

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**TWENTIETH DAY
DECEMBER 21, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

**Minutes Taken By: Lucia Braaten • Court Stenographer
Minutes Transcribed By: Alison Mahoney • Court Stenographer**

[THE MEETING WAS CALLED TO ORDER AT 9:32 A.M.]

P.O. CARACAPPA:

Mr. Clerk, good morning. Roll call.

MR. BARTON:

Good morning.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARACCIOLO:

Present.

LEG. SCHNEIDERMAN:

(Not Present).

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present).

LEG. LOSQUADRO:

(Not Present).

LEG. FOLEY:

Present.

LEG. LINDSAY:

Yeah.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present).

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present).

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present).

LEG. TONNA:

(Not Present).

LEG. COOPER:

(Not Present).

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. CARACCIOLO:

Here, Henry.

LEG. BISHOP:

Here.

MR. BARTON:

Eleven present.

LEG. SCHNEIDERMAN:

Henry, you got me?

P.O. CARACAPPA:

Did you get Legislator Caracciolo, Mr. Clerk?

MR. BARTON:

Twelve now (Not Present: Legislators Vilorio•Fisher, Losquadro, Alden, Binder, Tonna & Cooper).

P.O. CARACAPPA:

Thank you. Would all •• everyone please rise for a salute to the flag led by Legislator Montano.

SALUTATION

Please remain standing. At this time I'd like to recognize Legislator Bill Lindsay for the purposes of introducing today's Clergy. Legislator Lindsay.

LEG. LINDSAY:

Good morning, everyone, colleagues, friends. Merry Christmas to you all. Happy holidays. This morning at the •• at the Legislature should be Sayville Day because we have a number of our youth athletic teams from Sayville here this morning that we're going to pay tribute to a little bit later on, but our visiting clergy this morning is Reverend Harry Schenkel who is the Pastor at St. John's Lutheran Church in Sayville. Reverend Schenkel is a native Long Islander, and like many, many of the residents in Sayville, he's very involved in his community, it's a community that cares, it cares about people. The Reverend is the Chaplain for the Community Ambulance of Sayville that serves about four different villages in that area. And I'm so happy that he could be with us today to add this special prayer just before the holy day of Christmas.

REVEREND SCHENKEL:

Thank you. Let us pray. Lord, God, Creator, Ruler and Savior of All, we confess the unruliness of our fallen human nature, the disorderly inclinations of our minds and the rebellious whims of our hearts. We recognize our need to be guided, our need to be ruled, our need to be disciplined. We ask you to guide us by just laws, to rule us with love, to govern us through responsible leaders, to raise up Legislators with integrity and honesty and give them the strength to choose wisely. We pray you. Help us to exercise our freedoms in a way that honors life, help us to carry out our responsibilities in a God•pleasing manner, help us to hold the law in high regard, especially at this most precious time of year. Fill us with the spirit of your great gift of the savior so that we use our lives, our possessions and our every moment as an example of your love and care for all, especially those around us who are in need. We name some of those who are in need now silently in our hearts.

Brief Pause for Silent Prayer

Touch them with an added measure of your grace and healing. We pray this

all in the name of Jesus, the son of your eternal love who lives and reigns with you in the holy spirit, one God now and forever. Amen.

P.O. CARACAPPA:

Thank you so very much. Everyone, please be seated.

Good morning, everybody. As Legislator Lindsay said, happy holidays to you all. I'd like to recognize once again Legislator Lindsay for the purposes of a proclamation.

LEG. LINDSAY:

As I mentioned a few minutes ago, we have a number of the athletic teams from the Sayville High School with us this morning, and I would like to bring up the Sayville Athletic Director, Charlie DeLargy; Charlie, if you could join me.

This is like the perfect dream for an athletic director of a high school. His football team won not All•Suffolk, they won All•County, they beat Nassau County for the Long Island Championship. His swimming team has a Swimmer of the Year of Suffolk County and the Cross Country Team went undefeated in League V and is the County Champions as well. Let me just start •• Charlie? And football won the Rutgers trophy which is the •• thanks, Most Outstanding Team in Suffolk County.

Let's just start with football, I think we have Coach Hoss here from the football team. Coach, if you could join us and •• let me see, let me find some of your assistants are here. Mike Guercio, if Mike could join us as well. Of the three Suffolk teams to win a Long Island Championship in 2004, Sayville was the only one that went undefeated, they were 11•0, which is a feat in any athletic event not to lose a game. Maybe the boys from the football team, if you could all stand up to be recognized, you did a wonderful job. They were recognized as the top football team in Suffolk County.

Applause

And I guess John DeLuca •• where's John? Raise your hand, John. John was named to Newsday's All•Long Island Team, he rushed for the third highest

total in Suffolk history, 2,404 yards. Just to put that in perspective, I'm an old man but I remember when OJ Simpson was the first running back in the NFL to run for 2,000 yards; John ran for 2,400 yards in 11 games, I think OJ did it in 14 or 16 games. So it's really, really quite an accomplishment and we salute the team, we absolute you, John, on this tremendous feat.

Next, the Cross County •• do we have the cross county coach here? Yeah? Cross County, Glenn Drago and Christine Richter, if you could come forward? They coached the Sayville Boys Cross Country Team who went 6•0 in League V and went on to win the Class A County Championship. Is the cross country team here? If you could stand up.

MS. RICHTER:

There's two.

LEG. LINDSAY:

Just two, okay. Very good. Congratulations boys.

Applause

And last but certainly not least is the swimming team. I understand the coach isn't here today; am I right? No, but we have with us Katie Kelly; is Katie here? Katie, if you could stand up. Katie was named Swimmer of the Year for Suffolk County, congratulations.

Applause

We have proclamations for you all. The only thing that I want to know from the Athletic Director, Mr. Delargy, is where do you go from here?

MR. DELARGY:

Home.

LEG. LINDSAY:

Home, okay. Have a merry Christmas.

Applause

P.O. CARACAPPA:

Thank you, Legislator Lindsay. And congratulations to you all.
I now recognize Legislator Nowick for the purposes of a proclamation.

LEG. NOWICK:

Good morning, everybody.

P.O. CARACAPPA:

Legislator Nowick, just turn on the microphone first and then just wait 30 seconds for the Sayville folks to file out.

LEG. NOWICK:

While we're waiting, I would love for the Legislators to come to the horseshoe because this is a very special proclamation today.

P.O. CARACAPPA:

Would all Legislators please report to the horseshoe?

LEG. NOWICK:

Good morning, everybody. I'd like to introduce you to a very special young lady, her name is Selena LaFranca. Every morning across this country, children awake, pack their books and lunches and head off to school in the usual routine. On October 5th, Selena LaFranca was beginning her day much like any other day when she had school. As she readied for school, Ella Shargorodsky who was at home with Selena •• and forgive me if I say that wrong •• fell and was rendered unconscious. Without hesitating, this young lady knew right away what she needed to do; she dialed 911 and informed the dispatcher of what had happened. Throughout the call Selena remained calm and poised. Chief Timothy Kraus of the Smithtown Fire Department stated that although Selena was frightened, she was able to provide key information so that the Suffolk County Police Department and Smithtown Fire Department could find her house; and understand, she was frightened and she did this.

She informed the dispatcher that she wanted the ambulance crew to come to the back of the house so that she could be certain she was opening the

door for a police or fireman and not a stranger; can you imagine knowing that? According to the dispatcher, Selena provided a lot of details that allowed the ambulance to find the house quicker than would normally have been possible. Within five minutes a rescue team was at the house and attending to Ella. When asked where Selena had learned to call 911 •• and I had asked her a little while ago as well •• and how to handle emergencies, she replied that she had been taught this information at school and that this message was reinforced by her parents. Selena learned not to open the door to strangers, to call 911 and provided enough information that Mrs. Shargorodsky •• I'm sorry again •• was transported to the hospital quickly and was able to make a full recovery.

The Smithtown Fire Department was extremely impressed with the outstanding demeanor of is Selena and that morning •• on that morning and, of course, I must say, so was I. Today, I would like to take this time to present Selena with a proclamation that honors her quick actions that morning. She's seven years old. She's a young lady who deserves to be recognized for her efforts. This lady is seven years old and I'm so proud of her and I would love everybody to give her a round of applause.

Applause

This proclamation is for you and I hope you hang it on your wall because you deserve to have it. I would love for her family to please come up, Mom, Dad, Ella, Chief Kraus, Grandma, of course. You have to feel like a million dollars. And this Ella and Dad and Mom and Grandma; and I know who this is. Would you like to hold that? Okay. Isn't that great? Seven years old. Well, it will be a merry Christmas for all of you.

MS. LAFRANKA:

Thank you. Nice to meet you.

LEG. NOWICK:

Oh, what a pleasure. Very nice to meet you.

P.O. CARACAPPA:

Good morning again, everybody. I'm here this morning at the podium to recognize Suffolk County's 4•H Youth Development and I'd like to ask

maybe Tom Williams or someone from the •• from 4•H to come forward. And while Mr. Williams is doing that, I'd like to thank them and the Cornell Cooperative Extension for the beautiful poinsettias that are displayed before you around the horseshoe, we certainly appreciate it.

I'd like take this opportunity to congratulate our 4•H Youth Development participants for the wonderful job they did representing the County of Suffolk in a local and Statewide and national competitions. The 4•H Live Stock and Llama Showmanship Program gave them the opportunity to show llamas and dairy goats at our local 4•H Suffolk County Fair. The staff at the 4•H Youth Development Program then prepared them for participation in the following events; the 4•H New York State Fair, the 4•H Big Eastern States Exposition which was in Massachusetts, the Regional 4•H American Llama and Live Stock Showmanship Program which was in Delaware and the Grand National 4•H Llama and Livestock Showmanship Program which was in Nebraska.

This is the first time in more than 20 years that Suffolk County was represented at the New York State Fair. Thanks to the dedication and commitment of the youth, their families and our staff, Suffolk County has youth participating in all levels of competition. The Legislature is very proud of the administration and the staff at Cornell Cooperative Extension's 4•H Youth Development Program and we congratulate them for a great job they've done to prepare our youngsters for these events.

Tom, would you just step up? I'd like to just say congratulations personally from each and every Legislator for a job well done and I'd like to take this time to read into the record all the individuals, the youngsters that were involved in this great showing.

From the 2nd Legislative District which is Legislator Jay Schneiderman, he has constituents Hali Devlin, Christi Dawydiak, Rosemary Grimm and Mike Burns; congratulations to them. From the 3rd District which is Legislator Pete O'Leary, Gina Hennington from Yaphank, Meghan Ralph from Yaphank, Bryan Barone from Shirley, Danielle Hennington from Yaphank, Cody Kazel from Yaphank, Justine Fuge from Yaphank and Amy Wunsch from Yaphank; I apologize for misspeaking on the names. From my district, the 4th District,

Jamie Flynn from Selden and Joseph Miller from Farmingville. From the 5th District, Legislator Vioria•Fisher's she has Kristen Tangen from Setauket and Eric Tangen from Setauket. From the 7th District, Legislator Brian Foley, we have Joseph Maggio from Medford. From the 8th District we have •• from Legislator Bill Lindsay's district, we have Katie Perez and Jessica McGlinchey from Sayville and Holbrook respectively. From the 9th District, Legislator Rick Montano, we have Alexis Garcia from Central Islip. From the 10th District which is Legislator Cameron Alden we have Anthony Sylvester from Ronkonkoma. From the 11th LD which is Deputy Presiding Officer Angie Carpenter's District, we have Ethan Daniel. And from the 12th District which is Legislator John Kennedy, we have Kaitlin Coleman from Lake Grove.

On behalf of each and every one of us here at the Legislature, we'd like to take this time to congratulate you on a job well done and for representing Suffolk County as you did so wonderfully over the last year. So congratulations to you all. You'll all be receiving a certificate for your accomplishments from your Legislator outside in just a few minutes so you can take some pictures, too, but I'd like to turn it over now to Tom Williams. Congratulations.

Applause

MR. WILLIAMS:

Thank you, Joe. We appreciate the recognition from the Legislators, we're very pleased. I have with me Pat Pearson who runs our 4•H Youth Development and our County Farm. We are pleased to be able to recognize these young people. Through this program they are learning leadership skills, they learn how to present themselves, they also learn about the long tradition of agriculture and animal care within our County which, as you know, is still the number one agricultural County in New York State. So we're very pleased to recognize them, they do a wonderful, great job. And also Tabitha _Habold_ who is our llama expert over there really does a terrific job teaching them. So thank you.

Applause

P.O. CARACAPPA:

Thank you once again and congratulations. I think the way we'll handle this is I guess my staff will take one Legislator out at a time that has their constituents here for a picture and the presentation of the proclamations so we can keep the meeting rolling. Thank you again. Congratulations.

Okay. We now are going to go to the public portion of today's meeting. Each speaker has three minutes. This is strictly a public portion, it's not a question and answer period. Three minutes is your time to say whatever you have to on any issue; at the end of the three minutes I will ask you to sum up your comments. The first speaker is Bill Raab.

MR. RAAB:

Good morning.

P.O. CARACAPPA:

Good morning.

MR. RAAB:

I'm here about the Suffolk Trap and Skeet Range. We have monies set aside to be bonded to get the range reopened. I would like to remind everyone that this is, I believe the sixteenth meeting this and we need to get this going. This facility needs to reopen so that we have a place to go and do what we do. I don't golf, I don't do a lot of other things, I target shoot and I'd like to give my money to Suffolk County to do it and ••

P.O. CARACAPPA:

Mr. Raab?

MR. RAAB:

Yes?

P.O. CARACAPPA:

I'm going to cut you off for one second.

MR. RAAB:

Go ahead.

P.O. CARACAPPA:

And I'm going to ask Legislators please report to the horseshoe and give the speakers some respect.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair.

P.O. CARACAPPA:

All Legislators, aside from the one posing with the constituents outside, please report to the horseshoe.

MR. RAAB:

While I'm waiting. Thank you, Mr. Alden, for being at Chris Bernichon Eagle, it was good to see you there.

LEG. ALDEN:

It was a good event.

P.O. CARACAPPA:

Great event. Mr. Raab, we have about nine in the room right now, so why don't you continue your comments.

MR. RAAB:

Thank you. Yeah, no problem. Yeah, we need to get this range reopened. We have set aside the money from a few years ago and we would like to use it. We've used 50,000 of it to get where we are now. I have spent a lot of time and my own money as well as other people, we've paid for some studies, when there were road blocks we overcame them. This has the potential to be a world class facility. It also has the potential should New York City get their bid in 2012, you could put in a bid for trap and skeet shooting out here and that would be a tremendous boost to Suffolk. You have that, it's there for you if you •• if we take advantage of it.

As this range is not being used, it's going to take more money just to get it back to the condition we want it and that will be less money that we can spend to make it better; that doesn't seem like good business sense to me. The facility does make money, it has always made money, Suffolk could use

some. If we don't do this by this year, as I understand it, this process has to start over again, and that would not be a good thing because I really am getting •• I like to see all of you but I'm really kind of getting tired of coming here and doing this. I have offered my help as well as others, we have offered to help wherever needed. I have met with the Parks Commissioner and his other people and we're working things out to try and speed this along. I would really like to see you all get this passed and get this over and done with once and for all and we can get this range open in the spring and then we could •• we would have to really look hard to find something else to bother you about.

I'm just going to keep it short, I know Angie is kind of sick of seeing me on this issue. You know, she likes to talk to me but, you know, she doesn't have anything good to tell me so, you know, that doesn't make me happy. Thank you very much. That's all, I'm going to just keep it short.

P.O. CARACAPPA:

Thank you very much for your patience. John Cortez.

LEG. VILORIA • FISHER:

John gets around so quickly, no one thinks of jumping up.

P.O. CARACAPPA:

Good morning, John.

MR. CORTEZ:

Good morning. I'd like to just take a moment to tell you about our Wheelchair Athletic Program in the Town of Brookhaven and tell you about an exiting program we have.

Since 2002 we've been running an athletic program open to every physically challenged individual, not just in the township of Brookhaven. We play five sports; basketball, tennis, hand•cycling, softball and hockey. All programs are cost•free, they're co•ed.

We provide everything, we provide the equipment, the uniforms, the beverages, we have a host of sponsors that pay for just about everything. We've got a great Town Supervisor in Brookhaven who supports this

program wholeheartedly.

Right now, what we decided to do was not ask the town for any money this year, and that's kind of odd for working for the town and saying, "We don't want any of your money, we want to go out and raise it for ourselves," and that's the last conversation I had with John LaValle about three months ago. I said, "Our goal for 2005 is to bring in more people and not to ask a dime from you." So we held a fund-raiser on November 6th, and with the State grants that were announced that night, we raised over \$60,000. We don't have to ask the town for any money and we're not going to. They gave us money and it will be there in the end of the year. So what we'll do with that money is we'll travel, we'll take our teams to •• we'll be up in Boston, we'll be in Scranton, Pennsylvania, our goal this year is to go to Tampa, Florida. And what we do is we take all of our players, whether you're the best player or you're the worst player, you come with us and you play. And the difference between our program and some of the other wheelchair sports you may see and other sporting programs you see, winning is not the score at the end of the day, winning is if you had fun and you're coming back next week. So, what do we want to do with all of that money? You ready for this?

LEG. VILORIA • FISHER:

Party.

MR. CORTEZ:

No. And by the way, my Mom says to say hello, she missed you at the fund-raiser. We're giving it away. Imagine that? We're giving it away. Here's what we'd like to do, and I flyers for each of you. We'd like to promote our Wheelchair Athletic Program, we're in basketball season now. So you all know groups that need funding, they come to you every day, we have funding we want to give out. If you'll come down and play basketball with us, we'll make a donation to your organization. You don't have to be a nonprofit, you can be little Johnny on the street corner selling lemonade for somebody, it doesn't matter. We want to promote our program, we want to show you what the able-bodied athlete and the disabled athlete have in common, we both can play the sport. No matter what it takes, if I've got to

come into your district, if I've got to go out east, if I've got to go out west, it does not matter, no is not an answer. We will come and find you, we will bring you to our program, we will show you that it's a great thing.

P.O. CARACAPPA:

Thank you, John. I've had the pleasure of playing basketball with you guys on a couple of occasions and it's motivating, to say the least; and very difficult, I might add, to play wheelchair basketball. So we do appreciate you coming down to the Legislature and letting us know about this •• what you're doing and that each of our districts can benefit from it. And I'm sure now that we have more information we will be reaching out.

MR. CORTEZ:

Please. My cell phone number is on there, you can reach me 24 hours a day. Like I said, no is not an answer, whatever we can do to reach out to people in all of your districts, we want to do that. We're going to be taking this to the town board meeting in Brookhaven tonight, we're going up to Albany, we're going to Wappinger_ Falls, we're going all over to let people know what's going on in Brookhaven in and you can do it in your districts too. Because there are too many physically challenged people out there that are not aware of recreational sports and we just want to help.

P.O. CARACAPPA:

Thank you so much.

MR. CORTEZ:

Thank you. Happy Holidays.

LEG. VILORIA • FISHER:

Thanks for all your work, John.

Applause

P.O. CARACAPPA:

Next speaker is James Kelly.

MR. KELLY:

Good morning, Ladies and Gentlemen. I'm speaking today on behalf of the bond issue for the trap and skeet range. I'm a board member of SAFE and I'm just going to keep my remarks short because some of you I imagine could repeat what I would say by Rote (sic). I just want to point out that the reopening of the range for this bond issue is going to provide a source of income for Suffolk County. As it stands right now, it will cost \$7.3 million to remediate the property and then do whatever else you're going to do with it, turn it into a park or some other issue.

I'd also like to stress, as Bill Raab has mentioned, that we are •• this is probably one of the best facilities in the northeast. And if New York City should get the Olympics, it would be a great venue for the trap and skeet events and it would bring a lot of money into Suffolk County.

I, like a lot of people and a lot of gun owners, I'm strictly a shooter; I don't golf, I don't play basketball or anything else. This is strictly my •• strictly what I do, it's all kinds of target shooting. And I would ask you to approve this bond issue and open it up just as soon as possible.

I'm trying to make it short and I know you've all heard the arguments, but I would ask you to think in terms of this as a •• this \$450,000 bond issue as a long•term investment. This money will constantly come back, it will always •• it has always generated money for the County, it has never been a money loser, it's the only profitable •• yeah, it is the only profitable concession in the Parks Department, it's the only one that ever has been. And I would ask you to keep this in mind and vote yes on this bond issue. And I think that's about it, so let me cut myself short here and not drive you crazy.

D.P.O. CARPENTER:

Thank you very much for coming down.

MR. KELLY:

You're welcome.

D.P.O. CARPENTER:

Next speaker, Gene Wishod.

MR. WISHOD:

Thank you, Mr. Chairman. I just want to say very few words on Resolution No. 2249 in the Public Works portion of the agenda which is to form proposed Suffolk County Sewer District No. 4, Smithtown Galleria in the Town of Smithtown. I just want to remind the Legislature that this matter, if it seems familiar, is indeed familiar, it's been before the Legislature on several prior occasions. A public hearing was held in November of 2002, the Legislature approved the formation of the district in March of 2003 and again by amendment in May of 2004. What's before you today is what we call a technical correction. The prior resolutions have been rescinded because they failed to refer to the County law legal requirement that the resolution be subject to a permissive referendum; that's corrected in the resolution before you. This has been a matter that's consumed a number of years, there's been no opposition to it, it's a positive step forward and I would urge the Legislature to adopt the amended resolution. Thank you very much.

D.P.O. CARPENTER:

Thank you. Next speaker, Sarah Anker.

MS. ANKER:

Hi. I'm going to try to be brief here. I am here today to present to you the documentary video *Our Children At Risk*, produced by the not•for•profit organization Grassroots Environmental Education. This 30 minute video explores the latest scientific research linking environmental toxins to children's health. Based on interviews with leading experts in the field, this program helps parents understand how our environment effects the health of our children and explains what can be done in homes, schools and communities to safeguard the health of children. Interviews included •• include doctors and researchers from Mt. Sinai School of Medicine, Columbia University, Yale University and University of Florida. In addition to the DVD, I will be presenting to all of you •• I am enclosing a copy of New York State's brochure, *Reducing Environmental Exposures: The Seven Best Kid •Friendly Practices*. Adelphi Professor, Patty Wood, helped initiate this brochure with the Department of Health which explains ways we can reduce our exposure. The County Legislature has taken initiatives in reducing the use of pesticides on County property and reducing exposure to toxic cleaning

products by using less toxic products thanks to I know Legislator Angie Carpenter I think had worked on that bill and I don't remember the •• reducing the pesticides, but I thank you very much for that.

With the creation of the Pesticide Community Advisory Committee, pilot programs are under way to research ways to productively use less toxic chemicals on golf courses and other County properties. I commend your efforts as Legislators to proactively create legislation that will protect and enhance the health of the residents of this County and encourage you to continue to create additional health and environment initiatives. And thank you so much.

I just wanted to say, you know, you're probably wondering why this video, and I'm working •• I'm still working to try to get the State to give us some direction with the breast cancer cluster investigation. And I came across Patty Wood at a conference at Adelphi University, at a seminar, and her and her husband are very active in her organization and she produced this video •• and I'm going to give you a DVD version, I also have VHS if you'd like that •• but it's a 30 minute video, and I know you guys are going to be busy during your holiday, but I really hope you view this. She also helped the Department of Health, which we have been waiting for some direction and we're just not getting it, but she enclosed when she sent me the DVD about a month or so ago this brochure and I'm going to give you this, and it was created in February of 2004, and I just discovered it. But it was put out by the State and I hope maybe the County might consider doing something like this, putting out some type of brochure. Because I think of all the political entities that I've worked with in trying to figure out what to do and, you know, what can be done with an awareness campaign, the County has done the most productive initiatives, especially with pesticides. So, I'd like to thank you again and wish you a happy holiday. Thank you.

P.O. CARACAPPA:

Thank you, Ms. Anker. Lance Mallamo.

MR. MALLAMO:

Good morning, Ladies and Gentlemen. Lance Mallamo, Executive Director of

the Suffolk County Vanderbilt Museum. I'm here today representing the museum to request your support of a half dozen resolutions beginning with 2212, modifying the investment policy for the Suffolk County Vanderbilt Museum Trust Fund. Actually, this resolution continues the authorization for the museum to receive a guaranteed income. The same resolution has been passed for the past three years and this will enable the museum to meet its revenue needs as well as allow for the continued growth of the endowment which even after this resolution is passed will be about over \$4 million above the principal amount in the endowment or the historic dollar value.

We also have several capital projects on the agenda today. Resolution 2245 will appropriate funds for restoration of the Habitat Wing. This wing of the museum has been closed for over a decade due to water infiltration, that problem has been corrected but significant restoration of the room and dioramas must begin and we do have our first ever Federal grant for this project and hopefully the first of many Federal grants that we're going to get if this project is successful.

Resolution 2246 will appropriate funds for waterproofing. This is very crucial, right now on rainy days we have water entering certain rooms of the mansion and they come underneath the windows in the entry arcade; on a heavy rainfall day we can anywhere from two to four inches in that which our visitors don't really appreciate.

Resolution 2247 will appropriate funds for restoration of facades. If you've been to the museum recently, you'll notice that we have wood scaffolding up around the Bell Tower with a canopy to catch chunks of cement that fall down, this is the main entry point of the museum. We were really forced to do this, it's costing us about \$4,500 out of our operating budget per quarter for the year and we would like to have this situation corrected as soon as possible.

Resolution 2250 appropriates funds for modifications for ADA improvements, Americans With Disabilities Act. We did have a master plan for ADA improvements for the museum prepared a couple of years ago and this will implement the first phase of that long overdue project.

And finally Resolution 2284 will implement improvements to the Planetarium associated with energy efficiency. I'll be here today, if anyone has any questions I'd be happy to answer them. Thank you so much. Have a great holiday, everyone.

P.O. CARACAPPA:

Thanks, Lance, you too. Peter Quinn.

MR. QUINN:

Good morning, Members of the Legislature; Peter Quinn, Long Island Coalition for Democracy. I'm •• despite the compliments of an earlier speaker about your environmental deeds, I am surprised and upset that you didn't pass the environmental agency legislation proposed by County Executive Levy. Here in your midst you've got a proposal for a 330 Megawatt generating plant, the _Kaesner's_ Plant in Yaphank and nobody has done an analysis to determine the megawatt usage of LIPA or its megawatt usage during peak load periods during the summer which would determine whether or not any generating plants need to be built. You've got •• and _Kaesner's_ by the way, is out of State, and then you've got KeySpan from Brooklyn trying to bulldoze its way through the Central Pine Barrens, initially; and if it weren't for environmentalists it probably would have happened. And now environmentalists are even siting and attempting to say, "Well, use waivers and allow it to happen anyway," when the history of eastern Long Island is they've gotten along without KeySpan for a long period of time, they could probably continue to do so as we seek alternate energy means. Then you've got the Liquid Natural Gas port in the sound which is part of your jurisdiction, a Texas company trying to invade our midst. Then you've got the Pilgrim State Hospital site, where Gerry Wolkoff and a whole host of others, including the State Economic Development Agency, the Suffolk County Industrial Development Agency, the Islip Town Industrial Development Agency all handing a company that makes the labels for bottles a huge portion of the 88 acres that are the western Pine Barrens that are the recharge basin for our water supply in western Suffolk. That's one of the nine strategic groundwater protection areas for our water supply and that is being damaged because of an indifference towards environmental matters, and it just seems to me prudent that you need •• as long as you're not dealing with these issues, that an agency of government created by the

County Executive is warranted. It's not political, there are enough environmental matters confronting this County that need safeguarding and I would urge that in the new year you adopt the environmental agency. And I thank you very much and I wish all of you a happy holiday.

P.O. CARACAPPA:

Thank you, Peter. Happy holidays to you. Jack Libert.

MR. LIBERT:

Good morning, Mr. Chairman, Honorable Members. My name is Jack Libert of the Weber Law Group, 201 North Service Road, Melville. I'm here to speak about Tabled Resolution No. 1694 which relates to the acquisition by eminent domain of the property now owned by Mark Mediavilla.

What I would like to address today is I guess a more general issue than that relating specific to this property, but I think is significant in terms of this property. Both on a governmental and civic level, we talk about the need for workforce housing, the need for housing for our children, and in particular the need for smart growth that is for planned communities that take into consideration destinations, all of the needs, transportation, workplace, shopping; we have the opportunity to do this on the Mediavilla Site. And the problem, as is the problem with most of these good endeavors, is that there •• nobody wants it near them. This site is not environmentally difficult in any way, it is •• and there will be, of course, before the Town of Huntington a full environmental study. In fact, there is a sand pit on the site. We have an opportunity to develop it in the smart growth manner and in a manner which will provide workforce housing, much needed, and a tremendous asset to the community, this town center that we've talked about.

