

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
ELEVENTH DAY
JUNE 28, 2005**

**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 DIANA KRAUS, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.]

P.O. CARACAPPA:

Good morning. Roll call, please.

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:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present).

LEG. TONNA:

(Not Present).

LEG. COOPER:

(Not Present).

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

I'm here.

MR. BARTON:

Fourteen present, Mr. Chairman.

P.O. CARACAPPA:

Thank you, Mr. Clerk. Will everyone please rise for a salute to the flag led by Legislator Bishop.

(Salutation)

P.O. CARACAPPA:

Please remain standing. I'd like to introduce Legislator Pete O'Leary for the purposes of introducing today's Clergy. Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair, and good morning, everyone. The Reverend Doctor Frederic H. Miller has been a Deacon of the Grace Lutheran Church in Mastic Beach since 1995, a speaker at national conventions on various topics. He possesses a Master's in Theology and a Ph.D. in ministry. In 1982 he sought to serve young people by founding and directing the True Light Educational Ministry. Reverend Miller has been an active member of the Chamber of Commerce of the Mastics in Shirley since retiring to Shirley in 1979. He served as President of the Chamber and President of the Rotary in 1984. Reverend Miller is currently a board member of both the William Floyd Community Summit and the William Floyd School District. He's a proud and retired member of the U.S Air Force and a former Chief of Parasitology for the Nassau County Medical Center. Reverend Miller.

REVEREND MILLER:

Thank you. Thank you for the opportunity of allowing me to be here today. I would like to start by pointing out that the Bible in Roman's Chapter 13, Verse 1 teaches everyone must submit himself to the governing authorities for there is no authority except that which God established. Thus, we are all called by God to the duties we do. Since he calls us, he allows us to turn to him in our times of need.

With that in mind, let us turn to him now.

Dear Heavenly Father, we thank you for this day. We thank you for all the wonderful things that you have done for us. Dear Heavenly Father, we thank you for this body of Legislators here in Suffolk County today. Heavenly Father, your scriptures teach us that to be filled with your wisdom that we are to ask you for it. So Heavenly Father I ask that you fill these Legislators with your wisdom. Have your light shine through them, may that light shine so brightly that they will be examples to other Legislators throughout our state and country. Help them to find the ways and means to continue to improve our quality of life and the environment here in Suffolk County.

Dear Heavenly Father, we know that it is not easy to lead such a diverse people who's many wants cannot be satisfied. It is not easy to discern which actions will produce the greatest good for the greatest number. Heavenly Father, we also know it is not easy to withstand the huge personal temptations that come with power. And it is not easy to bear the extraordinary pressures in a complex world of politics. Assist our elected leaders, particularly our Suffolk County Legislators. Bless them with stamina, with the toughness and integrity to fight for what it is right and honorable in your sight.

Dear Heavenly Father, we also ask that you grant our nation a succession of lawmakers and executives who have learned how to do justice, love mercy and walk humbly before you. Protect them from losing their wits, their nerve, or their souls in the \"_heady\"_ atmosphere of national and international affairs so that we the people may flourish in a land blessed with liberty, peace and justice. Protect our national leaders, especially President Bush, grant our Senators and Legislators representatives the will, the character, to work for the good of the whole people.

Dear Heavenly Father, help us as citizens to bear our share of the burden of democratic government. Make us love peace and fair dealing. Moderate our political passions with calmness and self•control. Allow us to use these situations from the point of your brothers that we may discern what is the common good. Equip all servants with sound understanding, farsighted planning and personal integrity. Enable them to rise above petty power games, that through their wise leadership the welfare of our people may be assured and the peace maintained at home and among our nations of the world. In Jesus's name, amen.

P.O. CARACAPPA:

Thank you. Please remain standing as I ask for a moment of silence for Steven Feig, who is the husband of a former Presiding Officer, Sondra Bachety, and Donald Knapp, who's the father of Ken Knapp, a friend of us all here who's worked in the County Executive's Budget Office for many years. I'd ask that you pray for their families and for the souls of the departed.

(Moment of Silence)

P.O. CARACAPPA:

Thank you. Please be seated. We are going to go directly to the public portion. The public portion is the public's time, public's time only. This is not a question and answer period. You will have three minutes apiece to speak to us. When you hear a dinging noise that is the three minute mark. I'd ask you to please wrap up your comments when you do hear that so that we can move the meeting along. First speaker is William Bernhart.

MR. BERNHART:

Thank you. I want to thank the Suffolk County Legislators this morning for giving me the opportunity to address you. My name is William Bernhart and I am the Superintendent of Schools in Babylon. I'm here to speak in favor of the resolution to amend the capital program and budget in connection with the improvements to the athletic field within the Babylon school district.

Under this resolution, if approved, Suffolk County would share in the funding with the Babylon School District to install and construct an artificial turf field. Suffolk County would bond 600,000 and the school district would fund the remainder, either through private donations or a school district bond referendum.

I see this initiative as a win•win for both the residents of Suffolk County and the students of Babylon. This would replace a field that is overused and continually under repair with the state •of•the•art field •• field surface that can be used virtually all the time with no down time. A small district like Babylon can never afford this type of facility , but we do have the land to offer Suffolk County in a sharing arrangement with you. In fact, we are willing to provide use of the field to Suffolk County residents in proportion to the funding or 60% of the time. We calculate that to be between 1800 hours and 3,000 hours per year, depending on whether or not we have lighting. In any case, the fees charged, which we would be willing to administer, would go to Suffolk County to offset the amortization cost. Our athletic teams, both boys and girls, would have a modern facility to use and Suffolk County residents would have much needed recreational opportunities.

