WAYS AND MEANS COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on September 5, 2012.

Members Present:
Legislator Montano - Chairman
Legislator Stern - Vice-Chair
Legislator Calarco
Legislator Nowick
Legislator Kennedy

Also In Attendance:
George Nolan - Counsel to the Legislature
Legislator Browning - Legislative District No. 3
Sarah Anker - Legislative District No. 6
Alicia Howard - Legislative Aide
Ben Zwirn - County Executive's Office
Tom Vaughn - County Executive's Office
Laura Halloran - Budget Review Office
Bernie Pernice - Budget Review Office
Paul Perillie - Aide to Legislator Gregory
Bill Shilling - Aide to Legislator Anker
Robert Martinez - Aide to Chairman Montano
Ali Nazir - Aide to Legislator Kennedy
Sarah Lansdale - Suffolk County Director of Planning
Andrew Kaufman - Brookhaven Rail Terminal
Michael Kaufman - Chairman CEQ
Ted Mills - Oakland Transportation
Neil Gianelli - Senator Addabbo, Jr.'s Office
Alex Schnell - Assemblyman Andrew Hevesi's Office
Ed Cataldo
John Palasek - South Yaphank Civic Association
MaryAnn Johnston - ABCO
Johan McConnell - South Yaphank Civic Association
John McConnell - South Yaphank Civic Association
Patricia Burkhart - Friends of Edgewood Preserve
Don Seubert - Civic Member
Linda Petersen
Kathleen Madigan
All Other Interested Parties

Minutes Taken By:
Lucia Braaten - Court Stenographer

Minutes Transcribed By:
Gabrielle Skolom - Court Stenographer
Denise Weaver - Legislative Aide

(*The meeting was called to order at 10:10 a.m.)

CHAIRMAN MONTANO:
We're going to start the meeting of the Ways and Means Committee. Please come to order. We're going to start with the Pledge of Allegiance, led by Legislator Kennedy.

(*Salutation*)

Thank you. You may be seated. Okay. We're going to come right to order. We're going to -- some correspondence that we passed out. There was a letter dated August 30th from the Long Island Builders Institute regarding the sale of the property. I think everybody has a copy of that. I did receive a number of e-mails from constituents opposed and/or in support of the land sale -- we'll get to that in a couple of minutes -- if anyone wants copies of those or didn't get them, and I believe all the Members of the Committee received those e-mails. And with that, we'll get right into the public portion. We have a number of cards. First one is Neil C. Giannelli. Neil, are you with us? How are you?

MR. GIANNELLI:
Good.

CHAIRMAN MONTANO:
I understand you're representing State Senator Joseph Addabbo out of Queens, right?

MR. GIANNELLI:
Yes, sir.

CHAIRMAN MONTANO:
I think you have to press down the button there.

MR. GIANNELLI:
I just want to thank you for the opportunity, coming out from Queens to beautiful Suffolk County, an opportunity to speak. As you mentioned, I work for State Senator Joe Addabbo, represents the 15th Senate District in Queens, the neighborhoods of Ridgewood, Glendale, Middle Village, and Maspeth. I believe it's Resolution 1695 I'm speaking to. We oppose the expansion on principle of the Brookhaven Terminal without a simultaneous installation of sound barriers, silent switches, other amenities in our part of the State, in Queens. This -- maintain the character of that neighborhood. This really isn't the issue for the Suffolk County Legislature -- we understand this -- but the existing conditions are horrible -- already horrible for the neighborhood, and we believe that this measure will simply make that -- make that worse. The diesel fumes, the unearthly crash of boxcars, the noxious odors. My office gets reports all the time from constituents; some of them are here. These constituents will tell you. Trains are moving in. They're coupling and uncoupling cars 3:00, 4:00, 5:00 in the morning, and it would go on, you know, for hours at a time and then start again, and this goes six days a week. All right.

We feel that the Federal Government -- the Senator feels that the Federal Government has failed to take notice of this disruption, if not destruction, of a once-quiet middle class neighborhood in Queens, and now it just seems that Suffolk County unwittingly is sort of piling on. The Fresh Pond Yards in Glendale, Queens is only 10 acres in size. It has 15 tracks, and the extra traffic from the proposed Brookhaven Terminal expansion looms to the good people of Queens as a tsunami. We're just terrified the number of new trains that's going to come in. And so we bring this fight to Hauppauge not with the expectation of success, but to register our displeasure and opposition.

All right? We want -- we want it somewhere. We want somebody to notice that, and particularly Joseph Addabbo, on behalf of his constituents in the 15th Senate District, we oppose the expansion of the Brookhaven yards without some mitigation of the conditions in Queens. Thank you.

CHAIRMAN MONTANO:
All right.

(*Applause*)

We have nine cards today, so I don't want to get too -- we have 10, actually, so I don't want to get too hung up on questions. What I would ask you, as a professional courtesy, is that you put some of these concerns either in a memo or an e-mail or a letter to myself, as Chairman, and, if you'd like, you can copy all the members of the Committee.

MR. GIANNELLI:
Thank you. Thank you very much.

CHAIRMAN MONTANO:
I see Newsday just walked in. He kind of missed all your comments.
If you send that over, we'll certainly take a look at it. Okay, Neil?

LEG. KENNEDY:
Mr. Chair?

CHAIRMAN MONTANO:
Hold on, Neil. I think you're not done yet. Welcome to Hauppauge.

LEG. KENNEDY:
Obviously, I'm going to defer to the Chairman's schedule and the fact that we do have these nine cards. However --

CHAIRMAN MONTANO:
Ten.

LEG. KENNEDY:
I'm sorry, 10 cards. Certainly for me, I have not had before me nor had brought to my attention the fact that the Brookhaven Rail Terminal, in fact, may have some type of a -- I think what you're saying is is a linking or expansion impact associated with the Glendale yards; is that what you're trying to get across to us?

MR. GIANNELLI:
Right. What's occurred -- what's occurred is that the City has to move its trash, no longer can move its trash by barge, and so it's being done by rail, considered to be the more environmentally sound method of doing this. What's happening is that the -- this is a private company, the rail company is private and they're under the jurisdiction of the Federal Government, and so the State and the County really has no -- no lever on them. There are technologies, there are technologies in existence today that could be adopted with -- they're still using what they refer to as "Tier Zero"; that's an analog term, a Tier Zero locomotive, to move this trash through, and the answer is because it's not cost-effective. You know, once they get enough garbage moving through this neighborhood, it will become cost effective, and they can improve the -- upgrade the rails and upgrade the switches and all this stuff.

In the meantime, this is a neighborhood where the property values are being decimated, the quality of life is going down the dumps and what our constituents see in the Brookhaven Terminal is just, you know, downstream or upstream -- I guess that would be upstream, is this -- this huge marshaling yard for rail traffic that's going to come squeezing through this small -- this small area in the Glendale yards. And we're just -- we're just very, very afraid of what's going to happen down the line. If we're not getting -- we're not getting the answers from -- I'll be honest; we're not getting the answers from our elected officials that we want to hear.

LEG. KENNEDY:
Again, I would be happy to take a look at some of those concerns of the Senator and I'll defer again to the Chairman's request.

MR. GIANNELLI:
Thank you.

LEG. KENNEDY:
If you could bring that to my attention, I'd be happy to see whether or not this was something that was even raised or reviewed --

MR. GIANNELLI:
All right.

LEG. KENNEDY:
-- in the environmental assessments. I know I've read from BRT that there was a NEPA review conducted. However, any time you take a system and begin to demonstrate that, in fact, there are impacts associated with development of one area that will then, in fact, impact another area. It's incumbent on whatever the review is, the environmental review, be it SEQRA or NEPA, to at least address that. So thank you for you coming.

CHAIRMAN MONTANO:
Okay. Anything you send me, I will share with the Members of the Committee.

MR. GIANNELLI:
All right.

CHAIRMAN MONTANO:
One quick question, though: You indicated that you anticipate, if this goes through, an increase in rail activity in Queens?

MR. GIANNELLI:
Correct.

CHAIRMAN MONTANO:
Do you have any idea what percentage increase you're referring to; is it a 10 percent, 20 percent, 50 percent?

MR. GIANNELLI:
It would be closer -- it's not 10 percent -- it would be closer to the 50 percent increase, you know, and that's -- that I think is conservative.

AUDIENCE MEMBER:
Yep.

CHAIRMAN MONTANO:
Okay. Thank you very much. Please indicate those comments in whatever correspondence, and we'll get that out and we'll be in communication.

MR. GIANNELLI:
All right, thank you.

CHAIRMAN MONTANO:
Thank you. All right. We're going to move along. Number two on the list, Alex Schnell, and representing Assemblyman Andrew Hevesi, another Queens representative. Welcome to Hauppauge.

MR. SCHNELL:
Good morning. Assemblyman Hevesi represents Forest Hills, Rego Park, Kew Gardens, Middle Village, Glendale, and Richmond Hills in Queens, and in particular 1695 concerns, once again, Glendale and Middle Village. I have a letter that the Assemblyman would like me to read on his behalf, and I'll leave a copy with the Clerk, and then when I get back to the office, I can send an electronic version and CC everyone on the committee. So I will read this.

"Dear Chairman Montano: On behalf of my constituents that reside in the 28th Assembly District of New York State, I would like to convey concern associated with Resolution 1695, the proposed sale of three tax lots and an adjoining road of Suffolk County land to Oakland Transportation, LLC. This agreement is presented as a means to increase revenue in Suffolk, while reducing the surplus of landownership by the County. I'm requesting that the Ways and Means Committee consider certain externalities associated with this proposal before making a determination. The Suffolk County Legislature, acting as the lead agency for such an agreement pursuant to the New York State Environmental Quality Review Act, or SEQRA, has determined this sale will not initially cause any adverse environmental impact.

"However, future development and use of this land should be considered. In its current form, the sale could allow for the buyer to potentially expand operations at the Brookhaven Freight Rail Terminal, which would potentially increase the amount of rail cars carrying putrescible waste through the station and across the State. Such an expansion would cost significant environmental hazard and, in turn, decrease the quality of life for residents living in properties adjacent to railways in the New York Borough of Queens. Over the past decade, the use of railcars as a means to transport Downstate New York's waste has increased exponentially. While this is an environmentally-sound policy and should be encouraged in the long-term, the burden of this transition has not been shared equally by contributing communities across the State.

"Various neighborhoods in my district have residents whose properties are less than 50 feet from rail lines and exchange terminals or transfer stations. As train traffic has increased, there has been minimal consideration of these residents in terms of constructing noise abatement infrastructure, operations scheduling, or ensuring pollution containment and minimization caused by passing and idling trains. Due to limited rail line infrastructure, I have witnessed throughout the years a trend whereby an increase of rail cars transporting waste at one location consequently affects the volume and frequency of rail traffic in the communities I represent, particularly in Glendale and Middle Village.

"The proposed sale of this land to the aforementioned buyer would likely result in further environmental and quality of life deterioration within certain neighborhoods in my district and across Queens if Brookhaven Freight Rail Terminal expands its operation. While I respect the sovereignty of the government of the County of Suffolk to take necessary actions to ensure their fiscal solvency, I request that you consider the potentially serious implications the sale of this land to Oakland Transportation, LLC may have on the quality of life for thousands of New York State residents. Thank you for your time and consideration. Sincerely, Andrew Hevesi."

CHAIRMAN MONTANO:
Thank you very much. If you could hand that to the Clerk's Office, she'll make copies. Since you've come all the way from Queens in representing the Assemblymen, are there any questions? We'll do that briefly. Brief question. I'm going to recognize Legislator Kate Browning.

LEG. BROWNING:
Thank you. The property in Yaphank is in my district, and we actually had a community meeting last night with many concerns like the environment, the air quality, noise, and it does bother me when I find out that in Glendale it's only 10 acres, and it is going to have a negative effect on you. And I don't think it's fair of us to approve something that's going to have a negative effect on you, but I know it's going to be a negative effect on Yaphank. Now Oakland has nothing to do with the Glendale property, or do they?

MR. SCHNELL:
I'm sorry. Say that again.

LEG. BROWNING:
Okay. Oakland is the company that wants to buy the land?

MR. SCHNELL:
Yes.

LEG. BROWNING:
They don't have anything to do with the rail yard in Glendale, correct?

MR. SCHNELL:
Our understanding is that they own Brookhaven.

LEG. BROWNING:
Right.

MR. SCHNELL:
And any expansion of Brookhaven would inevitably end up in the Glendale yards. As far as, you know, obviously operations, Glendale is mainly operated by DSNY, which is the waste management for the boroughs of New York City, but it all ends up essentially coming from Long Island to New York City, upstate to Albany and back down to the -- to the landfills in south of New York State.

LEG. BROWNING:
Okay. And when that rail yard -- I don't know how old that yard is in Glendale, but I think one of my concerns, and I know my constituents', is if, in fact, we did sell the land to Oakland, if we don't have stipulations in place like sound walls, and, you know, any kind of mitigation for the community that it's not likely to happen because once the ink is dry in the contract, they're not going to be bound by anything. Was -- can you give me a little bit of history as far, as Glendale's concerned,

and what happened back then?