I understand it's not the purview of this Legislature to review zoning matters and I'm not trying to sell the project per se to the Legislature. What I'm trying to say is every time a project comes up that has some element of opposition, and projects will, all projects will of any significance, it should not be the first move of the body public to try to acquire that property through eminent domain. There are environmentally sensitive projects and parcels that require the County to use its resources to do that. There is a

program, we recently passed a bond resolution permitting you to do that, but this is not the case here. The case here is that we have a project, there are few people that don't want it and they're asking the County to spend tens of millions of dollars to acquire it. It's respectfully submitted that under those circumstances, we might as well just take every vacant piece of land in the County and buy it and make it into a park; that really is not the purpose of either the bond •• the bond resolution, nor is it the purpose of eminent domain. And so I would ask that this matter continue to be tabled at best or that it be stricken from the table permanently. Thank you very much.

P.O. CARACAPPA:

Thank you very much. Eric Alexander.

MR. ALEXANDER:

Good morning. My name is Eric Alexander, I'm the Director of Vision Long Island, we're a smart growth planning organization and we're here today actually reading a joint statement with the Long Island Association, Mitch Pally couldn't be here today but he wanted to express a couple of messages.

The Long Island Association and Vision Long Island wish to express their strong opposition to Resolution 1694, introduced by Legislator Allan Binder, which would allow Suffolk County to use eminent domain powers to acquire the Mediavilla Property known as Orchard Park, proposed as Orchard Park on Jericho Turnpike in the Town of Huntington. Just a couple of quick points about Orchard Park.

As was said in prior speakers, it is proposed as a mixed•use development, retail, office, commercial, the developer has reached out to the community since 1999 to really try to come up with the best use of this site. Again, there's an opportunity here, you have a family that's owned the property for a hundred years, a developer who's interested in a different concept, you know, there's a commercial district in Jericho Turnpike. It's one of the ugliest places in the Town of Huntington and there are opportunities for walkability or mixed•use, you don't have a downtown anywhere south of Greenlawn to service all of Melville, Dix Hills, Elwood and all the surrounding

communities. So there's a market •• there's an opportunity there. And then as it relates to workforce housing, the developer is opening •• is open to 20% or conforming with the town's workforce housing law. And when we hear surveys that 54% of young people are thinking of leaving Long Island, 90% of young people can't afford to live on Long Island. Production of workforce housing is a key imperative, I don't need to tell this body that. You obviously have taken leadership through your Workforce Housing Commission, this Legislature's Workforce Housing Committee, a smart growth policy plan of the County, so the County's doing a lot of things on smart growth and workforce housing. But then there's a proposal like this and we struggle; I mean, I have to come here today and say this and it's surprising.

The Suffolk Legislature, I think, instead of stopping this development, they should provide incentives to make this development or developments like these more possible, or possible to happen. So I guess just to leave a final message •• and I'll leave our written comment which is very similar but written differently than I'm reading this •• but we just want to say if Suffolk County can't provide incentives for this, at least don't make it more difficult, please. This is a local issue, the town will decide it, the community residents, the developer and the town will decide this. For the County to step in, I'm sure there are other environmentally sensitive parcels that need to be supported throughout the County, I'm sure there's a list and there are many environmental organizations that would step up and push for other purchases. So with that I say have a happy holidays and thanks for this consideration.

P.O. CARACAPPA:

Thank you, Eric. Happy holidays to you. I have no other cards. Anyone else wishing to be heard? I make a motion to close public portion.

LEG. O'LEARY:

Mr. Chair?

P.O. CARACAPPA:

Second by Legislator ••

LEG. O'LEARY:

Mr. Chair?

P.O. CARACAPPA:

I'm closing public portion.

LEG. O'LEARY:

Okay.

P.O. CARACAPPA:

Is there a second?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public portion is now closed. I recognize Legislator O'Leary. We're going to ask some public officials to speak on some things.

LEG. O'LEARY:

Yes, thank you, Mr. Chair. With your permission, I'd like to provide some time for Mr. Ben Wright from the Department of Public Works to speak on the issue of the Southwest Sewer District No. 3 regarding the capacity issue, pending projects and the available gallonage within the existing boundaries of the Southwest Sewer District.

This has been an issue that has been discussed both in committee and outside the horseshoe. There's been some concern on the part of the Legislators that represent the Southwest portion of Suffolk County and I had asked Mr. Ben Wright to come to clarify some of the questions that have been raised.

D.P.O. CARPENTER:

Thank you, Legislator O'Leary. Ben, do you want to proceed?

MR. WRIGHT:

Yeah, just a few words, if I could.

D.P.O. CARPENTER:

By all means.

MR. WRIGHT:

Commissioner Bartha had presented information on the capacity at Bergen Point to both the Public Works Committee and the Health and Human Services Committee. And at the suggestion of Legislator O'Leary, we wanted to present a summary of the conclusions that we have come to with regard to capacity to the full Legislature.

Just briefly, the sewage treatment plant has a design and a permitted capacity of 30 million gallons per day and we look at a number of elements to see if there is any, what we call excess available capacity that would be for sale for to contractees or those developments that are in close proximity to but not in the boundaries of the sewer district. The current flows at the treatment plant are 24 million gallons per day. New York State DEC has a mandated factor of safety of 5% of that 30 million gallons per day. We also have approximately 800,000 gallons per day of projects that are approved by both the sewer agency and the Legislature, but because of their construction schedule haven't connected yet. And then we have the in-district parcels that are not connected and we've allocated two million gallons per day for those in-district parcels.

When you sum up the commitments that are made in the reserve capacity and you subtract them from the permitted and design flow, there's 1.7 million gallons per day of excess available capacity. If we look at all the pending projects that are in front of the Legislature and the Sewer Agency, that capacity is consumed.

I'd like to just expand on the in-district parcels a little bit. We estimate there's approximately 6,000 of those and we've allocated 340 gallons for every parcel. That's a conservative number, we feel that it's probably 25% higher than you would ordinarily expect to be generated by a typical parcel. The reason that those parcels aren't connected in theory we feel is because of the cost of connection. They're actually paying about 70% of what a

connected in-district resident would pay because the debt service is something everybody pays from the beginning; the user fee, the other 25 or 30% is paid once you hook up. But it costs two to \$3,000 to make that connection, and if they have an on-site system that's working properly, there's really no incentive to spend that money and then pay an additional user fee for the sewer district. But we're obligated to serve them, not just because we consider them our clients and trying to look out for their best interest, but in the Suffolk County Code, Chapter 424•Sewers, it indicates that when you're in the sewer district, if sewers are available then you connect. Also, when a sewer district is formed, under New York State County law, it provides that all parcels that are within the district boundaries must be benefitted and those benefitted parcels must be served. So the conservative factors that we use are •• yes?

LEG. LINDSAY:

No, that's okay.

MR. WRIGHT:

Oh, excuse me. The conservative factors that we use involve the high number that we've given to gallons per day per parcel, the Health Department standards that we use on contractees which is probably 15% above what would be ordinarily generated. And a capital project we're just embarking on now, it's called Infiltration to Inflow, it's Capital Project 8181, and it will tend to reduce the extraneous flows that are coming into the system, whether it's somebody illegally pumping water out of their basement into the system, somebody taking a manhole cover off a flooded intersection and draining it into the sewer system or possibly a crack in a pipe that's below groundwater where we have water, clean water going into the system. So we feel like we're obligated to serve those in-district parcels and have a big enough factor of safety to accomplish that once the appropriate time for their connection comes about.

That's basically, you know, what the Commissioner has stated earlier to the other committees. I would like to make one brief additional comment that Introductory Resolution 1625, which was tabled at the last meeting, is something that's important to us for infrastructure improvements at the facility and adoption of that resolution will allow us to put the package

together to go to the State Comptroller's Office to see if they agree that the district can afford the necessary improvements. Thank you.

P.O. CARACAPPA:

There's a question, Ben. Legislator Alden.

LEG. ALDEN:

Hi. Thanks for coming down. I'm not a hundred percent sure what the purpose is of having you come down except the last thing you just mentioned, 1625, that's a resolution to bond and do the improvements?

MR. WRIGHT:

Yes.

LEG. ALDEN:

Okay. And for about a month or a little over a month I've been asking the County Executive's Office, and maybe I should have just asked you directly, why can't we do that out of the funds that are available in the Suffolk County Water Protection Plan? And from what I understand, it costs more to go out and actually bond this on the market than it would to lend ourselves the money and do it. So there would be not a significant, you know, it's not tens of millions of dollars, but maybe a million dollars worth of savings to do it in-house rather than go out on the market and do it.

MR. WRIGHT:

We had a recent resolution passed on another Capital Project at Bergen Point that did use \$16 million of the Assessment Reserve Fund. And my understanding is that with other projects that we have coming up in the next couple of years which have additional improvements at Bergen Point that could be in the 50 and \$60 million range that there is some reluctance to put all of the funding from the Stabilization Fund into the earlier projects and spread it out over a number of years.

LEG. ALDEN:

But if this program •• and the program is ongoing, I think it goes until 10, 12 •• I mean, 2012 or something like that, so we're going to have money coming in. Wouldn't it be better to just look and see what happens, you

know, like five, four, five, six years from now? Because if Brentwood, the Pilgrim property, if that actually hooks up, I think that there's a significant hook-up fee that could be used for improvements down at Bergen Point or Southwest Sewer District No. 3.

MR. WRIGHT:

That's true about future connection, connection fees. But I'm just basically passing on my understanding from the Budget Office with regard to the Stabilization Fund and the recommendation to spread it out a little bit more.

LEG. ALDEN:

I just hate to give the Wall Street guys a million dollars when we can do it in-house and save the taxpayers of Suffolk County a little bit of money but, I mean, that's an answer I'm waiting for from the County Executive's Office. So I think that, you know, when we get to 1625, the County Executive should be prepared to just tell us which way they want to go with that. I'm glad you mentioned that there is no more capacity in the Southwest Sewer District; did the Southwest Sewer District ever act at full capacity?

MR. WRIGHT:

No.

LEG. ALDEN:

Has it ever been able to?

MR. WRIGHT:

No, we've never reached more than the current flow today which is 24 million gallons per day.

LEG. ALDEN:

No, but its ability to process. Because at one time •• now, there's a scavenger plant there, also, isn't there?

MR. WRIGHT:

Yes.

LEG. ALDEN:

Nothing •• or actually could operate at full capacity, could it?

MR. WRIGHT:

Yes, yes, it could, we're making improvements. I mean, part of our infrastructure improvements are to give it the redundancy and the reliability that we need for the long-term. It's not an issue of capacity, it's an issue of, you know, being able to meet the State requirements for limits and operating basically in as efficient mode as we can.

LEG. ALDEN:

Okay. Because it's my understanding that over the past couple of years there's been times when the treatment plant has to be shut down and it's just raw discharge into the ocean.

MR. WRIGHT:

That never happened. The only thing that's shut down there is that if we reach a limit on scavenger waste which is 630,000 gallons per day, we turn the trucks away or we, by our communication methods, let the various haulers know that we're not taking any more in and they have to come back the next day. But it's never been •• it's met limits for I don't know how many years, I would say 15 years it's met limits, there's no raw discharge. I have had people approach me in my driveway indicating that there are raw sewage discharge on Long Island and Suffolk County and it's a way of, I suppose, getting people to give money to support certain groups, but it's not true for Bergen Point.

LEG. ALDEN:

Good. The outflow pipe, was that •• that was misdesigned and then we had to come up with additional money to put it out another mile?

MR. WRIGHT:

We have an evaluation going on now. The pipe that was installed in the 70's has failed in different parts of the world and we thought it was prudent that we should evaluate the pipe to see whether we have the same •• it's pre-stressed concrete cylinder pipe which has certain wire in it that was not properly prepared before it was installed in the pipe. And so we're evaluating the pipe to see if there's any need to do some improvements on

it, we'll have a report within the next few months.

LEG. ALDEN:

I'm glad you opened up the discussion, Legislator O'Leary, because I have a ton more questions which I'm not going to go into today but, you know, at least it opened it up. I'm actually awaiting a response, about a month ago I sent a letter over requesting information and that was pretty much about cost to the infrastructure and the original development costs of the Southwest Sewer District and proportional costs, things like that. So I'm glad that we're getting into this eventually or, you know, starting today. Thanks, Ben.

MR. WRIGHT:

Well, again, just my last comment is on that resolution; regardless of the funding, you know, there are some infrastructure improvements that are essential. And the Comptroller's Office, once we apply to them, typically take four to five months to get back to us and then we need another resolution from the Legislature.

LEG. ALDEN:

I know, that's why •• it was months ago I asked the County Executive, or I brought it up and I think it was •• it's got to be two months ago maybe that I brought it up that we should consider doing it in•house rather than going outside. Thanks.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Ben, thank you for coming down today, and I thank Legislator O'Leary for asking you to come down. I mean, it's a subject that we've talked about at Public Works, but there's only a few of us on Public Works and I think it's a discussion that all 18 of us should be involved in.

And having said that, I know you talked about what's, you know, in the pipeline to be hooked up, and if everything gets hooked up then we're going to meet maximum capacity. But if that happens, we're going to enjoy a

huge revenue flow from these hook-ups; am I correct?

MR. WRIGHT:

Well, the current law is \$15 for every gallon of capacity, so if we hook up 1.7 million gallons then, you know, that's probably 23 or \$24 million worth of funding that the district will get, you know, for improvements.

LEG. LINDSAY:

Okay.

MR. WRIGHT:

And we've obtained I would think in the order of \$15 million over the past 10 or 12 years that is worth a lot more than that if you have to go out and finance it.

LEG. LINDSAY:

Okay. But my point is with this added revenue, and I'm sure the department is looking at this about expanding the capacity of the plant.

MR. WRIGHT:

Yes, we had •• we did a report that the Legislature requested us to do in 2002 and that was for, you know, various areas; Wyandanch, North Bay Shore, a portion of Islip and Deer Park. And when we •• our conclusion was that that was a large project because the sewerage aspect of it sometimes dwarfs the treatment plant part of it. We had a \$273 million estimate and only 30 million of it was associated with the treatment plant.

LEG. LINDSAY:

Okay, but the maximum flow is determined by the treatment plant, not by •
•

MR. WRIGHT:

Yes, it is and it's 30 million gallons per day.

LEG. LINDSAY:

Okay. And you know, just to my colleagues, I'd like to go back to the

genesis of the Southwest Sewer District. The reason Suffolk County entered into this massive plan initially is to protect our groundwater, and there is •• the solution isn't to, you know, saying to people, "We don't want to hook you up to the sewer system, you know, stick with the traditional cesspools and keep feeding our waste into the ground which as the Island populates is polluting our groundwater.

MR. WRIGHT:

That was the intent of the sewer district.

MR. WRIGHT:

That was the intent of the sewer district.

LEG. MYSTAL:

Legislator Lindsay, can I cut into your time for one second? I know you put the number, the revenue is about \$23 million but it could go as low as \$10 million, right?

MR. WRIGHT:

Yeah, there is a resolution from last year that ••

LEG. MYSTAL:

Because there are mitigating circumstances as to how we charge from \$15 to about \$7.50.

MR. WRIGHT:

That's correct, the resolution at the end of the last year allowed for certain projects to have a reduced flow and a reduced connection fee.

LEG. LINDSAY:

Affordable housing.

LEG. MYSTAL:

I just want to make sure that, you know, we don't use that number ••

LEG. LINDSAY:

But the resolution talks about through affordable housing.

LEG. MYSTAL:

•• the top number as being the only number around.

P.O. CARACAPPA:

One at a time. Legislator Alden.

LEG. ALDEN:

Just to fully develop the record, as far as hook•ups, when we're looking outside the Southwest Sewer District, traditionally now what we've been presented with are businesses that want to over develop a piece of property up in the Huntington corridor. And what would normally happen according to the Suffolk County Sanitation Code, they would be required to build their own sanitation plant if they wanted to develop the property in that manner. So by us allowing them to hook•up, it's a commercial hook•up rather than a residential hook•up. Residences typically use the cesspool that, you know, the Southwest Sewer District was designed to eliminate that type of pollution.

MR. WRIGHT:

We look at that as a benefit •• if we look some •• I believe there's almost 50 connections that are along the 110 corridor and 33 of those would have had a sewage treatment plant constructed if they didn't connect to the sewer district.

LEG. ALDEN:

Right. So, basically that's not groundwater protection, that's •• you know, it's an economic issue if you want to look at it that way, there's economic factors that would go into that to have the development, the jobs and things like that that that type of development would bring. But it's really not traditional type of groundwater protection if you want to look at it in that manner. If you wanted to protect groundwater you would have taken that capacity and you would have gone into the residences and you would have allowed residential hook•ups rather than going up the 110 corridor, and I just wanted to make sure that the record reflects that.

MR. WRIGHT:

Just one fact I'd like to mention about the commercial connections. We evaluated a typical commercial connection, made an equation of how many single family homes would be on the same parcel, looked at the assessed evaluation and what the flows were going to be and we felt that the non-commercial connections pay twice the debt service as a single family home and four times the operation and maintenance costs. So there's certainly a benefit to the district with those type of connections.

LEG. ALDEN:

I don't have a problem with that kind of analysis to it either, but the one thing I've been looking at •• and my constituents come to me with this fact and I don't know if I have an answer for it yet or we'll have an answer pretty soon, but they say that for 30 years or more they've been paying taxes and added an advelorium tax that would reflect the cost and the financing of the Southwest Sewer District, including all the bad parts that went along that, the over costs and the people that ended up being prosecuted for fraud and corruption and things like that. So they've paid into it and their gripe is that now you have somebody up on 110 who's going to actually benefit and over develop a parcel and hasn't paid into the Southwest Sewer District for 30 years. So as soon as we get the numbers right, I can go back to my constituents and say, "Well, the hook•up fee actually covers what they would have paid or it doesn't," one way or the other; hopefully I'll have those numbers and I'll be able to straighten out, but that's been the major thrust of when people come to me as far as my constituents what their problem is with it, they're seeing and hearing about hook•ups where people are outside the sewer district taking advantage of something that they've paid into or paid for for 30 or 40 years.

MR. WRIGHT:

Well, you're correct, that's what the connection fee is supposed to do is bring equity to the people that are in the district.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

Legislator Viloría•Fisher then O'Leary.

LEG. VILORIA•FISHER:

Good morning. Thank you for coming down. The Health Committee did have a report •• can you hear me? Okay, it didn't sound as if I were being picked up. When the Department of Public Works did present a report for the Health Committee, I believe the Commissioner said •• and I'm not sure if you just restated that •• that although those commercial enterprises can build their own facility, that it is an environmentally •• it is more environmentally beneficial to have them use our treatment facility, because ours is •• is just more thorough, I guess, or a higher level of treatment?

MR. WRIGHT:

I don't believe ••

LEG. VILORIA•FISHER:

Is that correct?

MR. WRIGHT:

I don't believe that's what the Commissioner indicated because whatever they would have to build would have to meet the Health Department and New York State standards, so the quality would be the same. In fact, for a groundwater discharge it wouldn't even have to be improved over an ocean discharge. I know he mentioned that there were certain environmental issues, the depletion of groundwater in certain areas and putting it out into the ocean and, therefore, environmental impact statements have to be looked at with respect to expanding the sewer district.

LEG. VILORIA•FISHER:

So that would have to be addressed on a case by case basis, is that what you're saying?

MR. WRIGHT:

Yes.

LEG. VILORIA•FISHER:

Depending on where it is. Okay, and getting back to the large Heartland Project which is what I think to what Legislator Mystal was referring; it has not yet been established what level of affordability he would be building into that project, what their •• what their sewer costs would be, what they would be putting back into the system? Has there been any further determination as to what level of contribution they would be making?

MR. WRIGHT:

At yesterday's Sewer Agency meeting the developer received conceptual certification which, as some of you who have been on the Sewer Agency know, is not a binding situation, it just gives everybody the idea of what the Sewer Agency would do if all the environmental approvals and other approvals were in place. So they did receive conceptual certification. There was some discussion about a minimum of 20% affordable workforce housing but that the developer was discussing with Commissioner Morgo what increase level of affordable or workforce housing might be part of the development. I believe he indicated that 9,000 units times 20% would be 1,800 units is what's on the table now and, you know, it's being looked at as far as increasing it.

The cost did not come up. The Sewer Agency resolution just basically says there is a connection fee and the connection fee is based on the Suffolk County Code as well as that resolution from the end of last year. So there's still •• you know, at the appropriate time that's going to have to come up before formal approval is granted from the Sewer Agency.

LEG. VILORIA • FISHER:

Can you tell me the expansion of Bergen point, what kind of time line is there for that; have we established when it would be begun, are you looking at where to put it in to a Capital Budget?

MR. WRIGHT:

At the Health and •• at the Health Committee meeting Legislator Mystal had asked for a dollar amount to start that project and that's being developed. Our original estimate was probably at least two and a half to three years

before you do environmental, design work and, you know, get into the construction phase. So it's a lengthy process.

LEG. VILORIA • FISHER:

Okay. And my last question, chromo glass systems; how does that work into what your CSSE over ••

MR. WRIGHT:

Those are typical ••

LEG. VILORIA • FISHER:

Overarching plan; where do they fit in and how •• where does it fit in and how does it help us?

MR. WRIGHT:

Those are typically used for the smaller treatment plants, 15,000 gallons per day and less. And there's a number of them, there's over 160 sewage treatment plants in Suffolk County and the last year or two there's been more and more of these chromo glass systems because they're able to meet the effluent limitations. They're a little bit cheaper than some of the conventional systems, but there is some competition now with another process that's similar that can be used for those smaller developments.

LEG. VILORIA • FISHER:

Who's utilizing these systems, what kind of projects? You're saying smaller projects but ••

MR. WRIGHT:

It could be an apartment complex or a small strip shopping center depending on the density and the flows that are generated.

LEG. VILORIA • FISHER:

So that's where the project itself is paying for its own ••

MR. WRIGHT:

Yes.

LEG. VILORIA • FISHER:

•• plant? And that's the kind of system ••

MR. WRIGHT:

Some of those have Sewer agency contracts where the County could receive an offer of dedication or take over a facility depending on, you know, a health situation that might arise.

LEG. VILORIA • FISHER:

Okay. Thank you, Ben.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. Ben, I want to thank you again for coming down today. I just wanted to •• for the sake of clarification.

With respect to the capacity within the boundaries of the Southwest Sewer District itself, I'm not talking about the pending projects outside the boundaries, within the actual boundaries of the Southwest Sewer District No. 3 there has been reserve put aside, I'm told there's some 5,900 parcels and the gallonage that goes with that. Would there be any situation that would come about where any person or entity within the boundaries of the Southwest Sewer District would not be able to connect based on the usage of gallonage outside the Southwest Sewer district?

MR. WRIGHT:

No. I indicated earlier that we're obligated to serve every parcel within the district and we have reserved what we consider to be a very conservative number for those parcels. One piece of information I neglected to indicate earlier was that every contractee has a contract with Suffolk County, and within that contract it states that the district may have to be improved, it may have to be expanded. If it's improved, every user inside and outside the district shares in that cost; if it's expanded because of the contractees, then they're the ones that pay a proportionate share of that expansion and not the users in the district.

LEG. O'LEARY:

Okay. And that reserve that you speak of is a constant, that will not change, that will always be in place for any future hook•up or connections with any entity within the boundaries; is that correct?

MR. WRIGHT:

Yes, that's correct.

LEG. O'LEARY:

All right, thank you.

P.O. CARACAPPA:

Anyone else? Thank you, Mr. Wright. I'll ask Ms. Caputi to come up. I know you wanted to speak on a resolution, you might as well do it now because we're going to get right to the agenda.

MS. CAPUTI:

It's my understanding that the resolution ••

P.O. CARACAPPA:

Step up to the microphone.

MS. CAPUTI:

Sorry. It's my understanding that the resolution that I requested to speak on, it's going to be tabled by the sponsor.

P.O. CARACAPPA:

Okay. I was just giving you an opportunity, I have a memo here that you wanted to do that.

MS. CAPUTI:

If that's the case •• yes, thank you. If that's the case then I won't be speaking.

P.O. CARACAPPA:

Okay, very good.

MS. CAPUTI:

Thank you.

P.O. CARACAPPA:

All Legislators report to the horseshoe, we're going right to the agenda. All Legislators, we're going to the agenda.

There's a motion to approve the consent calendar by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Wait a second, Mr. Clerk, and you'll call that 18 in just a moment. That's 18.

MR. BARTON:

18.

P.O. CARACAPPA:

We're going to **Resolutions Tabled**, I believe that's page six •• I believe, six.

1086•04 (Adopting Local Law No. 2004, a Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act (Binder).

Motion by Legislator Binder.

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table, second by myself. All in favor? Opposed? Abstentions?
1086 is tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

1313•04 (Accepting and appropriating excess revenues received from Hotel/Motel Tax (Presiding Officer at the Request of the County Executive).

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1625•04, 1625A (Amending the 2004 Capital Budget and Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 3 • Southwest (CP 8170) (Presiding Officer at the Request of the County Executive).

Same motion. Legislator Alden, is there a motion?

LEG. ALDEN:

Either •• can we skip over this or can ••

P.O. CARACAPPA:

Mr. Knappe, you have something to ••

LEG. ALDEN:

I'm waiting for an explanation.

P.O. CARACAPPA:

Go ahead.

MR. KNAPPE:

Good morning, Legislator. I think Cameron Alden •• Legislator Alden, I apologize •• at previous meetings talked about the funding source to this resolution. In some resolutions dealing with Southwest Sewer projects we have used Assessment and Stabilization Fund and in this resolution we're using serial bonds. And there was no mistest of any type of which ones we were using Stabilization Fund money for and which one we were going out to serial bond.

The issue that the Budget Office had is that the Southwest Sewer District in the next several years, one will be faced with a couple of large sewer district projects, as well as all the other sewer districts, not as large, though. And the debt service and the lease payments that are affected in Southwest Sewer District will be significantly dropping off as we go into future years in 2008 and 2009. So the taxpayers in the Southwest Sewer District will have a burden lifted in '08 and '09 and in the future years because debt payments will •• previous serial bonds will be getting paid off. It would be financially • • it would be a strong financial decision to do serial bonds for some of the projects because •• for example, for them to use the Stabilization Reserve Fund they would have to have an increase of 3% anyway. Also, we don't want to harm the other sewer districts with southwest grabbing all the Assessment Stabilization Fund money as well. So we're trying to massage both programs and doing what's good for the County•wide over all and for Southwest.

LEG. ALDEN:

Just for clarification.

MR. KNAPPE:

Yes.

LEG. ALDEN:

If we use the money on Southwest, Southwest has to pay it back into the Sewer Stabilization Fund.

MR. KNAPPE:

I would defer to Budget Review.

LEG. ALDEN:

It's not a gift.

MR. SPERO:

Yes. That was the quid pro quo that was established when these funds were first transferred.

LEG. ALDEN:

And also, just to establish the record further on it, in the future when there are no more bond payments to be made, the same amount of money flows into the County. As a matter of fact, more money will be flowing into the County and either building up in a reserve fund to do the repairs to the Southwest Sewer District or used on other sewer districts. So I think it's 20 •• yeah, 2012 or 2013, the bonds are finally paid off and then all the revenue that comes in, whether it be through the taxes on the property or whether it be through user fees, that goes to either improve Southwest Sewer District or build up in the reserve funds. So there's no place in there where the taxpayer in the Southwest Sewer District is getting a free gift.

MR. KNAPPE:

Oh, I did not mean that.

LEG. ALDEN:

Okay. Then the funds ••

MR. KNAPPE:

I did not mention a free gift at all.

LEG. ALDEN:

So my point is that we're going to have more money in the future if we wanted to go into debt, actually, and go out on the market and borrow money to do •• whether it be improvements to the Southwest Sewer District or whether it be expansion, we're going to have more money coming in to make them more affordable. Right now if we go and we finance this and we go to Wall Street it costs an extra million dollars in fees.

MR. KNAPPE:

The Budget Office didn't want a majority of the Assessment and Stabilization Reserve Fund earmarked specifically for Southwest Sewer District projects. We were trying to massage some of the projects dealing with Southwest and the other sewer districts County•wide. And looking forward in the future, for example the detective and lease payments in Southwest in '08 is approximately 41 million and when we go into 2009 when a majority of this principal and interest costs would be incurred, we drop significantly down to 14 million. So weighing both options, the Budget Office thought it was wise

to use debt service costs for part of the Southwest project and use Stabilization for •• I believe it was the other resolution, 8170 for that project.