I also ask you take action on this resolution today. The time line for the school district if we need to borrow the balance is critical if we're able to meet our goal of having the facility available by August, 2006. We would need to hold a public referendum, have public hearings and seek approval of the plans by the State Education Department, not to mention the actual construction. In all, we estimate this would take at least one year.

I want to thank you for considering this resolution and a special thanks to Legislator Bishop and Deputy Presiding Officer Carpenter for their support in sponsoring this resolution. Thank you very much.

P.O. CARACAPPA:

Thank you. Cesar Malaga.

MR. MALAGA:

Good morning. My name is Cesar Malaga. I'm the President for the Hispanic American Association here in Suffolk County. You heard from me •• you heard before from me on the Yaphank development. We're spending millions of taxpayers dollars every year to preserve open space here in Suffolk County. Now that County Executive Levy wants to develop the open space that we own, let's not destroy the 400 acres that the residents of Suffolk County own in Yaphank. They don't need to develop the land.

There are many vacant office spaces in Suffolk County for many companies that want to move

to Suffolk County. There is no need to build additional office space or factories. Many of the companies who occupy those buildings move out of Suffolk County because of the high taxes and transportation problems. Let's use those vacant buildings for any company that wants to move in here.

County Executive Levy also wants to propose to dedicate some of the land in Yaphank for a sports complex. We will need to build parking lots and highways to access to this complex. We do not need to build a sport complex in Yaphank. The towns, County and the State have parks which are underutilized. Let's use this park for a sport complex. These parks have parking lots, access to highways. They also have swimming pools which can be used all year long, not only during the summer. They use it, you pay the cost.

We need housing for our senior citizens and our young people. The developers who build housing for •• to rent are draining our young people. Think of our young people who will never be able to realize the American dream, to own a home. The developers are also taking away all the savings from our senior citizens. We do not need to destroy the 400 acres in Yaphank. We need to work with the towns, villages and do smart building of housing for those who need them. The areas that this workforce affordable housing can be built have schools, transportation, shopping centers and all the facilities that residents need.

We residents •• many residents are asking about the new jail. Maurice of the Long Island Progressive and also our Legislator, David Bishop, present alternatives to lower the cost of jail. Those suggestions should be taken into consideration. The state nor the federal government is giving us the money to build a new jail, therefore, we should not comply with the WICS Law. The whole entire jail mandate is to pay campaign contributions to the unions, as many of us think. Suffolk County residents cannot afford the cost of the mandated new jail.

We should not give the Yaphank land to Peter Scalisi to build NASCAR type race track. We already have this type of track in the south shore. We need small changes to make it a race track. Let's get together and discuss the available roads to the •• for the race track. We do not need to develop this open space and destroy the 400 acres at Yaphank. It belongs to the taxpayers of the County.

P.O. CARACAPPA:

Mr. Malaga, sum up.

MR. MALAGA:

We need limited bus service on Sundays. The County collects twice as much money in gas taxes for •• compared to last year. Let's use that money to provide Sunday bus service. And one last item. I am not a lunatic. Many of us were Sunday in Farmingville, particularly the fact •• and none of you said that, okay. Someone said •• but it's very bad for the County.

P.O. CARACAPPA:

Your time has expired. You're well over it. Thank you, Mr. Malaga.

MR. MALAGA:

We should give time for those people to move to another place to live, but, you know, they are humans. We should treat them better than animals.

P.O. CARACAPPA:

Thank you.

MR. MALAGA:

Thank you very much.

P.O. CARACAPPA:

The next speaker is Thomas Reynolds, followed by Lou Brida.

MR. REYNOLDS:

Good morning. My name is Thomas Reynolds and I'm President of the Babylon Turf Field Fund. You heard prior from Dr. Bernhart, our Superintendent of Schools, from the Babylon school system. I'd like to thank you initially for just sharing some thoughts with you this morning.

In addition to providing a safe and ever ready playing surface for Babylon Village sports teams of the school, this new turf field will become the central hub for a host of other Suffolk County events. To mention just few, we have in our Incorporated Village the Babylon Village Youth Soccer Program and the Babylon Village Youth Lacrosse Program, both of which should be able to utilize this new playing surface. Most exciting, however, is the possibility of hosting sports events at this new facility due to that ever ready playing surface and the field being

illuminated. This combination of features enables more teams to participate in a sports event over a longer period of time.

In closing, I'd like to thank all of you here today on behalf of each and every student athlete in the Incorporated Village of Babylon and their families for entertaining our immediate need for a new turf field. Thank you.

P.O. CARACAPPA:

Thank you, sir. Lou, Lou Brida.

MR. BRIDA:

Hi. My name is Louis Brida from the Sachem School District in Holbrook. Today marks the 50th anniversary of the Sachem School District and we're having a gala at the Villa Lombardi's on August 28th from one to 5:00. Anybody that would like to attend, the information I have.

And also I would like to talk about that same 50 years ago the Brooklyn Dodgers were on their way to win a Major League World Series for the first time in a long time. And two years later the Brooklyn Dodgers moved to Los Angeles and Walter _Dunham_ and Herman _Bebe_ was holding an assembly in the Sachem School District telling the people that half of Brooklyn is moving out here so we're going to have three high schools. One in Lake Ronkonkoma, one in Holbrook and one in Farmingville.