MR. SCHNELL:
Yeah. I can't speak to, you know, numerous -- this has slowly increased year after year. They just as of this -- this year itself, they have increased the hauling through an area called Exchange Place in Queens. They increased capacity by, I believe, about 119 percent, is -- curious -- I believe it's about 119 percent that they'll be increasing capacity, traveling and moving putrescible waste. Assemblyman Hevesi is part of the Energy Committee in the Assembly. He very much understands the need for a sustainable solution of ridding, you know, downstate New York of our large amounts of putrescible waste. And rail is certainly a mechanism by which he considers a potential solution in the future. The issue arises in that these deals are being made before there is any sort of community agreement for how they will have abatement of any negative environmental effects. SEQRA regulations largely -- they require the lead agency to basically be the agency that is proposing to increase something. So DSNY, the waste management in New York City, is the lead agency in determining whether their increased hauling will cause negative environmental and quality of life impacts on the communities. Not to say that that's not a good policy, but if you are essentially the agency policing your own activities, it can tend to raise some questions as to the effectiveness of your review of the process.

So going into these sales prior to coming up with abatement contracts with the rail yards and the carriers and everyone involved in the process has certainly caused significant problems in Glendale and Middle Village that by and large we have been dealing with for over five years now because rail lines are -- they have very little regulation at the Federal level, and once these contracts are signed, there's very little you can do to compel -- short of taking them to court and expensive legal proceedings, there's very little you can do to get them to rectify their behaviors to help the surrounding community that's affected by it.

LEG. BROWNING:
Well, thank you for coming because it's -- while I'm thinking about Yaphank, I think now it's necessary for me also think about Glendale and for us to work together to make sure that we do what's right by all of our communities. Thank you.

(*Applause*)

MR. SCHNELL:
Certainly. We greatly appreciate your consideration.

CHAIRMAN MONTANO:
Don't leave yet. We have some further questions. Legislator Stern would like to ask you some questions.

LEG. STERN:
Thank you, Mr. Chairman, and thank you for coming down.

MR. SCHNELL:
Certainly.

LEG. STERN:
In the five years since Middle Village and Glendale have been dealing with this as an issue, has there been any kind of an analysis as to what type of mitigation you or the assemblyman or the senator or the community believes would be adequate in order to address if not all, then at least some of the

concerns of the community? And if that analysis has been done, has anybody been able to determine what the corresponding cost would be?

MR. SCHNELL:
Certainly. I'll answer them in order. First, we have determined, I can't speak for the Senator's office, but from our office and our work with CURES who's -- they're a civic association attempting to work on this problem with our office. One of the biggest things is sound barriers, just the simple act -- and I say simple, I understand that it still is costly, but the act of putting up, you know, next to these exchange stations where trains idle for hours on end at all hours of the morning and night, 12:00 a.m., 5:00 a.m., just the act of putting up the sound barriers would be a significant step. Figuring out a way to either further contain odor and pollutants from putrescible waste containers that have pungent odors by either figuring out a new covering or moving them farther from residential areas, because regardless of whether, you know, the operating companies are saying that these are covered, there's -- this is methane gas inside of these containers, and they need to vent. And when you're sitting next to, you know, hundreds of residents and you're venting in 100-degree heat, that can tend to cause a rather unpleasant odor that makes your life a bit difficult, to say the least, in the middle of summer.

And finally, when many of these folks bought their houses sitting next to the -- sitting next to these tracks, these were electric rails and they have since gone to diesel engines, and they are very antiquated diesel engines. They're from the '70s. They have very little emissions control. We recently managed to get a grant to replace one of the engines on one of the trains that consistently idles in our rail yard to upgrade it to make it a little less -- little less harmful to the surrounding community. But these are three, you know, relatively minor steps that we have been trying to work on for up to five years now. And despite what we believe to be pretty -- pretty minimal in terms of disrupting their operations, it's still been very difficult for us to try and get these passed.

LEG. STERN:
And so I'll go back to the part of my question. Has anybody been able, after these five years, been able to determine approximately --

MR. SCHNELL:
The cost.

LEG. STERN:
-- what a corresponding cost would be to implement if not all, then many of these mitigating measures?

MR. SCHNELL:
You know, we don't -- the diesel engine was, I believe, the grant was around the term of -- it was somewhere around a million dollars or so. The sound barriers, we don't have somebody to -- there has been no group who has been able to conduct a study on how much that would cost for those to go up. And as far as even having a simple review of the environmental quality surrounding the tracks, it's been difficult to even get the State Department of Environmental Conservation to even come in and try and see how the train idling and pollutant is actually affecting the health quality of the surrounding communities, because such a study does cost money and they have not been willing to come and invest that kind of money or time.

LEG. STERN:
When the trains are idling, do they idle permissively? Is that something that they are allowed to be doing, or is that something that they are technically not permitted to do?

MR. SCHNELL:
It's permissible.

LEG. STERN:
It's permissible?

MR. SCHNELL:
Yeah. And one of the ways that the train companies have gotten around, you know, claiming that they'll be increasing the pollution level by adding cars is that they say that instead of adding cars, they're just going to add onto the length of trains. A lot of the way that we've managed to help slightly -- and I do mean ever so slightly -- mitigate the negative impact of these trains is to -- we had an agreement for them to move 500 feet from the residents where they used to idle in front of -- into a cemetery. As you increase these -- the number of cars they're hauling, that just pushes them closer towards, you know, residential communities and in area -- and in a borough like Queens, every foot matters. There's not a whole lot of leeway between where you can idle without it affecting a community when you add on a car that's, you know, between 50 and 100 feet in length.

LEG. STERN:
Thank you.

CHAIRMAN MONTANO:
Okay. Legislator Kennedy would like to ask you a couple of quick questions.

LEG. KENNEDY:
Again, thank you for coming, and I see the letter and I intend to follow-up. But I'm a little confused with the presentation. The assemblyman's office worked to get a grant to replace a locomotive?

MR. SCHNELL:
The engine.

LEG. KENNEDY:
Okay.

MR. SCHNELL:
The engine for the locomotive. The diesel engine.

LEG. KENNEDY:
Okay. But who's the actual operator? Is it a private business that operates the trains, or is it a municipal subsidiary? I'm still a little uncertain.

MR. SCHNELL:
The train -- the operations manager --

LEG. KENNEDY:
Who owns the locomotive?

MR. SCHNELL:
CSX. Correct, Neil? CSX is the owner. The owner of the rail yard is New York --

AUDIENCE MEMBER:
New York and Atlantic.

MR. SCHNELL:
New York and Atlantic. The operator is the Department of Sanitation for --

LEG. KENNEDY:
The New York City Department of Sanitation is operating this yard?

MR. SCHNELL:
Waste management is operating it. DSNY is the agency that contracts Waste Management. So sanitation and New York City is contracted through Waste Management who directly does the operations of the trains.

LEG. KENNEDY:
Okay. We're going to have to speak to Oakland, because we're here in Suffolk County. I understand the issue you're bringing referenced what I mentioned to the other gentlemen before from the Senator's office. Under whatever the environmental review is is that's been done so far, I don't recall any reference whatsoever regarding any expansion of capacity of impacting Queens or, for that matter, any other county. And so I personally am going to want to see, what, if anything, has been done here regarding that. Nevertheless, though, I'm still a little -- trying to follow who, in fact, is the responsible party, and the whole scenario here seems to be a little bit challenging. But, nevertheless, thank you for coming forward.

CHAIRMAN MONTANO:
Okay. One quick thing.

MR. SCHNELL:
Can I ask the member a clarification question?

CHAIRMAN MONTANO:
Sure. Go ahead. Wait, hold on. He wants to clarify something.

MR. SCHNELL:
Our understanding of the SEQRA review up to this point is that the sale in its current form will not cause an environmental challenge. There hasn't been a SEQRA review of expansion of operations. Every time any facility, be it in Glendale or out on Long Island, expands its operations, there will need to be a further SEQRA review. So our understanding is that the current sale is fine and that there will be not -- no environmental impact. What we're concerned about is the future implications of an expansion of the Brookhaven Freight Terminal.

CHAIRMAN MONTANO:
Is that clarified?

LEG. KENNEDY:
No.

CHAIRMAN MONTANO:
I didn't think so.

LEG. KENNEDY:
Because what we have before us is actually a resolution to go ahead and bend 230 acres of County present -- property presently owned by the Municipal Corporation, County of Suffolk, and its to BRT and it is for what they presented to us as an opportunity purchase. And they talked in general terms about some of the things that they might contemplate doing with this additional land. What I read in their most recent piece of correspondence, I think that I saw within the last couple of days, was that there was some NEPA evaluation generally. But I would wonder to what extent there would be any further environmental review after we would presumably approve our sale. Once we've sold it, we're out of it. And to what extent Brookhaven Town would be involved and any further development, I don't know; I would defer to my colleagues.

So, you know, I can understand you have concern here, I can understand trying to think about downstream -- no pun intended -- impacts if, in fact, there are certain developments that go on with this yard, but where the subsequent review would be, I can tell you it won't be here. So I think it's best, probably, from the assemblyman's office and everybody else to pinpoint that.

MR. SCHNELL:
And certainly, we understand that. It is the future implications that the assemblyman is concerned of.

CHAIRMAN MONTANO:
Okay. I want to thank you very much. Thank the Assemblyman. One thing. I just -- the same invitation to send us additional information that we extended to Senator Addabbo's office, we extend to you. I will communicate all of that or, you know, forward it to the Members of the Committee. The one question I'm not sure I had an answer to was the same one I asked the previous speaker. Do you have any indication of what percentage of increase in rail activity will take place if we, in fact, go through with this sale?

MR. SCHNELL:
I would defer to the Senator's representative's answer and say it could be up to 50 percent as well.

CHAIRMAN MONTANO:
Okay. Thank you very much.

MR. SCHNELL:
Thank you for entertaining the testimony.

CHAIRMAN MONTANO:
Hopefully we'll be in further communication.

MR. SCHNELL:
Thank you.

CHAIRMAN MONTANO:
All right. We're going to continue with the public portion. We're going to move along. I'm going to ask to limit the questions. All right. Edward Cataldo, and you're representing the Middle Village, Queens and beyond.

MR. CATALDO:
Well, yes, because this doesn't affect just Middle Village. It affects, as stated, Glendale, Ridgewood, Maspeth and the other surrounding communities. And I would like say, number one, thank you very much. Again my name is Ed Cataldo. I'm a resident of Middle Village for over 50 years. The

railroad goes right behind the back of my house. We've lived in the same family home for 50 years, so I'm intimately involved and know firsthand exactly what the railroad is.
I'd like to start by just presenting these documents. These were prepared by our environmental group, CURES, which, if you want to access Facebook, C-U-R-E-S, you can find out what is going on with regards to the railroad currently in our community. And what I really wanted to do is just bring a human element to what's going on. These are pictures that I take from the back of my window, literally 35 feet. These are trains that are bringing product -- may I walk up? I'll pass them around if I may.

LEG. BROWNING:
Josh, take them.

MR. CATALDO:
I have seven of them. Each one will tell a story and the story needs to be told.

CHAIRMAN MONTANO:
You have to talk into the mike. And you have seven different photos?

MR. CATALDO:
Yes.

CHAIRMAN MONTANO:
Why don't you hand them to Josh and then we can pass them up here. You're on the clock.

MR. CATALDO:
All right. There are seven different photos, but they all tell a different story. The proximity of these rail cars to residential homes is literally feet, literally feet. Now, I understand the need to remove garbage by rail. That seems to be what the new flavor of the month is. Why we're not considering barging is a whole 'nother story for another day. But when product comes out or goes into Long Island, it has to go through those rail yards. You have one set of track, and that track sometimes gets so congested that the rail cars sit behind our homes, and when we talk about idling time, it can go up to one hour. Now, you have four schools along that track line in Middle Village: two pre-K, two grammar schools, and they're sitting there spewing toxic diesel fumes. The World Health Organization just, in fact, stated that diesel fumes cause cancer. Okay?

(*Applause*)

Cause cancer. And those plumes of smoke are not perfume. They're real. It's real. We're breathing it every day, all day. Now, if you allow this sale to go forward, and I don't know the gentlemen -- I think it's Mr. Kennedy -- once it's sold, the railroad does whatever it wants to do. They will morph that into a major industrial transfer station of garbage and residential garbage which will ultimately end up behind my homes.

(*Applause*)

And if you think Yaphank is congested, come visit Middle Village. So all we're asking you is before you go through, think this through, because there's a cause and effect. There's a ripple effect. We will get your garbage sitting behind my house and everybody else's house. That's real. My life counts; my community's health counts; and the impact from the cancer from those toxic fumes is going to end up into our lungs. And it's not fair. You need to address -- if it was reversed, you wouldn't like it. I don't think the people of Yaphank, your communities, surrounding communities

would appreciate us doing it to you what's going to happen to us 'cause we know what we've been dealing with the railroad for five years. Once they get a hold of it, they don't let go, and they will morph into a major industrial garbage and residential transfer station, and we will have that product sit behind our homes, and it's not fair.

CHAIRMAN MONTANO:
Thank you very much. Quick question. Two of the photos, I have one here, one shows the smoke that's --

MR. CATALDO:
That's the exhaust coming out of the stack, for lack of a better word. I'm not an engineer.

CHAIRMAN MONTANO:
From the engine or from the garbage?

MR. CATALDO:
From the engine.

CHAIRMAN MONTANO:
Okay.

MR. CATALDO:
As a matter of fact, one of the pictures, although because we blew it up, it was a little blurry, you can see -- one second, sir.

CHAIRMAN MONTANO:
Are you talking about the one that shows the garbage?

MR. CATALDO:
This one right here.

CHAIRMAN MONTANO:
Okay.

MR. CATALDO:
This is toxic. Sir, I can't tell you enough. This is toxic fumes. You cannot be breathing this all day. We have children. We have four schools along the line.

