

So it's not one house or one residence that's go up on each of these lots, it could be multiple?

MR. GRUDER:

Are you looking at five lots?

LEG. CRECCA:

Yeah.

MR. GRUDER:

And they all have approximately how many acres?

LEG. CRECCA:

They're all different. One's •• the first one says 20 acres, 8.2.do you want us to look at this?

MR. GRUDER:

No. I believe that's a subdivision of the entire property.

LEG. CRECCA:

Into five building lots, is that what it is?

MR. GRUDER:

I believe so. If I can refer, I believe, to Mr. Sloan's letter to Counsel dated March 12th, 2004. That would be correct, for the original subdivision into five lots as originally proposed before the Planning Board.

LEG. CRECCA:

All right. So just it's five homes you're talking about. What's the purpose of the tap roads?

MR. GRUDER:

I can't •• no, it's not five homes.

LEG. CRECCA:

That's why I'm confused.

MR. GRUDER:

It's not five homes.

LEG. CRECCA:

I apologize. I'm sort of clueless on this.

LEG. O'LEARY:

Legislator Crecca, would you defer to me, please?

LEG. CRECCA:

Absolutely.

LEG. O'LEARY:

Just to clarify this parcel of land and what is the background. This •• this total parcel itself was •• is owned by Starlight Properties, Grucci Fireworks. And there's a long history that goes back with respect to the buffer zone that was put around the properties themselves.

LEG. CRECCA:

Who put the buffer zone there, the County?

LEG. O'LEARY:

Yes, the County put the buffer zone there, and that was based on the type of industry business that would be conducted there, because of the ••

LEG. CRECCA:

It was a fireworks company.

LEG. O'LEARY:

Yes. Exactly.

LEG. CRECCA:

So the buffer was a safety ••

LEG. O'LEARY:

A safety. Yeah. The buffer was a safety zone if there was any further development beyond the parcel itself.

LEG. CRECCA:

Gotcha ya.

LEG. O'LEARY:

This particular parcel in totality is in the Empire Zone in the Town of Brookhaven. It's strictly industrial, commercial properties that are •• all around it is not a development at this particular point in time. The owner of the properties has, through his counsel, has related to me that he has downsized his business substantially over the years and the vast •• the vast majority of the his manufacturing work for purposes of explosives is done in the State of Virginia. This particular piece that I'm looking at the map here, parcels one and two I believe will be retained by the current owner for administrative purposes, to have his administrative office for the business on those properties. And three, four and five he is attempting to sell to an interested buyer for the purposes of putting up various businesses, again, strictly commercial and industrial. So as I understand it what occurred here was during the application process with the town, it became apparent to the town what the intent of the owners was with respect to parcels three, four and five, and they required of him putting in tap roads.

LEG. CRECCA:

Do you know why the tap roads were necessary, was it fire, safety? Do you know what it was?

LEG. O'LEARY:

I don't know. I guess it's just a requirement. Perhaps you want to clarify that Counsel.

MR. GRUDER:

Yes. Thank you, Legislator O'Leary. Legislator Crecca, that condition, which is in the Town of Brookhaven Planning Board's conditional final approval came through the recommendation of the Suffolk County Planning Commission who has referral authority on subdivisions. Generally speaking •• and I was not at that hearing, generally speaking, the requirement of additional tap roads is for additional ingress and egress for the purposes of emergency vehicles, generally speaking. I'm not going to tell you exactly what the thoughts of the Suffolk County Planning Commission were on the date they made their recommendations.

LEG. CRECCA:

It's the Suffolk County Planning Commission that's recommending the tap roads?

MR. GRUDER:

They sent the referral back to the Town of Brookhaven Planning Board and recommended that if they were inclined to approve this that they should consider additional tap roads. Generally speaking, additional tap roads are ingress and egress for emergency vehicles. In fact, the Town of Brookhaven Planning Board adopted the recommendation of the Suffolk County Planning Commission and made the tap roads a condition of the final approval.

LEG. CRECCA:

Ms. Braddish.

MS. BRADDISH:

That's accurate. Basically what the Planning Commission's duty is to look at a subdivision and say what's the best design. And obviously for traffic flow and safety, one •• for a light industrial area, one ingress and egress is woefully inadequate.

LEG. CRECCA:

And I guess my question goes out and I say it completely innocently, but what's the big deal about tap roads which are 60 feet wide into an industrial area where we created a buffer for safety reasons? This isn't like •• from what I'm hearing ••

CHAIRMAN ALDEN:

Legislator Crecca, Legislator Vioria•Fisher established for the record a whole bunch of reasons why, so don't get her started again.

LEG. VILORIA • FISHER:

I'll answer briefly. Because we own the development right, and the development rights were there ••

LEG. CRECCA:

I understand that. This isn't the Pine Barrens. This is an industrial area.

CHAIRMAN ALDEN:

This is the Legislature, you don't have to raise your hands, just yell.

LEG. O'LEARY:

If I may as the sponsor of resolution, I can appreciate Legislator Fisher's concern about the environmental impact, etcetera, but this buffer zone was initially set up for purposes of •• because of the type of business that was established there, which is a manufacturing of fireworks. And it was strictly a safety buffer zone, if you will, and the environmental impact was never even taken into consideration back in '85 and '86. But since that time, obviously, what development is going up in that particular area is strictly light commercial and industrial. It should be noted that the •• that the tap roads that are proposed go into an undeveloped area of some 150, 60 acres or so. So I think what's being done here is that for safety purposes access of emergency vehicles is a moot point for some time, but it's looking towards the future when those currently undeveloped lands are perhaps developed commercially for industrial use. Again, it's the requirement being placed upon the owner other for the purposes of advancing his sales of the properties, parcels three, four and five as illustrated on the map and has little or no environmental impact. And basically with the •• with respect to the development rights that have been cited here, we're looking as a County to give an easement with respect to that to the Town of Brookhaven to have the •• to allow the owners of the properties to develop the tap roads.