LEG. ALDEN:

Here's the problem I have with that. When you go out and you bond for this project, that adds up with all the other projects in Suffolk County that we're basically bonding. So when a bond rating agency looks at it, we've added to our debt, whereas if we internally finance this we're not adding to our debt. Also, if we put off into future years the need to go out, maybe even •• and we probably won't even have to because we're going to have a huge flow of cash in future years where we can self•finance almost any type of improvement to the Southwest Sewer District. So all I see is negatives from going out into the market. It's going to cost more money and basically why give money to the bankers or the guys that have to do the •• to sell these bonds? Why not just keep that money and internally finance this? I can't see we're giving the taxpayer a fair shake on this. It's going to overload, I think •• how much is this is one, this is 20 million, right, or something like that? Ten million.

MR. KNAPPE:

Ten million, we took the lower of the two.

LEG. ALDEN:

But it starts adding to our outstanding indebtedness in the County, which is not a good thing to do either.

MR. KNAPPE:

Not County•wide, though, it gets added to the debt that's incurred for the Southwest Sewer District itself, it doesn't get lumped in with all the other debt service costs for the County.

LEG. ALDEN:

So then my argument is even more persuasive because now what you're doing is you're costing more money now rather than just do the self•finance.

LEG. TONNA:

Thanks for telling him that.

MR. KNAPPE:

However, the debt service cost for Southwest is going from 41 million down to 14.9 million.

LEG. ALDEN:

And at that point, then we'll have more cash to finance any of the future projects. So I don't see where hurting that type of cash today and handing money to Wall Street is going to do us any good in the future. So I still strongly recommend not doing it this way and doing internal finance on this; it's cheaper for the taxpayer, it's better for us long-term.

D.P.O. CARPENTER:

Next speaker, Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Madam Chair. What is the current status of the County's bond indebtedness long-term?

MR. KNAPPE:

I'll defer to Budget Review where the computer is in front of them.

LEG. CARACCIOLO:

Do you have an approximation based on the percentage of the total budget?

MR. SPERO:

It's been hovering around six or seven percent of the total budget.

LEG. CARACCIOLO:

It hasn't changed. We keep hearing •• and I'm going to support the tabling motion on this resolution but, you know, colleagues, please, we are not and we have not, over the last 14 years that I've been here, increased County bond indebtedness, in fact we have decreased it almost in half; the last time I'm going to say that.

LEG. LINDSAY:

Madam Chair?

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

I'm going make a motion to approve because I think the scenario of balancing between, you know, financing it in-house through the Reserve Fund and going out to bonds is a prudent fiscal strategy, and I'd hate to see this project delayed any further.

D.P.O. CARPENTER:

Thank you. Is anyone else wishing to speak on this?

LEG. CARACCILOLO:

Move the motion.

D.P.O. CARPENTER:

All right, I would just •• we have a motion and a second to table? On the tabling motion, I would ask all Legislators to please come to the auditorium. Roll call, Henry, please.

MR. BARTON:

I don't have a motion.

LEG. ALDEN:

Motion to table.

D.P.O. CARPENTER:

Motion by Legislator Alden and I think second by Legislator Caracciolo.

MR. BARTON:

Thank you.

D.P.O. CARPENTER:

Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Excuse me. I just •• sorry to interrupt but I wanted to respond to Legislator Lindsay; I do know that but the tabling motion takes precedence. Okay, continue.

(*Roll Call Continued by Mr. Barton • Clerk*)

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

No. To table? Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No to table.

LEG. SCHNEIDERMAN:

No to table.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

(Not Present).

LEG. BINDER:

No.

LEG. MONTANO:

No.

MR. BARTON:

Five.

D.P.O. CARPENTER:

All right, there is a motion by Legislator Lindsay to approve, second by Legislator Vilorio•Fisher.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Alden.

LEG. ALDEN:

Maybe Budget Review or Ken, maybe you can answer this; how much are the Wall Street fees that would be associated with the \$10 million worth of bonding? And what is the company that is actually going to collect those fees?

MR. KNAPPE:

I'll defer to Budget Review.

MR. SPERO:

The fees are usually charged on a price per thousand dollar •• the number thousand dollar bonds and it could be •• I'm just trying to think what the fees might be. It could be a few dollars for each thousand dollar bond plus there's legal fees, okay, in prep ••

LEG. ALDEN:

Bond counsel fees, preparation fees, you've got a local counsel fee.

MR. SPERO:

Right.

LEG. ALDEN:

What does that usually add up to?

MR. SPERO:

However, you have to also point out that we would not make a special bond issue just for the Southwest Sewer District, it would be rolled into one of the two bond issues that the County does every year, so.

LEG. ALDEN:

I don't know about that because it was just mentioned before that this would just be for the Southwest Sewer District.

MR. SPERO:

So the incremental costs would be primarily the number of bonds being sold.

LEG. ALDEN:

So approximately on \$10 million what's the extra cost; a thousand dollars to the taxpayer?

MR. SPERO:

No, more than that, it would be ••

LEG. ALDEN:

Less than a thousand, or more than a thousand dollars to the taxpayer?

MR. SPERO:

For the cost of bond counsel and the cost of issuing the bonds themselves.

LEG. ALDEN:

How much, roughly? Give a guess.

MR. SPERO:

Let's say it's \$100,000 total, that's a •• typically County bond issues are \$30 million, so the fees for each bond issue are like maybe \$200,000 in total.

LEG. ALDEN:

So depending on the vote, we might not be interested in saving the taxpayers \$100,000, but all right.

MR. KNAPPE:

Let me just correct, I think what Mr. Spero was mentioning is for the entire

bond sale for the County, not for this one specific Capital Project, it wouldn't cost \$100,000 to the taxpayers to bond.

LEG. ALDEN:

Ten million dollars costs more than that when you go out to bond, in fees.

MR. KNAPPE:

As Mr. Spero mentioned, this will be lumped together with the other bond sales. The point that I referenced earlier was that when we're looking at the debt structure of the County, this specific Capital Project is not considered with the General Fund debt service, it's considered with Southwest, but it will go out in one of the two times that the County Comptroller goes and does bond sales.

LEG. ALDEN:

I just find it interesting, you know, like the administration talks about saving money and then comes in and presents the most expensive, least beneficial way to do something, but let's vote.

LEG. KENNEDY:

On the motion.

P.O. CARACAPPA:

There's a motion, Legislator Kennedy.

LEG. KENNEDY:

Ken, what is the current balance in the Stabilization and Reserve Fund at this point?

MR. KNAPPE:

It fluctuates with sales tax and I hate keep on deferring to Budget Review, but they may have more of an updated number.

LEG. KENNEDY:

Jim, any idea;

LEG. BINDER:

You do it well.

MR. KNAPPE:

I do it well, right?

LEG. BINDER:

We defer to them all the time, it's okay.

MR. SPERO:

I'd like to get the budget just to double check.

LEG. KENNEDY:

Approximately?

MR. SPERO:

Oh, maybe 20 million; does that sound about that?

MR. KNAPPE:

It's ballpark about 20 million.

LEG. KENNEDY:

About 20 million.

MR. KNAPPE:

Correct.

LEG. KENNEDY:

How many •• and so in other words, but that's being populated each day by contributions from sales tax?

MR. KNAPPE:

Right. With the Local Law that was passed and referendum back which started on December 1st of 2000, part of that Quarter Cent money does go to the General Fund, does go to the Sewer Tax Stabilization Reserve Fund, the same as the Fund 477 money. So this Sewer Stabilization Reserve Fund is getting revenue each year.

The one point that I was making why the Budget Office chose to bond this one project and did Stabilization Reserve Fund for the other project is that we have other sewer district projects going forward in the next several years. And we just made a decision, financial decision that we didn't want Southwest Sewer District monopolizing using a majority of the Stabilization Reserve Fund to some extent, we wanted to massage it and find a balancing act where other sewer districts can also use the Stabilization Reserve Fund and just keep it in a comfortable fund balance as we go forward.

LEG. KENNEDY:

Have you looked in the Budget Office to contrast total gallonage with Southwest as compared to the balance of the County sewer districts when you look at doing this equity or attributing as far as funds?

MR. KNAPPE:

We were more concerned with the other sewer projects that are in the Capital Budget and Program for 2005•2006 and subsequent years.

LEG. KENNEDY:

I understand that, but ••

MR. KNAPPE:

More so then.

LEG. KENNEDY:

•• percentage wise, when you look at gallonage, Southwest Sewer District reflects what as far as total gallonage amongst the County sewer districts; 60, 70, 80%?

MR. KNAPPE:

I'm sure it's a high majority of it but I don't know the answer.

LEG. KENNEDY:

Okay.

P.O. CARACAPPA:

Everyone okay? There's a motion and second?

MR. BARTON:

Yes.

P.O. CARACAPPA:

To approve?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Roll call.

*(*Roll Called by Mr. Barton • Clerk*)*

LEG. LINDSAY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

I'll pass.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Negative.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

P.O. CARACAPPA:

Is there a motion to table? Oh, that failed already.

LEG. TONNA:

We already failed.

MR. BARTON:

12.

P.O. CARACAPPA:

Oh, it's approved. Okay, same motion, same second, same vote on the companion resolution.

1694•04 (To authorize the commencement of Eminent Domain Proceedings for Mediavilla Property, Town of Huntington (Binder)).

Motion by Legislator Binder to table, second by myself. All in favor?
Opposed? Abstentions.

MR. BARTON:

18.

P.O. CARACAPPA:

1935•04 (Authorizing acquisition of land under the 1/4% Drinking Water Protection Program, Section 12•5(E) (Land known as Bluepoints Company Property•uplands, Town of Islip) (Lindsay).

LEG. LINDSAY:

Table.

P.O. CARACAPPA:

Motion to table by Legislator Lindsay, second by Legislator Foley.
All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1981•04 (Adopting Local Law No. 2004, a Local Law to update Suffolk County Living Wage Law (Bishop)). Motion to table by Legislator Bishop, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2133 ••

LEG. VILORIA•FISHER:

On the motion?

P.O. CARACAPPA:

On 1981?

LEG. VILORIA•FISHER:

Yes. I would just like to ask Legislator Bishop, is there still a problem with this version of it? I thought there had been a corrected ••

LEG. BISHOP:

The only problem is that we want to make sure that our numbers are correct. What this •• among other things, what this resolution would do is to eliminate the exemptions that child care/day•care providers have been taking and through that elimination it would force them to pay the living wage but there is sufficient money in our set•aside, in our fund to cover that cost, but we want to make sure that those numbers add up. I know that the Living Wage Unit, Brenda Rosenberg has run the numbers more than three times and they do, but we just want to make sure that the departments agree, Social Services and Health.

LEG. VILORIA•FISHER:

Okay, thank you.

P.O. CARACAPPA:

Thank you. That's been tabled.

2133•04 (Authorizing County Comptroller and County Treasurer to close certain Capital Projects and transfer funds (County Executive)).

Motion by Legislator Foley?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2139•04 (Authorizing acquisition of a conservation easement for open space purposes under the New Suffolk County Drinking Water Protection Program • Open Space segment (McQuade Property/Town of Riverhead) (County Executive)). This has to be tabled subject to call because it's on the agenda in Environment; is that correct, Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Table subject to call.

LEG. CARACCIOLO:

You're on which one? Yes, 2139.

P.O. CARACAPPA:

It's the same bill in Environment, it's just ••

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion to table subject to call by Legislator O'Leary.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2144•04 (Directing the Legislative Office of Budget Review to conduct an economic analysis of the financial implications of the closing of adult homes (Schneiderman). There's a motion to table by Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Page 7, ***Ad Hoc on Affordable Housing:***

2020•04 (Amend Resolution No. 699•2004 to extend deadline for affordable housing (Caracciolo). Motion by Legislator Caracciolo, second by Legislator Schneiderman on 2020. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2072•04 (Authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of East Hampton for affordable housing purposes (County Executive)). Same motion; motion by Legislator Schneiderman, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. POSTAL:

2227•04 (Authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Islip for affordable housing purposes (County Executive)).

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstentions?

LEG. CARPENTER:

Cosponsor, Henry, please.

P.O. CARACAPPA:

Cosponsor by Legislator Carpenter.

LEG. LINDSAY:

Me, too.

P.O. CARACAPPA:

And Lindsay.

LEG. ALDEN:

Alden.

P.O. CARACAPPA:

Alden. Legislator Montano.

MR. BARTON:

18.

P.O. CARACAPPA:

Budget & Finance:

2177•04 (To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #200 (County Executive)). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2193•04 (To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #201 (County Executive)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2194•04 (To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #202 (County Executive)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2195•04 (To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #203 (County Executive)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2214•04 (Amending 2004 Operating Budget and transferring funds in connection with the County share for the reconstruction of CR 16, Portion/Horseblock Road • Brookhaven (CP 5511.114)(Caracappa).
Motion by myself.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley and O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2280•04 (Amending the 2005 Operating Budget to strike \$118,471,018 in excess retirement appropriations (Binder)).

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion by Legislator Binder to table.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Economic Development & Higher Education & Energy:

2038•04 (Adopting Local Law No. 2004, a Local Law to require greater oversight of the designated Tourism Promotion Agency administering the Hotel/Motel Tax Program (Caracciolo).

LEG. CARACCIOLO:

Motion to approve.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion by Legislator Caracciolo to approve, second by Legislator Alden. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Yeah, I'm ••

P.O. CARACAPPA:

Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah, as I did in committee, I'm going to recuse myself on this.

P.O. CARACAPPA:

He abstains.

LEG. SCHNEIDERMAN:

I have not filed the affidavit yet which will allow me to ••

MR. BARTON:

17, 1 abstention (Abstention: Legislator Schneiderman).

P.O. CARACAPPA:

2235•04, 2235A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with mechanical/electrical upgrades at Huntington Library • construction (CP 2105.310) (County Executive).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Aye.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

All in favor •• same motion, same second, same vote on the companion resolution.

2236•04 (Amending the prior capital authorized appropriations for cooling tower replacements • construction (CP 2302.310) (County Executive). Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Is that a bond? No. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Environment, Planning & Agriculture:

2213•04 (Implementing Greenways Program with acquisition of active parklands at 2295 Great Neck Road, Copiague (Town of Babylon) (Mystal). Motion by Legislator Mystal, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2217•04 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Falco Property, Town of Islip (Presiding Officer Caracappa). Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2218•04 (Making a SEQRA determination in connection with the proposed donation of 2.848 acres of land for open space

preservation purposes in the Orowoc Creek Wetland preserve area, Town of Islip (Presiding Officer Caracappa). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2221•04 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Hogan Property on North Creek Road in Eaton's Neck) (Town of Huntington) (Cooper).

Motion by Legislator Cooper, second by Legislator Tonna. All in favor?

LEG. O'LEARY:

Question on the motion.

P.O. CARACAPPA:

On the motion, Legislator O'Leary.

LEG. O'LEARY:

I'd like to ask the sponsor of this particular resolution if this •• if this is a reintroduction from a previous resolution a couple of years ago ••

LEG. COOPER:

Yes, it is.

LEG. O'LEARY:

•• and what has changed, if anything?

LEG. COOPER:

Exactly. And the owner of the property has expressed renewed interest in negotiating with the County and possibly selling the parcel.

LEG. O'LEARY:

I'm sorry; what has changed from the initial ••

LEG. COOPER:

Nothing has changed, but I was told that because two years have elapsed since the last planning steps, I needed to introduce new planning steps so we can restart the negotiation process.

LEG. O'LEARY:

Okay.

P.O. CARACAPPA:

Anybody else? There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2225•04 (Authorizing planning steps for the acquisition of land under the new Suffolk County Drinking Water Protection Program (Poxabogue Pond County Park addition, Sagaponack, Town of Southampton) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. CARACAPPA:

Cosponsor, Legislator Schneiderman.

MR. BARTON:

18.

P.O. CARACAPPA:

2240•04 (Amending the 2004 Capital Budget and Program, amending the 2004 Operating Budget and appropriating funds in connection with the Vector Control Supplemental Agreement for Caged Fish Study, Remote Sensing and Open Marsh Water Management (OMWM) Studies (CP 8204) (County Executive). Motion by Legislator Viloría•Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2259•04, 2259A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with Article XXXVI of the Suffolk County Charter establishing the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Park Fund (County Executive). Motion by Legislator Losquadro, second by Legislator Carpenter.

LEG. CARACCIOLO:

On the motion?

P.O. CARACAPPA:

On the motion.

LEG. CARACCIOLO:

Explanation.

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

This is the bill that goes hand in hand with the •• with the new \$75 million bond, the Legislature must pass by the end of the year a resolution appropriating the money.

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

There is a motion and a second. All in favor? Opposed? Oh, roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. LOSQUADRO:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes, cosponsor.

LEG. FOLEY:

Yes, cosponsor.

LEG. VILORIA • FISHER:

Yes, cosponsor.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2264•04 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (Land of South Oak Lane, East Islip • Town of Islip) (County Executive). Motion by Legislator Alden?

LEG. ALDEN:

To table.

P.O. CARACAPPA:

To table.

LEG. ALDEN:

I just want to sort something out here. About a month ago I asked for a resolution to purchase this property, I've been working on it for about three years. So I just want to sort out and make sure that this is the same property or just find out what's going on. Thank you.

P.O. CARACAPPA:

There's a motion to table and second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. BISHOP:

Opposed.

P.O. CARACAPPA:

2275 •• one opposition, Legislator Bishop.

MR. BARTON:

17 (Opposed: Legislator Bishop).

P.O. CARACAPPA:

2275•04 (Authorizing acquisition of a conservation easement for open space purposes under the new Suffolk County Drinking Water Protection Program, open space segment (McQuade Property, Town of Riverhead) (Caracciolo).

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Foley.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2282•04 (Authorizing the acquisition of Farmland Development Rights under the new Drinking Water Protection Program, Farmland Development Rights component (Sujecki Farm, Town of Riverhead) (Caracciolo). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2285•04 (Ratifying and adopting the use of Environmental Facilities Corporation financing for acquisition of the Duke Property • Town of East Hampton (County Executive). Motion by Legislator Schneiderman, second by Legislator O'Leary. This actually makes the Facilities Corporation. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Health & Human Services •• Mr. Zwirn, did you want to speak on something?

MR. ZWIRN:

I just want to get Legislator Binder for a second.

P.O. CARACAPPA:

Okay. If there's something you want to speak on, just shout out because we're rolling here.

Health & Human Services:

2209•04 (Adopting Local Law No. 2004, a Local Law to require

posting a sign indicating location of defibrillator (Alden). Motion to approve by Legislator Alden, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2211•04 (Reappointing Michael J. Sacca to the Suffolk County Health Facilities Commission (Alden). Motion by Legislator Alden.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

Henry, cosponsor.

P.O. CARACAPPA:

Parks & Cultural Affairs ••

LEG. CARACCIOLO:

Hold it, Mr. Chairman. Can you go back to the previous resolution?

P.O. CARACAPPA:

2211. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

At one point Mr. Sacca made a contribution to a political campaign of mine; would I have to recuse myself from voting on this? I just want full disclosure.

MS. KNAPP:

No.

LEG. CARACCIOLO:

Okay.

MR. BARTON:

18.

P.O. CARACAPPA:

Parks & Cultural Affairs:

1980•04 (Appoint members to ATV Task Force (Slot Nos. 7 and 11 • William A. Patterson and John McGann) (Presiding Officer Caracappa). Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2176•04 (Revising taxpayer protection Policy for use of County residences (County Executive)). Is there a motion on 2176?

LEG. ALDEN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Alden, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2205•04 (Appointing Michael B. DeLuise as a member to the Suffolk County Vanderbilt Museum Commission (Trustee No. 8) (Binder)).

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. ZWIRN:

Mr. Presiding Officer?

P.O. CARACAPPA:

On the motion, Mr. Zwirn.

MR. ZWIRN:

Just for informational purposes, the only thing that we found when we were looking through the resume, and it's not •• we're not objecting, we just want to point out that Mr. DeLuise is a member of the Long Island Heritage Foundation. So he's on •• we just want to make sure, in case there's any lawsuits, that there's no conflicts, that's all.

P.O. CARACAPPA:

Okay, thank you for putting that on the record for us.

MR. BARTON:

18.

P.O. CARACAPPA:

2206•04 (Appointing Stanley M. Feldman as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 9) (Lindsay).

Motion by Legislator Lindsay, second by Legislator Montano.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2208•04 (Reappointing Anthony J. Pecorale as a member to the Suffolk County Vanderbilt Museum Commission (Trustee No. 12)(Carpenter.

Motion by Legislator Carpenter.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2212•04 (Modifying new investment policy for Suffolk County Vanderbilt Museum Trust Fund (Cooper). Motion by Legislator Cooper, second by Legislator Binder. All in favor? Opposed?

LEG. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

Thank you. We had much discussion and questioning on this in the committee and I did ask, because they had said if we didn't modify the investment policy that there would have to be layoffs and so forth. Conversely, I asked if we approved it were there going to be new hires, and they were contemplating the hire of an Office Manager and also a Deputy Director or an Assistant to the Director who would have a dual role. And I did request that they hold off on that for a couple of months since the ••

there are a number of trustees that we've just approved who are coming on the board and I think that they should have their input and expertise, especially since one of them has a lot of experience in the development and marketing area. So I just wanted to put that on the record. Thank you.

P.O. CARACAPPA:

There's a motion and second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2237•04, 2237A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the restoration of the historic hay barn, Yaphank (CP 3061) (County Executive).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Losquadro.
Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2244•04, 2244A (Appropriating funds in connection with noise moderation and attenuation at the Trap and Skeet Range at Southaven County Park (CP 7097) (County Executive)). Motion ••

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

•• by Legislator Caracciolo.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. O'LEARY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator O'Leary.

LEG. O'LEARY:

I'd just like to point out to my colleagues that there is an outstanding issue with respect to the renovation and reopening of the Trap and Skeet. The County Executive had requested the Town of Brookhaven a waiver of their noise decibel ordinance, and as I've been informed by the Supervisor of the

Town of Brookhaven that that waiver will not come about, they will not waive the noise decibel on the town ordinance. Now, the impact that this might have on the particular project is that the monies allocated or appropriated for the reopening and improvements to the Trap and Skeet might have to be increased substantially in the event that that becomes part of the noise mitigation issue with respect to the Town of Brookhaven. I am going to abstain on this particular motion, but I just wanted to put that on the record that there is an outstanding issue with respect to the opening of this Trap and Skeet facility in the Town of Brookhaven.

LEG. VILORIA•FISHER:

I just have a question for Counsel.

P.O. CARACAPPA:

Legislator Alden then Lindsay then Vilorina•Fisher.

LEG. ALDEN:

I would recommend voting for this. This gets the process started, whether we have to do it to a certain decibel level or whether we get a waiver from Brookhaven, whichever way we're going to go, this actually allocates money to start doing that. So we're going •• it's a noise abatement project, that's all that this does, let's get going on it. We've promised these people for years that we were going to get going on this.

The other problem that happens is if we put off voting on this or if we table it or we don't want to do it at this point, there's a substantial amount of money that has to go into cleaning up that property. And we've let it lay there for a period of time because we had always made that commitment that it was going to be a Trap and Skeet Range, and now if we're going to reverse course we better be prepared to dig into our •• not our pockets because it's the taxpayers, so we're going to be digging into the taxpayers pockets to clean it up and to relocate this someplace else, if that would be the intention of this body. But it's not fair to the people that have been waiting years and years and years patiently to get this reopened. Thank you.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, I just have a number of questions. The first thing is just to set the record straight, this facility wasn't closed down as a result of a noise ordinance, it was closed down as a result of a vendor that we had a problem with and then everything mushroomed from there; you know, just to put that on the record.

The second thing •• and just for clarification, maybe Budget Review can help me •• I think it was two years ago we put a half a million dollars in the Capital Budget to do noise mitigation here; what happened to that, we didn't do it? Could Budget Review recall that?

MR. SPERO:

I'm going to check our Capital file and see what might have been appropriated for that project.

LEG. LINDSAY:

No, it couldn't have been four years ago.

MR. SPERO:

I remember putting money in the budget but I don't recall that it was actually appropriated.

LEG. LINDSAY:

Okay. So as far as we know, that money was never spent and now this is a new resolution to appropriate, I guess, about the same amount of money, \$450,000. And even with this remediation •• maybe to Legislator O'Leary, I know it's in your district •• that will not meet the town's noise stant?

LEG. O'LEARY:

Well, that's my concern. In conversation I've had with the Town Supervisor, there is another range in Ridge and that particular ordinance, this noise ordinance has never been an issue. I'm not saying it's going to be an issue in the future, but I just wanted this body to be aware of the fact that the County Executive had requested the Town of Brookhaven to waive that

particular ordinance and the Town of Brookhaven is of the mindset not to do that.

LEG. LINDSAY:

Okay, but to waive it even after the sound mitigation ••I mean, if we ••

LEG. O'LEARY:

It's a question ••

LEG. LINDSAY:

If we install the sound mitigation devices, we don't know whether it will meet the standard of Brookhaven, or we do or we're not sure?

LEG. O'LEARY:

The position of the town, as I understand it, is there was not a request or a requirement of them to waive the noise decibel ordinance for the range at Ridge, nor do they believe there should be a requirement or a waiver on their part with respect to the Trap and Skeet Facility at Yaphank. They're going to go on record saying that they're not going to adhere to the request of the County Executive to waive that particular ordinance.

LEG. LINDSAY:

Okay, but we still don't know whether ••

LEG. O'LEARY:

No.

LEG. LINDSAY:

•• this will bring the sound below their levels.

LEG. O'LEARY:

I don't know.

LEG. LINDSAY:

Okay.

LEG. O'LEARY:

Well, that's the point I was trying to make, that the appropriation of 450,000 may not be enough, it may have to be much more than that if that becomes an issue.

LEG. LINDSAY:

And the other thing is, you know, Legislator Alden, I remember, I guess it's going back a couple of years ago, we had testimony from a consultant that there wasn't •• you know, environmentally there wasn't •• you know, there was a lot of lead laying around the ground, but it wasn't any huge clean up problem.

LEG. ALDEN:

To answer that, there's no clean up problem if we use it as a shooting range.

LEG. LINDSAY:

Right.

LEG. ALDEN:

If we abandon it as a shooting range, then it's somewhere between two ••

LEG. O'LEARY:

Two to three million.

LEG. ALDEN:

•• and \$10 million dollars.

LEG. O'LEARY:

Two to three million.

LEG. ALDEN:

We heard testimony earlier it might be seven million, but there's upwards of \$2 million in clean up costs.

LEG. LINDSAY:

But only if we abandon it.

LEG. ALDEN:

If we abandon it.

LEG. O'LEARY:

Yes.

LEG. ALDEN:

And right now we've abandoned it.

LEG. LINDSAY:

Well, we haven't used it, but I don't think any ••

LEG. CARPENTER:

Okay, we're getting into a little bit of a debate here, so. There is a list so if anyone else wishes to speak I'll be happy to put them on the list. Next is Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I have a question to ask Counsel. It's my understanding that the range was in existence before Brookhaven Town's sound standard was set; is that so, do you know? And if it is so, you may not know that, but if actually this was an existing use before those •• that sound standard was set, would it preempt the range? Would a waiver be required?

MS. KNAPP:

Certainly, there are provisions in the law that allow grandfathering of a certain use. However, I would have to check carefully in the law to see whether or not the same grandfathering provisions of the law that apply to zoning would apply to noise mitigation. And just in order to further correct the record. There was some testimony at the Parks Department that while they asked for this waiver, I don't think that they thought that the •• that the noise would exceed standards on a regular basis, I believe that they were concerned that there might be occasions.

LEG. VILORIA•FISHER:

Yes, I remember that testimony in the Parks Committee. And certainly none

of us wants to see noise exceed that level because there are neighbors who live nearby, but the Parks Commissioner did say that they did not anticipate breaking that sound level.

P.O. CARACAPPA:

Okay? Budget Review, Jim, did you want to put something on the record?

MR. SPERO:

No funds have been appropriated for this project as yet.

P.O. CARACAPPA:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

I'd like to address the very good point raised by Legislator Fisher. It's my understanding that sports rod and gun clubs and other enthusiasts met with the County Executive, or his staff, and gave him a copy of a 1985 New York State Law that grandfathers and waives sound issues like this for ranges that preexisted. So I'd like to hear from the County Attorney's Office or from Mr. Zwirn if they're familiar with that meeting, and do they have a copy or are they familiar with the law?

P.O. CARACAPPA:

Mr. Zwirn.

LEG. CARACCIOLO:

That would grandfather the Suffolk County Skeet and Trap Range.

MR. ZWIRN:

I'm sorry, I didn't catch all of what you were saying, but I think the County Executive's position has been, even at committee and been consistently, to move forward with this project at this time.

