

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
MAY 17, 2005
Eighth Day**

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:33 A.M.]

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. COOPER:

Here.

D.P.O. CARPENTER:

(Present)

P.O. CARACAPPA:

Here. Would all Legislators please report to the horseshoe.

MR. BARTON:

There are ten present, Mr. Chairman. (Not Present at Roll Call:

Legs. Viloría•Fisher, Losquadro, Foley, Lindsay, Kennedy, Bishop and Binder • Absent: Leg. Tonna)

P.O. CARACAPPA:

Thank you. Everyone, please rise for a Salute to the Flag, led by Legislator Alden.

(*Salutation*)

Please, remain standing. I'd like to introduce Legislator Jay Schneiderman for the purposes of introducing today's Clergy.

LEG. SCHNEIDERMAN:

Good morning. The Reverend Holly Haile Davis from the Shinnecock Indian Reservation holds the distinction of being the first Native American Indian woman ever to be ordained in the Presbyterian Church of the USA. As a co•founder of the _Pataquohon_ Medicine Lodge and Interfaith Fellowship, she joins with other members of the tribe to raise funds to help address the substandard housing that continues to plague tribal families. Along with her duties at the Thunderbird Coffee Shop and the Trading Post, she is Pastor of the Remsenberg Community Church and First Presbyterian Church of East Moriches.

REVEREND DAVIS:

Hakame. I greet you with the word that means welcome in my Shinnecock language. I thank you for the invitation to acknowledge the continued blessings of the Great Spirit in these chambers, as together with you we seek to walk a good road in life as public servants.

As you may know, Native American Indians were granted citizenship in the year 1924, yet the benefits of the halls of government don't always reach my people. Religious freedom is denied us. As recently as a month ago, fins and tail of a whale who washed ashore on land, which we have shared with our non-Indian neighbors for many years, and to which we hold aboriginal rights, was denied my people, so that we could not have ancient ceremonies and prayers for the people, as we have traditionally offered these parts of the whale back to the Great Spirit. And grave desecration continues in places like Shelter Island, where a solution honoring both the living and the dead is yet to be found, for there does not exist grave protection legislation for the remains of my people.

Poverty continues to plague our reservation communities, and one of the dangerous results is substandard and unsafe housing for many families. We cannot obtain mortgages, financing for housing, or equity. And when we attempt to open a tribal enterprise in accordance with the laws of the land, we are challenged and taken to court for using some of the few acres that my people retain.

Opportunities for education and careers are not widely accessible. Indeed, the university that sits even now on land we have shared with our non-Indian neighbors for many years and to which we hold aboriginal rights is in the process of being closed without regard to justice for my people.

The advantage of law from the halls of government of this land don't seem to reach my people. We are not your wealthiest constituents. In fact, we represent some of your poorest constituents. But we are more than constituents and officials, you and me, we are neighbors, and there is a sense of responsibility for each other, whether this is recognized or not. What harms another we ought refrain from doing to another. What honors another honors ourselves.

And so we acknowledge the blessings that surround us. As people from all faiths, we are called to work for a betterment of life for those who live on Eastern Long Island, the trees and those

who live among them, the skies and the waters, and those who fly and swim and live in these places, as well as caring for the life of all human beings.

Please, continue to stand in our attitude of prayer as we offer our honoring song.

(Prayer Was Sung)

Tabutini Aho.

LEG. SCHNEIDERMAN:

Thank you.

LEG. CARACAPPA:

Thank you very much, Legislator Schneiderman. Everyone, please be seated. Good morning, everyone.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. CARACAPPA:

We have a packed house, and I think it's going to get even more crowded as the day goes along. I hope that everyone had the chance to vote in your school elections this morning, because it may have been your only chance if you're here today.

We're going to try and move some of the issues that you're here for early today. We're going to hear some speakers and then I'll defer to the sponsors of those bills. But before we get into that, we have some proclamations, and I'd like to at this point recognize Legislator Carpenter to introduce into the record the Volunteers of the Year.

D.P.O. CARPENTER:

Thank you. A number of years ago this Legislative body instituted the Annual Volunteer Recognition Month, and we're following through with tradition, and each Legislator selects someone from his or her district to recognize as an outstanding volunteer. And we have a little bit of a history of each of the volunteers and I'll try to get through it quickly, but if you would just bear with me and listen to what is being shared and you'll get a sense of what makes this

great county of ours ••

(Presiding Officer Caracappa Banged the Gavel for Silence)

P.O. CARACAPPA:

Thank you.

D.P.O. CARPENTER:

Thank you. You'll get a sense of what makes this great County of ours so special because of the sacrifices that these volunteers do each and every day of the year.

From the First Legislative District, Legislator Caracciolo's district, he is recognizing in memoriam two outstanding volunteers, Heidi Behr of Riverhead and William Stone of Ridge.

Heidi served as an EMT with the Riverhead Volunteer Ambulance Corps, as she placed her life on the line for her community. She made the ultimate sacrifice when, at the young age of 23, was tragically killed in the line of duty responding to an emergency May 3rd, 2005. During her years of volunteering, she was a recipient of many awards for Top Responder and Corpsman of the Year.

Mr. William Stone of Ridge, a paramedic with the Riverhead Volunteer Ambulance Corps and North Shore Lodge of Long Island Jewish Hospital was tireless in his dedication with the various departments and organizations. On this same May 3rd, Mr. Stone made the ultimate sacrifice when he lost his life in the line of duty responding to that same emergency. Mr. Stone began his mission of life in helping others at a very young age, and is remembered by all who knew him for his selfless acts of kindness.

From the Second Legislative District, Legislator Schneiderman, he is recognizing Tom Field of Amagansett, who, as a lifelong EMT volunteer with the Amagansett EMS Service, as well as being an instructor, has devoted countless hours to advocating on behalf of improving operations at the Town, County and State levels. He was honored as the East Hampton Rotary Man of the Year for his tireless work in the EMS area, devotes many hours each week as a volunteer, assisting many other civic organizations to make the East End a better place to live and work.

From Legislator O'Leary's district, Dawn Komorowski is being honored as an extraordinary person, dedicated to making the Mastics and Shirley community a more beautiful place. For the last few years, she's organized community businesses, organizations, students, and residents in countless community efforts to clean up our miles of roadways. Her efforts have increased awareness about the problem of litter on our roadways.

Legislator Caracappa, the Presiding Officer, is recognizing Steve Agnostakios of Selden, who's being recognized for his outstanding efforts because of his exemplary commitment to the youth of our community. Over the past two decades, has been involved in the Selden/Centereach Little League as an active board member for the past 15 seasons. He's been president several seasons, currently serves as the Onsite Field Project Coordinator. His determination and perception were instrumental in constructing new fields at the Levitt Complex, a project nine years in the making. He has given time and expertise to this project, as well as the new fields at the Levitt Complex. They're completed now, ready to be utilized by our youth. He's been a driving force within the community, assisting over 500 children a year in recognizing their potential.

Legislator Dan Losquadro is recognizing Harriet Brown of Miller Place, a resident who has volunteered over 7,000 hours of service to Mather Hospital. She started in the Thrift Shop and is a member of the Auxiliary. She also volunteers for the Breast Cancer Walk and the Golf Outing, Tree of Hope, Flower Sales and mailings. When she's not volunteering, she's also very active in Habitat for Humanity and at her church.

Legislator Lindsay is recognizing Dennis Farrell of Sayville. He is a volunteer extraordinaire, as he has keen awareness of the community, energy to network, ability to utilize resources, and resolve community problems before they become detrimental to local residents. Legislator Lindsay is proud to have this friendly, reliable and dedicated resident in his Legislative District and to honor him today.

Legislator Montano is recognizing Ken Quarles of Central Islip, who's a longstanding volunteer. He's the president of the Central Islip Historic Preservation Society, and a Board Member of the CI Civic Council for many year. He also works with school children on anti•drug programs through the Access Program.

Legislator Alden is recognizing Eric Buehler of Islip. Mr. Buehler volunteers numerous hours of his time to his community for the sole purpose of making it a place that one likes to call home. Mr. Buehler is an active member of the Fire Department, the Old South Islip Civic Association, Historical Society, St. Mark's Episcopal Church, Director of Community Service for the Rotary of Islip, and is currently the President of the Chamber of Commerce.

Legislator Carpenter, myself, is recognizing Tyler Capitano. Tyler has been an outstanding volunteer, working with his family and friends, organized fund•raisers at his school, and earned more than \$52,000 to support arthritis research, community programs and service initiatives. By the way, Tyler Capitano is a third•grader in Paul J. Bellew Elementary School, so our volunteers start young.

Legislator Kennedy is recognizing Tim Duckham from Nesconset. Tim was named the Probationary Member of the Year of the Commack Volunteer Ambulance Corps. He's currently a sophomore, another young person, at Saint Joseph's College, majoring in Business Administration. Following in his family's footsteps of the volunteer service, he joined the Commack Ambulance in 2004, became an EMT in 2005. He's also a member of the Smithtown Fire Department Explorer Post.

Legislator Bishop is recognizing Brian Iudica, who is the Chief of the North Babylon Fire Department, and we know full well how much our volunteer fire personnel give to our communities.

Legislator Mystal is recognizing Edna Newton, who works at the Tri•Community Health Center, where she consistently exceeds the demands of her position as a neighborhood aide to those in need. She has volunteered tirelessly as a school board member, a member of Beautification for her neighborhood, and has always been involved in community issues to help improve the quality of life.

Legislator Binder is recognizing someone who is very familiar to this Legislative body and that's Dr. Gittelman from the Vanderbilt Museum. Dr. Gittelman has been very instrumental in the re•accreditation and virtual rebirth of the Suffolk County Vanderbilt Museum by his leadership and very genuine dedication. Dr. Gittelman has taken his love of Paleontology, shared it with countless Suffolk County residents, passing on his wealth of accumulated knowledge and

passions, and we do know how passionate he is about the museum and we're all very grateful for that.

Legislator Tonna is recognizing Vinny DiPasquale of Deer Park, who's been a resident of the Deer Park community for over 50 years. He continuously raises money for people with special needs, not only raising the money, but going a step further by building handicapped accessible ramps for them. He uses whatever money is left and puts it towards their monthly bills and mortgages. To date, he has raised over \$100,000. He helps coordinate the Annual Deputy Chief Ray Downey Memorial Fund Run. Chief Downey was, as most of us remember, killed in 9/11. He has volunteered for Saint Cyril's Outreach, and coordinates the Youth Football Program. He is also a member of K of C and the Lions Club.

Our last honoree is Ann Berger of Huntington, being recognized by Legislator Cooper. Ann is a retired teacher, giving back to her community. After teaching more than 35 years, she continues to volunteer her time in many organizations. She was a Literacy volunteer, retired NYSUT member. She helps other retired teachers, and she's currently participating in the Suffolk County Police Department's Citizen Police Academy. She is very compassionate. She helps those who are elderly, sick, neighbors and friends in need, she gives them what they need. She was there •• has taken care of many of those who are in need, particularly one family who is being recognized. When the woman passed away, Annie assisted in the final arrangements, helped pack the house, comforting the family members. She is an inspiration to all and a true giver. And I think you'll all agree that all of these volunteers certainly fit that category of being true givers to our community. Thank you very much.

(* Applause *)

P.O. CARACAPPA:

Excellent job, Deputy Presiding Officer Carpenter. This program was initiated by Legislator Carpenter some years ago and she has seen it through. And we're very happy that ••

D.P.O. CARPENTER:

And will continue when I leave.

P.O. CARACAPPA:

•• in your final year in the Legislature that it's become such a fond tradition, and it will continue

in your name ••

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

•• in the years to come. I now recognize Legislator Montano for the purposes of a proclamation.

LEG. MONTANO:

Thank you, Mr. Presiding Officer, and my colleagues, members of the Legislature. I appreciate this opportunity. I would like to bring up _Kelly Vess_ and _Raquel Aviles_.

I have here a proclamation that I am going to issue to the Seeds of Change Program, which is a program that is making a difference in my community and other communities. The program brings together children of Jewish and Hispanic background for a dialogue, for an understanding to explore ethnic, racial, religious differences. The sponsors have been the Jewish •• the Suffolk Y Jewish Community Center and Adelante of Suffolk County. The students that participated in this program were involved in anti•training •• anti•bias training. They viewed the film "Farmingville". They spent an evening in my office discovering •• discussing government issues. You would be surprised to learn how articulate, and how involved, and how aware they are of the work that we do here in Suffolk County. Are the students here?

MS. VESS:

They are, yes.

LEG. MONTANO:

Can I ask them to come forward, stand behind me? I must say, Presiding Officer Caracappa and members of the Legislature, these kids, I think some of them some day will be sitting where we are today. They're bright, articulate, concerned about their community, open •minded. They had me in my office for about two•and•a•half hours asking me questions about bills that, quite frankly, I don't think I was even prepared to discuss. It's a great effort, it's a great •• it's a great initiative. And my district, being probably one of the more integrated districts, looks forward to these kinds of programs, I think needs this kind of program, and we

want to use this as a model to take to other districts, so that the kids in Suffolk County, and there's one •• there's one section in the proclamation that just •• that says, "Seeds of Change Project are teaching teens to reach out and to understand people that are different and for them to say "no" to all forms of bigotry."

With that, I would like to applaud them for their work. I had promised that I would bring them to the Legislature, so that they would be able to put in a context what we and what they had been learning throughout this program that went on for several months.

MS. VESS:

Eight months.

MR. MONTANO:

Eight months. I want to commend all of you, thank you again, and thank you for coming to the Legislature, and, you know, we wish you the best, and we'll support these programs from now into the future. Thank you very much.

(*Applause*)

Thank you very much, Mr. Caracappa.

P.O. CARACAPPA:

Thank you, Legislator Montano. And congratulations to the group that you brought before us, Seeds of Change.

Okay. That does it for proclamations and presentations. We're going to go directly to the public portion now. And let me reemphasize that this is the public portion, it's not a question and answer period. Each speaker has three minutes. Today's crowd will, unfortunately, keep me strict in that time limit, so you will hear a beeping noise at the end of your three minutes. Hopefully, you won't need the whole three minutes to get your point across, so •• and if you can just state your •• state your reason why you're here and your point as quickly as possible, it certainly would be appreciated. First speaker is Deborah Harris.

MS. HARRIS:

Good morning. My name is Deborah Harris, I live in Dix Hills.

LEG. LINDSAY:

Pull the mike closer to you.

MS. HARRIS:

Good morning. My name is Deborah Harris, I live in Dix Hills ••

LEG. LINDSAY:

The mike.

MS. HARRIS:

I'm sorry?

LEG. LINDSAY:

Pull the mike closer to you.

MS. HARRIS:

I'm sorry. Good morning. My name is Deborah Harris, I live in Dix Hills, New York, and I am a member of the Long Island Citizens Action Network. I'm here this morning to speak in support of Legislator Jon Cooper's Sense Resolution opposing the proposed Broadwater Liquefied Natural Gas facility on Long Island Sound. My concerns are many, but I'll focus on three.

First, the security. Security is paramount. New York is already a prime terrorist target. Placing an enormous combustible facility in this location is akin to painting a giant bull's•eye on the tanker. The danger of inextinguishable pool fires and vapor clouds cannot be ignored. How will this facility be secured from attack by water or by air?

Last week in the District of Columbia, there was a panic over a small Cessna flying over restricted air space. What would happen if a plane were to fly in the vicinity of this tanker? Who would be responsible for security? Who will pay for it?

There are environmental concerns. We have already witnessed the effects of years of pollution on the Sound, a declining lobster and clam population, and the virtual disappearance of oysters. Further dredging, constant traffic, and the possible effects of water temperature

changes from the regasification process must be considered.

Lastly, I'm concerned about jurisdiction. Placement of the decision to permit construction and placement of this facility in the hands of the Federal Energy Regulatory Commission is like putting the fox in charge of the henhouse. New York must have jurisdiction, New York must fight for jurisdiction. This affects New York residents, Long Island residents. We are the ones who will bear the risk from this facility, we are the ones who will bear the burden of the cost of this facility, and we need to be able to retain local control over local issues.

The administration's relationship with State's rights gets curiouser and curiouser by the day. Senator Schumer has already come out and expressed his opposition to this facility and I hope that the Legislature will do the same. Thank you.

P.O. CARACAPPA:

Thank you.

(*Applause*)

John Hritcko. On deck is Dale Moyer.

MR. HRITCKO:

Thank you. My name is John Hritcko. I am Senior Vice President and Regional Project Director for Broadwater Energy. Thank you for this opportunity to make a few brief comments before the Legislature regarding the Sense Resolution in opposition to Broadwater.

Suffolk County, like all Mid•Atlantic and New England Region, is facing severe energy challenges due to its inability to access more diversified sources of natural gas. This is manifested in extraordinarily high prices for energy, large price spikes during peek •• peek winter periods, and without positive action being taken today to increase and diversify our natural gas supply, this situation will worsen. Broadwater Energy is a project that would deliver a safe, dependable, diversified supply of clean burning natural gas to the people and businesses here on Long Island and in Suffolk County.

In addition to averting a future energy crisis, the direct benefits of Broadwater Project to the people of Suffolk County are enormous. They include supporting the ability of the power

producers to repower existing plants with cleaner, more efficient natural gas generation, leading to cleaner air, less deposition of contaminants into The Sound.

C.W. Post January, 2005 report determined significant reductions in NO_x, SO_x and CO₂ and particulates could be achieved through repowering of Long Island's power plants through the use of natural gas as a fuel. The supply of natural gas would reduce the cost of energy to the region by 6 billion dollars to electricity and natural gas consumers in Downstate New York, including consumers of Suffolk County during Broadwater's first decade of operation. This estimate comes from comparing the prices with Broadwater to what they would be without it. Removing the hidden tax of high energy costs off the backs of Suffolk County residents and businesses already struggling to survive in one of the highest cost of living regions in the country.

These benefits are why 73% of Long Islanders want to see the review process continued, and why each of you have received numerous phone calls from your constituents expressing a desire for Broadwater to be thoroughly examined. Support for the review has also been voiced by HIA, LIMBA, Nassau Building Trades Council, East Yaphank Chamber of Commerce, and the Independent Power Producers of New York, just to name a few.

This project will not be built, however, if it cannot pass the extensive and detailed regulatory review process now underway. We are in the early stages of that extensive review process and much more information will be made available to all parties to allow them to make informed decisions about Broadwater.

Broadwater urges this Legislature to not take a position on the project at this time, and to continue a rational, objective review of the project. We have faith that the elected officials of this County will listen to the majority of the people of Long Island who want to see this process continued, and who believe that not enough is being done about the high price of energy in Long Island.

As Newsday recently concluded in its editorial on Broadwater, "Rising up to say no and then doing nothing is no longer an option." Thank you.

P.O. CARACAPPA:

Dale Moyer. Before the next speaker comes up, I think I speak on behalf of my colleagues in

the Legislature, and I think they'll allow me this point of personal privilege, the tactic taken by Broadwater this week in calling our district offices was not appreciated, and disingenuous to the people that you were contacting.

(*Applause*)

We're here to listen to our constituents and we take it very seriously, but when it's done in that fashion, it gets us a little bent out of shape, as it should. Dale Moyer.

MR. MOYER:

Thank you. My name is Dale Moyer. I am the Ag Program Director with Cornell Cooperative Extension. I'm here to support Introductory Resolution 1316 •• excuse me •• which funds the development of interactive educational turf grass pest management website. In addition to pest management, this website will educate the public on fertilizer management.

This project is supported by many groups, including the Peconic Estuary Program and the Citizens for the Environment. The project is to educate the public on responsible lawn care for the use of •• on an interactive website. The website will provide a tutorial about turf grass management for residents of Suffolk County. The website will emphasize alternatives to pesticides and educate participants about issues dealing with turf grass management and the environment.

This website would be developed into two phases. The first phase will be educating participants on nutrient cycling and how lawn impacts groundwater and eventually our estuaries. The objective of Phase I is to educate our homeowners on adverse effects of nitrogen leaching, educate homeowners on the need to reduce turf grass areas after residents and increase buffer areas, educate homeowners on best management practices of home fertilization, educate homeowners on how nitrogen is to be used to better production and healthier plants, and improve timing, and have homeowner understand how the lawn management practices can make a direct impact on the environment around them and the Peconic Estuary and other estuaries on Long Island.

The second phase will educate homeowners and the environment, fate of pesticides, and how their pesticide applications directly affect the environment. The goal of Phase II will be to demonstrate alternatives to pesticides to homeowners. The objective of Phase II will be

educate homeowners about the adverse environmental effects of pesticide use on home lawns, educate homeowners on general principles of best management practices for their lawns, educate homeowners on practices it can implement and reduce or eliminate pesticide use on lawns, and also educate homeowners about proper time in handling an application of pesticides to reduce the total amount used, and that's only if pesticides are necessary. Thank you for your time.

(*Applause*)

P.O. CARACAPPA:

The Honorable Councilman from the Town of Brookhaven, Kevin McCarrick.

COUNCILMAN MC CARRICK:

Good morning.

P.O. CARACAPPA:

Councilman.

COUNCILMAN MC CARRICK:

I'd like to thank you for this opportunity to address this body. As the first elected official to publicly oppose the Broadwater Energy proposal for an LNG plant in the middle of Long Island Sound, I want to state wholeheartedly the support of Suffolk's resolution declaring the opposition.

With this resolution, Suffolk County will be joining Brookhaven Town, where I sponsored a similar resolution that was passed by the Town Board two months ago. I want to thank the Legislators for their leadership in proposing this resolution, and to continue to unite all officials on every level of unity to prevent Broadwater from happening.

I'd also like to thank Legislator Losquadro and Legislator Vioria•Fisher for participating in an historic gathering of public officials from New York and Connecticut that I recently organized. This past April 26th, I gathered dozens of elected representatives from both states, not only to jointly say no to Broadwater, but as a starting point to create a permanent coalition of Long Island Sound issues, including the creation to create an energy plan that makes sense and

environmental initiatives that would restore The Sound to its natural beauty and bounty. For far too long we've seen Connecticut and New York at odds over these shared concerns. Now that we're coming together to halt the Broadwater proposal, we have an opportunity to do more.

Once again, I look forward to the passage of this resolution by the Suffolk Legislature. I encourage anyone interested in my efforts for Long Island Sound to contact me. Thank you for this opportunity.

(*Applause*)

P.O. CARACAPPA:

Thank you, Councilman. Marge Acosta. I know everyone's emotional and you want to applaud the speakers that are speaking on behalf of your issue, but if we can keep the applause down to a minimum so we can keep on rolling here. Marge Acosta, followed by Greg Hudgins.

MS. ACOSTA:

Good morning. Good morning, Honorable Legislators. Thank you for hearing me. My name is Marge Acosta, I represent the Long Island Citizens Action Network, I live in Centerport, and I'm here to oppose Broadwater Energy's proposal.

A friend of mine used to have this saying on his office wall, "Efficiency is doing the job right. Effectiveness is doing the right job."

Here on Long Island, as with most of the world, we have a growing energy need. Broadwater is offering a relatively quick fix solution, but it's fraught with long-term formidable problems. I believe not only Broadwater is not doing the job right, but LNG is not the right job to do.

Heard Broadwater's presentation last December. Broadwater said this facility would stabilize natural gas prices and be a boon to Long Island's economy. I had questions about safety, security, and how this facility would affect The Sound, as well as Long Island's economy. That was five months ago. They didn't have the answers then, and the only answers I've heard since aren't making me feel better. Broadwater doesn't seem to have Long Island's best interest at heart.

Because of the safety risks, Congress and Homeland Security consider LNG tankers to be prime terrorist targets. Some LNG facilities have proposed armed exclusionary zones three miles long around tankers, but in Newsday's April 3rd article, Broadwater says it has no plans for armed guards or full time Coast Guard escorts for the terminals or tankers. This sounds very dangerous to me.

As far as being a boon to Long Island's economy, I was very disheartened to hear that Broadwater is not only •• is not going to build the 700 million dollar facility on Long Island, but elsewhere, probably overseas. And, by the way, the Nassau and Suffolk construction union has said they don't support Broadwater because of this.

I've also heard that new legislation, besides eliminating any say by state and local governments on the siting of LNG facilities, also eliminates any regulation of fees or price increases by any local, state or even federal commission. These would be decided by corporations owning the facility and those owning the tankers.

LNG producing nations like Algeria, Iran, Indonesia are already meeting to address •• to address price controls over LNG. All of this sounds look a sure fire formula for high prices, certainly not stabilizing them.

There are alternatives to LNG. The right solution would be to start now, as New York State, LIPA, and Suffolk County have proposed, to produce the needed energy from renewable sources, such as wind turbines and solar cells. Although initial construction is costly, with renewable technology, the money stays here at home and jobs are created for New Yorkers and Long Islanders, and once constructed, the energy source is free and ours ••

P.O. CARACAPPA:

Please, sum up.

MS. ACOSTA:

•• with no danger or pollution.

P.O. CARACAPPA:

Your time has expired. Thank you.

MS. ACOSTA:

Thank you very much.

(* Applause *)

P.O. CARACAPPA:

Greg Hudgins, followed by Julie DeBold. Greg Hudgins, followed by Julie DeBold.

MR. HUDGINS:

Hi. Good morning, Ladies and Gentlemen. My name is Greg Hudgins. I'm a resident of Wading River.

LEG. LOSQUADRO:

Speak a little closer to the microphone, please.

MR. HUDGINS:

Sure. I'm a resident of Wading River. My name is Greg Hudgins. This is my first time at any type of public hearing or meeting like this. I'm a little nervous, but •• and I don't represent any type of coalition or action, I'm just a resident of Wading River and I am opposed to Broadwater. I just want my voice to be heard.

I'm sure there's a lot of other residents that are like myself that, you know, are maybe intimidated to come here and speak before a group such as yourselves, but I know that from speaking with all of my neighbors and friends, there are a lot of us who are opposed to this, and I just want to come out here and let my voice be heard that I am opposed. Thank you.

(* Applause *)

P.O. CARACAPPA:

Thank you very much for those brief, but direct, comments. Julie DeBold, followed by Prudence Carabine or Carabine.

MS. DEBOLD:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. DEBOLD:

And thank you for this opportunity to speak to you. My name is Julie DeBold, I'm with Long Island Farm Bureau. And I will summarize previous comments made in regard to ••

P.O. CARACAPPA:

Miss DeBold, I'm sorry, I'm just going to ask you to lower that microphone and speak directly into it, and I'd ask my colleagues for a little quiet, so we can hear you. Thank you.

MS. DEBOLD:

Thank you. I.R. 2102. Long Island Farm Bureau is a membership association of over seventy •two hundred farmers, fishermen, landscapers, agri•businessmen and individuals.

LEG. LOSQUADRO:

You have to speak up.

LEG. VILORIA • FISHER:

Excuse me, just put the mike right up to your mouth. I can't hear what you're saying.

MR. DEBOLD:

I'm sorry.

LEG. VILORIA • FISHER:

That's better.

MS. DEBOLD:

Okay. To reiterate, Long Island Farm Bureau's previous testimony on this proposed legislation, while we recognize the intent of the Suffolk County Legislature to protect the citizens and environment of Suffolk County, I.R. 2102 is beyond the County's realm of statutory authority and expertise. It is redundant and fiscally irresponsible.

We note the proposed legislation allows for an agricultural exemption. However, our concern is the precedent such legislation will set, if it should be adopted. We believe I.R. 2102 is a wasteful duplication of regulation and enforcement tasks already well executed at the federal and state levels of government. Long Island Farm Bureau is strongly opposed to this proposed legislation, as Suffolk County does not hold authority to regulate pesticides. Pesticides are regulated by the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and at the State level by the Department of Environmental Conservation under Section 33 of the New York State Environmental Conservation Law.

Education and training are the key elements to appropriate pesticide use, regardless of whether the individual is a homeowner or certified applicator. People need to understand the important role pesticides play in protecting public health, and people also need to understand that proper knowledge and training are crucial in order to ensure that pesticides are correctly applied, stored and disposed of. Rather than pursue this proposed legislation, which will surely invite costly litigation, we urge the Legislature and County Executive to adopt a County-wide community integrated pest management program. The framework for this program is in place, as developed by Cornell University.

Long Island Farm Bureau supports fine-tuning the community IPM program for Suffolk County's specific needs using the proficiency of the Suffolk County Department of Health Services and Cornell Cooperative Extension. The necessary education, training and outreach can be successfully accomplished for the benefit of Suffolk's residents, provided Suffolk County funds a local component of this established statewide program. Long Island Farm Bureau supports the initial steps towards accomplishing this goal through I.R. 1316, which provides funding for the development of an interactive educational turf grass integrated pest management website. Thank you.

P.O. CARACAPPA:

Thank you. Prudence.

MS. CARABINE:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. CARABINE:

I appreciate the opportunity again to come before you and speak about the East Hampton Town Environmental Health Committee's feelings about pesticides as being an unfortunate critical part of the cancer cluster that we have •• the State has established in East Hampton.

And I would just like to remind you of what my good friend, Reverend Holly Haile, said in her prayer, that when there's something in the environment or in the neighborhood that is hurting me or my neighbors, I have a right to try to do everything I can to make that stop. And, in fact, we have young people in East Hampton, as you've heard me say before, who are struggling every three months through MRI's to stay alive. There are 16 of them. Something happened 20, 30 years ago that made those kids sick. Something happened. It's been our exploration effort for the last almost eight years now through the Environmental Health, formerly Cancer Task Force, to try to determine what that something is. And we believe absolutely that the pesticides that were put on the soil through agricultural use, and my maiden name is Talmage, so you know where I was in this process. Talmage is an old farming family and I was part of that effort, so I understand the emotional issues with pesticides.

I would also like to suggest that rules and regulations are very, very helpful, but when people are motivated more by the beauty of their properties than they are by the health of their children, and sadly that happens with ignorance, then no amount of rules and regulations can help. You have to •• education is an effort over time. What we need now is something to stop this effort now, so that we can get better, heal and move on, and no one else will be sick.

I would also reference an article in the Southampton Press of about a month ago about one of our students, Jessica Virtullo. She's 30 years old. She won a triathlon in Florida. The money went to cancer causes. Jessica was in my son Sean's class in school. Jessica is fighting thyroid cancer with MRI's every three months. Jessica's sister, Jenna, had leukemia at the age of two. Jessica's mom has just been diagnosed with breast cancer. How lucky can we get? Please, hear me and help. Thank you.

P.O. CARACAPPA:

Thank you.

(* Applause *)

I recognize Legislator Cooper for the purposes of a motion. All Legislators, please report to the horseshoe.

LEG. COOPER:

I'd like to •• thank you. I'd like to make a motion to bring Sense 8 before the Legislature to take it out of order, so we can consider it for a vote.

P.O. CARACAPPA:

There's a motion to take Sense 8 out of order.

LEG. FOLEY:

Second.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo, and also second by Legislator Losquadro, Schneiderman and Foley. There's a motion. All in favor? Opposed? Abstentions? Sense 8 is now before us.

There's a motion by ••

MR. BARTON:

18.

LEG. COOPER:

Motion to approve.

P.O. CARACAPPA:

•• Legislator Cooper, second by Legislator Caracciolo, Losquadro, Schneiderman and Foley to second that? All in favor? Opposed?

LEG. LINDSAY:

On the issue.

P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

I was one of the Legislators that voted to table this resolution when it came up, I guess it was two or three months ago and, at that time, I questioned a previous resolution passed by this body to allocate money to study the effects of Broadwater.

*(*Applause*)*

LEG. LINDSAY:

To my knowledge •• to my knowledge, I don't think that RFP process has started already. I'm ready to support this resolution now, but I would really like to see that resolution that was passed previously rescinded.

*(*Applause*)*

Because, if we're making a decision on this now, what good does a study do after the fact? And I think it would make sense in light of all the information that's come up and the official statements of a number of our other elected officials.

*(*Applause*)*

P.O. CARACAPPA:

Thank you. Legislator Caracciolo, then Montano.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. First, let me commend Legislator Cooper for introducing this resolution several months ago. At that time, there were companion resolutions, one of which was already approved, the one that was just referenced by Legislator Lindsay calling for a study, and another that is pending on the floor that would have the County not merely talk with its words, but with its actions. And I would hope those that are going to support this resolution

will find it within their means to also support the resolution that will put action behind words and have the County retain counsel, as we have done so proudly ••

(*Applause*)

LEG. CARACCIOLO:

•• in the past to represent us before the Federal Energy Regulatory Commission, to represent all the people of Suffolk County in opposing this project, and to join •• and I was so happy to hear late yesterday afternoon, I received a call from Senator Schumer's Office, and as everyone knows, the Senator has come out publicly now and is the first of our two Senators, and we're waiting for you, Hillary, to join Chuck Schumer in opposing this project, because, if we don't have our federal lawmakers at the highest levels in the U.S. Senate joining the battle with towns and the County in opposing this project, then let's face it, it's all lip service. And anyone who knows how this Legislature has worked over the years, once we make a commitment to move forward and oppose a project, be it Shoreham or Broadwater, or anything else ••

(*Applause*)

We have prevailed when we stood and •• tall and stayed united.

So, I ask my colleagues, I am going to make a motion to repeal the resolution, Procedural Motion 1, which was adopted in January, to undertake a study that, I believe, is the first step in showing that we are now united as a Legislative body in opposing this project in total. And more importantly, I am going to request movement on the resolution to hire counsel.

(*Applause*)

P.O. CARACAPPA:

Okay?

LEG. CARACCIOLO:

I was insulted, as everyone in this room and in this County should have been, when our lawmakers in Washington several weeks ago adopted in the House of Representatives an energy bill that ignores the will of the People of the State of New York, of the County of Suffolk,

and all of its ten towns when they said, "We will decide where liquified natural gas facilities will be located." I reject that, we reject that, and we will not stand for it. And that's why, Mr. Chairman ••

(*Applause*)

•• it is paramount that we not only take up and approve this Sense Resolution, but also the Procedural Motion to hire outside counsel, again, to put our money where our mouths are. And, finally, in conclusion, let me just quote from Senator Schumer's excellent press release, where he says as follows, and I quote, "It's true, that we must find a way to satisfy the ever increasing demand for energy, but we should be focusing on alternative sources of energy, not on building a security risk and an eyesore in the middle of Long Island Sound that could undermine and decimate our ecosystem and has a wide range in public health implication that could be an inviting terrorist target."

Mr. Chairman, for all of these reasons, I look forward to my colleagues who have now made up their mind, after several months of deliberation, and decided to join Legislator Cooper, myself, and the other sponsors of this resolution in opposing Broadwater. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Very good.

(*Applause*)

Colleagues, keep in mind we are interrupting the public portion, so we know where we are, we know where we're going, so if we can keep our comments brief. Legislator Montano.