CHAIRMAN ALDEN:

Ms. Braddish.

MS. BRADDISH:

I just happened to be here on something else, but being part of the Planning Commission, I just wanted to note that it was discussed at the Planning Commission the fact that this is, you know, basically an appropriate development of the property. The concern was, and that's what was raised by the development rights, is that you'd be establishing a dangerous precedent, that there are development rights on farmland, on park. And it's not saying that you can't get rid of them, but when you get rid of them, this is the easy case because you don't care if it's there. But what happens when somebody comes in and they want to put a barn on a farm, and that's not •• or, you know, a small shop on the farm, you say, hey, you did it here, it's just you didn't care as much. So I think that the concern that this raises is not that you can't do it, because I don't think anybody would disagree that this would probably the appropriate place to get rid of development rights, the concern is that you do in a proper manner. And when you say that it's an easement, if you look at the subsequent language, it's not an easement, the entire interest is transferred. So they weren't giving just an easement, they were •• the intent was to convey

the entire interest, and it follows •• I just looked at it the first time today. But being part of the Planning Commission, I know that this was a concern of their's that the fact that how do you properly get rid of development rights. I mean, if there's a covenant on a piece of property, there's quite a few procedures you have to go through. And simply because you give an easement, well, if you give an easement, that means they can cross the property. It doesn't mean that they can build a road, a road is development. So the mere fact that you've given them an easement still doesn't mean that they have a right to go build on the road. And although you've approved it, there may be citizens out there who don't.

CHAIRMAN ALDEN:

Legislator Crecca, are you done?

LEG. CRECCA:

No, we were in the middle of my time. Two things. Number one is if you create an easement, the easement has to be such that it's actually what it was creates for it can be used. So •• and I'm going back to law school so it's a long time ago, but I mean, it's just like you can't grant an easement and then not allow them for example to clear trees to allow things to go through and things like that. An easement comes with •• the easement comes with proper use. So that probably would include construction of a road, especially under the circumstance.

MS. BRADDISH:

But then you'll have conflicting rights, because you'll have obligations that say there's no development, so this Legislature would be acting in conflict with its other ••

LEG. CRECCA:

Well, actually what we would be doing is selling an easement to •• aren't we? Isn't that what we're doing here?

MS. BIZZARRO:

It's kind of like that. Under 215, that's where you get that whole you need a local law. I mean, that's how all this gets covered under the County law.

MS. BRADDISH:

It's not that you can't do it, it's just procedurally you should be very careful. This isn't the problem. The problem is the precedent.

LEG. CRECCA:

Well, yeah, but the precedent •• first of all, you're talking about an 18 member Legislature here that •• and we've •• I've been here when we've sold property or gotten rid of property or changed the status of the property. And the bottom line is, you know, you'd have a hard sell getting two Legislators to agree to give away the development rights on say farmland or something that had environmental •• I mean, you know, it just wouldn't happen. We all know that. That's why things come back to the Legislature. Vivian said it before. There's like a check and balance system here, because we are an 18 member body. So I just don't want to see us not allow industrial development when it is appropriate. And I understand the concern with the precedent, but this is a situation where •• and I would be the last one to agree to develop, you know, farmland or anything that any environmental impact where we've gotten it for that purpose. Here, you've got to take the intent in •• and that was •• that was a buffer because it was a fireworks factory.

LEG. VILORIA • FISHER:

But we want to do it right is what I'm trying to say.

LEG. CRECCA:

I don't disagree that we want to do it right, but in the same respect too, we don't want to curve industrial, especially light industrial areas like this, development when it's a proper area to do that. It's part of •• I hate to use the word smart growth, but the idea is put things where they're supposed to be and where they belong. You know, this shouldn't be controversial because of who the owner is or anything else like that. We should do it on the merits, whether it's right or wrong. To me on its face, it seems right on the merits.

LEG. VILORIA • FISHER:

Can I just respond to that?

LEG. CRECCA:

I'm done.

CHAIRMAN ALDEN:

Actually I had Legislator Mystal next on the list, but he will defer to you.

LEG. VILORIA • FISHER:

I just need to say it is very, very important, and I think the Chair clarified it earlier when he asked me is it this development that you're talking about or the development rights. This is what I'm fighting for, Not entering into a slippery slope and playing fast and loose with development rights. We must hold to a stringent highest possible scrutiny and standards when we're reconveying development rights, when we're relinquishing development rights. This is why I'm saying we have to look at the recommendation of the County Attorney who has •• did you want to respond to that?

LEG. CRECCA:

No.

LEG. VILORIA • FISHER:

So it's not against this development. I mean, the civics in the area, you know, have said it's an Empire Zone, they'd like to see it developed. I'm not fighting the developer, I'm saying that we cannot •• well, as the attorney just said, we really have to think things over.

LEG. CRECCA:

We don't this? That's what I don't understand.

LEG. VILORIA • FISHER:

I'm saying that we look at it more carefully, we can't just do it by resolution, we can't pretend that we're not conveying it for the purpose of the developer using it. It's not for public use for the town to use it for its public use or for the Water Authority to use it. It's for a developer to be able to sell and use the property. So let's be very candid ••

LEG. CRECCA:

No. It's for an access road to an area that's being developed.

LEG. VILORIA • FISHER:

Right.

LEG. CRECCA:

But that is a public purpose.

LEG. VILORIA • FISHER:

So that they can do their sale of the property, so that a private developer can sell parcels three, four and five. So we need to be very candid and just move this to the level of a local law. At least we would be addressing the importance of our development rights program.

LEG. MYSTAL:

Can I ask ••

CHAIRMAN ALDEN:

Next on the list, Legislator Mystal.