CHAIRMAN MONTANO:
I got you. Last question. I have one photo here -- pass it on -- that shows basically that's a --

MR. CATALDO:
I can't see.

CHAIRMAN MONTANO:
Train with exposed uncovered garbage driving through?
MR. CATALDO:
Yes. And that's literally sitting -- I took that picture right from my back window.

CHAIRMAN MONTANO:
Okay.

MR. CATALDO:
That is 35 feet. My neighbor, whose is a little closer, if you look on the side, he can hand a cup of coffee to the engineer; that's how close he is. Our community was never designed for the volume of traffic, and people don't understand that. Yes, it's Long Island's gain, but it's Middle Village/Glendale's pain because we're getting your product. Whether it's industrial product, commercial product, rock salt, whatever it is, it's got to come through our tracks. One set of tracks. One set of tracks. Years ago, they used to have the track line. It was all electrified, but because rail traffic went down so much, they took the electrical lines out, and they just made them full diesel. They had two sets of the tracks. Now they have one. And you're going to increase the volume expotentially (sic) from this sale because, I'm telling you now, gentlemen and ladies, this is going to mushroom into a major transfer station. And the gentlemen and our Assemblyman are spot-on when they say it's not today -- and it's bad today because I have a train that comes in at 12:00 at night; I have a train that comes in 4:00 at night, 5:00 at night, and if anybody's ever experienced what a diesel engine sounds like at 4:00 in the morning, 2:00 in the morning, I don't get any sleep anymore. It's horrendous, and it's mostly your product.

CHAIRMAN MONTANO:
How many trains go by at this point; do you know? Is it 3, 4, 10, 20?

MR. CATALDO:
Each pull -- because I don't get any sleep anymore, I'd say is minimum about 100 cars at a time. Now, what happens is you come down one set of track and then it goes into a parallel track, so it's got to cross. So if anybody's familiar with 14th Street/Union Square when the trains coming around, there's screeching. Imagine that times 100 trains -- train cars.

CHAIRMAN MONTANO:
Okay.

MR. CATALDO:
And they line up those open exposed garbage containers behind our homes at night. So when you have issues with, and I put in documents, where people are dumping illegal product into the landfill, the stench gets so bad that you got to run away. As a matter of fact, our local high school, Christ the King High School brought a lawsuit against the railroad several years ago because they were illegally dumping stuff in there, and they left it exposed over a couple of days, and they took them to court and they settled out of court. Now, I'm not a lawyer, but you figure out who was the winner on that one, because the railroad settled out of court. So, I just want you to know that there's a cause and effect.

CHAIRMAN MONTANO:
Thank you very much. Appreciate your coming here.

MR. CATALDO:
All right. Thank you very much.

CHAIRMAN MONTANO:
Our next speaker, John Palasek. Did I get that right?

MR. PALASEK:
Yes, you did.

CHAIRMAN MONTANO:
John, and you're representing SYCA. Would you just tell us the name of the organization, please.

MR. PALASEK:
That's the South Yaphank Civic Association.

CHAIRMAN MONTANO:
Okay. Hold on. I'm trying to get this to work.

MR. PALASEK:
As Legislator Browning mentioned earlier, we had a meeting last night in my neighborhood with BRT. A little rambunctious, lots of issues came up, lots of concerns from people.

First of all, let me go on record of saying what I said at the 21st meeting out in Riverhead. I don't know if I'm actually opposed or in favor of this. What I am is confused, and I'm concerned about a lot of issues that I feel are not being addressed or are being addressed in a way that is sugarcoating. It's making it seem as if it's one thing when, as you've heard from the previous speakers, it appears that it can and probably will morph into something more than what we're being told it will be.

What I'm concerned with is just that, when we -- my Civic Association basically had no problem with the BRT site as it exists now, the 29 acres, 'cause that's what was pitched to us, that's what was told; aggregate, in and out, not a big deal, but we were not told that it could eventually blossom into 250 to 350 acres of additional rail yard, whatever that may be, and that's the other problem is no one can pin down what it's going to be. We think it's warehousing, we think it's hard goods, we think it's produce, we're not a hundred percent sure. When we ask about truck access, our biggest concern is Yaphank Avenue because my neighborhood is situated in such a way where if there was a Yaphank Avenue entrance to any of this it would basically drag traffic through my neighborhood on a tremendous scale, which we already have problems with to begin with. There's truck traffic already existing from Long Island Compost and from the landfill.

Now one statistic that was thrown at us last night -- not thrown. I don't mean to say it that way, but that there are eight trucks per hour now entering and leaving the present aggregate site. Now that's just one site. That's the 29-acre site. If you develop 250 acres and it's all warehouse, even, let's say you build 50 warehouses and you conservatively said you were going to bring in two trucks per warehouse per hour, that's over 100 trucks per hour. We're talking trucks per second now, not trucks per minute. In addition to the truck traffic that already exists on Horseblock Road, Yaphank Avenue coming on and off the Expressway and Sunrise Highway; we're talking logjam. We're talking diesel forever, we're talking a complete flip of what this area is. This area when you get off the exit is the Suffolk County farm. It's almost bucolic when you first see it and you're taking that and basically suggesting that it might become Long Island City at some point.

I don't see what the rush is to sell this right now. I mean, I understand your budget deficit, but I didn't create your budget deficit. You did. And I don't see where we should suddenly say, "Oh, fine, we'll just sell this land and let them do whatever they want with it because you need to plug a hole in the budget." I didn't create that problem. You did. What we want is to be heard and we want to know what's going to happen step by step. Now, Legislator Browning suggested a community review, and I think there should be one. If we go ahead with any of this it needs to be done on a step-by-step basis. When the next thing comes along we need to know what it's going to be specifically, what its impact will be, and let's decide from there what can or can't be done. If there's an objection to it, it needs to be addressed. It can't just be brushed aside. I've heard too many comments about, "*Well, you need this or it's good for the community,*" and I'm tired of being

told what I need based on some economic model, and nobody's actually looking at the community and what we really, really need.

CHAIRMAN MONTANO:
Okay. Thank you very much. Your time's up.

MR. PALASEK:
Thank you.

CHAIRMAN MONTANO:
Appreciate it. We're going to move on to the next speaker. MaryAnn Johnston and MaryAnn is representing ABCO. And I'm not sure I can make out -- just tell us what ABCO stands for.

MS. JOHNSTON:
Affiliated Brookhaven Civic Organization.

CHAIRMAN MONTANO:
Thank you.

MS. JOHNSTON:
We're a group of some 33 civic organizations located throughout Brookhaven Town and we oppose the sale of this land. This is a situation where we talk about SEQRA. SEQRA doesn't talk about definitive plans. We've heard that. SEQRA talks about the potential adverse impact and the threshold is very low. Potential adverse impact. During three hearings, I think you've heard more than a potential adverse impact. This is about a cumulative review. This is not about skirting the issue and pretending you don't know what they're going to use this land for. That fails your duties. It fails every single person along this railroad. It fails everyone who will get sick as a result of the noxious fumes coming from these diesel trains and trucks. You have an obligation to protect the citizens, not only of this County in terms of your fiscal responsibility, but in terms of environmental justice. We are prepared to challenge this sale should you challenge it and go forward.

We believe very strongly that CEQ dodged the issue by rationalizing that they had no knowledge of what this land would be used for. I don't see how anyone sitting here can pretend they don't know what's going to happen here, and what will happen 25 years down the road when that landfill no longer exists and this is a garbage transfer station. They're not in this for land speculation. They're in it because there's money in them. And, frankly, mining the sand, if we want to mine sand, you got 250 acres; let's mine our own gold. Let's sell it on the market. That's what you really want to do?

I think this is wrong. Selling land to fill a budget gap that is in the middle of the Carmans River Watershed. Well, one politician speaks about, *I just want to save a river*. And you people work at cross purposes to see to it that it dies. I'm tired of it. We have a company here that wants to take the taxpayers of Suffolk for a ride and we have a Legislator and a County Executive who wants to be their chauffeur and we're not going to accept it.

So I ask respectfully that you not sell this parcel, that you not vote it out of Committee, and that you respect your oath of office and protect the citizens of this town and every single group and village and part -- and neighborhood along those tracks. That's what SEQRA's here for. It's not about a community advisory board. That is a pig with a tube of lipstick. SEQRA is the process by which the citizens are protected. That is what you are required to do. And when you have people in a position who touch that issue on such a critical game-changing issue as this, you failed your

jobs. You failed to do what is right. This is not a question of whether or not truck/rail transit is the way to go. It's a question of whether or not we're going to mitigate those damages on the communities that have been impacted by it, and we ask that you exercise your duty to do that. Thank you.

CHAIRMAN MONTANO:
Thank you very much, MaryAnn.

(*Applause*)

Next speaker is John -- Johan McConnell.

MS. McCONNELL:
Johan.

CHAIRMAN MONTANO:
I'm sorry, Johan.

MS. McCONNELL:
That's all right.

CHAIRMAN MONTANO:
Hi, Johan.

MS. McCONNELL:
We go through this all the time so it's fine, I'm very accustomed to it. Okay. Johan McConnell, I'm a resident of Yaphank and the founder and past president of the South Yaphank Civic Association. I have worked with the Brookhaven Rail Terminal gentlemen for over the three years ever since they first came to us.

I agree with what John Palasek stated that when we were presented it was to be 26 -- 28 acres, it was going to be aggregate. First of all, let me say these are gentlemen who have put their private money into this. They took a risk. They didn't know what was going to happen with this property. They went for what they thought would be to their benefit. As you all know, the environmental climate has changed and any person who has a corporation or a business has to adjust as to what's happening in our environment and our economic times.

They built their terminal, they brought their aggregate in and began. Because of the change in the economy, companies started coming to them and started saying, *"Hey, you know, this looks like a great opportunity for us."* Their business plan has changed. I have heard people state that they lied to us, that they're arrogant. I don't believe they lied to us. I believe they adjusted their business plan like any business would do. They now have been approached and they need to expand. Whether this expansion is something the community wants, that is only what the community can decide.

I will tell you in the three years that I have worked with BRT, I have never once been lied to, I have never had an arrogant attitude toward me or my community. I have been able to sit down, I have been able to discuss issues with them. We have concerns, I'm not going to stand up here and say the 230 acres that I don't have issues and concerns about it. However, I have been able to sit down with representatives from BRT and express my concerns to them. They have been willing to listen. I think we have to give them the opportunity to hear the concerns of the community. We

have to do it without screaming and yelling. I attended that public hearing last night and the question was asked who supports this program going forward? There was no way in hell I was raising my hand, and even though I support the program, at that environment with the ranting and raving and screaming and yelling that took place, that I would raise my hand.

Again, as I say, I do know that SEQRA has been done on the property, and I find it interesting and just to digress a little bit, we have a major power plant in Yaphank. It sits on the same type of land that your 230 acres is. There was a SEQRA done on that property. It sits in the Carmans River Watershed. There was SEQRA done on that property. And Ed Lamont, a known botanist, came and looked at the property and said, *"There was an environmentally -- species that needed to be protected,"* and guess what, the power plant went up, the property was cleared.

So when we talk about SEQRA, it can be done even though environmentally the property is safe. But Caithness gave a huge community benefit package to the Town of Brookhaven.

So just again, I'd like to say that I do have concerns, but I think that if we could calmly and quietly without raising tempers work with BRT and have the community have input, my experience with working with them, they are willing to listen. Thank you.

CHAIRMAN MONTANO:
Thank you, Johan. Patricia Burkhart from the Friends of Edgewood. Good morning, Patricia.

MS. BURKHART:
Hello. When I came here this morning I wasn't sure who was on this Committee, honestly, and when I walked in and saw Legislator Stern and Legislator Montano, I said, "This is going to be easy," because these two gentlemen have been working with me for seven years to fight the proposed TRIM in Brentwood, a huge intermodal facility. So I trust that they are going to vote against the sale of this land or I will be very angry with both of them. Let me start with that.

But I am very upset with Legislator Kennedy because I think it's totally irresponsible and, you know, I go back to Johan, it's not about the sale of this land, and you have to think forward. You have to, because when the TRIM was proposed they -- the DOT told us they were not going to ever use garbage, and we knew they were, and after three years they admitted that it was going to be a garbage transfer station, and Legislator Stern knows this. So you must not sell this land before you do a full due diligence review and find out exactly what they are going to do with it. There's nothing else that makes money. They can put all the goods they want in there. We knew that from the LITRIM in Brentwood. Nothing is going to make money, a profit for any owner or lessee of land, like garbage.

And so -- and then we come back to the Queens people. I come from Middle Village, I live on Long Island now, I just went there last week and took pictures of the soot and the diesel and the noise. And they leave -- New York and Atlantic Railway leaves propane trains and Legislator Montano knows this in Brentwood, unmarked, propane gas unmarked, trains that are not covered. This is a serious issue and before you go forward with a sale like this, you have to stop it. You have to look at it for what it's going to be, and Judy is sitting here and I know because I went to a meeting a long time ago in Jerry Wolkoff's office about this rail terminal and we were -- I was asked what I thought and I said you have to ask the Yaphank community. And I was told that they were for it and it was just one civic association that was for it obviously, many are obviously against it. It was supposed to be small and it was supposed to be aggregate. And now this is huge. This is as big as the LITRIM is going -- would be. And there's nothing that they're going to fill that land with that's going to make a profit except garbage and it's going to affect everybody. It's going to come through

Brentwood, it's going to end up in Queens.