MR. MONTANO:

Thank you, Mr. Presiding Officer. I'll be brief. I, too, had voted for the •• to table the resolution when it initially came forward, and I was prepared, and I had supported the bill for the study and I had wanted to see the study go through before we made a conclusion with respect to the issues, but since that time I've learned quite a bit, and I'm going to vote in favor of the resolution. But one thing came up the other day.

Last Friday, I was in my office and I received a phone call, I picked it up, and it was from a constituent who wanted to discuss low energy issues, but really didn't have a handle as to what he was referring to. I said, "I'd call you back." When I called back, it turned out that he had been called by someone, and his phone number had been forwarded •• his call had been forwarded to me so that he can discuss energy issues. He had no idea who called him, he couldn't articulate exactly why he was making the call, he was seeking information from me. Luckily, he had caller I.D. He went back to his system, he gave me the number, I called it. It was an 877 number, and I called it and it simply said, "Thank you for calling, leave a message, we'll get back to you." No one ever called.

I turned that number over to the Police Department to find out why exactly that call had been placed and what was going on. I think the next day, on Saturday, I read the article where it appears that Broadwater was behind an initiative such as this to lobby Legislators.

[AUDIENCE MEMBERS BOOED]

P.O. CARACAPPA:

Ladies and Gentlemen, please.

MR. MONTANO:

If that's the case, and, you know, as I said, this was registered with the Police Department, I find it very unfortunate that a company would try these kind of tactics with Legislators, and I'm not prepared to support any company that engages in this kind of activity. I'm going to vote no on this resolution.

(* Applause *)

LEG. VILORIA • FISHER:

Yes.

LEG. MONTANO:

And I'm also going to ask that we go forward and find out whether or not this type lobbying effort violates any federal, state or local laws. I know nothing about them at this point.

P.O. CARACAPPA:

Legislator Alden, then Cooper.

LEG. ALDEN:

That's a good comment, Legislator, and I just want to put in my two cents here. I, too, was actually solicited, and the first •• one of the first callers asked about the Brightwaters Project and I immediately thought of Legislator Carpenter, maybe she had something going on in her district.

P.O. CARACAPPA:

Brightwaters.

LEG. ALDEN:

The Brightwaters Project. Then the next one was talking about the Manhattan Project, so I knew we were in trouble again. And that leads me to my final comments on this. And I'm glad that Legislator Caracciolo and Legislator Lindsay brought this up before, too. Our federal government is ready, willing and able to see us all die out here and I'll tell you why. We have a lawsuit against the manufacturers of MTBE. In the recent energy bill that was just passed, and maybe the Senate is going to pass it and maybe they haven't, and I don't think they've acted on it yet, but I would hope that they would use common sense and protect us. But not only do they eliminate the liability for MTBE, and the poison the and cancers that come upon us from that, but it would give them money to change their processes, so instead of having to dispose of MTBE and costing the companies billions of dollars, as it did in the past, we, our tax dollars, are going to go to those people to subsidize them for doing something else with MTBE, other than poisoning us with it.

So, I really lost a lot of faith in my federal government and the protections that I think that they should afford us when they passed that type of an energy bill that would allow us to be open to pollution, death and the suffering that comes along with cancer. And I really find it •• it's mind •boggling to put your confidence in somebody that can treat us like that and I've lost that confidence, and, therefore, I did want to see more information come forward, because I am a firm believer, and let the light shine on it, and it's really going to expose whether it's a good or bad thing, but I have to go back to the first speaker and their comments. This thing is a terrorist target. We don't know what happened to Flight 800, let alone what's going to happen to some kind of a floating time bomb, and all those boats coming in within a mile of our shores,

that could even ruin a golf course, from what I understand. Thanks.

(* Applause *)

P.O. CARACAPPA:

Well said. Legislator Cooper.

LEG. COOPER:

Thank you. First of all, I think I can do Legislator Alden one better. At my office, we got calls about Broadwater, Brightwater, and even one call about the Blair Water Project. I think that was the Blair Witch Project, but that's okay. I have, obviously, long been concerned about this floating LNG facility, and I'm really thrilled that in the end, it looks like all of my colleagues in the Legislature have come together on this issue. I think it was Tip O'Neill that had said many years ago that all politics is local, and I think that today's vote breathes new life into that old maxim.

By working together at the local level on this proposal, I'm hoping that we could send a message to Washington and to the federal authorities at FERC, and to the decision-makers at the federal level that they should set aside this plan to industrialize the Long Island Sound. Hopefully, we'll make Washington think twice about the implications of forcing this titanic terrorist target on us here locally. In the end, the federal government may yet be able to force this project down our throats, but it's clear that they will not be able to silence our voices while doing so.

(* Applause *)

And each of us may have come to this vote, come to this decision for a different reason. It may have been because of concerns over the environmental risks, it may be over the potential health risks, it may be concerns over the public safety risks, or it may be, as with the case with, I believe, Legislator Montano, outrage over the tactics used by Broadwater, which is, as everyone knows, you know, really Shell and TransCanada to multi-billion dollar, multi-national corporations that should know better. And we've heard allegations at this point of illegal lobbying activities and illegal telemarketing activities. And I've also said repeatedly I believe that we have been misled by some of the Broadwater spokespeople when they've testified before either the Energy Committee or the full Legislature.

So, in any case, I want to thank you all for reaching this decision. I think it's important for us to send the strongest possible message, and I hope that we have a unanimous vote here today. Thank you.

P.O. CARACAPPA:

Thank you. Legislator Kennedy.

(* Applause *)

LEG. KENNEDY:

Thank you.

P.O. CARACAPPA:

And then we'll vote.

LEG. KENNEDY:

I'd just like to add for the purpose of the record, like some of the other Legislators around here, I did support the study. Unfortunately, the material has not been forthcoming. Like many of my colleague Legislators, I have undertaken to go ahead and do some of the research on my own. The reports I've been able to go through, the Sandia Report, the ABS Report, unfortunately, the science in this area, as far as how to handle whether there is a catastrophe, just does not seem to be evolved, hence, I guess, the whole notion of the fact that this is a new and questionable event.

The geography for the eastern part of our Sound I believe is unique in the whole country. The fact that we would have large, large tankers carrying 125,000 cubic meters of highly volatile product that would come within a mile of outer Island I think is just a danger that nobody should have to go ahead and sustain here, so I'll vote in favor of the moratorium.

(* Applause *)

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. I just wanted to say a few comments. I was one who was not in favor of rushing to judgment, if you will, and I wanted to take a long, hard look at this particular issue, and I have without the benefit of having a consultant report to the full body. But I find most encouraging the fact that our •• at least some of our federal elected officials are now joining in the effort to oppose Broadwater.

I was most encouraged by Senator Schumer's statements yesterday. I look forward to other federal officials that have taken a similar type position, where I think ultimately a decision will be made with respect to this.

But one of my major concerns that has come up recently, and one I'm absolutely in a position to say that if it ever occurred, we would be at fault for it occurring, and in my mind this initiative, if you will, is •• would be the first step in approving the industrialization and commercialization of Long Island Sound. I feel very strongly about that. My concern is that if we approve a project of this nature, it would only be the a first step and it will be opening the doors to future industrialization and commercialization of a body of water that certainly is •• that doesn't require or need that type of intervention.

So, I, too, even prior to the •• a decision of this body to look at it more fully and not to rush to judgment, believe that we're in a position today, based on the information that we've received from both sides. I won't comment on the tactics of Broadwater personnel, if it was them responsible for the calling programs, but most importantly, I think my overall concern is the pristine nature of Long Island Sound and keeping it that way. And if we allowed a project of this nature to go forward, the concern for the future is whether or not that would only be the first step in the more commercialization and industrialization of Long Island Sound. So, I, too, will take a position in opposition to Broadwater.

(*Applause*)

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. Just a few brief comments. I also appreciate greatly Senator Schumer's concern regarding our environmental health and safety. He stood by me when I introduced the MTBE law several years ago, and has been fighting to provide the kind of legal recourse that we have regarding the MTBE manufacturer's liability in the cleanup in MTBE from our water. His coming out in favor of •• well, in opposition to the Broadwater Project, along with Congressman Tim Bishop, really gives us a secure foothold on the federal level with regards this issue.

I would also like to thank Councilman McCarrick. I believe the particular •• the venue that he held for the representatives from Connecticut, as well as New York, was a very informative session that helped me to come to my •• to a greater understanding of what this project entails and its dangers.

Regarding the testimony that we heard this morning from Broadwater, which indicated that there would be a reduction of NOx and SOx if there were greater use of natural gas in our power plants really had a misleading characteristic to it in as much as there is a very small percentage of the LNG that would be coming to Suffolk County for our use. Much of it will be used in other parts of the metropolitan area. That's another very important element in decision •making here. We would bear the burden, but not the benefits. And so, I thank Legislator Cooper for taking on such an early lead on this and I'm proud to support your legislation.

(*Applause*)

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

I will be very brief. Most of the sentiments that I would like to make have already been expressed this morning, thanking the local state and federal officials. I would just like to say, though, that I did do my own survey in my district to which I received thousands of responses. And the 25 calls, which were redirected to my office in which people were asking, "Well, you called me," they didn't even know they were being transferred, and if they did, they had no knowledge of the subject matter, was extremely deceiving. And I can only hope that my survey played a small part in making these individuals expend this money and expend these resources to show them for the frauds that they are.

So, I am very happy to see my colleagues in support of this today. I thank those that have stood beside us. And, Mr. Chairman, I hope I'm not being too forward in taking the last word, but I hope we call the vote. Thank you.

(*Applause*)

P.O. CARACAPPA:

I will call the vote, but you don't have the last word. Very quickly, I appreciate everyone coming out today, and I know we're cutting into some of the speakers to take this vote, but one thing we have to keep in mind is we cannot stop as a collective group of Long Islanders and Suffolk County residents, stop looking for new, safe, feasible energy opportunities that are so desperately needed here throughout Long Island. But, unfortunately, the misleading tactics used by Broadwater over the last couple of days were simply abysmal, and I guess you could say they sunk their own boat by doing it. That was a horrible joke.

To give the people credit and your just due for coming this morning out to Riverhead, just because I know we'll probably bypass a lot of the cards once we take this vote, I want to give you a chance to at least be seen. If you're in support of Broadwater, just raise your hand. You're in support.

MR. AMPER:

We're in support of Broadwater leaving town.

P.O. CARACAPPA:

Okay. And if you're against Broadwater, just raise your hand. Okay.

MR. AMPER:

Mr. Chairman.

P.O. CARACAPPA:

No, Mr. Amper, we appreciate it. Just let the record note that there were more hands in the air in opposition, and the cards reflect that. So, with that, I'll ask for a roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

(Not Present)

LEG. TONNA:

(Not Present)

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Binder and Tonna)

P.O. CARACAPPA:

It's approved.

(*Applause*)

LEG. COOPER:

Thank you.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

Ladies and Gentlemen, you certainly have the option to still speak, if you want to stick around. We hope •• don't take this personally, we hope you don't. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I have an inquiry for Counsel. Ms. Knapp, back a couple of months ago when Procedural Motion 3 was before the Legislature, a resolution that would cause the County to retain counsel for representation before the Federal Energy Regulatory Commission; it was tabled until the August meeting. What would be the protocol to call that Procedural Motion to the floor today?

MS. KNAPP:

As you know, Procedural Motions are unlike resolutions that are duly enacted and the rules are very different. Procedural Motions basically are governed by the rule of ten, that if ten Legislators wish to consider this at a time other than August, you could make a motion to that effect.

LEG. CARACCIOLO:

Mr. Chair, I'll make a motion then to bring before the Legislature Procedural Motion 3, a resolution which would cause this Legislative body to hire outside counsel to represent the people of Suffolk County before the Federal Regulatory Energy Commission on behalf and in opposition to the Broadwater project.

P.O. CARACAPPA:

Okay. Procedural Motion 3 is retaining counsel. There's a second by Legislator Schneiderman.

LEG. CARACCIOLO:

And I think that completes the work that we have to do at this point at our level of government.

LEG. FOLEY:

Does it have to age for an hour, though?

LEG. CARACCIOLO:

No, it's a Procedural Motion.

P.O. CARACAPPA:

It's a Procedural Motion, you can do it any time.

LEG. CARACCIOLO:

And I think it demonstrates to the people in the audience today that we are going to put our money and our might where our mouths are.

*(*Applause*)*

P.O. CARACAPPA:

Okay. That Procedural Motion is for a hundred thousand dollars worth of legal expenses.

LEG. CARACCIOLO:

We may have to revisit that sum of money at a later date.

P.O. CARACAPPA:

That's my point and I think Legislator Lindsay who wants to speak will probably add to that.

LEG. LINDSAY:

Yeah. Mr. Chairman, fellow colleagues, I am not in support of this resolution at this time, and the reason why is really twofold. Number one, I think we have to see where this energy bill is going, whether it is going to pass or not, and the limitations it will put on local government as far as an intervener. The second thing is I want for, one, to get some idea of what the cost of retaining counsel is going to cost us before I'm prepared to vote on a bill.

P.O. CARACAPPA:

Okay. I recognize Legislator Caracciolo, then Montano.

LEG. CARACCIOLO:

Mr. Chairman, with all due respect to Legislator Lindsay, we just took a vote. We just said to the people in this audience, and soon to the people of Suffolk County that will read about this action, that we're serious, we are opposed to this project. We are willing to begin that fight

with \$100,000 of taxpayer money and it's actually coming out of the Legislature's budget, not the County Executive's budget but the Legislature's budget, a budget we approved nine months ago.

I have letters out to the Town of Riverhead and the Town of Brookhaven requesting that they join us in this fight, but I should add that we should demonstrate the leadership that we have so far in attracting the likes of our Federal and other levels of government officials along with the Town of Brookhaven, Mr. McCarrick, Mr. Losquadro here at the Legislature, Mr. Cooper, and demonstrate once and for all that we're not going to pay this lip service, we are going to open up the checkbook and we are going to fight this until we are successful. If we wait for the energy bill ••

(* Applause *)

If we wait for the energy bill, that could be weeks or months down the road. But more importantly, what is right down the road and right around the corner is we need representation by September at the latest, before FERC, because that's when this entity plans on going there with their formal application, if not sooner. Maybe today's actions will precipitate a quicker response on their part. So we don't have any time to waste and I defy anybody who sits at this horseshoe and says in one breath, "We're opposed to Broadwater but we need more time to decide if we want to really fight it."

P.O. CARACAPPA:

Thank you. Legislator Montano, then Mystal.

(* Applause *)

LEG. MONTANO:

I'll take you up on that, Legislator Caracciolo. Because the reality is, as a lawyer, I can tell you that at this point it would be premature for us to go into a situation saying that we're going to spend \$100,000 on attorneys when, in fact, we have no idea, other than the idea that this is going to cost a lot more than \$100,000. Everybody is aware of what is going on with Broadwater, we've just taken a vote to express our position strongly, unanimously. It's unfortunate that this would come up at this time.

We have an opportunity to look at this. If counsel is needed, we will be the first to go out there and retain counsel, but to ride on the emotional wave of the resolution that we just passed to say that we need \$100,000, when, in fact, the tab is going to be a lot more, and in fact, we're not even sure •• speaking legally, there are going to be more attorneys in that room than you can imagine. Whether or not Suffolk County needs its own attorney, we have the County Attorney's Office, whether or not we need outside counsel is something that should not be decided at this moment. This is something that we should look at seriously, get an idea of what the real costs are. To just say we're going to put \$100,000 on the table and come back at some later point, once we're in the case, there's no way to get out of it.

And the issue of standing, whether or not we have standing, whether or not we're paying to have an attorney sit in that room or whether or not we're going to have an attorney at the table, these are issues that really have to be deliberated and discussed before we submit ourselves to spending money that may not necessarily need to be spent. If, in fact, you come forward with the proposals and if, in fact, they're realistic and if, in fact, I think they're needed, we will vote on it at the appropriate time, I think now is not the appropriate time.

P.O. CARACAPPA:

Legislator Schneiderman, before you go, please, everyone keep in mind, we are really cutting into the public's time here. We just wanted to move Broadwater, the Sense, because we thought it would be a unanimous vote, which it was. So very quickly ••

LEG. SCHNEIDERMAN:

I've kept my mouth shut up to this point, so.

P.O. CARACAPPA:

Okay.

LEG. SCHNEIDERMAN:

I came to this Legislature about a year ago requesting money for legal counsel to oppose the relicensing of the Millstone facility and we learned, as we interviewed attorneys, basically that it was too late, that it was too late to effectively oppose that relicensing. I'm afraid we're going to be too late at this point if we wait any longer. It's going to take time for counsel to come up to speed. Yes, it may cost more, we can add additional funds, but to not have a lawyer prepared

to fight this thing says that we're not really opposed to it because the battle is not going to be just a political battle, it's going to be a legal battle just as Shoreham was a legal battle.

There's I know a legal fight going on on the west coast where FERC is being challenged in the State of California. This is something where our attorney could file papers, _friend of the court papers_ in that case making sure that the State has the authority in terms of LNG Facilities to have oversight of those facilities. We cannot wait on this issue and I'm going to urge my colleagues to pass this resolution, put the money in place and let's go out and find competent counsel and have them come up to speed on this issue.

Applause

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Thank you, Mr. Chairman. If this Legislature decides that it wants to wage this battle it's going to need guns and ammunition, and the guns and ammunition are going to be facts and attorneys.

What I think would be the worst course of action would be for us to pass a simple resolution, Sense Resolution saying we're opposed to it in a process where we cut off our fact finding, which is what I hear Legislator Caracciolo wants to do is repeal his other resolution for the consultants and then not retain attorneys, because then the weight of this body's position is going to be less than the weight of the paper that it's printed on. So what we're going to need to do, if we're going to commit to this battle, is obtain the facts, facts that are specific to the site because that's going to require experts and consultants, and then you're going to need to retain attorneys to make the case in Washington. And even after all that, we all know the odds of prevailing if this energy bill is adopted in Washington are slim to none. But if that's the track that we're going to take, then we ought to do it right and not do it halfway.

P.O. CARACAPPA:

Legislator Foley.

(* Applause *)

LEG. FOLEY:

Thank you, Mr. Chairman. Similar to the vote on Broadwater, which many of us have been on record as opposing this project almost from the very beginning, the issue of hiring counsel to enter into as a party of interest to the FERC hearing is something that we had debated late into the night at our last Riverhead meeting.

Legislator Cooper had rounded up all the support for his Sense Resolution before today, and I had hoped that Legislator Caracciolo would have done the same for his particular memorial •• with his particular resolution today; it's news to me, as much as I'll be supportive of his motion. But I think what's important, as Legislator Cooper had done, to have unanimity; when there's unanimity there's greater strength when we go to oppose this particular application before FERC.

The problem we have now, for those in the audience, is that this is new to all of us around the horseshoe that Legislator Caracciolo wants us to vote on it now. What I thought would have been more effective and more persuasive is similar to what Legislator Cooper had done, which is before today, to speak with the different Legislators to try to get as close to unanimity as we could. That's why some of our colleagues may be not so much opposed to the intervention with FERC but how the process is going to be unfolding.

I, for one, have been on record from the very beginning, not only about opposition to Broadwater but also to do, as we've done in the past tradition of this Legislature, to enter into as intervener status at Federal and State Regulatory Hearings, whether it was Shoreham or in this case with Broadwater. But there may not be unanimity today and it's unfortunate there's not, but that's not because there are some Legislators who are wavering on the issue, it's how some have gone about trying to •• well, before today, make little or no effort to persuade others around the horseshoe to support this motion today.

P.O. CARACAPPA:

All right, one more speaker and then I really have to cut off debate; this just isn't fair to the public.

LEG. BISHOP:

Just extend the public portion for half an hour.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. BISHOP:

Lunch is such a priority?

LEG. CARPENTER:

We can do this later, there are people here to speak on other issues.

LEG. FOLEY:

That's right, I agree with you.

LEG. SCHNEIDERMAN:

There's a motion and a second on this.

LEG. O'LEARY:

I'll make my comments very brief and right succinct and to the point. We're unanimous in our opposition to Broadwater, that's been very clear by the vote today. With respect to what's before us, I think we ought to take again, not rest to judgement. This is an important enough issue to sit down and have perhaps an ad hoc committee or ••

UNKNOWN AUDIENCE MEMBER:

There's no time.

P.O. CARACAPPA:

Ladies ••

LEG. O'LEARY:

An ad hoc committee or at least ••

P.O. CARACAPPA:

Ladies and Gentlemen, that's just unnecessary and uncalled for.

LEG. O'LEARY:

•• a subcommittee to look at the importance of this particular issue. So I would be •• I'm opposed to Broadwater, as is the unanimous vote of the Legislature, but I also think we should form a committee, a subcommittee to look into the tactics or the strategy of this body going forward.

LEG. SCHNEIDERMAN:

Call the vote. Roll call.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Is there a motion? Is there another motion?

LEG. CARACCIOLO:

Motion and a second.

P.O. CARACAPPA:

There's a motion to table by •• well, there's no •• you don't have to table because it's not before us.

LEG. CARACCIOLO:

It's before us, we made a motion.

P.O. CARACAPPA:

There's a motion and a second.

LEG. LINDSAY:

The motion is there.

LEG. CARACCIOLO:

No, motion to approve.

LEG. MONTANO:

Oh, all right, we did vote on taking it out. Okay.

P.O. CARACAPPA:

There's a motion •• a Procedural Motion we can act on any time, you don't have to take it out •
• you don't have to take it out of order.

LEG. CARACCIOLO:

It doesn't require being called it out, Mr. Chairman.

LEG. LINDSAY:

We did table it until August.

P.O. CARACAPPA:

There is •• right. So I think the only motion that could be before us right now is to approve.

LEG. CARACCIOLO:

That's correct.

P.O. CARACAPPA:

Because the tabling motion is in effect currently.

LEG. CARACCIOLO:

That's correct.

P.O. CARACAPPA:

Unless you want to make a motion to table past the August date.

(*Audience Yelled No in Unison*)

P.O. CARACAPPA:

Ladies and Gentlemen, please, let me try and do my job here.

LEG. VILORIA • FISHER:

Doesn't it have to be by the prevailing side, Mr. Chair?

P.O. CARACAPPA:

Yes, which was ••

MS. KNAPP:

It's not a reconsideration.

P.O. CARACAPPA:

Right. The only motions before us that can be voted on is, number one, approval, number two, tabling to another date outside the August date that's already currently tabled to.

LEG. SCHNEIDERMAN:

There's a motion to approve and a second.

LEG. BISHOP:

So if it fails ••

P.O. CARACAPPA:

If it fails, we take it up in August.

LEG. CARACCIOLO:

That's correct.

P.O. CARACAPPA:

Legislator Caracciolo, you asked for a roll call?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Abstain.

LEG. VILORIA • FISHER:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Pass.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BINDER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

LEG. CARPENTER:

Abstain.

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. CARACCIOLO:

Yeah.

(* Applause *)

MR. BARTON:

Ten.

(* Applause and Standing Ovation *)

P.O. CARACAPPA:

Thank you very much for our indulgence in voting for these early. You all can go home now. Okay, if you can just file out very quickly, those who are going to leave who were here on Broadwater, we certainly would appreciate it, very quickly and orderly so we can get to the rest of the cards. To those who are here for other items other than Broadwater, thank you again for allowing us to get this out of the way, we'll get to you very quickly.

Please, keep all comments and discussions and commentary for outside the auditorium, please not in the hallway here or in the seats. Okay, Jonathan, shake hands outside. Thanks.

LEG. FOLEY:

You want a five•minute recess?

P.O. CARACAPPA:

They'll be out in two minutes. If we could keep the aisle moving there sir, appreciate it. Okay. If we could keep the aisle moving, appreciate it.

LEG. ALDEN:

Jon, form your reception line outside.

P.O. CARACAPPA:

Okay, everyone. Okay. Keep moving out of the aisle, please. If you could clear the aisle, move outside, we certainly would appreciate it. Thank you. Thank you very much. Okay. Sid Bail. He was •• that's Broadwater. Sarah Anker is not Broadwater. Sarah Anker. Thank you •

MS. ANKER:

Hi.

P.O. CARACAPPA:

•• very much for waiting.

MS. ANKER:

Oh. Thank you for allowing me to speak.

MS. SULLIVAN:

Speak right into the mike.

MS. ANKER:

Okay. Is that good?

MS. JULIUS:

There you go.

MS. ANKER:

Okay. Hi, everyone. I'm glad to be here today. I'm Sarah Anker, Community Health and Environment Coalition. I'm here in support of Resolution 2102, sponsored by Legislator Schneiderman. I am presenting the Legislature with signatures in support of this resolution. Who do I give them to?

P.O. CARACAPPA:

Ilona.

MS. ANKER:

Here you go, signatures. And, unfortunately, I think most people left, but I'd ask the audience members in support of this resolution to please stand. There's a handful of some breast cancer activists and environmentalists, but I think most of them are out in the lobby.

What this legislation boils down to is doing what is right for residents of Suffolk County. The most important part about this resolution is that it protects the residents from toxic chemicals that cause illness. Chemicals found in pesticides and herbicides are highly toxic and cause great harm to people, especially to children and pregnant women who are most sensitive and vulnerable.

Recently, a situation happened where an elementary •• where elementary school children, close to 500 kids, unknowingly played on fields where the herbicide 2,4•D had just been applied less than a 24•hour period. This situation happened because people assumed an herbicide is not a

pesticide. However, 2,4•D is a neurotoxin, a carcinogen, and can cause irreversible eye damage. More information is needed to inform the public of what harm can come of chemical exposure and educational •• and to educate on alternative applications. And I do agree, the 1310, the resolution that was spoken to earlier, that's very important to educate people and give them an alternative.

The government is here to create laws to protect us. You have to have a license to drive a car. Chemical application can be just as deadly and just as harmful. And children are the ones who have been and will be suffering the most if we continue using chemicals in an irresponsible way.

We live on an island made of sand and clay. What we use on our lawns ends up in our aquifer and our drinking water. Numerous residents have filtration systems that filter out their contaminated wells. If we don't make an effort to reduce chemical applications, there will come a time when all of our wells will be contaminated.

You must be brave and take this battle •• take on this battle. It won't be easy, but this is a fight worth fighting for. I understand the preemption with the State may cause legal issues to deal with. Our entire country is one big pool of litigation. Please, don't be afraid.

I'd like just to make one other statement. Is that my •• that's my time?

P.O. CARACAPPA:

Yep.

MS. ANKER:

Just one statement. This is time for action. This is time to realize what you can do right now will be with you for the rest of your lives. I'm going to borrow a phrase that I guarantee will haunt you throughout the summer, and every time you hear it, I hope you remember this day. You have a choice, doing what's right, or doing what's easy. Thank you.

(*Applause*)

P.O. CARACAPPA:

Thank you. H. Pat Voges, followed by Marie Pendzich.

MR. VOGES:

Good morning. How are you? Thank you for this opportunity to speak. It's getting to be like a habit. I think this is about the fifth time I've spoken on the same subject. I represent the sixteen hundred plus members of the Nassau Suffolk Landscape Gardeners Association. I have passed out literature on numerous occasions here that show where turf can add to the quality of life, in fact, adds a lot to the quality of life.

I'm not going to stand up here and say everything that I've said in the last four times in the interest of time. All I'm really going say is, Legislator Schneiderman, take your efforts off 2202, put them onto 1316, something we can all, all support. Education is the key. And the only thing I want to do is offer Julie's Farm Bureau, I want to say Nassau•Suffolk Landscape Gardeners Association •• puts his glasses on, because he can't see it •• urges the Suffolk County Legislature and the County Executive to sincerely provide for good health of Suffolk County citizens and our environment by imposing I.R. 2102 and, instead, support he development of 1316. Thank you for the opportunity to speak.

P.O. CARACAPPA:

Thank you. Marie Pendzich. Marie, going once, twice. James Miller. James Miller, once, twice. Pete Maniscalco. Once, twice.

LEG. VILORIA • FISHER:

He's gone.

P.O. CARACAPPA:

Julie Penny.

AUDIENCE MEMBER:

She just left.

P.O. CARACAPPA:

Thank you. Tom Talbot. Sue Avedon.

MS. AVEDON:

Yeah. Yeah, there's not many people left here. Okay. In regard to Broadwater, congratulations on what you did. And I would certainly urge everyone here, both the citizens and the Legislature •• Legislators to lobby Senator Clinton. I'm very disappointed that, you know, we haven't heard from her on this and I think she needs some serious lobbying.

In regard •• I'm here, though, also to support 2102. The problem with 1316, as far as I can see, is that it lacks teeth. You know, we can do a lot in terms of trying to educate people, but people tend to, you know, do what's easiest, and if going into a store, if going into their local hardware store and buying the most poisonous stuff there is and dumping it all over the lawn is the easier thing to do because they want to have those pretty green lawns, well, then that's •• that's what they're going to be more apt to do, rather than taking the somewhat more difficult route of trying to learn a different way of taking care of their property.

As far as the preemptive issue is concerned, I really think it's time to take this on. I think, as Sarah Anker said, you have to be brave. There have been other issues in which you've gotten around the preemptive limitations, and I think we need to do this, because if you think of the •• people argue about the cost to the taxpayer. Well, think about the cost of, you know, this kind of illness that has been pervasive over the last 50 years, and the fact that to the community, when you have a population of children with such things as neurological disorders, learning disabilities, and other illnesses that are known to be related to exposure to pesticides and fungicides, think of what that costs the community in educating these children and in just dealing with these growing problems. So, I think you do have to take the more difficult, but the braver route. Thank you.

(*Applause*)

LEG. ALDEN:

Thank you. Cile Downs, and should be followed Doug Dittko.

LEG. BISHOP:

I think we can do better than a third, right, a third of the members here?

LEG. LINDSAY:

We've got six people.

LEG. ALDEN:

What do you want to do?

LEG. BISHOP:

We need something better than this.

LEG. ALDEN:

I'm going to leave it up to you. I'm going to make an announcement, we need Legislators. We have no quorum. If you want to address the six that are here, that's fine, but if you want to wait, we'll wait until we have a quorum. So I'll leave it up to your ••

MS. DOWNS:

How long is it going to take?

LEG. ALDEN:

You know what ••

LEG. BISHOP:

A minute or so.

AUDIENCE MEMBER:

Call them.

LEG. ALDEN:

Please, Legislators, please come back to the horseshoe, we lack a quorum. We ••

MS. DOWNS:

It does give you a feeling you're doing it for nothing.

LEG. ALDEN:

What?

LEG. BISHOP:

That's why you should wait.

MS. DOWNS:

It gives us a feeling we're talking to nobody.

LEG. LINDSAY:

Right. Just wait right there. If we don't quorum here, let's call a recess.

LEG. BISHOP:

They're all taking their congratulations. So, why don't we take five minutes to let them do their thing and then ••

LEG. ALDEN:

Dave, do we have the •• do we have the juice to do that?

LEG. BISHOP:

You're the Chair.

LEG. ALDEN:

Motion by Legislator •• no. I could call a five•minute recess?

LEG. BISHOP:

Five•minute recess.

LEG. ALDEN:

Five•minute recess to establish a quorum. I apologize to the speakers.

P.O. CARACAPPA:

All Legislators, please report to the horseshoe, so we could start again.

[THE MEETING WAS RECESSED AT 11:05 A.M. AND RESUMED AT 11:10 A.M.]

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

(Not Present)

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes, here.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. COOPER:

(Not Present)

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

Eleven present, Mr. Chairman.

P.O. CARACAPPA:

Cile Downs.

MS. DOWNS:

That's better. Is this working?

P.O. CARACAPPA:

It's not on. There's a button right on there.

MS. DOWNS:

Is it working?

P.O. CARACAPPA:

Yes.

MS. DOWNS:

Cile Downs, representing the South Fork Groundwater Task Force.

LEG. VILORIA • FISHER:

It's still difficult to hear you.

P.O. CARACAPPA:

Ms. Downs, hold on. Ladies and gentlemen, please.

LEG. VILORIA • FISHER:

Can someone help her with the mike, please.

MS. DOWNS:

I'm representing the South Fork Groundwater Task Force, and I'm supporting Jay Schneiderman's pesticide bill, and I'm going to be very brief.

Several of us went up to Hauppauge the other day and there we confronted the Environmental Committee, and we noticed some of the arguments that they were making among themselves about this bill. And something particularly struck me about that, and that was that several people seemed very concerned about the preemption, State preemption issue and the subsequent lawsuit that would happen if this bill were passed, and it seemed they were very concerned about the burden on taxpayers.

P.O. CARACAPPA:

Just continue, ma'am. Ma'am, if you could continue.

MS. DOWNS:

The burden on taxpayers of the lawsuit that the County would then have to fight. It seems to me we have some precedent in that we have a neighbor notification law now. So, something happened once that enabled the people to have what they needed to have, despite State preemption. But this taxpayer burden kind of troubles me.

I was very •• I was very impressed with how several of the members of that committee were concerned about the cost to all of us. I wonder if they were thinking at that moment about what it does to a family to have a serious case of cancer in the family, or to have a neurologically damaged child. What do they think catastrophic health problems are and what that means financially to those of us who are unlucky enough to have them fall on us? I just want you all to be thinking about that as a comparison. I think we're all very willing to pay a few more dollars in taxes to fight the good fight. Thank you.

P.O. CARACAPPA:

Thank you, appreciate it.

*(*Applause*)*

P.O. CARACAPPA:

Doug Dittko. Mr. Dittko once, twice. Lance Mallamo.

MR. GITTELMAN:

May I go first, if it's possible?

P.O. CARACAPPA:

Yeah, Mr. Gittelman, sure.

MR. GITTELMAN:

Good morning. Good morning, everybody.

P.O. CARACAPPA:

Good morning.

MR. GITTELMAN:

I thank you for giving me this opportunity to address you. Members of the Legislature, members of the public, this is a proud moment in Suffolk County history. This is the moment sought after for decades, a proud moment for the staff, the Director, the Board of Trustees of the Suffolk County Vanderbilt Museum. It is my great pleasure to inform you that through rave

reviews by the American Association of Museums, the Museum has received reaccreditation for a full ten years.

P.O. CARACAPPA:

Good work.

(*Applause*)

MR. GITTELMAN:

I am most privileged to stand before you this day and to provide you the unredacted comments filed by the AAM reviewers. At the AAM's request, we have removed only the names of the reviewers themselves. At your leisure, it is my hope that you'll have an opportunity to read the exhaustive review provided by this most august body in museum culture.

The museum was originally reaccredited in 1980 and not reexamined by the AAM in 16 years. At the last reaccreditation in 1996, the Visiting Committee Report mentioned that the AAM had deferred the accreditation repeatedly because of, I quote, management changes. Please allow me to quote. What should be added here is that the museum was struggling to maintain and preserve its collections and facilities, and that there was some rather sharp contention with the AAM. This is mentioned not to tar the museum now with the same brush, but to acknowledge its professional history and recognize its current achievements in strong contrast to the former situation. In my opinion, the AAM is rather gentle in their commentary.