LEG. CARACCIOLO:

That's what I thought, Ben. Thank you. And I would just echo that sentiment and say that this Legislature, going back more than two years ago under the stewardship of Legislator Ginny Fields, now Assemblywoman

Fields, highlighted the need to address this issue, make the necessary improvements and get on with it. The residents on Gerard street, and I went down there and I listened to the noise and the noise, I can tell you, is no greater from the County's Skeet and trap range than it is from the town's range in Ridge which is an area I represent. And I would just say to the town that if they're going to enforce their noise ordinance, they better do it, you know, fair and square and enforce their own laws on their own range.

P.O. CARACAPPA:

Thank you. Legislator Mystal.

LEG. MYSTAL:

No money I will stay away from, you know, shooting in Brookhaven Town, but the reason why I want to speak against it •• not against it, for it is because two odd days for the past two years the sports club have reached out to me and I have made phone call and try to educate myself on that subject. I don't think the objections of, you know •• and I can say that because I don't live in the Town of Brookhaven so I can say whatever I want. I think the Town of Brookhaven is being unreasonable in terms of their noise abatement and their noise mitigation, I think it's a false issue. You know, as Legislator Caracciolo just pointed out, I happened to find out from the people who call me for the skeet •• for the skeet range that the one that they have in Ridge is as noisy if not noisier than the one being proposed in Southaven. Usually I would stay out of your district, Mr. O'Leary, but these people have reached out to me and they've given me a lot of information and I have read it and I have talked with them; I don't think there's any problem with it. I know you have to abstain, for whatever reason you have to abstain, but I think this resolution needs to be passed, give them a break. This is a sports thing, this is not anything else, it's just a sports thing. And if costs more than 50 grand •• I know, I'm going to be accused as a tax and spending liberal, so be it •• give them more money, do it.

LEG. BINDER:

You're used to it.

LEG. MYSTAL:

Yeah, I'm used to it.

P.O. CARACAPPA:

Anybody else? Legislator O'Leary.

LEG. O'LEARY:

Yeah, just hopefully, in closing, before you move this motion, my position •
•

LEG. MYSTAL:

And by the way, we need raises.

LEG. O'LEARY:

My position is taken and placed on the record with not necessarily the desires and aspirations of the shooting community but the residents in that community, that's why I've taken this position. I'm not opposed to the reopening of this trap and skeet but I am opposed to a plan that goes forward without addressing, without addressing the noise mitigation issue. So for the record, I just want to put that on the record that I'm not opposed to it but I'm certainly in favor of every effort to be made to accommodate the requests of the immediate residents in that area which is to address the noise mitigation problem. Thank you.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I want to commend Legislator O'Leary, certainly, nobody has worked harder to represent his constituents than he in his tenure here at the Legislature. This is an issue that has been going on for a number of years and I think it is very, very important for us to move forward with this now. If, for some reason, the Town of Brookhaven, contrary to what the Parks Commissioner put on the record as far as whether or not we need to abide by their standards, we need to move forward with this. And if we have to rise to a different level and provide that other layer of noise mitigation at the trap and skeet, so be it, but the time has come for us to move this forward as quickly as possible.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I, too, can be sympathetic with a colleague who's attempting •• not attempting but is representing his district on this issue. However, the bigger issue here is this is the very means which will bring an end to the issue before us, so let's make the improvement. We want to get rid of the noise and the nuisance and the complaints by the neighbors? This is the first major step to do that.

P.O. CARACAPPA:

Anyone else?

LEG. O'LEARY:

Yes, through the Chair.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Just one last comment. I have to agree with Legislator Caracciolo's assessment regarding the enforcement by the Town of Brookhaven with respect to their noise ordinances and it should be across the board applicable to all ranges within their jurisdiction, including the one at Ridge. I don't know if it will come to that with respect to the town taking a position of enforcing their existing ordinances, my only reasoning for bringing this to the attention of the full body is that if it does become an issue, I want them to be perfectly clear that the enhancements that are going to be put forward on this particular facility will have that in mind with respect to any potential noise mitigation issue in the future.

P.O. CARACAPPA:

Anyone else? There's a motion and a second. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

I abstain for the reasons stated.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17, one abstention on the bond (Abstention: Legislator O'Leary).

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2245•04, 2245A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the restoration of the Habitat Wing at the Vanderbilt Museum (CP 7401) (County Executive). Motion by Legislator Binder, second by Legislator Cooper. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Are we voting on the pending bond resolution?

MR. BARTON:

2245.

P.O. CARACAPPA:

No, the museum.

LEG. O'LEARY:

Okay, yes.

LEG. BINDER:

All right, O'Leary.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2246•04, 2246A (Appropriating funds in connection with waterproofing masonry walls and drainage at Suffolk County Vanderbilt Museum (CP 7439) (County Executive). Same motion, same second. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2247•04, 2247A (Appropriating funds in connection with the restoration of facades (CP 7441) (County Executive). Same motion, same second.

Roll call.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2250•04, 2250A (Appropriating funds in connection with modifications for compliance with the Americans with Disabilities Act (ADA) at the Vanderbilt Museum (CP 7450) (County Executive).

Same motion, same second. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2269•04 (Applying for a grant from New York State Department of Parks, Recreation and Historic Preservation for a 2005 TEA•21 Recreational Trails Grant at Manorville Hills (County Executive)).

Motion by Legislator Losquadro, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2281•04 (Donation and dedication of certain lands now owned by Long Island Property Group, LLC to the County of Suffolk (SCTM No. 0500•343.00•02.00•026.000, 028.000, 031.000, 034,000, 037.000) (Alden). Motion by Legislator Alden, second by myself. All in favor?

Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2284•04, 2284A (Appropriating funds in connection with improvements to Planetarium, Suffolk County Vanderbilt Museum (CP 7437) (County Executive)). Motion by Legislator Carpenter, second by Legislator Binder. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARPENTER:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Mr. Kennedy, what was your vote?

LEG. KENNEDY:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

Public Safety & Public Information:

2216•04 (Accepting donation of two (2) all-terrain vehicles (ATV's) from the Town of Brookhaven for the Suffolk County Police Department (6th Precinct) (Losquadro). Motion by Legislator Losquadro, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2232•04 (Amending Resolution No. 217•2004, to create two (2) new positions in the Suffolk County Department of Fire, Rescue and Emergency Services and correct funding period pursuant to the NYS Division of Criminal Justice Service's Grant for the "County Homeland Security Exercise and Evaluation Program (HSEEP) FFY2003" (County Executive). Motion by Legislator Carpenter, second by myself.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2233•04 (Accepting and appropriating a grant in the amount of \$186,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department Bellport Task Force with 75% support (County Executive). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2234•04 (Accepting and appropriating a grant in the amount of \$83,923 from the State of New York Governor's Traffic Safety Committee to enforce motor vehicle passenger restraint regulations with 83.4% support (County Executive). Motion by Legislator Carpenter, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2270•04 (Approving a Memorandum of Understanding between the County of Suffolk and the Huntington Station Enrichment Center establishing a cooperative relationship for the Huntington Station Weed and Seed Program and accepting and appropriating \$116,210 in sub•granted funds from the U.S. Department of Justice with 84.2% support (County Executive)). Motion by Legislator ••

LEG. COOPER:

Motion.

P.O. CARACAPPA:

•• Cooper, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2271•04, 2271A (Appropriating funds in connection with the replacement of one Enterprise Computer Server for the Computer Operations Center•Headquarters (CP 3228) County Executive).
Motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. Roll call.

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

Public Works & Public Transportation:

1592•04 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand Company (HU•1040), page eleven. Is there a motion?

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder, second by Legislator O'Leary.

LEG. MYSTAL:

Which one are we on?

P.O. CARACAPPA:

1592.

LEG. MYSTAL:

Oh, motion to table.

P.O. CARACAPPA:

There's a motion to table by Legislator Mystal. Is there a second?

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor of tabling?

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

Roll call.

*(*Roll Called by Mr. Barton • Clerk*)*

LEG. MYSTAL:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

No to table.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No to table.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCIOLO:

Yes to table.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

12 (Opposed: Legislators Binder, Losquadro, O'Leary, Schneiderman, Carpenter & Caracappa).

P.O. CARACAPPA:

It's tabled.

1898•04 (Authorization of alteration of rates for the Fire Island Ferries, Incorporated (Presiding Officer Caracappa)).

LEG. CARPENTER:

Motion.

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator O'Leary.
All in favor? Opposed? Abstentions? Mark me as opposition.

MR. BARTON:

17•1 (Opposed: Legislator Caracappa).

P.O. CARACAPPA:

1963•04 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the sanctuary at Ruland Road (HU•1323)). Is there a motion?

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter.

LEG. MYSTAL:

Motion to table again.

P.O. CARACAPPA:

Motion to table by Legislator Mystal, second by Legislator Alden.

LEG. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion to table, Legislator Carpenter.

LEG. CARPENTER:

I would just like to ask Legislator Binder, does this not reflect affordable housing?

LEG. BINDER:

My understanding it is.

LEG. CARPENTER:

Yes, okay. Thank you.

LEG. VILORIA • FISHER:

I couldn't hear his response.

P.O. CARACAPPA:

The answer was yes. There's a motion to table and a second.

LEG. VILORIA • FISHER:

Through the Chair?

P.O. CARACAPPA:

On the motion, Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

I would just like to ask Legislator Binder, do you know what kind of percentage there is of affordable housing in the project?

LEG. BINDER:

I think it was from a percentage from another project; this is to make up for another project and it was kind of an agreement.

P.O. CARACAPPA:

Legislator Lindsay?

LEG. VILORIA•FISHER:

I'm sorry, I didn't understand your response; can you say that again?

LEG. BINDER:

My understanding is it's from another project that needed affordable housing, this is where they're doing it.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I might be able to add some light to this project.

P.O. CARACAPPA:

Go ahead.

LEG. LINDSAY:

This has been in the works for quite a while, going back to my days of not being on the Legislature but being on the board of the Long Island Housing Partnership. This property is being developed by Benjamin, if I'm not mistaken, who developed another high end property ••

LEG. BINDER:

The greens.

LEG. LINDSAY:

•• on the old Melville Psychiatric Center property, and he agreed to develop an affordable component at Ruland Road when questions came up about affordability. So this is the affordable part of this overall project, you know.

LEG. BINDER:

It's actually one of the affordable parts; they did some on-site, this is the off-site affordable.

P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you for clarifying that.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I'm working off a draft copy of today's agenda which I received yesterday and I don't see this resolution on it.

P.O. CARACAPPA:

It's out of number order on the draft.

LEG. CARACCIOLO:

So it's out of number order, is that what it is?

P.O. CARACAPPA:

Yeah, on the draft.

LEG. CARACCIOLO:

Okay. So it's on the agenda ••

P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

•• it's just out of the sequence, okay.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

And through the Chair, I'll address this to the Chairman of Public Works. Was it developed as far as what guidelines they're meeting for the affordability; is this through the Suffolk County •• our programs, or is this just some other type of guidelines that they would call these affordable units?

LEG. O'LEARY:

Your question is have they been •• has this been authorized through approved guidelines?

LEG. ALDEN:

Are they applying through our Affordable Housing Program? Because I believe it was Legislator ••

LEG. BINDER:

No.

P.O. CARACAPPA:

Bishop's bill.

LEG. ALDEN:

Okay.

P.O. CARACAPPA:

Is that what you're talking about?

LEG. ALDEN:

Right. So what guidelines for affordability do these meet? If you don't know, maybe somebody else might know.

LEG. O'LEARY:

Yeah, with respect to the affordable housing question, I do not know the answer to that.

LEG. ALDEN:

And are they getting a discount on the hook•up fee because they have an affordable housing component?

LEG. O'LEARY:

You mean the 7.50 instead of the \$15 ••

LEG. ALDEN:

Right.

LEG. O'LEARY:

•• per gallon? I don't believe that was even a question that was raised in committee.

LEG. VILORIA•FISHER:

Mr. •• could you •• would you yield to me, Peter? Because on the resolution it says \$15.

LEG. O'LEARY:

Okay, yes.

LEG. VILORIA•FISHER:

On the resolution it says \$15, it doesn't seem to be a discount.

LEG. ALDEN:

So there's no discount.

LEG. BINDER:

Maybe there should be.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

One of the reasons why I wanted to table this is because there was still •• this property, this development bought in my district is right in the Town of Huntington. I don't think I have any strong objection over this development for affordable housing, except for the fact it's one more instance when people outside of the district are hooking up, and that's one instance. The other part of it, and I think Legislator Alden asked the question, are they going through our system? No, they're not. They're not going through our system and the affordability that they are talking about, nobody has a clear •cut idea of what they mean by affordability. It could be like, you know, they're calling affordability \$300,000, you know, they're calling affordability \$250,000. We haven't gotten any answers from that developer in terms of what is it, they're talking about what the percentage is, how many units they're talking about, what the price that they're talking about. And again, it's not a hook•up from outside of the district to a large developer, that's why I wanted to table it and keep it there until I get some answers from the developers. You know, like how many units are you going to put for affordable housing, number one. Number two, what price are we talking about? Because if he comes in and tells me, you know, we're talking about \$250,000 ••

LEG. ALDEN:

It's still not affordable on my salary.

LEG. MYSTAL:

That's what I'm saying, not on anybody's salary, not us.

LEG. BINDER:

Mr. Chairman?

LEG. MYSTAL:

You know, maybe Schneiderman but not mine.

LEG. SCHNEIDERMAN:

Not mine.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Thank you. I don't have the answers to the specifics on the affordability aspect of it, but if this didn't meet real affordability standards, the Greens, which Mr. Lindsay had spoken about, would have never gone forward because there were very specific guidelines, this had to be •• it's unfortunate Mr. Libbert is not still here, he was here before •• he, when he was working for Mr. Benjamin, was working on it, he probably could have discussed this.

That whole project that, the Greens wouldn't have passed muster if there was even a question in Huntington as to whether this was real affordable housing. This is real affordable housing, it's my understanding one and two bedrooms, small so it's not going to impact the school district. The school district is happy about it, people in the area are happy about it. This is going to provide much needed housing for young families who really need it now.

Now, we can keep putting this off and asking questions and trying •• and we've been putting this off for a long time and we can keep putting off affordable housing and looking for new reasons to do it. The fact is we have an opportunity here to make the building of these units affordable for young, new families who are looking to stay here on Long Island. This is going to help them do that, they're not getting a discount, maybe they even should, that would help them also, but that's what this is. And there would be outrage even in Huntington if this wasn't the case here, so I would hope we're going to move forward and stop the draying around and putting it off. Eventually there will not be affordable housing here because they'll maybe give up and they'll say it's not worth it because Suffolk County doesn't want to be cooperative on affordable housing issues, maybe we won't do it. Now, maybe there won't be affordable housing here and that will be unfortunate for us, for Huntington and for Suffolk County.

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. MYSTAL:

Legislator Fisher, can you give me one second? I'm going to ask if anybody knows •• remember what year the Greens were built?

LEG. ALDEN:

Eighteen something, I think it was.

LEG. BINDER:

Stop it.

LEG. LINDSAY:

No, recently.

LEG. MYSTAL:

Recent meaning how long ago?

LEG. ALDEN:

1895?

LEG. LINDSAY:

I would say •• I don't know, but did all the new owners move in there yet?

LEG. BINDER:

They're still moving in, it's probably •• they're still finishing building it. You're talking the Year 2000, 2002, 2003, they've been moving in and building, so this is pretty new stuff. And now they're trying •• they're trying to do the other aspect which actually let this go forward.

LEG. VILORIA•FISHER:

Okay, I'd like to reclaim my time.

P.O. CARACAPPA:

Legislator Viloría•Fisher has the floor.

LEG. VILORIA • FISHER:

Thank you. Mr. Chair, I do have •• I completely agree with the statement made by Legislator Binder, that we need to move forward on affordable housing projects, we need to make them as expeditiously as possible because it is a crisis.

However, there are some questions that I would like to ask of the County Executive's Office, because there are incentives in place, there are ways in which we could make it an even more •• a smoother process; we have discussed this in our Workforce Housing Commission and neither Legislator Schneiderman nor I knew anything about this project. I would like to table this just for •• or pass it over for now, just until we get somebody from the County Executive's Office who can respond to this. I have asked people from the County Executive's Office to reach out and try to get Ben back here or somebody who could answer the questions. I do plan on supporting this, I think it's important to pass this kind of legislation, but I do want some more answers.

P.O. CARACAPPA:

Legislator Caracciolo then Mystal.

LEG. CARACCIOLO:

Yes, Mr. Chairman, I think that's an excellent suggestion. I would suggest that Mr. Morgo, no one other than Mr. Morgo come and address this issue, someone who is intimately familiar with affordable housing issues, and if he's not readily available then maybe his assistant. Because I find it disturbing that two members of the Ad Hoc Committee •• the commission, rather, are not privy to some very basic information about what is out there in the universe of new affordable housing projects in Suffolk County.

P.O. CARACAPPA:

There's a list growing; if we're going to skip over it, I'd rather bypass this list.

LEG. CARACCIOLO:

And let me just add one addendum to that, that perhaps in the new year Mr. Morgo could come forward to the Legislature as a whole and make a

presentation along those very lines as to what it is at his office and who he's working with in terms of meeting the goals and objectives of a Suffolk County Affordable Housing Program.

P.O. CARACAPPA:

Okay, thank you. So we agree to skip over this for now?

LEG. ALDEN:

Yeah, let's skip it.

P.O. CARACAPPA:

Then we're not going to take anymore debate until later.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair.

P.O. CARACAPPA:

1963, or is that what we just skipped over.

1992 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the Sanctuary at Ruland Road (HU 1323).

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder, second by ••

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

•• Legislator Carpenter.

LEG. MYSTAL:

Motion to table again.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion to table, second by Legislator Alden.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

I said it before, and I don't •• you know, 1592 was tabled and we can just keep tabling any hook•up and not have anything come forward. I heard at the last meeting we were going to have something come forward, we're going to constantly have something come forward; I'm here 15 years we're going to have something come forward as to what we're going to do with these. And if we're going to just stop hook•ups and stop affordable housing and stop economic development and stop jobs and stop growth, that would be unfortunate.

I would hope that we're going to pass these through. If Legislators who have concerns want to do studies, want to do other things and put in other legislation, I'm very willing to see that, but holding everything up while •• it really is a delaying tactic is what it is because •• well, as I say, in 15 years nothing comes forward, just always the same specter of something is eventually coming, just keep waiting and we keep waiting and it doesn't happen. So I would hope that we can pass this, move forward and, as I said, stop tabling this.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

The reason why we keep tabling this motion is not because we want to stop

development, not because we want to stop affordable home, we just want to get some clear•cut answers which we haven't gotten yet, that's number one. Number two thing, I am a little bit dismayed to think that somehow everything •• the only thing that is being hooked up to Southwest Sewer District No. 3 I think is from Huntington; you know, it's beginning to get on my nerves. Every time I turn around what I see is something being hooked up to the Southwest Sewer District from Huntington. I haven't seen too many things coming from •• around this horseshoe, hooking up anything from the Town of Babylon or the Town of Islip, it's always the Town of Huntington. They want to hook up a Kentucky Fried Chicken? Let's hook it up. And then they give me this huge, somewhat magnanimous feeling that, "Oh, we are going to create job for your people"; yeah right. You're going to create job for whom? A Kentucky Fried Chicken would bring about three jobs which are promptly fired because they go out of business. And then, you know, you keep telling me the same thing, "Oh, we're creating jobs"; nobody has ever done a study to see •• to give me a ratio in terms of the amount of hook•up we've done in Huntington versus the amount of job we've created, because once we do the hook•up, nobody ever looked at it again to see if we even created a job, but that is always the rhetorical background they give me as to why we're doing it.

P.O. CARACAPPA:

Legislator Alden then Tonna.

LEG. ALDEN:

In answer to part of your question, there are jobs and there are some young ladies right there on 110 that are filling those jobs in one of our hook•ups, so. I think that our rush ••

LEG. TONNA:

Dancers.

LEG. ALDEN:

They're dancers, but I think that ••

LEG. TONNA:

You guys have got to be kidding me.

LEG. ALDEN:

That's what we hooked up, that's what we approved the hook•up to. Now, there's a rush here to go into •• and I really take exception at the accusation that was thrown out there before because I think it's outrageous, but we heard the testimony before from Mr. Wright that if we hook up all these people that have been approved we've gone way beyond the capacity of the Southwest Sewer District.

So I think in light of that, to just go and •• and it's not willy•nilly because it seems like there might be some vested interest here to hook up. Are these the best projects to hook up? Are they going to create the most jobs, or is this just, you know, something that because it was in the pipeline now let's go ahead. So the accusation is outrageous. And also, in light of the testimony, to do any of these hook•ups is just like completely off the wall; let's do the best, let's do the ones that create jobs.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Okay, yeah, just a couple of things. You know, there's a macro issue and a micro issue. I would say that if •• at least for the least eleven years that I've been here, if all we got to criticize the program is a Kentucky Fried Chicken and a Gossips, I would say that it would be pretty bad. The fact is is that the Melville corridor is an economic engine that drives Suffolk County, okay?

And you say not creating any jobs, Elie, I don't know who you're talking about, but there are an inordinate amount of people employed in Suffolk County that go •• that work at the malls, that work in the Melville corridor. It's one of the largest •• I think if I heard correctly, it's as large as Silicon Valley right now, okay?

LEG. MYSTAL:

They're already hooked up, not the others.

LEG. TONNA:

All I'm saying is that don't pretend that this doesn't drive revenue. This is one of the largest economic development issues that we have. By hooking up so-called Huntington, you've been able to make sure that we receive an inordinate amount of tax revenue from them. And the Walt Whitman •• the Walt Whitman Mall, by the way, okay, by hooking that up, we've been able •• we've been able to get a lot of tax revenue from Nassau County, because nobody's going to the Roosevelt Mall anymore, they're coming to the Walt Whitman Mall.

LEG. BINDER:

Babylon jobs.

LEG. TONNA:

Yeah. And by the way, that's a lot with Babylon jobs. So to say to crassly and kind of flippily say we're talking about Kentucky Fried Chicken or a Gossips, you're right, you know, if I thought about it and if I could recall a vote, if those were ever •• I don't think it was Gossips at the time, I think it was an Indian Restaurant, but even so, I think it calls for us being a little more judicious about certain jobs.

But don't think •• you can't put them altogether. And the fact is is that this Legislative body, for at least as long as I've been here, has done the right thing by hooking up major businesses that lower their taxes because, remember, the sales tax revenue is the thing that drives the system; it's not our property tax revenue, it's the sales tax revenue that drives Suffolk County. The fact is is that we've been very, very benefitted by hooking up the Southwest Sewer District into the Town of Huntington. Thank you.

P.O. CARACAPPA:

Who's next?

LEG. MYSTAL:

May I rebuttal, please?

P.O. CARACAPPA:

You're next.

LEG. MYSTAL:

Thank you. I don't disagree with you, Legislator Tonna, that we have hooked up a lot of stuff from the 110 corridor who •• he doesn't have to listen, he never listens anyway. I don't disagree with him in terms of that, you know, we have hooked up a lot things from the 110 corridor, it was a lot of money for Suffolk County; they're already hooked up, that is the point. They are already hooked up. We are going to •• we are coming very close to •• I know when we refer to the Southwest Sewer District we keep saying excess capacity; it is not excess capacity, you mean we are getting to the full capacity.

So my thing is like, you know, as Legislator Alden said before, if we are going to hook up any more things, why don't we find the best instead of going willy•nilly with every little junk that we can fine. We have •• we have hooked up the whole corridor, Walt Whitman Mall and everybody else; they're already hooked up. So these little programs that are coming in, I don't have any problem with them. We don't have excess capacity, what we have is remaining capacity, that's what's left. So my objection is let me get some good answers. If we're going to do something for affordable housing, let them come here ans tell me how many people •• how many units they have, how much they cost, and if somebody is going to hook up a business, let them come over here and tell us how many jobs are going to be created. Because most of the time all we hear is that, "Oh, we are going to create jobs, period." How many? It could be two jobs, I don't know.

P.O. CARACAPPA:

Is that it? Motion and a second to table.

LEG. BINDER:

Roll call.

LEG. FOLEY:

Which one are we on?

P.O. CARACAPPA:

1992. There's a motion to table and a second.

LEG. TONNA:

What is it? Do we know what it is?

LEG. MYSTAL:

No, we don't, we never had any ••

LEG. TONNA:

Wait, do we know •• ob the motion just one more second? Do we know what it is?

LEG. MYSTAL:

No.

LEG. BISHOP:

What is?

LEG. TONNA:

It's an office building or is it a •• do we know what it is? What is it; Legal Counsel, could you tell us?

MS. KNAPP:

This is a daily flow of 6,210 gallons.

LEG. TONNA:

That's a lot of flow.

MS. KNAPP:

It's an existing building of 130,000 square feet office and warehouse on a ten acre parcel on the southeast corner of Walt Whitman Road and the Long Island Expressway South Service Road. I know that Fed Ex is one of the tenants it says here.

LEG. TONNA:

All right, so this is a little different than a Kentucky Fried Chicken.

MS. KNAPP:

It's currently on a septic system.

LEG. ALDEN:

It's existing.

LEG. MYSTAL:

They're there already.

LEG. TONNA:

You know, just on the motion. On the motion, just one thing. They're already existing. You know, doesn't anybody get it? I mean, we've had businesses leave Suffolk County, all right? And the fact is ••

LEG. BISHOP:

To flush the toilet.

LEG. TONNA:

Well, absolutely.

LEG. BINDER:

That's one of the reasons.

LEG. TONNA:

Absolutely, sewer district hook•ups are a major part.

LEG. BISHOP:

Then put a sewer district in Huntington, then put a sewer district in Huntington.

LEG. TONNA:

Legislator •• Legislator Bishop, I understand that you have a sewage flow problem yourself and all that I would say is that if you would like, you know, you'll get recognized and we can commiserate with you, but let me just finish my thought.

The fact is is that we go back and forth all the time, and that businesses make decisions based on overall costs, and one of those things happens to be sewer district hookups. And so I would say that if we •• if we can keep

an employer here, that's just as important. Thank you.

LEG. O'LEARY:

Through the Chair?

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

With respect to the question as to what the expansion is necessary for, it's my understanding in committee the statement was made by the Commissioner of Public Works that this is for a cafeteria that's going to be expanded into an existing building and facility.

LEG. BISHOP:

That's going to hurt the hero guy down the street.

LEG. BINDER:

Which, by the way •• if you'll yield?

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Legislator Binder?

LEG. BINDER:

Which, by the way, attracts businesses to stay in a particular building, maybe larger companies like Fed Ex, because if they don't have a cafeteria for their employees they won't stay there, and that's the point. The point is, is as Legislator Tonna said, Melville and that corridor is an economic engine because we can attract a Fed Ex or larger companies. If we don't give them the ability to do that, and we have the ability right here with these both, then we're not going to attract them and they will leave, and that's why we vote on these hookups.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, I think as some of us who have been here for many years have heard these arguments over and over again. What resonates in my mind is does anyone do a cost benefit analysis? I mean, we have the issue of capacity, now that issue has been addressed by DPW. If we have excess capacity, then it seems to me if we can demonstrate overwhelmingly that there is a cost benefit analysis to the County that, you know, maybe we should consider some of these additional hook•ups outside the district. As long as we've set aside and reserved for the district it's present and future projected needs for residents who have for whatever reason not hooked up, that should be the first criteria and priority.

But then moving beyond that, some of these proposals, you know, I'm familiar with this building we're talking about, it's a very large office building that's on that South Service Road of the LIE, but I think some of the arguments made by Legislators Tonna and Binder are very cogent and very good arguments. But I think at the end of the day to persuade me, I'd like to see the cost benefit analysis. Not in the short term, not just for some of the jobs in terms of new construction, but in terms of the long•term benefits to the community and the taxpayer and the economic viability of Suffolk County.

P.O. CARACAPPA:

Thank you. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MYSTAL:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

To table this is?

MR. BARTON:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

I'm sorry, what did you say?

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. COOPER:

No.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's tabled; we'll have this debate again next month.

2060 (A Local Law to protect minors against drivers of street vending vehicles). Is there a motion?

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Carpenter. All in favor?
Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2239 (Amending Resolution No. 741 • 2004 for participation in engineering in connection with the reconstruction of CR 16, Portion Road/Horseblock Road, from Ronkonkoma Avenue to CR 97, Nichols Road, Town of Brookhaven (CP 5511.113)).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2241 (Amending Resolution No. 919 of 2003 in connection with dredging of Napeague Harbor, Town of East Hampton (CP 5200)).

Motion by Legislator Schneiderman, second by Legislator Carpenter.

LEG. BINDER:

Mr. Chairman, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

So why do we need to dredge? Maybe for economic development.

P.O. CARACAPPA:

Oh, come on.

LEG. BINDER:

The east end? Do we need to take care of the Town of East Hampton to ••

LEG. BISHOP:

He voted with you.