LEG. MYSTAL:

Can I ask Counsel a simple question? Let's say somebody had a piece of land that is surrounded by the Pine Barrens and wanted to have access to that piece of land by asking us for a tap road from wherever •• it's not different, I'm just asking the question. It may be different Mr. O'Leary. I'm all for that tap road. I don't have a problem with the tap road, because I think it should be for the business. The point, I think, Legislator Fisher, is addressing is setting the precedence as to how we do it. I'm asking the question if somebody had a piece of land adjacent to the Pine Barrens that we have bought development rights or a farm where we had bought the development rights and couldn't get access to it, could we •• or under what mechanism would we be able to sell that person access right to that land? Okay? Under what, you know, what mechanism would we use.

MS. KNAPP:

In part, the answer to that question might be dependant upon exactly the level of whether or not it was dedicated parkland that required even state legislation in order •• in order to be able to grant either an easement or convey the property. There is some property rights that are embodied in the •• if it's dedicated parkland ••

LEG. MYSTAL:

I'm not talking •• I know the dedicated parklands require a lot of things. I'm not talking of dedicated parkland, I'm talking about let's say we bought the development rights to a piece of property let's say somewhere on the East End, let's say we bought the development rights to a farmland, and we have that and somehow somebody has a piece of land that you cannot access unless you go through that farmland and build a road. Now what mechanism would we use to grant that person access? Because I think •• you know, I'm trying to get away from the fact

that this is fireworks, Gruccis and buffers. What is the mechanism we as a Legislature would follow to grant somebody access to a piece of land that they own that is their's that they want to develop? I mean, I'm not in the business of trying to make people stop developing their land or using something they paid for.

MS. KNAPP:

Unfortunately, I think you really want is one simple answer, and I don't think there is a simple answer because it depends upon •• it depends upon a lot of things; any covenants you might have imposed when you bought it, what kind of money, I mean, environmental facilities corporation money, my recollection is, is that if you use that type of money to buy a piece of property, then your obligations became more stringent then if you were to use just County operating funds. So there isn't just one answer I don't think to that question.

LEG. CRECCA:

Mr. Chairman.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

I think a final comment with respect to the concerns that have been addressed here about the environmental impact. And I agree with Legislator Fisher with respect to that. But I think that you have to look at the unusual special circumstances regarding this particular application. And the history of this particular parcel is 88 acres and how it came to be and what the purpose of it was for initially. Now, perhaps back then in 1985 or '86, there was an understanding that that agreement between Starlight Properties and the County and the towns etcetera would be in perpetuity. Well, that's not the case. Certainly I could understand and agree with some of the my colleagues that if it was the current owner of the properties all 88 acres who was seeking to get tap roads for access to the current business, then it would warrant especially close scrutinization on our part for purposes of denying this. But this is not the case here. This is the case of a large parcel of commercial industrial properties that are being looked •• that are looked to being sold by the owner of properties who has downsized his initial business substantially, and in order to do that, to pursue those sales, there's a requirement of the tap roads placed upon him to do this. So, you know, just referring back to my previous comments that the whole purpose of this buffer zone was not for purposes of protecting the environment

or having any environmental impact, it was for a safety buffer zone. And as Legislator Fisher correctly eluded to, the various civics in this particular area have no problem whatsoever with this initiative being pursued. And as I point out again, it's the Empire Zone, and it's strictly commercial and industrial. There will be no residences. And there are three potential businesses that would be purchasing those properties. And ultimately, as I said before, this is an easement that they're giving to the Town of Brookhaven, and ultimately, the final decision will be made by the Town of Brookhaven with respect to this particular issue and the owner of the property.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. MYSTAL:

Quick question for the legal expert and also for the pending department, can we be sued for doing this.

CHAIRMAN ALDEN:

In America, you can be sued for anything, absolutely.

LEG. MYSTAL:

I know that. I'm talking about, you know ••

CHAIRMAN ALDEN:

We've been sued to provide access ••

LEG. MYSTAL:

Sued with some kind of a leg to it.

CHAIRMAN ALDEN:

But we've been sued. The County of Suffolk has been sued to provide access over property, even if they're dedicated lands to provide access to other owners. So anybody can sue in this Country.

LEG. MYSTAL:

I mean, can we be sued for not giving access?

LEG. CRECCA:

Yes.

LEG. MYSTAL:

I know we can. We can be used for anything we do. Can we be sued for not giving access ••

CHAIRMAN ALDEN:

For anything you do or don't do, you can be sued. This is America. Legislator Crecca.

LEG. CRECCA:

You know, just to the County Attorney, to Ms. Braddish, I've reviewed the resolution. All the resolution does is issue this Legislature's authority to allow the tap roads to be built upon payment of a sum due to the County. Let me finish. If you look at the resolution, it empowers the Division of Real Estate and authorizes them to execute all necessary and appropriate legal documents to the Town of Brookhaven for the easements, but then go on and read. We're not saying that you have to give all the development rights, it says, as may •• and to relinquish and extinguish any right, title, claim or interest held by the County only as much as is necessary for the construction of the two tap roads. I think we're misinterpreting it. We're not saying you have to grant all of the right, title and interest in that land.

LEG. VILORIA • FISHER:

I understand, it's for the tap roads.

LEG. CRECCA:

Correct. So it's really our decision how the Director of Real Estate issues, whether it's a deed, an easements, whether •• what the contract says will be up to the Executive Branch to determine only as far as they have to go. What this document is, is a policy document and authorization saying we're okay with the two top roads.

LEG. VILORIA • FISHER:

I think it should be a local law.

LEG. CRECCA:

Okay. And I wanted to make sure because I didn't understand that. And I feel comfortable with the two tap roads myself. I don't see a problem with it. I think that we want to promote

the development. Certainly this is not parkland, it's not dedicated land. And I'm not saying you don't ••

LEG. VILORIA • FISHER:

But what's the problem with doing it as a local law so we have a higher level of scrutiny.

LEG. CRECCA:

How does it have a higher level of scrutiny as a local law?

LEG. VILORIA • FISHER:

Because you have a hearing.

MS. BIZZARRO:

Just compensation.

CHAIRMAN ALDEN:

Hold on. Legislator Lindsay.

LEG. LINDSAY:

Just one question for the attorney for the owners. You portrayed that the Grucci Fireworks Company is going to have administrative offices on one the plots.