And it's not going to -- I have so much I could say and there's just not enough time. But I really think that it's irresponsible to sit there and say, "*Well, it's not our problem what's going to happen to Brentwood or Queens or where these trains are going to go through."* It's totally irresponsible for you to sit there and do that and sell land like that without pressing to find out what this is going to be and it wasn't supposed to be this. And I can't stress enough that you must not sell this land and I'm -- we are -- I represent western Suffolk County and I can tell you that we are opposed to it and I trust that my good friends sitting there will vote against this. Thank you very much.

(*Applause*)

CHAIRMAN MONTANO:
Thank you, Patricia. Don Seubert. Is that -- Don, did I pronounce it right?

MR. SEUBERT:
Seubert.

CHAIRMAN MONTANO:
Seubert, okay.

MR. SEUBERT:
Don Seubert. Good morning, my name is Don Seubert, I'm from the Medford Taxpayers and Civic Association, and we're the town just to the west. We probably have on our streets, we have like 17 to 35 percent
of truck traffic on particular ones on our street. The highest amount versus regular car, passenger cars. So these trucks will go through our community because we're adjacent to it. Okay? I was at the meeting last night and besides the meeting, there wasn't too many people from this Committee at that meeting also. And I wonder has everybody in this Committee been to the site? Have you seen that site? What it looks like. Is that the vision that we want for Suffolk County? Okay. One point, that everybody in that meeting voted unanimously not to have the County sell the land. This was two-thirds of the way through the meeting, and then at the end of the meeting, the same thing. And that's people from the North Shore, from Brookhaven Hamlet, from Medford, from Rocky Point, from all over the Island and in the center, of course, from Yaphank area, where we end up being dispensable communities just like the Wyandanchs, there's Brentwoods and that in the past where they had the warehouses, where they had Entenmann's, where they had big business. What does that do for the stature of the community, the vision. You're giving up County land. Okay? You're going to have to look over the communities impact, the environmental impact, the values of what this is all about. If we want to have a committee, an advisory committee should be for the communities in Suffolk County and in -- maybe broken down by townships of all the open -- all the land that the town -- that the County wants to sell and then let the communities take a look at this list and really make an adequate judgment. That's the kind of committee -- it was voted -- people unanimously said, *"We do not want you to sell it, period*." So you don't need an advisory committee for this. The advice was we don't want you to sell it. Okay.

The type of jobs, I mean, where's your vision? I mean, come on, 25 jobs on the 30 acres that are there? Okay. I mean, it's ridiculous. What kind of quality jobs? Is that what we want? What's the vision when you get on the Expressway and you look, you leave Medford, and you see the woods that are there and you come back from the east. Tourism is the leading industry of Suffolk County. Okay? It's number one farm industry in the State also. What kind of experience are you going to give the public when they see that you have to have, you know -- starts out in a city then you go to

the suburbs and you have to have a relief. And you have a young -- you have a Yaphank farm that we used to bring children from school. I did it myself. Brought my school kids to the Yaphank farm. You see that pit that's there? It's ridiculous. If you just saw that and saw what they've done with 28 acres, you wouldn't want to give them a square inch. I would say take back the other 88 right now. They're not fulfilling anything they should be. Okay? It's horrible and it's dangerous. I went up on the west bank on Sills Road. Any kid that went up there could fall in and be overcome by the sand, which has happened. And I also lived in Ridgewood and Maspeth at one time. I had my cousin -- there's other aspects to consider. Kids end up down on the rail yards and my cousin got electrocuted, you know, climbing, taking his stepbrother from St. Joseph Home for the Deaf and cutting through the rail yards. We don't need that here. We didn't need it there. I think that the environment --

CHAIRMAN MONTANO:
Your time is up, so could you wrap it up.

MR. SEUBERT:
Okay. I just wanted to mention --

CHAIRMAN MONTANO:
Go ahead. Wrap it up.

MR. SEUBERT:
It's on the cusp on the hydrological zone six, zone three, the Pine Barren Core area and the Pine Barrens -- they're right there in the center. And there was a community of dwarf shrub oak forest there and a full environmental impact of that area should be (inaudible) it's gorgeous, those woods. And just to see that 88 acres it would be horrible. Don't give it up. We pay too much money. We have to bond the money. Mr. Calarco said we only have $10 million in the Quarter Percent sales tax left. That's one sixth, those 300 and some odd acres are one sixth of all the Carmans River preservation they propose to preserve. Okay. And now we have it free. Don't give it away. Thank you.

CHAIRMAN MONTANO:
Thank you. Next person, Linda Petersen, and after her will be Kathleen Madigan.

MS. PETERSEN:
Good morning. When the Town of Brookhaven settled their lawsuit with the Brookhaven Rail Terminal they failed to address basic site plan requirements including no sand abatement policy for when sand blows over County Road 101 whenever it is windy, a total lack of a treed buffer to hide the ugly site, no hours of operation restrictions, failure to address the toxic diesel fumes coming from antiquated train engines and idling trucks entering and leaving the site. On southwest winds, these diesel fumes will settle into the Carmans River and the historic community of Yaphank.

As residents we have seen what the result of a federally-controlled property can do to our community. The Brookhaven Rail Terminal project has brought us an ugly, noisy, air polluted site with massive amounts of truck traffic -- tractor-trailer traffic and an unresponsive operator. They appear to play only by their own rules with no oversight by any agency in Suffolk or Brookhaven Town. And when someone said there's six trucks an hour, we counted six tractor trailers in three minutes going and coming from that site. So it's already far greater density than they ever projected it would be.
By allowing Brookhaven Rail Terminal to acquire additional property we will be giving them a free pass to continue changing the character and health of our beautiful community. As a former Suffolk

County Planning Commissioner, I understand the need for intermodal transportation, however, the manner in which this site evolved and continues to operate is a disgrace to the whole concept of intermodal transportation. Our community, Suffolk County residents, all deserve far better than this. We're bringing a toxic disaster to Brookhaven Town and the Carmans River. You speak about spending County money to preserve the River, you've done a fine job up until now and now this is going to come in. We're in a valley. The whole River's in a valley. The fumes, the noise. We hear trains all night long. I've lived in Yaphank since 1970. I was former President of the Yaphank Civic Association. I was a Deputy Brookhaven Town Planning Commissioner for 20 years. I'm appalled at what's even being considered by our elected representatives. We deserve far better. Thank you.

(*Applause*)

CHAIRMAN MONTANO:
Thank you. And Kathleen, just, I'm sorry, pronounce your last name, I couldn't read it off the card.

MS. MADIGAN:
Oh, Madigan. Madigan.

CHAIRMAN MONTANO:
Madigan. Okay.

MS. MADIGAN:
Yes. I'm a resident of Yaphank and I'm also on the board of the Yaphank Civic Association and I did attend the meeting last night. And I have to tell you that one of the most frightening things for all of us is the fact that we've seen what these people have done with 30 acres and how it morphed into something that they didn't understand, you know, I mean first it was aggregate stone, now it's biofuel, flour, and then all -- you know, maybe that's possible. However, they can't give us a definitive answer about what's going on with the next parcel they bought because they've already started doing land clearing, which they admitted, and sand mining. Our own Town Council person, Connie Kepert, was there and didn't know anything about it. They basically said they were talking to the Town. Apparently these folks don't think they need permits. They don't think they need anything because they're under federal jurisdiction.

So, basically I want to say to that we've seen a history with them on the original site, we're seeing a history with them here on the second site and God help us when they take over 250 acres because we have literally got to make upon a runaway train. They can't tell us what they're going to do with it. And now I'm listening to trash and garbage and, you know what, that really makes a lot of sense. So they're going to have 500 some-odd acres and maybe even more and we're going to be sitting in one of the biggest garbage transfer stations potentially. Okay?

But I'm telling you something else, as a Suffolk County resident, you want to sell this land for $20 million? Well, that is fiscally imprudent and irresponsible because these people will yield hundreds of millions of dollars by sand mining that land and we actually would be better off holding onto the 250 acres, sand mining it ourselves, selling the sand and paying off the deficit. Because, you know what, $20 million is not even a tip, it's not even a decent gratuity. And basically if you sell this land to these people you are bringing a blight onto our entire County.
So I respectfully ask you to take this sale off the table. It's bad business. It's bad for the environment and it's bad for the people.

(*Applause*)

CHAIRMAN MONTANO:
Thank you. Okay. We have no further cards. Would anyone like to address the committee? Okay. We're going to move right into the agenda. Okay. Into the agenda.

Tabled Resolutions

Adopting -- **IR 1341-2012 - Adopting Local Law No. -2012, A Local Law to Amend Prompt Payment Policy for all Not-For-Profit Contract Agencies. (Co. Exec.)** The public hearing was recessed at the last general meeting. I'll make a motion to table for public hearing. I need a second.

LEG. CALARCO:
Second.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Calarco. All in Favor? Opposed? Abstentions? Motion carries. **Tabled For Public Hearing (VOTE: 5-0-0-0)**

IR 1526 - Directing the Division of Real Property Acquisition and Management to subdivide and offer for sale a certain parcel of land. (Kennedy) Legislator Kennedy?

LEG. KENNEDY:
Motion to table.

LEG. CALARCO:
Second.

CHAIRMAN MONTANO:
Hold on a second. Motion to table is on -- All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE: 5-0-0-0)**

IR 1598 - Directing a Cost/Benefit Analysis of sale of Kermit W. Graf Building. (Schneiderman) I have no information on that. Motion to table, I need a second.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. Any other motions? All in favor? Opposed? Abstentions? Motion to table carries. **Tabled (VOTE: 5-0-0-0)**

Okay. **IR 1695 - Adopting Local Law No. -2012, A Local Law authorizing the County Executive to execute agreements for the sale of vacant land at Yaphank County Center. (Co. Exec.)** Anyone?
LEG. CALARCO:
Motion to discharge without recommendation.

CHAIRMAN MONTANO:
Motion to discharge without recommendation. Do we have a second on that?

LEG. KENNEDY:
I'll second that for purposes of discussion, Mr. Chair, but I'm hoping that we can hear a little bit about this. I see Mr. Zwirn is here, maybe he's got something to share with us.

CHAIRMAN MONTANO:
Ben, you changed your seat. How are you?

MR. ZWIRN:
Fine.

CHAIRMAN MONTANO:
All right. We have a motion to discharge without recommendation on the table, no other motions at the moment. Ben, would you like to address these issues?

MR. ZWIRN:
Yeah. We have representatives here from the Planning Department, talk about the environmental impact. There are representatives here from BRT about the potential purchase of the property to answer any questions that the body would have. So who should we have come up first, John?

LEG. KENNEDY:
If I can, through the Chair, I found it extremely -- I don't know what I want to say whether it's interesting or what, the issues that the representatives from our State representatives brought to the podium this morning, you know, was interesting to say the least. I think the -- you know, the environmental issues that they may raise to what extent we talk about them, you know, I don't know where things are at. My recollection to this point is what we've heard from BRT, I said it when I spoke before, that it's an opportunity purchase. We talked about the flour vending that they've been involved with. I was there yesterday. I actually just drove to the site to take a visit, you know, and it's a pretty expansive site. I guess I'd like to hear from, you know, whether it's Mr. Mule or Sarah or somebody like that, you know, what's going on to this point as far as the environmental review and where are we at.

MR. ZWIRN:
Yeah, I -- even though we had a public hearing, we've had a number of opportunities to speak and this is the first time that we've heard from representatives from Queens County. I think that there -- one of the concerns that they have, one, we don't know what is going to be built on this property at the present time, so to say that they're going to have a hundred percent impact on the rail yards in Glendale, Queens, I think is, you know, premature at the very least.

I think that -- you know, I'm a Queens guy myself. I grew up in Queens. Went to high school in Queens and then had the opportunity -- my parents moved while I was away at college and I got a note saying don't go back to Queens. But it was Bayside and it wasn't near the rail yards.

But the fact that I think they're going to need some mitigation, I think what they're crying out for is something the State's going to have to address, the City's going to have to address whether it's, you know, walls that are -- to bring in the sound or to protect them. I know there's a lot of debate in Queens over the third rail coming in, bringing in commuters from Nassau and Suffolk County going through some of the communities from New Hyde Park West, New Hyde Park being mostly in Nassau

County, a small portion, I think, is just on the Queens line. But that's going to be an issue going forward and there's going to have to be something to address that. I don't know if not selling this property at this time is the answer to that. We have issues. And I think that part of this is being driven clearly by the environment that we have budgetarily. The County is in bad shape. We have gone through a series of layoffs. This revenue has been incorporated in the mitigation plan, the sale of this property, the $20 million has been incorporated. If that does not happen, then we're going to have to come up with more layoffs, more expense cuts. I mean, even though this is a -- is a one-shot, this is to try to get us through.

LEG. KENNEDY:
Right, but when you speak about the fact that it's -- and I appreciate the fact that you're bringing to our attention, again, about the budget deficits. Trust me, I know that as much as any of our colleagues around the podium here, and I know that it is something we all have to be mindful and cognizant of. Remind me again, though, if you will, Ben, the County Executive has included this revenue in our 2012 mitigation or he is looking to book this as one-shot revenue in the 2013 proposed Operating?

MR. ZWIRN:
I think this was budgeted in last year's budget, I mean, in the current -- in the current budget, it was last year but in the current year's budget, so it's in the budget now. It was contemplated being sold when the budget was adopted, the 2012 budget was adopted.

LEG. KENNEDY:
You know what, so then what I really need to know besides these folks from the environment is the gentlemen who's sitting back in the audience who had spoken to us previously. I'm sorry, I can't remember your name, but I know you're the principal with BRT. Are you prepared to close by December 31st?