LEG. MYSTAL:

No, no, but I'm just •• I am just saying, and I'm not going to vote against this. No, no, it's the point. The point is we do things here, including dredging and including taking care of the south shore, the north shore, the east end, because we need economic development, a lot hinges on it and it's unfortunate when Legislators over here will vote for dredging but they won't vote for economic development in our backyard.

P.O. CARACAPPA:

Thank you.

LEG. ALDEN:

Table subject to call.

P.O. CARACAPPA:

That's not a serious motion.

LEG. ALDEN:

Withdrawn.

P.O. CARACAPPA:

It is withdrawn. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2243•04, 2243A (Amending the 2004 Capital Budget and Program, and appropriating funds in connection with the County share for participation in the reconstruction of bridge on CR 83 North Ocean Avenue, over the Long Island Expressway, Town of Brookhaven (CP 5849).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2248•04 (Transferring Assessment Stabilization Reserve funds to the Capital Fund amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program, and appropriating funds for the Flow Augmentation Needs Study at Suffolk County Sewer District No. 3 • Southwest (Deer Lake) (CP 8110).

LEG. CARPENTER:

Motion.

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Binder.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2249•04 (A Resolution making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 4 • Smithtown Galleria in the Town of Smithtown).

Motion by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed?

Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2251 (Amending the 2004 Capital Program and Budget, and appropriating funds for the acquisition of land for drainage improvements on CR 76, Townline Road, Towns of Islip and Smithtown (CPL 5039). Motion by Legislator Nowick, second by Legislator Kennedy. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2252•04, 2252A (Appropriating funds in connection with the acquisition of land for the reconstruction of CR16, Portion Road at CR 93, Rosevale Avenue/Gibbs Pond Road, Town of Smithtown (CP 5118)). Motion by Legislator Nowick, second by Legislator Kennedy. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. ALDEN:

Yes.

MR. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2253•04, 2253A (Amending the 2004 Capital Program and Budget and appropriating funds for the acquisition of land for the County share for the Westhampton Interim Storm Damage Protection Project, Town of Southampton (CP 5374). Motion by Legislator Schneiderman, second by Legislator O'Leary. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2254•04, 2254A (Amending the 2004 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction of Deer Park Avenue East, CR 66, Town of Huntington (CP 5508).

Motion by Legislator Bishop, second by Legislator Mystal. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. BISHOP:

Wait, this is going to help business in Huntington

LEG. TONNA:

You're such a wise guy. You are such a little wise guy.

P.O. CARACAPPA:

Roll call.

LEG. ALDEN:

You're a bald jerk.

LEG. BISHOP:

Yes.

LEG. TONNA:

I can't argue with that.

(Roll Called by Mr. Barton • Clerk)

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

More money for Huntington, yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2255•04, 2255A (Appropriating start•up funds in connection with the reconstruction of CR 3, Pinelawn Road, Town of Huntington (CP 5510)). Motion by Legislator Cooper, second by Legislator Binder. Roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2256•04, 2256A (Appropriating start•up funds in connection with the reconstruction of CR 16, Portion/Horseblock Road, Town of

Brookhaven (CP 5511 Phase II.

LEG. O'LEARY:

Motion.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2257•05, 2257A (Amending the 2004 Capital Budget and Program and appropriating funds for the acquisition of land for the reconstruction of CR 2, Straight Path, from Mount Avenue to NYS 231 and at Edison Avenue, Town of Babylon (CP 5527.211)). Motion by Legislator Mystal, second by Legislator Bishop. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2258•04, 2258A (Appropriating funds in connection with the acquisition of lands for CR 7, Wicks Road Corridor, Town of Islip (CP 5539). Motion by Legislator Montano, second by Legislator Carpenter.
Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MONTANO:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes. Sorry.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2272•04, 2272A (Appropriating start•up funds in connection with acquisition of properties for safety improvements at the C.R. 80, Montauk Highway, Town of Southampton (CP 3301.229). Motion by Legislator Schneiderman, second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

Ways & Means and Consumer Protection:

2061•04 (Adopting Local Law No. 2004, a Local Law to permit seizure of vehicles of unlicensed home appliance repair businesses (Nowick)). Motion by Legislator Nowick.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2078•04 (Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Richard Edelstein and Glenda Edelstein, his wife (Foley)). Motion by Legislator Foley, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2099•04 (Authorizing certain technical corrections to Adopted Resolution No. 929•2004 (County Executive)). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2172•04 (Approving the reappointment of Russell J. Calemme as a member of the Suffolk County Electrical Licensing Board (County Executive)). Motion by Legislator Lindsay, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2173•04 (Approving the reappointment of Patrick M. Pichichero, Jr. As a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2174•04 (Approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2175•04 (Approving the appointment of William C. Macchione as a member of the Suffolk County Home Improvement Contractors Licensing Board (County Executive)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2207•04 (Authorizing conveyance of parcel to the Town of Brookhaven (Section 72•h, General Municipal Law) (Losquadro)).

Motion by Legislator Losquadro, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2215•04 (Authorizing transfer of three (3) surplus County computers to Comsewogue Youth Club (Viloría•Fisher)). Motion by Legislator Viloría•Fisher, second by myself. All in favor? Opposed?

Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2228•04 (Transfer of Town of Brookhaven•owned real estate to the County of Suffolk pursuant to Section 72•h of the General Municipal Law (County Executive)). Motion by myself, second by Legislator Foley.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2229•04 (Amending the Suffolk County Temporary Classification &

***Salary Plan in the Department of Parks, Recreation and Conservation
(County Executive).***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Legislator Vilorina•Fisher?

LEG. VILORIA • FISHER:

Oh, I'm sorry, I'm an abstention on this.

P.O. CARACAPPA:

That's why I didn't recognize your second.

LEG. VILORIA • FISHER:

I'm sorry.

P.O. CARACAPPA:

There's an abstention by Legislator Vilorina•Fisher. It was made by Legislator Carpenter, correct, the second?

MR. BARTON:

17, one abstention (Abstention: Legislator Vilorina•Fisher).

P.O. CARACAPPA:

Thank you.

2230•04 (Authorizing the disbursement of \$12,130 from the Suffolk County Living Wage Contingency Fund for Hide and Seek Children's Services, Inc. DBA Kids Place Early Childhood Center, a day care provider under contract with the Department of Social Services (County Executive)). Motion by myself, second by Legislator Carpenter. All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

Abstentions? One opposition, Legislator Binder.

MR. BARTON:

17•1 (Opposed: Legislator Binder).

P.O. CARACAPPA:

2266•04 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law in connection with the acquisition of properties to be acquired for the reconstruction of CR 2, Straight Path at Mount Avenue, Town of Babylon, Suffolk County, New York, CP 5527.210, Phase III (County Executive)). Motion by Legislator Mystal, second by Legislator Bishop. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2274•04 (Authorizing certain technical corrections to Resolution No. 1112•2004 (Caracciolo)). Motion by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 84•2004 (Memorializing Sense Resolution requesting New York State to enact legislation to curtail aggressive driving (Carpenter). Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. MYSTAL:

All right; can we go home now?

P.O. CARACAPPA:

Can I have those late starters?

LEG. MYSTAL:

We only have one that we have to go back to, 1963.

P.O. CARACAPPA:

Mr. Zwirn? Mr. Zwirn has indicated to my staff that he can answer questions on the Ruland Road.

MR. ZWIRN:

I think I can answer some of them, it may be enough to answer all of them.

LEG. VILORIA•FISHER:

If I may, Mr. Chair?

P.O. CARACAPPA:

Go right ahead.

LEG. VILORIA•FISHER:

It's been represented that the project on Ruland Road is addressing the issue of affordable housing, or workforce housing. And I was wondering •• I

had a number of questions. Number one, it hasn't come before the Workforce Housing Commission at all ••

MR. ZWIRN:

Right.

LEG. VILORIA • FISHER:

•• as an example of a project; I was wondering if it falls within the parameters that we have set forth governing •• well, not governing but suggesting what an affordable housing would be.

MR. ZWIRN:

Okay.

LEG. VILORIA • FISHER:

Project would be like.

MR. ZWIRN:

Let me approach this •• give you what I know and then that might be enough to answer your questions; and if it's not then we can have somebody come down who can answer them more fully.

This is a low income project, these entire units. It took place in the Town of Huntington, apparently the builders here, Al Benjamin and Jobco Development, want to build high•end projects somewhere else in the town and the town said in order for them to get permits and approvals of that, they would have to do something else in the town for affordable housing, low•income housing, and that's what this project is. So my guess is the developers would probably be happy not to have to do this and then go •• that's my guess.

All I can say is from a personal, anecdotal situation, although I battled politically with both these developers, they do excellent work. And Jobco Development did build low•income housing in the Town of North Hempstead which anybody would be proud to live in, I mean, they did absolutely beautiful work, it's excellent construction. So that •• it's a low income

housing project, they added eight units I think to make it 122 and they needed the additional hook•up for that.

LEG. VILORIA•FISHER:

Okay, Ben. But what I'm getting to is I haven't expressed any opposition to this, I think it's a wonderful idea, but there are benefits and incentives that we had offered so that we could expedite these projects.

MR. ZWIRN:

Right.

LEG. VILORIA•FISHER:

For example, we talked about helping builders who are building workforce housing to go through the Health permitting process, it's a little faster, once they have made application as affordable housing programs. And so perhaps •• I'd like to pass this today, but perhaps the County Executive's Office and Commissioner Morgo could work with them to see if we could help to expedite that because we haven't seen anything done officially.

MR. ZWIRN:

Right. I think this pretty much came to the town without the County's input in this, but I'm sure that Jim Morgo and the County Exec's Office will do everything they can to help get a project like this through.

LEG. LINDSAY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Nowick •• were you done, Legislator Vilorina•Fisher?

LEG. VILORIA•FISHER:

Just one more thing which is Dave Bishop's legislation from last year which is to also grant lower cost for sewer hook•ups, none of that is reflected in this resolution.

MR. ZWIRN:

I don't believe so. This was all done I think within the town without •• except for this portion here, without the County being involved.

LEG. VILORIA • FISHER:

Okay. But it would qualify, wouldn't it?

MR. ZWIRN:

It very well might, that I don't know. But I'll have •• if it passes now I'll ••

LEG. VILORIA • FISHER:

Well, if they're willing to do it without the incentive then I guess, you know, this is a ••

MR. ZWIRN:

I think they have an incentive with the town ••

LEG. VILORIA • FISHER:

With the town, okay.

MR. ZWIRN:

•• to build a higher•end project, but this was part of the deal.

LEG. VILORIA • FISHER:

Okay, good. Thank you.

P.O. CARACAPPA:

Legislator Nowick then Lindsay.

LEG. NOWICK:

Mr. Zwirn, I just want to ask you a question on this project. This is workforce housing; are these homes to be rented or sold?

MR. ZWIRN:

I think they're going to be sold; it's garden apartments. Legislator Binder?

LEG. BINDER:

I think sold.

LEG. NOWICK:

Sold so they become owners, these people become owners?

MR. ZWIRN:

I honestly don't know the answer.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes? Because I just wanted to also know as part of the workforce housing incentive, do the owners receive a property tax break, do they go into a different category, do they get a percentage off? How does that work in something like this?

MR. ZWIRN:

Maybe Legislator Alden might answer that better than I can.

LEG. ALDEN:

If it's an economic development zone then they would get a •• it's about a five day a year phase•in to full taxation, but I don't know what Huntington did here as far as their designation.

MR. ZWIRN:

This isn't.

LEG. NOWICK:

Is that a five to ten year phase•in for all aspects of the tax bill or just the County portion?

LEG. ALDEN:

I think it's all aspects in an economic development zone, but this isn't, this is not.

LEG. NOWICK:

What are you saying?

LEG. MYSTAL:

It's not.

LEG. BINDER:

This is not. This is going to be taxed at the normal regular rate, which is one of the difficulties.

LEG. NOWICK:

So just to be clear, this workforce housing, this attractive workforce housing that we're taking this credit for, you're telling me that these people have to pay full taxes, correct, school taxes and otherwise?

MR. ZWIRN:

I don't know but it would •• this was not done on a County program so I can't •• I don't think the County made any representations. Whatever the town can control, maybe the town taxes are being phased•in, but I can't imagine that school district taxes would be affected, they would probably pay the full school district tax.

LEG. NOWICK:

Yeah, because my only concern when we talk about workforce housing and we take all this credit is •• or affordable housing is after we do this magnanimous job, can they afford to pay the taxes? And I just wondered if people can or can't and I thought that was something that we really need to address here if we really want to do •• to do our jobs well.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, just to shed some more light on this issue. And again, my involvement in this project goes back probably to 2000, I was on the board of the Long Island Housing Partnership. And at the time, just prior to this, if you recall, the State auctioned off that property of the Melville •• it was a State hospital and there was quite an uproar, it's one of the •• it was one of the larger portions of open area in western Suffolk that there wasn't going to be any

affordable housing there to solve our crisis. And in this process of this uproar, the Town of Huntington developed a policy that you had to set aside so many units of affordability in any subdivision, and if you didn't do that, then you had to pay so much a unit to a fund to subsidize affordable housing.

Mr. Benjamin in this case, in order to get his permits to develop that property which is really high end housing •• and I wouldn't be too concerned about Mr. Benjamin, I'm sure he made a lot of money on that development • • agreed to develop an affordable component at Ruland Road, and I believe they're rentals, don't think they're ownership, at least that's going back to my recall. So I wouldn't •• I wouldn't bend over backwards to try and give Mr. Benjamin any incentives, he had to do this in order to get his permits to build the more expensive development.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Thank you. Excuse me, Presiding Officer, he's going to kill me because I keep talking about it.

P.O. CARACAPPA:

Yeah.

LEG. MYSTAL:

Ben, would you happen to know, we don't know if they are for sale or if they are for rent, I know we don't know that at this point. My thing to you, Legislator Lindsay, is that you were involved in this project around 2000, 1999, I think this project really started about 1998 when the land was sold and everything like that, you know. My question •• my ambivalence right now is the fact that if anybody knows anything about real estate, 1999, 2000 to 2004, we've had an increase in Suffolk County of about 47%, so anything that was affordable, you know, that they were talking about in 1999 or 2000 as the incentive to build affordable anything, by the time we got to 2004, it's a big increase. And the formula that we •• and I know the Town of Huntington used for affordability depends on the area where you

are. In other words, if you are around the area of Dix Hill, what is affordable •• what they would call a affordable home in Dix Hill is not the same as what they would call affordable around Huntington Station, because they will say affordable in Dix Hill is about maybe \$250,000 or \$300,000. So I don't know if this project really •• and how many •• you say it's low •income housing. Paul, I know. Low income housing, you know, do they have an income ratio or some kind of an income bracket, do they have some kind of a cutoff point like if you make \$40,000 you can't go in there?

LEG. TONNA:

Just ••

LEG. MYSTAL:

There are questions we don't know, that's why I just keep mentioning it.

LEG. TONNA:

Well, can I answer that question for you?

P.O. CARACAPPA:

Go ahead.

LEG. TONNA:

There is a formula and the formula is throughout the town, it's not •• the Town of Huntington when they put their plan together, as Legislator Lindsay made reference to, they didn't say, "Okay, in Lloyd Harbor affordable is going to be under one million because we feel bad for those guys over there, you know, between one million and 600,000, and in Huntington Station it's a hundred, two hundred," it was a formula throughout the town.

LEG. VILORIA • FISHER:

It uses HUD guidelines.

LEG. TONNA:

It met every single criteria, and to tell you quite honestly, this guy Benjamin probably doesn't even want to do this. You know, the idea was to get him to do this so that he could do some other things. It was really a very good initiative from the Town of Huntington standpoint to do this. It doesn't

change from the area that you go into, it's not built on market forces.

MR. ZWIRN:

By the way, they are rentals.

LEG. TONNA:

Yeah, I know they're rentals.

MR. ZWIRN:

They're rentals and the fair market value has been set by the Town of Huntington to rent.

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Just to clarify that. And you're right, Legislator Tonna, if they're going to call it low income they have to use the HUD guidelines. And again, with what Legislator Lindsay, absolutely, if they don't even require the County to expend any money on incentives, this is a real win for us and I certainly support it.

LEG. TONNA:

Finally, this is in my district and I can say only one thing. I know that these are low income because I've gotten so many complaints from constituents in the area saying, "You're going to ruin my neighborhood," all right? So all I can tell you is this is a great initiative, this is •• it's in my district, it's in my district. It's a great initiative, it's something that we had to push people to where we're basically twisting their arms. And I would say if you're not for this type of project, then what could you be for? Thank you.

P.O. CARACAPPA:

Legis ••

MR. ZWIRN:

But Legislator Tonna, let me just add, if they go to Roslyn Heights in Nassau County, Jobco built low income housing that's absolutely beautiful.

P.O. CARACAPPA:

I'll put him on the list. Legislator Alden then Legislator Mystal again.

LEG. MYSTAL:

No, no, I said let's vote.

P.O. CARACAPPA:

Oh. Legislator Alden.

LEG. ALDEN:

I'm not sure that this project is predicated on them getting approvals for a sewer hook•up. I think that in the event that they do get the sewer hook •up it goes forward, but in the event that they don't, they have to build a sewage treatment plant so it has to go forward I believe on either one of those paths.

The one little bit of sunshine that I see if 1963 is approved is that's almost the end of the capacity, or whatever you want to call it, surplus capacity. So, you know, we've hooked up people in Nassau County to the Southwest Sewer District and now we've hooked up the Huntington corridor and this might even end the debate because once this is approved, and it sounds like it might be, there is no more capacity and we heard testimony to that earlier.

P.O. CARACAPPA:

Mr. Clerk, there's a pending motion, is there, from before to table?

MR. BARTON:

Yes; a motion to table and a motion to approve.

P.O. CARACAPPA:

Okay. On the motion to table, roll call.

(*Roll Called by Mr. Barton • Clerk*)

LEG. MYSTAL:

To table, yes.

LEG. ALDEN:

Yeah.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

(Not Present).

LEG. NOWICK:

No to table.

LEG. KENNEDY:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No to table.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. BISHOP:

(Not Present).

LEG. ALDEN:

I withdraw the second for that tabling motion.

P.O. CARACAPPA:

Tabling fails.

MR. BARTON:

Three.

P.O. CARACAPPA:

There's a motion to approve and a second.

MR. BARTON:

Yes.

P.O. CARACAPPA:

Roll call. All in favor? Opposed?

LEG. ALDEN:

Abstain.

P.O. CARACAPPA:

Abstentions?

MR. BARTON:

16 ••

P.O. CARACAPPA:

Legislator Alden.

MR. BARTON:

•• one abstention, one not present (Abstention: Legislator Alden • Not Present: Legislator Bishop).

P.O. CARACAPPA:

I would like to make a motion to waive the rules and lay on the table the following bills, as well as set the public hearing for the first General Meeting on Resolution 2327 at 2:30 P.M. at the Auditorium to be put forward in the upcoming calendar, so that's 2327, 2328 ••

LEG. CARPENTER:

What committee?

P.O. CARACAPPA:

Oh, I'm sorry. What does it say? It doesn't say. Public Safety.

LEG. BINDER:

Mr. Clerk, put me on as a cosponsor on 2327.

P.O. CARACAPPA:

2328 is Ways ••

LEG. FOLEY:

Perhaps you can tell us who the chairs of those committees are going to be,

too.

P.O. CARACAPPA:

I wish I could.

LEG. MYSTAL:

It's not going to be you, how's that?

LEG. FOLEY:

Thanks, Elie.

P.O. CARACAPPA:

I don't think I'm in •• I'm not sure I'm in the position to do that just yet, Legislator Foley. 2328, Ways and Means; 2329, EPA; 2330, Ways and Means; 2331, Ways and Means; 2332, Ways and Means; 2333, Ways and Means; 2334, Ways and Means; 35, Ways and Means; 36, Ways and Means; 37, Ways and Means; 38, Ways and Means; 39, Ways and Means; 40, Ways and Means; 41, Ways and Means; and 42, Parks; 2343, Public Safety. There's a motion and a second to waive those rules and set that public hearing. All in favor? Opposed? Abstentions?

I'm going to stop now and I guess just extend lunch for ten extra minutes and we'll come back at 2:30. I anticipate the public hearings to be short, and we'll finish up on the overrides and the CN's at that •• after the public hearings and ••

LEG. TONNA:

Could we do that one override now?

P.O. CARACAPPA:

You could do one override; which one is that?

LEG. TONNA:

Can we do the one •• Jim Burke, right now?

P.O. CARACAPPA:

No, we're going to wait on that.

LEG. TONNA:

Well, do you need a vote? I think we should do it now. Come on, come on.

P.O. CARACAPPA:

No, we have to wait.

LEG. TONNA:

All right.

P.O. CARACAPPA:

All right, there's a motion •• so we'll come back at 2:30 and hopefully I'll get you all home before the traffic. We'll adjourn •• we'll recess til after lunch, 230.

[LUNCH RECESS: 12:20 P.M. • 2:35 P.M.]

P.O. CARACAPPA:

We'll start the public hearings. Mr. Clerk, the Affidavits of Publication are in proper order?

MR. BARTON:

Yes, they are, Mr. Chairman.

P.O. CARACAPPA:

Thank you very much.

***Public Hearing Regarding Introductory Resolution 2128 •
Authorization of alteration of rates for Davis Park Ferry Co***

(Presiding Officer Caracappa). We have a few cards. The first speaker is Walter Beck. Mr. Beck, before you start speaking, just to let you know, each speaker has five minutes.

MR. BECK:

Very well, sir. I don't know if this mike is on. Thank you, Sandy. Mr. Presiding Officer, Members of the Legislature, my name is Walter Beck, I'm the attorney for Davis Park Ferry Company. And our petition is before you

to seek an alteration of the ferry rates according to the schedule that is I believe Exhibit B to the petition, which sets forth the various rates requested and proposed.

I would just point out that our rates have not been altered since •• prior to 1996 and since then, of course, there have been huge increases in fuel costs, huge increases in the insurance requirements imposed by the Town of Brookhaven where we operate the ferry. And I think that the rates sought here are very reasonable in keeping with other ferry traffic and very much needed for the health of the ferry company.

I also would like to bring to the Legislature's attention that part of our petition which seeks some sort of a cost of living increase from year to year so as to avoid the necessity of returning to the Legislature each time just to keep up with inflation. The Suffolk County Code does have a provision already in place allowing such an adjustment annually, a COLA provision, but it hasn't been utilized by the Legislature in recent years. And in behalf of my client, I respectfully ask that it be reconsidered so that it could be used, because the expense of getting audited financial statements and the expense of retaining counsel to seek the increase in •• the alteration of fares, of course, to some extent mitigates the benefit of the increase because it's quite costly. And I would hope that the Legislature would consider granting that part of the petition, as well as the alteration of rates, granting that part of the petition that seeks a COLA type provision to keep up with inflation either based on the Consumer Price Index or some other formula acceptable to the Legislature. That is my presentation and I would be glad to answer any questions that any Legislator may have.

P.O. CARACAPPA:

Any questions? Thank you, sir.

MR. BECK:

Thank you.

LEG. LINDSAY:

I just have a question.

P.O. CARACAPPA:

Oh, one question, Legislator Lindsay.

LEG. LINDSAY:

It's really to Budget Review more than to the •• Mr. Beck. Do we have the ability to introduce a COLA in a rate schedule?

MR. SPERO:

Yeah, at one time the Legislature did include these COLA provisions as part of the rate structure, however, in 1989 the Legislature stopped that practice. And I think this ferry, this ferry company, Davis Park Ferry, was the last company to continue using it, and as was pointed out, they haven't been in the Legislature for a rate increase for a number of years now.

LEG. LINDSAY:

Why did we stop using the COLA?

MR. SPERO:

Because basically there was no oversight, the ferry companies could just increase their rates without any Legislative oversight.

MR. BECK:

And I might say, sir, that that was the whole intention of it, though. There is a section in the County Code, I can site it ••

P.O. CARACAPPA:

Sir?

MR. BECK:

•• exactly if need be, but ••

P.O. CARACAPPA:

You weren't asked a question.

MR. BECK:

Sorry, sir.

P.O. CARACAPPA:

If Legislator Lindsay has a question for you in that regard, then ••

MR. BECK:

Very well.

LEG. LINDSAY:

I had a question .

P.O. CARACAPPA:

Then go right ahead.

MR. BECK:

Sorry, Mr. Caracappa, I didn't mean to jump in when I didn't belong. Sir, the point I was making is the authority, you asked about the authority, the law of •• the Suffolk County Code has a provision in it which is worded so that it allows the ferry company to elect to use this COLA provision, but the reason it hasn't been used by us or any other ferry company is because the Legislature in its wisdom has made it known that they didn't intend to grant it, but I'm seeking to have that reconsidered if in the judgment of the Legislature they saw fit to do that. It would certainly would benefit my client to not have to return to the Legislature to get a minimal inflationary type increase.

P.O. CARACAPPA:

Legislator Caracciolo.

MR. BECK:

Yes, sir.

LEG. CARACCIOLO:

The increase that's before us, could you quantify it in terms of dollars or cents?

MR. BECK:

Well, we're seeking •• the most significant fare, sir, that comes to •• for discussion is the one•way passenger fare. There are also other fares and freight and so forth, but the fare that we're seeking for the one•way

passenger fare across the bay is \$7 from a present fare of 5.50; and as I say, that hasn't been changed since 1996.

LEG. CARACCIOLO:

Do you know what the CPI Index has been since that time?

MR. BECK:

I can't answer you, sir, I don't know.

LEG. CARACCIOLO:

Well, if you look at fuel costs alone we know that they have significantly increased just in the last 12 to 18 months.

MR. BECK:

That certainly I'm aware of.

LEG. CARACCIOLO:

So could you just share with this Legislator at least what your fuel cost expenditures are and what the increase in the last 12 months of operations has been.

MR. BECK:

I don't have those figures with me to be able to share it with you, sir, but in the papers and figures that we've supplied to Budget Review, those figures are available and laid out. And we certainly •• working with Mr. Duffy, we have given him comparisons. I didn't know that you'd want me to be able to make those comparisons today on my feet, but they can certainly be supplied.

LEG. CARACCIOLO:

Okay. Now, as with other ferry operations there are discount coupon books available for area residents; is that the practice here with Davis Park?

MR. BECK:

No, we don't have anything particularly •• a reduction for residents, but we have senior special fares, child special fares, 20 book tickets, which reduce

the cost per ride by buying them in bulk and so forth, but not anything particularly to one resident rather than a non•resident of the area.

LEG. CARACCIOLO:

Would you know what the year•round population is for Davis Park?

MR. BECK:

I don't know, sir.

LEG. CARACCIOLO:

Would you guess? Your colleagues behind you ••

MR. BECK:

They might be able to guess, if you want me to ask them.

LEG. CARACCIOLO:

Yeah, can you just get ••

MR. BECK:

They say year•round •• three residents year•round.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Is that all? Thank you, sir.

MR. BECK:

Thank you, sir.

P.O. CARACAPPA:

The next speaker is John Bauer.

MR. BAUER:

Good afternoon, Mr. Presiding Officer, Members of the Legislature.

My name is John Bauer, I'm the Chief of the Davis Park Fire Department. I'd like to say a few words in support of their request for a raise.

We're a unique community isolated and dependent on the ferry service for our firefighters coming from the mainland that aren't at the beach and also for our mutual aid people. The ferry company has always been there for us at any alarm. They have been a big help to the fire department and it's in our best interest that they become •• become financially healthy. Thank you.

P.O. CARACAPPA:

Thank you, sir. I have no other speakers on this public hearing. Anyone wishing to be heard? Hearing none, there's a motion to close by Legislator O'Leary, second by Legislator Vilorina•Fisher. All in favor? Opposed?

MR. DUFFY:

Excuse me, Mr. Presiding Officer?

P.O. CARACAPPA:

Who's talking? Oh.

MR. DUFFY:

It has to be recessed.

P.O. CARACAPPA:

Okay. SEQRA's not complete or ••

MR. DUFFY:

Our report is not.

P.O. CARACAPPA:

Oh, there you go. Motion to recess.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

By myself, second by Legislator Vioria•Fisher. All in favor? Opposed? It's recessed.

IR 2222, a Public Hearing to authorize conveyance of development rights to "Starlight Properties" (O'Leary). I have a couple of cards, the first speaker is Patricia Eddington, the Honorable, the Honorable Patricia Eddington.

ASSEMBLYWOMAN EDDINGTON:

Thank you, Honorable Joe Caracappa, Presiding Officer, and good afternoon to other members of the Legislature. My name is Patricia Eddington, I'm the New York State Assembly Representative for the 3rd a Assembly District in which Starlight Properties exists.