We have the one in Farmingville, we have two in Lake Ronkonkoma, but one's used as a junior •• a middle school, excuse me, but we don't have one in Holbrook. And I think there should be a meeting about this between the Superintendent of Sachem and Mr. Peter McGowan of Islip Town, to discuss why isn't there a Holbrook high school and why we're spending millions of dollars bussing Islip Town students into Brookhaven schools while Islip Town is spending millions of dollars catering to south shore golfers on what should be Sachem property. That's the Holbrook Country Club that was owned by the Sachem School District to build this Holbrook high school.

That's all I have to say today and there should be a meeting about this. I'm going to write a letter to Mr. McGowan and Doctor _Ruck_ and ask them to start this meeting. I know there's a lot of Legislators here that are interested in school districts, as my previous speakers have talked about, so this is something •• a serious item and it concerns about at least half of Suffolk

County. Okay? The other half, including Mr. Caracappa's school district that happens to be closer to Sachem East High School than Sachem School District is, and so is Longwood, as a matter of fact, even closer. Thank you very much, and we're still number one in baseball.

P.O. CARACAPPA:

Thank you, Lou.

MR. BRIDA:

You're welcome.

P.O. CARACAPPA:

James Britz.

MR. BRITZ:

Good morning. My name is James Britz. I'm with the Long Island Housing Partnership. I've come here today to discuss LIHP's support for restoring the 8.33 million for the Multifaceted Land Acquisition Program.

Currently, the Long Island Housing Partnership is in the planning and development stages of almost 400 workforce homes for Long Islanders through our developments, through sponsorship of private developers and through our technical assistance contracts.

Though the County has designated over 100 million for its Open Space Program, this budget line of 8.33 million is for workforce housing directly. Therefore, the deletion of this 8.33 million will have an adverse effect on the goal of creating more workforce housing in Suffolk County.

LIHP would also like to state its support for I.R. 1701, authorizing the planning steps for the implementation of Suffolk County Workforce Housing at Kairos Village in Southold. I'd like to thank you for allowing me to speak today. Thanks.

P.O. CARACAPPA:

Thank you very much. Susan Harder.

MS. HARDER:

Good morning. I'm Susan Harder with the Dark Sky Society. And just to make it perfectly clear, it's not the dark ground society. We're for good lighting practices to reduce glare, sky glow and excessive or unnecessary night lighting. We want to thank you for your unanimous vote to institute a policy of using top shielded fixtures on the County facilities and for the nice proclamation you gave to my colleague and I as women of distinction. As well, thank you also for the Sense Resolution in support of the New York State light pollution bill which also has provisions for dark sky parks.

I'm here today in support of the two bills regarding the designation of Theodore Roosevelt Park as a dark sky park and establishing an observatory facility in Montauk. We already have had star gazing sessions at the Third House facility, but we would very much like the designation by the County.

Also, the observatory is a great idea for Montauk. East Hampton is making progress to clean up our light pollution which will help make this area a destination for astronomers. East Hampton is even retrofitting all of their own 100 facilities and the state has agreed to change their lights as well. When light is used sensibly, less energy is used and the sky glow, which obliterates the stars, is reduced.

I have been circulating a petition to garner support for these initiatives and I have yet to have anyone say no. You also have the support of one of the most prominent astronomers and astrophysicists in the country, Dr. Neil deGrasse Tyson who you see on the Discovery Channel from time to time. He is the Director of the Hayden Planetarium in New York City and he spends his weekends on the east end.

These projects will mostly benefit our children, many of whom in our developed towns cannot see like one-third of the world's population of the Milky Way from their own backyards. We need to preserve our night sky and to do that we need to draw attention to its wonders. I know that you are planning to repair the projector at the Vanderbilt Planetarium and it would be an important adjunct to provide an observatory in order to see the real stars. So, thank you very much.

P.O. CARACAPPA:

Thank you. It looks like Eva Growney.

MS. GROWNEY:

Good morning, ladies and gentlemen of the Suffolk County Legislature. My name is Eva Growney. It is a great pleasure to be able to address you today because I am proud of being part of the process of our governing system. In particular, I'm impassioned by the cause of obtaining an observatory in Montauk and encourage your approval of the bills that will protect our quality of life.

I have been an active architect and citizen in East Hampton Town for almost 30 years. At that point, when I first came here I met a woman by the name of Mary Ellen _Rudashan_ , our Councilwoman in East Hampton and East Hampton Democratic Leader who impressed upon me the importance of citizenry involvement and education of all of us on issues that are of great importance in particular to the environment.

In 1989, Judith Hope appointed me to produce the first installation of art in public places to celebrate one of the east ends most valuable resources, our many contributing artists. The unadulterated night sky of the east end is one of our last to be saved valuable resources.

I respectfully ask for you to vote yes for the bill number 1652 and for the dark •• for the dark sky, and bill number 1654 for the observatory. Observatories around the world are disbanding due to the night sky pollution. This tragic loss of scientific and mystical educational means is not necessary. Do not deprive the current and future generations of what could easily be accessed to one of our greatest natural resources as it speaks to our future. You have that the unique opportunity now to save the east end of Long Island from such a fate by bestowing the Theodore Roosevelt Park with a proper designation for a dark sky park and an observatory for us all.

The students of the eastern Suffolk area have been left behind when it comes to the state of the art facilities and programs. Do not miss this opportunity it be leaders in this much supported venue for education. Qualify the directive for us to set up a board needed to organize and mobilize the already interested citizenry to coalesce the observatory and dark sky park.

I thank you and I want to also let you know that there's a book here that we have been having dark sky parties and members of East Hampton, Southampton and North Fork have been coming to these dark sky parties and signing in. These are people who want you to vote yes.