MR. MILLS:
Yes.

LEG. KENNEDY:
You are. Okay.

MR. ZWIRN:
Even though it wasn't close before December 31st, as long it was close. We could still book that revenue.

LEG. KENNEDY:
Well, yeah, we have the ability to go ahead and do the rollover through February.

I'm probably going to also want to speak with them to find out what their business plans are going forward, but let me hear from the environmental people if I can first.

MR. ZWIRN:
I'll ask them to come up and I'll take a seat. If you need me --

LEG. KENNEDY:
Is that okay, Mr. Chair?

CHAIRMAN MONTANO:
Absolutely.

LEG. KENNEDY:
Okay.

CHAIRMAN MONTANO:
In fact, they're already there.

DIRECTOR LANSDALE:
Great. We're here to answer any of your questions.

LEG. KENNEDY:
Okay. Here's my question, Sarah. What about the stuff that the representatives from Queens just spoke to us about, how are we supposed to take that?

DIRECTOR LANSDALE:
Sure. We've looked into -- we've spoken actually to representatives to counsel at the surface transportation board and looked at and explored the issue of possible waste rail transfer facility. Just to understand that from the County's perspective, and what we found out is that, intense uses, like a waste transfer station, would actually require a surface transportation board sighting permit as well as a full NEPA review, and be subject to local laws and local zoning. So right now this site is zoned L-1 and in order to have such -- that specific use on the site, it would require a change of zone from L-1 to L-2 and that would be done at the town level.

LEG. KENNEDY:
Okay. So just help me a little bit again so that I understand the different levels. The reason that we, you, are speaking with the Surface Transportation Board is because the nature of the use here at this parcel takes it to that Federal agency's level for consent, permitting authority?
What's -- how do we get from here to a Federal agency?

DIRECTOR LANSDALE:
Sure. We were just to clarify one point, we were speaking to the surface transportation board about a potential use, not a -- not a use that we know of.

LEG. KENNEDY:
Well, there could be many potential uses.

DIRECTOR LANSDALE:
Right.

LEG. KENNEDY:
I mean, you can move anything under the sun, I would imagine on rail cars, be it, you know, garbage or chicken manure or, you know, anything that can go in bulk transport form. But tell me, and maybe I'm asking a question, maybe I really should be diverting to Mr. Kaufman, because what I'm asking for is is how does -- why are we even speaking to a surface transportation board? The way I understand land use permitting and zoning in the County of Suffolk is either by or through a town or a village or the County for wastewater. How is it that surface transportation board is an entity we even contemplate or speak to?

MR. MICHAEL KAUFMAN:
Essentially, Legislator Kennedy, there's two factors at play. One is the use of the property in terms of interstate commerce, and the other is the land use. Ms. Lansdale, the Director of Planning who has asked me to be here today, basically has looked at the NEPA aspect of it in this context, she's

also identified the Town of Brookhaven's responsibility. Basically if the rail yard decides to become a waste transfer station, which is essentially news to me, I've not seen it confirmed anyplace, it was not part of our original review or anything like that at the direction of the Legislature. Our direction frankly was for a declaration of surplus with no attached use. And I explained that two Tuesdays ago to the Legislature.

Regardless, though, it's the use which is governed by -- and I'm putting this very, very simply, the use is governed by the Federal Government in terms of interstate commerce. A railroad is part of the interstate commerce system. Again, the Interstate Commerce Commission was abolished awhile back but that's a fundamental term that both you and I learned as attorneys a long time ago.

The land use component of it, okay, is governed by the Town of Brookhaven, which would have to change the zoning, which right now I believe is light industrial, would have to go to heavy industrial, and they would have to go through their own SEQRA review for that. Now they've done SEQRA reviews in the area. I don't know what they might do in the future. This is a much larger property. On the other hand, they probably could use a lot of the findings of the EIS that was prepared for the County.

But basically you've got an interplay over here and that's the real short answer if you will. It's what they want to do and then the land use. You have to sort of bifurcate them. It's like when somebody buys a building on a property often they will have two companies, they will have a holding company owning the land and then they will have an operating company doing the operations and using the building as basically as a lease, they get a tax deduction out of it. That apparently, for example, is what's going to be happening with the sale of the Foley nursing home. That's how you make money appear out of thin air in that particular context.

LEG. KENNEDY:
We'll see where that goes.

(*Laughter*)

LEG. KENNEDY:
I appreciate the explanation. I guess, Mr. Chair, if I can then can I just speak to the gentlemen from Oakland.

CHAIRMAN MONTANO:
Yes, I have a couple of questions also. Go ahead. Anyone -- we'll start a list here.

LEG. KENNEDY:
Okay. Gentlemen, we heard some interesting testimony this morning from our State Senator and our State Assemblyman in Queens County. How am I as a Suffolk County Legislator to take that? What is your business model? We've talked in general terms, and I know that you've spoken to us about opportunity cost, but quite frankly, I never had occasion to think about where you go when you leave Suffolk County and what's involved in your use of track and some of the -- no pun intended, downstream impacts. What are we to take from this?

MR. MILLS:
Good morning. I'm Ted Mills with Oakland's transportation. I'd like to just respond I guess to some of the comments made earlier today and just maybe present you some, I'll call them facts, from what I know. The Glendale yard in and of itself has been in existence since the late 1800's. There's never been electric freight trains so the comments that were made earlier that they

converted from electric to diesel, that just hasn't happened. There are no electric freight trains on this Island.

AUDIENCE MEMBER:
That's not right.

AUDIENCE MEMBER:
That's wrong.

LEG. KENNEDY:
Well, Mr. Mills, but I mean what we may have had is is -- trust me, I'm no train buff or train expert, but, you know, earlier in the century we might have had trolleys, electric trolleys and things running through there.

MR. MILLS:
That's true, I mean, that could be true.

LEG. KENNEDY:
So they probably coexisted in the yard.

MR. MILLS:
I don't know if -- yeah, that possibly could be true. I don't think for freight. But, nonetheless just so you know the infrastructure set up for freight movements on Long Island goes back many years, and there was a point in time when it was well into the mid-100,000 carloads per year that were being moved out of this Island, just to give you some background, I mean, so the context is important. Today, or I should say 2011 and most likely into 2012, the amount of freight cars moving off the Island and on the Island is going to number about 20,000 carloads per year. That's just to put it in perspective as to what historically, you know, the Island has moved.

The ownership of the rail line itself is owned by the Metropolitan -- the MTA and it's managed through the Long Island Railroad. So the track, the Glendale yard and a number of sitings, Maspeth, et cetera, are owned by the Long Island Railroad. They're operated under a franchise agreement with a class III railroad coming to New York and Atlantic. So New York and Atlantic is the operator of the Glendale yard. They have a very constricted space from which to move their 20,000 carloads. There's no doubt about that. It's a postage stamp. It's 10, you know, it's ten acres they work off of.

One of the benefits that we see and coordinate with the New York and Atlantic on a daily basis for the movement of freight, it's part of a larger freight transportation plan is they're -- they will then have the ability to not have to switch cars. So if you've got a number of sitings going from entering the Island to all points eastward on the Island, there's not large enough sitings, so what they end up having to do is they got to break down a freight train and they do it at whatever hours they do it, and I'm not familiar with their operating hours, but they have to break it down into two cars, or three cars, or what have you, and they're doing it in that 10-acre yard.

The benefit that they'll have long-term is that they can move a freight train that's been assembled 20-or-30-car-unit train; it can draft a passenger train and come without holding the mainline and come right into our location.

LEG. KENNEDY:
Which is where? Your location is where?

MR. MILLS:
The Brookhaven Rail Terminal at exit 66, Sills Road.

LEG. KENNEDY:
So when I read about the fact that you've been bringing cars of flour from North Dakota, they're coming to this Glendale yard in some larger train and then you as BRT or Oakland are picking them up and moving them out here?

MR. MILLS:
No. Actually, they -- you're correct, they do come from North Dakota and they'll be possibly switched in the Glendale yard and then the New York Atlantic then brings them out to our terminal. Our trains never leave our property. So all the freight trains that are going up and down the Long Island Railroad are operated by the New York and Atlantic, so our two locomotives never leave our yard.

LEG. KENNEDY:
I see. Okay. What about the -- what about this notion that they're talking about, you know, moving a garbage waste transfer and things like that, is that -- where is your business model going at this point? What do you anticipate? I've read about orange juice, I've read about flour, I've read about, you know, aggregate.

MR. MILLS:
Sure.

LEG. KENNEDY:
I've read about, you know, a bunch of those other things. What does BRT, what are you looking to move? Is it anything that comes to you or what's your business model?

MR. MILLS:
As it's been stated, you know, the yard was originally intended to be a bulk commodity crushed aggregate stone yard. It's evolved since then just through demand in the marketplace and it's really merchandise freight. So flour was something that most likely was -- should move by rail and it is moving by rail now and we had calls just as recently as last week about other bakers on the Island that want to use our terminal as well, some of the customers are using it right now.

So, ultimately, there'll probably be a lot more flour cars that come there, be it corn syrup, possibly, sugar possibly. There's any number of products that could go through that yard. There's are no boxcars right now but eventually there might be boxcars. There might be --

LEG. KENNEDY:
I saw yesterday the, I guess, tankers that the flour would be in. I saw a lot of, what are they called, like gondolas, I guess it is. Those are the open cars --

MR. MILLS:
That's right.

LEG. KENNEDY:
-- Strung out in sections. What are you moving in them now? They look like coal cars actually. Things I used to see down in Kings Park at the State hospital.

MR. MILLS:
Yep. They are crushed aggregate stone cars. Those are open top hoppers.

LEG. KENNEDY:
Okay. And do you have to cover them or anything? That product -- is that product any dust to it?

MR. MILLS:
It's not fine. No. It's a heavy stone. So there's any number of products that could eventually come through there. I can't really comment on the MSW moves that are being made and what the transportation plan is west of our location and what the City's doing. There were comments made about, you know, the City should look at barging. Well, I know there's an extensive investment being made right now for the City to do just that. Barging waste across the Hudson River into New Jersey.

LEG. KENNEDY:
I remember the Islip barge, trust me. I'm not so hip on barges either.

MR. MILLS:
So to be fair I really can't comment on how many carloads of waste are going to go through Glendale. It's something that we have nothing to do with whatsoever. It would never come through our terminal that's for sure.

LEG. KENNEDY:
All right. I'll yield for now, I'm not a hundred percent done but I've taken up a lot of time. Thank you, Mr. Chair. Thank you.

CHAIRMAN MONTANO:
Thank you. Couple of quick questions. We've heard from some of our neighbors further west. They indicated that this sale would lead to approximately a 50 percent increase in rail activity in that section of Queens. Do you have any indication that that's accurate or inaccurate or on the mark? If you know.

MR. MILLS:
The sale itself isn't going to lead to any incremental traffic at all. What would lead to incremental traffic is the sale and then the development of that property based on the marketplace wanting space at the terminal for the movement of freight cars. So car traffic will eventually increase, you know, we wouldn't be buying the property if we didn't think it would down the road whether it's two years or eight years it's probably something in between. But we're going to have to make investments in railcars and infrastructure to be able to bring that traffic in.

CHAIRMAN MONTANO:
Okay. So what I'm gathering, I don't want to put words in your mouth, is that that really hasn't been looked at yet. Is that accurate from your perspective?

MR. MILLS:
Well, it's not necessarily. I mean, we know that the purpose of us buying the property is to support future increase in rail traffic. That's without a doubt. What type of traffic; that's going to be down the road, you know, we don't know exactly what that's going to be and warehousing has a different profile, you know, climate control, refrigerator warehousing has a different profile for the amount of railcars that come in there than stone. So it's hard to tell you today what seven years will, you know, what it'll be down the road.

CHAIRMAN MONTANO:
All right, so no projections on that. Some of the speakers also talked about the odors that emanate from some of the cars and other issues with noise and sound barriers and all that. So is there any indication, and I think this was asked, what the cost measures would be for some of these mitigation measures that they were talking about? If you know. And if you don't know I understand.

MR. MILLS:
Well, I don't know because those comments were made in reference to the Glendale yard and the Glendale yard the profile's completely different than our location. The benefit of our location is it's zoned light industrial and we're a little bit isolated in a good geographic location. Got the Long Island Railroad to the south, Long Island Expressway to the north and the County work farm to the east and Sills Road to the west. The Glendale yard, I don't know exactly but I know those houses are pretty close to that yard. The odors emanating from there, I've been to the yard, I don't know, I'm assuming it's MSW but I don't know that for sure. We don't handle MSW at our location.

Stone, as far as I'm concerned there is no odor. Our diesel trains operate, you know, maybe an hour a day right now. We don't have enough volume going through the yard to be operating all hours of the day. They don't operate at night. And we don't have crossings so we've -- and addressed this a couple of times, but since we don't have a crossing we don't need to sound the horns, and I don't even think our trains have horns so they haven't been going off during the night. So I just want to clarify that.

CHAIRMAN MONTANO:
Okay. Last question. With these issues or these issues that were brought to our attention today by Senator Addabbo's Office and Hevesi have those issues been brought to your attention? Have there been conversations between the company and the representatives from Queens? Because I was taken by surprise. I'm just wondering if you were taken by surprise.

MR. MILLS:
Well, Mr. Kaufman wants to comment too.

CHAIRMAN MONTANO:
Go ahead.