The AAM found, and I quote, "That the collections were cared for very well. Programming and exhibits provide a spirit of adventure and inquiry. They, the staff, know what works and what doesn't. They do very nicely in their efforts to provide basic instruction in natural history, astronomy, art, living history and ethnography, while providing an educational and entertainment experience. They blend the education and entertainment aspects quite well." These are the quotes from the report. These are all AAM quotes. "The programming is well defined and consistent. The staff recognizes that it is acceptable to be educated and entertained. The public programming is modern in approach and well planned. Willy K. is in every passage. Visitors are challenged and stimulated. All age groups are served. The public programming is truly a team effort. The governance structure clearly and effectively advances the museum's mission.

These accolades are the product of the finest team of museum professionals that I have ever had the privilege to work with. Lance Mallamo is a gift to the institution, whose dedication, skills and knowledge are of an inestimable value to the museum and the County we serve. The staff that he leads has received the accolades that they so richly deserve. And now you, the Legislature, according to the American Association of Museums, the relationship of the Suffolk County Vanderbilt Museum, and Suffolk County government, is exemplary. This is the highest praise and you have earned it, and I thank you for it. The courage and vision of the body has made this moment within reach. Without you, we would still wallow in the dark reaches of the museum's past.

P.O. CARACAPPA:

Steve, if you could just sum up, please.

MR. GITTELMAN:

I am.

P.O. CARACAPPA:

You're well past your time.

MR. GITTELMAN:

I promise.

P.O. CARACAPPA:

Okay.

MR. GITTELMAN:

The AAM speaks about our future in glowing and supportive terms. They are most supportive of our current actions and long-range plan. I quote, "The Suffolk County Vanderbilt Museum has some excess earnings from past years in its endowment, which are being spent now to enable the institution to make its programs more attractive following the capital projects in buildings and grounds. Eventually, the endowment excess funds may be exhausted, but if the planned physical program improvements all succeed, then earned income of the museum should fill to • rise to fill the void. That's the AAM

P.O. CARACAPPA:

Okay.

MR. GITTELMAN:

Just one more paragraph, I promise you.

(Negative Response From The Audience)

P.O. CARACAPPA:

No, your well past •• you know, you're double the time.

MR. GITTELMAN:

It's just •• it's okay.

P.O. CARACAPPA:

Okay.

LEG. VILORIA • FISHER:

Thank you, Steve.

P.O. CARACAPPA:

Lance is next.

LEG. VILORIA • FISHER:

Congratulations.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Lance.

MR. MALLAMO:

Good morning, Ladies and Gentlemen. It's hard to get a quarter century of work into •• into

three minutes today, but ••

P.O. CARACAPPA:

Well, I suggest you come to the committee and you can •• you could do it there, the appropriate place.

MR. MALLAMO:

Thank you. We wanted really you to be the first to know, because the word is going to get out on this very shortly.

I just want to draw your attention, at our last conditional five-year accreditation, the issue that the AAM stressed was most important to look at, the next was the issue of governance. And if I can quote from the governance section.

"The governance structure clearly and effectively advances the museum's mission. Museum Trustees unmistakably understand their roles and responsibilities and have an understanding of and appreciation for •• appreciation for the future of the organization. The 2004-08 revenue, operational, and long-range plan, and current SCVB Board of Trustees reflect very highly on the positive state of governance. The relationship of the Museum Board and the Suffolk County government is exemplary. The capital funding by the County, 2003 and prior, as well as projections through 2008, is extraordinary during these times of retrenchment and base reductions. Obviously, the President of the Board has embraced the museum and is incredibly effective with the Legislature and Executive Branch. The museum has responded to past concerns on finances by maximizing the impact and the endowment, both earned interest and capital gains, reorganized the staff, revised the fee schedule, and revised the long-range plan. The Director and President enjoy a team approach and a terrific personal and professional relationship. The museum leadership is solid and earns high grades. The relationship between the Director and President truly are synergistic and bodes well for the future. This kind of connection is rare and hopefully will continue through this phase of growth and development of the Suffolk County Vanderbilt Museum."

I want to thank each and every one of you on the Suffolk County Legislature for your support, the County Executive, our museum staff and Board of Trustees. And I noted today our Board President was being saluted here as an exemplary volunteer, and I hope you'll join me in

saluting Gittelman for the vision and passion he's brought to the museum. It's a plan that he's had for over a decade, it's a plan that the AAM, the most professional museum association in the world recognizes, will put this museum on a course of action for the future.

P.O. CARACAPPA:

Thank you, Lance.

MR. MALLAMO:

Thank you for the opportunity to speak today.

P.O. CARACAPPA:

Congratulations.

LEG. VILORIA • FISHER:

Thank you, Lance.

P.O. CARACAPPA:

George Rubino.

MR. RUBINO:

Yes. My name is George Rubino. I'm here to speak in support of 2102.

P.O. CARACAPPA:

Pull that mike down a little bit.

MR. RUBINO:

A little closer? I'm here to speak in support of 2102. I have been using organic fertilizers on my lawns, on my bushes and trees for years, and on Sundays, I went •• on Sunday, I went to Lynch's Garden Center in Southampton and bought three different kinds of organic fertilizers and they work. I invite all of you to come to see my lawn. It is absolutely beautiful. So, organics do work, pesticides kill. Thank you.

(* Applause *)

P.O. CARACAPPA:

Thank you, sir. Froydis Cameron. Froydis. Mr. Cameron. Charlie Capp. Charles Capp. Lawrence Jarrett. Lauren Jarrett, rather. Are you Ms. Jarrett?

MS. JARRETT:

Yes.

P.O. CARACAPPA:

Okay.

MS. JARRETT:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. JARRETT:

My name is Lauren Jarrett. I'm the Executive Director of EECO Farm, it's in East Hampton. EECO Farm is a local farm, a nonprofit organization that supports and showcases sustainable agriculture, education advocacy and connection to the community. On Long Island we all have a legacy, the legacy of residual •• residuals from pesticide use. It's part of our heritage.

EECO Farm is a local institution now, after three years of working soil, 42 acres of Town of East Hampton owned land. We now are a working demonstration of the value of a local food source, the ability to farm and garden organically, and we are an organization that supports a move towards more organic treatment of residual contamination and stands in opposition to any further use of it on either agricultural or residential properties. We have to stop this.

We try to exist as an organization that does try to educate and advocate across the community, and with regard to that effort, I'm here to support this bill of Jay Schneiderman's. In case you don't know, when he was Supervisor of East Hampton, Jay actually was very, very instrumental in beginning EECO Farm and purchasing the land on which the farm is located. It is a wonderful showcase for the kinds of efforts that need to be made now in order to move forward.

We cannot do anything about the legacy of conventional farming and conventional lawn care,

but we can move forward from it, and this bill is a wonderful opportunity. And as the previous speaker said, we do have alternatives. Jay's work with the PURE Campaign, which is an acronym for the Pesticide Reduce •• Pesticide Use Reduction Education, it's a tough one, and also the work by the North Fork Environmental Council with their four steps to an organic lawn programs is a clear indication that we can move forward. And you may find it a difficult thing to vote at this point to try to limit pesticides, but I think that you would be moving forward towards a better future if you do it. Thank you.

P.O. CARACAPPA:

Thank you. Cesar Malaga.

(*Applause*)

MR. MALAGA:

Good morning. My name is Cesar Malaga. I'm the President of the Hispanic American Association of Suffolk County.

I would like to commend, you know, the Legislature this morning about allowing our Shinnecock Indian Nation to say the, you know, opening prayers here. You know, we live on their land, but they are ignored by their government. That's a shame, you know.

One thing I would like to go back a little bit about this morning's meeting, you know. We should not allow this Broadwater Energy to build the floating liquid natural gas terminal on the Long Island Sound. It's too dangerous for the people who live here on Long Island and Connecticut. The lobbyists in Washington will twist arms for the •• so that Broadwater will get permits from the federal government to build a terminal. Those lobbyists do not care about the people who live here on Long Island or Connecticut, they only care about the money they're getting from Broadwater Energy.

I would like to go back now about the Jail. You know, we should do everything possible not to build a new jail. There are many alternatives outlined •• that was outlined by Legislator David Bishop and others. Some inmates should be relocated to other County Jails where they have capacity to house Suffolk County inmates. New York State and the federal government outsources jobs outside the county. I don't think there is a law that we must have a jail here in Suffolk County for the inmates.

If Suffolk County wants to build that jail, it should be built Upstate, where the labor cost is much lower than Suffolk County. We can also build a jail outside of the county to one-third of the cost that's projected here. We must build •• if we must build here in Suffolk County, why not use the inmates to build the new jail? We will save million of dollars to the taxpayers. In the south, they use inmates to clean the highways, to do other things. Why not use here? We have resourcable force out there, they can do it.

The other thing I would like to •• you know, the cost per jail is projected to 250,000 to 340,000 per jail. That's a lot of money. Many of us are paying so much taxes, we cannot afford any additional taxes. Let's not build a new jail unless we get the money required to build it for New York State. Jail is a place where inmates are housed because they commit a crime, not a vacation resort.

Going back a little thing about open space. The newspapers has been indicated with open space continuously. We are spending millions of dollars in open space. In Yaphank, Suffolk County owns open space. We should not develop that land, we should keep that land forever as open space. I had sent you, some of you Legislators, E-mails concerning that about Suffolk County Executive said about developing the land to build factories. You know, my organization has gone to industrial areas where they found hundreds of open vacant buildings for rent. We should use these buildings for that purpose, not at Yaphank. Let's keep the open land in Yaphank. And then I see here in the minutes for today ••

P.O. CARACAPPA:

Sum up, Cesar.

MR. MALAGA:

Yes. For today that you have about 14 parcels of land to be sold to developers. Let's •• you know, let's use this land to build affordable housing or workforce housing.

P.O. CARACAPPA:

Thank you.

MR. MALLAMO:

Okay. Thank you very much.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Richard Amper, he left. Adrienne Esposito, I believe she left. Larry Wilson.

MR. WILSON:

Honorable Presiding Officer ••

LEG. LOSQUADRO:

Lift the microphone up, sir. Thank you.

MR. WILSON:

•• and Legislators. My name is Larry Wilson. I'm Chairman of the New York Alliance for Environmental Concerns. I'm a volunteer. We have members and friends from the Canadian border to Montauk Point. I want to thank you for the privilege of letting me address you today for the fourth time. There are more revisions and rewrites it seems of this bill than I could keep up with, quite frankly.

I know there are a great many bills that come across the table here. Some are a good idea, some aren't. This particular bill, and I know that many of you have reservations about this, has the additional quality of being illegal, clearly illegal.

I have listened to, you know, many of the claims made, especially with regard to the public health, and as a certified applicator myself, I'm looking for linkage. Nassau County spent 8 million dollars to find linkage between the use of pesticides and cancer and couldn't find it. And, you know, we look •• you know, I've asked, you know, I get copies of studies and, you know, I'm told by other independent researchers that there are flaws in these studies. So, I would like to see something definitive, I haven't seen it. And, again, I handle these chemicals, I would like to see it.

I respectfully request that you reject 2102 and that you consider funding 1360, which gives education to the homeowner. Again, 2102 is illegal. 1360 gives funds to Cooperative Extension

for education for educating the homeowner. I think it's a much better solution to the problem. So, thank you very much.

P.O. CARACAPPA:

Thank you so much. Don Seubert. Charles Ott. Charles Ott, once, twice, sold. Maureen Dolan.

MS. DOLAN:

Maureen Dolan, Citizens Campaign for the Environment. Thank you for this opportunity.

CCE supports Legislator Schneiderman's bill to limit pesticides in Suffolk County. The battle to reduce and eliminate pesticides has been a long one, but it is also a necessary and vitally important one. I urge you to carefully consider the legislation before you. I know it is controversial, but it is needed.

Suffolk County has the highest pesticide use throughout New York State. Taking these poisons out of our soil, water and estuaries is a critically important step to protecting Suffolk County residents and the environment. Pesticides are not safe and education is not enough. We have been doing education for the last ten years and still we are seeing an increase. We need to do more. Thank you.

P.O. CARACAPPA:

Thank you.

(*Applause*)

Well done. Bruce Karas. Bruce Karas.

MR. KARAS:

I came to speak as far as my opposition to Resolution 2102. I've been a licensed pesticide applicator for over •• for about 30 years and I've used pesticides all my life. I've had more exposure to pesticides than I'm sure any resident in Suffolk County, unless he's also an applicator, and without adverse effects. The reason is, is I've taken the precautions to use them correctly according to the law. And if you do read the label, if you do take the

precautions, they're not a problem. Okay? When it comes to pesticides the •• or any kind of a poison, it's the dosage that makes the poison, it's not the •• it's not the pesticide itself. And when used correctly, they're not poisonous. Okay?

We have thirteen chemicals that were established as exceeding drinking water standards. I'm wondering exactly, you know, which pesticides were these, and are they commonly used lawn pesticides, and are they still being used today, and if they are, there's a law in place to restrict their use. You know, all we have to do is make them a restricted use pesticide. At that point, they can only be bought by a licensed applicator, and the licensed applicators know how to use them, and they'll use them in quantities that will not affect our drinking water or health.

It seems to me that the education, you know, is critical, because when I pull up in a twelve hundred gallon truck full of pesticides with the name of my company on the side and the next door neighbor looks at me, they don't think to themselves here's a guy who does this for a living, who's devoted his whole life to learning about and applying pesticides, and who's going to go over there and he's going to do the job right, because he's going to be held accountable by the DEC and by the people who live in that home, and by everyone else in the neighborhood for what he does. If he does something wrong, he's going to be in big trouble, he's going to lose his livelihood, he's going to be sued, there's going to be major problems. They look at me as here comes the enemy poisoning the neighborhood. But when the guy next door, who has absolutely no training whatsoever, runs down to Home Depot and buys the same product and applies it to his lawn, usually in his Bermuda shorts with his sandals on, with no precautions for himself, his health, the neighbor's health, doesn't have the training to put it down correctly, nobody looks twice at him, you know. But what this law does is it puts a very unfair burden on the people who are licensed and who are going to obey the law. And I can tell you now that without having an Army of people out there to monitor homeowners, that they're not going to obey this law. It's going to be very easy to cross the border into Nassau County and purchase pesticides and bring them back to Suffolk and apply them.

And I find it hard to believe that people who have been treating their lawns for a number of years, who have beautiful homes and beautiful lawns, are just going to stop doing it, and that the common homeowner will even know why that they're not available anymore in Suffolk County. They're going to be going out and getting it, you know. So, that's why I am in support of Resolution 1316.

P.O. CARACAPPA:

Okay. Your time has expired, if you just want to sum up.

MR. KARAS:

Okay. In summing up, I would say that also that the reason that there are pesticides that are detected in groundwater is that the capabilities are there to test in parts per billion, and that's what's done. A part per billion is one second in the life of a 32 year old person. When we can test in parts per billion, we can find pesticides in groundwater, but are they at safe levels? If they're not, those pesticides need to be addressed individually. We can't just categorize broad categories of pesticides and limit their use and stop people from maintaining the beautiful lawns that they deserve to have.

P.O. CARACAPPA:

Okay. I'm going to have to cut you off there. Thank you. Virginia Regnante.

MS. REGNANTE:

With respect to the gentleman that just spoke, all pesticides are toxic, all pesticides show carcinogenic effects, all pesticides are dangerous to our health, and I don't •• I don't believe, as a homeowner myself, that any homeowner can tell you by the label of the chemical that they're purchasing which is safe and which is not safe, unless it shows the name "organic". And this is the only safe way to maintain your home. Organically correct and organically safe, four steps, none of which show carcinogen or toxic chemicals on the list.

I am a breast cancer survivor. You have seen me at this horseshoe for the last ten years. I'm president of the West Islip Breast Cancer Coalition, and we started the movement here on Long Island for breast cancer eradication over 12 years ago. We're still at it. And I support Mr. Jay Schneiderman's legislation on the removal of cosmetic pesticides from homeowners who don't have a clue as to what they're putting down, how much of it they're putting down, and how much of it is injuring themselves, their children, their animals, and getting into our groundwater for centuries from now. It's irremediable, it's going to stay there forever. And I believe that this august group of men and women understand very well the dangers of this chemical and its estrogenic effects on all of us. Thank you very much.

P.O. CARACAPPA:

Thank you. Anne Marshall.

(*Applause*)

MS. MARSHALL:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. MARSHALL:

I'm Anne Marshall. I'm the newly elected president of the League of Women Voters of the Hamptons, and I'm here to support Legislator Schneiderman's legislation.

I think it's a little bit ironic, and it would be ironic if after the wonderful emotional and support that the Broadwater bill got that talks about the poison that would possibly affect all of us on Long Island that to •• not to take the smaller step of supporting the sale, the •• the banning of the sale of the pesticide for people who don't know a lot about supporting •• who don't know a lot about their own •• who don't know a lot about setting in their own gardens and lawns, who don't know a lot about the inability of people to know what they are putting into their own lawns. I would think that the Legislators here would be certainly willing to accept Legislator Schneiderman's beginning toxic •• excuse me. Restricting toxic use of poison in their lawns.

Let me tell you that I'm a new resident of Bridgehampton, and my husband and I went to Marders last year and we got quite a bit of education from a man there who knows how to set in, in the •• excuse me. Who knows how to set into his •• excuse me.

LEG. FOLEY:

That's all right.

MS. MARSHALL:

I'm quite nervous. This is a man who has a PhD at Marders and who taught my husband and I how to put into our lawn. So, if you could come to Bridgehampton and see our lawn, you would see that, in fact, that it does not have any carcinogens in it now. And I would just support Legislator Schneiderman in his •• in his newly •• in his new restriction. Thank you very much.

P.O. CARACAPPA:

Thank you.

(* Applause *)

Christine Fasano.

MS. FASANO:

Hi. Good morning. I'm going to be extremely brief, because I'm not here to talk about Broadwater or ••

LEG. LOSQUADRO:

You have to speak into the mike.

MS. FASANO:

Okay. I'm not here to talk about Broadwater or pesticides, so I'm going to be extremely brief. I just want to express the New York League of Conservation Voters' support for 1331, which is Schneiderman's bill to have a study look at the possibility of putting one or more wind power turbines at the County property in Yaphank.

We were so thrilled to see this Legislature pass both of the renewable energy bills, requiring that a percentage of electricity be purchased from wind energy from renewable sources, but now it's time to look at actually siting facilities here on Long Island, so that we can generate that renewable energy right here at home.

The other bill that I wanted to express support for is 1359, which is Vivian Vilorio Fisher's workforce housing TDR program bill. This is the program that we environmental advocates and the smart growth advocates worked so hard with the Legislature and with the County Executive's Office on crafting, and it's very important that you approve it today, so that the program can go forward. Thank you.

P.O. CARACAPPA:

Thank you. I have no other cards. There's a motion by myself to close the public portion.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Public portion is now closed. We're going to go directly to the agenda.

LEG. BISHOP:

Mr. Chairman.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Bishop and then ••

LEG. LINDSAY:

Lindsay.

P.O. CARACAPPA:

Legislator ••

LEG. BISHOP:

I'll yield.

P.O. CARACAPPA:

Yield? Legislator Lindsay.

LEG. LINDSAY:

Yeah. Mr. Chairman, if I may, I would like to make a motion to lay ***Sense Number 32*** on the table and to waive the rules, let it age an hour ••

LEG. FOLEY:

Second.

LEG. LINDSAY:

•• that it would be eligible to vote on today. It's in everybody's packet.

P.O. CARACAPPA:

Okay. That's Sense Number ••

LEG. LINDSAY:

32.

P.O. CARACAPPA:

This is to lay on the table just for the purpose of aging.

LEG. LINDSAY:

To lay it on the table, let it age an hour. I intend on bringing it up for a vote later today, if the body agrees with me.

P.O. CARACAPPA:

The title is extension of ••

LEG. LINDSAY:

Memorializing Resolution requesting New York State Legislature to authorize Suffolk County to extend the temporary 1% sales and compensating use tax rate coupled with a public safety tax relief component.

P.O. CARACAPPA:

Okay. There's a motion to waive the rules and just lay on the table for an hour, I'll second •• I'll second it. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Just briefly, Mr. Chairman, which version of the sales tax extension is this?

LEG. FOLEY:

It's the one that includes funding ••

LEG. LINDSAY:

If you look in ••

LEG. LINDSAY:

If you look in the packet, it's Sense Number 32. It's in your folder.

P.O. CARACAPPA:

This is the extension in the Police District.

P.O. CARACAPPA:

Quarter percent, three•eighths of a cent?

P.O. CARACAPPA:

Three•eighths.

LEG. LINDSAY:

Three•eighths.

LEG. CARACCIOLO:

Okay, because there are two versions now.

P.O. CARACAPPA:

Right.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Okay?

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

There's a roll call requested. Just to lay on the table. Motion by Legislator Lindsay, second by myself to lay on the table ••

MR. BARTON:

Thank you.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

Here •• yes, yes. No, I'm sorry, pass.

LEG. O'LEARY:

Pass.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

Pass.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

No.

LEG. NOWICK:

Henry.

MR. BARTON:

Legislator Nowick.

LEG. NOWICK:

Change my vote.

MR. BARTON:

Yes, okay.

LEG. KENNEDY:

Henry.

LEG. MYSTAL:

Henry, yes.

LEG. KENNEDY:

Henry, yes.

MR. BARTON:

Okay. Thirteen. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's to lay it on the table, age an hour. There's another motion ••

LEG. LINDSAY:

Yes, I do.

P.O. CARACAPPA:

•• to do the same thing with Home Rule Message ••

LEG. LINDSAY:

Number 2.

P.O. CARACAPPA:

•• Number 2, which is the same exact thing we just voted on. *(Home Rule 2 • Home Rule Message requesting the New York State Legislature to authorize Suffolk County to extend a temporary one •percent sales and compensating use tax rate)*. There's a motion and second. Roll call it again at the request of the Legislators. This is the Home Rule now, the same exact language, same exact bill. We have to do a Memorializing Resolution and a Home Rule. The State Legislature wants us to do both this year.

MR. BARTON:

Lay it on the table.

P.O. CARACAPPA:

To lay on the table and age.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Thirteen. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

That, too, will age for an hour and we'll get to it later.

Consent Calendar. Motion by myself, second by Legislator Lindsay. All in favor? Opposed?
Abstentions?

LEG. O'LEARY:

Mr. Chair.

P.O. CARACAPPA:

On the motion.

LEG. O'LEARY:

If I may, prior to the approval of the Consent Calendar.

P.O. CARACAPPA:

Go ahead.

LEG. O'LEARY:

I'd like to have a motion to discharge Resolution 1372.

P.O. CARACAPPA:

Which is?

LEG. LINDSAY:

Which is a resolution dealing with the Weed and Seed Program in the Bellport area.

LEG. CARACCIOLO:

Second.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Has it been distributed?

MS. BURKHARDT:

Ann Marie has it to distribute.

LEG. O'LEARY:

I believe it has been distributed. Has it been distributed?

LEG. LINDSAY:

I don't have it.

LEG. ALDEN:

Why don't we vote on the Consent Calendar?

P.O. CARACAPPA:

Okay. Just let us get the Consent Calendar out. As soon as it's distributed, I will ••

LEG. O'LEARY:

All right. I apologize. I thought it was before all the Legislators.

P.O. CARACAPPA:

Okay. There's a motion and second on the Consent Calendar. Are you with us, Clerk's Office?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Page 8, before we get to resolutions tabled. There's a motion to discharge, did you say?

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Resolution ••

LEG. O'LEARY:

I believe it's being passed around now.

P.O. CARACAPPA:

Resolution Number ••

LEG. O'LEARY:

Resolution 1372 (Approving a Memorandum of Understanding between the County of Suffolk and the Bellport, Hagerman, East Patchogue Alliance, Inc. establishing a cooperative relationship for the Bellport Weed and Seed Program and accepting and appropriating \$117,340 in sub•granted funds from the U.S. Department of Justice with 84.5% support).

P.O. CARACAPPA:

1372, which is Weed and Seed grant money.

LEG. O'LEARY:

It was tabled in committee, Public Safety. There are some time constraints with respect to this particular grant. It expires
May 31st ••

LEG. FOLEY:

I'll second that.

P.O. CARACAPPA:

Okay.

LEG. O'LEARY:

•• prior to our meeting as approved.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions? That's before. It will age an hour.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Page 8.

LEG. BISHOP:

Can I •• can I take my ••

P.O. CARACAPPA:

Oh, Legislator Bishop, yep. While we're at it, you want to take which bill out of order?

LEG. BISHOP:

2290 out of Public Safety.

P.O. CARACAPPA:

Public safety, which is Page ••

LEG. BISHOP:

11.

P.O. CARACAPPA:

Page 11.

D.P.O. CARPENTER:

I'll second that motion.

P.O. CARACAPPA:

Legislator Bishop would like to take out of order.

LEG. LOSQUADRO:

What is this?

P.O. CARACAPPA:

2290 • Streamline Emergency Medical Services coordination and improve response time. There's a second by Legislator ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Page 11.

LEG. BISHOP:

Page 11.

P.O. CARACAPPA:

First one under Public Safety. Second by Legislator Carpenter. This is to take out of order. All in favor? Opposed? Abstentions? 2290 is now before us.

LEG. BISHOP:

Motion to approve.

P.O. CARACAPPA:

There's a motion to approve by ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

•• Legislator Bishop, second by Legislator Carpenter.

LEG. CARACCIOLO:

On the motion. I just want to make ••

P.O. CARACAPPA:

Here we go, Legislator Bishop, and then ••

LEG. BISHOP:

•• a few brief comments, Mr. Chairman.

P.O. CARACAPPA:

Go right ahead.

LEG. BISHOP:

Thank you. This is the response time legislation, which was initially introduced last year. At that time, it was a bill that included a mandate that every call be responded to by the national standard of ninety •• nine minutes. It also included, I think, a more important provision, which is that every call in Suffolk County, a record will be kept of every call from the patient's perspective. And if you look at the Suffolk County volunteer system, it is first and foremost a

volunteer system, but it is also a highly fractured system of which there is no comprehensive record keeping by a central agency, and that's what this bill will establish.

So, on every call in Suffolk County to 911 from the time we pass this forward, there will be a record kept from the patient's perspective of what time they called and ultimately what time they were delivered to the hospital and by whom. This is important, because it will allow for people who manage the system, our volunteer chiefs, to understand where the holes are in the system.

There were more than twenty•three hundred calls that we know of in 2003 that were not responded to within 20 minutes, and lives are literally on the line when we're talking about heart attacks and strokes. And the fundamental problem is, of course, that there simply are not enough volunteers to meet the growing demand. The volunteers that we do have in Suffolk County are heroes and we need more of them, and we need to do everything we can to recruit more of them, and we would have no holes in the system, and the system would work flawlessly if we had an abundance of volunteers, but we don't. And since we don't, it's important that we know exactly what's going on in the system, so we can identify where the holes are and plug those holes. That may mean that this Legislature has to at a later date work with and provide resources to local ambulance corps and fire departments. It may mean that those departments will have to enter into arrangements with neighboring departments that are not used currently, so they may have to change the way things are done, or it may mean that if the local department chooses to, they'll have to hire people to plug certain holes.

Whatever remedy ultimately occurs, the bottom line is that change will have to occur if there are holes in the system. We cannot allow you the holes to continue to exist. But the first step in that is to get the data and analyze the data, and that's what this bill will do.

Before I •• before we vote on it, I also want to take a minute or two to thank a number of people who have made this possible. First is my colleague, the Chair of the Public Safety Committee, Legislator Carpenter, who I have butted heads with for about thirteen years, as we were elected on the same day. But she has shown tremendous leadership in this effort, and she is a driving force behind the compromises that were achieved that are allowing us to vote on this today. Similarly, Commissioner Williams has stepped forward and really worked well, bridging the gaps between the department and my •• department's and my perspective. Also, finally, the volunteer leadership, Drew Silverman Jay Eagan. They represent organizations.

They have politics that they have to deal with within those organizations. They, too, have shown great leadership in allowing this to pass today.

And I believe that a year or two from now, after the data has been crunched and analyzed, that changes will occur that will result in lives being saved. So, I think this is a very important piece of legislation, and I congratulate all of you who have worked with me to make this possible. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Very good. Well done. Legislator Carpenter, then Alden.

D.P.O. CARPENTER:

Thank you. At the risk of being accused of a mutual admiration society, I want to commend Legislator Bishop for his stick•to•itiveness on this issue. It was a long, long road.

My colleagues will remember that we had many, many speakers on this issue over the ensuing months, and the volunteer community was adamant that they did not want to see this happen. And it wasn't until the leadership that Legislator Bishop refers, to Joe Williams, Commissioner of FRES, really sat down and worked with all of these volunteers, that they came to, almost to a person embrace the concept and work towards a solution for getting us there. It will be done electronically.

There were untold meetings that took place Sunday mornings at all parts of this Island, but these people give of themselves 24/7, and this bill, this compromise is a testament to everyone that was involved, and I thank Legislator Bishop.

LEG. SCHNEIDERMAN:

Joe.

P.O. CARACAPPA:

Legislator Alden, and then Schneiderman.

LEG. ALDEN:

I don't sit on the Public Safety Committee, and I know that a previous or a prior version of this

had penalties that were opposed almost universally. So, my question is, have the penalties been removed from the bill? And, also, does this •• and have we had any testimony on the burden that this is going to place on the volunteer fire department or ambulance corps that have to maintain these records now and do this extra bookkeeping?

LEG. BISHOP:

If I may, I'll take the last one first. The data is primarily collected by the dispatching agencies, the PSAPs, and they dispatch from multiple agencies. And in many cases, for the majority of calls, most of this data is already kept, it's just never been turned over to a central agency, so the mandate burden is not great. There are those agencies that are self-dispatched that are not computerized and it will be a burden for them. They will have to change and they will have to provide this data, so there is some burden placed on them if they are not dispatched through a PSAP. Those are rare, though.

LEG. ALDEN:

Can I ask you, though, approximately how many?

LEG. BISHOP:

I would say definitely less than 10%. Most agencies are dispatched through County FRES, then Babylon is through Babylon Central, Smithtown, Smithtown Central, and then the villages are through the village PSAPs.

LEG. ALDEN:

Okay.

LEG. BISHOP:

So, it's a small percentage. The first part of your question was about your penalty provision. Penalty provision was •• that was specific to the legislation was removed, but the departments do have contracts with the County that obligate them to follow the law. So, in that sense, they •• there is an obligation. But more importantly, they have been part of the process, the departments, and they intend to comply. They helped draft the legislation in the end.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. First, let me say I'm happy that the punitive measures are out of this bill. As we recall, there were several earlier versions of this of bill, and the earliest of these versions not only had punitive measures, but they also echoed the REMSCO protocols. I know in my district this was quite alarming, because it's geography and, you know, the demographics out there, and number of people per acre being quite different than areas further west. It caused a lot of concern within our volunteer ambulance departments as to what affect this bill may have.

Nobody objects to data. I think collecting data is an important thing to do. I think what the concern has been is how that data might be used, how it might be manipulated or used to make our volunteer system, and our particular model we have on the East End look like it's not efficient. We are thrilled with the system we have and the population on the East End is thrilled with our ability to get first responders on the scene quickly, to get the ambulance there very quickly as well, and I •• you know, I don't know how much it's going to cost the County to provide the additional million dollars of insurance. Maybe BRO can answer that.

I haven't heard any of the volunteer ambulance departments asking me to •• for the County to provide that additional level of insurance. So, I wonder if what we're doing in this bill will actually lead to data. What I'm going to put forth to you is the way to get the data is build a strong relationship between the County, REMSCO, and the local volunteer ambulance departments. And I don't think anyone will have problems providing the data if they feel confident that that data will not be subject to manipulation or be used to harm them.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Well done to all those involved. Okay. There's a motion by Legislator Binder to discharge **1388.**

LEG. FOLEY:

Henry.

P.O. CARACAPPA:

This is just some lab equipment that was inadvertently left off of •• off of the agenda. It's before you.

LEG. LINDSAY:

Do we have that? Oh, I got it.

P.O. CARACAPPA:

Yeah, ***1388 (Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program, and appropriating funds for the purchase of Division of Sanitation laboratory equipment)***. All in favor? Opposed? Abstentions? That's just to lay it on the table. We'll deal with it later with the others.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Resolutions tabled.

LEG. SCHNEIDERMAN:

Joe, I'm sorry. Can I •• can we take 2102 out of order, too? I know people are waiting for it.

P.O. CARACAPPA:

That's the pesticide bill?

LEG. SCHNEIDERMAN:

That's the pesticide bill.

P.O. CARACAPPA:

It's on the agenda.

LEG. BISHOP:

That may take more than a half hour.

LEG. MYSTAL:

That may take more than a half hour.

LEG. SCHNEIDERMAN:

You know what, I'm not going to try to move the bill today. Several Legislators have asked for more time.

P.O. CARACAPPA:

So, there's a motion to table 2102 by Legislator Schneiderman, second by Legislator O'Leary. All in favor? Opposed? Abstentions? It's tabled. Yeah, that's taken out of order and tabled.

You got that,

Mr. Clerk.

MR. BARTON:

Got it.

P.O. CARACAPPA:

Got it.

MR. BARTON:

It's tabled.

LEG. BISHOP:

This meeting has gone from one of longest to one of the shortest.

P.O. CARACAPPA:

You're welcome.

D.P.O. CARPENTER:

Don't knock it.

P.O. CARACAPPA:

1086 (A Charter Law to create the Real Estate acquisition Anti-Corruption Reform Act).

LEG. BINDER:

Motion.

P.O. CARACAPPA:

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

LEG. MYSTAL:

Where are we?

P.O. CARACAPPA:

Page 8.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

You all just voted to table 1086, unless you want to change that.

LEG. LINDSAY:

No.

P.O. CARACAPPA:

I didn't think so. **1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington).** Same motion, same second, same vote.

(Vote: 17, 1 not present • Leg. Tonna)

1928 (A Local Law to establish smoke free school bus stops in Suffolk County). Same motion, same second, same vote. (Vote: 17, 1 not present • Leg. Tonna)

Just let the record reflect Legislator Tonna is very ill today, and if he feels better, he's going to try and make it.

LEG. ALDEN:

Near death or ••

P.O. CARACAPPA:

He's not near death. He's very ill, his putting game is just miserable.

LEG. O'LEARY:

Mr. Chair, I just commented, I think he triple bogied the first hole.

P.O. CARACAPPA:

His short game is sickening. ***2303 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 50 Union Boulevard at Champlins Creek (CP 8240).***

LEG. BISHOP:

You make your bed and you lie in it.

P.O. CARACAPPA:

I'll make a motion to table this.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

A motion •• same motion and second on the next one. ***(1086 • Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase and installation of playground equipment in Suffolk County parks, customized for disabled***

young children (CP 4815). All in favor? Opposed? Abstentions?