Thank you.

P.O. CARACAPPA:

Thank you. Phillip Beltz.

MR. BELTZ:

Good morning. My name is Phillip Beltz, Director of Affordable Housing for the Town of Southold. I'm here to seek the Legislature's support of I.R. Number 1701 that funds the planning steps for the workforce housing initiative in the Town of Southold. In addition, I would like to express my concern about the proposed cut of 8.3 million dollars of the 13.3 million from the Multi•Faceted Land Acquisition Program.

Several years ago, the County set aside funding to promote affordable housing that went unspent. Within the last year, the County Executive convened the Workforce Housing Commission, consisting of Town Supervisors, Village Mayors, nonprofit organizations and builders to facilitate and promote the development of affordable housing. Through the Commission, a very efficient framework has been established to identify and remove barriers that impede the development of affordable housing within Suffolk County. All members and municipalities were requested to identify potential sites within their communities that could become affordable housing sites.

Through the current coordinating processes of the Workforce Housing Commission, municipalities, nonprofits and other members have identified multiple sites for development of affordable housing. The County and the Commission are continuing to identify strategies to stimulate workforce housing, and to support individual developments as they come forward, many of which will need the infusion of County land acquisition funds to be affordable.

Just last week I was before the Ad Hoc Housing Committee and the Workforce Housing Commission to discuss an initiative named Kairos Village in the Hamlet of Greenport West for the development of 27 workforce housing units sponsored by the Community Land Trust of Southold. Endorsed by the Workforce Housing Commission, the development of Kairos Village represents a prime example of spending land acquisition funds, a stellar partnership of County, Town, the Long Island Housing Partnership, along with community stakeholder involvement. We ask for your support to approve Introductory Resolution 1701 that will hopefully launch the beginning of many efforts to create affordable housing in the Town of Southold.

In Southold, the disparity between housing prices and the median income to purchase homes is especially severe. The need is great, but given current land prices, it would be impossible to develop this site at a price point affordable to Southold's workforce housing without the support of the County or other public funding sources. This funding is the greatest incentive for the development of affordable housing, and without sufficient funding, the progress made to create affordable housing will be lost. Thank you for your consideration.

P.O. CARACAPPA:

Thank you. Joseph Malave. I apologize for that.

MR. MALAVE:

That's all right. Hi. My name is Joe Malave. Good morning, distinguished Legislators. I'm not a politician although my sister is. Some of you may know her. She worked for the Riverhead Town government.

In any case, I'm here to support a bill, 1652 and 1654. I'm a teacher at Montauk Public School. I had one question for most of you and that's how do we get our student in this region up to the federal standards of NCLB, or the No Child Left Behind Act, when we don't have the actual facilities for it in this County.

I just gave a regents exam where one-third of the questions were astronomy based, yet most schools don't have the resources to teach astronomy. They teach it out of a textbook where you look at pictures and there are many studies that prove that, you know, hands-on learning is the best way to facilitate any long-term memory. The federal government's goal is also to establish a lunar base by 2000 •• excuse me, 2010, and to have people back to Mars by 2020. So, I do work with NASA in educational programs. I'm currently working on a grant for them.

I just want to say in order to raise the public's awareness we have to provide facilities so that all residents of Suffolk County can use this telescope and it will be set up so it can be used remotely. If you have the right software any science teacher can access this telescope and get there kids involved in hands-on learning. We also have Stony Brook University involved in this and they want to let their graduate students use this and possibly use the scope for confirmation of discoveries. So there's a lot of support for this, it's not just an east end

initiative. We have the west end •• it would benefit all residents of Suffolk County.

We found a telescope that's currently located in the biosphere two project which is out in Arizona which is now defunct. We have an opportunity to buy a five year old telescope at about half the price with the observatory. It's not going to be there forever. I would definitely recommend taking advantage of this while •• if we're serious about doing something to support NCLB and the astronomy initiative in New York State. This would be a great way for us to get involved in this and give our children an opportunity •• and not just children, but any resident of Suffolk County an opportunity to use a research class telescope located at the last site on Long Island, which I feel is suitable for this, which is Montauk. Thank you.

P.O. CARACAPPA:

Thank you. Mardythe DiPirro.

MS. DIPIRRO:

Good morning. My name is Mardythe DiPirro. I'm Associate Director of the Peconic Community Council, and I'd like to welcome you to Southampton Town.

We're speaking today because of the veto of Resolution 518, which included the funding for nonprofits. And I wanted to remind you that nonprofits can make money go farther than anyone else, there's no doubt. So, I wanted to tell you what we did with the \$3,000 that Peconic Community Council got last year in a similar bill. We were able to leverage a \$25,000 grant from the Verizon Foundation. We were able to access the salaries for eight certified teachers from the State Department of Education, and teach English as a Second Language to over 200 students, purchase and teach computers to over 25 students a week, allowing low income hard working people to learn the skills that they need to qualify for better paying jobs.

So, when you think of the small amount of money which County taxpayers put into it and the large amount of benefit that comes back, I'd like you to remember that and override the Suffolk County Executive's veto on Resolution 518. Thank you very much.

P.O. CARACAPPA:

Thank you. Gene Parrington.

MR. PARRINGTON:

Good morning. My name is Gene Parrington. I'm a business rep for Local 25 IBW. We represent about twenty•five hundred members who would like to thank the members of the Ways and Means Committee for moving the request forward on behalf of our membership, which is still experiencing heavy unemployment, appeal to consider voting yes to resolution 1608 to appropriate funds for the market study. This will help the unemployed and will also bring much needed revenue to the area. Thanks.