MR. GRUDER:

I believe Legislator O'Leary conveyed that.

LEG. LINDSAY:

Is there going to be any storage of fireworks?

MR. GRUDER:

I don't believe so, but I can't conclusively state one way or the other, Legislator Lindsay.

MS. BRADDISH:

I think at the Planning Commission it was indicated that it wasn't, it was administrative offices.

LEG. LINDSAY:

Because that's a really important issue. The whole reason that this whole thing came about with the buffers and everything else was because, you know, safety reasons.

MR. GRUDER:

Correct. Manufacturing as been moved to Virginia.

CHAIRMAN ALDEN:

We have to go one by one, because the stenographer is going to have a lot of trouble and I'm going to get in trouble and then you guys are going to get in trouble. Let's just one step at a time here. Legislator Lindsay, you all set?

LEG. LINDSAY:

Yep.

CHAIRMAN ALDEN:

Anybody else?

MS. BIZZARRO:

Just one final comment. The bottom line is this looks like a sale, is a sale, and that's exactly what it is. And it needs a local law, there has to be just compensation for this. There's been no appraisal done. That's a higher level •• as Legislator Fisher had stated, a higher level of scrutiny that this basically needs.

LEG. O'LEARY:

Legislator Alden, just one final comment on my part.

CHAIRMAN ALDEN:

Go right ahead, Legislator O'Leary.

LEG. O'LEARY:

I respect the opinion of the County Attorney, however, we have an opinion from Legislative Counsel that a local law is not necessary.

MS. KNAPP:

You haven't issued a written decision, have you, about the local law?

MS. BIZZARRO:

I haven't.

MS. KNAPP:

The reason •• my tremendous resistance to a local law is that we routinely do things like this where ••

LEG. VILORIA • FISHER:

Not with development rights. We don't do it with development rights. Mea, we have to respect the sanctity of development rights, otherwise we're betraying the trust of the taxpayers who are giving us money to buy development rights, and they're very expensive. We can't be fast and loose with them. We should at least let it be a local law for this. I completely disagree with you.

CHAIRMAN ALDEN:

We have a motion and a second. I'm going to make a motion to discharge without recommendation, seconded by Legislator Nowick. All those in favor? Opposed?

LEG. VILORIA • FISHER:

Opposed.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher is opposed. This is discharged. This is **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:6•1•0•0) (Opposed; Legis. Viloría•Fisher)**

INTRODUCTORY RESOLUTIONS

1567•2004. Authorizing certain technical correction to adopted Resolution No. 329 •2004. (COUNTY EXEC)

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN ALDEN:

Just a quick explanation. Lynne, are you going to give an explanation on it?

MS. BIZZARRO:

No, I'm not. I'm sorry.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher, do you know what it's about?

LEG. VILORIA•FISHER:

I think it was just a number change, a little change.

MS. KNAPP:

1567 changes the contractual budget period in Resolution 329, which dealt with a federal pass
•through grant for FRES.

CHAIRMAN ALDEN:

Okay. So we have a motion and I'll second. All those in favor? Opposed? That's **approved**.

(VOTE:7•0•0•0)

**1569•2004. Authorizing certain technical correction to adopted Resolution No. 255
•2004. (VILORIA•FISHER)**

LEG. VILORIA•FISHER:

That was just ••

CHAIRMAN ALDEN:

Motion to approve by Legislator Fisher, seconded by myself.

LEG. VILORIA•FISHER:

It was just the wrong tax map number on that.

CHAIRMAN ALDEN:

All those in favor? Opposed? 1569 is **approved**. **(VOTE:7•0•0•0)**

**1576•2004. Authorizing certain technical correction to adopted Resolution No. 434
•2004. (COUNTY EXEC)**

CHAIRMAN ALDEN:

Anybody have a brief explanation?

MS. KNAPP:

This changed the revenue classification on the airport bill, 434 of 2004.

LEG. VILORIA • FISHER:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Vilorina•Fisher, seconded by Legislator O'Leary. All those in favor?
Opposed? That's **approved. (VOTE:7•0•0•0)**

**1577•2004. Authorizing certain technical correction to adopted Resolution No. 498
•2004. (COUNTY EXEC)**

LEG. VILORIA • FISHER:

Motion.

CHAIRMAN ALDEN:

Brief explanation.

MS. KNAPP:

This one ••

LEG. CRECCA:

It just changes the code number.

MS. KNAPP:

Capital Project Number and Resolution 498, which dealt with the fire alarm system and intrusion alarm system.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by Legislator Lindsay. All those in favor? Opposed?

That's **approved. (VOTE:7•0•0•0)**

**1579•2004. Authorizing certain technical correction to adopted Resolution No. 153
•2004. (COUNTY EXEC)**

LEG. CRECCA:

Again, I'll motion to approve.

MS. KNAPP:

It changes the fund number.

CHAIRMAN ALDEN:

Seconded by Legislator Vioria•Fisher. All those in favor? Opposed? 1579 is **APPROVED.**
(VOTE:7•0•0•0)

**1580•2004. Adopting Local Law No. 2004, a Local Law to amend Financial Disclosure
Law. (CARACCIOLO)**

MS. JULIUS:

Mr. Chairman, it has to be tabled.

CHAIRMAN ALDEN:

I'm sorry, Ilona.

MS. JULIUS:

It has to be tabled for a public hearing.

CHAIRMAN ALDEN:

Motion to table by myself •• actually, we don't •• we don't have to do anything. It's just
automatically put on. So that we pass over because it's basically going for a public hearing.

LEG. CRECCA:

The new rule.

CHAIRMAN ALDEN:

New rules.

1593•2004. Approving the appointment of Gregory Byrne to Detective/Lieutenant in the Suffolk County Police Department.

(COUNTY EXEC)

CHAIRMAN ALDEN:

This must be a disclosure. Do we have an explanation on it?

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator O'Leary, seconded by myself. Legislator O'Leary.