MR. MILLS:
But it's fairly well known within the rail freight community and the east of Hudson neighborhood, which is what we refer to everything east of the Hudson that the New York and Atlantic working over the Long Island Railroad is very challenged in their footprint. It just is. And so those concerns don't surprise me. Nobody's approached us about how we could address them. I certainly have thoughts as to how we're going to benefit that strain on that footprint. But, you know, they're a separate company working with the Long Island Railroad in a separate district, and, you know, we certainly have offered to partner with them to try to alleviate some of those concerns. But we're aware of them.

MR. ANDY KAUFMAN:
I'd just like say, Legislator, that --

CHAIRMAN MONTANO:
Go ahead. Put your name on the record for purposes of the transcription.

MR. ANDY KAUFMAN:
Andy Kaufman, not to be confused with Mike Kaufman. I think the comment that Mr. Mills made earlier is one you should use to govern all your thinking and that is that the system, the Glendale yard, all of the freight movement on Long Island has, from an infrastructure standpoint, sustained 150,000 car moves and today if we have a good year, we could be at 20,000. And I think you should notwithstanding the fact that several of these guys have gotten up and said 50 percent and 100 percent increase, I ask you, you know, over what? The system has in its peak years been capable of sustaining 150,000 cars. I don't think anything that we're going to do there is going to get it to even approach what it had done in the past.

CHAIRMAN MONTANO:
Thank you. I'm going to move onto Legislator Browning.

LEG. BROWNING:
Thank you. You know, I have to say I am a little concerned. I was at the meeting last night and, you know, just to start with the care of the property that you currently own without getting any permits and I know that at that meeting you felt there was no need to get permits to do that clearing. You know, I sit here and listen to what your plan is. The County is planning to sell this land with the thought that well, we don't know what your plan is, but we kind of do know what your plan is. So I think it probably would be an appropriate thing for us to do, we know it's going to be a rail yard. They talked about what they're planning to do. Maybe we do need to do SEQRA before we sell. I think that would be the necessary thing to do.

(*Applause*)

And I hear the comments about the garbage possible and I know there's issues with the Brookhaven landfill, and I listened to the community and I've talked to our County Executive's Office about the need to, you know, if the event that this land does sell, and I know that nobody wants to have this -- you know, there were people who said they don't think that we need this community advisory board, but if in the event that it does sell, I think it's important to make sure that before the ink is dry on the contract that the issues that are important to the community are being addressed. And what bothers me, too, is that now that I look at -- when I listen to the people from Glendale and the impact on them right now with this yard, what if their yard doesn't get to expand? What if it can't expand to accommodate them? Where is Oakland going to go? It seems like we have to look at both communities and the impact on both communities, I think out of fairness. And I don't want to see, you know I've been dealing with this trap and skeet issue and I've always said I would never move the trap and skeet range from Yaphank and put it in somebody else's backyard. And I am finding out that we're going to have an affect whatever we do in Yaphank is going to have an effect on another community and I don't think that's right. They've talked about sound walls, they've talked about various types of mitigation that have been needed, and I'm -- and my major concern is is that once the ink is dry on the contract that any mitigation or any requirements from the community are never going to be adhered to. I would like this Committee to table this at this time.

(*Applause*)
I think that there are many things that need to be discussed. The hours of operation, who's to say that somewhere down the road that it's not going to be a 24/7 operation. Who's to say that they're not going to apply for a change of zone because of the -- the landfill to start now hauling garbage. There's just too many unanswered questions. It's just too open.

I received a copy from Ms. Johnston about there's a California study was done on emissions from rail yards, and they are very significant. And this study is on land that is similar in size to the Yaphank

land, and it -- the numbers are very significant and the effect on the community will be very significant. And I'm looking at this and saying okay, now what if this rail yard turns into the ones that are similar in California and I think you may have all received it. I'll certainly send it to you. So now we're going to have to have the effect of this rail yard and the diesel emissions in the Yaphank community top that with the compost facility, the landfill, and everything else that's been put there. And tell me you're not dumping on Yaphank. You're dumping on Yaphank. If you're not going to address this issue.

(*Applause*)

So I think there is too many unanswered questions. I think there are stipulations if this land does get approved for sale, that should be in that contract, and I did ask of the representative for Oakland last night and BRT, you know, would they commit to stipulations in the contract that the community are concerned about. And I couldn't get the commitment they said, "*Well, we're not attorneys and we can't commit to that at this time*." And I don't think we should be pushing any sale through until we're sure that the people in the community are comfortable with those stipulations being in the contract. And, again, right now their hours of operation are 4:00 a.m. in the morning to 4:00 p.m. If they expand, imagine the difference and the impact on the community when they continue to operate. And again, no guarantee right now that it won't be a 24/7 operation.

CHAIRMAN MONTANO:
Thank you. Legislator Browning, quick question, if I may. Have you been -- have you communicated these issues to the County Attorney's Office or the County Exec's Office for purposes of discussion in negotiations?

LEG. BROWNING:
Yeah. I actually did. I had a meeting with Miss Lansdale and the members of the Planning --

CHAIRMAN MONTANO:
But they're not the County Attorney.

LEG. BROWNING:
-- and the County Attorney. Yes.

CHAIRMAN MONTANO:
Oh, okay. The County Attorney was there.

LEG. BROWNING:
Requiring some of these stipulations. Obviously there needs to be more conversation. Because I know some of the requirements that would be needed for the community, however, I haven't had a full conversation with the community to find out what other concerns they have. You know, there was the issue of the garbage that was just mentioned today. That's not something I brought up at the Planning Department. There was an issue with the sound wall and the need for a sound wall on the Long Island Expressway, because there is going to be an increased truck traffic with the rail yard. So that is something that they would be looking for.

Again, you know, they make some valid comments. You know, we are filling a budget hole with the sale of this land. Again, what is the effect going to be, the long-term effect, on the Carmans River watershed. It could have a serious impact and I think it's -- we should think ahead of time and not rush into something that we're going to say 10 years from now, 20 years from now, "*Oh, that was a*

big mistake."

And again, being that we have some idea of what they're doing I think it might be necessary to do SEQRA first.

CHAIRMAN MONTANO:
Okay, thank you. Legislator Calarco has some questions.

LEG. CALARCO:
Thank you. And thank you everyone for coming here today. There's a lot of important questions and issues that are raised by our community members. I was at the site. I toured the facility that you have operating there now. It is right across the street literally from my district. I have the west side of 101 and the east side of 101 is Legislator Browning's district.

I guess I just want to go through a couple of the issues that brought up and just ask you what is your opinion, your position on this. And one of those was your ingress, egress to the properties. Where do you -- do you see the truck traffic coming off the property, shipping, wherever it may have to ship the product throughout the Island too and specifically the use of County Road 21, Yaphank Avenue. When I was at the site we discussed the issue and you had indicated to me that you were looking to and actually included the funds in your project to either use the LIE and expand the service road to go directly there. Use 101, Sills Road, as you do now or go out south to Horseblock Road. Is there any intention on your part to try to gain access to County Road 21 and use that as an alternative route in and out of the property?

MR. ANDY KAUFMAN:
At this point, I can't say, because we are not site-planned, but it is a definitely a potential means to get in and out but we would sit with the Highway Department and work through those issues when we first proposed to buy the property, we actually made that one of our first stops to talk to them about impacts on Horseblock, impacts on Yaphank Avenue and certainly we've been working for the Phase I and II of the project with the State on the potential to include or build for the first time that one piece of service road, the south service road between 101 and Yaphank Avenue is incomplete. There's about 3,000 feet missing. So it is something that we've tried to capitalize and work with the State to put that 3,100 feet in.

LEG. CALARCO:
But would you be open to the idea of excluding County Road 21 as one of the routes for truck traffic coming in, out of the property and going using primarily Horseblock Road, which can get you -- or the Expressway in using those two points as the ingress, egress to the property?

MR. ANDY KAUFMAN:
I don't think we have any particular problem with it. You may find that the highway department, the fire department, police may want secondary ingress and egress.

LEG. CALARCO:
Like an emergency entrance that is issued, but not one that needs to be the primary use for the traffic.

MR. ANDY KAUFMAN:
Certainly, Horseblock would be the traffic pattern.

LEG. CALARCO:
Thank you. I know there was some questions about the site there now. I was there. I saw the retaining wall that you're building that is going to hold the buffer area, the trees. Where are you in the process of planting those buffers? Are you going to have fencing to secure the area? I think Mr. Seubert brought up, and it's a very relevant issue, that if somebody were to hop -- hop over onto your property now, they'd go sliding down that sand hill pretty quickly, is there plans in place and how far out are you to getting those trees in and the property secured?

MR. ANDY KAUFMAN:
Construction of the wall as you saw is probably 50 percent complete. Every day we put up more sections as they're cast. They're precast offsite. So we're continuously working to complete that wall. I imagine it's going to be done in the next 60 days.

The permit for our water service and the installation of all of the on-site water has been done, which will allow us to irrigate a planting area. However, the highway department, Suffolk County has had to apply to the State for a highway opening permit because the hydrant is on the south service road. And they just recently, I believe, Friday finally got that and so that connection still has to be made by Suffolk County Water. As soon as they do that, we've committed to start planting.

LEG. CALARCO:
Okay, great. Thank you. There's the issue brought up about municipal solid waste, that's the MSW we're talking about. The trash. If you were to ever seek to move in the direction of transporting trash, it's my understanding you would be required to go through all the local zoning processes, and, actually, regardless of whether it's rail or not, you would have to come to the local process for any kind of waste transfer capacity, correct?

MR. ANDY KAUFMAN:
In order to build a waste transfer station, I'm glad you brought it up, because I'd like to dispel the authority and power of the Federal government although it is great sometimes. The Clean Rail Act specifically places back in the local jurisdiction all authority when it comes to siting a waste transfer station. So you'd have to go through DEC -- first of all we've got a stipulated settlement with the town that specifically says if we ever wanted to put it there the town would have to approve it. Secondly, you'd have to go back to the DEC and get a Part 360 permit, and you'd have to go to the STB.

So all of those prohibitions are in place. I don't think there's any worry about a solid waste transfer station being located there without it being fully vetted, SEQRA'd and whatever else the process requires.

LEG. CALARCO:
Okay, thank you. And on that issue with the local control and the local review of this use, I know that you have said that you have a, with the Phase I, I'm assuming is the property you have now, you've worked with town in terms of having them come in, review what your plan is, how you're doing your storm water, all those issues, you plan on doing that in the future with the next -- the additional property including them in the process and having them at least have a seat at the table and know what you're doing?

MR. ANDY KAUFMAN:
Yes. The stipulated settlement -- as part of the stipulated settlement the site plan that's in place was agreed to and the town asked us to as part of that comply with all of the Suffolk County storm water management criteria. So in Phase I we met with the County and established the design. We

have agreed to extend that into the next phase and I'll make that a commitment today to -- if this County purchase is completed, we will continue to build to the County standard.

LEG. CALARCO:
Thank you. Another issue today that was brought up, and I heard someone mention and it was mentioned to me in a meeting last week, is that you've started clearing and doing some work on the adjacent property you own. Is that correct and if so what are you doing there?

MR. ANDY KAUFMAN:
There is a track layout that takes a turnout from what we call Phase I, the commonly referred to triangle of 30 acres, and extends a parallel siding to the east and some hundred yards west of the County farm that siding turns north, if you can picture a large loop, is the track design and in conjunction with discussions with the town, we've begun doing the clearing work for that track installation.

LEG. CALARCO:
And the town was aware that you were going to be doing that work, that was part of the site plan that was approved too?

MR. ANDY KAUFMAN:
We have -- yes, the town is completely aware that we're doing that work, and it's part of our extension of the first 30-acre approval.

LEG. CALARCO:
Okay. Thank you. And I just want to get to one last issue here, and I think this is really the crux of the matter at the end of the day, and that's what we're going to be using this property for. And in our discussions. We had talked about what you're envisioning 230 acres to become and whether we're going to have 230 acres of railcars or -- and tracks or just all warehouses. What exactly is this going to be? And from our conversation -- correct me if I'm wrong -- what it really came off to me that you're looking to do is create, basically, an industrial park type of operation there where you're going to entice businesses to come in and not necessarily just come in to use the property for warehousing, but, you know maybe entice Tropicana to come in with their OJ and also build the bottling factory on your site with the understanding that they're going to then get the benefit of having rail be able to deliver whatever goods they need coming in off the Island directly to their operation and perhaps rail delivering its product directly off and out of their operation off the Island without ever having to board a truck.

And by the same regard, by tying into the County's sewage treatment plant, which we have said that you've committed to do for the property, you offer those individuals access to sewage treatment as well.

So in essence, that's what I'm hearing is what you want to do. Is that correct?

MR. ANDY KAUFMAN:
I think you portrayed it absolutely accurately and our inability to specifically identify customers has nothing to with what our business plan and our model is and I think you've accurately characterized it. We present two distinct benefits to businesses on Long Island. We're constrained from an infrastructure standpoint. We are an Island so you've got to go over the George Washington Bridge to move from west to east; you've got to go over either the Whitestone or the Throgs Neck to get onto Long Island. Those bridge limitations have gone down in terms of gross vehicular weight

maximums from 120,000 pounds to by 2015, you'll be down to 80,000 pounds. That means the load carrying capability of a truck is cut in half. We're not going to stop buying the goods we buy on Long Island, we're going to be generating twice as many trucks to carry the same amount of goods. That's why rail is a practical solution, number one. Number two, we've all seen what happened to diesel fuel and God knows where it's going. And number three, the tariffs on the bridges themselves have gone from $50 for a six-axle truck to $82 today and 104 by 2015.