P.O. CARACAPPA:

Thank you very much. Alpa Pandya.

MS. PANDYA:

Good morning. Good morning. My name is Alpa Pandya. I'm with the Nature Conservancy. I'm here to ask you to sustain the veto for the Multi•Faceted Program line item and restore over 8 million dollars to it.

As you know, the Multi•Faceted Program has been funding farmland, open space and workforce housing programs for years. While farmland and open space funding levels are, and I know you never thought I'd say this, but sufficiently current •• currently sufficient, thanks to the SOS bond. Fully funding the Multi•Faceted Program this year would allow for increased funding for infrastructure for workforce housing, which many people and many of you Legislators recognize as an urgent and unmet need. Regardless of how you vote on the rest of the omnibus budget, I ask you to sustain the veto for the Multi•Faceted Program line item and, thus, vote in favor of increased funding for workforce housing. Thank you.

P.O. CARACAPPA:

Thank you. Chief Robert Moore.

CHIEF MOORE:

Good morning. I'm Chief Robert Moore, Chief of the Department, Suffolk County Police Department. The Police Commissioner asked me to come by today. He is recovering from an operation, and you'll be happy to know he is doing well. And he asked me to discuss IR 1324, establishing a County policy for use of foot patrols and bicycle patrols, and he asks that each of you vote against this resolution for a number of reasons.

First and foremost, the 25 police departments throughout Suffolk County may not be able to comply with this resolution, and for a number of reasons. First of all, what is a downtown area? It's not defined in this resolution, and if it's not defined in the resolution, well, who defines what a downtown area is going to be? Well, that's just •• that's just not mentioned at all in the resolution.

The resolution calls for foot patrols and bike patrols in these downtown areas. Well, as you probably know, not all of the police departments in Suffolk County have bicycle patrols. They can't comply with the resolution. In fact, during the winter, most of the police departments in Suffolk County don't have foot patrols. The Suffolk County Police Department does have bicycle patrols and it does have foot patrols during the winter. However, it's a violation of union contracts to have those type patrols when the temperature is below 20 degrees. So you put us in an unfortunate position. Either we comply with the law and violate union contracts, or we comply with union contracts and violate this resolution.

Well, two, this resolution paraphrases media advisory's on the Cop on the Beat Program. Now, the Cop on the Beat Program is in its second year, and the Cop on the Beat Program is a Suffolk County Police program which does pretty much what this resolution calls for. It puts police officers on foot and on bicycle patrol in the downtown areas, at least throughout the Suffolk County Police district. As you know, we can't speak for the other agencies and the east end.

Lastly, this is a _statican_ position of police deployment and as you all well know, police deployment and public safety are dynamic processes. So again, we ask that you vote against this resolution. Thank you.

P.O. CARACAPPA:

Thank you.

LEG. LOSQUADRO:

Good timing. Did you practice that, Chief?

P.O. CARACAPPA:

John Kennedy.

MR. KENNEDY:

Good morning. I'm here this morning to talk about 1608 and I want to thank the Legislature, mainly Peter O'Leary, for including organized labor as part of the committee to investigate the proper use of a master plan, if you will, for the Yaphank property. I understand that there's a vote on the allocation of \$250,000 to do that study and I'm here to represent the building trades to support that.

The other one would be I went before the, I believe that it might have been the Finance Committee, the other morning at the Legislature and we spoke about the IDA language that's proposed, and I was asked at that meeting if the bill was ever challenged in Nassau County. And I did some investigation and the way the language reads in Nassau County, it has not been a problem, it hasn't been challenged, and it has had no adverse effect on the economy in Nassau County.

There's also at least three or four other counties throughout the state up in Buffalo, Syracuse, that have similar language and they've worked well. However, I think, and I don't want to open up Pandora's box, but I was asked if that language in Nassau County was challenged, and it wasn't, but it does differ from the language that's in Suffolk County. So that would be my report to the Legislature.

I would ask that you adopt the language and help support that. There are some •• in the Nassau County language, there are some parameters that protect from •• because from what I understand, there's some smaller businesses that are concerned and there is a threshold in that •• in that bill. So •• but I'm here to ask you to support IDA language in Suffolk County. And I'd be glad to answer any questions.

P.O. CARACAPPA:

Thanks, Jack.

LEG. LINDSAY:

Joe, I know it's not ••

P.O. CARACAPPA:

Legislator Lindsay.

LEG. TONNA:

There's no questions allowed to be asked.

LEG. LINDSAY:

I realize that, but I'm not quite sure I understand what the testimony was, all right? In other words, the bill that's before us now does not represent the same language as Nassau County.

MR. KENNEDY:

No.

LEG. LINDSAY:

And you feel that the Nassau County language should be the one that should be implemented.

MR. KENNEDY:

No. When I went before the Finance Committee I asked a question, a couple of questions, by Chairwoman Nowick, if the bill in Nassau County was ever challenged. And I did some investigation work in the last couple of days and I found that they were not in the language in Nassau County.

P.O. CARACAPPA:

All right. Thank you. Jennifer Truscott.

MS. TRUSCOTT:

Good morning. My name is Jennifer Truscott. I'm the Executive Director of the Peconic Community Council. The Peconic Community Council is a leading advocacy and organizing agency here that focuses on the five East End towns. We focus and partner with, actually, the government, individuals and businesses to address human needs out here, dealing with things like mental illness, affordable housing, transportation, alternatives to the jail, and other items like job training. You heard from Mardy DiPirro, our Associate Director, before about our English as a Second Language classes and our computer classes.