1093 has been withdrawn. **1110(Amending the 2005 Operating Budget and Salary and Classification Plan to establish a Compliance Officer to insure accountability).** Motion to table, Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1129 (Amending the 2005 Operating Budget to streamline and consolidate County government by eliminating the proposed separate Department of Environment and Energy). Same motion, same second, same vote. 1147.

MR. BARTON:

17. (Not Present: Leg. Tonna)

(1147 • Amending the Suffolk County Classification and Salary Plan in connection with a New Position Title in the Department of Public Works).

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

Approved, 17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

To table.

MR. BARTON:

Oh, to table.

P.O. CARACAPPA:

To table, to table. My apologies. It was to table. 1147, all tabled. ***1190 (Approving the reappointment of Daniel McGowan as a member of the Suffolk County Board of Health).***

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Is there a motion? Is there a motion to approve?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Is there a second?

LEG. BINDER:

Motion to table subject to call.

P.O. CARACAPPA:

Well, let me just wait for ••

LEG. LINDSAY:

I'll second the motion.

P.O. CARACAPPA:

Okay. Second the motion to approve. There's a motion to table subject to call by Legislator Binder.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. On the motion, Legislator Foley.

LEG. FOLEY:

Yeah. Tabling motion takes precedence. If we could hear from the Legislator who made the motion to table subject to call as to the reasons why.

LEG. BINDER:

I think at the time that this was put in, no one understood or knew about the merger with HIP and Vytra. And it seems to me, and I think we're right now in the middle of the process of actually picking an administrator, it's probably not good to have someone high up in an organization that's being considered to be on a Board of Health. I think we could •• there are other places we can go. There are plenty of qualified people. This should probably not be before us. So, I would say table it subject to call. If we don't get anybody else in the meantime and they take care of where this is going and who the administrator of the County Health Plan is going to be, and this is moved on and we can move it, we can always pull it out from the table subject to call, we could pull it out, or in the interim, someone could put in someone else.

LEG. FOLEY:

Through the Chair. As opposed to tabling subject to call, if we could table it one more round, I could ask the reappointee to appear either at this meeting or at the Health Committee meeting. When I was in •• just let the record reflect that when I was a member of the Board of Health, Mr. McGowan was one of the more outstanding members of that particular board, had asked some very incisive questions about public health policy, and it really would be a shame to lose his talent and knowledge from that particular board. So, as opposed to tabling subject to call, which ••

LEG. BINDER:

I'll change my •• I'll change my motion.

LEG. FOLEY:

Thank you, Legislator Binder.

P.O. CARACAPPA:

Okay. The motion has been amended to table, second by Legislator Foley.

LEG. FOLEY:

Now, just as one follow•up question, would you prefer ••

LEG. BINDER:

I did only if you wouldn't ask any follow•up questions.

LEG. FOLEY:

No. Would you prefer to have the appointee at the Health Committee meeting to discuss •• I think it would be important to hear from him directly.

LEG. BINDER:

I think it's probably not timely until the whole question of who's going to be the administrator and all that shakes out at Suffolk County Health Plan. We just have to •• that's really the timing question.

LEG. FOLEY:

Okay.

LEG. BINDER:

Then, after that, then he could be there, he can speak. And I don't question him personally at all and his credentials, it's just a question of his position, vis•a•vis the County.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

Okay? There's a motion and second to table. All in favor? Opposed? Abstention? That's tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1268, 1268A (Appropriating funds in connection with the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132)). Just for everyone's •• so you know, these have been tabled because we haven't agreed with the funding source. They're low cost items that are being bonded, that's why they've been on •• here so long. So, I'll make a motion to table ••

LEG. ALDEN:

Second.

P.O. CARACAPPA:

•• the first one, second by Legislator Alden. All in favor? Opposed?

LEG. FOLEY:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Foley.

MR. BARTON:

16. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1273, 73 (Appropriating funds in connection with the purchase of equipment for the John J. Foley Skilled Nursing Facility (CP 4041)). Same motion, same second, same vote.

LEG. BINDER:

You have to take the vote. You have to take the vote.

MR. BARTON:

17. (Not Present: Leg. Tonna)

LEG. BINDER:

No? Oh, on the tabling you don't have to. Sorry.

P.O. CARACAPPA:

1294, 94A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with improvements to active parkland/recreation areas). Budget Review or Clerk's Office, is there a bond on this one yet?

MR. BARTON:

As of this morning we still had not received the bond.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1315 (To appoint member of County Planning Commission (Vincent Taldone)).

LEG. BISHOP:

Can I ask ••

LEG. CARACCIOLO:

Motion to table.

LEG. BINDER:

Second.

LEG. BISHOP:

Did we ••

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

On the one that we just tabled.

P.O. CARACAPPA:

Yeah, sure.

LEG. BISHOP:

Why •• did we get an answer why there isn't a bond? Do we know? If not from you •• and what is the process usually?

MS. KNAPP:

I've confirmed that there is not a SEQRA issue, and I think that •• and I won't speak for the Director of Budget Review, but I believe that he's checked with the Budget Office.

MR. SPERO:

I've contacted the Budget Office to try to get an answer to the question why there's no bond resolution and haven't gotten a response as yet.

LEG. BISHOP:

All right. Has any other Legislature put in a bonding resolution and not received a bond? Is this a new ••

P.O. CARACAPPA:

Not •• not that I'm aware of.

LEG. BISHOP:

It was just a snafu on mine. That's all right. I mean, it may be. I mean, it's just ••

LEG. LINDSAY:

Dave, somebody doesn't like you.

LEG. BISHOP:

That's what happens when you defend ••

LEG. MYSTAL:

A lot of people doesn't like him.

P.O. CARACAPPA:

That's what you get for defending the County Executive.

LEG. BISHOP:

That's what happens when you defend the County Executive.

P.O. CARACAPPA:

Yeah, we know the feeling.

LEG. BISHOP:

You get ignored by the Executive Branch.

LEG. BINDER:

No good deed goes unpunished.

P.O. CARACAPPA:

1315 (To appoint member of County Planning Commission (Vincent Taldone). I believe there was a motion coming from the First District to table.

LEG. CARACCILO:

Yeah, table subject to call, Mr. Chairman.

P.O. CARACAPPA:

That's subject to call. Just table it.

LEG. CARACCIOLO:

Well, you know, let's talk about the Planning Commission.

LEG. FOLEY:

There's no second yet. There's no second to the motion.

LEG. BINDER:

I'll second the motion.

LEG. FOLEY:

On the motion, Mr. Chairman.

LEG. VILORIA • FISHER:

Just table it, you know.

LEG. FOLEY:

On the motion.

LEG. CARACCIOLO:

Well, I'd like to see the County Executive come forward with a reappointment of Mr. Dick O'Dea, who has admirably served on the Planning Commission, who has a Town Board resolution in his favor, who not one person has spoken ill of to me or anybody else on this horseshoe, and who's been a holdover for more than a year.

Furthermore, I would encourage the County Executive to fill some of the vacancies, if he's concerned about vacancies on the Planning Commission, that he can do with a simple introduction of a resolution that we can take up, and I would, as I mentioned last month, favorably consider Mr. Taldone as an appointee to the Board as an at-large member. I haven't heard from the County Executive. We passed a sense resolution to that effect. So, let's call a spade a spade. This is all about politics and trying to control the Suffolk County Planning Commission, and that's the bottom line.

P.O. CARACAPPA:

Legislator Foley, then Losquadro. You okay, Brian?

LEG. FOLEY:

Well, I'll ••

P.O. CARACAPPA:

Legislator Losquadro.

LEG. FOLEY:

I'm going to wait a moment. I'd like to hear from the County Executive's representative.

P.O. CARACAPPA:

Mr. Zwirn.

MR. ZWIRN:

Thank you. All I could say is that there have been nominees that have been put forth before this Legislative body that have had the support of Town Board resolutions, that have been bipartisan in their nature, and those haven't been acted on, they've been tabled, tabled subject to call, or defeated. So, if you say politics, then the politics is starting right here in the Legislative District Number 1.

We have Lisa Greci who happens to be here today who has come to all the Planning Commission meetings, even though she was denied. But when you •• Legislator Caracciolo, when you talk about, you know, bipartisan Town Board resolutions, how do you explain Lisa Greci?

LEG. BINDER:

Mr. Chairman, we're not supposed to talk to each other that way.

P.O. CARACAPPA:

Yeah. Mr. Zwirn, the debating goes between Legislators here. If we want information, you'll provide us with information.

LEG. CARACCIOLO:

I'd love to respond.

P.O. CARACAPPA:

I'd rather ••

LEG. CARACCIOLO:

But, you know ••

P.O. CARACAPPA:

I think you have already.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

On many occasions.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

Legislator Losquadro or Foley. Flip a coin. Go ahead, Danny.

LEG. LOSQUADRO:

I would just like to say that since this issue came to a head on the floor, we've contacted several Town Supervisors and have found that in Brookhaven and ••

LEG. CARACCIOLO:

Republican.

LEG. LOSQUADRO:

•• and Southampton ••

LEG. CARACCIOLO:

Republican.

LEG. LOSQUADRO:

•• there have been bills •• recommendations for six months ••

LEG. CARACCILOLO:

Or more.

LEG. LOSQUADRO:

•• to a year, recommendations to fill vacancies in the Planning Commission that have not been acted on by the County Executive. And the County Executive has recently reversed course, now saying that, you know, listening to the Towns and the Town Supervisors may not have been the best idea. I just read that article. And it seems a bit convenient to me that now at the eleventh hour that the County Executive has put forward all the nominees for the Town Supervisors that he agrees with that he knows he can get passed, that he's now going to back off that policy, reverse course, and now pick his own candidates, irrespective of the Town's desires.

I would ask The County Executive's Office to act on those Town recommendations from those Towns, which happen to be Republican, happen to be Democrat, it doesn't matter. There are vacancies that recommendations have been made on that have not been acted upon for upwards of a year and that is indisputable.

LEG. CARACCILOLO:

Fact, that's fact.

LEG. LOSQUADRO:

And it seems that the County Executive came out with a policy to specifically address that by saying he wouldn't entertain people who are Planning Commissions. And I would say that the Town of Brookhaven recommended Dan Galizio, probably one of the most eminently qualified individuals in Suffolk County to sit on that commission. Mr. Galizio has expressed his intention to leave the Town of Brookhaven now, which is unfortunate for us in the Town of Brookhaven, but Supervisor LaValle has decided not to run and Mr. Galizio is going to move on to •• you know, and move ahead in his career. I would say that now that Mr. Galizio has expressed his

desire and intention not to stay in the Town of Brookhaven, what possible obstacle could there be to the County Executive recommending him to serve on that commission?

P.O. CARACAPPA:

You asked a question? I'm sorry.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Well, it was more of a ••

MR. ZWIRN:

Thank you, Mr. Presiding Officer. I'll try to be brief. Yes. My understanding was that Mr. Galizio was not put forth because he serves on the Planning Commission ex officio. But that •• whether you like the answer or not, that's the simple answer with respect to that.

LEG. LOSQUADRO:

There are others.

MR. ZWIRN:

With respect to the other comment that was made, John Nichols is an example that was suggested by the Town of the Southold. I don't know Mr. Nichols, you know, registration. I think he said, when we were talking privately, he's a Republican, was nominated by a Conservative ••

LEG. LOSQUADRO:

Mr. Zwirn, if I may •• if I may interrupt you before you embarrass him. Mr. Nichols and I discussed this. He agreed to table himself. And before you embarrass him or put him in a position he did not want to be in, it was his decision, sir, not mine.

MR. ZWIRN:

Well, all I know is he came before the committee on two occasions personally.

P.O. CARACAPPA:

Thank you. There's a motion.

LEG. FOLEY:

On the motion, too.

P.O. CARACAPPA:

Oh, Legislator Foley, my apologies.

LEG. FOLEY:

Thank you. Notwithstanding there are issues with other appointees or potential appointees, the Riverhead appointee should not be held hostage because of problems some believe are occurring with other •• with other town recommendations. The fact of the matter is the first appointee's name who has •• who had been nominated, if you will, by the Town of Riverhead, I supported as well, Mr. Tuccio.

LEG. CARACCIOLO:

You did not.

LEG. FOLEY:

Let me finish the point. Mr. Chairman, I have the floor.

P.O. CARACAPPA:

You did.

LEG. FOLEY:

Okay. Thank you Mr. Chairman. There are those of us who certainly did support Mr. Tuccio to move forward, if not at the first meeting, certainly at subsequent meetings, and the record will clearly reflect that. The fact of the matter is the Town sent a second name forward, Mr. Taldone, and many of us know Mr. Taldone through a variety of advocacy roles, and we think he'd be a splendid member of the Planning Commission. And I think it would just be a shame if this particular •• this particular appointee, and when you look at the "whereas" clauses, his name has been recommended by the Township of Riverhead, that if his, if you will, appointment is held hostage because of other town issues in other townships, that's not the way we should

do business here. We should have an up or down vote on this particular appointee. His background, reputation speaks for itself.

There's been issues of quorums or lack thereof at the Planning Commissions and we need to move forward with these resolutions. I'll agree that there are other issues with other townships. Let's bring those forward as well, but here's one that's before us. We should move on it, it's an important one, particularly given the issues facing eastern Suffolk County, and Mr. Taldone would be an outstanding member of the Planning Commission.

P.O. CARACAPPA:

Okay. There's a motion to table. The motion stands, table subject to call?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. BINDER:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. O'LEARY:

I'm sorry, this is subject to call?

MR. BARTON:

Yes.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Subject to call, no.

LEG. MYSTAL:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

No, and I'll make a motion to table.

MR. BARTON:

Legislator Caracappa?

P.O. CARACAPPA:

Motion to table takes precedence.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Just raise your hands, opposed. Got that, Henry?

[Opposed: Legislators Vilorio • Fisher, Foley, Lindsay, Montano, Bishop, Mystal and Cooper]

P.O. CARACAPPA:

Okay? Got that?

MR. BARTON:

Yes.

LEG. COOPER:

Thank you, Mr. Bishop.

P.O. CARACAPPA:

It's tabled. Page 9.

MR. BARTON:

Ten. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Page 9.

INTRODUCTORY RESOLUTIONS
AD HOC ON WORKFORCE HOUSING
DISCHARGED BY PETITION

1377 (Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for a HOME Investment Partnerships Program and authorizing the County Executive to execute agreements). Discharged by petition. It's a grant. Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

BUDGET AND FINANCE

Budget and Finance. ***1101 (Amending the 2005 Operating Budget and transferring funds for the purchase of an Echo Doppler Machine for John T. Mather Memorial Hospital).*** Motion by Legislator Vilorio•Fisher, second by Legislator Losquadro. All in favor? Opposed?

LEG. VILORIA • FISHER:

Are you cosponsoring that?

LEG. LOSQUADRO:

Yes.

P.O. CARACAPPA:

Abstentions?

LEG. LOSQUADRO:

Am I listed as a cosponsor on that?

MR. BARTON:

You are now, yes.

P.O. CARACAPPA:

1120.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

(1120 • Amending the 2005 operating Budget and creating 44 positions in the Department of Social Services and transferring funds to fill the positions effective July 1, 2005). I'd like to do this with Legislator Tonna here, but ••

LEG. ALDEN:

Let's wait for him.

D.P.O. CARPENTER:

Let's wait until after lunch.

LEG. MYSTAL:

Motion to table.

LEG. BISHOP:

I don't think he's going to come.

P.O. CARACAPPA:

Yeah, I don't know if he's going to make it.

LEG. ALDEN:

He might finish the game, you never know.

LEG. BISHOP:

No, he really is sick.

LEG. ALDEN:

Skip over it, Joe, in case he does show up.

P.O. CARACAPPA:

Just skip over it until after lunch, just give him a chance. If not, we'll deal with it then. And we'll be prepared for County Executive comments, obviously.

MR. ZWIRN:

I'll be ready.

P.O. CARACAPPA:

Okay.

MR. ZWIRN:

It's a threat.

P.O. CARACAPPA:

Thanks for the warning. ***1125 (Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Town of Southamptton for "Restoration of Hard Clam Populations in Quantuck Bay")***. Motion by Legislator Schneiderman, second by ••

LEG. FOLEY:

Explanation, please.

P.O. CARACAPPA:

Let me get a second, please. Second by Legislator Caracciolo. Explanation by either the sponsor or Counsel.

LEG. FOLEY:

The sponsor, please.

P.O. CARACAPPA:

The sponsor.

LEG. SCHNEIDERMAN:

It's a 477 water quality project, similar to some of the other hard clam types of projects this body has approved. This has been ••

P.O. CARACAPPA:

This went through the Review Board?

LEG. SCHNEIDERMAN:

It's been through the Water Quality Review Board. It's been approved by the Peconic Estuary. It's been through environmental review, full EAF. It's all ready to go and I urge my colleagues to support it.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I'm supportive of the program. The question I have is when we give 477 money directly to a town, doesn't the town have to participate in the process, equal participation or ••

LEG. SCHNEIDERMAN:

Yes, they're 50/50 on this.

LEG. LINDSAY:

And they are 50/50?

LEG. SCHNEIDERMAN:

Yes, yes.

LEG. LINDSAY:

They are.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

They are 50/50, okay.

LEG. FOLEY:

It's not specified in the resolution.

LEG. SCHNEIDERMAN:

It is 50/50. It's in the documentation that supports it.

LEG. VILORIA • FISHER:

It's in the backup, Jay?

LEG. SCHNEIDERMAN:

Yes.

LEG. LINDSAY:

If that's the case, I'm supportive of it. I just don't see it there.

LEG. SCHNEIDERMAN:

Mea, do you want •• Counsel? Thank you.

MS. KNAPP:

I'm sorry, I did not put that in the resolution, and, quite frankly, I'd have to pull out the backup to make sure that the answer to that was yes. Honestly, I don't recall.

P.O. CARACAPPA:

Let's skip over it, or you want to just table it for one cycle?

LEG. SCHNEIDERMAN:

I've talked with Southampton. I know that it is a 50•50 match, and I'll say that fully on the record.

P.O. CARACAPPA:

It has to be in the resolution, though.

LEG. FOLEY:

It's got to be in the resolution.

LEG. VILORIA • FISHER:

It has to be in the resolution.

P.O. CARACAPPA:

You want to skip over it until we get documentation this afternoon, or you want ••

LEG. SCHNEIDERMAN:

Okay.

P.O. CARACAPPA:

•• to table it for one cycle, which is two weeks?

LEG. SCHNEIDERMAN:

Let's skip over it. I'll try to provide that documentation.

P.O. CARACAPPA:

Okay. We'll just skip over that.

CONSUMER PROTECTION

Consumer Protection. ***(1037 • A Local Law to require the installation of carbon monoxide detectors in connection with home heating system replacements)***. Motion by Legislator Caracciolo.

LEG. CARACCIOLO:

Yes.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro. All in favor? Opposed?

MS. CAPUTI:

Mr. Presiding Officer.

P.O. CARACAPPA:

Go right ahead.

MS. CAPUTI:

The Law Department wants to be heard on this, please. Thank you. I did send you an E•mail. I don't know if you got it, just so you know.

P.O. CARACAPPA:

When.

MS. CAPUTI:

Yesterday, asking to speak.

LEG. LINDSAY:

You've got to speak up.

LEG. VILORIA • FISHER:

We can't hear what you're saying, Jackie.

MS. CAPUTI:

Can you hear me now?

LEG. FOLEY:

Yes.

MS. CAPUTI:

Okay. I just wanted to put on the record that the Law Department reviewed this resolution and we do have concerns that the enforcement mechanisms that are inadequate be specific, and also that there's no penalty provisions in the Local Law. So, we would like to see it revised and we just wanted to bring that to the Legislature's attention.

P.O. CARACAPPA:

1037. Legislator Alden.

LEG. ALDEN:

In committee we explored this, and, basically, any of the contractors are subject to all the laws, rules and regulations of Suffolk County. So, there are rules and regulations in place now that the Commissioner can actually, or he's a Director, I think, right, not a Commissioner, but the Director of Consumer Protection or Consumer Affairs can use to establish the penalty phase of this. So, that was explored, and I think the committee at least felt very, very comfortable with the fact that the Commission •• he's not Commissioner, sorry, the Director could actually, you know, provide the enforcement mechanisms and the penalty phase on this.

LEG. CARACCIOLO:

Yeah. Mr. Chairman, if I could just add, Mr. Gardiner was consulted on this resolution from its inception. Before it was even introduced, we had several meetings with he and his staff, as well as members of the industry, and this is a result of a consensus by those in the industry, as well as those in Consumer Affairs that look out for the public's interest.

Counsel, is there anything you would like to add to this? There's no legal defect with this resolution, is there?

MS. KNAPP:

No. If you remember, our earlier versions did have penalties, and Mr. Gardiner worked with the industry, and it was •• it seemed to be agreed between them that specific penalties were counterproductive, and that instead, that they •• that Mr. Gardiner would be allowed to exercise his ordinary functions in terms of, for license contractors, they would be brought up before the •• before the Licensing Review Board to decide what the penalties should be for an infraction, and for unlicensed, he would pursue the remedies that he has to pursue for those who are unlicensed.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Really, I was going to say something to similar. As I recall, the original bill was effective on homeowners as well, and after it went through the committee process, we asked that it be limited to contractors, simply because we have an enforcement procedure against contractors, including administrative hearings by the Department of Consumer Affairs. And I don't know of any specific fines in any of the other Consumer Affairs legislation that we've passed. It's usually subject to administrative hearing, and we've but caps on the amount of fines, but I don't know any specific fines for specific violations.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

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

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development, Higher Education and Energy. **1030 (Approving the appointment of Diana D. Schmidt as a member of the Suffolk County Motion Picture/Television Fire Commission)**. Motion by Legislator Foley, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1192 (Appointing Cleveland Johnson, Jr. as a member of the Suffolk County Industrial Development Agency (IDA)). Motion by Legislator Carpenter, second by Legislator Alden. All in favor?

LEG. FOLEY:

Motion to table.

P.O. CARACAPPA:

There's a motion to table, Legislator Foley.

LEG. COOPER:

Second.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Cooper. All in favor? Opposed? Opposition, just raise your hands. Keep them up.

[Opposed: Legislators Caracciolo, Schneiderman, O'Leary, Losquadro, Montano, Alden, Kennedy, Nowick, Binder, Carpenter and Caracappa]

LEG. FOLEY:

That was tabling. Now you have to have the approval.

P.O. CARACAPPA:

Yeah, I'm waiting for the vote count.

MR. BARTON:

Eight. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Tabling fails. There's a motion and a second outstanding.

MR. BARTON:

Seven, Seven.

P.O. CARACAPPA:

All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Raise your hands, opposed.

LEG. VILORIA • FISHER:

Viloria•Fisher, Foley, Lindsay.

LEG. COOPER:

I'll abstain.

P.O. CARACAPPA:

Cooper, abstention from Legislator Cooper.

MR. BARTON:

12. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's approved. ***1367, 67A (Appropriating funds in connection with the HVACR Technology and Services Building (CP 2111)).***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator ••

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

16, 2 not present on the bond. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1368 (Amending the Suffolk County Temporary Classification and Salary Plan for temporary personnel at Suffolk County Community College). Motion by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

1385, motion by ••

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

(1385 • Authorizing the Suffolk County Executive to execute an agreement to locate a modular building on the western campus of Suffolk Community College for use by the Police Department's Highway Patrol Division). Motion by Legislator Nowick, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

1386 (Authorizing use of property at Gabreski Airport by the Westhampton Beach Performing Arts Center). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

1387 (Authorize use of property at Gabreski Airport by the Kiwanis Club of Greater Westhampton). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

Environment, Planning and Agriculture. ***2102 (A Local Law to promote the health of Suffolk County residents by restricting the use of toxic lawn chemicals by unlicensed applicators in Suffolk County).***

MS. JULIUS:

Done, tabled.

LEG. O'LEARY:

Tabled.

P.O. CARACAPPA:

This was tabled already. Thank you. ***1316 (Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension of Suffolk County for "Development of an Interactive Educational Turfgrass Integrated Pest Management Website").*** It's another 477. This one has gone through all of the prerequisite reviews?

LEG. LINDSAY:

Has it?

P.O. CARACAPPA:

I'm asking.

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

Yes? Okay. There's a motion and a ••

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA:

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

LEG. SCHNEIDERMAN:

Abstain.

P.O. CARACAPPA:

One abstention, Legislator Schneiderman. 1339 •• okay. We're doing SEQRAs, so ••

MR. BARTON:

16, 1 abstention. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Motion by myself second by Legislator Lindsay to approve **1339 (Making a SEQRA determination in connection with the proposed program to administer and implement a Transfer of Development Rights Program in conjunction with the Save Open Space Bond Act, Suffolk County)**. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1340 (Making a SEQRA determination in connection with the proposed improvements to the Armed Forces Plaza, CP #1756, front of H. Lee Dennison Building, Hauppauge, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Tonna).

P.O. CARACAPPA:

1341 (Making a SEQRA determination in connection with the proposed intersection improvements on CR 97, Nicholls Road at Lower Sheep Pasture Road, CP #5137, Stony Brook, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1342 (Making a SEQRA determination in connection with the proposed reconstruction of CR 7, Wicks Road, from CR 67 Motor Parkway to CR13, Crooked Hill Road, Phase s I & II, CP #5040, Towns of Islip and Smithtown). Same motion, same second, same vote.

MR. BARTON:

17 (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1343 (Making a SEQRA determination in connection with the proposed reconstruction of CR 57, Bay Shore Road, from NYS 231 to NYS 27, CP #5523.110, Towns of Babylon and Islip). Same motion, same second, same vote.

MR. BARTON:

17.

P.O. CARACAPPA:

1353 (Implementing Brownfield Policy for Liberty Plating property in Brentwood, Town of Islip (SCTM No. 0500•136.00•03.00•009.000). Motion by Legislator Montano.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator ••

LEG. O'LEARY:

I believe ••

D.P.O. CARPENTER:

Motion.

LEG. ALDEN:

Just on the motion.

P.O. CARACAPPA:

Carpenter.

LEG. O'LEARY:

On the motion.

MS. BURKHARDT:

This is a CN, I believe.

P.O. CARACAPPA:

Oh, there's a CN on this? 1353.

D.P.O. CARPENTER:

No. There's a CN on 53.

MR. MONTANO:

We're expecting a C of N.

D.P.O. CARPENTER:

There is.

MS. BURKHARDT:

There is one.

P.O. CARACAPPA:

There is one.

LEG. ALDEN:

Skip over it?

MR. MONTANO:

Can we skip over this, come back to it later?

P.O. CARACAPPA:

Yep. We'll do it through the CN. **1355 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (CR 111 properties, Mount Sinai) Town of Brookhaven).** Motion by Legislator Losquadro, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1359 (To promote workforce housing by adopting a Transfer of Development Rights Implementation Plan). Motion by Legislator Vilorina•Fisher.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1428 (Authorizing the Suffolk County Executive to execute an agreement and covenant not to sue with the United States Environmental Protection Agency and the New York State Department of Environmental Conservation).

LEG. LOSQUADRO:

Motion.

P.O. CARACAPPA:

Motion by Legislator Losquadro.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

2324 (Authorizing a satellite Social Services Office in conjunction with the Police Substation at New York Avenue, Huntington).

LEG. BINDER:

Motion.

LEG. COOPER:

Motion to table.

P.O. CARACAPPA:

Okay. Let me get the motion out first. Motion to approve by Legislator Binder.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. There's a motion to table by Legislator ••

MR. MONTANO:

Second.

P.O. CARACAPPA:

•• Cooper, second by Legislator Montano. All in favor of the •• on the motion, or you just want

to vote?

LEG. COOPER:

On the motion. I just want to point out to ••

P.O. CARACAPPA:

On the motion, Legislator Cooper.

LEG. COOPER:

•• those of my colleagues that are not aware, the police substation reference in this resolution is in the heart of my district, and I would appreciate being consulted on this resolution before it goes forward. I understand the Department of Social Services may have some concerns about the resolution, so I request tabling until the next meeting, so I can explore this further.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

Very quickly. It's just over the line and it's going to be serviced by many constituents from the whole area. And this is the proper place for my constituents, as well as constituents from other districts, to go, and this is a proper location, and that's why the bill's in.

P.O. CARACAPPA:

Okay. You want it again, Jonathan?

LEG. COOPER:

Yes.

P.O. CARACAPPA:

Go right ahead.

LEG. COOPER:

Just over the line from where? I mean, the rest of Huntington Station is Legislator Tonna's district and he shares the same concerns that I do about this. So, Huntington Station is, last time I looked, my district and Legislator Tonna's. We both have some real concerns about this resolution, so I would appreciate ••

P.O. CARACAPPA:

Are you saying it's just over the line in more ways than one?

LEG. COOPER:

Joe, keep your day job.

P.O. CARACAPPA:

Yeah, just as soon as I figure out what it is. Okay. Here we go. There's a motion to table. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. FOLEY:

Roll call.

P.O. CARACAPPA:

Roll call it.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes to table.

MR. MONTANO:

Yes.

LEG. CARACCILOLO:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. O'LEARY:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes to table.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

(Not Present)

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

Seven. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Tabling fails. There's a motion to approve and a second.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On that motion, Legislator Bishop.

LEG. BISHOP:

Yes. Now what is this bill? You're going to put a Social Service office in a police substation?

LEG. BINDER:

Share.

LEG. BISHOP:

How is this going to work functionally? Go ahead, I mean, make your case, please.

LEG. BINDER:

That's for them to work out. This is directing them to •• between the two departments to work out, and they should go and figure out how they can do it in terms of time and use of the

space.

LEG. BISHOP:

Well, I would say that that's an embryo of an idea, maybe. I mean, it's hardly a complete Legislative resolution. We ought to direct two departments to think about sharing a space. It doesn't really meet the test of good legislation, I don't think. I think it certainly should be tabled and sent to committee to have a •• bring in the two affected departments to see whether it's a viable idea. I don't know what the rush is, I don't know what the timetable of the Legislator from the Sixteenth is that he's •• needs to get this accomplished posthaste. I don't know if it's a governmental concern or something other.

LEG. BINDER:

It's been on the table for months.

P.O. CARACAPPA:

Legislator Mystal.

LEG. BINDER:

It's been on the table for months.

LEG. MYSTAL:

I am not going to address the merit of this bill, I am just going to address simply the disrespect of this bill. I think the bill is in Legislator Cooper's district. I think it is an affront to go into somebody's district and that's what you're going to do in that person's district regardless of what the person says. And we've had a covenant around here to somewhat respect each other's boundaries.

LEG. BINDER:

Somewhat.

LEG. MYSTAL:

And this is being breached to no end, and this is not respectful of a colleague. And I don't think anybody would like for me, I don't think Legislator Binder would like for me to come into Dix Hills and start saying what I think should be done there without consulting him, without his

approval. And I think the bill should be defeated, gutted, thrown out, shredded, and put somewhere that nobody will revive it. So, forget the merit.

LEG. BINDER:

You're opposed to it.

LEG. MYSTAL:

Well, forget the merit. You know, we're not talking about whether it's a good idea, a bad idea, blah, blah, blah, blah, blah. The question is this is Cooper's district, not Binder's district, and Binder should not be going to Cooper's district and say what's good for Cooper's district when he is not elected there. If he wants to run for Supervisor, it's a different story, but that's not the way to put it.

LEG. COOPER:

I just wanted •• this is obviously •• for those of you on this side, you probably don't know what we're talking about, but we all know that there's some underlying currents here. And just before we vote on this, let's just be very careful about the precedent that we're setting if we allow one Legislator to mettle in another Legislator's district like this. It can come back and bite all of us at sometime in the future.

So, I don't want to go •• get into the merits of this resolution. As I said I'm not making •• I was willing to support tabling it for a month to discuss this with Legislator Binder, that wasn't satisfactory, but if it's an up or down vote, I do hope that all my colleagues will support me in the effort to defeat this resolution, because, once again, I think it sets a very, very dangerous precedent for the Legislature.

P.O. CARACAPPA:

Bill.

LEG. COOPER:

And it breaks with tradition.

LEG. LINDSAY:

I'm not on the Health and Human Services Committee, so I didn't hear testimony about this, but, you know, I know •• I'm for County services sharing facilities for economic reasons, but

certain services don't go together. In the past, I know, you know, the police have been very reluctant to have a precinct within another County building, they wanted a separate precinct for security reasons, if not for anything else, and I just think this is a bad idea.

LEG. FOLEY:

Joe.

P.O. CARACAPPA:

Brian, Legislator Foley.

LEG. FOLEY:

Following up on Legislator Lindsay's point, as a member of the Health and Human Services Committee, that exact point was brought up by the Commissioner of Social Services, that while police and Social Services are two County functions, they're not always, let's say, mutually complementary. So, she had opposed this particular bill from an administrative point of view and voiced some deep concerns about combining both the Social Service component as well as a police component in the same County facility, even if it's a small •• a small substation as this one would be. But she had expressed some grave concerns about combining these two particular County functions under one roof.

P.O. CARACAPPA:

Okay. We're all set? Roll call it.

LEG. BISHOP:

Motion to table? Oh, we failed that.

P.O. CARACAPPA:

Tabling failed. This is approval.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No, as in "veto".

LEG. MYSTAL:

A double veto, no.

LEG. TONNA:

(Not Present)

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

It's a reluctant yes.

MR. BARTON:

Ten. (Not Present: Leg. Tonna).

P.O. CARACAPPA:

Okay. That's approved for now. We're just past the lunch hour. Keep in mind that the Corrections Officers Association has invited Legislators and their staffs to join them for lunch at the Calverton Links Golf Course, which is just •• just head back, Edwards Avenue, just north of the Expressway, over the railroad tracks on your lefthand side.

To the public, we will return at 2:30 for public hearings. I appreciate everyone's cooperation this morning. We covered a lot of ground. We'll recess until 2:30.

[THE MEETING WAS RECESSED AT 12:33 P.M. AND RESUMED AT 2:30 P.M.]

P.O. CARACAPPA:

Good afternoon. We're going to start the public hearing portion of today's meeting. First •• Mr. Clerk, affidavits are in proper order.

MR. BARTON:

Yes, they are.

P.O. CARACAPPA:

Thank you. Okay. First Public Hearing is 2128. Let the public be reminded, you have five minutes to make your comments. First speaker on **2128, authorization of alteration of rates for Davis Park Ferry**, is John Lund.

MR. LUND:

Thank you. Hello. I think it's up •• on now.

P.O. CARACAPPA:

Go ahead.

MR. LUND:

I'd like to thank the Legislature, the committee last week and Budget Review, and anybody else connected with this for making it happen today. Again, John Lund, Davis Park, Fire Island. I'm President of the Homeowners Association, representing more than 80% of the homes at Davis Park.

We are not disagreeing with anything that Budget Review found in their •• in their excellent review of the situation. We are in favor of the rate increase and we would like it to go through as soon as possible, so that there isn't confusion in the middle of the summer with people, with old tickets, new tickets whatever. It should go forward ASAP, get it over and done with.