LEG. O'LEARY:

I looked into this particular motion, and the individual is a Lieutenant who is looking to become a non civil service type of appointment to Detective Lieutenant. As per the Local Law 26, he is the spouse of a Sergeant, a Patrol Sergeant, and as per the provisions of Local Law 26, this requires approval. I just want to make a comment with respect to local law, and I want my colleagues to know that those of us in my previous life when I was in the Police Department, we found this particular law to be ••

LEG. VILORIA•FISHER:

Obnoxious.

LEG. O'LEARY:

Yes. To say the least. I mean, I can understand the impact of nepotism, etcetera, but this language of this provision of the local law goes down to the detectives and sergeants and lieutenants and captains who for the most part are not policy makers within the department. I can see if there was a provision in the law was a relation to somebody with the rank of Deputy Inspector and above who are, in fact, the policy makers of the department. But, I mean, as is, this is a perfect example of a lieutenant where the department is looking to promote him to detective lieutenant, and he is married to a uniformed sergeant who has little or no bearing whatsoever with respect to policy making within the department.

CHAIRMAN ALDEN:

This seems to maybe even intrude upon the sanctity of marriage, because he is actually being elevated above her.

LEG. O'LEARY:

Well, he was above her anyway because he was a lieutenant.

LEG. CRECCA:

On a more serious note, Legislator O'Leary. If I can, Mr. Chairman. Legislator O'Leary, why don't you just •• why don't we •• because we've talked about this before. We should just take a look at that and make the changes. I'll carry the bill if you want. I'll sponsor it. We should just do that because ••

LEG. O'LEARY:

I have intentions of doing just that, perhaps amending the particular law, not repealing it in its totality, but addressing the issue where if the someone is being considered for an appointment, a non civil service type appointment, in the department that just by way of explanation to my colleagues, that's detective, detective lieutenant and deputy inspector and above; deputy inspector, inspector, deputy chief, assistant chief and chief. Currently •• currently if a detective was married to a deputy inspector who wants to be promoted to inspector, it would have to come to this body. It just doesn't make any sense. I think if you focus on the policy makers within the department who are the deputy inspectors and above, this would be a much more effective law. Just a comment on my part.

CHAIRMAN ALDEN:

Motion and a second. All those in favor? Opposed? That's

Approved. (VOTE:7•0•0•0)

1598•2004. Authorizing the sale of County owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Babylon for affordable housing purposes. (COUNTY EXEC)

CHAIRMAN ALDEN:

Somebody is here from Division of Real Estate to speak on some of these. Just put your appearance on the record.

MS. LONGO:

Janet Longo, I'm assistant to the Director of Real Estate.

CHAIRMAN ALDEN:

This is transferring property to the Town of Babylon for affordable housing purposes, a normal 72•H, right?

MS. LONGO:

That's correct.

CHAIRMAN ALDEN:

Very good. Motion by Legislator Lindsay, seconded by Legislator Mystal. All those in favor? Opposed? That's **APPROVED. (VOTE:7•0•0•0)**

1603•2004. Authorizing the Director Of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, pursuant to Section 40•D of the Suffolk County Tax Act. (COUNTY EXEC)

LEG. O'LEARY:

Motion.

LEG. NOWICK:

Second.

CHAIRMAN ALDEN:

Just a brief explanation.

MS. LONGO:

That was an erroneous assessment. It was being doubly assessed by the town, and there was a request from the town assessor to abandon the taxes.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed? That's **approved. (VOTE:7•0•0•0)**

1604•2004. Sale of County owned real estate pursuant to Local Law 13•1976,

Thomas Marron. (COUNTY EXEC)

MS. LONGO:

That was a sale to an adjoining owner. It sold for \$3,010, and the appraised value was 2800.

CHAIRMAN ALDEN:

okay. We have same motion, same second, same vote. That's

APPROVED. (VOTE:7•0•0•0) .

1605•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Robert Gallo, Executor of the Estate of Mary Gallo. (COUNTY EXEC)

LEG. VILORIA•FISHER:

Motion.

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

As of right. Motion by Legislator Viloría•Fisher, seconded by Legislator O'Leary. All those in favor? Opposed? That's

APPROVED (VOTE:7•0•0•0) .

1606•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Robert Gallo, Executor of the Estate of Mary Gallo. (COUNTY EXEC)

LEG. VILORIA•FISHER:

Same motion.

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **APPROVED. (VOTE:7•0•0•0)**

1607•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Robert E. Middleton, Executor of the Estate of Eugene L. Middleton a/k/a Eugene Luther Middleton a/k/a Eugene Middleton. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

As of right. Same motion, same second, same vote. That's

APPROVED (VOTE:7•0•0•0)

1608•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Deborah Elizabeth Conklin Geppert. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

As of right. Same motion, same second, same vote. That's **APPROVED (VOTE:7•0•0•0•0)**

1609•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Irwin Seeman. (COUNTY EXEC).

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED (VOTE:7•0•0•0•0)**

1610•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Robert Edgar Pless, Jr.

Executor of the Estate of Ruth Phillips. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

As of right. Same motion, same second. That's **approved. (VOTE:7•0•0•0)**

1611•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Katrine Eugene. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second. That's **APPROVED (VOTE:7•0•0•0)**

1612•2004. Authorizing the sale pursuant to Local Law 16•1076, of real property acquired under Section 46 of the Suffolk County Tax Act, Christine Milano. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second. That's **approved. (VOTE:7•0•0•0)**

1617•2004. Consenting to a realignment of a right of way easement to the Suffolk County Police Facility in Westhampton. (COUNTY EXEC)

MS. LONGO:

That's simply moving the easement. Right now it goes right up the center of the property to the south that's going to be developed. They just want to move the easement over to the west.

LEG. CRECCA:

What the heck's the difference between this and the other one?

CHAIRMAN ALDEN:

Any other questions?