The deed recites that the grantor, Starlight Properties, conveys to the County, "Forever the development rights", and that Section 247 of the New York State General Municipal Law as amended to permit, require or restrict the use of the premise exclusively for the purpose of preserving open space as that term is presently used in the General Municipal Law and the Bill of Environmental Rights as set forth in Suffolk County Charter together with the right to prohibit or restrict the use of the premises for any purpose other than the preservation for open space.

The deed also states on the agreement of the covenant, the deed also states that the development of any kind in the deeded area is prohibited including construction of service, vehicular or fire roads. Starlight Properties stated in the covenant not to use the premise on any and after the date of that instrument for any purpose. So the 30 acre perimeter of the Yaphank property shall serve, "As a natural open space buffer which will remain in its natural, undisturbed state."

By approving anything today different will be a total contradiction to your commitment, Suffolk County Legislature, to the preservation of open space. And I come here today with the full support of the Medford Fire Department in which Starlight Properties has been visited on many, many occasions in the past and I request you to leave the property as it is as they do. And in the past when we've come •• I've come to speak to you before, the

President of the Civic Association in the Medford community, Joan Travan, had asked me in the past to state that the civic association is also opposed to any kind of agreement that would open this property up to an ingress or an egress of any kind. So I come here today, again, representing the Medford Fire Department, the Medford Civic Association and I ask you to continue to prohibit the use of this premise for any purpose other than the preservation of open space. And again, this is an extremely dangerous precedent and I urge you to vote no on the resolution. And I thank you very much for your time and listening to this statement today. Thank you very much.

P.O. CARACAPPA:

Thank you, Assemblywoman. There's a question from Legislator O'Leary.

ASSEMBLYWOMAN EDDINGTON:

Yes.

LEG. O'LEARY:

Good afternoon, Assemblywoman Eddington. You are obviously familiar with the background with respect to the acquisition of those properties and the transfer of lands from Manorville to Yaphank with respect to these properties, Starlight Properties and the history ••

ASSEMBLYWOMAN EDDINGTON:

Yes.

LEG. O'LEARY:

•• with respect to that?

ASSEMBLYWOMAN EDDINGTON:

Yes.

LEG. O'LEARY:

Are you aware that the current owner of the properties called Starlight Properties, those ninety some odd acres is in the process of attempting to subdivide those properties, that he'll be no longer performing the function as initially intended with respect to the use of those properties?

ASSEMBLYWOMAN EDDINGTON:

I read in the new resolution that that was happening, but I still would go back to the original 1986 covenant that states that the property shall be used and prohibited to be used for anything else other than open space. And I don't know, Mr. O'Leary, or Honorable Peter O'Leary, I believe very strongly in when you make a covenant with somebody over something that that covenant is highly respected and should be highly preserved. And it's sacred and it's an agreement that's made and it should be kept and I'm here today to say that no matter what, I think that this Legislature, this body that is committed, so committed to open space and all that we've been reading in the papers about that commitment and that being in my district and my district telling me to come here today to represent them, I would like us to commit ourselves to the original covenant and keep this property as sacred and used as a •• only as a preserve.

LEG. O'LEARY:

Well, then allow me then to ask you a question as to what is your interpretation of the original intent of that buffer zone that was created around Starlight Properties? Are you familiar with that?

ASSEMBLYWOMAN EDDINGTON:

The buffer zone is what is being intended for the 60 feet for the ingress and egress of any truck, trafficking that can be permitted to go in and out of the property. If that's allowed to happen, at least from what I understand, is that there will be •• development will be allowed to happen in that area, and I again will ask you not to allow that to happen.

LEG. O'LEARY:

In actuality, the creation of that buffer zone was a safety zone. Because the nature of the business that was going to be conducted on the Starlight Properties was, in fact, the manufacturer of explosives, fireworks and explosives. And understandably, with the County had some concern about the safety of any future development in that area to create this buffer zone which is, in effect, a safety zone. The fact that the owner of the properties are no longer manufacturing fireworks and whatever there, which was the original intent of that, will •• in his attempt •• in his attempt to subdivide

these properties now, the original intent of that buffer zone which was, in fact, the safety zone, it was never intended to be a nature preserve or open space preservation or anything of the like, contrary to what you see in the covenant, the initial intent of that ••

LEG. BISHOP:

It's coming.

LEG. O'LEARY:

Excuse me?

LEG. BISHOP:

Is there a question?

LEG. O'LEARY:

Oh, yes; is there a question?

LEG. BISHOP:

It's a public hearing, you have a question.

LEG. O'LEARY:

Yes.

LEG. BISHOP:

You can't make a speech, you have to ask a question.

LEG. O'LEARY:

Yes, I know.

LEG. BINDER:

It's a long question.

LEG. O'LEARY:

I will get to a question.

LEG. BISHOP:

Oh, really?

LEG. O'LEARY:

Yes.

LEG. BISHOP:

Okay. We're waiting.

LEG. O'LEARY:

The original purpose ••

ASSEMBLYWOMAN EDDINGTON:

I'm used to this, though.

LEG. O'LEARY:

Okay. The original purpose was a safety zone, a safety buffer zone. What is your reaction to that assessment on my part of what the original intent of those properties were?

ASSEMBLYWOMAN EDDINGTON:

In all due respect, I'm going to stick with my original reason for being here, and that's to represent the community of the 3rd Assembly District who asked me to represent them today in stating that they would be totally opposed to any •• any ingress or egress that would be in this area. The deed that •• the original covenant states, "The deed also states that the development of any kind in the deeded area is prohibited." So whether it be a safety buffer or safety zone or anything of its like, anything that would allow development in this area I would be very much opposed to, as well as the 3rd Assembly District that I represent.

LEG. O'LEARY:

Well, I too represent that area as well and I'm not getting the objections from the community as you stated you are. But my only concern is that there's some misinformation as to what's going on with respect to those properties and my question to you is when they bring up their objection to this alleged development of the safety buffer zone, are you telling them that the owner is attempting to subdivide and no longer manufacture fireworks

on those properties?

ASSEMBLYWOMAN EDDINGTON:

My job is to listen to my constituents and I am there on their behalf today. The Medford Fire Department would be opposed to it, as I stated before. And quite frankly, I've been •• I live in the Medford area and I know what this property is about, and I would strongly suggest that this body that is so strongly committed to open space will continue in that commitment and not allow any kind of development on this property at all.

LEG. O'LEARY:

The development you speak of is the buffer zone development? A hundred feet wide, 30 acres surrounding 90 acres?

ASSEMBLYWOMAN EDDINGTON:

You know •• yeah, the 60 feet, whatever it takes ••

LEG. O'LEARY:

Yeah.

ASSEMBLYWOMAN EDDINGTON:

We're here to state today that we would be opposed to it. We would like you to continue to keep it as the covenant had suggested.

LEG. O'LEARY:

Even with the understanding that there are no longer fireworks being manufactured on the original location.

ASSEMBLYWOMAN EDDINGTON:

In particularly with that in mind.

LEG. O'LEARY:

Thank you.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. I know that the tradition is just to ask questions during public hearings but I did want to thank both Assembly Members Eddington and Englebright for being here today to discuss this. We're going to hear from the Assemblyman shortly and he'll give us a brief historic overview of how this was developed. And once we hear his testimony combined with Assemblywoman Eddington's, we'll see why there's a very cogent and persuasive argument to keep not only the buffer, but there is a real issue of whether this has been designated as a nature preserve. If that's the case and we allow access and ingress •• ingress and egress in a nature preserve status property, then to use another term, that would open up a whole Pandora's box for other County holdings that are within the Nature Preserve. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Actually I had a question for Assemblywoman Eddington; would you mind coming back up to the podium? You did mention General Municipal Law, and my concern with this was not so much the change in use of the property or the •• the area that will be disturbed, the amount of area that will be disturbed. My concern has been that we protect development rights, that we have a •• we have a covenant with our community that when we set aside property and we are protecting the development rights of any property, that that is in perpetuity. And that's why I asked you to come back up, because you mentioned General Municipal Law Section 247 referring to development rights and the restrictions on those development rights under State law; do they have a relaxation of the restrictions based on a change of use?

ASSEMBLYWOMAN EDDINGTON:

I didn't look that far into that, but as far as the covenant that we're •• that we're talking about in this respect, under this Municipal Law it's to permit •• it's as amended to permit, require or restrict the use of the premises exclusively for the purpose of preserving open space. So that's what the Municipal Law would refer to in this particular case.

LEG. VILORIA • FISHER:

Okay. So a change in the use would not change the designation or the use or ••

ASSEMBLYWOMAN EDDINGTON:

Not according to the covenant that I have before me.

LEG. VILORIA • FISHER:

Okay. Thank you very much.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. ALDEN:

Motion to recess.

LEG. CARACCIOLO:

Assemblywoman Eddington, I'd like to thank you, and since I may not have a question for Mr. Englebright, thank both of you for appearing here today. I, for one, have to admire an elected official who stays on point and you were very loud and clear in your message today on where you stand on this issue, and I want to thank you for that position.

But let me take this opportunity, I know this is deviating, as Legislator Foley indicated, from our normal Q and A. This past week, the County Executive reached out to the State, State government to assist the County's efforts in the laudable open space and other environmental protection programs that the County's engaged in for over three decades now. Can we count on your support, along with

Mr. Englebright, as leaders in the Majority Conference in the State Assembly to carry that message to Mr. Silver and share with this County, probably not only the leading County in this State but in the country in preservation efforts, in securing some State funds, rather to help us continue to do that?

ASSEMBLYWOMAN EDDINGTON:

The Long Island Delegation has always been supportive. I have always been

supportive of environmental issues. I know that my colleague, Assembly Member Englebright, my colleague Ginny •• Assembly Member Ginny Fields has a great environmental record as well. We fight continuously and my •• I have a good record in the Assembly and your League of Conservation Voters has supported me and I am very, very supportive of funding to continue open space preservation of preserves ••

LEG. CARACCIOLO:

I guess what I'm getting to here is can you take a leadership role, along with Mr. Englebright and Ms. Fields •• Mrs. Fields in assisting the County going forward in securing State monies to work in conjunction with our most recently approved voter referendum, \$75 million. I know the State has a \$2 billion budget deficit projected for next year, I know it's going to be tough, but on the environmental side, the State really hasn't stepped up to the plate now in a number of years since the last Bond Act in '96.

P.O. CARACAPPA:

Legislator Caracciolo?

LEG. CARACCIOLO:

Yes?

P.O. CARACAPPA:

I hate to interrupt but if you could stay on point ••

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

•• it certainly would be appreciated.

LEG. CARACCIOLO:

I'm just looking ••

P.O. CARACAPPA:

As it relates to the resolution.

LEG. CARACCIOLO:

Maybe Mr. Englebright will be a little bit more forthcoming in a response. In seeing your commitment today, as you go back to Albany I'd be happy to come to your district office, your offices in Albany, meet with Members of the State Delegation on both sides of the aisle to try and secure next year's Legislative package, if you will, of Long Island initiatives, some significant State money to assist this County effort.

ASSEMBLYWOMAN EDDINGTON:

You know, I appreciate your question and I will tell you how could we not do that? If you have made a commitment to open space the way you say you have, how could we not want to help preserve open space? So I will say that ••

LEG. CARACCIOLO:

Helping is one thing, but let me say what we're looking for is show me the money.

ASSEMBLYWOMAN EDDINGTON:

Well, we •• you know, that's what we say all the time. But we would •• I know that we've done it in the past, we're first and foremost environmentalists and definitely will work very hard to preserve funds to help our Suffolk County and our districts, I can tell you that we would work very hard for that.

LEG. CARACCIOLO:

Thank you.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Thank you very much, Assemblywoman Eddington. Next speaker is the Honorable Steven Englebright, Assemblyman, 4th District.

ASSEMBLYMAN ENGLEBRIGHT:

Thank you, Mr. Presiding, distinguished members of the Suffolk County

Legislature. It's nice to come back home, especially at holiday time. So let me begin just by saying a happy holiday to each and every one of you.

I am also here to speak on Intro Reso 2222 and to urge you to vote against this resolution. I was seated in the circle, in the half circle when this resolution's •• predecessor resolution was placed before us. It came at my request and at the request of others, at the request of Dr. Koppelman, and was a resolution that came from the County Executive with a message of necessity and was something that should have been, and I believe should still, be left alone.

You see, there were many promises made from here, this is where Felix Grucci stood when he promised many things; most of those things were broken. One of the things that was promised was that there would never be any development on this property, that the vegetation of the site would be left more or less intact, that the only disturbance to the vegetation, which is Pine Barrens vegetation, would be small areas where different, small, shack •like structures would be placed for the assembly of different parts of the fireworks manufacturing process, and they were to be separated by vegetation because there needed to be distance between them and the vegetation also acted as a buffer.

We were committed to doing this out of compassion for the Grucci Family and we believed them when they said they were going to stay on Long Island and continue to invest themselves into the profile of business in our community. They have left, and in the process of doing so they did a whole vary of things to this property that were really inappropriate.

One, they brought in a bulldozer within the first few months and they cut down all of the trees, edge to edge, except for the 60 foot wide portion that we placed into the Nature Preserve. Had it not been placed into the Nature Preserve, it would have been bulldozed. I would guess, that's speculative on my part, but I must say we were not informed. And a group of Legislators, I was chair of the Parks Committee at the time and we were in an airplane with a Newsday reporter flying out to the east end and we flew out there, Jay, to look at a whole variety of properties I'm pleased are now part of the your district's ambiance, but we were looking at them for the first time as

possible acquisitions. And suddenly Mitch Freedman from Newsday said, "What's that?" And he was looking out the window and we looked to the right and there was in this otherwise unbroken expanse of Pine Barrens a huge rectangular scar, and I went and I looked out the window and I said, "Is it possible? Where are we?" And I had looked and there were some other landmarks and I said, "This is in Yaphank. Oh, my goodness, that's the property that we transferred, that's the Grucci property." And they had stealthily removed all of the vegetation; in fact, they put the blade of the bulldozer, I later learned, below the root zone and took out all of the trees below the living roots. They then proceeded to mine the property, something that was inconceivable if you're going to leave the vegetation as they had promised, and they mined it, again, without coming back and consulting with us.

Now, I have to tell you, the original intent of the legislation was a heavy lift. This was a large piece of County ownership we were considering, as we are still today, in the process of the recent passage of the Bond Act, the bond authorization I should say, in this County, we were at the other end of the process just beginning it and we were looking at ways to preserve open space. So a hundred acres of Pine Barrens was something that many of the Legislators were very hesitant to transfer. "Oh, don't worry," we were assured, "We're only going to remove enough for the footprint of these small Assembly sites." Okay, we finally put it before the Legislature and with reassurance from the speaker, Felix Grucci himself, that there would be no vegetative removal and that we would forever •• he said, "Don't worry, the entire boundary of the property will be in the Nature Preserve and will be protected forever, don't worry about that," and so he got his vote. And the Legislature should not now go back on that vote. Yes, sir?

P.O. CARACAPPA:

Your time had expired ••

ASSEMBLYMAN ENGLEBRIGHT:

Okay, Joe.

P.O. CARACAPPA:

•• but there are some questions, so Legislator Foley then O'Leary.

LEG. FOLEY:

I'd like to also welcome Assemblyman Englebright back to the County Legislature where there were many hard-fought victories in preserving open space in Suffolk County and he had led the charge many a time in that regard, so it's always great to see you come back home, Steven, and remind us of past actions that were taken in order to preserve property and to make it available for future generations.

Let me couch this in the form of questions. Is it not true that if we approve a resolution that will essentially strip part of a parcel from its Nature Preserve status, is it not true that that could set a precedent for other Nature Preserve properties, tens of thousands of acres that we have, if not hundreds of thousands of acres that we've had that we spent a lot of money, taxpayer expense to preserve those properties. Could you speak about the precedent that this could set?

ASSEMBLYMAN ENGLEBRIGHT:

Yes; in fact, I'm glad you raise the issue. As you know, a very substantial portion of our water preserve initiative is parcels in the Pine Barrens, in a large part of our parkland inventory is parcels that defaulted and came to the County as a result of old filed maps that were not paid, taxes were not paid, the County being the backstop for the towns would buy and then retain these properties. This is something that began in my very first day in the Legislature when the County Executive, Peter Cohalan, took notice of what I had campaigned on when I ran for the Legislature and tried to get out ahead of the curve, to his •• with applause to him, I should say. He did that on the very first day that I was here and he set aside, 8,000 acres that very first day. We have done more. There's presently probably twice that amount of land in our park system that has been placed in parkland status, most of it into the Nature Preserve which is a rarified and very special category of parkland under the first article of the County Charter. And so, yes, that's all at risk if the Legislature chooses to I think arbitrarily set aside this very delicate balance.

By the way, there are problems in the resolution. In the five minutes that I have had, I didn't have a chance to speak to it, but there are errors in the

resolution, errors of fact. The impression, in fact, under the first paragraph of Legislative intent, it said that in return for a conveyance of a larger parcel; it wasn't that simple, it was a conveyance for a larger parcel that you couldn't reach that had a lower per acre value. It wasn't a swap, it was a swap with consideration, and we paid County tax dollars to make sure that we had protection of this parcel as open space and we paid cash for that. So there was a cash consideration that's not even in the face of this resolution, and I think that that's another real problem because we shouldn't be going into the inventory of open space just a few weeks after the voters gave approval for us to borrow and to tax to preserve open space, we shouldn't violate that in the days before Christmas.

I'm reminded that this is one of the most dangerous times. I'm glad the State Legislature is not in session this week, but the Christmas season should come with gifts to the people and not gifts to individuals. It should not be something of a precedent as you rightly point out, Mr. Foley, of establishing a gifting of public asset, particularly to go into a most precious portion of what the County owns which is its nature preserves.

LEG. FOLEY:

One follow-up, Mr. Chairman, if I may? Thank you. You mentioned •• this will be a question in a moment. You mentioned that Felix Grucci had appeared before the Legislature that time. Is it not true •• and I'll say this for the record because I know this from speaking with the former Legislator representing the district that I now represent •• that the patriarch of the family, the grandfather had appeared before the Legislature and stated that they were seeking this property not just for the immediate future but for generations of the family in order to stay on Long Island and to manufacture their fireworks because they wanted to stay here for generations, which translates, quite frankly, to a hundred •• so is it not true that the family had made •• and this was part of the persuasive argument that was utilized by yourself, Legislator Romaine who was a cosponsor and then Legislator John Foley who was also a cosponsor, and there was bipartisan cosponsorship for this resolution after the tragedy that the family went through in North Bellport. But is it not true that the patriarch of the family had stated the fact that they were seeking this property in order to have a remote area in order for the family to continue with their world class manufacturing of fireworks

for generations to come?

ASSEMBLYMAN ENGLEBRIGHT:

That's correct. And that's why they bought the most remote property they could find. They went into the middle of the Manorville Hills on the border with Southampton in the most remote part of the entire Pine Barrens, a roadless area except for deer trails, almost two miles from the nearest paved road and that's where they bought about 130 acres, as I remember, 125 or 30 acres. When that was objected to by myself and others, and I went on the debate stump, it was not a comfortable thing to do in the aftermath of that terrible tragedy to go out and debate Felix Grucci in Riverhead, in Southampton, in Brookhaven and the wilds of Manorville but I did, because what was at stake was our ability to then have a wilderness to preserve. He wanted to go into the bulls•eye of the wilderness and develop it as a fireworks manufacturing site that would have meant new roads and services. Dr. Koppelman said, "I have a solution. We have a piece of very important environmental property of 100 acres, why don't we work out a swap and we'll do appraisals and if there's any difference in value we'll have those considerations built in to any settlement price," and that's what happened.

And so, further to what you're remembering, the family came in. It was very clear to the Legislators that this was a forever commitment, it was built into the appraisals. The assumption of the appraisals assumed permanent use and permanent non•use for the 60 foot wide buffer. So all of those values are built in, literally, into the appraisal process and into the understandings that the Legislators had from the Grucci family, that this was not to be just any piece of chattel or property that they could cash in at some future date, let alone mine it, and then come back and ask for development rights and access across a nature preserve. No, none of that was contemplated, in fact, quite the opposite, they promised, "Please, please," they said, "Let us have this so we can stay and invest further into this great County," and instead they've disinvested and left and now they want to come back and get a special Christmas bonus, it's wrong.

D.P.O. CARPENTER:

Next speaker, Legislator O'Leary.

LEG. O'LEARY:

Good afternoon, Assemblyman Englebright, and welcome back to your initial political home or elected official _demone_ I think it is.

ASSEMBLYMAN ENGLEBRIGHT:

Nice to be here, Peter.

LEG. O'LEARY:

Good to see you.

ASSEMBLYMAN ENGLEBRIGHT:

All of my scars are twitching right now, I don't know. But it's nice to be back.

LEG. O'LEARY:

First off, let me just make a statement before I just •• a very quick statement.

LEG. MYSTAL:

You still have the bag.

LEG. O'LEARY:

The notion that this is a Nature Preserve, the buffer zone that we speak of, I think is far•fetched, but let me just ask you this one question. The area that we speak of, are you familiar with what the zoning for that particular area, the properties that we speak of as well as all of the surrounding acreage around these properties, the current zoning?

ASSEMBLYMAN ENGLEBRIGHT:

I am.

LEG. O'LEARY:

And what is that, sir.

ASSEMBLYMAN ENGLEBRIGHT:

It's mostly industrial.

LEG. O'LEARY:

It's all industrial.

ASSEMBLYMAN ENGLEBRIGHT:

No, there's some residential in the near neighborhood.

LEG. O'LEARY:

Well, there's some •• the area, the specific area, the adjoining properties to this property is all industrial, I might add heavily industrial. Is your statement that the •• that these properties are located within the Pine Barrens?

ASSEMBLYMAN ENGLEBRIGHT:

They are indeed.

LEG. O'LEARY:

What then, in your opinion, would allow any municipality to rezone an environmentally sensitive area, as you describe this, into a heavily industrial commercial zone? It is the Empire Zone which I believe is affiliated with the State, it is •• it has been designated an Empire Zone for purposes of development with respect to advancing commercial and industrial properties; what is your explanation with respect to that?

ASSEMBLYMAN ENGLEBRIGHT:

Well, to understand the zoning within the Town of Brookhaven, one needs to have a little more time than I do this afternoon. I will say, though, that very often the zoning, both in Southampton, in that part of Southampton, in Brookhaven in many places, is a result of things that have happened historically, decisions that were made, some of which don't make sense in our present understanding.

I will tell you that the Pine Barrens is defined in more than one way. You define the Pine Barrens as a biological entity, it's an area that's a forest that is dominated by certain types of plants, certain species of shrubs set into certain types of soils; you can define the Pine Barrens geologically based on those soils and of the origin of the landscape; you can define the Pine Barrens culturally based upon the cultural uses and historic uses; you can

define the Pine Barrens hydrosolically. The hydro geological designation of Yaphank has been controversial since the first day that it happened. It took place in a motel room, Dr. Koppelman and a couple of other individuals late in an evening drew an arbitrary line where they thought this represented the northern boundary of the Gardiner's Clay. The Gardiner's Clay they presumed would be an aquaclude, an impermeable layer, a horizon of soil deeply buried, perhaps 100, 150 feet below the surface. They believed that despite many of other possibilities had they looked at them from a geological perspective, that this area could be an area that would be compromised away. And so a compromise was arrived at in order to draw the hydrogeological zone three boundaries that were contained in the 208 Study. Those hydrogeological boundaries in the Yaphank area do not conform, in fact, to the presence of •• to the precise location of the Gardiner's Clay and the Gardiner's Clay, in fact, is not an impermeable clay, it's a clay that, in fact, can be penetrated with groundwater infiltration. So from a hydrogeological perspective for the communities that you represent, that Assemblywoman •• ah ••

D.P.O. CARPENTER:

Eddington.

LEG. O'LEARY:

Eddington, your close colleague.

ASSEMBLYMAN ENGLEBRIGHT:

My close colleague Assemblywoman Eddington represents, the groundwater that is derived from infiltration into the soils of this site are moving toward your coastal wells. They are not going like a shingle effect above the clay horizon, as was presumed in that motel room when the 208 Study was being basically compromised, and this is a hydrogeologically important area for your coastal wells.

LEG. O'LEARY:

All right.

ASSEMBLYMAN ENGLEBRIGHT:

It is not official in the 208 Study, but the whole hydrogeological zone three

map is about six inches wide, so you have to understand that the thickness of the line itself is whiter than this entire property. So understand that that was a planning guideline document, should not be taken literally unless you have better data; the better data that we have shows that the Gardiner's Clay, in fact, is not an effective aquaclude.

LEG. O'LEARY:

Okay. And after that long response ••

ASSEMBLYMAN ENGLEBRIGHT:

I'm glad you asked.

LEG. O'LEARY:

Your answer is long and comprehensive, I might add, your answer to my question is that yes, you are aware that the properties that we speak of, the instant properties as well as all adjacent properties in the immediate area are zoned, currently zoned for heavy industrial commercial use.

ASSEMBLYMAN ENGLEBRIGHT:

So are the South Setauket Pine Barrens. And in each instance I would point ••

LEG. O'LEARY:

All right. Well, can I ••

ASSEMBLYMAN ENGLEBRIGHT:

And I can point to other places and in each instance I would say ••

(Assemblyman Englebright's phone rang *)*

Excuse me.

LEG. O'LEARY:

Perhaps that's Felix.

ASSEMBLYMAN ENGLEBRIGHT:

That's Felix calling.

LEG. O'LEARY:

I doubt that.

ASSEMBLYMAN ENGLEBRIGHT:

Let me turn it off, Pete, I'm sorry.

LEG. O'LEARY:

Thank you. Before you get into another long explanation on hydrogeological and all the other stuff ••

ASSEMBLYMAN ENGLEBRIGHT:

Well, I am a geologist and I have studied Long Island geography.

LEG. O'LEARY:

Well, I know you are. As a matter of fact, we have some history with respect to that ••

ASSEMBLYMAN ENGLEBRIGHT:

We do indeed.

LEG. O'LEARY:

•• on a position you took with some other matter.

ASSEMBLYMAN ENGLEBRIGHT:

And I hold you in high regard, despite the fact that your name is on this dreadful resolution, I regard you as a friend and a very fine public servant.

LEG. O'LEARY:

Yes, and I you as well.

LEG. TONNA:

I could feel the love.

LEG. O'LEARY:

Are you familiar •• this is a real buttering up process here.

P.O. CARACAPPA:

It's Christmas.

LEG. SCHNEIDERMAN:

That time of year.

LEG. O'LEARY:

Are you familiar or have you had an opportunity to review your statements that have been transcribed with respect to the position of the land swap that occurred in Manorville and the properties in Yaphank back when you were very active in this particular initiative and endeavor?

ASSEMBLYMAN ENGLEBRIGHT:

I have not.

LEG. O'LEARY:

Well ••

ASSEMBLYMAN ENGLEBRIGHT:

My memory is pretty good.

LEG. O'LEARY:

Yes. Well, I have information to •• I have inspection to the effect that your statements basically said the swap was taken out of context, that the Pine Barrens in the area of Manorville, pristine, environmentally sensitive land as opposed to swapping land which was no comparison with respect to the environmental sensitive impact that we were getting in the Manorville area. And I'm not saying that that was a position that is changed today.

ASSEMBLYMAN ENGLEBRIGHT:

Oh, I believe that to be the case.

LEG. O'LEARY:

Yes.

ASSEMBLYMAN ENGLEBRIGHT:

I don't dispute that.

LEG. O'LEARY:

But I think we ought to take into strong consideration the zoning of this particular area. Certainly the Manorville area has not changed, that is still pristine, environmentally sensitive land, open space, preservation, in perpetuity, etcetera. But we have to get to the nuts and bolts of why this particular 100 foot wide buffer zone comprising 30 acres around 90 some •odd acres came to pass, and that has to do with the history of what occurred with the family that was in the business of manufacturing explosives, pure and simple.

Subsequent to that, the rezoning to heavy industrial commercial I think has had a very important effect on advancing this particular Local Law with respect to the endeavors that are being put forward by the owners of the properties. It's not deemed to be environmentally sensitive land to be protected forever in perpetuity. Just notice, if you will, and you stated already, you're aware that the •• that property as well as the adjacent properties immediately surrounding contingent to these particular properties are zoned for heavy industrial commercial use.

ASSEMBLYMAN ENGLEBRIGHT:

First let me just say thank you for correcting me, it's not a 60 foot wide buffer, it's a 100 foot wide buffer.

LEG. O'LEARY:

Yes, it's a 100 foot wide.

ASSEMBLYMAN ENGLEBRIGHT:

Thank you.

LEG. O'LEARY:

And what's being •• and what's attempting to be done here is a 60 foot wide tap really.