P.O. CARACAPPA:

Thank you.

MR. LUND:

Okay? Thanks.

P.O. CARACAPPA:

Thank you very much. Walter Beck.

MR. BECK:

Good afternoon, Mr. Presiding Officer and members of the Legislature. I am the attorney for Davis Park Ferry Company. I am here just to urge the Legislature to approve of the rate increase and to do so with all haste that is appropriate under the rules, because the busy season for the ferry is, of course, upon us with Memorial Day Weekend fast approaching. And I think from all the previous materials that have been submitted, it's well-known that this increase is very much needed. And as Mr. Lund, who is one of our good customers and President of the Homeowners Association has said, I believe it's universally agreed that the increase is needed and reasonable and appropriate. So, I ask the Legislature to act in its wisdom as quickly as is possible.

P.O. CARACAPPA:

Thank you, sir.

MR. BECK:

Thank you.

P.O. CARACAPPA:

I have no other cards. Anyone wishing to be heard in this matter? On this matter? Is there a motion?

D.P.O. CARPENTER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Carpenter.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? Public Hearing regarding 2128 is closed.

Moving on to **1073 • Public Hearing regarding Consent to the acquisition of additional**

land at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery expansion purposes. I have no cards. Anyone wishing to be heard? Is there a motion?

D.P.O. CARPENTER:

Motion to close.

LEG. ALDEN:

Second.

LEG. KENNEDY:

Second.

P.O. CARACAPPA:

Motion to close by Legislator Nowick, second by Legislator Kennedy.

All in favor? Opposed? Abstentions? 1073 ••

LEG. NOWICK:

I'd like to make a motion to discharge this and waive the one hour ••

P.O. CARACAPPA:

We'll have to do it after the public hearings.

Okay. Moving on. **1323 • Approving amended Cross Bay Ferry License for Bay Shore Ferry, Inc.** I have one card, George Hafele.

MR. HAFELE:

Thank you, Mr. Chairman. I.R. 1323 is approving an amended Cross Bay Ferry License for Bay Shore Ferry.

Bay Shore Ferry services two communities on Fire Island. The reason for the amended cross bay is that one of the stops has rescinded their consent to land there. Bay Shore Ferry is now left with one community to service. The owner of Bay Shore Ferry has expressed the desire for Fire Island Ferries to take over the service to that community. Fire Island Ferries is willing to do so, and we ask for your support in this. What we have •• what we have done is tried to get

this through as quickly as possible due to the fact that Memorial Day is fast approaching. If there are any questions, I would be happy to answer them.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

The saga takes another •• so, that's it for competition on the bay, huh?

MR. HAFELE:

You'll have to speak to Mr. Hurley about that ••

LEG. BISHOP:

Right.

MR. HAFELE:

•• Legislator Bishop.

LEG. BISHOP:

Okay.

P.O. CARACAPPA:

If Mr. Hurley was coming today to ask for the expeditious review of what you're asking, would you have been opposed?

MR. HAFELE:

No, not at all.

P.O. CARACAPPA:

No.

LEG. BISHOP:

Well, in any case, all right. So be it. I mean, what choices do we have?

MR. HAFELE:

I believe that Mr. Hurley has contacted the Legislature and expressed the desire to pass Robbins Rest on the Fire Island Ferries.

P.O. CARACAPPA:

I have no other cards. Anyone wishing to be heard? Is there a motion?

D.P.O. CARPENTER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Carpenter. Is there a second.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? Public hearing regarding 1323 is closed.

Moving on to public hearing regarding ***Intro. Resolution 1327 • A Local Law establishing responsible standards and controls for alarm systems that require Police Department response.*** We have plenty of cards. First speaker is Fred Leonardo.

MR. LEONARDO:

Good afternoon.

P.O. CARACAPPA:

Hello.

MR. LEONARDO:

My name is Fred Leonardo. I'm the owner of Electronic System Central System Alarms, a UL listed central station in Huntington Station. We came before you on February 15th to express our dismay and dissatisfaction in regards to the proposed legislation. That would have been a

disservice to the public and to the Suffolk County Police Department and the industry.

We believe that Suffolk County needs an alarm ordinance. The alarm industry does not oppose an ordinance. A strong ordinance will reduce false alarms significantly. This revised ordinance is fair to both the alarm users, the County, and will reduce false alarms and enhance the productivity of the police in the community. As licensed alarm professionals, we support this proposed legislation.

We wish to thank Legislator Jon Cooper and his staff for working with us to draft the changes to this proposal that will make the alarm ordinance work. Thanks for your time in listening. Any questions?

P.O. CARACAPPA:

Thank you, sir, appreciate it.

MR. LEONARDO:

Thank you.

P.O. CARACAPPA:

Next speaker is Ronald Walters.

MR. WALTERS:

Good afternoon. I'm here representing the four national alarm associations, and we would like to go on record as supporting the Long Island Association with this ordinance, and, of course, with this body, and the fact that this is a good first step. False alarms are a big problem across the country, and certainly in this populated county they are as well. This will take you to the next level and we'd like to go on record as supporting that. Thank you.

D.P.O. CARPENTER:

Thank you. Next speaker, William Moody.

MR. MOODY:

Like Ron, I represent the Security Industry Alarm Coalition, which has a mission across the

country of discovering and implementing ways to reduce false alarms. And we recognize that good alarm management is a very vital thing in order to avoid the unnecessary diversion of public resources to the response for alarms. And it has been our experience in many localities that a strong alarm ordinance is the most significant tool in reducing false alarms, and the strong alarm ordinance formula is pretty basic.

Number one, it should require that certain best practices be followed by members of the security industry and their customers, and number two, that the alarm ordinance be enforceable and be well enforced, so the provisions have to provide reasonable enforcing requirements. Under these conditions, we've witnessed in many communities the preservation of the crime prevention measures that are offered by alarm systems without the overtaxing of the law enforcement agencies in those communities. So, we feel that it's necessary for us to work on a cooperative basis, so that all stakeholders in the issue involving security systems take their responsibility for the reduction of alarms and the proper use of law enforcement resources. Thank you.

D.P.O. CARPENTER:

Thank you. Next speaker, Clifford Pflieger.

AUDIENCE MEMBER:

He's not here.

LEG. ALDEN:

Not here.

D.P.O. CARPENTER:

Paul Romanelli.

MR. ROMANELLI:

Thank you. My name is Paul Romanelli from Suffolk Security Systems, and I'll just simply state that all of you have renewed my faith in government. We came to you in February with an ordinance that we thought was horribly and poorly written and didn't have any of the suggestions that we had been recommending for years. And over the course of the last several months, in cooperation with our association, we are very, very happy that you have listened and worked with us to put something forward that we really appreciate and can work with.

Thank you.

D.P.O. CARPENTER:

Thank you. Thank you for reaffirming what we all know, that government really does work, especially when citizens take part in the process. Paul Romanelli.

MR. ROMANELLI:

That was me.

D.P.O. CARPENTER:

Oh, I'm sorry. Philip Lagravinese.

LEG. COOPER:

You were so good, we want you to do it again.

MR. ROMANELLI:

Do I get ten minutes?

D.P.O. CARPENTER:

Yeah, we want to hear you say how good we are.

LEG. FOLEY:

Let's hear that again.

MR. LAGRAVINESE:

Yes, thank you. I'm President of the Long Island Alarm Association, and I also own Arrow Security Systems, and I, like Paul, would like to thank you for working with our association and our committee, the Honorable Jon Cooper, for taking some of our advice, and working hand in hand together to put out something that would be fair and equitable to all of the industry and the public. And we are one step further, and I believe all of the Legislators have gotten an invitation to our Alarm Symposium, which is on Thursday night at the Huntington Hilton at 6:30. And we kind of wanted to bring all of, you know, for our industry, people together to try and help them solve their false alarm problem also. So, everyone's invited. I left it with Legislator Foley. If •• you all got personal invitations, so we'd like you all to attend, if it's in

your schedule. Thank you.

D.P.O. CARPENTER:

Thank you very much. There are no other cards on this hearing. Is there anyone else who wishes to be heard? I'll make a motion to close.

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

Second. Hearing is closed. It takes us to ***1350 • A Local Law to increase the membership of the Criminal Justice Coordinating Council to include a representative of the Suffolk County Bar Association.*** We have one card, Scott Karson.

MR. KARSON:

Good afternoon, and thank you. My name is Scott Karson. I'm the President of the Suffolk County Bar Association, and I appear before you this afternoon to urge support and passage of this Local Law, which would add the Suffolk County Bar Association to the Criminal Justice Coordinating Council. We have some thirty•five hundred members. Among our members is a broad cross•section of attorneys involved in the criminal justice system. We have defense attorneys, we have prosecutors, we have judges, and we believe that if we bring a different, an important perspective and body of information to the work of the Criminal Justice Coordinating Council, and we believe that the people of Suffolk County would benefit from providing us with a seat on that council. So, therefore, we urge passage of this Local Law. Thank you very much.

D.P.O. CARPENTER:

Thank you, sir. I believe there's a question. Legislator Alden.

MR. KARSON:

Oh, I'm sorry. Yes.

LEG. ALDEN:

Hi. Thanks for coming down. Do you envision you making the appointment as president, or do you think it's going to be like an election, or would it come from the •• you know, a certain ••

MR. KARSON:

Well, we have ••

LEG. ALDEN:

•• committee of the Bar.

MR. KARSON:

We have not specifically addressed that. I imagine what will happen is that if the Local Law was to be passed, we would put something in our bylaws which would require •• either require the •
• I presume it would require the appointment of the representative by the president and with the advising consent of the Board of Directors.

LEG. ALDEN:

Good.

MR. KARSON:

If the Legislature feels strongly that some other mechanism ought to be implemented, we would be happy to consider that.

LEG. ALDEN:

I was just curious as to where ••

MR. KARSON:

Yeah, we haven't specifically addressed it.

LEG. ALDEN:

And, also, do you know if Dave Bishop is current on his dues?

LEG. BISHOP:

I am.

MR. KARSON:

I have to assume that he is.

LEG. BISHOP:

Two months late, but I got it in.

MR. KARSON:

Good.

LEG. ALDEN:

That's what I heard, Dave. Thanks.

MR. KARSON:

All right. Thank you.

D.P.O. CARPENTER:

Thank you for coming down.

MR. KARSON:

Any other questions? Thank you very much.

D.P.O. CARPENTER:

Are there any other speakers who wish to address us on this hearing? Hearing none ••

LEG. MONTANO:

Motion to close.

D.P.O. CARPENTER:

Motion to close by Legislator Montano.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Second. Hearing is closed. Takes us to ***I.R. 1351, a Charter Law establishing a reform policy to prevent the abuse of bulk mailings by any elected officials, introduced by the County Executive.*** There are no cards. Is there anyone who wishes to address the

Legislature? Hearing none ••

LEG. LOSQUADRO:

Motion to close.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Motion to close, second. Hearing is closed. **1360 • A Charter Law to streamline County government by abolishing the Airport Lease Screening Committee.** We have two cards. First speaker, Carolyn Fahey.

MS. FAHEY:

Good afternoon. Carolyn Fahey, Suffolk County Economic Development Workforce Housing. I'm here this afternoon to speak in favor of I.R. 1360, a Charter Law to streamline County government by abolishing the Airport Lease Screening Committee. This Local Law abolishes the committee and directs the Department of Economic Development and Workforce Housing to accept and review requests for the lease of space at Gabreski Airport, and to make recommendations on such requests to the County Executive and to this body.

As a member of the committee for the past seven years, serving as a designee for the Commissioner of Economic Development, and now Economic Development Workforce Housing, it is my belief that this legislation removes an unnecessary level of government from the leasing process. The Lease Screening Committee creates a double hurdle. Applicants are advised that if for any reason a member of the Lease Screening Committee abstains or votes no on their proposal, the application must be submitted to the Legislature and follow the full Legislative process. This situation presents at the very least the impression of a bureaucratic maze.

The current time frame needed for proposals to be considered by the Lease Screening Committee, and if needed •• I'm sorry •• and if necessary to be submitted to the Legislature is unreasonably elongated and unwieldy.

The County Executive and the Department of Economic Development have been aggressive in moving forward in the redevelopment of the industrial park. It is anticipated that by the end of this winter, we will be receiving responses to an RFP for the park development. Major proposals from the private sector are anticipated. These proposals deserve full due diligence before this body.

The current charter also delegates to the committee the Legislature's authority to make a SEQRA determination for all proposals affecting the airport. With all due respect to the other members of this committee, I do not feel this committee has the knowledge and the insight to make these determinations, and, in fact, we have deferred several projects to CEQ for their recommendation.

This Legislature reviews and considers each lease the County enters into for its own use and, therefore, should be involved with each lease at the airport as well. I thank you for your time.

D.P.O. CARPENTER:

Thank you very much, Carolyn. Did you have a question? I'm sorry.

LEG. KENNEDY:

Yeah. I was just going to ask about the numbers, but we're done.

D.P.O. CARPENTER:

Do you want to ••

LEG. KENNEDY:

That's okay.

D.P.O. CARPENTER:

Well, there is another speaker. Anthony Ceglio.

MR. CEGLIO:

Good afternoon. Anthony Ceglio, Airport Manager, Gabreski Airport. I'm here to support Introductory Resolution 1360. The Airport Lease Screening Committee has met four times in the 12 months, approximately. They've contemplated many applications and have been successful in approving very few. The main reason, as I see it, is that the process by which the

applications are approved is not very efficient.

Until recently, all members of the Airport Lease Screening Committee had to be present to approve an application. If the application is not approved unanimously, it is tabled until subsequent meetings. Some have been tabled for several meetings, waiting for the entire committee to be in attendance. This has been changed recently, but did not seem to expedite the lease approval process.

The proposed process would place the approval in the hands of the Legislature and the County Executive, with recommendations from the Department of Economic Development and Airport Management. And the reason this resolution should be passed is to streamline the process to approve leases at the airport in the future. Thank you.

D.P.O. CARPENTER:

Thank you. Are there any questions? Okay, thank you. Are there any other speakers who wish to address us on this? Hearing none ••

LEG. SCHNEIDERMAN:

Well, point of personal privilege.

D.P.O. CARPENTER:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I know that there are a number of individuals who could not make this public hearing from the surrounding community around the airport who very much like having the Airport Lease Screening Committee in that area, so that they can be heard and hear what's going on there. They couldn't make it, so I'd like to request that this hearing be held open for another cycle, so that they could come and speak on the record.

D.P.O. CARPENTER:

They're not here when we're in Riverhead when it's right in their backyard and they're going to come to Hauppauge?

LEG. SCHNEIDERMAN:

It was they couldn't make the date.

D.P.O. CARPENTER:

Okay. Legislator Alden.

LEG. ALDEN:

Just to address that, the procedure now is it would be open for public debate in the committee process, and if it got out of there, it would be before the full Legislative body again. So, I think they have ample time if they want to state something for the record.

LEG. SCHNEIDERMAN:

Well, I'll state for the record that I know that the community likes having it there, so they can have easy access to that •• what's going on at that airport.

LEG. ALDEN:

Motion to close.

LEG. BISHOP:

He has people that couldn't make it?

LEG. SCHNEIDERMAN:

That's fine. If you want to close the hearing, that's okay.

D.P.O. CARPENTER:

Okay. So, we have a motion to close.

LEG. O'LEARY:

Second.

LEG. ALDEN:

I don't care. Do you want to leave it open?

D.P.O. CARPENTER:

Well, you know ••

LEG. BISHOP:

He says he's got people coming.

D.P.O. CARPENTER:

Did you want to make a motion to recess? I mean, you are the Legislator representing the area, so, I mean, it is within your district.

LEG. SCHNEIDERMAN:

Okay. I will make a motion to recess for one ••

LEG. ALDEN:

Second.

LEG. SCHNEIDERMAN:

One month.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Okay, thank you. We have a recess and •• motion and a second on the recess. The hearing is recessed. Thank you.

LEG. SCHNEIDERMAN:

Thank you.

D.P.O. CARPENTER:

There are no other hearings. I will call to set the date of the following public hearing: Tuesday, May 31st at the Rose Caracappa Auditorium in Hauppauge for I.R. 1583, and setting the date of Thursday, June 2nd, again, in Hauppauge for I.R. 1585. Both of those are in committees. 1583 is in the Public Safety Committee, and 1585 is in Health and Human Services.

Also, we will set the date for the following public hearings for

June 7th, at the General Meeting in Hauppauge for I.R. 1444, 1497, and 1606. Do I have a motion?

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Motion and a second. All those in favor? Opposed? Those hearings are set. We seem to have some Legislators missing, so I think we're going to take a two-minute recess before we go to the back to the agenda. Thank you.

LEG. NOWICK:

Excuse me, Legislator Carpenter. May I make a motion to discharge

D.P.O. CARPENTER:

Excuse me. Before we recess for two minutes

LEG. NOWICK:

Oh, I'm sorry, I didn't hear you say that.

D.P.O. CARPENTER:

That's okay.

LEG. NOWICK:

May I make a motion to discharge Resolution 1423 and waive the one-hour wait?

D.P.O. CARPENTER:

Certainly. We have a motion to discharge and waive the one-hour rule, I will second that motion. All those in favor? Opposed?

LEG. VILORIA FISHER:

I couldn't hear her.

MS. BURKHARDT:

1423 is on the agenda.

D.P.O. CARPENTER:

It's on the agenda. The cemetery resolution that we just closed the public hearing for.

MS. BURKHARDT:

And they're handing it out right now.

LEG. BISHOP:

Why are we waiving the one hour, though?

MS. BURKHARDT:

Because it shouldn't have gotten out of committee.

D.P.O. CARPENTER:

It was •• it was voted out of committee inadvertently when the hearing was still on, because the two resolution numbers and the hearing number were not the same.

LEG. BISHOP:

Oh, I see, you needed the hearing number.

D.P.O. CARPENTER:

Right.

LEG. BISHOP:

I understand.

D.P.O. CARPENTER:

Okay, great. So, we have a motion and a second to discharge. All those in favor? Opposed? The resolution is discharged and will age for one hour.

And I think everyone is back to the horseshoe, so I don't think it's necessary to have that two •minute recess, and we will get back to the agenda.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

Yeah, okay. We're at **1290**, Health and Human Services, ***establishing an Emergency Medical Technician (EMT) Certification Reimbursement Policy for Suffolk County Employees.*** Motion by Legislator Bishop.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed?

LEG. LINDSAY:

Which one are we on?

P.O. CARACAPPA:

That's 1290, the last resolution on Page 10.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Foley and Tonna)

P.O. CARACAPPA:

Resolution 1300 (A Local Law to strengthen the enforcement of penalties for substandard rental housing). I just had a long conversation with the County Executive and with Legislator Montano, and as the sponsor of this bill, I am going to make a suggestion to table for this one cycle, second by Legislator Montano. And there'll be discussion over the next couple of weeks regarding this bill. And it's because Legislator Montano, and the County Executive, and my colleagues that I'm tabling it and nobody else. No one else has been very helpful or willing to work with me on this bill, very simple bill it is. Motion to table and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Laugh all you want, Janet. The Commissioner of Social Services thinks it's real funny. I just did her a big favor.

1358 (To promote and protect the public health by authorizing, empowering and requesting the Health Commissioner to enter into a contract for a Tobacco Control Program evaluation). Motion by Legislator Tonna. He's not back here.

D.P.O. CARPENTER:

He's not here or ••

P.O. CARACAPPA:

He's not.

LEG. LINDSAY:

Why don't we table it until he gets here.

P.O. CARACAPPA:

We'll table it for one meeting. Motion to table by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1380 (Amending the 2005 Adopted Budget to reallocate New York State Office of Alcoholism and Substance Abuse Services (OASAS) funding for programs administered by the Town of Islip). Motion by Legislator Lindsay, second by Legislator O'Leary. On the motion?

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. CARACAPPA:

Well, Legislator Carpenter, then Foley.

LEG. FOLEY:

Yes.

D.P.O. CARPENTER:

I would just ask for an explanation on this. I'm not on the committee. I just want to make sure that the funding remains intact for these programs.

LEG. FOLEY:

Are we on 1380 or 1358, Mr. Chairman?

LEG. VILORIA • FISHER:

No, we tabled 1380.

LEG. FOLEY:

Okay.

LEG. VILORIA • FISHER:

I mean, 1358.

MR. MONTANO:

We tabled it, okay.

P.O. CARACAPPA:

1358 has been tabled. We're on 1380.

LEG. FOLEY:

Okay. I'm going to make a motion to reconsider 58 in a moment.

LEG. VILORIA • FISHER:

I'll second that motion.

LEG. FOLEY:

But I'll •• you want to wait until we dispose of 1380?

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Okay.

MS. KNAPP:

This is •• this is the County Executive's resolution to reallocate substance abuse funding for programs administered by the Town of Islip. It is •• it looks like ••

LEG. FOLEY:

It's very straightforward.

MS. KNAPP:

•• a change of \$31,895.

LEG. ALDEN:

Negative or positive?

LEG. FOLEY:

Yeah. As a member of the committee, Mr. Chairman, if I may. It's a rather straightforward, and to answer Legislator Carpenter's question, it's a rather straightforward amendment. It's in order to come in, if you will, if not into compliance, just to move •• rather, to transfer some monies from one account to another. We've done this throughout the year with a number of other State and Federal dollars, whether it's in the area of Health Services or Social Services, and it wouldn't be done without the concurrence of the locality, in this case, the Town of Islip. So, it's a reallocation of OASAS monies pursuant to Health Services. The backup, I believe, shows that or demonstrates that the Town of Islip is in •• is in support of this particular modification.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

Legislator Alden. I'm sorry. Legislator Vioria•Fisher, then Alden. Sorry, Cameron.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. Actually, my comment was with respect to 1358. The vote went so quickly and I didn't want to see it tabled. It's an important piece of legislation. So, I'll wait until we're finished with 13 ••

P.O. CARACAPPA:

Well, obviously, the reason why it was done, because the sponsor's not here.

LEG. VILORIA • FISHER:

Okay.

P.O. CARACAPPA:

So, we'll come •• okay.

LEG. VILORIA • FISHER:

But I had spoken with him previously about it.

P.O. CARACAPPA:

All right. Legislator Alden.

LEG. ALDEN:

From what account to what account is 1380 dealing with? And, Legislator Foley, if you could just elaborate, I'm not on that committee.

LEG. FOLEY:

Sure.

LEG. ALDEN:

And what backup do you have from the Town of Islip that would indicate that they've reviewed it and ••

LEG. FOLEY:

Well, they were •• yeah. Right now, I'm looking at the resolution on file and it mentions Town of Islip access, and dual diagnosis, and the transfer from one to the other. There was minimal discussion in committee just to the point that it was something that there was no opposition from, if not •• well, also concurrence with Islip to do this. So, no one •• there was no red flags that were raised with this transfer or change of money. And normally speaking, as I said, Mental Hygiene in particular does this on a regular basis throughout the year, so ••

LEG. ALDEN:

If you're not aware of any ••

LEG. FOLEY:

No objections.

LEG. ALDEN:

•• circumstances that would ••

LEG. FOLEY:

No.

LEG. ALDEN:

•• would cause us to have to pass this today, I would like just, you know, a couple of weeks. I'll call Islip and just make sure that they go on record ••

LEG. FOLEY:

It's rather pro forma, but if •• I don't know of any, especially, since we're meeting, what, in two or three weeks time?

D.P.O. CARPENTER:

Three weeks exactly.

LEG. FOLEY:

Three weeks?

D.P.O. CARPENTER:

Until we meet.

LEG. FOLEY:

Well, I don't know whether there's any time constraints with our Mental Health •• Mental Health Division of the •• of our Department of Health Services. I don't know whether this is time sensitive. Perhaps we can have someone from the Exec's Office speak with Tom MacGilvray to find out whether or not there's any time sensitivity to this.

MS. KNAPP:

Could I just correct? I got as far as saying it's a change of \$31,895 ••

LEG. FOLEY:

It's more than that.

MS. KNAPP:

•• but that's only in one of the programs. The other change is 143,788.

LEG. FOLEY:

Right, right.

MS. KNAPP:

Just so that ••

LEG. FOLEY:

And if ••

LEG. ALDEN:

I'd prefer to have a couple of weeks to just make sure nobody is losing their job, or some other thing ••

P.O. CARACAPPA:

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

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

A second by Legislator Carpenter. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Before the end of the meeting, Mr. ••

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Yeah. Just before the end of the meeting, though, if we could have the Exec's Office speak with Human Services to find out whether it must be done today or whether it can wait three weeks.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Very good. Thank you.

LEG. FOLEY:

Mr. Chair, I'd like to make a motion to ••

P.O. CARACAPPA:

1358 (To promote and protect the public health by authorizing, empowering and requesting the Health Commissioner to enter into a contract for a Tobacco Control Program evaluation). Motion to reconsider by Legislator Foley, second by Legislator Vilorio •Fisher. All in favor? Opposed? Abstentions? 1358 is now before us.

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Foley.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Okay, thank you.

MR. BARTON:

17. (Not Present: Leg. Tonna)

PARKS AND CULTURAL AFFAIRS

P.O. CARACAPPA:

Parks and Cultural Affairs. 2342.

LEG. VILORIA • FISHER:

1380 is tabled.

P.O. CARACAPPA:

1380 is tabled. ***2342 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm water remediation improvements at Meschutt County Park (CP 7108).*** Motion by myself, second by Legislator Schneiderman. All in favor? Opposed?

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Is this the parking lot? I just •• I really don't •• and I'm just going to state this for the record, I guess it's going to pass anyway, but I don't think we should be using 477 money to go and repave a parking lot. That should either be a capital program, or, if we have enough cash, we should do it out of the cash account. 477, as I stated in committee, I think is for remedial action about and beyond what is existing out there on an ordinary basis, in other words, for extra type of programs. This is just normal maintenance, normal repaving of the parking lot, and I'm going to be opposed to it.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

On the motion. This is repaving or is there drainage, drainage mitigation associated with it.

LEG. LINDSAY:

If I could answer.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Okay. The only reason I'm answering is I'm on the Parks Committee and I recall this, because we had a lengthy debate about it, and I still have the plans in my briefcase, if somebody wants to see them. But, right now, this County parking lot drains the storm water runoff into the •• into the bay. And what this project will do will set up a culvert, or something that •• and reverse all the drainage, so it drains into the culvert, which will be filled with natural grass to filter the water, so it doesn't drain back into the bay. That's the main purpose of the job. In the process, yeah, the parking lot's going to be resurfaced, because we're going to rip it all up, because we have to redirect all the drainage pipes out of the bay into an interior culvert or storm reservoir.

P.O. CARACAPPA:

Legislator Bishop. Legislator Alden still had the floor, actually.

LEG. ALDEN:

Actually, I'll yield to Legislator Bishop, if he wants.

LEG. LINDSAY:

It costs us a million dollars. It's a million dollar project.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

So, I mean, you're confident that the majority of the project is about storm water runoff ••

LEG. LINDSAY:

Yes.

LEG. BISHOP:

•• and it's not an afterthought to a repaving, it's the other way around?

LEG. LINDSAY:

Yes.

LEG. BISHOP:

And you're not?

LEG. ALDEN:

Well, if you're asking me a direct question ••

LEG. BISHOP:

I am.

LEG. ALDEN:

Well, I think the intent of 477 was to go outside the box. We, if we're going to have, you know, County property, we owe a duty to the people to protect them from carcinogens and runoff, so

we should have been doing that anyway, not out of a special account that would go out and work with other types of government, like the state or federal, on highway programs where we're polluting lakes, and rivers, and streams, and things like that. So, I envisioned 477 as taking on extra precautions to preserve the life and safety of the people of Suffolk County, not to what we should be doing on a parking lot anyway.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I think there's a simple answer to the question being raised by Legislator Alden and Legislator Bishop, and that is what portion of the appropriation is for drainage and what portion is for paving or resurfacing the parking lot?

LEG. ALDEN:

A million bucks for repaving.

LEG. CARACCIOLO:

Well, I know it includes paving, but, Ben, is there anyone here from DPW.

LEG. BISHOP:

The paving, he's saying it's a function of ••

LEG. NOWICK:

You can't do the other one without the paving.

LEG. CARACCIOLO:

I understand what the project entails, I'm just trying to get a simple answer to what portion •• do you know?

MR. ZWIRN:

No.

LEG. SCHNEIDERMAN:

All the paving is related to putting it back together.

P.O. CARACAPPA:

You don't know how much for grading and ••

MR. ZWIRN:

No.

P.O. CARACAPPA:

•• material, paving material ••

LEG. CARACCIOLO:

What is the size of the parking area?

P.O. CARACAPPA:

•• as opposed to the drainage and the redirecting of the water?

MR. ZWIRN:

No, I don't.

P.O. CARACAPPA:

No, okay.

LEG. CARACCIOLO:

What is the size of the project area?

P.O. CARACAPPA:

I'm sorry?

LEG. CARACCIOLO:

The size.

P.O. CARACAPPA:

The size of the project, monetarily?

LEG. CARACCIOLO:

No, in land area.

P.O. CARACAPPA:

Of the parking lot.

LEG. CARACCIOLO:

Yeah. Is it a large, very large area, is it a quarter acre?

P.O. CARACAPPA:

Chairman of Parks.

LEG. SCHNEIDERMAN:

You know, I can't tell you the exact acreage of the parking lot, but it's a parking area and the road leading to it, and this would be installing storm drains along the roadway in, as well as in the parking area, and connecting them altogether into a marsh type of system that I think Legislator Lindsay spoke about, to attenuate that runoff before it enters the bay there.

P.O. CARACAPPA:

It's a full depth ••

LEG. SCHNEIDERMAN:

All of the repaving is related directly to the storm water installation, and the 477 fund was intended exactly for this type of project, to handle and, you know, remediate storm water runoff.

P.O. CARACAPPA:

It's a full depth replacement by way of paving? Is it curbing involved or is ••

LEG. SCHNEIDERMAN:

Not to my ••

P.O. CARACAPPA:

Are they using •• I think what everyone wants to know ••

LEG. SCHNEIDERMAN:

All of the ••

P.O. CARACAPPA:

•• are they using the 477 and the draining •• drainage project to redo the parking lot?

LEG. BISHOP:

Right, is it a pretext?

P.O. CARACAPPA:

You know, exactly.

LEG. LINDSAY:

No, no.

LEG. SCHNEIDERMAN:

No, no. The project is being done for ••

P.O. CARACAPPA:

Or is it truly, truly a storm water remediation program ••

LEG. SCHNEIDERMAN:

I believe, having reviewed ••

P.O. CARACAPPA:

•• that needs a little bit of asphalt to fix up the area for which we're doing that project?

LEG. SCHNEIDERMAN:

Right. Once you ••

P.O. CARACAPPA:

Or is it vice versa?

LEG. SCHNEIDERMAN:

I believe this is truly a drainage project. Once you cut these storm water drains in, you've have to put it all back together, and so there's going to be paving associated with it. I think it legitimately, and I guard those 477 funds as well, I think this is legitimately a 477 project.

P.O. CARACAPPA:

Legislator Caracciolo and Alden.

LEG. CARACCIOLO:

I didn't get an answer to the question. Is this a parking lot that facilitates parking for twenty, thirty, a hundred, three hundred cars?

P.O. CARACAPPA:

I have no idea.

LEG. CARACCIOLO:

How big is it? We're going to spend a million dollars and no one on the horseshoe that sits in the committee ••

LEG. LINDSAY:

It's in your district.

LEG. SCHNEIDERMAN:

I don't know how many cars park there. I've been there. I never counted the cars.

MR. ZWIRN:

It's a three •• it's a three•acre parking lot.

P.O. CARACAPPA:

The entire lot's being redone, entire lot, stem to stern, east to west, north ••

LEG. CARACCIOLO:

The parking •• Mr. Zwirn, you said the parking lot is three acres?

MR. ZWIRN:

Yes.

LEG. CARACCIOLO:

Okay. So, then that clearly would justify the expense associated with the resolution. It's not the 10 or 15 cars, and it's not something that I think there's concern about, that this is being done to fix a parking lot as opposed to provide remediation for storm run off.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

There was an early indication, because this has been laying around for a little while, there was an early indication that this parking lot needed to be repaved, and when they were looking at that, they decided to do a project that would protect the runoff, so if •• and that's where I originally hang my hat, on the fact that this is improper for 477. I believe it's a good project for us to deal with as a County, but I don't agree with the funding source. We only have limited sources on the 477 Account, the Capital Program, because this parking lot needed to be redone anyway, whether it was this or next year, and the early indication was that this was going to be in the line of fire as far as to be repaved. So, that's why I disagree with the 477 fund.

P.O. CARACAPPA:

Budget Review, is there a capital project associated with this that you know of? Or if there's anyone from the County Executive who knows that, if this was on the list for a maintenance contract, maintenance work that's done yearly ••

MR. SPERO:

It's not on a list that I'm aware of.

P.O. CARACAPPA:

•• which is based on the four, five million dollars we appropriate every year.

MR. SPERO:

No, this wouldn't be part of that appropriation. Parks •• Parks has their own capital projects ••

P.O. CARACAPPA:

Okay.

MR. SPERO:

•• for improvements.

P.O. CARACAPPA:

I think that was a question Legislator Bishop was trying to get to the bottom of, are we substituting a project with another source of funding.

LEG. BISHOP:

I mean, would we know •• do you know, is there a list of parking lots in the park system that are decrepit, that need work?

MR. SPERO:

To my knowledge, they have not submitted a list for parking lot improvements as part of their capital request this year.

LEG. BISHOP:

Okay.

MR. SPERO:

And the regular resurfacing project ••

LEG. BISHOP:

And so I don't know if that answers for previous years.

MR. SPERO:

The regular ••

LEG. BISHOP:

I just want to know, was it ••

LEG. LINDSAY:

Again, I might be able to help.

LEG. BISHOP:

I guess what I'm asking is was it contemplated previously that we would be ••

MR. SPERO:

Not to my recollection, no.

LEG. BISHOP:

That we would be repaving this. Not to your •• okay.

P.O. CARACAPPA:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Again, I don't know why I'm so involved in this issue, because it isn't in my district, but when ••

LEG. SCHNEIDERMAN:

That's probably why.

LEG. LINDSAY:

When Parks came in, they came in with a •• and I just looked in my bag to see if I still had the paperwork, I don't, I left it in the car, but it's a diagram of the parking lot. Right now, all the storm drains empty into the bay. What they're proposing to do is to open the parking lot the entire length, redirect the drainage to the interior land away from the water to set up a storm water reserve there, plant all seed grass there. Yeah, they have to repave it. To answer your question, was the parking lot in need of repaving anyway? Yeah, it was in need of repaving anyway, but now they've got to go in and rip the whole thing almost in order to redirect the storm drains.