So all of that means that everything costs us a fortune more to move. So you got the primary benefit of being able to move goods by rail onto Long Island and then you've got the secondary benefit that you just mentioned by siting a business where the goods come in, you preclude the necessity to move them and handle them and store them a second time. Everything happens at one location so you can bring in your goods cheaper, you can get them into your storage system or your silo or your baking oven or whatever it is and you can refrigerate and store that finished product on-site and then ship it back out to the market more efficiently and for less money. That's the business plan, but can I identify the user today? I wish I could.

LEG. CALARCO:
Okay, thank you. So I guess that places us where we are today and that's we have this sale of property included in the County's budget $20 million for this current 2012 budget year. That was a decision made by the -- this County last year. And so we now are in the Catch-22 of do we sell the land to these gentlemen for what is -- what they just pretty much laid out what they want to do, the property without having any definitive idea on what that is going to be and take the risk that they're -- are going to produce a good element for the County or do we block the sale, block the 20 million into our budget and it's a very valid concern that the community has. Like I said, I think it's a Catch-22. It's one of those situations where it's probably what we're looking to want to do but at the same time we really would like to know what's going to happen but these gentlemen can't say that because they can't market the property fully and enter into contracts with anybody until they have the land and are able to do that so that's kind of where we are. I mean, I think we should at least move this to the full body and let the full Legislature hear this out.

CHAIRMAN MONTANO:
Okay. Legislator Stern has some questions.

LEG. STERN:
Yeah. Thank you, Mr. Chairman, and thank you, gentlemen, for being with us today. Going back to some of the issues that Legislator Calarco had raised, Legislator Browning, we have a contract before us that we're -- we're being asked to approve. If there were to be some type of whether they be classified as restrictions, covenants, requirements, et cetera, regarding use, is that -- you've said that you've had meetings with the County Attorney, perhaps those meetings will continue. I just want to make sure, once again, for the record that those would be ongoing conversations and obviously everything is open to be negotiated on both parts. It is a contract.

And I understand that although you have a vision that it is not exact and things change along the way, so it's difficult to plan for mitigation measures when you don't have an exact picture of ultimately what it's going to look like. But certainly we have concerns, the community has concerns about what may happen in the future and I'm sure that there are some mitigation measures that can be taken now upfront that could be negotiated and implemented now upfront regardless of what exactly comes about years from now, because noise is noise, pollution is pollution. Some of these concerns on the part of the local community and as a region can and should at least be discussed and addressed.

So my question is we're being asked to approve an actual contract and the language within that contract, but there is no contract just yet; and is that something that you'll continue to work on and certainly to address the concerns that Legislator Browning and the community have?

MR. ANDY KAUFMAN:
Every time we've been asked, any time we have been asked to address a specific item, we've been happy to address it. I think, you know, the issue of stormwater management was certainly legitimate. We were asked if we would comply with Suffolk County standards. We didn't hesitate to say yes. We were asked if we would tie into and pay for the upgrade of the wastewater treatment plant, we said yes. I appreciate where Legislator Browning's coming from, but without a specific ask, it's tough to say what we can or cannot be bound by. Let me just finish the --

LEG. STERN:
Let me -- I'm sorry to interrupt. Let me give you an example because you had brought it up. The work that may need to be completed for the south service road of the Long Island Expressway is one of the -- I see that this is in a letter from August 15th from BRT, it is item number five. This is a list addressing some of the concerns that were brought up and this specifically has to do with the trucks that would come in and trucks that would go out. We seek to undertake a public/private partnership to extend the service road on the southern side of the Long Island Expressway from exit 66 to 67. You had said that it's a certain amount of feet, that's something that perhaps you might be involved in, my question to you is what would a public/private partnership look like and where are you at currently in discussions with New York State DOT about the possibility of doing that?

MR. MILLS:
Well, I don't know exactly what form the public/private partnership would come about. I think at the end of the day what it really means is we'd help finance it recognizing the impact and the concerns that people have that the benefit to everybody involved would be to put trucks on the service road, so it could enter the Long Island Expressway going east or west simply and without entering Sills Road or Route 21. So I don't know if there's any partnership per se because there really isn't a revenue generating piece of that service road so it's really at the end of the day it's would we be willing to contribute and the answer is yes, but we'd have to facilitate, you know, the building of that service road. It's not exactly straightforward and it's not easy and we're working on it though.

LEG. STERN:
And is that something, I understand that you were having that discussion with New York State DOT. My question is has that specific potential mitigation matter been brought up in conversations that you've had with the administration including the County Attorney, and has it been part of the discussion to make that part of the contract?

MR. MILLS:
Not that I'm aware of, no.

LEG. STERN:
The concern of course is that -- you talk about it in the letter, but just because it's addressed in the letter as potential mitigation measure doesn't necessarily make it so going forward. It doesn't have the force of being included in the contract and that's my concern.

MR. ANDY KAUFMAN:
Unfortunately, we don't have the ability to bring the State into this contract. If they would agree to it, I think you'd get our consent instantaneously.

LEG. STERN:
Oh, let's -- you had said also that not just the specific measure, but that you've been meeting with New York State DOT and that they have made suggestions and I have here in my notes -- I put quotes around suggestions because in correspondence from you you're saying that -- that you are accepting all of New York State DOT's suggestions. So I was wondering what those suggestions are and were and if you're able to speak to specific New York State DOT suggestions and how that will be implemented.

MR. ANDY KAUFMAN:
Well, I think those are more on a regional transportation basis than we're talk -- than specifically on the site. The only jurisdictional issue that the State has is the express -- the south service road extension and we have, just to be more specific about it, applied for through the consolidated funding application for that work to be done. There has been no approval statewide of those applications, but if the County can help to elevate that application through its regional representatives, again, we're happy to get on board. We're -- you can sign us up.
LEG. STERN:
Then maybe I can point to Ms. Lansdale. At what point does the County have that type of a role? Have we helped in that kind of an outreach effort? Have we been part of those discussions with DOT?

DIRECTOR LANSDALE:
Well, we're currently working on a couple of projects with DOT. I would defer the mechanics of the interface with DOT to the Commissioner of Public Works, Gil Anderson. He has a lot more knowledge about the relationship between DOT and the County as it relates to our roadway infrastructure, but I could definitely get back to you on that.

LEG. STERN:
We had brought this up prior, but I do want to reiterate because I think it's important that we may play no role going forward in the approval process, but that the site that we're talking about is surrounded literally by major County roadways, and so that continues to be under our jurisdiction regardless of the activity that's conducted on the site. And so if we see going forward based on the plans and what it is you're seeking to do, whether now in the near term or in the future, that we maintain jurisdiction over our County roadways and we can always act accordingly. Whether we need to do something differently in the future or we need to take preventive action from what is being proposed that that is an authority that is a jurisdiction on those local roadways that we will maintain going forward.

MR. ANDY KAUFMAN:
Certainly all curb cuts and traffic lights and acceleration lanes and deceleration lanes. As was done in Phase I we added both southbound on 101 at the entrance to the site, northbound under the Expressway for traffic that was -- that will go west on the Expressway, an increased turning lane, an upgrade of the traffic signals. We've certainly done all of that and would, in fact, we started conversations with DOT about the Horseblock Road entrance. So, yes, you would continue to have that jurisdiction and we would certainly be in compliance with it.

In addition, I just want to point out that nothing that is preempted by the Federal statute governing rail eliminates the County's or the towns ability to regulate issues of health, safety and welfare. So you don't lose any of that authority.

CHAIRMAN MONTANO:
Are you done?

LEG. STERN:
Yes.

CHAIRMAN MONTANO:
Okay. I want to thank all of you. You can return to your seats. Okay. We have a motion on the floor to discharge, if I can, discharge without recommendation. For those of you in the audience, if this motion passes, it means that this bill goes to the full Legislature, but it is not an approval from the Committee. It simply transfers jurisdiction from the Committee to the full Legislature. So with that, no other motions. Legislator Kennedy.

LEG. KENNEDY:
You know, Mr. Chair, having been the second on this motion I appreciate you clarifying that. And, actually, I intend to have a conversation after the Committee with the principals from Brookhaven because many of the things that we've just talked about here, you and I know it's great to make representations, but at the end of the day, it's a contract that's actually -- the only thing that you can rely upon. So whether it's a representation within the contract of hours of operation or buffer zones, land banking or any other kind of things between now and next Thursday, that will be something that ultimately is -- I'll be looking at as to what may -- you know, make my determination for then.

I believe this matter belongs before the full body. Mr. Zwirn, going back two hours ago, his comments about our budget shortfalls are meaningful, pertinent and significant. Nevertheless, Legislator Browning is pointing out there's a tremendous amount of activity in Yaphank and we all have to be mindful of it. So that's where I stand on it.

CHAIRMAN MONTANO:
Okay. As I was saying and with respect to my position I think that I will join Legislator Browning in her reservations on this. Let's call the vote. All in favor to discharge without recommendation?

LEG. NOWICK:
This has a second?

CHAIRMAN MONTANO:
It has a second. Legislator Calarco made the motion, Legislator Kennedy seconded it. I'm calling the vote. So who's in favor? You want to raise your hands or you just want to say yes? We have one, two, three. Three in favor. Opposed? I am opposed. Any abstentions? Are you opposed?
LEG. STERN:
I'm opposed.

CHAIRMAN MONTANO:
So we have three to two vote. Three in favor, two opposed. The matter is referred to the full Legislature. It has been discharged without recommendation. **Discharged without Recommendation (VOTE: 3-2-0-0 Opposed: Legislator Montano and Legislator Stern)**
We'll see you on Thursday next week.

Moving right along on the agenda because the hour is late.
1701, Requiring County departments to post promulgated rules and regulations on departmental websites. (Cilmi) I did receive a call from Legislator Cilmi yesterday on this. We

did receive a letter from the Long Island Builders Institute. I've looked at the bill. Quick question. Well, first of all, do we have a motion on this? Does anyone have a motion? 1701 -- oh, I'm sorry, 1702 is the letter. You guys want to take --

LEG. KENNEDY:
I'm sorry, Mr. Chair.

CHAIRMAN MONTANO:
We're at 1701.

LEG. KENNEDY:
I'll make a motion to approve.

CHAIRMAN MONTANO:
Requiring County departments to post promulgated rules and regulations on departmental websites.

LEG. KENNEDY:
I'll make a motion to approve.

LEG. CALARCO:
I'll make a motion to table.

CHAIRMAN MONTANO:
All right. We have a motion to approve. Do we have a second?

LEG. NOWICK:
Second.

CHAIRMAN MONTANO:
Second by Legislator Nowick. We have a motion to table. Do we have a second?

LEG. STERN:
I'll second.

CHAIRMAN MONTANO:
Second by Legislator Stern. On the motion. I have a question to Budget and Review -- Budget Review Office; I'm sorry. On your financial impact statement, you said that there's no financial impact, however there's an opportunity cost. Could you just explain that to me again?

MS. HALLORAN:
An opportunity cost to the departments in terms of it'll keep -- it'll be more work for the staff.

CHAIRMAN MONTANO:
So essentially what you're saying is that the financial impact is staff hours and et cetera, et cetera, but you didn't quantify it.

MS. HALLORAN:
Correct.

CHAIRMAN MONTANO:
So why do you call it an opportunity cost? Opportunity for what, to do more work?

MR. PERNICE:
Well, from an economic point of view, opportunity cost is doing any one action means you're not doing something else. So, I mean, you're using time and dedicating it's to that so there's, you know, other -- those are salaried payers that, you know, that salary --
CHAIRMAN MONTANO:
So it's really a loss of opportunity to do something else is what you're saying.

MR. PERNICE:
Yes.

CHAIRMAN MONTANO:
Yeah, you can look at it that way.

MR. PERNICE:
And it's not an exact fiscal impact but it's -- we're saying yes, you're paying for, you know, employees to do a certain thing so you're going to be directing them towards that so it's not a monetary cost but you should be aware that that's how you're using the resources.

CHAIRMAN MONTANO:
Right, okay. The word opportunity cost sort of throws me off. Are there any comments on this? All right. Let's call the vote. The first vote will be to table. All in favor? I'll support tabling. Steve, you want to table this? I mean, it's --

LEG. STERN:
I apologize.

CHAIRMAN MONTANO:
It's not a big deal. Let me just summarize the issue. This would require the posting of rules and regulations on the websites. I don't have a problem with that. There's no financial impact other than as the departments are promulgating -- not promulgating but posting these rules, they can't do something else. I would suspect that's a minimal cost. Am I correct on that?

MR. PERNICE:
Yeah. I mean, unless they have to --

CHAIRMAN MONTANO:
I mean, how long does it take to post something?

MR. PERNICE:
Unless, I don't know from a technology perspective if they have to, you know, do anything to modify the websites. That's the only thing I would say is maybe a cost, but, you know, we don't know.

CHAIRMAN MONTANO:
Okay. Legislator.

LEG. KENNEDY:
Mr. Chair.

CHAIRMAN MONTANO:
Hold on. Legislator Nowick first and Legislator -- did you want to speak?

LEG. NOWICK:
Yeah.

CHAIRMAN MONTANO:
Legislator Nowick then Legislator Kennedy.

LEG. NOWICK:
I don't think it would be that much of a big deal to post them because I think that you can actually go on the internet and get a lot of our rules and regulations, so wouldn't it be a matter of flipping them over to a website?