Prior to running the Council, I ran the Peconic Housing Initiative, which was or is our multiservice arm, focusing on helping the homeless. You may have heard about the Maureen's Haven Program, which partners 11 different houses of worship, over 450 volunteers to run an

emergency shelter program for individuals from November through March. This past year, we housed 111 different individuals over 178 nights, and saved the Department of Social Services a little bit over \$275,000.

As you can see, a small non•for•profit can try and leverage the community on just a little bit of money, so we ask that you override Resolution 518. And I want to thank Mike for your support in our effort. Thanks.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Thank you. Marian Zucker.

MS. ZUCKER:

Good morning. I'm Marian Zucker, Director of Affordable Housing for Suffolk County, and I'm here to speak on several issues this morning.

First, I ask you to support I.R. 1384 and 1611, two 72•h transfers that were tabled at your last session. Both of these were transfer properties requested by the Town of Brookhaven for two homeownership initiatives. 1384 would transfer 12 properties to the Town for subsequent transfer to Habitat for Humanity. 1611 is to transfer two properties for the Town for subsequent transfer to the Community Development Corporation of Long Island for a family self•sufficiency initiative for homeownership.

I'm also here today to ask you •• ask for your support of I.R. 1701, a planning steps resolution to purchase a site for an exciting initiative in the Town of Southold. This is one of many sites submitted to the Workforce Housing Commission, and you can expect to see several more working their way through the pipeline. This resolution contemplates the purchase of a 4.7 acre parcel in the Greenport West Hamlet of the Town of Southold that will be developed by the Southold Community Land Trust, a newly formed nonprofit organization. It's the intention of this organization and the Town to keep these units affordable in perpetuity. We expect to see the development of 27 units, 18 homeownership and nine rental units, on this property. The Community Land Trust is moving forward with this parcel with technical assistance from the

Long Island Housing Partnership.

And last, but not least, I'm here to urge you to sustain the veto to maintain funding for the Multi•Faceted Land Acquisition Program, which, among other things, allows the County to purchase sites for workforce housing developments, such as Sunnybrook Court in Islip and Millennium Hills in Huntington.

While it has been difficult to identify sites for this program, and I would say largely for NIMBY reasons, we're starting to see a strong recognition around Long Island that this is an issue that touches many families here, and a willingness, therefore, of the towns to consider rezoning of the sites for affordable housing purposes.

We also now have the Workforce Housing Commission in place and that has helped solicit sites directly from municipalities to move forward for workforce housing developments. And now that we are at the point we're starting to move these sites forward, this is not the point to cut the funding. We have projects moving through the pipeline, and for that very reason, I urge you to restore funding to this program and allow us to continue to stimulate the development of workforce housing developments in Suffolk County. Thank you.

P.O. CARACAPPA:

Thank you. Scott Lyon.

MR. LYON:

Good morning.

P.O. CARACAPPA:

Good morning.

MR. LYON:

I'm here on behalf of LICARH, which is the Long Island Campaign for Affordable Rental Housing, and we are also urging you to sustain the veto of the cut to the 8.3 million dollars towards Workforce Housing and the Multi•Faceted Program Funding.

At the last Legislative meeting, you guys removed as part of the larger budget that 8.33 million, citing that there was an abundance of similar funds. However, I believe that some of you guys

who had that were misinformed.

In the fight for affordable housing, which is the fight, of course, for the very future of our Island, the County needs to be firm in its commitment for affordable housing, and willing to commit as many funds as they can towards the process. Of these sited, 110 million dollars that was supposed to be the abundance of similar funds available for land acquisition, only 3.1 million is dedicated solely to workforce housing, and of the rest, 23.6 million is only of •• of that is only available for the Workforce Housing Program, and that has to be split or worked on. That's available both for land acquisition and for housing. So, from my understanding, that money is also already overcommitted, or as at least predicted to be exhausted fairly soon. So, if we truly wish to be committed to the cause of affordable housing, we need to work to create that abundance of funds for housing that seems to be scarce at this moment.

So, please sustain the veto to the cut of the 8.33 million, and work to get as much money for affordable housing as you can. With proper funding, we can encourage sensible development in our County, and not just say that we're doing so.

P.O. CARACAPPA:

Thank you very much. Tom Isles.

MR. ISLES:

Good morning. I'd just like to speak on four resolutions that are before you today very briefly. Two deal with farmland acquisitions. The first one is Resolution 1081. The second one is •• regarding farms is Resolution 1345. We have no quarrel with the sponsor on the preservation of these sites, the first being the North Fork Preserve, the second being the Long Island Beagle Club.

With reference to the North Fork Preserve, I just wanted to make you aware that this was reviewed by the County's Farmland Committee. They did review the parcel and determined to recommend to you to not approve this acquisition for planning steps at this point in time. And their primary point was that the •• although the site is partially used for farm purposes, it's also used as a private hunting club, and they felt, at least at the time of consideration of the Farmland Committee, and they felt that that would not be an appropriate acquisition for the County's program.

The second one for the Long Island Beagle Club, which is I.R. 1345, is a site that, once again, we •• I certainly don't quarrel with the intent to preserving this site along Edwards Avenue. It's large, it's about 150 acres. The problem the Farmland Committee had with this site is that it's not a farm, it's a site that is an overgrown field vegetation, obviously, used historically by the Beagle Club. But, typically, the Farmland Committee, requires that a farm had been farmed within the past two years. So, it may go fallow for a year or two and that's okay. We do think this is a case where, if this were converted back to a farm, tilling over the brush and so forth, then, certainly, it would qualify for the program.