LEG. BISHOP:

The next parking lot that ••

P.O. CARACAPPA:

That's •• does it set a precedent?

LEG. BISHOP:

I guess the •• I guess where I'm going and where he's already there, and I'm not sure where I am ••

LEG. ALDEN:

Who?

LEG. BISHOP:

You, you're "he". Where Legislator Alden is. The next parking lot that comes up, right, that needs repair, is that going to be a 477? So, is every parking lot repaving ultimately going to be a 477 project?

LEG. LINDSAY:

If I might, Mr. Chairman.

LEG. BISHOP:

And you'll say only if it ••

P.O. CARACAPPA:

You sure can.

LEG. LINDSAY:

I mean, the alternative to doing it this way is to put filtration systems in all the storm drains, but then we're going to have to go back and maintain that filtration system.

LEG. BISHOP:

Yeah, but you ••

LEG. LINDSAY:

This will •• you won't need any maintenance if you do it this way.

LEG. BISHOP:

Yeah, but you sponsored a law that I voted for where you gave them 20 people to do that, to

do filtration ••

LEG. LINDSAY:

Yeah, because ••

LEG. BISHOP:

•• maintenance.

LEG. LINDSAY:

Because some of the storm drains, there's no other way of doing them unless you put a filtration system in. This you have an alternative way of doing it.

LEG. BISHOP:

All right. Let me ask it another way. Do you think that this project is so worthy that it's like 10% of the total of our annual 477 money? Is it going to do 10% better •• yield 10% less pollution?

LEG. LINDSAY:

If it was in my district, yeah.

LEG. BISHOP:

I don't know. This is a big chunk.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

And it seems like it's ••

P.O. CARACAPPA:

You either believe this is a valid storm water remediation ••

LEG. BISHOP:

I do.

P.O. CARACAPPA:

•• program, or you think it's a side•stepping for ••

LEG. BISHOP:

Let me ask ••

P.O. CARACAPPA:

•• additional paving to the 477 Account?

LEG. BISHOP:

Can I ask •• I know this is belaboring, but this is "Bishop's Law", that when there's nothing to debate, we'll find something, so ••

P.O. CARACAPPA:

And you'll really let me know about it later, too.

LEG. BINDER:

Well, he's involved in his own law.

LEG. BISHOP:

Right, I'm ••

LEG. BINDER:

Look at how he's doing it.

LEG. BISHOP:

Is there a way to bifurcate this? Can you do a project like this, where you would say, "All right, the paving function will come from a capital fund that we use to repave, and the rest of it, the 477 appropriate part will come from the 477 Account"? Is that a plausible approach to this?

P.O. CARACAPPA:

Who do you •• who are you ••

LEG. BISHOP:

Mr. Zwirn.

P.O. CARACAPPA:

Mr. Zwirn, I guess that's to you.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. I just wanted to make one thing clear, that they're not ripping up the parking lot, it's not going to be done twice, and this is really a drainage •• and I respect Legislator Alden and Legislator Bishop's, you know, position on this, some when we talked about •• and they've been consistent all along. But this one is just to rip up the parking lot once, because it's a drainage issue. Otherwise, if this wasn't a drainage issue, they wouldn't be touching this parking lot, and that's ••

LEG. BISHOP:

You mean a pollution issue.

MR. ZWIRN:

Pardon me?

LEG. BISHOP:

You mean a pollution issue, not a drainage issue.

MR. ZWIRN:

Well, that's ••

LEG. BISHOP:

I don't care that it floods.

MR. ZWIRN:

Well, that's •• you're right, it's a pollution issue, so they can •• they can address that, so it doesn't go directly into the bay.

P.O. CARACAPPA:

Associated with the draining.

LEG. SCHNEIDERMAN:

In fairness, there's erosion issues here as well ••

LEG. VILORIA • FISHER:

Right.

LEG. SCHNEIDERMAN:

•• that the water, as it runs into the bay, is also washing out the parking lot and the beach, so
••

P.O. CARACAPPA:

All right. I guess it comes down to this. If you believe this is a side•stepping capital project, so a pay•as•you•go project in the paving, you don't vote for it. If you think it's actually storm water remediation, you vote for it. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Pass.

LEG. ALDEN:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Abstain.

LEG. BISHOP:

I'm guessing. I'm going to guess no.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Pass.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. MONTANO:

I'm going to guess yes.

LEG. BINDER:

I'm not going to guess, I'll abstain.

MR. BARTON:

13. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's approved. ***1328 (To establish a Signage Program for all County Environmental Preservation Projects)***. Motion by Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. No, Mr. Chairman. I'm going to table this for one cycle.

P.O. CARACAPPA:

Motion to table by Legislator Caracciolo, second by myself.

LEG. CARACCIOLO:

There's some good suggestions that I'd like to take up, and we'll revisit this the next meeting.

P.O. CARACAPPA:

As I see Legislator O'Leary reaching for the microphone, does he want to be recognized?

LEG. O'LEARY:

No.

LEG. BINDER:

No. Keep going.

P.O. CARACAPPA:

That's great. Motion to table and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay. **1422 • Appointing Howard B. Kleinberg as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 9).**

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary. I know you want the microphone for something.

LEG. COOPER:

Motion to table.

P.O. CARACAPPA:

I'll second the motion to approve. There's a motion to table by Legislator Cooper, and there's going to be a second by Legislator Lindsay. On the motion, Legislator Lindsay.

LEG. LINDSAY:

My objection to this applicant is simply that I don't believe he qualifies on two fronts. First of all, he isn't a resident of Suffolk County. And second of all, the pre-condition of serving on the Vanderbilt is that you have either civic experience or experience on museum boards, or whatever, and from the best we could tell from his resume, it all referred to his firm, not anything as an individual.

P.O. CARACAPPA:

Have we researched all appointments in the past to see if they fit that criteria?

LEG. FOLEY:

Exhaustive.

P.O. CARACAPPA:

Yeah, exhaustive, I'm sure. Did you say there was a problem with his residency?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Is there anybody else on the Museum Board that's ever served that's lived outside the County?

LEG. O'LEARY:

Put me on the list, please.

P.O. CARACAPPA:

You're on the list. You are the list.

LEG. O'LEARY:

Oh, I'm up?

P.O. CARACAPPA:

Yeah.

LEG. O'LEARY:

All right. With respect to the issue raised by Legislator Lindsay, this is not setting a precedent.

In June of 2002, there was a

Mr. Rogers, who currently •• not from that children's program either. Mr. William B. Rogers, a resident of Oyster Bay Cove who's currently a sitting Trustee of the Vanderbilt Museum who is not a resident of Suffolk County. He sits as a current Trustee.

I discussed this issue with the Chairman of the Board of Trustees, Mr. Gittelman, and his opinion is that this individual, Mr. Kleinberg, is eminently qualified for the position that he seeks, and that the Vanderbilt Museum is not restricted simply to a Suffolk County function, it's regional and national implications as well.

So, with respect to the issues raised by Legislator Lindsay and I understand Legislator Cooper in committee, I take exception to the fact that this is setting a precedent. It is not. Clearly, there are Trustees sitting on the existing board who are not residents of Suffolk County.

And I point out Resolution 1739 of '02 in which several members of this body voted for Mr. Rogers, and, clearly, there was no indication that, nor is he still a resident of Suffolk County, and nor was there any indication in his resume that he had any background in museums, and etcetera, that Legislator Lindsay made mention of. So, I would ask that my colleagues ••

LEG. BINDER:

Where does the Parks Commissioner live?

LEG. O'LEARY:

Excuse me?

LEG. BINDER:

Where does the Parks Commissioner live?

LEG. O'LEARY:

The Parks Commissioner •• I don't think the Parks Commissioner still lives in Suffolk County, I think he's •• has he moved to Babylon? But, you know, I'm focusing on this particular issue.

The fact that

Mr. Kleinberg is not a resident of this County should have no bearing on this appointment, he is qualified. It's not setting a precedent. Mr. Kleinberg lives in Nassau County in the •• I don't know where he lives, but he lives in Nassau County. So, I would ask my colleagues to move on this motion to approve.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

There was, for those who were not on the committee, there was extensive questioning about this issue, and Counsel was asked about the fact, does he meet the letter of the law. The fact that he has an office, his firm, of which he is a partner, has an office in Suffolk County, really did qualify. This is not a full-term appointment, it only goes through 2006. He is very qualified

in foundations and fund-raising, which the museum seems to have a little bit of lacking in. He seemed to genuinely have an enthusiasm and a willingness to serve, and the majority of the committee really felt very comfortable in moving forward with this resolution.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I have a question for Legislator Lindsay.

LEG. LINDSAY:

Yes.

LEG. CARACCIOLO:

I met a constituent of yours who recently was assigned and then resigned from the Vanderbilt Museum. Could you share with us what happened? It was a very short tenure, so ••

LEG. ALDEN:

I'm going to caution on that. I have just as a point of order, or actually a point of law. That really would require an executive session.

LEG. CARACCIOLO:

Because?

LEG. ALDEN:

Because I think there's an issue there as far as maybe some kind of irregularity as far as behavior, things like that, so I don't think that that's something that we could do in open public right now.

LEG. CARACCIOLO:

Well, I'm not at all familiar with the circumstances, I was just curious if Mr. Lindsay is familiar with that.

LEG. MONTANO:

Well, do we need to go into executive session?

LEG. LINDSAY:

I'm absolutely familiar with it, but I wouldn't feel comfortable sharing that in a public forum.

LEG. CARACCIOLO:

Okay. I only bring it up, because I met him, he seemed highly qualified, and we didn't get into the whys and the wherefores or why he resigned, but I just thought it might be helpful to know things like that.

LEG. FOLEY:

How is that germane to ••

LEG. CARACCIOLO:

It's not, it's not.

LEG. FOLEY:

Right.

LEG. CARACCIOLO:

It's not.

P.O. CARACAPPA:

Did he seem mentally stable.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

That's why he resigned.

LEG. CARACCIOLO:

He's a constituent of Bill Lindsay, he's absolutely stable.

LEG. BISHOP:

Well, you saw them. He won't fit in, then, because you saw that Vanderbilt presentation earlier.

P.O. CARACAPPA:

Exactly.

LEG. BISHOP:

They wouldn't stop.

P.O. CARACAPPA:

You've got to be a little •• Jon. I'm sorry, Legislator Mystal, then Legislator Cooper.

LEG. MYSTAL:

I'm trying to stay away from the Museum, but I've got to say something. For Legislator O'Leary, the reason why Mr. Rogers was put on the Board, he gave the Vanderbilt Board a million dollars. That's the reason that he was put on the Board. So, you figure about 18 people with a million dollars a piece, I don't care if they live in Mars, but ••

LEG. O'LEARY:

So, then Mr. Mystal, don't ••

LEG. MYSTAL:

I would sell the •• we'll the sell the whole board, you know, up for bid, you know, 2 million dollars a piece.

LEG. O'LEARY:

Through the Chair, point of personal preference.

LEG. MYSTAL:

But the other •• the other point.

P.O. CARACAPPA:

All right. We're starting to lose control here.

LEG. MYSTAL:

The other point in terms of •• but I think there is a clause in the Charter that says that a board member has to live in Suffolk County. I'm trying to find the Charter. Live or work in Suffolk County.

P.O. CARACAPPA:

Counsel.

LEG. O'LEARY:

No, that's commissioners.

LEG. MYSTAL:

All right? Live or work. What I think Mr. Kleinberg presented himself as working in Suffolk County. Does he work in Suffolk County?

P.O. CARACAPPA:

I'm sure he does work in Suffolk County.

D.P.O. CARPENTER:

Not full time, but he does work in Suffolk County.

LEG. BISHOP:

No, he's been to Suffolk County.

LEG. MYSTAL:

He's been to Suffolk County, but does ••

P.O. CARACAPPA:

I'm sure he has clients in Suffolk County.

LEG. MYSTAL:

Does he have a million dollars?

LEG. ALDEN:

I have the answer? I have the answer.

LEG. MYSTAL:

Does he have a million dollars?

LEG. ALDEN:

He has a million dollars ••

P.O. CARACAPPA:

And ring your buzzer if you have the answer.

LEG. ALDEN:

•• and we could probably pluck him like a chicken.

LEG. MYSTAL:

Could he give us a million dollars? Sold.

LEG. ALDEN:

Exactly.

P.O. CARACAPPA:

Jonathan, Legislator Cooper.

LEG. COOPER:

This was really the issue that was discussed at the committee meeting. Mr. Kleinberg confirmed, of course, that he does not live in Suffolk County. When he presented his bio, though, he gave an address on the bio of his law firm's Melville office, but later on, during the discussion, he mentioned that he worked in Nassau County. So, when I asked him about this, he admitted that his mailing address was Nassau County, his •• the vast majority of the work that he does for the firm is at their Nassau office. When I asked why he put their Melville office down on the bio, he said, well, he just wanted to make sure that we knew that Meyer, Suozzi had a Suffolk office. But, with the exception of visiting the Suffolk office for occasional stenography services or to pick up a file, he doesn't work in Suffolk County.

LEG. ALDEN:

He does, actually.

LEG. COOPER:

So, my concern was, and we addressed this with Legislative Counsel, that the Charter clearly stated that an appointee to the Museum Board has to either live in Suffolk County or work in Suffolk County, and the thought being, I guess, that they felt it was important for someone who's going to serve on this board to have a real stake in Suffolk County and a familiarity with Suffolk County. And occasionally using secretarial services at a Melville office, or as he later said, occasionally going to a court in Suffolk County to plead a case I didn't think qualified. If Legislative Counsel, though, disagrees and if she feels that that does at least meet the minimal legal qualifications, then I have no objection.

P.O. CARACAPPA:

Okay. Before I go on to the next person, shouldn't we be welcoming anybody who wants to serve on this board, really?

LEG. BINDER:

For free.

P.O. CARACAPPA:

For free. Legislator Foley, Bishop, then Alden.

LEG. FOLEY:

Thank you, Mr. Chairman. It's my understanding that the person who has resigned, he was •• his name was put forward by Legislator Lindsay with his resignation. We've done this in the past, that the sponsoring Legislator could then forward another name to fill out that particular term of office. And it's my further understanding that Legislator Lindsay did have an •• did have a person he wanted to put forward and, instead, we have this before us as an alternative, if you will.

So, well, you know, we have in the past honored that particular approach when it's •• when the local •• or the Legislator in question has put forward a new name, and I think that's the best approach we could take with this as well.

P.O. CARACAPPA:

If you could just describe one time we've done that, where there's been no local preference or district preference to any ••

LEG. FOLEY:

No, no, no, no, no.

P.O. CARACAPPA:

No. I'm just confused ••

LEG. FOLEY:

Right. No, no, no.

P.O. CARACAPPA:

•• with that statement.

LEG. FOLEY:

Well, it's not to be confused.

P.O. CARACAPPA:

So, I'd just like to know when that's been the case. If it is, I'll honor it.

LEG. FOLEY:

No.

P.O. CARACAPPA:

If it's not, then let's not go there.

LEG. FOLEY:

Well, let's put it this way. The Legislator who had sponsored a name who was approved, and now that particular person has resigned, and now a Legislator who had the interest to put the name in to begin with now has another name in order to fill out the remainder of that particular term and ••

P.O. CARACAPPA:

But you mentioned earlier we've honored it in the past, but I'm just asking for one example.

LEG. FOLEY:

Well, I'm going to have to now go back in the archives and give an example, but just simply by memory, I know that we've done that in the past with different boards, not just this particular board.

P.O. CARACAPPA:

Legislator Bishop.

LEG. FOLEY:

But it has been.

LEG. BISHOP:

Well, I thought that was the rule. I thought they matched up with the Legislative districts, because I know that I have my person on the board. Was this at one time or something?

D.P.O. CARPENTER:

Can I respond?

LEG. ALDEN:

Lucky you.

LEG. BINDER:

Just lucky you.

P.O. CARACAPPA:

Legislator Carpenter, if you want to respond to that.

D.P.O. CARPENTER:

Having served on the board for a number of years, it really wasn't •• there is no requirement or practice. I know that when I was on the board, I think there were just two of us, Betty Hanse from Babylon and myself were the only South Shore Legislators. The vast preponderance of membership has been from the area of Huntington and Centerport. And I really believe that

the more global we can be with the appointments to have Legislators from the South Shore, the East End, it really helps the museum in the long run in advocating for support and just letting people know about it and getting people over there, to the fact that initially the appointment that is being replaced with Legislator Lindsay's, and this one brought forth by Legislator O'Leary, they're both South Shore Legislators going a little bit more east. And I think that this would be a good idea in that direction, because the appointments generally tend to communicate with the person that appointed them.

And during the committee, this particular appointee mentioned the fact that his son, that he had brought his son to the museum, that his class trip came to the museum, and I think, as we as a County look at things that we can be doing more globally, it may fair us very well to have someone on the board who is from Nassau County or has roots in Nassau County.

P.O. CARACAPPA:

Does everyone recognize we're debating a Vanderbilt Museum Trustee position for the last half an hour?

LEG. BISHOP:

Yeah. Well, that shows how •• what a turnaround •• Legislator Carpenter might recall, there was a time there were a lot of vacancies. When we first joined the Legislature, I think before that, it was paid. Was it paid at one time?

D.P.O. CARPENTER:

It was never paid, trust me.

LEG. BISHOP:

Wasn't there a controversy.

P.O. CARACAPPA:

There were a lot of vacancies.

D.P.O. CARPENTER:

Never paid.

LEG. MYSTAL:

No, they pay us.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

Okay.

D.P.O. CARPENTER:

It was never.

LEG. BISHOP:

No, they never paid us.

D.P.O. CARPENTER:

If I could respond. It was never paid, and as a member of the Museum Board, it's almost a given that you're going to give your time, talent and treasury, as is the case with membership •

-

LEG. BISHOP:

Right.

D.P.O. CARPENTER:

•• on any boards.

LEG. BISHOP:

Okay.

D.P.O. CARPENTER:

So, it actually costs these people money to be on the board.

LEG. BISHOP:

And so now there's more demand for these spots than supply? I mean, we have multiple ••

D.P.O. CARPENTER:

Well, and I would imagine, now that they've received their accreditation from the AME •• the AMA, rather, there's going to be even more.

LEG. BISHOP:

I'm talking about trusteeships. Now there's more people who want these positions than we have positions?

D.P.O. CARPENTER:

At this point, there aren't ••

LEG. BISHOP:

Apparently, because we're picking at ••

D.P.O. CARPENTER:

This would be the only •• right. This would be the only vacancy, but there will be others coming up towards the end of the year.

LEG. BISHOP:

Okay. So, why don't •• why don't these Legislators with the multiple people and appointments, rather than quarrel in a way that is not helping us work it out, so that all the •• I mean, how many people have applicants for this? There's probably three? And there's a couple ••

D.P.O. CARPENTER:

If I could respond to that, to that question, this, and we made that comment in committee, this was the only nomination that was out there. There •• we have been told that there are some in the packet or in the works, but this was the only live nomination.

LEG. BISHOP:

Legislator Lindsay, do you have somebody who's waiting to be on this board?

LEG. LINDSAY:

I have a resolution that I think was laid in that packet.

P.O. CARACAPPA:

Have you ever had anybody on the board •• I think it was mentioned earlier.

LEG. LINDSAY:

The fellow that resigned.

P.O. CARACAPPA:

Legislator O'Leary, have you ever had anybody on the Board of Trustees?

LEG. O'LEARY:

No.

P.O. CARACAPPA:

No.

LEG. MYSTAL:

I propose we increase the board to 36.

P.O. CARACAPPA:

You'll be my appointment.

LEG. MYSTAL:

And give three to Cooper.

P.O. CARACAPPA:

Okay. Let's buckle down here and get focussed here.

LEG. BISHOP:

No. But I ••

P.O. CARACAPPA:

Legislator Bishop still has the floor.

LEG. BISHOP:

I just wanted to finish the thought. If there are three people out there who want to serve and

we're going to have three openings in the near future, than perhaps we could just work this out and not pick at these nominees and shoot them down, if they're all going to bring their time, talent and treasury to the position.

P.O. CARACAPPA:

You hit it right on the hand. In the past we've scrambled to fill these vacancies, and now there seems to be a little backlog, so it becomes slightly controversial.

LEG. BISHOP:

You've got one, you got one, you got one, and you got one.

P.O. CARACAPPA:

And so ••

LEG. MYSTAL:

I got one.

P.O. CARACAPPA:

This ones up now, Legislator Lindsay will be next, and it's ••

LEG. BISHOP:

You don't have anybody who wants this.

P.O. CARACAPPA:

I don't have anybody who wants to be on. Legislator Montano.

LEG. MONTANO:

Yeah. No, I just •• maybe I'm missing something, but I don't think that any of us has a particular appointment to the board by virtue of being a •• you know, being a Legislator in that district. It's who gets the resolution with the name on first and who can get the ten votes. So, it's not like you're entitled to a particular seat on that board for your representative; am I accurate in that?

P.O. CARACAPPA:

Absolutely

D.P.O. CARPENTER:

Absolutely. You've got to do your homework.

LEG. MONTANO:

So, then the process is whether or not we can get together as caucuses and work out an arrangement, so that we have representatives from each side of the aisle with the appropriate backup, with the appropriate credentials, and, in this case, to ensure that we don't have someone that may not meet the qualification, because, from what I understand, the qualification and the residency are the most minimal, if any.

P.O. CARACAPPA:

All right. We've debated this.

LEG. MYSTAL:

Mr. Chair, just •• I know you guys are taking me not seriously, but this is a valuable situation. What we do, somebody put a reso in with members •• 36 members, one for each Legislator in the 18, that's 18, we each get one, and 18 members at large with big •• with deep pockets.

P.O. CARACAPPA:

I'm sure you're going to be the sponsor. Okay.

LEG. MYSTAL:

With deep pockets that will give us some money.

P.O. CARACAPPA:

I think we've debated it long enough.

LEG. MYSTAL:

Cooper, write the bill.

LEG. O'LEARY:

Move the vote.

P.O. CARACAPPA:

There's motion and a second.

LEG. COOPER:

Okay with me.

LEG. MONTANO:

Motion to table, right?

P.O. CARACAPPA:

No, not yet. Is there going to be?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Oh, there is one, okay. There is a motion to table. Okay.

MR. BARTON:

Cooper/Lindsay.

P.O. CARACAPPA:

Roll call on the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. LINDSAY:

Yes.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. FOLEY:

Yes to table.

LEG. MONTANO:

Yes to table.

LEG. ALDEN:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No to table.

MR. BARTON:

No?

P.O. CARACAPPA:

No.

MR. BARTON:

Seven. (Not Present: Leg. Tonna)

LEG. O'LEARY:

Motion to approve.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

And a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

Abstain.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Abstain.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

12. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's approved. 1432, is there a motion? **1429**, my apologies (***Appointing member to the ATV Park Task Force (Gina Arcate, Slot No. 12)***).

LEG. LOSQUADRO:

Motion.

P.O. CARACAPPA:

Motion by Legislator ••

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

•• Losquadro, second by Legislator Caracciolo. All in favor? Opposed? Abstentions? 1432.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

(1432 • Amending Resolution No. 295 • 2005, to further identity protection of Suffolk residents). Motion by Legislator Alden. Second?

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

By Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1433 (Amending Resolution No. 296 • 2005, to further identity protection of Suffolk residents). Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1434 (Amending Resolution No. 297 • 2005, to further identity protection of Suffolk residents). Same motion, same second.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. FOLEY:

Yeah.

P.O. CARACAPPA:

1434, Legislator Foley.

LEG. FOLEY:

Thank. We're almost through, we're moving quickly. Could we just have an explanation? 1434 and 1432 are very similar bills.

LEG. LINDSAY:

32, 33 and 34 are all the same.

LEG. FOLEY:

All three are the same. I'm not a member of the •• not a member of the committee, but if we could hear •• no, no, no. If we could hear from Legislator Alden as to the reasons for it.

P.O. CARACAPPA:

It's come to that?

LEG. FOLEY:

No.

LEG. ALDEN:

It's fairly simple. In one of the "whereas" clauses, it required the little leagues that are going to use our fields to submit their full rosters, with names, addresses and telephone numbers, to the Commissioner of Parks for his approval. In that same sense, it also said that they have to approve the schedule. Now, that's normal. But to approve the rosters and then have Suffolk County be in possession of those rosters would mean that they would be FOILable, and if they're FOILable, some person that doesn't have the best intentions of the children involved could get those lists and possibly cause some kind of harm to the children. So, I thought it best just, you know, leave those lists somewhere else. If the Commissioner needs to establish residency, he can do it by requiring zip codes for the little leagues. There's a whole bunch of other ways without ending with those kids' names, addresses and phone numbers.

LEG. LINDSAY:

Mr. Chairman, on the issue.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

The only thing that I can say about that is that's really been a common practice, not only by the County, but by the town. I mean, years ago, I used to participate in youth athletics and we had to submit a roster of the kids on the roster, and I did the same thing in men's softball league, that they wanted to know who was using the fields.

LEG. ALDEN:

Bill, years ago, you know what, I don't think in those times, and things like that, that, you know, we were looking at identity theft as carefully, and surely not the abuse of children and molestation, and things like that that can occur. And, you know, it was a more trusting time, and I think that this just cleans up the •• we could ••

LEG. LINDSAY:

And you really think someone would FOIL rosters? Just •• that's just inconceivable.

LEG. ALDEN:

Bill, to get a child's name, address and phone number, you know, it's a sick world sometimes. And even with the identity theft, I think we're better off to err on the side of caution.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety, Public Information. First one's been done.

1113 (A Local Law to permit the seizure of motor vehicles to protect Suffolk residents from drivers whose license or privilege to operate a motor vehicle is suspended or revoked). A motion by Legislator Carpenter.

LEG. NOWICK:

Second.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Explanation.

LEG. VILORIA • FISHER:

Oh, are we on 1113?

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Oh, I have a question about that.

LEG. FOLEY:

Yeah, but first let's get the explanation.

D.P.O. CARPENTER:

Are we on 1113?

LEG. FOLEY:

Yes.

D.P.O. CARPENTER:

I apologize. If I could, I'd like to make a motion to table.

P.O. CARACAPPA:

Motion to table 1113 by Legislator Carpenter, second by Legislator Losquadro. All in favor?
Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1352 (Naming new Sixth Precinct in Selden the Rose Y. Caracappa Building). Motion
by Legislator O'Leary.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. On the motion.

LEG. O'LEARY:

On the motion.

P.O. CARACAPPA:

I'll have to abstain. Who wants •• on the motion?

LEG. O'LEARY:

On the motion.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. VILORIA • FISHER:

Can I second that, Mr. Chair.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. O'LEARY:

I would just like to state for the record that, as the sponsor, I was a proud sponsor of this particular motion, and, unfortunately, it's like a pro forma type of thing. There's already been an announcement made that the day of the dedication of the Sixth Precinct, that the Sixth Precinct is, in fact, going to be named the Rose Y. Caracappa Building, someone who had dedicated her entire life, for the most part, to the people in that particular area.

I think it's a most fitting dedication and most fitting that Rose •• that the Sixth Precinct, which is in the area of Selden, is named after Rose Caracappa, someone whom all of us knew very well, and someone who we knew was dedicated to the goals and ideals of true public safety in Suffolk County.

Again, it was •• I regret that it's a pro forma type of resolution, that, in fact, it's already been done by the Police Department in the County, but, however, I was very, very proud to sponsor this particular resolution and moving it forward, naming the Sixth Precinct the Rose Y. Caracappa Building. Thank you.

P.O. CARACAPPA:

Well, I guess I could just say, on behalf of myself and my entire family, Legislator O'Leary, and to my colleagues who support this, we certainly appreciate it. Having worked tirelessly to bring that new facility to Selden, not knowing that eventually it would be named after Rose Caracappa, obviously, it's kind of fitting for me, and it's a touching tribute. And, as I said, in a surprising fashion, at the dedication that morning, when I learned that the Police Department and the County Executive had already signed on to this concept, that, number one, as you said Legislator O'Leary, Rose Caracappa was fairly dedicated to public service and to all emergency service personnel throughout this County, and to have a precinct named in her honor is •• it's amazing, and I'm sure she'd be very happy about that, and to have it in her home hamlet of Selden is even more so.

So, again, I'll abstain, obviously. But myself and my family thank all of you. All in favor? Opposed? Abstentions? One abstention.

LEG. MYSTAL:

Cosponsor.

D.P.O. CARPENTER:

Henry.

MR. BARTON:

16. (Not Present: Leg. Tonna).

(Applause *)*

P.O. CARACAPPA:

It's approved. Thank you. ***1354 (Extending the deadline for expiration of the Task Force on Public Safety Staffing Levels)***. Motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1369 (Accepting and appropriating a grant in the amount of \$73,000.00 from the State of New York Governor's Traffic Safety Committee, to target speeding and aggressive driving with 82.10% support).

LEG. FOLEY:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Vioria•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1383 (Authorizing the Commissioner of Fire, Rescue, and Emergency Services to enter into a Regional Emergency Medical Service Mutual Aid Agreement with the City of New York, Westchester County and Suffolk County). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

And ***1436 (Accepting donation of two (2) All Terrain Vehicles (ATV's) from KeySpan Electric Services LLC, for the Suffolk County Police Department's 7th Precinct).*** Motion by Legislator Losquadro, second by Legislator Schneiderman.

LEG. LOSQUADRO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I just would like to put on the record, when this resolution was drafted, we had to go through several iterations with LIPA on the agreement to donate these ATV's, and the •• when the resolution was drafted, when I gave it to Legal Counsel, the language was taken verbatim, and KeySpan is acting as an agent for LIPA. So, I just want to put on the record that this donation is coming through LIPA. I would like to thank them for taking this initiative and for doing this to

provide the resources necessary to the Suffolk County Police Department to be able to patrol land, some of which they own, where we do have a problem with public nuisance of ATV riding, and they have really stepped up as a private entity to help Suffolk County out in this regard. So, I wish to thank them and put on the record that even though the resolution reads from KeySpan Electric, they are acting as an agent for LIPA, and, again, I would like to thank them for that.

LEG. MYSTAL:

We get it, we get it, we get it.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions? Public Works, Public Transportation. 1071. Is there a motion?

MR. BARTON:

17. (Not Present: Leg. Tonna)

PUBLIC WORKS AND PUBLIC TRANSPORTATION

(1071 • Approving rates established for Fire Island Water Taxi, LLC.)

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

LEG. ALDEN:

Everything in order from Budget Review?

P.O. CARACAPPA:

This is all set and ready to go, Kevin?

LEG. ALDEN:

Are we missing anything?

MR. DUFFY:

It is in order.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1126 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund (477) Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements within the Town of Southampton).

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Schneiderman. Is there a second? Second by Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

LEG. LINDSAY:

On the issue.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. And it really goes back to the sponsor. I think this is a companion bill to a bill that we ••

LEG. SCHNEIDERMAN:

Skipped over.

LEG. LINDSAY:

•• skipped over this morning. Again, this is •• this morning was about seeding clams in a Town facility or a Town bay, and my question was, is there any matching funds from the Town. Well, this is •• the first part of it, it's to do the storm water remediation from Town storm drains into the bay, and we're looking at \$462,000. So, again, I'm asking, is there any Town participation in this project?

LEG. SCHNEIDERMAN:

First, the bill we skipped over was about a forty thousand, forty•two thousand dollar one, this is more significant, this is about half a million dollars, five hundred thousand dollars. I did have the opportunity to talk to the Supervisor and there is Town participation in this. I have not been able to get that in writing at this point. Counsel, I don't know if you could add whether that •• the Town participation is something that is required under the law for us to act?

MS. KNAPP:

Were you asking me?

LEG. SCHNEIDERMAN:

Yes.

MS. KNAPP:

There is no provision in the Charter that requires a 50% match. There is a 50% match for educational programs under the Water Quality Program.

LEG. SCHNEIDERMAN:

I just would also like to say that these are not new projects, these are projects that were submitted awhile ago, before I came on to the Legislature. They went through the Water Quality Committee about two years ago. The Town has been waiting a long time to see the County funding come through for them. The Town of Southampton has committed tremendous amount of funds toward water quality improvements and this is a drop in the bucket toward what they have done, and I think we would show our support to the Town of Southampton.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

You got it, Billy.

LEG. LINDSAY:

Yeah. I'm totally in favor of storm water remediation and using the 477 money to do storm water remediation. I think it's the biggest source of pollutants into our bays, into our Sound. But my problem with this is we •• you know, we just passed a bill last year to do all the County storm drains. If we're going to pay for all the town storm drains at the same time, I mean, there was concern before about us having enough 477 money. You're really going to break the bank if you start doing this, because if Southampton gets the money to do all their storm drains, then I'm going to put in a resolution to see that Islip gets the money to do the storm drains on the town roads. You know, I think •• I think we should have some participation by the Town. And, again, I don't mind subsidizing the project, but I do object to paying the whole thing.

P.O. CARACAPPA:

Okay.

LEG. SCHNEIDERMAN:

And we're not in this case.

LEG. LINDSAY:

Yeah, but we •• you know, we •• I'd have to, you know, see some backup or tell me how much the Town is participating in it. You know, what I would suggest is maybe you table this until you come in with the backup.

LEG. SCHNEIDERMAN:

I'd like to move the resolution forward. I have put on the record that the Town has •• you know, in my conversation today, they are contributing toward these projects, so I'd like to see it move forward. They've been waiting over two years for this.

P.O. CARACAPPA:

Okay.

LEG. SCHNEIDERMAN:

Can we call the vote?

P.O. CARACAPPA:

Is there a motion to approve and a second?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Any other motion? All in favor?

LEG. LINDSAY:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. MYSTAL:

To approve?

MR. BARTON:

To approve.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes, but we need to establish some rules.

LEG. MYSTAL:

I'm abstaining, because I don't know what the heck we're doing.

LEG. BINDER:

Pass.

LEG. ALDEN:

He said yes over there.

MR. BARTON:

Allan?

LEG. SCHNEIDERMAN:

Allan passed.

LEG. BINDER:

I said pass.

MR. BARTON:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Legislator Carpenter?

D.P.O. CARPENTER:

Yes.

LEG. MONTANO:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

15. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's approved. **1288 (To amend the Transportation Advisory Board)**. Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

P.O. CARACAPPA:

1331, 31A.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

(1331, 1331A • Amending the 2005 Capital Budget and Program and appropriating funds to evaluate the feasibility of establishing a wind power turbine or turbines at County property in Yaphank). Motion by Legislator Schneiderman, second by Legislator Viloría•Fisher and Schneiderman. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCILO:

Yes.

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes, yep.

LEG. BINDER:

Yes.

LEG. COOPER:

Yep.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17 on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

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

1361, 61A (Appropriating funds in connection with the improvements to water supply systems (CP 1724)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. VILORIA • FISHER:

Pass. Which one are we on?