ASSEMBLYMAN ENGLEBRIGHT:

Are two foot •• correct, but it's a 100 foot wide buffer that's in the Nature Preserve.

LEG. O'LEARY:

Well, that's questionable as to whether or not it's in Nature Preserve.

ASSEMBLYMAN ENGLEBRIGHT:

It's not questionable at all, that was what the understanding was and that's how those properties have been managed and that's the only reason they weren't cut down. But with respect to the ••

LEG. O'LEARY:

Let me ask you one more question, Assemblyman.

ASSEMBLYMAN ENGLEBRIGHT:

Because everything else was cut down.

LEG. O'LEARY:

If •• right. Let's just take that 100 foot wide buffer zone surrounding these 90 some•odd acres. If we do nothing at all with the properties that we speak of as well as the buffer zone and the development continues in that immediate contingent area, you're going to have heavy industrial use, commercial businesses surrounding this particular buffer zone and properties, in perpetuity; is that your idea of what should occur here?

ASSEMBLYMAN ENGLEBRIGHT:

I think that's the best possible thing that could happen, unless you buy or set aside other properties. Look, there is no part of our landscape where we don't have our parks surrounded by development; that's just what happens.

LEG. O'LEARY:

Sir, this is not a part.

ASSEMBLYMAN ENGLEBRIGHT:

Well, it is if it's a Nature Preserve ••

LEG. O'LEARY:

And it was never intended to be a part.

ASSEMBLYMAN ENGLEBRIGHT:

Yes, it was.

LEG. O'LEARY:

The intent of it was as a safety buffer zone because of the nature of the manufacture of products on the property.

ASSEMBLYMAN ENGLEBRIGHT:

Pete, it was ••

P.O. CARACAPPA:

All right.

ASSEMBLYMAN ENGLEBRIGHT:

With all due respect ••

P.O. CARACAPPA:

We're debating the bill with the speaker.

LEG. O'LEARY:

Yes, you're right.

ASSEMBLYMAN ENGLEBRIGHT:

With all due respect, I was ••

LEG. O'LEARY:

Mr. Chair?

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

As the sponsor of the bill, I'd like to make •• are there any other speakers scheduled?

P.O. CARACAPPA:

No, there are other questions.

LEG. O'LEARY:

All right, I'll wait then until •• yeah, I'm going.

P.O. CARACAPPA:

Could there be any more questions on this?

LEG. CARACCIOLO:

Not if he's going to recess it.

LEG. VILORIA • FISHER:

There is one more question.

P.O. CARACAPPA:

There is going to be a recess.

LEG. O'LEARY:

I'm going to make a motion to recess because I want to bring forward the issues discussed today and memorialize them for the record.

LEG. TONNA:

Well, just ••

P.O. CARACAPPA:

There's •• you're on the list, there's quite a list. Legislator Caracciolo, you're next.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Good afternoon, Steve. And I can call you Steve because we go way back.

ASSEMBLYMAN ENGLEBRIGHT:

We do.

LEG. CARACCIOLO:

The resolution under Legislative Intent, and this refers to comments made by Assemblywoman Eddington, that you •• would you take issue with the facts enumerated in the Legislative Intent? And I'll read just two aspects of it. It says that, "The Legislature finds and determines that a Deed of Development Rights on a portion of the parameter of the property was given to the County of Suffolk which deed prohibited development on the perimeter property." In your •• not mind or opinion, when the resolution was made to transfer this property to the Grucci's, embodied in that legislation or that resolution, is it clear•cut black letter law that this is Nature Preserve property?

ASSEMBLYMAN ENGLEBRIGHT:

I would have to say that was the clear•cut understanding that the Legislators had. We did not examine the deed, but the clear context within which the Legislature voted was that this land was going to the Nature Preserve and that the administration was going to handle it and make that happen. In terms of the administrative role and the Legislative role, we were informed, we were told by members of the Grucci Family, we were told by Dr. Koppelman, we were told by a variety of people inside of the administration, various Commissioners, and we proceeded and voted with that understanding.

LEG. CARACCILOLO:

Is that on the record, is there a copy of that, should that be somewhere transcribed in some official record?

ASSEMBLYMAN ENGLEBRIGHT:

I would imagine that some of that is transcribed. The lot of this took place at the committee level and the notes there were abbreviated as opposed to out here where everything is transcribed.

LEG. CARACCILOLO:

Right, okay. Let me go on to the next paragraph, then. "The Legislature also finds and determines that the property in which the County took the Deed of Development Rights is outside the Pine Barrens, outside a deep discharge •• recharge area, and is in an area with little or no environmental significance."

ASSEMBLYMAN ENGLEBRIGHT:

I disagree with that. In fact, I made note here that there is an error, this is environmentally significant.

LEG. CARACCIOLO:

I heard you say that.

ASSEMBLYMAN ENGLEBRIGHT:

Let me just •• I'm sorry, I'm going to have to speak to the geology here.

LEG. TONNA:

Cross my name off the list.

ASSEMBLYMAN ENGLEBRIGHT:

The deep flow recharge begins at the groundwater divide, it's the equivalent of a continental divide. You pour a gallon of water on top of certain ridge crests in the Rocky Mountains and half will go to the Atlantic and half will go to the Pacific Oceans. The same kind of thing in the groundwater divide. The groundwater divide was under the property in Manorville, and that's why from, among other reasons, you know, if you had to make a Hopson's choice, you would choose to preserve •• between these two, in a triage situation you choose to preserve first the property in Manorville. It doesn't mean that the property in Yaphank had no value which is what it says here, no environmental significance. It didn't have as much hydrogeological significance as the property sitting directly over the groundwater divide. However, the deep flow recharge area is an area that is pretty much as wide as an area almost to Sunrise Highway all the way up to the groundwater divide. So the deep flow recharge area has variable amounts of deep flow depending upon where across that wide band you happen to be. This is in the deep flow recharge area.

LEG. CARACCIOLO:

Okay. But I guess what we're going to have to determine from the County Attorney's Office and Legal Counsel, Legislative Counsel is whether or not this property can be defined as being in a nature preserve. Because as we all know, that does have significance ••

ASSEMBLYMAN ENGLEBRIGHT:

It does.

LEG. CARACCIOLO:

•• and this resolution cannot take it out of that Nature Preserve, only two successive acts of the State Legislature can do that.

ASSEMBLYMAN ENGLEBRIGHT:

Or a referendum by all the people of this County.

LEG. CARACCIOLO:

Right, okay. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Just very briefly, thank you, Assemblyman, my Assemblyman, for being here, and I sit in the seat that you once held and still uphold the same principals that you fought for many years ago. And the issue here is not whether or not we're going to define an area as one type of geological zone or another or hydrological zone or another, I think the issue here is that we have a covenant with the people of Suffolk County. They have just voted with a very clear majority to hand over to us \$30 million for us to acquire development rights on properties, and our covenant with the people of Suffolk County has to be that we will honor that covenant in perpetuity, whether or not it was dedicated to the Nature Preserve. Was the legislation that you introduced in 1985 I think, was the intent that the County hold development rights in perpetuity in order to preserve this buffer?

ASSEMBLYMAN ENGLEBRIGHT:

The idea was that it was going to still be open space. There was going to have a gentle use that the Grucci's were working out something that involved a delicate balance. It was a balancing act that included appraisals that were based upon anticipated uses and non uses for portions of the

property, and it wasn't just a swap of acre for acre of equal value, and that very delicate balance should not be disrupted. We knew then that it was surrounded by industrially zoned land, but we also knew that in the dwarf pine planes, for example, in Southampton, by the way, is still industrially zoned around the airport. It's one of only three pygmy pitch pine forests in the world yet it's still zoned industrial. We knew that we had industrial zoning in the South Setauket Pine Barrens, we knew that the 5,200 acres of property that was •• that is now the State forest in Rocky Point in Dan's district was mostly zoned industrial. So, the actual zoning wasn't really the issue, the issue was what are the environmental assets and what is the County's appropriate role to protect the health and well•being of its residents as well as the natural history heritage of our great County.

LEG. VILORIA • FISHER:

The environmental assets notwithstanding, we do hold the development rights and it was your understanding as a Legislator that when we hold the development rights, the community can anticipate that we will protect it in perpetuity.

ASSEMBLYMAN ENGLEBRIGHT:

The community needs to know that they can literally take that to the bank and rely upon acts of the Legislature, which is why this resolution would really set a very adverse precedent.

LEG. VILORIA • FISHER:

And that's the critical point here is that we can't play fast and loose with development rights.

ASSEMBLYMAN ENGLEBRIGHT:

I think that's true.

P.O. CARACAPPA:

Thank you. Any other questions? Assemblyman, thank you.

ASSEMBLYMAN ENGLEBRIGHT:

Thank you, Joe.

P.O. CARACAPPA:

And happy holidays to you and your family.

ASSEMBLYMAN ENGLEBRIGHT:

Happy holidays to you. Thank you very much.

LEG. O'LEARY:

Happy holidays to you.

P.O. CARACAPPA:

I have no other speakers.

LEG. O'LEARY:

I'd like to make a motion to recess ••

LEG. ALDEN:

Second.

LEG. O'LEARY:

•• Mr. Chair, to the appropriate committee for purposes of furthering the discussions on this issue.

P.O. CARACAPPA:

Okay, you're making a motion to recess this public hearing to the appropriate committee which would be Ways and Means, and you're doing so at the next regularly scheduled meeting of the Ways and Means Committee in the year 2005.

LEG. O'LEARY:

That's correct.

LEG. TONNA:

Wait, wait, wait. Don't you close the hearing so it goes to committee? How do you recess to committee?

P.O. CARACAPPA:

We have rules, starting this year you can have public hearings within

committees.

LEG. BISHOP:

Paul hasn't been here lately.

LEG. TONNA:

So it will not be •• it will not come up in front of us again until the time when we're going to vote.

P.O. CARACAPPA:

The next public hearing on it would be in committee as opposed to on the floor.

LEG. TONNA:

Okay. Thank you.

P.O. CARACAPPA:

There is that motion and a second. On the motion ••

LEG. CARACCIOLO:

Would you like to be on that committee, Paul?

LEG. TONNA:

No, absolutely not. I got a very good understanding of the geology already and I know how I'm going to vote.

P.O. CARACAPPA:

Go ahead, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. On the motion. Particularly with this proposal that will have an impact, potential impact on County•wide initiatives, I would oppose the motion to have the public hearing held in committee. I think it should continue to be held before the full Legislature given the potential impact it could have on a number of County holdings. So I would oppose having the public hearing in committee and I would rather have •• I would make a motion to have it before the full Legislative body and I would ask Counsel as to which motion takes precedence.

LEG. BISHOP:

Why don't we just close the hearing and then ••

P.O. CARACAPPA:

That would be a •• that's an interesting question, which does take precedence? No, I'm going to make a ruling from the Chair.

LEG. ALDEN:

(Inaudible).

P.O. CARACAPPA:

I'm going to make a ruling from the chair that the Legislative meeting, the whole Legislative meeting would take precedence over a committee jurisdiction, so ••

LEG. FOLEY:

I make the motion ••

P.O. CARACAPPA:

•• there is that motion.

LEG. FOLEY:

•• before the full Legislative body.

P.O. CARACAPPA:

Is there a second?

LEG. TONNA:

I'll second that.

P.O. CARACAPPA:

Second by Legislator Tonna?

LEG. TONNA:

Yeah, I'll second that.

LEG. CARACCIOLO:

What is the motion?

P.O. CARACAPPA:

The motion is to ••

LEG. TONNA:

Motion to keep it in front of the whole Legislature.

LEG. FOLEY:

The public hearing will be ••

P.O. CARACAPPA:

To recess this public hearing to the next generally scheduled ••

LEG. FOLEY:

Legislative session.

P.O. CARACAPPA:

•• Legislative session, aside from the Organizational Meeting.

LEG. TONNA:

I'll second that.

LEG. ALDEN:

At the appropriate time, though, 2:30 in the afternoon.

P.O. CARACAPPA:

Right, 2:30 in the afternoon, correct.

LEG. FOLEY:

Move the question, Mr. Chairman.

P.O. CARACAPPA:

All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Opposed.

LEG. O'LEARY:

Opposed.

LEG. FOLEY:

Roll call, please.

P.O. CARACAPPA:

Roll call.

*(*Roll Called by Mr. Barton • Clerk*)*

LEG. FOLEY:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

(Not Present).

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. KENNEDY:

Henry?

LEG. COOPER:

Yes.

LEG. NOWICK:

Henry?

LEG. KENNEDY:

Change me to a no.

MR. BARTON:

Nine.

P.O. CARACAPPA:

It fails.

LEG. SCHNEIDERMAN:

Henry, change mine to a no.

LEG. FOLEY:

He's already recorded the vote.

MR. BARTON:

It fails.

P.O. CARACAPPA:

There's a motion to •• that first motion was to send to the General Meeting.

LEG. FOLEY:

It was to keep it at the General Meeting since it's here before us now.

P.O. CARACAPPA:

Right. The next motion •• there's a motion and second to send to the appropriate committee.

LEG. BISHOP:

What happens if this one fails?

LEG. FOLEY:

Good question.

MR. BARTON:

Who was the second, Mr. Chairman? The second; who made the second?

P.O. CARACAPPA:

Myself.

MR. BARTON:

Oh, thank you.

P.O. CARACAPPA:

Roll call.

LEG. BISHOP:

Mr. Chairman, my question is what happens if this one fails?

LEG. LINDSAY:

But what I don't understand procedurally, if we just recess it, isn't it up to the Presiding Officer?

LEG. FOLEY:

No, we have to vote on it.

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

If this vote •• if this vote fails, it would be in my purview to set the hearing.

LEG. LINDSAY:

What are we voting on?

P.O. CARACAPPA:

Setting the recess.

LEG. LINDSAY:

Are we voting on closing or recessing?

P.O. CARACAPPA:

Recessing.

LEG. FOLEY:

Recessing to the appropriate ••

P.O. CARACAPPA:

To the appropriate time and place.

LEG. FOLEY:

Right.

LEG. LINDSAY:

So we're either voting on a recess or a close.

LEG. FOLEY:

No, we're voting on recess.

P.O. CARACAPPA:

No, you're voting on the recess ••

LEG. FOLEY:

It's a question of where it's recessed, whether to the General Meeting which was •• which failed.

LEG. LINDSAY:

Which you made the motion and it failed.

LEG. FOLEY:

And now it's recessed before the committee.

LEG. LINDSAY:

So we're going to decide whether to recess it or close it.

P.O. CARACAPPA:

No.

LEG. FOLEY:

No.

LEG. O'LEARY:

No, we're deciding to recess and put it before the appropriate committee.

LEG. LINDSAY:

Right, but the recess failed so we're going to vote on •• somebody's going to make a motion to close.

LEG. O'LEARY:

Well, let's move the motion.

P.O. CARACAPPA:

The motion is to recess to the Ways and Means Committee at its first regularly scheduled meeting in the year 2005.

LEG. FOLEY:

Roll call, please.

(*Roll Called by Mr. Barton • Clerk*)

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

LEG. BISHOP:

No.

MR. BARTON:

16•2 (Opposed: Legislators Foley & Bishop).

P.O. CARACAPPA:

That public hearing is recessed and sent to the Ways and Means Committee in 2005.

All right, that's it for the public hearings.

LEG. FOLEY:

Mr. Chairman, can I have a 15 minute recess, please?

P.O. CARACAPPA:

Is there a second?

LEG. FOLEY:

Caucus recess.

P.O. CARACAPPA:

Is there a second?

LEG. BISHOP:

Second.

LEG. FOLEY:

It may be less than that but I'll need at most 15 minutes.

LEG. TONNA:

No, come on you, guys.

LEG. BISHOP:

We need it.

LEG. TONNA:

You guys had a whole lunch.

LEG. FOLEY:

You missed the luncheon, Paul, and believe me, you would have enjoyed it if you were there.

LEG. VILORIA • FISHER:

You were a star.

LEG. FOLEY:

You were a star in absentia there, Mr. Tonna.

LEG. TONNA:

There you go.

LEG. FOLEY:

But 15 minutes, at most it would be 15 minutes, Mr. Chairman.

P.O. CARACAPPA:

I'll accept the recess through a motion and a second.

LEG. BISHOP:

Second.

LEG. FOLEY:

Motion to ••

LEG. LINDSAY:

Second.

LEG. CARACCIOLO:

Roll call.

LEG. TONNA:

Roll call.

LEG. FOLEY:

Mr. Chairman, it is your prerogative as chair to grant a recess motion.

LEG. BISHOP:

Yeah, it's not fair to hold us ••

P.O. CARACAPPA:

Yeah, but you didn't ••

LEG. FOLEY:

I asked for ••

P.O. CARACAPPA:

To sneak attack me here.

LEG. FOLEY:

No, no, I ••

P.O. CARACAPPA:

Be a gentleman and come over and ask me prior which would be appreciated.

LEG. FOLEY:

I did, I asked you earlier after we came back from the public hearing if I could have a recess.

P.O. CARACAPPA:

No, there was no •• no, you didn't.

LEG. CARACCIOLO:

Roll call.

LEG. FOLEY:

Then for •• at most then, Mr. Chairman, 10 minutes.

LEG. TONNA:

Roll call. What 10 or 15, you know it's going to be 30.

LEG. FOLEY:

No, it won't be, it will be at most 10 minutes; I was saying 15 in order to be on the outside.

LEG. LINDSAY:

So we'll argue about it for 10 minutes.

LEG. FOLEY:

Come on, let's go. Mr. Chairman, I ask ••

P.O. CARACAPPA:

I'll give you five, five minutes.

LEG. TONNA:

Five; one, two, three, four, five.

[Brief Recess Taken: 3:39 P.M. • 3:48 P.M.]

P.O. CARACAPPA:

All right, that's just about •• it's almost ten minutes, so.

(*Roll Called by Mr. Barton • Clerk*)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Here.

LEG. MYSTAL:

I am here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

18.

LEG. FOLEY:

Mr. Chairman? Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yes, I'd like to make a motion to discharge 1972 out of committee.

P.O. CARACAPPA:

Do the rules allow that, Counsel?

LEG. CARPENTER:

It's got to age an hour.

LEG. TONNA:

Are we done with public hearings?

MS. KNAPP:

1972? I'm sorry, I'm going to have to find it.

LEG. FOLEY:

1972 was defeated in committee.

LEG. ALDEN:

Actually, you'd have to do more than that.

MS. KNAPP:

Is it the Charter Law?

LEG. ALDEN:

You'd have to introduce it again.

P.O. CARACAPPA:

Yes, it's a Charter Law.

LEG. FOLEY:

I'd like the ruling ••

P.O. CARACAPPA:

Local Law, a Local Law.

LEG. FOLEY:

A ruling from the Chair, Mr. Chairman, would be helpful.

P.O. CARACAPPA:

Yes; well, Counsel is going to say.

MS. KNAPP:

Rule 6(D), I believe it is, requires that Charter Laws and Local Laws can be discharged only by petition and that's two days prior to the meeting.

LEG. FOLEY:

Through the Chair, if I may, Mr. Chairman?

P.O. CARACAPPA:

Go right ahead.

LEG. FOLEY:

Thank you, Mr. Chairman. Counsel, you site discharge petitions by •• Well, discharge by petition; what about discharge, let's say, verbal discharge motion on the floor regarding proposed Local Laws?

MS. KNAPP:

That's in Rule 6(C).

LEG. FOLEY:

Okay.

MS. KNAPP:

And it specifically says a resolution other than a Charter Law, Local Law.

LEG. FOLEY:

Okay, that's other than but what about a Charter Law since this is a Charter
•• is this •• since this is a Charter Law?

MS. KNAPP:

Then D refers to the Charter Laws.

LEG. FOLEY:

Is there any •• cannot a Legislator make a motion on the floor of a
Legislative session to discharge from committee a proposed Charter Law, or
is it only by written ••

LEG. CARACCIOLO:

Parliamentary inquiry.

LEG. FOLEY:

•• petition.

LEG. TONNA:

That's what we have.

LEG. FOLEY:

That's essentially what it is. I understand the written petition, I understand
that well. My question is a motion on the •• a verbal motion on the floor of
a Legislative session to discharge a Charter Law from committee.

MS. KNAPP:

Not ••

LEG. CARACCIOLO:

Mr. Chairman, parliamentary inquiry.

P.O. CARACAPPA:

Just let the question be answered.

LEG. CARACCIOLO:

Well, on the question because I don't think the question is complete.

LEG. FOLEY:

Okay.

LEG. CARACCIOLO:

We have a resolution before us that was defeated.

LEG. FOLEY:

Okay.

LEG. CARACCIOLO:

So it is not a live resolution.

LEG. FOLEY:

Fair enough.

LEG. CARACCIOLO:

So in that context, I'd be happy to •• and anxious to hear Counsel's answer.

LEG. TONNA:

This is not in committee.

LEG. CARACCIOLO:

No, it's defeated.

LEG. TONNA:

There is no bill.

LEG. CARACCIOLO:

There is no bill.

LEG. CARPENTER:

Right.

LEG. FOLEY:

It was defeated in committee; fair enough.

LEG. TONNA:

Wait, wait, on the motion. This is sophistry, in all fairness.

LEG. FOLEY:

No, no, no.

LEG. TONNA:

It's not a bill, there's nothing. This is some piece of paper ••

LEG. FOLEY:

Legislator Tonna ••

LEG. TONNA:

•• that had some numbers on it at one time.

LEG. FOLEY:

Through the Chair. Legislator Tonna, you well realize when you were Presiding Officer that even when the bill is defeated that it can be, if you will, resurrected within the following six months ••

LEG. VILORIA • FISHER:

Can be.

LEG. FOLEY:

•• either by a motion ••

LEG. TONNA:

No, it was the next meeting.

LEG. FOLEY:

However the case is, which this falls into that time period. So if I can ••

through the Chair, if we can have a ruling from •• not a ruling but an opinion from counsel.

MS. KNAPP:

The way the rules are written now, under 6(D) a Charter Law can only be discharged from committee by written petition and that has to be filed two days before. I mean, it's a rule certainly that is not precluded from being waived, if that's where you're going with this.

P.O. CARACAPPA:

There's a motion to waive the rules by Legislator Foley.

LEG. FOLEY:

Yeah, motion to waive the rules and ••

P.O. CARACAPPA:

Discharge.

LEG. FOLEY:

There's a second. Just on the motion to waive, Mr. Chairman.

P.O. CARACAPPA:

Well, why don't we set a motion first so that you can debate the motion.

LEG. FOLEY:

Okay. Motion to waive the rules.

P.O. CARACAPPA:

Waive the rules ••

LEG. FOLEY:

Waive the rules and discharge ••

LEG. TONNA:

Wait, doesn't somebody have to be on the prevailing side if it's already a dead bill?

LEG. FOLEY:

No. No, it was dead in committee, Mr. Chairman. It wasn't any motion on the floor.

LEG. CARACCIOLO:

Move the motion.

LEG. FOLEY:

Action on the floor. It's a motion to waive the rules and discharge Resolution 1972 from the committee from which it was defeated.

LEG. CARACCIOLO:

Move the motion.

P.O. CARACAPPA:

There is that motion.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

There is •• I'm waiting for a second.

LEG. VILORIA•FISHER:

Oh, I said I would second.

P.O. CARACAPPA:

Oh, Legislator Vilorina•Fisher.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. FOLEY:

Thank you, Mr. Chairman. Is this a 12 vote or a 10 vote motion, Counsel?

P.O. CARACAPPA:

To waive the rules?

LEG. FOLEY:

Yes, to waive the rules.

P.O. CARACAPPA:

It's 12.

LEG. BISHOP:

No, it's 10.

LEG. TONNA:

He's got two or three rules to waive.

LEG. BISHOP:

Parliamentary inquiry.

LEG. FOLEY:

Mr. Chairman, can we hear from Counsel as opposed to our colleagues?

This is Counsel's opinion.

MS. KNAPP:

The underlying public hearing I take it has been closed, right?

LEG. TONNA:

There's three rules.

MS. KNAPP:

If that's the case then it's 10.

LEG. TONNA:

Wait •• just on the motion, parliamentary inquiry or whatever you'd like.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah. First of all, as much as I hate to say this and empower the Rules Committee, there is a Rules Committee with regard to a Charter Law, right?

LEG. BINDER:

Right.

LEG. TONNA:

Okay, so that has to be waived.

MS. KNAPP:

Yes.

LEG. TONNA:

And that's usually •• so you have to waive the rule there. Then you have to waive the rule, I would have thought, waive the rule out of the committee.

LEG. ALDEN:

Right.

P.O. CARACAPPA:

First.

LEG. TONNA:

Right, and then you have to waive the rule to get it to •• then you have to waive the rule to get it to the floor here and then we can vote on it without a petition.

P.O. CARACAPPA:

Right.

LEG. TONNA:

So there are three waives at this.

P.O. CARACAPPA:

Correct.

LEG. TONNA:

All right? So I would proceed •• just so that we don't set a precedent, whether it be this issue or anything else, we'll have absolute chaos if we think that we can bring dead bills in committee. The committee process is very important, all right, it's dead in committee. We have a committee process. So now we're saying we want to waive the committee process, we want to waive the rules about the Rules Committee, which I'll vote any time to waive the Rules Committee, and then we want to waive both of those and then we also want to waive the petition process for a dead bill. So I would suggest just so that we get our motions right, because this sets a very, very bad precedent in being able to say that once our committee process doesn't matter ••

LEG. FOLEY:

We've done this before, Mr. Chairman.

LEG. TONNA:

No, I've never •• I can't remember ••

LEG. FOLEY:

Absolutely.

LEG. TONNA:

•• ever doing •• well, we've never done the one with the rules because there was never a Rules Committee until this year.

LEG. FOLEY:

We didn't have Rules, but we have made motions to discharge bills that have been defeated in committee, absolutely; there's no doubt about it.

LEG. TONNA:

Not to be voted on right away on the floor.

LEG. FOLEY:

Absolutely we have.

LEG. TONNA:

I don't remember.

LEG. FOLEY:

Well, we sure have.

P.O. CARACAPPA:

One at a time. Legislator Tonna.

LEG. TONNA:

Okay, let's all three.

LEG. FOLEY:

Mr. Chairman?

LEG. TONNA:

All right, I'm done. I just ask that the proper •• the proper ••

LEG. CARACCIOLO:

Sequence.

LEG. TONNA:

•• waival (sic) of rules ••

LEG. FOLEY:

Fair enough.

LEG. TONNA:

•• be made so that we can •• so that we know that there's a precedence here that we stay, you know ••

LEG. BISHOP:

Waival?

LEG. LINDSAY:

That's next to wave, waival.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Regarding waivers, the •• I just want to remind my colleagues, particularly my Republican colleagues, that they were the ones who insisted on this 10 vote majority immediate ignore•committee mechanism. When Paul Tonna was the Presiding Officer and we were doing rules, I made a motion to the rules which would have required 12 votes in this circumstance and it was voted down. And at the time it was •• everybody said if you have a majority, majority rules, we're a democratic Legislature, we don't stand on our form, it's all about what's best for the people of Suffolk County. And you are the ones who saw that it was best for the people of Suffolk County that when there is an issue that it be decided on up and down votes based on a ten vote majority and not based on what the committees did and what form it is in at the current moment.

So with that background, I would say why don't we, rather than debate how many waivers we need to be make, debate the bill because this is a good bill. Obviously this County Executive is very keen on fulfilling his mission of improving Suffolk County's environment. He has put forward an administration that is working hard at that but he needs this department in order to do it better, and I don't think that any of you have the right to stand in the way of that. He is the elected administrator of Suffolk County, this is the governing ••

LEG. TONNA:

It's a policy issue.

LEG. BISHOP:

•• mechanisms that he needs to get this job done and nobody's articulating valid concerns with this as why it shouldn't occur. And if you have valid concerns that's what we should be debating, not all this form issues.

LEG. SCHNEIDERMAN:

Why are we debating a bill that's not in front of us?

LEG. TONNA:

Well, one valid concern is that it's come out •• it hasn't been in committee, I

haven't studied it, I haven't asked questions, I don't have the benefit of the normal process.

LEG. BISHOP:

Let's be honest, you haven't studied a bill since you've been here.

P.O. CARACAPPA:

All right.

LEG. FOLEY:

Mr. Chairman, if i may ask a question.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah, thank you. I want to thank Legislator Tonna for outlining the process. And I would ask Counsel, not that I doubt Legislator Tonna's sequence of motions, but for the record, and it is important to have precedent on these things, do we need to make three different motions or did the one motion that I made suffice for trying to move the bill out of committee? And if we need to make two or three different motions. I'm more than welcome •• more than happy to do so, but we need an opinion from Counsel.

MS. KNAPP:

I think it's only two motions, the one motion would be ••

LEG. FOLEY:

The original motion would be what?