LEG. CRECCA:

No.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by Legislator Viloría•Fisher. All those in favor?
Opposed? That's **APPROVED. (VOTE:7•0•0•0)**

1618•2004. Authorizing the sale of County owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Babylon for affordable housing. (COUNTY EXEC)

CHAIRMAN ALDEN:

Motion by Legislator Mystal, seconded by Legislator Viloría•Fisher. All those in favor?
Opposed? 1618 is **approved. (VOTE:7•0•0•0)**

1621•2004. Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 2, Straight Path at Mount Avenue, Town of Babylon, Suffolk County, New York. (COUNTY EXEC)

LEG. MYSTAL:

Motion to approve.

CHAIRMAN ALDEN:

Motion and a second by Legislator Viloría•Fisher. All those in favor? Opposed? That's **approved. (VOTE:7•0•0•0)**

1622•2004. Establishing new County policy on use of County Clerk's Office for title examination purposes. (COUNTY EXEC)

LEG. VILORIA•FISHER:

Motion.

LEG. LINDSAY:

Second.

CHAIRMAN ALDEN:

Motion by Legislator Vloria•Fisher, seconded by Legislator Lindsay.

LEG. CRECCA:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca, seconded by Legislator Nowick. On the motion, just a brief explanation on that also.

MR. ZWIRN:

The establishes a lottery system for title examiners and title companies for using the Clerk's space. So it goes out to a lottery so it's a fair system, everybody gets a chance to compete for it. It codifies what's going on •• the law expires, so there was really no set plan in place. This sort of just puts •• what we've been doing in the past, it just puts it •• it makes it the law.

CHAIRMAN ALDEN:

What's the difference between this one and the one the Clerk came to us with? He said he wanted to continue the use now, so he had to do a little ••

MR. ZWIRN:

I think this is what they were doing before. According to the bill if you read it, it just says that 809 of 1997 has expired regarding a licensing program, and this continues it.

CHAIRMAN ALDEN:

Is there any •• are we under time constraints to do something here? Just when we start the construction it's going to be very critical, right?

MR. ZWIRN:

Well, there's space there now, but it will be more critical when ••

CHAIRMAN ALDEN:

I apologize to the committee, I didn't contact the County Clerk for input on this. I would seek your indulgence just to table it for one cycle, and I'll get in contact with him.

LEG. CRECCA:

One concern I have just too, and it could have been in the old law too, I have no idea, but you're you basically saying they have to be doing title examination for at least two years prior to being part of this lottery.

MR. ZWIRN:

Correct.

LEG. CRECCA:

I don't know if that's so fair.

CHAIRMAN ALDEN:

There's a constitutional problem possibly.

LEG. CRECCA:

I don't know. I just bring it up, it's something to look at though. And that was probably there before, by the way, I just think it might •• it's •• there might be problems •• that's a pretty hefty requirement.

CHAIRMAN ALDEN:

We have a motion to approve and a second. We have a motion to table and a second. The tabling motion takes precedence. All in favor of tabling, aye? Opposed to tabling. Okay. That's **TABLED** for one cycle. **(VOTE:7•0•0•0)**

I will contact the County Clerk's Office. I apologize.

1627•2004. Authorizing legal action against oil companies to obtain price relief for consumers. (LINDSAY)

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Make a motion.

CHAIRMAN ALDEN:

Motion to approve by Legislator Lindsay, second by Legislator Mystal. On the motion, Ben.

MR. ZWIRN:

Thank you, Mr. Chairman. I would just ask, and I had had a conversation with the Counsel of the Legislature prior to meeting today, and just if she could provide any background information and research that she has done on this to turn it over to the County Exec •• County Attorney's Office so they could have a starting point.

CHAIRMAN ALDEN:

If this is passed?

MR. ZWIRN:

That's correct, if it's passed.

CHAIRMAN ALDEN:

Or even if it's tabled to get the information ••

MR. ZWIRN:

Either way. It was a friendly exchange. So if there's information that the Counsel has done, any background information on this, it would just be helpful.

CHAIRMAN ALDEN:

We have a motion to table by Legislator Nowick, seconded by myself. Legislative Counsel, go ahead. Legislator Lindsay.

LEG. LINDSAY:

Thank you, Mr. Chairman. Maybe Budget Review could tell us how much money have we collected so far from the pharmaceutical suit? Do you know that by chance, Jim?

MR. SPERO:

I think it's around a million dollars, in that neighborhood. The suit is still going on.

LEG. CRECCA:

Is this lawsuit supposed for an anti-trust matter?

LEG. LINDSAY:

Well, it was similar in a way. I think it's probably the closest thing that we can relate to in that we are maintaining with the pharmaceutical lawsuits that we were being priced gauged. And as a major consumer of pharmaceuticals in Suffolk County, we had standing. At the time that we had initiated that it was kind of a long shot, there's no doubt about it. But is materialized. What I'm proposing here is to follow that same pattern. If we can get an attorney who will take it on consignment and it doesn't cost us any money, then we should pursue it. It might catch on like the pharmaceutical suit. There's no doubt about it. I think everybody can agree that the amount of increase in the cost the gasoline over the six months is certainly excessive. And, you know, it's just I'd like to pursue.

CHAIRMAN ALDEN:

I'm just going to recognize myself for a brief comment. I support the concept of doing this, because I think the testimony showed at the last committee meeting that possibly there's some kind of conclusion or at the very least those integrated companies are able to charge us more than they really should be, if there was competition, the price would probably come down. With similar legislation that I introduced, we're suing the major oil companies for the pollution, MTBE, and I followed Legislature Vilorio-Fisher's lead on some of the information she developed on how serious and damaging that could be. I think it would be helpful if we could maybe even call in a couple of law firms to see if we have legal theories and if there is an ability for legal action to proceed. Rather than, you know, like out the cart before the horse. Do it that way. Legislator Crecca.

LEG. CRECCA:

Legislator Fisher had her hand up first.

CHAIRMAN ALDEN:

Legislator Fisher.