P.O. CARACAPPA:

61.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

MR. BARTON:

17 on the bond. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

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

1362, 62A (Appropriating funds in connection with the Riverhead County Center power plant upgrade (CP 1715)). Motion by Legislator Binder, second by Legislator O'Leary.

LEG. ALDEN:

Explanation. Isn't this 65?

LEG. VILORIA • FISHER:

1365?

LEG. ALDEN:

Is this a fuel cell?

LEG. LOSQUADRO:

Yeah, this is 65.

LEG. ALDEN:

Through the Chair, if we could address this maybe to the ••

P.O. CARACAPPA:

Chairman Binder, would you know?

LEG. ALDEN:

•• committee Chairman?

LEG. BINDER:

I don't know. I don't have it in front of me. Counsel knows.

LEG. LINDSAY:

Didn't we just do the power plant?

LEG. ALDEN:

And about ten generators at a million bucks a pop. 1362.

P.O. CARACAPPA:

1362. This will replace the cooling towers and upgrade several smaller systems, and continuing with the energy systems. It's \$180,000. Cooling towers and smaller systems that are similar.

LEG. ALDEN:

Maybe through the Chairman of that committee, or actually through you, Joe.

P.O. CARACAPPA:

Yeah.

LEG. ALDEN:

Have we looked at, and I guess I keep asking this over and over again, but have we looked at alternative fuel sources and alternative energy sources for these? Especially for this type of installation, where Riverhead County Center, right in this general location, you've got the jail, you've got a number of County buildings, it would almost lend itself to some type of alternative fuel type of technology for generation.

P.O. CARACAPPA:

I think at our last meeting we made a commitment as a County through two pieces of policy to start that very option. Where those facilities will be and how we purchase that green power and where it will be distributed is yet to be determined, but I think we're on the right track and we've made that policy decision to go forward in a pretty aggressive fashion.

LEG. ALDEN:

Then, how does •• how does this upgrade •• how does this fit in? That's my basic question. If we're going to keep spending a million dollars for a backup generator, a hundred and something thousand dollars here for cooling towers, is there any plan to just like at some point scrap that and come up with an alternative that's either green power or some other, you know, like alternative type of power generation? No. All right.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

Go ahead, Bill.

LEG. LINDSAY:

Maybe I'm confused here. I thought that this was to replace this cooling tower out here that's falling down.

LEG. ALDEN:

I'm not on the committee, I don't know what it's for.

LEG. LINDSAY:

Unless I got the wrong project. The cooling tower out here I guess supplies central heat and air

conditioning to all these buildings around here.

P.O. CARACAPPA:

Right.

LEG. LINDSAY:

And the cooling tower, we desperately need to repair it. I don't know what kind of alternative system you can use to replace that. I know it says a generator, which •• well, power plant upgrade. I don't think that's a generator. Maybe I'm wrong.

LEG. ALDEN:

Bill, a power plant or generator, I noticed that recently, and it goes back even a couple of years, for different County facilities, we have put in backup power generators at a million dollars. This is heat.

LEG. LINDSAY:

This is for a cooling tower.

LEG. ALDEN:

Right, for a heat generating source, right?

LEG. LINDSAY:

Right. We have a central plant here, I believe, that ••

LEG. ALDEN:

Right. And what does it run on, diesel?

LEG. KENNEDY:

Can I add to this, just from having been out here ••

P.O. CARACAPPA:

There's a list. Hold on. Hold on.

LEG. KENNEDY:

•• in the complex for the last eight years.

P.O. CARACAPPA:

Hold on. There's a list. Legislator Alden has the floor, then Legislator Lindsay, then I'll put you on the list, Legislator Kennedy. Legislator Alden, you still have the floor.

LEG. ALDEN:

If that question could be answered, do you know if this is diesel, or coal, or what type of firing is ••

LEG. KENNEDY:

The plant that sits right over here is a diesel turbine, and, as a matter of fact, what happens is, having been out here in the summertime •• through the Chair. I'm sorry, sir. When we go into brownouts, as a matter of fact, you get the reversed load sharing, and as a matter of fact, that diesel turbine kicks in and I think we actually go ahead and throw power back out onto the grid. We're in some kind of an arrangement with LIPA, so that we can go ahead and actually do the reverse load sharing.

It's very intermittent as far as how the turbine actually runs, but it's there, I guess, supportedly in order to be backup for the jail and for these buildings in the event that major power goes down. That's my experience.

P.O. CARACAPPA:

Budget Review, isn't this money that the Legislature actually put back in the budget last year, our part of it?

MR. SPERO:

Yeah, we •• excuse me •• put in funding for the cooling tower replacement. This is the planning for that project. The cooling tower is at the end of its useful life, and, obviously, you can't cool the buildings here in the complex without that tower.

LEG. ALDEN:

Okay. The point I'm raising is, if there's alternatives to using diesel and we're going to go spend money, now it's \$100,000 for a study to develop a bigger project to replace cooling towers on whether it's a heating unit, whether it's a power plant, whatever it is, whether it's

backup or whether it's primary, I think that we really have to take a look at our policy in the County as far as what we want to run. Do we want to run green, do we want to try to improve our •• well, our record of pollution of the environment, because burning diesel out there doesn't do us any good, as far as the particulates that you have to breathe in. And I think we should establish a policy and then maybe move forward with a little bit, you know, better, rather than haphazard fashion.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

That's a very good point. This is why I had been looking at LEED legislation for any major renovations. However, within this project, as it currently is described, we could use an alternative fuel. We •• you could use a biodiesel mix down the road, which would help with particulates and emissions. So, this wouldn't preclude us from using more ••

LEG. ALDEN:

Good.

LEG. VILORIA • FISHER:

From using greener alternative sources. So, we could move forward with this and still look at greener sources of energy.

LEG. ALDEN:

I feel better.

P.O. CARACAPPA:

Okay. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Pass.

LEG. O'LEARY:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

(Not Present)

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

(Not Present).

LEG. COOPER:

Pass.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. MYSTAL:

Hello.

MR. BARTON:

Back around.

LEG. BINDER:

Yes.

LEG. O'LEARY:

Yes.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Bishop. 16 on the bond, two not present. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1365, 65A (Appropriating funds in connection with dredging of County waters (CP 5200.112)). A motion by myself, second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yep.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Legislator Bishop? 16, 2 not present on the bond. (Not Present: Legs. Bishop and Tonna).

P.O. CARACAPPA:

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

1389 (Transferring Escrow Account Funds to the Capital Fund, amending the 2005 Capital Budget and Program, and appropriating design and construction funds for improvements to the Suffolk County Sewer District No. 7 • Medford (CP 8119). Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

1390, 90A (Appropriating funds in connection with replacement/clean up of fossil fuel, toxic and hazardous material storage tanks (CP 1706). Motion by Legislator Vilorio •Fisher, second by Legislator Nowick. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA • FISHER:

Yes.

LEG. NOWICK:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. BISHOP:

(Not Present)

MR. BARTON:

16, 2 not present on the bond. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1391, 91A (Appropriating funds in connection with the modifications for compliance with Americans with Disabilities Act (ADA) (CP 1738). Motion by Legislator Cooper, second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Bishop. 16, 2 not present on the bond. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1392, 92A (Appropriating funds in connection with the weatherproofing of County buildings (CP 1762)). Motion by Legislator Binder, second by Legislator O'Leary. Roll call.

MR. BARTON:

I'm sorry, Mr. Chairman, who made the motion and the second?

P.O. CARACAPPA:

Binder/O'Leary.

MR. BARTON:

Thank you, sir.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Bishop. 16, 2 not present on the bond. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1393, 93A (Appropriating funds in connection with removal of toxic and hazardous building materials and components at various County facilities (CP 1732). Motion by Legislator Lindsay, second by Legislator Nowick. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. NOWICK:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Bishop. 16, 2 not present on the bond. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1395 (Approving maps and authorizing the acquisition of lands pursuant to Section 206 of the Eminent Domain Procedure Law, in connection with the acquisition of

properties for the reconstruction of a portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon, Suffolk County, New York (CP 3301). Motion by Legislator Mystal, second by Legislator ••

LEG. CARACCIOLO:

Explanation.

P.O. CARACAPPA:

Bishop ••

LEG. CARACCIOLO:

Explanation.

P.O. CARACAPPA:

Binder, rather. This is •• Counsel?

MS. KNAPP:

This is a County Executive resolution.

P.O. CARACAPPA:

Right•of•way acquisition.

MS. KNAPP:

It is, it is right•of•way acquisition in connection with a road improvement, and it talks about reconstruction of a portion of CR 12, Oak Street, in the Village of Babylon, including the fact that there's a drainage culvert that's too short, and the permanent easements taken as a result of the project will provide for the extension and future maintenance of the culvert.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Bishop and Tonna)

LEG. MYSTAL:

Cosponsor, Henry.

WAYS AND MEANS

P.O. CARACAPPA:

Ways and Means. ***1423 (Consenting to the acquisition of additional land at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery (SCTM nos. 0800•131.00•04.00•008.001 P/O and 0800•132.00•03.00•003.002 P/O).*** Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. CARACAPPA:

This was discharged, right?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Second by Legislator Kennedy. This is a 12•voter. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

1424, 24A (Amending the 2005 Capital Budget and program and appropriating funds for replacement production server for virtual County Clerk's Office (CP 1795). Motion by Legislator Kennedy, second by Legislator Bishop. Oh, Bishop's not in the room.

LEG. MYSTAL:

I'll do it.

P.O. CARACAPPA:

Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. KENNEDY:

Yes.

LEG. MYSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Bishop. 16, 2 not present. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

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

1435 (Establishing a County policy to protect the identity of children in Suffolk County). Motion by Legislator Alden.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop •• Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

Sense ••

LEG. SCHNEIDERMAN:

Presiding Officer, can we go back to 1125?

P.O. CARACAPPA:

Yeah. There's a few that we skipped over.

LEG. SCHNEIDERMAN:

Budget and Finance, 1125.

P.O. CARACAPPA:

Just yell out the pages, if you know them.

MS. JULIUS:

Page 9.

LEG. SCHNEIDERMAN:

Page 9.

LEG. LOSQUADRO:

We skipped 20 and 25.

P.O. CARACAPPA:

1120 and 1125.

LEG. FOLEY:

Motion to table ***1120 (Amending the 2005 Operating Budget and creating 44 positions***

in the Department of Social Services and transferring funds to fill the positions effective July 1, 2005).

P.O. CARACAPPA:

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

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

We'll do that when we come back in June.

MR. BARTON:

15. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

1120 we're tabling for one cycle.

MR. BARTON:

15, 1 in opposition. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

1125 (Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Town of Southampton for "Restoration of Hard Clam Populations in Quantuck Bay"). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed?

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Lindsay. Abstentions?

MR. BARTON:

Legislator Mystal, what was your vote?

P.O. CARACAPPA:

Sense Resolutions.

LEG. MYSTAL:

Yes.

MR. BARTON:

Yes, okay. 15 on 1125. (Not Present: Legs. Bishop and Tonna)

SENSE RESOLUTIONS

P.O. CARACAPPA:

Sense 6 (Sense of the Legislature resolution to request that New York State lower the blood alcohol level for driving while intoxicated in Suffolk County to 0.07). Motion to table my myself, second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Bishop and Tonna)

P.O. CARACAPPA:

Sense 8 is •• Sense is ••

LEG. BISHOP:

All along.

P.O. CARACAPPA:

You've been recorded all along, too. Sense 8 has already been approved. ***Sense 12 (Sense of the Legislature resolution requesting a moratorium on the Broadwater LNG Project).*** Is there a motion?

LEG. FOLEY:

Sense 12, hold on.

LEG. CARACCIOLO:

That's ••

LEG. SCHNEIDERMAN:

That's the moratorium.

P.O. CARACAPPA:

12?

LEG. CARACCIOLO:

Withdrawn.

P.O. CARACAPPA:

Withdrawn is 12. ***Sense 15 (Memorializing resolution requesting United States Congress to restore funding to the Environmental Protection Agency projects for the Long Island Sound)***. Motion by Legislator Cooper.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed?

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator O'Leary.

LEG. O'LEARY:

15, I want the opportunity to speak to the sponsor of this with respect to some of the language in this Sense.

LEG. BISHOP:

What language do you object to?

LEG. O'LEARY:

Making reference to our President.

LEG. BISHOP:

Well, the objection is that the President removed the funding, so we're objecting to that.

LEG. O'LEARY:

We have been consistent in asking the sponsor of this resolution involving federal initiatives not to make castigating remarks in the language with respect to the President of the United States.

LEG. BISHOP:

What's the language, Jon.

P.O. CARACAPPA:

Legislator Cooper.

LEG. BISHOP:

What's the castigation?

LEG. COOPER:

I've also asked those that had objections to come up with some alternate wording to make it clear that we're opposing the proposed cut of 93% in Environmental Protection Fund programs for the Long Island Sound by the Bush Administration. If there's some alternate way of wording it without referring to the Bush Administration •• there's nothing derogatory. It's just mentioning that he proposed slashing the funding, and we're calling upon Congress to restore the funding, as they did last year. I'm open to suggestions. I have been for four months for a Sense Resolution.

P.O. CARACAPPA:

There's a motion and a second to table. Is there a second to the tabling?

MR. BARTON:

No, not yet.

P.O. CARACAPPA:

Legislator Binder, are you making the motion •• the second on the tabling?

LEG. BINDER:

I'll second the motion.

P.O. CARACAPPA:

I figured you would. All in favor? Opposed?

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BINDER:

Oh, we're going to be here all day on this.

LEG. BISHOP:

Well, no, you're not going to be here all day. I just hope that you're not going to put, you know, a perceived slight of the President above the health of the Long Island Sound. Why don't we stand up for the Sound?

LEG. BINDER:

Rather than defeat, it's a table.

LEG. BISHOP:

Well, you're obviously not going to pass it. What language could you possibly substitute?

LEG. NOWICK:

The present administration.

LEG. BISHOP:

The present administration. So, you're not going to ••

LEG. COOPER:

So, the present administration in Washington, residing at 1600 ••

LEG. BISHOP:

I'm sure the President of the United States, is going to go, "Whew, I'm glad they didn't name me."

LEG. LOSQUADRO:

What about just in the federal budget?

LEG. BISHOP:

It's not ••

LEG. COOPER:

Because it's the President that's for slashing the funding.

LEG. BISHOP:

You know, it's one thing to say that these sense resolutions shouldn't insult, you know, other elected officials or institutions, but when you say that you can't name the institution that's doing the policy that you're against, you really are taking it too far, and so why don't we just vote for the thing the way it is?

P.O. CARACAPPA:

Legislator Mystal, you have more to add?

LEG. MYSTAL:

Yes. Does anybody really believe that President Bush is even going to see this?

LEG. O'LEARY:

No.

LEG. MYSTAL:

I mean, I love the way you guys go on all this political diatribe as though a sense resolution means anything around here.

P.O. CARACAPPA:

It meant something this morning.

LEG. MYSTAL:

They throw them in the garbage. I used to work for Congress and we used to put them in the garbage. That's what we did with them.

LEG. BISHOP:

That was Elie's job.

LEG. MYSTAL:

That was my job, throw them in the garbage.

LEG. BINDER:

A federal salary he got doing that.

LEG. MYSTAL:

That's right.

P.O. CARACAPPA:

Okay. There's a motion and second to table. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

Just opposition, raise your hands, please.

LEG. COOPER:

I'm opposed.

LEG. BISHOP:

Opposed to tabling.

P.O. CARACAPPA:

I could probably do it with my eyes closed. Legislator Vilorio•Fisher, Legislator Foley, Lindsay, Montano, Bishop, Mystal and Cooper.

LEG. SCHNEIDERMAN:

I'll abstain.

P.O. CARACAPPA:

And abstention by Legislator Schneiderman.

LEG. COOPER:

I just want to know how it got out of committee, that's what I want to know.

MR. BARTON:

Nine. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It fails. There's a motion and second to approve. All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Opposed.

LEG. O'LEARY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator O'Leary.

LEG. BINDER:

Which one? What?

LEG. CARACCIOLO:

It's the same one, Allan.

LEG. BINDER:

Oh, to approved?

P.O. CARACAPPA:

Are you good?

LEG. BINDER:

I'll approve.

P.O. CARACAPPA:

You approve?

LEG. ALDEN:

Abstain.

MR. BARTON:

I have one in opposition and one ••

P.O. CARACAPPA:

To •• damn with President Bush.

MR. BARTON:

•• abstention.

LEG. CARACCIOLO:

Henry, yes.

MR. BARTON:

Yes, I have ••

LEG. SCHNEIDERMAN:

There are no disparaging remarks in this.

MR. BARTON:

15. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Sense 25 (Sense of the Legislature resolution in support of restoration of funding to the Community Development Program).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions? Okay.
Sense 26.

MR. BARTON:

I didn't get anything for 25, Mr. Chairman.

P.O. CARACAPPA:

Motion ••

LEG. FOLEY:

Unanimous.

P.O. CARACAPPA:

Unanimous.

MR. BARTON:

For 25?

LEG. FOLEY:

Foley/Caracappa.

P.O. CARACAPPA:

25, Sense 25, Foley/Caracappa.

LEG. MYSTAL:

Future and next Supervisor for the Town of Brookhaven.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

No, I'm not running.

LEG. MYSTAL:

No, I said the future and next.

P.O. CARACAPPA:

At least Brian laughed.

P.O. CARACAPPA:

Sense 26 (Sense resolution requesting New York State Legislature to enact protections to safeguard against identity theft). Motion by Legislator Cooper, second by Legislator Alden. All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17. (Not Present: Leg. Tonna)

LEG. CARACCIOLO:

Legislative Counsel.

LEG. BISHOP:

Do we have CN's?

LEG. CARACCIOLO:

I make an inquiry on the Procedural Motion that was adopted the January meeting to fund a \$25,000 study of the Broadwater project. I'd like to make a motion to repeal or rescind that motion.

LEG. COOPER:

Second the motion.

P.O. CARACAPPA:

It's a motion to rescind ••

LEG. SCHNEIDERMAN:

Second.

P.O. CARACAPPA:

•• the approval.

LEG. CARACCIOLO:

The expend •• yeah, the approval and expenditure of funds for a study of the Broadwater project.

P.O. CARACAPPA:

To rescind and delete the expenditure and approval of the policy been enacted at this Legislature on Procedural Motion Number 1 by Legislator Caracciolo, second by Legislator Cooper. All in favor?

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, who is that? It's got to be David Bishop.

LEG. BISHOP:

I just want to repeat comments that I made earlier. I don't know how you're going to send

these lawyers into court without facts or into agencies.

LEG. BINDER:

They'll come with money. Don't worry, we'll have our money. We'll have the people's money.

LEG. BISHOP:

Well, I mean ••

LEG. BINDER:

No problem.

LEG. BISHOP:

•• it would seem to me that the one thing that ••

LEG. BINDER:

Just like you'll ••

LEG. BINDER:

We're talking about a backwards process and it's •• of course, we're •• we have precedent for the backwards process in the jail. But before you committed to opposing the project, I thought all along it would have been wise to have some facts. Obviously, we couldn't meet that timetable. Now we've committed to attorneys to fight it and we still don't have any facts.

LEG. CARACCIOLO:

May I respond, Mr. Chairman?

LEG. BISHOP:

And they need facts with which to argue, so ••

P.O. CARACAPPA:

Go ahead.

LEG. CARACCIOLO:

Mr. Chairman, I would just remind my distinguished colleague from the Fourteenth District.

LEG. BISHOP:

I don't know how distinguished I am, but all right.

LEG. CARACCIOLO:

Well, you're leaving, you're distinguished. No. Dave and I have worked many times over on good environmental issues like the Greenways Program and others, but •• no. Simply, on this matter, we're talking along the vein of the Shoreham issue where the County hired counsel and then that counsel hired outside expertise to assist and present in that case before the various regulatory bodies. It's the same ••

LEG. BISHOP:

But aren't you on a tough timetable to begin with?

LEG. BINDER:

Tons of money. Don't worry, we've got tons of money.

LEG. CARACCCIOLO:

So, I mean ••

LEG. BINDER:

Tons of money.

LEG. CARACCIOLO:

•• while I appreciate your concern, I think it's somewhat misguided, because I have every confidence that the counsel to be retained will seek out that expertise that will be needed to demonstrate ••

LEG. BISHOP:

Okay.

LEG. CARACCIOLO:

•• and make the case for us before FERC.

LEG. BISHOP:

So, you're going to let them hire the experts, in other words.

LEG. CARACCIOLO:

Yes. I mean, we're not going to save \$25,000, we'll probably spend a lot more than that for the legal experts •• I mean, the energy experts that will be needed, but ••

LEG. BISHOP:

They're going to be lining up.

LEG. CARACCIOLO:

Be just like Shoreham.

P.O. CARACAPPA:

We've still got plenty of work to do.

LEG. BISHOP:

Okey•dokey.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Yeah. I don't know •• I don't know why, for those of •• why we're discussing this, but those of you who've been around the Shoreham thing, we are going to hire Do•We•Cheat•Em and How, and by the time they're finished, you know, sucking of our blood, we're going to be like a flat cockroach. I won't worry about, you know, expert, because they are going to be expert to the ying•yang by the time we get through with this. This is serious money. We're talking over probably a million to two million dollars just to start this stuff, just to start, so 25 grand, please.

P.O. CARACAPPA:

Did you get that? It's Do•We•Cheat•Em and How, ying•yang, and what was the other one?

LEG. BINDER:

Yang•yang.

LEG. COOPER:

Flat cockroach.

LEG. VILORIA • FISHER:

Cockroach.

P.O. CARACAPPA:

Cockroach.

D.P.O. CARPENTER:

Flattened, flattened.

P.O. CARACAPPA:

Flattened cockroach.

LEG. BINDER:

Flat cockroach.

D.P.O. CARPENTER:

Flattened.

P.O. CARACAPPA:

Okay. There's a motion and a second to do all I mentioned in that motion. All in favor?
Opposed? Abstentions?

LEG. BINDER:

I'm opposed.

P.O. CARACAPPA:

All right. We just saved 25,000.

MR. BARTON:

16. (Not Present: Legislator Tonna)

P.O. CARACAPPA:

Sense Number 32. It's been •• it's been discharged and distributed. Motion by •• ***this is the resolution requesting New York State Legislature to authorize Suffolk County to extend the temporary 1% sales tax compensating use tax rate coupled with the public safety tax relief component***, since you asked. There's a motion by Legislator Lindsay, I'll second it.

LEG. CARACCIOLO:

Roll call.

LEG. BINDER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

I would just say that we should extend, but not extend the full 1%. I think it's a good thing to put more money towards the public safety end and make sure that our police district is better funded. I think that's the right thing to do. But what we should be doing is doing it with less of the taxes. We approach 9%, it's becoming increasingly onerous for people to buy particularly large ticket items, let alone the daily necessities of life. And so, I think we could extend anywhere from a half to three-quarters but we shouldn't be extending the whole 1%, so I'll be voting against it.

P.O. CARACAPPA:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

13. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's approved. Home Rule Message Number 2, which is the same exact thing, but a Home Rule. Same motion, same second, Lindsay/Caracappa. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

13. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay.

LEG. MYSTAL:

Congratulations, Mr. Chair. Well ordered. Congratulations. Very well ordered.

P.O. CARACAPPA:

Whatever you say.

LEG. MYSTAL:

There you go.

P.O. CARACAPPA:

Thank you, Elie.

LEG. MYSTAL:

Very well done.

P.O. CARACAPPA:

Okay, CN's. Everyone has the CN packets?

LEG. MYSTAL:

No, we don't want them.

P.O. CARACAPPA:

Oh, wait. Before I go to CN's, there are other bills that were discharged earlier. **1388**

Transferring Assessment Stabilization Reserve Fund to the Capital (Fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program, and appropriating funds for the purchase of Division of Sanitation laboratory equipment (CP 8166). This is for purchase, the Division of Sanitation for laboratory equipment, inadvertently left off the agenda.

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder, second by myself. Is this a bond? No.

LEG. BINDER:

No.

P.O. CARACAPPA:

No. All in favor? Opposed? Abstentions? 1372.

LEG. O'LEARY:

Motion.

MR. BARTON:

17 (1388). (Not Present: Leg. Tonna)

This is Approving a Memorandum of Understanding between the County of Suffolk and the Bellport, Hagerman, East Patchogue Alliance, Inc. (Establishing a cooperative relationship for the Bellport Weed and Seed Program and accepting and appropriating \$117,340 in sub-granted funds from the U.S. Department of justice with 84.5% support). This is the weed and seed grant.

LEG. MYSTAL:

Weed and seed. Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MS. SULLIVAN:

What's the number on that one?

P.O. CARACAPPA:

That is 1372.

MS. SULLIVAN:

Thank you.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Moving on to CN's. ***1353 (Implementing Brownfield Policy for Liberty Plating property in Brentwood, Town of Islip (SCTM No. 0500•136.00•03.00•009.000).*** Legislator Montano, what's ••

MS. BURKHARDT:

That was the one we skipped on the agenda.

P.O. CARACAPPA:

Yeah.

LEG. MONTANO:

I'm going to make a motion to approve.

LEG. MYSTAL:

Second.

P.O. CARACAPPA:

Motion to approve by Legislator Montano, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1503 (Accepting and appropriating 75% grant funds received from the New York State Division of Criminal Justice Services, for Gang Prosecution Program). Motion by Legislator Carpenter, second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1625 (Authorizing acquisition of land under the first (1987, as amended 1996) 1/4% Suffolk County Drinking Water Protection Program • The Nature Conservancy as Contract Vendee and/or Owner (W.J.F. Realty Corp. • Town of Southampton SCTM#0900•248.00•01.00•002.000 p/o). Motion by Legislator Schneiderman, second by Legislator Caracciolo.

LEG. CARACCCIOLO:

What number?

P.O. CARACAPPA:

This is 1625.

LEG. BINDER:

Mr. Chairman.

LEG. CARACCCIOLO:

Yes.

P.O. CARACAPPA:

On the motion?

LEG. BINDER:

Is there a reason that this is a CN?

P.O. CARACAPPA:

Ben.

LEG. BINDER:

I mean, is there a time sensitivity? I mean, why is this a CN, not going through committee?

LEG. CARACCIOLO:

On the resolution?

LEG. BINDER:

I could see the last one as •• you know, accepting a grant. Usually there's a time sensitivity, you lose the grant if you don't do it, so I didn't say anything, but on this one, I would just ask the question why we're not ••

P.O. CARACAPPA:

Well, it kind of says it in the title, "Because an agreement to acquire the land has been reached and the sooner the funding is authorized, the sooner this environmentally sensitive land within the Pine Barrens Core of Southampton can be preserved."

LEG. BINDER:

But we're meeting in two weeks.

P.O. CARACAPPA:

Three.

LEG. FOLEY:

Three weeks.

LEG. BINDER:

Three weeks. We're not meeting in such a long time that ••

LEG. SCHNEIDERMAN:

Joe, put me on the list ••

P.O. CARACAPPA:

Okay.

LEG. SCHNEIDERMAN:

•• because I have information on this.

LEG. BINDER:

•• this is going to change very much.

P.O. CARACAPPA:

I'll go to Jay, then.

LEG. CARACCIOLO:

Well, I have a question ••

P.O. CARACAPPA:

Oh, go ahead.

LEG. CARACCIOLO:

•• on 1625. Counsel or Mr. Zwirn.

MR. ZWIRN:

Okay.

LEG. CARACCIOLO:

Whomever can answer the question. Just some background here, the WJF Property. Did we previously authorize this acquisition, and if so, for what amount of property and what amount of funding?

MR. ZWIRN:

I don't have that in front of me.

LEG. CARACCIOLO:

Is this then the ••

LEG. SCHNEIDERMAN:

I could answer that, too.

LEG. VILORIA • FISHER:

It's 154 acres, it's in the resolution.

LEG. CARACCIOLO:

Okay. Then my next question is the resolution is specifying a dollar amount that we are purchasing this property for; is that correct?

MR. ZWIRN:

Correct.

LEG. CARACCIOLO:

What is the difference between this resolution that's identified by CN, the dollar amount for an acquisition, and the resolution that I and Legislator Binder's introduced that had dollar amounts in them and the notion that we were somehow breaching confidentiality, what is the distinction?

MR. ZWIRN:

As I understand it, the distinction was, at that time, we didn't have a final number that it was •
• we did not have an executed contract, we do now.

LEG. CARACCIOLO:

On this property?

MR. ZWIRN:

Yes.

LEG. CARACCIOLO:

Okay. And the assertion is that on the properties that he and I sponsored, we didn't have a final agreement.

MR. ZWIRN:

That ••

LEG. CARACCIOLO:

Even though my office was notified by Janet ••

LEG. LOSQUADRO:

We discussed this in committee.

LEG. CARACCIOLO:

You did?

LEG. LOSQUADRO:

Yeah.

LEG. CARACCIOLO:

Okay. So, I just want to make the record clear, that we didn't divulge any confidence.

LEG. LOSQUADRO:

I brought it up at committee.

LEG. CARACCCILOLO:

Very good. Okay, thank you.

P.O. CARACAPPA:

Okay. This is three•way split, by the way ••

LEG. SCHNEIDERMAN:

Yeah.

P.O. CARACAPPA:

•• an acquisition.

LEG. SCHNEIDERMAN:

I think I can ••

P.O. CARACAPPA:

County, State and Town.

LEG. BINDER:

I still, Mr. Chairman, haven't gotten an answer to the question.

LEG. SCHNEIDERMAN:

Right, though that's not specified in the resolution. This property is actually three hundred plus acres located north of Gabreski Airport in the Westhampton area. This actually •• the Governor has already been out at a •• there was a press conference. The Town is involved, as the Presiding Officer said, the State is involved. There was an earlier resolution that specifically authorized this, which was withdrawn. The authorization that the County Executive is using here is going back to 2002 and the general ••

P.O. CARACAPPA:

Ben.

LEG. SCHNEIDERMAN:

I'm sorry.

P.O. CARACAPPA:

Mr. Zwirn.

LEG. SCHNEIDERMAN:

Legislator Foley, I ••

LEG. FOLEY:

I'm sorry. You've had a good day today, keep your sense of humor.

LEG. SCHNEIDERMAN:

I'm sorry. Okay.

P.O. CARACAPPA:

Yeah, come on, Jay.

LEG. SCHNEIDERMAN:

Okay. So, the authorization that the County Executive is referring to within this resolution goes back to 2002 in the general Pine Barrens authorization. The Town of •• the Nature Conservancy ••

P.O. CARACAPPA:

All right. You're losing a vote every time you ••

LEG. SCHNEIDERMAN:

Okay, if you guys are ready to go.

LEG. VILORIA • FISHER:

We're ready to go.

P.O. CARACAPPA:

We're ready to go. It's 11.2 million dollars, the County's share is 3.7. The question, the final to you, Mr. Zwirn, from Mr. •• Legislator Binder is ••

LEG. BINDER:

Right.

P.O. CARACAPPA:

•• what's the urgency?

LEG. BINDER:

We're about to spend 3.7 million dollars on a Certificate of Necessity. Why isn't this going to committee? Why can't we wait a few weeks to come back and do it at the next meeting?

MR. ZWIRN:

Well, part of it •• Legislator Schneiderman, do you want to answer that?

LEG. SCHNEIDERMAN:

Well ••

MR. ZWIRN:

Legislator Schneiderman can answer it.

LEG. SCHNEIDERMAN:

The Nature Conservancy right now is holding this and charging the Town of Southampton the interest until the transfer happens. So, for the Town of Southampton, which is paying the interest, there's a tremendous urgency.

LEG. BINDER:

How much interest are we talking in three weeks? Three weeks of interest is about how much money?

LEG. SCHNEIDERMAN:

Why •• I don't understand why we would hold this up. This is ••

LEG. BINDER:

Because it's 3.7 million dollars. We have a •• now, we talk about things we generally do around here. Normally, what we do is we don't have CN's unless there's a reason of urgency, and I would understand that. And if there is and we needed to do it here, I •• this doesn't look like a bad bill, it's not that I have a problem with it, the question is when there's something urgent that needs to be done, we're going to lose the land, we're going to lose the property, we're going to lose the deal, understandable, but when there's not, we're a body that goes through committee, we take a look at •• committees look at this, it will probably be at the next meeting. I don't know that •• it's just normally what we do, and I •• and I don't want to set a precedent here, which we've done a lot of times with •• unfortunately, we've done it before, CN's for no reason.

LEG. SCHNEIDERMAN:

All right. Can we •• can we vote on it?

LEG. BINDER:

I'm just •• I don't have a problem particularly with this legislation, I just bring it up as we should, I think, generally, with CN's. We've got to make sure when we spend 3.7 million

dollars, it should go through some process in the body, that's my point, and it has more credibility in the end when we do it.

P.O. CARACAPPA:

Okay.

LEG. MYSTAL:

Okay. Vote on it.

P.O. CARACAPPA:

All in favor?

LEG. BINDER:

I make a motion to commit it to committee.

P.O. CARACAPPA:

There's a motion to commit to Environment?

LEG. BINDER:

Yeah, to Environment.

P.O. CARACAPPA:

Is there a second?

LEG. MONTANO:

I'll second it.

P.O. CARACAPPA:

Second by Legislator Montano.

LEG. MONTANO:

If I may.

P.O. CARACAPPA:

You may.

LEG. MONTANO:

The reason I'm going to second it is that I share the opinion. I've got it in front of me, I'm not so sure. You know, I just got handed it and ••

LEG. BINDER:

It's a lot of money.

MR. MONTANO:

I don't know what the urgency is. And I don't like the fact that we get resolutions which are important and I don't have a chance to study them. I didn't get it earlier, I got it now. And there's something inherently wrong with asking me to vote on something that's so important without knowing what the heck is going on, and I share that with you.

LEG. SCHNEIDERMAN:

I could tell you it is the largest track remaining in the Pine Barrens.

P.O. CARACAPPA:

Jay.

LEG. SCHNEIDERMAN:

If it's information that you need, it's a very important acquisition.

LEG. CARACCILO:

What's the time sensitivity?

LEG. SCHNEIDERMAN:

The time sensitivity, they're trying to finish this deal with the Town, the County, the State, and there's interest being paid right now. Okay. Let's ••

LEG. MONTANO:

But my only question is why wasn't it •• why didn't it come up sooner, or why wasn't it introduced in the regular course? That's the only question I have. I had a C of N, but mine went through committee and there were some changes. I'm just asking what the difference is.

LEG. SCHNEIDERMAN:

Well, I'll shut up.

MR. ZWIRN:

Well, if I just may add:

LEG. MONTANO:

Go ahead, Ben, if you would for me.

MR. ZWIRN:

And I appreciate the time, because the •• you know, the Legislators have done a yeoman's job today getting through a very difficult and important calendar.

P.O. CARACAPPA:

We're not done yet.