MS. KNAPP:

To discharge •• to waive the rule that it should •• to waive Rule 6(D) would be your first motion.

LEG. FOLEY:

Waive Rule 6(D)? Okay, motion to ••

MS. KNAPP:

Waive Rule 6(D).

LEG. FOLEY:

Motion to waive Rule 6(D).

P.O. CARACAPPA:

And a second by •• that's made already.

LEG. FOLEY:

Okay.

LEG. NOWICK:

Which one is that?

LEG. VILORIA • FISHER:

The second one is out of the Rules Committee.

LEG. FOLEY:

And 6(D) is •• explain the pertinent part of 6(D) pertinent to the motion I've made.

LEG. BINDER:

You need an opinion.

LEG. FOLEY:

Counsel, the pertinent portion of 6(D).

MS. KNAPP:

I'm going to •• even if we fault his 6(C), 6(C) as it's written doesn't allow a Charter Law to be discharged by 10 votes. You could waive 6(D) but it still doesn't get you anywhere because 6(C) doesn't allow a verbal discharge of a Charter Law. So ••

LEG. FOLEY:

Unless we waive the rules or no; can we waive the rules?

LEG. CARACCIOLO:

Mr. Chairman, parliamentary inquiry. That's precisely my point; you have two rules, one which is applicable, one which is not ••

LEG. TONNA:

Three.

LEG. CARACCIOLO:

No, we're talking about the Rules of the Legislature and Counsel just recited both; C does not permit a Charter Law back before this body today, this minute, now. The motion is out of order.

LEG. FOLEY:

Well, Counsel has ••

LEG. BISHOP:

But you can waive C, you can waive anything.

LEG. FOLEY:

Through the Chair, the Counsel has not made that opinion. It's my belief •• and I stand to be corrected on this. It's my •• I thought that we can make motions to waive any of the rules that are contained within the 2004 Rules of the County Legislature; I thought we can waive any of the rules that are contained herein.

P.O. CARACAPPA:

"Rule 6(C), a resolution other than a Charter Law, Local Law, Memorializing Resolution, Sense of the Legislature Resolution, Home Rule Message or non official Home Rule Message which is not otherwise discharged, with or without recommendation from its primary committee, may be discharged from a primary committee and eligible for a vote by the full Legislature by a successful Legislative motion to discharge at any meeting of the Legislature except for legislation assigned to the Budget and Finance Committee," which we know about. "A motion to discharge shall require an affirmative vote" •• okay, that goes on to say that we can do any bill other than. So this is the

Rules Committee, 6C applies •• is what we're talking about and applies to the Rules Committee because it states, "Charter Law, Local Law, Memorializing Resolution, Sense of the Legislature, Home Rule Message."

LEG. FOLEY:

I'm making a motion to waive that rule which I think is in order.

LEG. BINDER:

Mr. Chair?

LEG. FOLEY:

It's not out of order.

LEG. BINDER:

Mr. Chairman, can I ••

P.O. CARACAPPA:

I don't believe it's out of order based on the reading of C.

LEG. CARACCIOLO:

All right, let's have a vote then.

P.O. CARACAPPA:

Yeah, I'll allow it.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

There's a motion and second to •• waive Rule 6(C). On the motion, Legislator Binder.

LEG. BINDER:

The problem seems to be, and I think articulated by Counsel, is that if you waive a rule for discharge, so let's say in this case 6(D) would not •• no longer exist which was the mechanism for getting out a Charter Law. Then you're left with what mechanism? So what you're saying is you want to

waive that rule and create your own mechanism in the process. What Counsel says is then you're left with the only other mechanism, if you've waived the Rule 6(D), the only mechanism you're left with is 6(C); 6(C) still doesn't allow you. So now you have to waive 6(D), 6(C) and under what mechanism, under what rule, so you want to create a new rule.

I mean, it seems to me that it would be •• we would need a ruling from the chair, the chair has to rule as to whether that even waived, and that would be I guess •• and let me make my question a parliamentary inquiry of the Chair; I know he's conferencing with Counsel, but this would be my question under a parliamentary inquiry. Even if we were to waive this, and I guess I would ask for a ruling, if we were to waive 6(D) and 6(C) under what mechanism is left in the rules with those rules now waived for the bill to come out of? It doesn't seem to me •• you still don't have a mechanism, you don't have a way to bring that bill to the floor under the rules or even under Robert's rules. So let's say you waived them and that left us to Robert's Rules, there's no rule that I know of in Robert's Rules that specifically speaks to a discharge, a specific discharge on the floor by a body. So it doesn't have to be, it doesn't exist that way because Robert's Rules doesn't speak to discharge from committee process. Robert's Rules specifically is made for the full body, basically.

So now the quandary, though, is does •• you know, and I would ask the chair to rule, Mr. Chair, and I'd ask for a ruling as to whether •• and I'm just trying to articulate whether the movant has the ability to waive and then create his own rule for discharge because there's no other mechanism that exists.

LEG. TONNA:

Right.

LEG. BINDER:

And so it would seem to me that there is no •• the waiver wouldn't get him to where he wants to be anyway; is that the case?

P.O. CARACAPPA:

Well, you •• the way I'm reading the rules, you would have to waive Rule

6(D), C, and B; once you've done that, you've created a mechanism to allow us to do a regular discharge motion as we usually do with regular resolutions, Introductory Resolutions, because we are taking away that rule that applies only to the Charter Laws, Local Laws, Home Rules and Sense. Once we've established that and we free up those particular bills, we can use our •• this is my ruling, we can use our process of discharging bills with the majority as we usually do.

LEG. BINDER:

Under what rule •• if we •• let's say we waive B, C and D, then what authority then is there for this body? Because those both rules no longer exist, so if I look at the rules there's literally no rule that exists to allow for a discharge.

P.O. CARACAPPA:

That's Rule 6 ••

LEG. FOLEY:

If I may, Mr. Chairman?

P.O. CARACAPPA:

That's Rule 6(C).

LEG. TONNA:

There's just one other rule, too, which is •• you know, doesn't there have to be a bill? This is not a bill.

LEG. VILORIA • FISHER:

There is a bill.

LEG. FOLEY:

We're allowed to make motions on bills, through.

LEG. TONNA:

What one do you •• what rule is it that says ••

LEG. FOLEY:

We discussed this before.

P.O. CARACAPPA:

The bill, though action was taken in committee, you still have ••

LEG. TONNA:

Is still on the books?

P.O. CARACAPPA:

You still have the ability to discharge, bring it back.

LEG. TONNA:

At what interval?

P.O. CARACAPPA:

I believe for months.

LEG. TONNA:

Is that true, Counsel, six months?

MS. KNAPP:

The bill is live.

LEG. TONNA:

Okay, thank you.

MS. KNAPP:

The proper way to do this is by Certificate of Necessity, there's no question about that.

P.O. CARACAPPA:

Absolutely.

LEG. FOLEY:

If I may, Mr. Chairman. Counsel's point is well taken. And the most direct route would be for the sponsor of the bill, the County Executive, to submit a

Certificate of Necessity, and certainly that's something that many of us would support that CN. But absent a CN, some of us feel that given the importance of creating this department, that we're willing to make a motion to discharge. I would just say in closing, if I may, Mr. Chairman, that notwithstanding Legislator Binder's points, I would hope that we as a Legislative and as a deliberative body, and since the Legislature is the prime method of our •• of expression is not in the written form, but articulating one's opinion on things, that we wouldn't restrict ourselves to only to written discharges of petitions. We should always have the ability, and maybe we'll have to flesh this out better at the Organizational Meeting ••

LEG. TONNA:

Put me on the list.

LEG. FOLEY:

•• that we should as a body be able to make a verbal •• make a motion, a verbal motion to be redundant about it, a verbal motion on any motion before this body. To restrict ourselves only to written motions of discharge I think is doing ourselves a disservice when ••

P.O. CARACAPPA:

Legislator Foley, I said I'm going to allow it.

LEG. FOLEY:

No, I understand that, but I'm speaking to what Legislator Binder had mentioned. All right, thank you.

P.O. CARACAPPA:

Legislator ••

LEG. TONNA:

All right, good, go.

P.O. CARACAPPA:

All right, there's a motion and a second to rule •• we'll start with D.

LEG. CARACCILOLO:

Just one question to Counsel; if this motion is defeated there are no other motions ••

P.O. CARACAPPA:

No.

LEG. CARACCIOLO:

•• in order. Thank you.

P.O. CARACAPPA:

Correct.

LEG. FOLEY:

Move the question.

LEG. TONNA:

Start with D.

P.O. CARACAPPA:

With D, correct?

*(*Roll Called by Mr. Barton • Clerk*)*

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No to waive the rule.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes for the department.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. TONNA:

When caucuses were caucuses.

MR. BARTON:

Seven.

P.O. CARACAPPA:

Motion to waive that rule fails.

LEG. TONNA:

All the other ones are moot.

P.O. CARACAPPA:

We'll do the veto overrides. Motion to override the veto on Resolution ••
Adopted Resolution 1300 which was IR 2163. Motion by myself.

LEG. FOLEY:

I'll second it, Mr. Chairman.

LEG. TONNA:

Is this the Jim Burke resolution?

P.O. CARACAPPA:

Yes, it is.

LEG. FOLEY:

I'll second the motion, Mr. Chairman.

P.O. CARACAPPA:

Second by Legislator Foley and Tonna.

LEG. TONNA:

Thank you. Yeah, I'd like to be a second on that.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. TONNA:

Okay.

P.O. CARACAPPA:

There's a motion by Legislator Carpenter to override ***Resolution 1301, Adopted Resolution 1301, formerly 2171, establishing Blue ribbon Commission on Employee Staffing Policy of Suffolk.***

LEG. NOWICK:

Motion.

P.O. CARACAPPA:

There's a motion and a second.

LEG. MONTANO:

Roll call.

P.O. CARACAPPA:

Roll call.

MR. BARTON:

Who was the second, Mr. Chairman?

LEG. TONNA:

Me.

MR. BARTON:

Okay.

(*Roll Called by Mr. Barton • Clerk*)

LEG. NOWICK:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

No.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes to override.

LEG. BINDER:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

That override fails, it's sustained.

CN's: 2274 (Authorizing certain technical corrections to Resolution 1112 • 2004). Motion by Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

What is this?

P.O. CARACAPPA:

On 2274, technical corrections.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2318 (Authorizing sale, Local Law 16•1976 under Section 46 of the Suffolk County Tax Act, Albert Elliot & Barbara Elliot, his wife (0500 •267.00•02.00•057.000)). Who's constituent is this.

LEG. TONNA:

It's Bay Shore.

P.O. CARACAPPA:

Bay Shore? Motion by Legislator Carpenter, second by Legislator Tonna. All in favor? Opposed? Abstentions.

MR. BARTON:

18.

P.O. CARACAPPA:

2238 (Amending 2004 Capital Budget and Program, Amending 2004 Operating Budget and appropriating funds in connection with purchase and installation of playground equipment in Suffolk County Parks customized for disabled young children (CP 4815)).

LEG. FOLEY:

Motion, Mr. Chairman.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. LINDSAY:

I've got a question on this.

P.O. CARACAPPA:

Question, Legislator Lindsay.

LEG. LINDSAY:

The question's really to Budget Review. And again, it just seems to me that we're reappropriating money from one capital project to another, which we were told earlier in the year we can't do, that it's illegal by State law. Could

- Budget Review, am I right about this assumption?

MR. SPERO:

It's not transferring funds between capital projects, it's doing two things. It's taking excess revenues anticipated to be received this year, appropriating those revenues and transferring them to a capital project; this is the part of the resolution I object to. The other part is that it's taking existing 2004 appropriations, transferring them to the pay•as•you•go account and transferring that money to the capital project.

LEG. LINDSAY:

Okay. The issue earlier in the year had to do with a dredging project, moving the money from one project to another, we were told that we couldn't do that, it was a violation of State law; isn't that similar to what's being done here?

MR. SPERO:

No, this is a different circumstance. The difficulty here is that we're taking excess •• anticipated excess appropriations to be received in the fiscal year and appropriating them, which is contrary to the County Charter. The Charter says you have to receive all the revenues prior to being able to

appropriate any excess revenues.

LEG. LINDSAY:

I see Ben kind of getting itchy there.

MR. SPERO:

Now, in addition ••

LEG. LINDSAY:

Could somebody explain to me how this differs from the dispute earlier in the year?

MR. ZWIRN:

Yeah. This money is •• the \$400,000 is State money that would be available to build these projects for parks for disabled children. If we don't take that money now, that money has been given to us by the State for that purpose, it's not just general revenue coming in that we can just leave in the General Fund and not use it for any other project, it has to be used for that.

If we don't do it for before the end of the year •• and this money came in very late this year, in fact, it was still coming in from the committee time that we had this when Legislator Carpenter said the only way we should do this is by CN. And we will lose that money. Now, we could still do the projects but we would do it with County funding as opposed to getting \$400,000 from the State, we'd be giving that money back.

LEG. LINDSAY:

I think, though, that you're missing the point. I don't think anybody objects to doing this, the only thing that we're saying is there are two sets of rules. I mean, we wanted to do something similar to this earlier in the year and were told we couldn't do it; we couldn't take money from an appropriated project, capital project, and use it for another project.

P.O. CARACAPPA:

Mr. Knappe.

MR. KNAPPE:

The difference between the two is that the first instance that you were

mentioning, the capital project, dealt with specific serial bonds that I believe were authorized for a specific purpose for that capital project. It had nothing to do with State aid revenue or State revenue coming in, it was specifically regarding serial bonds and the authorization tied to serial bonds for that capital project.

LEG. LINDSAY:

So if a project is in the Capital Budget and even if it's appropriated, as long as we don't sell the serial bonds, we could use that as an offset to fund another project and cancel that project?

MR. KNAPPE:

I was just pointing out the difference between the two, I would defer to Counsel ••

LEG. LINDSAY:

I know, but I'm asking for a definition now, you know?

MR. KNAPPE:

I'll defer to Counsel for that. But it may seem the same, but it is •• it's two different instances. And we are always under more restrictions and less flexibility when we're dealing with serial bond authorizations or future serial bond authorizations than we are with operating monies going to capital projects.

LEG. LINDSAY:

Okay. I am supportive of this resolution and will support this resolution, but somewhere down the line during the course of the year, if I go to Budget Review and tell them I'm looking for an offset for a project, I expect that the Executive will uphold the same set of rules that you guys are using here.

P.O. CARACAPPA:

Budget Review?

MR. SPERO:

Yeah, the danger I see in this resolution is that, you know, the rule is in the Charter that we can't take excess revenues and appropriate them during the year because you could create a deficit situation, because you happen to have excess money in one revenue line but not in other revenues lines, so you can potentially put yourself in a deficit situation. So the danger, the precedent this sets is that any time we see •• we have excess revenues coming in to an appropriations account, we'll just transfer them to another • • create a new fund to bypass the General Fund and then move that money and spend it as you please, and I really think that sets a very dangerous precedent for the County.

P.O. CARACAPPA:

So for instance, I can say I anticipate sales tax coming in, so I'm going to use that as an offset to do a project now?

MR. SPERO:

That's right. Just because this happens to be, perhaps, for a specific purpose ••

P.O. CARACAPPA:

That's exceptionally dangerous.

MR. SPERO:

•• in State aid, it opens the door to, I'll put it plainly, mischief, and I don't think that we should do that.

P.O. CARACAPPA:

County Executive, if I were to do a resolution using anticipated sales tax revenue as an offset, would you veto that if it passed here?

MR. KNAPPE:

Representing the Budget Office, I would be against it. The reason why this resolution is different, once again, it's dealing with specific State aid that is going for a specific purpose. This is very, very similar to a grant. Why the State Health Department or our health •• the question is if it's a grant or not has not been answered one way or the other. This is State aid that's coming in for a specific purpose. It •• you know, it smells like a grant, it looks like a

grant, it's money coming in and to secure this funding, we are building the playground. That's why it's different than revenue when you talk about sales tax or if you're talking about ••

P.O. CARACAPPA:

Why don't you just do a budget then?

MR. KNAPPE:

I'm sorry?

P.O. CARACAPPA:

You can do it through a budget note, the same way; wouldn't that be true, Jim? A year•end budget note that would ••

MR. SPERO:

First off, just the one point. This money •• we have til June to spend this money, so as far as •• we don't necessarily have to adopt it at this meeting.

I made an alternative suggestion to the Executive Office, which they apparently don't want to take, and that is why not just take excess 2004 appropriations, transfer them to the capital project that the funds are to be appropriated for and do it that way, rather than try to use the mechanism of creating new appropriations. Because that cost would be offset by the revenue that would come in from this project, so you wouldn't violate the rule of appropriating excess funds during the year.

P.O. CARACAPPA:

Legislator Kennedy then Alden.

LEG. KENNEDY:

Yeah, question for Jim Spero. Does this resolution create a dedicated fund? I see reference in here that says new fund?

MR. SPERO:

Yes, it is.

LEG. KENNEDY:

We previously •• okay, now a question for Mr. Zwirn. Have we not previously had discussions, I guess, over the course of the year about dedicated funds and the administration's desire not to go ahead and have that mechanism advanced?

MR. ZWIRN:

Right, but this money is coming in for this particular purpose from the State. When you talk about sales tax revenue or revenue coming in from the Clerk's Office, that's money that could be spent anywhere; this money cannot be spent for any other purpose but the purpose for which the State has given it to us. So it's an excess revenue because it's getting more than we anticipated getting, but this is not money we can spend in the Parks Department for any other purpose but this. And if we don't use it before the end of the year, we can build these projects, but it would be the 100% County finance money as opposed to getting this money from the State.

LEG. KENNEDY:

Again, I don't want to debate apples and oranges, but it sounds to me like a dedicated fund is okay in one instance and not in another. However, one other quick question.

MR. ZWIRN:

Well, let me •• I can reiterate the same thing. This is not the same as money coming in from sales tax or from the Clerk's Office, this is money that's coming in the form of State aid for a particular purpose and that's the only reason why we've done it ••

LEG. KENNEDY:

Did you make a statement that this money is live through June, June of '05?

MR. SPERO:

That's correct.

LEG. KENNEDY:

Okay. And you say that it needs to be spent by the end of year?

MR. ZWIRN:

No. We have to •• no. We have to book it before the end of the year so we have it through this mechanism. No, we're not going to be able to spend it before the end of year.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

There's a list. Legislator Alden, then Foley.

LEG. ALDEN:

Just a point of clarification. This isn't a direct State aid grant to us, this went to school districts and then they sent cash over to us that ended up in the General Fund; correct me if I'm wrong.

MR. SPERO:

That's the conundrum here.

LEG. ALDEN:

And that's a problem.

MR. SPERO:

It's not technically a grant. If it was a grant and we had a grant award letter, something in writing, there would be no issue, we could just appropriate the excess funds for the purpose intended.

LEG. ALDEN:

But it's a huge difference.

MR. SPERO:

What I might suggest the Legislature could do is we'll draft a resolution in 2005 and transfer pay•as•you•go funds for this project. The funds will be appropriate for that purpose, I don't see any reason why we still couldn't get the aid.

MR. KNAPPE:

If I could.

LEG. ALDEN:

This money is already in our General fund, so it's not a point of whether it has to go back anywhere or anything like that, or we lose a separate grant. This has already been accepted, it's in our General Fund account, probably not 100% kosher either.

LEG. BINDER:

Ask me about kosher.

LEG. FOLEY:

To follow up on Legislator Kennedy's question to •• can I have some order, Mr. Chairman? I know we're eager to get out, but if I can ask Mr. Knappe, again, what is the urgency? If the monies have to be spent •• if the monies have to be spent by June, but Mr. Zwirn says they have to be booked by the end of this year meaning today, is that true or not true? Let me just ask Budget Review Office; is that ••

MR. SPERO:

Our understanding is that it's not time sensitive to the County fiscal year, it's time sensitive to the State fiscal year.

LEG. FOLEY:

Well, it can't be time sensitive to the State fiscal year because their fiscal year ends ••

LEG. O'LEARY:

Never.

LEG. FOLEY:

Their fiscal year ends at the end of March.

MR. SPERO:

The point I'm making is it's not time sensitive. We can receive these funds whether it's booked as '04 revenue or '05 revenue.

LEG. FOLEY:

All right. Mr. Chairman, with that in mind, if I could hear from the sponsor of the bill as to then what •• given the answer or response from the Budget Review Office, what is the urgency to do it today, why couldn't we do it in January?

MR. KNAPPE:

If I could. Before I answer that question, Legislator Foley ••

LEG. FOLEY:

Sure, sure.

MR. KNAPPE:

•• to answer a previous question that was asked.

LEG. FOLEY:

Sure.

MR. KNAPPE:

In years passed revenue has been received by the County related to this program; if it was not spent, it had to go back to the State. So since we •• if we do receive this money, if it doesn't go for this specific purpose, it does have to be •• the State does take it back because it did not go for the specific purpose that the program is entitled to.

LEG. FOLEY:

Do they ask •• all right, and it's a good point. But to the point, they wouldn't ask for those monies back in January, knowing the State as we all do, I'm sure it wouldn't be until the latter part of next year that they would ask for it, and by that time we would have the money spent.

MR. KNAPPE:

The County would have to do their part and these funds would have to be extended by the June deadline.

LEG. FOLEY:

Right.

MR. KNAPPE:

We receive an extension to this ••

LEG. FOLEY:

If we expended monies by June, why do we have to do it today?

MR. KNAPPE:

Because the playground, the equipment, the construction would all have to take place before that June deadline.

LEG. FOLEY:

We understand that.

MR. KNAPPE:

Now, I do know that the Health Department and Parks have been working very closely together on this, so once this resolution is adopted today ••

LEG. FOLEY:

Right.

MR. KNAPPE:

We hopefully, with all the players involved, six months •• in five months really because I think it's the beginning of June that the program is extended to •• it has to be •• the equipment has to be purchased, the program has to be completed at that time.

LEG. FOLEY:

So if I may finish, Mr. Chairman. So this is more of an issue of a time line chart, as they would call it in Public Works, that you want to move forward with the time line chart now as opposed to a month and a half from now, which •• our next meeting isn't until the end of January? So is it more of a time line issue than it is about any budgetary fiscal year ending point?

MR. KNAPPE:

Correct. I would be more concerned if this resolution, as the Director of Budget Review mentioned, is introduced early in '05, depending on the Legislative calendar, the Organizational Meeting and the General meetings after that, if this hasn't •• if this doesn't get adopted let's say until like the first or second week of February, the end of January, by the time that it gets •• you know, everybody hits the ground running on this, we lose a good month and a half, almost two months on this.

LEG. FOLEY:

Now, I'm going to support the resolution but you don't know •• you now know how we feel about the organizations that we want to have member item monies for, but that's ••

LEG. VILORIA • FISHER:

Touché.

LEG. FOLEY:

But I will support the resolution, but please take that back.

MR. KNAPPE:

Duly noted.

P.O. CARACAPPA:

There's a motion and a second. Just for the record, I just want to say I support the concept. I'm afraid to say I don't support the mechanism, it sets a dangerous precedent, I believe, so I'll abstain on it. But I wouldn't want to make any other motion than to approve at this point in time and let it go up and down on its merits. So a motion and a second, roll call.

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Can I hear •• there's a woman who had spoke in front of committee and I think she provided a lot of clarification for me at the time who was here. Doctor, could you provide the Legislature with similar clarification on why this money is in jeopardy?

DR. _ZAGLING_:

Thank you for that opportunity. My name is Dr. Meryl _Zagling_ , I'm the Director of the Health Services Program for Children with Special Needs.

Our understanding is that this money is running on a school calender. So July 1, we could start petitioning school districts to give us our allocation on behalf of children we served that are residents of those •• the children in those districts, and we have til the end of the school, which is June 30th, to expend the funds.

My understanding is that on December 31st, the money that we've had for this project year will expire, because it's in a revenue account, it will go into general revenue, was my understanding. And I wanted to make sure that we had til June 30th to expend this money on this project and numerous other projects that we have in the works.

P.O. CARACAPPA:

Thank you, Doctor. Jim?

MR. SPERO:

Yeah, I don't understand why the County Executive won't change this resolution, pulling out the third RESOLVED clause, taking \$407,000 in excess appropriations from other accounts that already exist and transferring them to the Capital Project, and then we wouldn't violate the rule of appropriating excess funds.

P.O. CARACAPPA:

You did ••

MR. SPERO:

It's very simple, I don't understand why they wouldn't do it.

P.O. CARACAPPA:

You did suggest that during the day, right; that was suggested, correct?

MR. SPERO:

Yes, I suggested it.

P.O. CARACAPPA:

It was rejected. Okay.

LEG. CARACCIOLO:

Move the motion.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

Okay, roll call.

LEG. MYSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Legislator Foley, the CN?

LEG. MYSTAL:

Roll call. Yes, say yes.

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present).

LEG. MYSTAL:

Gone.

LEG. BINDER:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

(Not Present).

LEG. MYSTAL:

Gone.

LEG. NOWICK:

Abstain.

LEG. KENNEDY:

Abstain.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Abstain.

P.O. CARACAPPA:

Motion to send to ••

LEG. MYSTAL:

Send to committee.

P.O. CARACAPPA:

•• the appropriate committee.

LEG. MYSTAL:

We knew that 45 minutes ago, folks.

LEG. ALDEN:

Second.

LEG. MYSTAL:

I could have been home.

P.O. CARACAPPA:

There's a motion and a second to send to committee which would be the Parks Committee, I would assume, or Budget and Finance.

MS. KNAPP:

Budget and Finance.

P.O. CARACAPPA:

Budget and Finance.

LEG. CARACCIOLO:

It's a budget issue.

LEG. FOLEY:

Send it to the bean counters.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Tonna & Bishop).

P.O. CARACAPPA:

Just so the audience knows why we did that, it was going to fail and we don't want to see that happen.

LEG. ALDEN:

Mr. Presiding Officer, just for the record?

P.O. CARACAPPA:

I recognize Legislator Alden.

LEG. ALDEN:

Resolution No. 1972, there's never been a request in the committee to put on a presentation for or against this resolution. And I've raised questions for the past six months that have not been answered and there's significant questions, so the administration is on note of what my •• not even objections, just I want clarification. So as far as I'm concerned, they've had a whole bunch of opportunities to come down and actually present on this.

P.O. CARACAPPA:

That is duly noted, I'm sure you'll take that up in the committee.

LEG. MYSTAL:

Mr. Presiding Officer?

P.O. CARACAPPA:

I recognize Legislator Mystal.

LEG. MYSTAL:

Happy Hanukkah, Merry Christmas, Happy Quanza, let's get the heck out of here.

P.O. CARACAPPA:

Yeah, if I could just say really quickly •• if I could have your attention •• I also want to wish everyone a happy holiday and a happy new year.

The Organizational Meeting has been set for January 3rd at 10 A.M.. regardless of what happens on that day, regardless ••

LEG. MYSTAL:

12:30?

P.O. CARACAPPA:

Regardless of what happens on that day ••

LEG. FOLEY:

Make it 11.

P.O. CARACAPPA:

Make it 11.

LEG. MYSTAL:

Eleven? Okay.

P.O. CARACAPPA:

All right? Here in Hauppauge.

Regardless of what happens at that meeting, I've been honored to serve as

the Presiding Officer this year; it wasn't an easy year but it was a productive one. I think it was a good year for the Legislature and I would like to thank you all for working with me, showing the respect that you have and for just doing an excellent job as public servants and as County Legislators. So I thank you immensely and again, I wish you all a very happy holiday.

Applause

LEG. MYSTAL:

And I wish to announce myself as a candidate for Presiding Officer in January.

MR. ZWIRN:

Excuse me.

P.O. CARACAPPA:

Mr. Zwirn?

MR. ZWIRN:

Before you adjourn, there was a request at some point earlier about IR 1972 with respect to a CN, and the County Executive would send one over if the Legislature would consider it.

LEG. ALDEN:

You never did the presentation in the committee. What's so important about it ••

LEG. MYSTAL:

When?

LEG. ALDEN:

•• if you don't go through the committee process?

LEG. FOLEY:

You could just submit it.

LEG. MYSTAL:

Mr. Zwirn, when, today? Oh, forget it, honey.

MR. ZWIRN:

Thank you.

P.O. CARACAPPA:

I think that speaks for itself.

LEG. MYSTAL:

You have to be joking.

P.O. CARACAPPA:

Also, a big thank you to Budget Review, Counsel's Office, the Clerk, LADS, our tech guys for a difficult year and they pulled through wonderfully. Thank you for all the support. We stand adjourned. Jim?

Applause

MR. SPERO:

Thank you all as well for your support from the Budget Review Office.

P.O. CARACAPPA:

You're welcome.

[THE MEETING WAS ADJOURNED AT 4:29 PM.]