LEG. VILORIA-FISHER:

Mr. Chair, a few years ago I remember you addressing this where you were looking at the prices that were very high in some areas, discriminatory pricing. What •• can you just refresh my memory on that?

CHAIRMAN ALDEN:

We looked into the possibility of bringing a lawsuit because of zone pricing. Then •• I guess the best way to phrase that is there's a legitimate reason to have different zones it it's to do with transportation. But if it's to discriminate against somebody, then it's illegal. Again ••

LEG. VILORIA • FISHER:

And did we ever go forward with that?

CHAIRMAN ALDEN:

We never developed enough evidence that would allow us to go hire an attorney to go sue those companies because they had the cover of geographics.

LEG. VILORIA • FISHER:

That's what concerns me about this, because I remember that you were very concerned about that and you worked very hard on following up on that, and yet we were never able to move forward because there are so many different factors and variables involved in the prices of the different gas stations.

CHAIRMAN ALDEN:

What happened was a lot of the companies changed their zoned price too to, I guess, come more in conformity ••

LEG. VILORIA • FISHER:

So you had the impact.

CHAIRMAN ALDEN:

Right. Motion to table and a second. I'm going to call the vote on the tabling motion. All in favor? Opposed?

LEG. LINDSAY:

Opposed to table.

LEG. MYSTAL:

I'm opposed to table that.

CHAIRMAN ALDEN:

1627 is tabled.

1628•2004. Institute E•mail announcement of County bid offerings. (COOPER)

CHAIRMAN ALDEN:

Do we have a motion?

LEG. VILORIA•FISHER:

I'll make a motion to approve for the purposes of asking questions.

CHAIRMAN ALDEN:

Motion to approve by Legislator Viloría•Fisher, seconded by Legislator Mystal. On the motion.

LEG. VILORIA•FISHER:

May I ask Counsel about this? We have very strict laws regarding the advertising of proposed RFPs, requests for RFPs, etcetera. How can one verify where all of these e•mails are going; if they've been opened, if they've been received? How do we conform to the rules with the internet? I'm not certain how that would work here.

MS. KNAPP:

The County Attorney's Office actually forwarded to Legislator Cooper, which he forward to me, some suggestion which we've incorporated into the most recent version of this bill that we filed that makes it clear this e•mail announcement system that Legislator Cooper is proposing is certainly not instead of the County bid process, it is a supplement to the bid so that it allows •• well, basically what he's intending here is to make sure all bid information is available on the internet and to allow potential bidders to literally sign up for the bid through the internet.

LEG. CRECCA:

Where does it say in here it's not exclusive?

MS. KNAPP:

Do you have the version from June 14th? It says it adds language in the fifth whereas clause in the first resolved clause, making it clear that the system will supplement and not •• the new language now says that in addition •• resolved, that in addition to complying with state law requirements, the Commissioner of Public Works and the Director of Purchasing are authorized and para directed to institute an e•mail bid announcement system that would notify all registered potential bidders of any bid announcement or RFP opportunity.

CHAIRMAN ALDEN:

We have a motion to approve, we have a second. All those in favor? Opposed? 1628 is

APPROVED. (VOTE:7•0•0•0)

CHAIRMAN ALDEN:

I'm going to make a motion to reconsider 1622. We have information from the County Clerk that he neither is in favor nor opposes 1622. So I make a motion to reconsider, seconded by Legislator Crecca.

LEG. CRECCA:

No.

LEG. VILORIA•FISHER:

I'm make a second to reconsider.

CHAIRMAN ALDEN:

Legislator Vilorina•Fisher seconds. All those in favor? Opposed? 1622 is before us again, establishing a new County policy on use of County Clerk's Office for title examination purposes.

LEG. VILORIA•FISHER:

Motion to approve.

LEG. CRECCA:

Motion to discharge without recommendation.

CHAIRMAN ALDEN:

Legislator Crecca makes a motion to discharge without recommendation, I'll second. All in favor? Opposed? 1622 is **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:7•0•0•0)**

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CHAIRMAN ALDEN:

I think Ben Zwirn is still here. The County Executive's Office should still look at the constitutionality of that, because it's going to be an issue when it comes before the full Legislative body.

LEG. CRECCA:

Yeah. If we can get comments from the County Attorney on this bill as well as our own Legislative Counsel.

CHAIRMAN ALDEN:

At the full session.

1629•2004. Adopting Local Law No. 2004, a Local Law to extend and further strengthen the reporting for the anti•nepotism statute. (CARACCIOLO)

MS. JULIUS:

Mr. Chairman.

CHAIRMAN ALDEN:

I'm going to make a motion to table, seconded by Legislator O'Leary so that the sponsor can maybe coordinate with Legislator O'Leary and ••

LEG. CRECCA:

We can't do anything on this. It needs a public hearing.

CHAIRMAN ALDEN:

We don't have to touch it. **(TABLED FOR A PUBLIC HEARING)**

1638•2004. Authorizing the extension of a lease of premises located at 375 Commack Road, Deer Park, NY for the Second District Court. (COUNTY EXEC).

LEG. O'LEARY:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed?

APPROVED. (VOTE:7•0•0•0)

1640•2004. Authorizing the extension of a lease of premises located at 1330 Motor Parkway, Hauppauge, New York, for use by the Department of Health Services. (COUNTY EXEC)

LEG. O'LEARY:

Motion.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0)**

1643•2004. Authorizing the commencement of eminent domain proceedings for land adjacent to Lake Ronkonkoma Park. (CRECCA)

CHAIRMAN ALDEN:

Motion by Legislator Crecca to approve, seconded by Legislator O'Leary. On the motion. Legislator Crecca?

LEG. CRECCA:

Yes.

CHAIRMAN ALDEN:

What's the use of the property?

LEG. CRECCA:

Currently •• it's current use?

CHAIRMAN ALDEN:

No. We're going to use eminent domain.

LEG. CRECCA:

It's going to be to make safety improvements to the entrance to Lake Ronkonkoma County Park.