CHAIRMAN MONTANO:
If I may, the conversation I had with Legislator Cilmi, this pertains, and Counsel I'll ask you to interject if I'm inaccurate, this pertains only to departments in the County that have actual rules promulgated and regulations such as, for instance, maybe the Department of Consumer Affairs. This does not involve, let's say, the Police Department, SOP rules and regulations. Those would not be required to be posted under this bill. Counsel, you want to address that or did I summarize it correctly?

MR. NOLAN:
I think you got it about right. Like the Police Department has extensive rules and regulations --

CHAIRMAN MONTANO:
I got a --

MR. NOLAN:
-- which would not have to be posted. This is applying directly to those rules and regulations that are formulated to enforce local laws that we pass. Many of our local laws say the department is authorized to promulgate rules and regulations to enforce the law, carry out the law. That's what we're talking about. That's what has to be posted.

CHAIRMAN MONTANO:
Do you know how many rules, I mean, how many departments this would apply to? Does anyone know? No, nobody knows that. All right. Let's go back to square one. We have a motion to table -- oh, Legislator Kennedy and then Legislator Stern. I'm sorry.

LEG. KENNEDY:
Mr. Chair, I mean, what I would analogize this to is is one of the very first tasks that I used to have when I was in intergovernmental relations when I came into the County over 20 years ago, Federal rule making, as you know, is published in the Federal register.

CHAIRMAN MONTANO:
Rules, yeah.

LEG. KENNEDY:
State rule making is published in the State register. Any agency, when it goes forward to undertake any particular type of executive function must publish and put out for review and comment for a minimum of 45 days whatever it is that they elect to do. I think that this is merely a reflection of the fact that time and time again we sit here and hear from different departments some action that's underway that quite frankly we never heard about. And so if the proposed course of direction or action has to be put up there for all to view, ultimately it's going to mean it's more reading for us,

but it's the right way to go.

LEG. CALARCO:
Not for us.

LEG. KENNEDY:
Why not?

CHAIRMAN MONTANO:
Legislator Stern.

LEG. CALARCO:
It's my understanding that this doesn't actually require them to post anything that's being proposed but rather just post whatever the rules are that are in existence.

CHAIRMAN MONTANO:
That's correct.

LEG. CALARCO:
So it has nothing to do with giving pre -- giving any individuals knowledge pre before the action is taken, but it's merely just to make sure that you have a point of access to review the information, which I thought most websites already have on.

MR. NOLAN:
I was just going to say that Legislator Cilmi had proposed a different law that was along the lines that Legislator Kennedy is talking about, before the rules were adopted, they would have to be posted, there would have to be public comment. But I think that that law had been stricken.

LEG. KENNEDY:
So he must have reintroduced it, I guess, merely to ahead and do publication after the fact. Even that being the case the fact that we get it brought to our attention by virtue of the fact that it's put up and published rather than finding out that somebody's bearing consequences of some act that an agency takes unknown to us, I think it's got some value and merit. I'm comfortable to support it.

CHAIRMAN MONTANO:
Let me ask a question. Steve did you want to --

LEG. STERN:
Yeah, but you can.

CHAIRMAN MONTANO:
No, I wanted to ask Counsel. Counsel, if an attorney, for instance, wanted to -- was dealing with let's say the Health Department on some rules and regulations that they -- they implement, where would the attorney initially go to get a copy of the rules so that he or she could read them and understand what's required or is there a place?

MR. NOLAN:
I'm not aware of -- I guess it would vary by department. I don't know if any departments presently do this or not. But I assume they'd have to go directly to the department.

CHAIRMAN MONTANO:
Let me ask a hypothetical, for instance, this would apply let's say to the Board of Elections?

MR. NOLAN:
I don't think it has any application to the Board of Elections because we don't pass local laws that impact them.

CHAIRMAN MONTANO:
No, but the Board of Elections has local rules --

(*Electrical Failure*)

CHAIRMAN MONTANO:
All right. I guess our time is up. Let's move.

MR. NOLAN:
Anyone from the County Attorney's Office here? We're going to make a motion to go into executive session to discuss the case. We'll be back. We need a second.

LEG. NOWICK:
Second.

CHAIRMAN MONTANO:
All in favor. We'll see you in 10 minutes.

(*The meeting was recessed at 12:16 p.m. and resumed at 12:38 p.m.*)

CHAIRMAN MONTANO:
We have a motion on the floor to table. Steve Stern, Legislator Stern would like to speak on the motion.

LEG. STERN:
Yeah, on the motion.

CHAIRMAN MONTANO:
1701.

LEG. STERN:
I remember back when the original bill was proposed, and it called not just for rule-making, but then a specific type of review, and then actually coming back to us for ultimate approval, I think was part of it at one point, which I found was actually inappropriate in terms of separation of powers between the Legislative and the Executive. It simply calls for posting our rules and regulations, so that it's not available just for us, but for the public.

I got to tell you, I've had conversations with business owners in my district who operate businesses and are frustrated by the fact that they -- many situations have to operate blindly because they don't know the rules of the road that they're supposed to follow. So I think this can only help, not just those of us who need to be familiar with the administrative rules and regulations, but those who carry on businesses within the community as well.

So I'm going to withdraw my second to the motion to table and I'm going to support the approval.

CHAIRMAN MONTANO:
You got all that?

MS. BRAATEN:
Yes.

CHAIRMAN MONTANO:
All right. We're going to -- so we already have a motion to approve on the table. All in favor? Anybody --

LEG. NOWICK:
Is this a motion to approve?

CHAIRMAN MONTANO:
That's -- you seconded it --

LEG. NOWICK:
Okay.

CHAIRMAN MONTANO:
-- so you should vote yes.

LEG. STERN:
Before you call the vote, I just want to say for the record, the one concern that I do have is the time element. It was 90 days, 90 days for all. So I'm going to support it because I think it's important to move forward, but I think it's a conversation that we still need to have with our I.T. people to see if it's possible to do that. But I agree with the substantive part of it, so I'm going to support it, but let's continue to have that conversation to see if they can actually implement it within the 90 days.

CHAIRMAN MONTANO:
Right. And I would add to that --

MR. LAUBE:
Are you tabling, or are you approving it?

CHAIRMAN MONTANO:
No. He's withdrawing his tabling motion.

MR. LAUBE:
Okay.
CHAIRMAN MONTANO:
What I'm going to say is I'm going to vote to approve, but if there are any departments that have issues with this bill, let them come to the Legislature on Thursday and, you know, explain why they object.
LEG. NOWICK:
I'm a yes for approval.

CHAIRMAN MONTANO:
So all in favor?

LEG. NOWICK:
Yes.

CHAIRMAN MONTANO:
Opposed? Abstentions? So it's passed unanimously, but we'll take it up on Thursday.

1702 - Adopting a Charter Law to make transparent the County's rule making process (Cilmi). I'm going to --

LEG. CALARCO:
Motion to table.

CHAIRMAN MONTANO:
Motion to table, Legislator Calarco, for a public hearing; I'll second that. All in favor? Opposed? Abstentions? Motion carries. **(Vote: Tabled for Public Hearing 5-0-0-0)**.

I.R. 1708 - Adopting a Charter Law requiring legislative approval of fee changes (Cilmi).
The public hearing, I guess, was closed.

LEG. CALARCO:
Motion to table.

LEG. KENNEDY:
Motion to approve.

CHAIRMAN MONTANO:
All right. We have a motion to table. I'll second the motion to table. We have a motion to approve. Do we have a second on that? No, we don't have. All right. So we have a motion to table. Any discussion on this? And I did speak to Legislator -- oh, wait, hold on. Yeah, I did speak to Legislator Cilmi on this yesterday. We had a discussion about, you know, what would happen. And, I guess, what would happen if for some reason we didn't approve a fee change and it was implemented, or et cetera, and there's really nothing in the bill that explains that to me.

So does anybody want to discuss this? All right. Motion to table. All in favor? Opposed? I guess, John, you're in opposition?

LEG. KENNEDY:
Yeah -- no. I'm --

CHAIRMAN MONTANO:
Opposition to table.

LEG. KENNEDY:
Right.

CHAIRMAN MONTANO:
Okay. So, Lynne, you're okay with that?

LEG. NOWICK:
Yes.

CHAIRMAN MONTANO:
All right. Four to table, one opposed. **(Vote: Tabled 4-1-0-0/Opposed: Leg. Kennedy)**.

I.R. 1757 - Establishing a Reapportionment Notification Program (Gregory). I'll make a motion to table.

LEG. CALARCO:
Second.

CHAIRMAN MONTANO:
Second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries. **(Vote: Tabled 5-0-0-0)**

Introductory Resolutions

I.R. 1840 - Adopting a Local Law to expedite the return of blighted properties to the tax roll and productive use (Anker). It needs to be tabled for public hearing. I'll make the motion, second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote: Tabled for Public Hearing 5-0-0-0)**

I.R. 1847 - The sale -- approving the sale of County-owned rel estate pursuant to Local Law No. 13-1976 288 Properties, LLC (SCTM No. 0900-205.00-02.00-111.000)(Co. Exec.). I have no idea what this is. It's adjacent property, right, Counsel?

MR. NOLAN:
It's a 13, 96 by 131 by 173 for $5,000.

CHAIRMAN MONTANO:
Wow, that sounds like a lot of land. Where is this?

MR. NOLAN:
Hampton Bays.

CHAIRMAN MONTANO:
Anybody have a motion on this?

LEG. CALARCO:
I make a motion.

CHAIRMAN MONTANO:
Motion to approve. Do we have a second?

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. All in favor? Opposed? I'll be opposed. No. You know what, I'm going to abstain on this. So motion carries with one abstention. We'll leave Legislator Kennedy out of this.

1849, Sale of County-owned real estate pursuant --

MR. NOLAN:
He's in the back.

CHAIRMAN MONTANO:
He's in the back.

MR. NOLAN:
You can count him.

CHAIRMAN MONTANO:
Well, he's not at the podium.

LEG. KENNEDY:
You got me on the majority on these?

CHAIRMAN MONTANO:
No, you're good. We're just going to count on you in the majority.
These are 13 --

LEG. KENNEDY:
You got me in the majority, right?

CHAIRMAN MONTANO:
So the vote is 4 to 1 -- no. Vote is 4-0-1. **(Vote: Approved 4-0-1-0/Abstention: Chairman Montano)**

I.R. 1849 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law-Town of Brookhaven (SCTM No. 0200-509.00-05.00-003.000)(Co. Exec.).
Motion to approve by Legislator Calarco.

LEG. STERN:
Second.

CHAIRMAN MONTANO:
Second by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries.
These -- Steve, you want to take these over?

LEG. STERN:
Sure.

CHAIRMAN MONTANO:
Yeah, thanks.
LEG. STERN:
These are -- the next several are 16s. **I.R. 1850 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Arthur Reynolds (SCTM No. 0200-983.20-06.00-058.000)(Co. Exec.).** I'll make a motion to approve.

LEG. NOWICK:
Second.

CHAIRMAN MONTANO:
And place on the Consent Calendar.

LEG. STERN:
And to place on the Consent Calendar. All in favor? Any opposed? Any abstention? I.R. 1850 is approved and placed on the Consent Calendar.

1851 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose Machuca (SCTM Nos. 0400-146.00-03.00-027.003 n/k/a p/o 0400-146.00-03.00-027.005)(Co. Exec.). I'll make the same motion, same second, same vote. 1851 is approved and placed on the Consent Calendar. **(Vote: Approved 5-0-0-0)**

I.R. 1852 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Barbara E. Blue and Life Estate of Lawrence J. Wright (SCTM No. 0100-080.00-03.00-072.000). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**

I.R. 1853 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Steve Delacrausaz and Alanna Delacrausaz, husband and wife (SCTM No. 0100-130.00-02.00-148.003)(Co. Exec.). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**.

I.R. 1854 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Theodore M. Oliver (SCTM No. 0100-159.00-04.00-001.000)(Co. Exec.).
Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**.

I.R. 1855 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act the Voutsinas Merrick family limited partnership (SCTM No. 0100-189.00-02.00-006.000)(Co. Exec.). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**

I.R. 1856 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act W.G.B. Realty, LLC (SCTM No. 0400-072.00-02.00-002.001). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**

I.R. 1857 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jason Madr (SCTM No. 0900-166.00-03.00-002.001). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**
I.R. 1863 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Martin Mangels, Jr. And Louise Mangels (SCTM No. 0200-128.00-02.00-002.000). (Co. Exec.). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**

I.R. 1864 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Mahlstadt (SCTM No. 0500-009.00-04.00-128.000) (Co. Exec). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**

I.R. 1867 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Georgette Grier-Key (SCTM No. 0200-424.00-02.00-027.001). Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**.

CHAIRMAN MONTANO:
All right.

LEG. STERN:
You're up to 1885.

CHAIRMAN MONTANO:
I.R. 1885 - Authorizing a community college chargeback line on real property tax bills prepared by Towns (Gregory).

LEG. NOWICK:
That's the line on the tax bill?

CHAIRMAN MONTANO:
Do we have any room on the tax bill?

MR. NOLAN:
Yeah, we do.

CHAIRMAN MONTANO:
We already have it on?

MR. NOLAN:
We did it last year.

CHAIRMAN MONTANO:
All right. All in favor? Opposed? Abstention? Motion carries. **(Vote: Approved 5-0-0-0)**

We had an executive session. We agreed on a settlement in the matter of County of Suffolk versus Massiel Donazar; D-O-N-A-Z-A-R, versus County of Suffolk.

Motion to adjourn. We don't need a motion. We're adjourned.

(*The meeting was adjourned at 12:48 p.m.*)