So, I just wanted you to be aware on those two cases are the Farmland Committee's recommendations. You know, two good proposals overall, but in this specific case, we feel that there are concerns with those at the present time.

The last two I'd just like to speak on is I.R. 1699, which deals with the County's 477 Funds, and that is to provide funding for the Mud Creek restoration project in East Patchogue. We are pleased that the Environment Committee did discharge this last week. At this point, it does not have a recommendation. There were apparently some questions regarding some of the financial aspects of the proposal, but I would like to point out to you that this is a 65% federal share, a •• what I think was going to be the first real significant restoration of a duck farm in Suffolk County involving over 35 acres, looking at aquatic as well as wetland habitat restoration.

And the federal government has indicated that timing is important here. They're looking to get a confirmation on whether the County's interested in doing this by the end of this month.

And the last item is Resolution 1608, and this is the County Executive's resolution to fund the Yaphank planning process. The committee has been formed and we are taking steps to convene the first meeting of the committee within the next two weeks. The funding for this would enable this to be done in a professional and competent manner, so that we can do the RFP at the end of this year. Thank you very much.

P.O. CARACAPPA:

Thank you, Tom.

LEG. FOLEY:

Thanks.

P.O. CARACAPPA:

Sarah Anker.

MS. ANKER:

Hi. I'm here on an issue, a cell tower at our school athletic field. I'll try to be brief with this. On Tuesday, June 14th, that was last Tuesday, the Mount Sinai School Board voted to construct a cellular antenna tower on the school's athletic field attached to a light fixture pole.

During the meeting Cynetics Corporation, a consulting firm hired by Verizon Wireless, presented a study showing that there were going to be no health effects from the antenna's radio emissions. The proposal commits the district to a 30 year lease in which Verizon will pay up front \$200,000 and after 16 years, they'll get \$20,000 a year for that lease. Our current school budget is \$42,600,000. The board claims the money will go towards installation of lighting fixtures, however, the community has already approved funds to pay for the lights as part of a school bond vote. Those funds cannot be used for any other purpose. The Board announced that they would vote on this at the next board meeting. However, after all the residents had they voted to continue with the proposal.

As far as what can the County do, I was here last week at the Health Committee and there is a case law in Clarkstown, New York. Perhaps, I don't know as far as the legal stance, something called prudence avoidance principle. If the County could check into that or if other Legislatures have other ideas. As far as I know, this is the first time on school property cellular towers are going to be constructed or the proposal is out there. From what I understand the lease has not been signed and there is an upcoming meeting.

So, I'm here to ask the County if there is anything any of the Legislators can do because this will be coming your way if it is approved in our district.

As far as health concerns, again, there's •• never been no long term studies for cell towers. My area is declared by New York Department of Health a breast cancer cluster. There have been other items that have been detrimental to health and we have not known that until later, which

was cigarette smoking, lead paint, asbestos, pharmaceutical products, radiation, seatbelt requirements and drinking while driving. The laws were not there until problems arose.

Also, as far as other concerns, there was no •• there wasn't proper community input with this. The school is committing to a long lease and the real estate issue is a concern. Miller Place Civic Association recently fought a tower and it was not put up. And also the safety aspect of the structure, putting an antenna on top of a light fixture above the heads of children using the football field.

So, again, thank you so much for listening to me. And if you have any additional concerns, I do have a flier with an article from the North Shore Sun on the back I'd like to hand out to all the Legislature. Thank you.

P.O. CARACAPPA:

Thank you. Chuck Stein.

MR. STEIN:

Thank you. My name is Charles Stein. I'm Vice President of Finance at Suffolk County Community College. I just wanted to take a few moments to thank you for your past support of the Community College with respect to our Capital Program. I know you're going to have an attempted override today on vetoes. I'd ask for your support on capital projects 2120, 2159, 2170, 2181, 2192. We have state funding on some of those already. Others we're seeking state funding. I think it would be a shame to give up that money. All of these are vitally important to the County, and •• thank you again for your time.

P.O. CARACAPPA:

That wasn't your three minutes. It was a mistake.

MR. STEIN:

I just wanted to thank you for your continued support of the Community College. Thank you.

LEG. VILORIA • FISHER:

Thanks.

P.O. CARACAPPA:

Thanks, Chuck, appreciate that. Maria Perez•Lent.

MS. PEREZ•LENT:

Hi. Good morning. I am Maria Perez•Lent. I'm the Stop DWI coordinator in the County. I'm here just to give you some background on a Certificate of Necessity resolution that will be presented later today through the County Executive.

Our office received a grant from New York State Traffic Safety Committee, the Governor's Traffic Safety Committee, of \$33,000 to enhance our DWI enforcement. Unfortunately, as is the case usually with the state, the grant started October 1st, but we were •• received notice in April, and we have until September 30th to use the money, and we actually in our plan of using the money, we had put it into enforcement during the Labor Day weekend, which is, you know, late August into September. So we're running out of time. I just wanted to give you that background.

The reason we need the Certificate of Necessity is so that we can get the proper paperwork up to Albany, they could process it, however they need to do it, and then get it back to us and we can make sure that the Police Department gets the money in time to do the additional patrols. So, I won't be staying for the whole meeting unfortunately, I have to get back to the office, but I wanted to be able to present that background if there were any questions. Thank you.