CHAIRMAN ALDEN:

So it's a normal road improvement type of ••

LEG. CRECCA:

No. It's part •• it will be incorporated as part of the park. I don't want to give anyone the misimpression that it's parklands. It's Lake Ronkonkoma County Park. The entrance currently now cuts through a little road that goes into the park, because Smithtown Boulevard has sort of a blind curve there. So we couldn't put the entrance of the park around that blind curve. We're going to reconfigure the entrance and the parking to the County Park, but it has to do also with the ability then if we take this we can probably do an entrance ramp into the park so that it doesn't conflict with the traffic.

CHAIRMAN ALDEN:

We're doing it for traffic considerations, not for preservation of property.

LEG. CRECCA:

We're doing it for improvement to the access to the park off a County Road as well as expanding the parking area of the park.

CHAIRMAN ALDEN:

Okay. Because if we were doing this acquisition for the acquisition of parkland, that's a very expensive way to do it.

LEG. CRECCA:

It is. And this is a unique situation. I've spoken to members of Planning, Counsel before moving forward with this resolution, just so you are aware, it is legal and proper to do it this way.

CHAIRMAN ALDEN:

I didn't say it wasn't legal and proper, it's expensive. Okay. We have a motion and a second to approve 1643. All in favor? Opposed?

APPROVED. (VOTE:7•0•0•0)

LEG. LINDSAY:

Cosponsor.

CHAIRMAN ALDEN:

Put me down as cosponsor also.

SENSE RESOLUTIONS

S•52. Sense of the Legislature resolution requesting New York State allow tax free gasoline for the July 4th and Labor Day weekends. (CARPENTER).

LEG. LINDSAY:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by myself. All those in favor? Opposed? Sense 52 is **APPROVED. (VOTE:7•0•0•0) .**

LEG. NOWICK:

Cosponsor.

S•54. Memorializing resolution requesting State of New York to extend Emergency Tenant Protection Act of 1974 to Suffolk County Senior Citizens. (VILORIA•FISHER)

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Viloría•Fisher.

LEG. CRECCA:

Motion to table subject to call.

CHAIRMAN ALDEN:

There's a second by Legislator Mystal. There's a motion by Legislator Crecca to table subject to call.

LEG. MYSTAL:

On the motion.

CHAIRMAN ALDEN:

Is there a second?

LEG. CRECCA:

I might be looking at the wrong bill. Hold on, guys.

LEG. MYSTAL:

What is your strong objection to that. The way you said that is like you're chopping heads.

CHAIRMAN ALDEN:

We have a time out.

LEG. CRECCA:

It's rent control, right?

LEG. VILORIA • FISHER:

It's not rent control. It's the oversight of the increase for rents of senior citizens.

LEG. CRECCA:

Just another word for rent control. I apologize, I don't mean to laugh. I don't want to •• I don't need to get into a long winded debate, but I've come out against rent control, this Legislature has spoken against rent control in the past.

LEG. VILORIA • FISHER:

Some members of the Legislature.

LEG. CRECCA:

Not every single one of us, but the majority of us have.

CHAIRMAN ALDEN:

All right. So you're going to stick with your motion to table subject to call. Is there a second on that motion? Legislator O'Leary seconds that.

CHAIRMAN ALDEN:

On the motion, Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Motion to table.

CHAIRMAN ALDEN:

I'll second the motion to table. I'll withdraw my table subject to call. I'll second the motion to table.

CHAIRMAN ALDEN:

So we're voting on a motion to table. All those in favor? Opposed? No opposition. Sense 54 is **TABLED. (VOTE:7•0•0•0)**

S•55. Memorializing resolution in support of State of New York legislation to exempt gasoline from sales tax for the summer season. (ALDEN)

CHAIRMAN ALDEN:

I'm going to make a motion to approve.

LEG. MYSTAL:

Good luck.

LEG. NOWICK:

Second. Cosponsor.

CHAIRMAN ALDEN:

Seconded by Legislator Nowick. All those in favor?

LEG. VILORIA • FISHER:

I'm opposed.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher is opposed. **APPROVED. (VOTE:6•1•0•0) (Opposed; Legis. Viloría • Fisher).**

LEG. VILORIA • FISHER:

Get out of your SUVs.

**S•56. Sense of the Legislature resolution requesting a cap on sales tax on gasoline.
(BINDER)**

CHAIRMAN ALDEN:

Motion by myself, seconded by Legislator Lindsay. All those in favor?
Opposed?

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher is opposed. **APPROVED. (VOTE:6•1•0•0) (Opposed; Legis.
Viloría•Fisher).**

**S•58. Sense Resolution calling on Suffolk County Executive Levy to authorize closing
of non•essential County offices in observance of the death of President Ronald
Regan. (BINDER)**

LEG. CRECCA:

Motion to table subject to call.

LEG. O'LEARY:

Motion to table 58 and 59.

CHAIRMAN ALDEN:

Motion to table subject to call, seconded by myself. I'll speak to the sponsor. Sense 58 is
TABLED SUBJECT TO CALL. (VOTE:7•0•0•0)

**S•59. Sense Resolution calling on all Town Supervisors in Suffolk County to authorize
closing of all non•essential offices in observance of the death of President Ronald
Regan. (BINDER)**

CHAIRMAN ALDEN:

Same motion, same second, same vote.

TABLED SUBJECT TO CALL. (VOTE:7•0•0•0)

LEG. O'LEARY:

Mr. Chair, did you move on the Consent Calender?

CHAIRMAN ALDEN:

I'm going to do that right now. We have a motion by Legislator O'Leary, seconded by myself to place on the Consent Calender •• everyone stay with me •• Introductory Resolutions **1567, 1569, 1576, 1577, 1579, 1598, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1617, 1618, 1621,** 1643, I think that's it. All right, we have an objection on 1643. Cut it off before that. Put **1643** back on the **Consent Calender**. Any other business to come before the committee? Hearing none, we stand adjourned.

(* THE MEETING WAS ADJOURNED AT 1:00 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**