MR. ZWIRN:

This is •• I know, but this is also an important bill. And when we get a land acquisition of this magnitude, the longer it hangs out there, the more something can go wrong. And we have •• we have the money, it's been negotiated. It is a valuable piece of property. We have the Town of Southampton, whatever interest they're paying, it's the taxpayers of Suffolk County and the Town of Southampton that are paying that interest when we could act today. And we would just like •• once we've got the deal executed, the amount has been agreed on, you know, if •• you know, Murphy's Law, if something can go wrong, it will, and this is one that we'd just like to get done.

LEG. MONTANO:

May I?

P.O. CARACAPPA:

Yeah, go ahead.

LEG. MONTANO:

I understand that and appreciate it. I just want a heads up in •• you know, prospectively, so that we're •• you know, we're not caught short at the end of the day.

MR. ZWIRN:

Absolutely. These were distributed early on in the day, but it would have ••

LEG. MONTANO:

I didn't get it.

MR. ZWIRN:

But you still would have gotten it today.

LEG. LINDSAY:

We just got them.

MR. MONTANO:

We just got them.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Go ahead.

LEG. ALDEN:

Ben, while you're there •• Ben.

MR. BARTON:

Oh, don't you dare. Oh, no.

MR. ZWIRN:

Yes.

LEG. ALDEN:

When did you bring this CN over, just like 15 minutes ago or ••

MR. ZWIRN:

No, no, no, no.

LEG. ALDEN:

When did it come over?

MR. ZWIRN:

No, we ••

P.O. CARACAPPA:

This morning.

MR. ZWIRN:

We brought them over this morning.

LEG. ALDEN:

This morning.

MR. ZWIRN:

Yes.

LEG. ALDEN:

Well, then Legislator Montano has a very valid point as to why we weren't given the CN.

P.O. CARACAPPA:

Blame me for that one, because I reviewed them all day to make sure they were valid and that we should have them. And, you know, name a time when we haven't distributed CN's towards the end of the day as opposed to first thing in the morning.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

So, that's •• blame me.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Alden has the floor.

LEG. ALDEN:

Then, along those notes, maybe I will have a little conversation with you, then, because I want to just ••

P.O. CARACAPPA:

I see the woodshed coming.

LEG. ALDEN:

•• find out what's going on, yeah.

LEG. FOLEY:

Looming in the horizon, there it is.

LEG. ALDEN:

And I am a stern disciplinarian.

P.O. CARACAPPA:

I know. Legislator Foley.

LEG. FOLEY:

Yeah, thanks. Just to Mr. Zwirn, as he's speaking to Legislator Schneiderman, in the future, it would be helpful to bring along either Mr. Isles or Ms. Zielenski to explain this. I can say, as a member of the Environmental Trust Review Board, as is Legislators Caracciolo, and Losquadro, and Schneiderman ••

LEG. MYSTAL:

And Dance with the Wolves.

LEG. FOLEY:

•• that we have •• we have reviewed this and it was one of the more important resolutions to come before the Environmental Trust Review Board, and there's great interest in it. The dwarf pines is a rarity, not just in our country, but in this hemisphere, as former Legislator Englebright used to mention. And, in fact, he'd go down Sunrise Highway and every so often veer off Sunrise Highway to go on the shoulder and look at the dwarf pines, so it has that importance. But those of us who are members of the Environmental Trust Review Board can speak of the importance of this. But to give other Legislators their due in the future, Mr. Zwirn, it would be helpful to have the requisite department here to answer any questions they have on the resolution.

MR. ZWIRN:

Okay. And through the Chair, Mr. Presiding Officer, in the future, I will have ••

P.O. CARACAPPA:

Hold on.

MR. ZWIRN:

•• Ms. Zielenski and Mr. Isles here. I apologize for them not being here today, but in the future I will have them here when there's any kind of acquisition.

P.O. CARACAPPA:

If we wait, the number's not going to be adjusted down; we can agree with that, right?

LEG. VILORIA • FISHER:

That's right.

MR. ZWIRN:

That's correct.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Okay. It's only going to go up. Legislator Montano.

LEG. MONTANO:

I'll pass.

P.O. CARACAPPA:

You're good? Legislator Binder.

LEG. BINDER:

I would just say, I'm sure this is a worthy parcel, I'm sure it's an important land acquisition, but I've been here a long time, and I've been here through some Certificate of Necessity purchases. I'm not going to compare this to Shadmoor, but I was here for that, and it was an unpleasant experience to read about it afterwards. I'm not saying this is like that, but it is our fiduciary duty on a •• this is three point •• this is almost 4 million dollars. Not to do something, even though the Murphy's Law is a wonderful thing, I understand Murphy can show up every once in a while and things blow up, but more important is that three weeks gives it time to go through a committee process. If there are questions, they'll come out, and it's important. That's what we do before spending the money.

So, I'm not •• I won't vote for this today; I will vote, I think, through a committee process. I'm confident that in the end I can vote when it comes back up, if everything is fine, as it sounds, but I'd like •• I think, as a body, we've got to have these things without real reason for us to do a CN to spend this kind of money. We should be very careful. We've gotten caught in bad deals before. I think we should make sure this goes through committee.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Ben, the Town is paying the interest on what?

MR. ZWIRN:

On their portion of the purchase, which I believe is •• Legislator Schneiderman, what ••

LEG. SCHNEIDERMAN:

The Nature Conservancy is holding the property, waiting for the transfer, and charging the Town interest for holding their property, so they have laid out the money until the County's funds come through, in which case, then, the Town will no longer have to pay the interest. So, we're actually purchasing it from the Nature Conservancy.

LEG. KENNEDY:

Jay, hold on. Hold on, please. My question is simple. Is it interest on 11 million or the Town's portion of that? At 11 million, you're talking about six grand. If you're talking about the Town's portion, you're talking about two grand. So, it's two grand for 21 to go ahead and review 3.5 mill, or is it six grand? That's what we're talking about.

LEG. SCHNEIDERMAN:

I don't know the answer. It may be the percent on the full 11 million, until the ••

LEG. KENNEDY:

It may be, but you don't know.

LEG. SCHNEIDERMAN:

I don't know.

LEG. KENNEDY:

Do you know, Ben?

MR. ZWIRN:

I don't know, but I •• I would just think this is a pretty important •• unless somebody really has a •• thinks that this is not a •• you know, a good deal for the County ••

LEG. KENNEDY:

But the Nature Conservancy is in title at this point, they hold ••

MR. ZWIRN:

Yes.

LEG. KENNEDY:

So, the deal's not going south, The Nature Conservancy isn't going to flip it to somebody who's a developer?

MR. ZWIRN:

Well, I presume not. I don't know.

LEG. KENNEDY:

Thank you.

LEG. BINDER:

They don't usually do that.

MR. ZWIRN:

No.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

I was just going to raise that same question. It's not like there's a realistic possibility that a developer is going to acquire this property, it's the Nature Conservancy, so it's not going anywhere.

LEG. SCHNEIDERMAN:

No, that's not correct.

LEG. COOPER:

And we just enacted •• and we just enacted all these reforms at the County level to make sure that we don't have another Chandler Estate scandal. And how can we justify to the public that just a few months later we're spending almost 4 million dollars in taxpayer funds without really any proper oversight. And as much as it pains me to agree with Legislator Binder, trust me, it pains me.

LEG. BINDER:

You don't know how much it pains me that you're agreeing with me.

LEG. COOPER:

But I really do feel that we owe it to the taxpayer to have this go through the proper process and have it go through committee. Three weeks is not going to make a difference. If it was two months, or if there was really a threat of development here, it might be a different matter, but we're talking three weeks, and the Nature Conservancy owns the property, so I don't see the downside.

LEG. SCHNEIDERMAN:

Perhaps you're not understanding the Nature Conservancy's role here. It wasn't that the Nature Conservancy just acquired it, they just held it temporarily so that this deal could happen to avoid the threat of development. As all the pieces came together, there was no reason to believe that the County would not come through on this. So, all we're doing here is punishing the Town of Southampton by delaying.

P.O. CARACAPPA:

Legislator Montano, then Legislator Alden, then Legislator Caracciolo.

LEG. MYSTAL:

Oh, God.

P.O. CARACAPPA:

He's on the list, too.

LEG. KENNEDY:

Please.

LEG. MONTANO:

To switch gears on this, just a technical point, Ben.

LEG. MYSTAL:

In brief, half an hour.

LEG. MONTANO:

One of the problems is when we do things quickly, sometimes we don't do them maybe the way they should be. And one of the things I'm looking at from a purely technical aspect in the bill is that the bill makes reference to the Director by name, it doesn't make reference to the Director by title. And were she not the Director tomorrow, we could have some technical problems with the bill in terms of implementing it. So, the reality is that, you know, haste makes waste sometimes in this, and that's a technical issue, a lawyer's issue, but, nonetheless, it actually is an issue, and if something were to happen, we'd be delaying this bill because we didn't word it properly. This bill should refer to the Director of Real Estate as opposed to an individual.

MR. ZWIRN:

Well, Pat Zielenski was the Director when this contract was executed, so ••

LEG. MONTANO:

No, I understand that, but if we're moving prospectively, we technically have a defect. We might be back here debating whether or not we crafted it properly. We might have title problems down the road, etcetera.

MR. ZWIRN:

I think that's a stretch ••

LEG. MONTANO:

And I would ask ••

MR. ZWIRN:

•• but if that's your reasoning, that's ••

LEG. MONTANO:

I don't think it's a stretch. In fact, I'll ask Legal Counsel whether or not I'm on point with that.

D.P.O. CARPENTER:

Counsel.

MS. KNAPP:

I do have a concern about that. I think that to the extent that it specifies Ms. Zielenski by name, and it only allows her or her designee to acquire the title, I think that if anyone else signed papers at the closing, that a title company would have some difficulty with that. And, you know, as long as she's in good health and designates someone, there would be no difficulty, but if, God forbid, she were not in a state to designate, then I think we would have to amend the resolution.

D.P.O. CARPENTER:

Legislator Montano, are you done?

LEG. MONTANO:

Yes, I am.

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

D.P.O. CARPENTER:

Okay. Next, Legislator Alden followed by Legislator Caracciolo.

LEG. ALDEN:

There's an interesting point that was brought up on this acquisition and that's the charge of interest to taxpayers. Somebody can correct me if I'm wrong, but I believe that we give The Nature Conservancy, we actually give them property and we give them money and there's some kind of fees that they actually get, you know, for performing services of going out and buying property for us. I'd like a full report and an investigation, or I guess the investigation would have to come first and then a report, on how much money are we actually paying these people in interest, because obviously they're charging the County some interest; how much money we've given to them in fees, management fees, acquisition fees, consulting fees, legal fees and what else the deal is here and what legal authority they're operating on as far as charging us anything. We've actually given them property as far as I know.

LEG. SCHNEIDERMAN:

We're not paying, the town is.

LEG. ALDEN:

Who can we go and ••

D.P.O. CARPENTER:

The Comptroller.

LEG. ALDEN:

Would that be the Comptroller?

LEG. CARPENTER:

Yes.

LEG. SCHNEIDERMAN:

The town.

LEG. ALDEN:

This is very ••

D.P.O. CARPENTER:

Okay, let's ••

LEG. ALDEN:

This is disturbing in a way.

LEG. SCHNEIDERMAN:

It's done many times.

LEG. ALDEN:

It's very disturbing to me.

D.P.O. CARPENTER:

Are you done? Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Ben, I don't know if you have the answers but what is the time line on when this property •• I understand there was a press conference with the Governor and the County

Executive; when did that take place?

MR. ZWIRN:

I •• Legislator Schneiderman was there, I don't ••

LEG. CARACCIOLO:

A week ago, month ago; how long ago?

LEG. SCHNEIDERMAN:

Three weeks ago; I'll look it up in Newsday.

LEG. CARACCIOLO:

Okay. So at least three weeks ago the County was on the hook for the purchase of this property, vis•a•vis statements made by the County Executive, or representations made by the County Executive. When was this property and the purchase price negotiated?

MR. ZWIRN:

I would believe probably •• the final numbers were probably reached right about that time.

LEG. CARACCIOLO:

Okay, about three weeks ago. Then we get back to really the central issue which Legislator Montano raised was why then do we get this today via a CN ••

D.P.O. CARPENTER:

Excuse me, Legislator Caracciolo. I would just ask for a little bit of quiet so we can hear you, we're having a hard time hearing you.

LEG. CARACCIOLO:

Why are we rushing to approve this today if it was already acknowledged by the County Executive three weeks ago that the County would be a partner with the town and the State? Why didn't the Legislature and the Legislative committee process have an opportunity to review this matter?

MR. ZWIRN:

I don't know the exact time frame, Legislator Caracciolo, but •• and I understand the concerns that have been raised by members of the Legislature here today. I think what happens is when you get a piece of property that's this valuable and you have an executed contract, I think you want to get it closed and finished as soon as possible so you can just get it done instead of letting it just sit. But I understand the concerns that have been raised here today.

LEG. CARACCIOLO:

It's communication, Ben.

LEG. SCHNEIDERMAN:

Earth Day, the first time was Earth Day.

LEG. VILORIA • FISHER:

That's right.

LEG. CARACCIOLO:

Okay, that was back in April.

LEG. SCHNEIDERMAN:

April 23rd is the ••

LEG. CARACCIOLO:

Okay, so we're talking at least three weeks ago. So Madam Chair, what I would •• you know, I'm inclined to support this but I think the objections raised by other members, Mr. Montano, Mr. Kennedy, Mr. Binder, Mr. Cooper, are valid ones. It doesn't appear to me to be any urgency to be acting on this today, send it to committee. And in the future, the lesson to be learned is do it the right way, that's all. Let the Legislature and its process work these things through rather than just slipping it under the eleventh hour and saying, "Here, approve this resolution." I'm going to support it unless something glaring comes out that I shouldn't, but let's put it through the proper process.

LEG. O'LEARY:

In committee.

LEG. CARACCIOLO:

The committee process.

D.P.O. CARPENTER:

Okay. We •• I would just ask all Legislators to please come back to the horseshoe.

LEG. FOLEY:

Madam Chair, as we're waiting for ••

D.P.O. CARPENTER:

Certainly, Legislator Foley.

LEG. FOLEY:

•• the other Legislators, let me just mention •• and it's one thing that the Executive Branch did not mention it. I think one of the problems here is that when you only have one meeting a month, that it makes it more difficult to get things done in a timely fashion. And I think that at next year's Organizational Meeting it will be well worthwhile to have more than one meeting a month in the first five months of the calendar.

But secondly, unlike prior years with the Environmental Trust Review Board, this was fully vetted by a number of Legislators as well as administration through that particular process. So that's what's different now as opposed to CN's of the past where CN's in the past did not go through the rigorous review of the Environmental Trust Review Board because there was no such entity. There is this year and that's why I have a much higher comfort level approving this today than I otherwise would in the past. But coupling that with the fact of having only one meeting a month, I think that also hamstringing the opportunities to have this otherwise go through the committee process.

LEG. ALDEN:

While we're waiting, I have another question.

D.P.O. CARPENTER:

To your comments, Legislator Foley, I'll agree with you as far as the comfort level with the ETRB in place. However, I think that certainly at the Environment Committee, I'm not on the committee and perhaps this was done, but at least a head's up from the County Exec's Office

that this was happening and that they would be bringing a CN over. Because I know that has happened a number of times ••

LEG. FOLEY:

Yes.

D.P.O. CARPENTER:

•• you know, with some of the issues in Public Safety and some of the other committees that I sit on. And especially when you're talking about an acquisition the size of this, just a little bit of a head's up in that committee probably could have gone a long way and would have avoided this. But I do think that we have ••

LEG. ALDEN:

You don't have everybody here yet, so while ••

D.P.O. CARPENTER:

All right. In the meantime, Legislator Alden. And I would just, would all Legislators please return to the horseshoe because we are going to be voting.

LEG. ALDEN:

Do we know if they laid out any money? Because it refers to them as contract vendee and/or owner.

LEG. FOLEY:

They purchased it, that's how it works.

LEG. ALDEN:

Now, did they have to borrow the money to ••

LEG. O'LEARY:

These questions would have occurred in committee.

LEG. SCHNEIDERMAN:

They're holding it.

LEG. ALDEN:

Okay.

D.P.O. CARPENTER:

Did you want to respond, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

The Conservancy is holding it, they've done this many times before. Many times the County has purchased properties just like this where the Conservancy, because the property was threatened with development and, you know, the price was subject to change, the Conservancy has stepped in because it could move quicker to hold it, to protect it until such time as this process could finish. In this case, though, the town is on the hook paying the interest to the Conservancy, so the •• if you think for some reason this isn't going to happen that would be one thing, but if you feel confident that we're going to acquire this, we're only punishing the town by forcing them to pay a higher interest rate.

P.O. CARACAPPA:

Okay? Roll call.

LEG. SCHNEIDERMAN:

It's the town that's paying the interest, Town of Southampton.

P.O. CARACAPPA:

What's the motion?

LEG. LINDSAY:

Just commit.

P.O. CARACAPPA:

To commit to Environment; go.

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

LEG. BINDER:

Yes.

LEG. MONTANO:

Yeah.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

No to recommit.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

MR. BARTON:

10. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay, that goes to Environment.

1631. 1631 (Approving the sale of County-owned real estate pursuant to Local Law 13-1976 Annette S. Katzin (0200-986340-02.00-035.000)).

LEG. O'LEARY:

I would like •• through the Chair. As the Chair of Ways & Means, I've been reading this CN, and I hate to resurrect the same argument, but I'd like the County Executive rep to come up and explain to me what's the emergent need for 1631 on the CN. It's a simple 13, Local Law 13, which normally goes through the committee, lay it on the table.

LEG. BISHOP:

I mean, it's a closing, right?

LEG. BINDER:

Those are usually time sensitive.

LEG. BISHOP:

It's usually time ••

LEG. O'LEARY:

Can you explain to me, sir, why there's a CN attached to this?

MR. ZWIRN:

It was a request made.

LEG. BISHOP:

I think •• you can ••

MR. ZWIRN:

I don't know how time sensitive it is. I don't think it's particularly time sensitive.

D.P.O. CARPENTER:

If I could. Is this the conversation that you and I had this morning?

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

Is it Fire Island Pines?

D.P.O. CARPENTER:

Right. This one •• I think it's over in the Fire Island Pines, this Local Law 13. Mr. Zwirn did bring this to my attention this morning, because it is in my district. This is money that's going to be coming to the County. I really, you know, didn't have a problem with it happening, so ••

LEG. O'LEARY:

I would prefer it, however, going through the committee process. It is a 13 for the Ways and Means attention and we haven't had the opportunity to review it. I make a motion to commit.

D.P.O. CARPENTER:

In fact, on the motion, as I'm looking at this a little bit more carefully now ••

P.O. CARACAPPA:

Is there a second?

LEG. CARACCIOLO:

This is Brookhaven.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Legislator Carpenter.

D.P.O. CARPENTER:

It's mine.

LEG. CARACCIOLO:

Really?

D.P.O. CARPENTER:

Yeah, really.

LEG. BISHOP:

A good wave, it could be washed away.

D.P.O. CARPENTER:

I do believe that there was some conversation about this a couple of weeks ago that this might we happening, that it has something to do with some property near the dock or the bulkheading that we're not using, and the homeowner wanted to make some repairs and was looking to the County for this property; is that ••

MR. ZWIRN:

Yes.

D.P.O. CARPENTER:

Yeah. So, really, with it almost being Memorial Day, and I'm sure they want to get going, they only have a very limited window of opportunity that construction can be done over there, because once the season kicks in, they're not allowed to do as much construction. So, I would just ask that this go forward. I think ••

MR. MONTANO:

Question.

D.P.O. CARPENTER:

•• the appraised value was \$12,500, and that's what they're paying.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

I think •• Legislator Carpenter, did you just say what the appraised amount was?

D.P.O. CARPENTER:

I'm looking at the backup. They've received and deposited the sum of 12,500.

LEG. MONTANO:

Is that the appraised value? Okay. All right.

P.O. CARACAPPA:

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

D.P.O. CARPENTER:

To commit or to approve?

P.O. CARACAPPA:

To commit, that's the motion.

D.P.O. CARPENTER:

Okay. I'm opposing.

MR. MONTANO:

I'll oppose. And I would ask ••

LEG. SCHNEIDERMAN:

I'll oppose, too.

D.P.O. CARPENTER:

Roll call.

P.O. CARACAPPA:

Roll call.

LEG. O'LEARY:

Is this to commit?

LEG. CARACCIOLO:

Yes.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

No to commit.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

No.

LEG. COOPER:

No.

P.O. CARACAPPA:

No.

LEG. BISHOP:

I can't imagine a 13 is going to present a problem.

D.P.O. CARPENTER:

What is the big deal? I don't see this.

MR. BARTON:

Eight. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It fails. Motion and a second to approve. All in favor? Opposed?

LEG. ALDEN:

Abstain.

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Abstentions? One opposition, on abstention. Opposition, Legislator Caracciolo, abstention, Legislator Alden.

MR. BARTON:

15. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

1632 (Authorizing the disbursement of funds from the Suffolk County Living Wage

Contingency Fund for Babylon Child Care Center and Wyandanch Day Care Center, Inc., Day Care providers under contract with the Department of Social Services).

LEG. MYSTAL:

Motion to approve.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Motion to approve by Mystal, second by Legislator ••

LEG. MYSTAL:

And I do have a good explanation as to why this ••

P.O. CARACAPPA:

•• Foley. Do you even have ••

LEG. MYSTAL:

It is time sensitive.

P.O. CARACAPPA:

I don't think anyone's asking. There's a motion and a second.

LEG. BINDER:

I'm asking.

LEG. MYSTAL:

He's asking.

P.O. CARACAPPA:

Okay. It figures.

LEG. MYSTAL:

The reason why this is time sensitive, first of all, most of you know that the day•care centers

have it under the Living Wage Law, thanks to Mr. Bishop and the little development in this, in Social Services has been because of a lack of •• supposedly, a lack of people in the Accounting Department.

P.O. CARACAPPA:

Lost my vote.

LEG. MYSTAL:

They have moved ••

LEG. VILORIA • FISHER:

You've got it, Elie.

LEG. FOLEY:

You've got it man, let's go.

LEG. MYSTAL:

Got it? Oh.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. BINDER:

Opposed. I'm opposed.

P.O. CARACAPPA:

Despite Elie's efforts to have it fail.

LEG. LINDSAY:

Good sales pitch, Elie.

LEG. CARACCILOLO:

Henry, abstain.

LEG. VILORIA • FISHER:

I'm opposed, Henry.

MR. BARTON:

Oh, I'm sorry, opposed.

LEG. MYSTAL:

Henry, sponsor.

P.O. CARACAPPA:

1633.

LEG. MYSTAL:

Henry, sponsor.

MR. BARTON:

15 on 1632.

P.O. CARACAPPA:

I'm missing •• I'm missing the one on ••

MR. BARTON:

One was opposed, and one was abstained, or abstention. (Not Present: Leg. Tonna).

MS. BURKHARDT:

You just did 32.

D.P.O. CARPENTER:

Here's 32 and here's 33.

P.O. CARACAPPA:

1633 (Requesting Legislative approval of a contract award for Fitness for Duty Psychological Evaluations for the Department of Health Services, Bureau of Employee Health Services). Is there a motion?

LEG. FOLEY:

Motion.

LEG. LINDSAY:

I need an explanation on this one.

P.O. CARACAPPA:

I think you might need a psychological evaluation.

LEG. LOSQUADRO:

I know I do.

LEG. VILORIA • FISHER:

We need a CN, because it's got to be done now, right here.

LEG. BINDER:

During the meeting.

P.O. CARACAPPA:

Okay. There's a ••

D.P.O. CARPENTER:

Right now. They're waiting for us.

P.O. CARACAPPA:

This is •• we had sole RFP responder, and this would eliminate the need to do two contract with the same vendor for the same service of streamlining the process for the execution of the relevant contract.

LEG. FOLEY:

Ben, what's the urgency?

MR. ZWIRN:

So they don't execute two contracts. These are •• the next •• 1633 and 1634 are sole vendor

responders.

LEG. SCHNEIDERMAN:

Why a CN?

LEG. ALDEN:

On the motion.

LEG. CARACCIOLO:

Why a CN?

P.O. CARACAPPA:

Why I a CN, Ben?

MR. ZWIRN:

I think that they were both time sensitive, especially 1634, which is the one following this, but this will have to execute two contracts instead of one.

LEG. CARACCIOLO:

What's the amount of money?

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Ben, and I don't know if it was appropriate in these two, but I'll ask the same question for both of these. Was any consideration given to protection of identity for Suffolk County residents when they use these services? In other words, on our ID cards, there's our social security numbers. Is that ••

MR. ZWIRN:

I don't think this ••

LEG. ALDEN:

The provision of services, do they have to provide a new identity number when they provide

services, or was that even looked at for these two?

MR. ZWIRN:

I don't think •• I don't •• I think these were done before we've had some of the discussion that we've had, but I know that there was a study done that we have distributed, I think, at the last •• I think this was in •• was it in Parks that we distributed this, that one of the I.T. people came in and we gave out what has been done in the past? With respect to these bills, I don't think anything has been done in addition to what had been done previously.

LEG. ALDEN:

Because if it's done by the prior method, then we're going to be using social security cards as ID numbers, and that's really not acceptable, I don't think, anymore.

D.P.O. CARPENTER:

On the motion.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

I am looking at the backup on this and I don't see •• I know there's a Financial Impact Statement, but there's no reference to the amount of this contract, just that the Local Law requires that because it's in excess of \$20,000, but it doesn't say how much it's for.

LEG. BINDER:

How much in excess of 20,000?

MR. ZWIRN:

It's a three•year contract for \$37,500.

D.P.O. CARPENTER:

Is that the total ••

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

•• or per year?

P.O. CARACAPPA:

Total, or is it per?

MR. ZWIRN:

Total.

P.O. CARACAPPA:

Total.

D.P.O. CARPENTER:

The total for •• okay. And this vendor was the single responder on the RFP?

MR. ZWIRN:

Yes.

D.P.O. CARPENTER:

Were they the provider of the services prior?

MR. ZWIRN:

I believe they •• I believe they were.

D.P.O. CARPENTER:

Yes, no?

MR. ZWIRN:

Yes.

D.P.O. CARPENTER:

Yeah? And how long prior? I mean, have they just been doing it forever and no one else •• did

anyone else get the RFP's?

MR. ZWIRN:

According to this, the Public Works Purchasing Office sent out to ten potential vendors who could have been and they were the only ones who responded. I don't know how long they have been doing it previous to this. But there was nobody •• there's nowhere else to go, apparently.

D.P.O. CARPENTER:

Okay. Thank you.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

This question is either for Legislator Counsel or Mr. Zwirn. Can you just explain, these are fitness for duty psychological evaluations performed for whom, we as Legislators or what?

LEG. ALDEN:

Certainly not for Legislators. We'd all fail.

MR. ZWIRN:

You couldn't devise a test. But that would explain why there's only one person responding.

LEG. BINDER:

We could include the County Executive in this.

MS. KNAPP:

I certainly •• you know that in the area of public safety, the Police Department all have a fitness examination. I'm not sure if this is that psychological evaluation, or it may be that if an employee is having difficulty, they may be referred, but, you know, I'm speculating, I should have to admit.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. How much is this contract for?

P.O. CARACAPPA:

Thirty•eight •• \$37,000 over three years.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

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

MR. BARTON:

I don't have the motion, Mr. Chairman, I'm sorry.

P.O. CARACAPPA:

Oh. There's a motion by myself, second by Lindsay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. BARTON:

16. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Okay. There was a public hearing set for 4:45 for the Davis Park Ferries; right?

MS. KNAPP:

Fire Island.

P.O. CARACAPPA:

The Fire Island Ferries?

D.P.O. CARPENTER:

The Fire Island Ferries.

MR. BARTON:

Fire Island Ferries.

P.O. CARACAPPA:

Are the publications and all that stuff in order, Henry?

MR. BARTON:

Well, we've ••

P.O. CARACAPPA:

Affidavits?

MR. BARTON:

The affidavit of posting I will be signing shortly. Yes, we have posted.

P.O. CARACAPPA:

So we're ready to do this public hearing?

MR. BARTON:

Robbins Rest, yes.

P.O. CARACAPPA:

What's the bill number?

LEG. VILORIA • FISHER:

Is it 2128?

P.O. CARACAPPA:

We don't have a bill number for a public hearing that's been set?

MR. BARTON:

We don't need a bill number, it's a CN. It's a public hearing on the CN, I'm looking for the CN

now.

P.O. CARACAPPA:

Okay. The public •• 2128 is the bill number.

MR. BARTON:

2128, yes, is the application.

MS. KNAPP:

That's Davis Park.

P.O. CARACAPPA:

This is Davis Park?

MR. BARTON:

That's Davis Park, I'm sorry. The other one is ••

D.P.O. CARPENTER:

If I could. This I believe was for Fire Island Ferries to add ••

MR. BARTON:

Correct, Robbins Rest.

D.P.O. CARPENTER:

•• the Robbins Rest stop to their license that they currently hold so that they could service the community beginning with the Memorial Day Holiday.

If I could, I would just like to use this opportunity to thank Legislative Counsel, the Budget Review Office, the Clerk's Office, that really these ferry applications sometimes ••

P.O. CARACAPPA:

We have no bill.

D.P.O. CARPENTER:

•• sometimes get very complicated and they really have been doing all that they can to make

sure that we can service the communities.

MS. JULIUS:

1635.

P.O. CARACAPPA:

1635?

D.P.O. CARPENTER:

1635. And the County ••

P.O. CARACAPPA:

Can we have it distributed, please?

MR. BARTON:

Yes.

D.P.O. CARPENTER:

And the County Exec's ••

P.O. CARACAPPA:

It will be or it has been?

MR. BARTON:

It was, it was.

P.O. CARACAPPA:

It was?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Okay. And all this does is add those •• okay, and this is just a public hearing. I have no cards.

LEG. CARACCIOLO:

Close the public hearing.

P.O. CARACAPPA:

Go ahead.

LEG. FOLEY:

Second the motion to close.

P.O. CARACAPPA:

Wait, wait, wait. Counsel?

MS. KNAPP:

Just to explain the situation because this one is very unusual, and certainly the County Executive's Office and the County Attorney's Office should be added to the list of people who worked very hard.

D.P.O. CARPENTER:

I was trying but I got cut off.

MS. KNAPP:

What happened in this situation was we found out last week in committee that Bay Shore Ferry had decided no longer to operate a ferry business from Bay Shore to the stops that he was authorized to run his ferry operation to. All of the stops except for one were served by another ferry. The only one that was not served by another ferry was Robin's Rest and the Fire Island Ferry came forward and said that they would serve the people of Robin's Rest. And they put together a petition very quickly, we consulted with the County Executive and the County Attorney. And this is a temporary license, you will be seeing this again in the next cycle. This license only allows them to operate until August 10th.

P.O. CARACAPPA:

Okay. It's 1635, if you want to look at the bill it's in your laid on the table packet.

LEG. BISHOP:

(Inaudible).

LEG. ALDEN:

No, we didn't do that yet.

P.O. CARACAPPA:

This is a public hearing now.

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

I have no cards. Anyone wishing to be heard?

LEG. FOLEY:

Come on, motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Caracciolo.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

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

The public hearing on 1635, which is a new amended ferry license for Fire Island Ferries is closed.

Going back to the CN's.

D.P.O. CARPENTER:

Do we need to make a motion •• if I could, Mr. Chairman. Do we need to make a motion to discharge this now?

P.O. CARACAPPA:

If you want; it will never make it, unless you waive •• waive the hour rule.

D.P.O. CARPENTER:

Okay, I'd like to make a motion to waive the rules, the one hour rule and discharge 1635.

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

There's a motion and a second •• you have that motion and second •• Carpenter/Foley to waive the rules, lay on the table and approve?

D.P.O. CARPENTER:

And approve; why not?

P.O. CARACAPPA:

Resolution 1635 (Authorizing public hearing for approval of amended ferry license for Fire Island Ferries, Inc.)

D.P.O. CARPENTER:

And just on ••

P.O. CARACAPPA:

All in favor? Opposed? I'm opposed.

LEG. BISHOP:

I'll abstain.

P.O. CARACAPPA:

And an abstention, Legislator Bishop.

LEG. MYSTAL:

I abstain, too.

LEG. BISHOP:

That process is a little whacky if you ask me.

LEG. FOLEY:

It goes to Hurley.

P.O. CARACAPPA:

Abstain, Legislator Mystal as well.

D.P.O. CARPENTER:

Thank you.

MR. BARTON:

14 (Opposed: Legislator Caracappa • Abstention: Legislators Bishop & Mystal • Absent: Legislator Tonna).

P.O. CARACAPPA:

Okay, that's done.

1634, CN (Requesting Legislative approval of a contract award for brokerage services for the procurement of HMO Reinsurance for the Department of Health Services, Suffolk Health Plan.

LEG. BISHOP:

Motion to commit to the Finance Committee, I assume that's the ••

P.O. CARACAPPA:

1634, there's a motion to commit to Finance, by ••

LEG. BISHOP:

Or Ways & Means, whatever Counsel deems is appropriate.

P.O. CARACAPPA:

This would be Ways & Means, right? Ways & Means, Legislator Bishop. I'll second it. All in favor? Opposed? Abstentions?

LEG. BISHOP:

Well, I just want •• no, I just want to point out ••

LEG. FOLEY:

It's recommitted.

LEG. BISHOP:

Well, no, I want to give •• I'm not on the committee and I don't intend to attend, I just want to call your attention to the fourth WHEREAS. I don't know who the Independent Evaluation Committee is that reviewed Marsh, but Marsh is the company that was recently settled with the Attorney General of the State of New York for colluding against its clients. So I'm a little concerned.

P.O. CARACAPPA:

All right, we'll take it up in committee. The vote's been taken and we're not going to have any more discussion on it.

2128 (Authorization of alteration for rates for Davis Park Ferry Company).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Carpenter. This is Davis Park, authorization of alteration of rates. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Thank you.

MR. BARTON:

17.

P.O. CARACAPPA:

Late starters, I'll make a motion to waive the rules and lay on the table the following;

1630 (Amending the 2005 County Operating Budget to transfer funds from the General Capital Reserve Fund to cover the deficiency of appropriations in Fund 105 • County Road for snow removal services);

And ***Home Rule No. 6. (Home Rule Message requesting New York State Legislature to authorize the County of Suffolk to conduct inspections of pet dealers and to provide penalties for violations of Article 26•A of the Agriculture and Markets Law (Assembly Bill A.8194 and Senate Bill S •• ••).***

1630 will go to Public Works, Home Rule 6 will go to Health & Human Services. All in favor?
Opposed? Abstentions?

Is there any other business to come before the Legislature today?
Ten to five, not bad. We're adjourned.

[THE MEETING WAS ADJOURNED AT 4:50 P.M.]

_ _ INDICATES SPELLED PHONETICALLY