P.O. CARACAPPA:

Thank you very much. We appreciate it.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

We have another card? Sean Tuelia. Before you go, just let me •• to Ms. Lent, just so you know, we'll be dealing with the CN later •• later this afternoon, so in case there's questions you may want to call over to the County Executive and see if that would be appropriate for you to be here just in case.

MS. PEREZ•LENT:

Okay.

P.O. CARACAPPA:

Go ahead, sir.

MR. TUELIA:

Good morning. I just wanted to speak in support of resolution 1654, that's the purchase of equipment and construction of an astronomical observatory at Third House.

As a member of the faculty at Suffolk County Community College, I'm quite familiar about doing public outreach. As of now, Suffolk Community College serves about 1,000 students per year in the astronomy courses. Over the course of my seven years at Suffolk Community College I've done quite an amount of work in the public outreach area of the college, and one of the best areas to do that work is in astronomy.

It's probably the one science today that will still draw a crowd on a night that is 20 degrees and it's a wonderful feeling when you have a group of public people outside, everybody's freezing and for that first time they look through a telescope and they see Saturn for the first time. Because it's at that point you know you caught somebody, and it's for that reason that I believe that astronomy is basically a gateway science, and I think we all know that we need more science on Long Island.

As such, this resolution is a perfect opportunity, because anybody who lives west of William Floyd and has looked up at the sky at night knows that our skies are not what they used to be. Having an observatory located in such a dark area is going to bring those dark skies to all of Long Island, especially if we have this in a remote operation.

Just a couple of years ago myself and a colleague of mine acquired a remote observatory for our eastern campus at Suffolk. At the time a lot of people thought what good is it, it's only an eight inch telescope. But since that time that eight inch telescope has brought the dark skies of Riverhead to the campus, of the Grant Campus, to those student, to the Ammerman Campus.

Now, an eight inch telescope is a wonderful thing. A 24 inch telescope in conjunction with Stony Brook with Joe Malave and Suffolk Community College is even better. It will allow our students to actually get in touch with the research aspect. It will make Suffolk Community

College, it will make Stony Brook a much better university. And it will also bring astronomy to the public, and bringing astronomy to the public means the hopes of bringing more students to Suffolk, more students to Suffolk •• to Stony Brook, and it also means bringing science back to Long Island.

So I hope that you support resolution 1654 and bring the science back to Long Island where it deserves to be. Thank you.

P.O. CARACAPPA:

Thank you very much. I have no other cards. I make a motion to close public portion.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Abstentions. The public portion is now closed. Motion to approve the consent calendar by myself.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Abstentions? Consent calendar is approved. Move moving to Page 7, resolutions tabled.

MR. BARTON:

17 on the consent calendar. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Page 7 resolutions tabled to today's meeting ***1086 (A Charter Law to create the Real Estate Acquisition Anti•Corruption Reform Act)***.

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator O'Leary. Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington). Same motion, same second.

LEG. LINDSAY:

To table?

P.O. CARACAPPA:

Yeah. Same vote. ***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).***

MR. BARTON:

17. (Not Present: Leg. Binder)

LEG. SCHNEIDERMAN:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Schneiderman. Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

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. ALDEN:

Motion. I'm going to make a motion to table, and I could tell you •• I could tell you why.

P.O. CARACAPPA:

There's a motion to table by Legislator Alden.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. On the motion, Legislator Alden.

LEG. ALDEN:

I had a discussion with Ben Zwirn. I don't know if he's still here, but there's a couple of things that just need to be changed on this. Number one, in the title it says that it's for 50 Union Boulevard, Champlins Creek. In the Resolved Clause, it says, "Various Suffolk County locations." I would like that to be consistent.

The second thing is I have some legislation in that would use cutting edge technology, and then Legislator Bishop I think is the prime sponsor on that, and that's what we had anticipated using Fund 477 for. So, if language is included in the Resolved Clauses that would make this a project that would come under that and those guidelines, it would be something I would support. And Ben and I had a discussion earlier and I think that that's what I need cleaned up on the language.

P.O. CARACAPPA:

Okay. So, there's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

2303 is tabled. ***1110 (Amending the 2005 Operating Budget and the Salary and Classification Plan to establish a Compliance Officer to insure accountability).***

LEG. CARACCIOLO:

Motion to table.

LEG. O'LEARY:

Second. Second.

P.O. CARACAPPA:

Motion to table by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder).

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). Motion to table by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Opposed.

LEG. VILORIA • FISHER:

Opposed.

P.O. CARACAPPA:

You're opposed to tabling ••

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

•• 1129?

LEG. VILORIA • FISHER:

No, forget it.

LEG. FOLEY:

I'll table •• change mind to a yes.

P.O. CARACAPPA:

I was waiting for that.

LEG. FOLEY:

Thank you, Joseph.

P.O. CARACAPPA:

Okay.

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Thank you. ***1190 (Approving the reappointment of Daniel McGowan as a member of the Suffolk County Board of Health).***

LEG. FOLEY:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1268 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132)).

LEG. O'LEARY:

Motion to approve.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1273 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the purchase of equipment for the John J. Foley Skilled Nursing Facility (CP 4041)).

LEG. O'LEARY:

Motion to approve.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1293 (A Local Law to regulate the use of tanning facilities for minors in Suffolk County).

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator O'Leary, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder).

P.O. CARACAPPA:

1294, 94A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with improvements to active parkland/recreation areas).

LEG. TONNA:

Motion. Oh, let Dave.

P.O. CARACAPPA:

Well, there's no ••

LEG. BISHOP:

Motion to table.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to table, yeah, okay, by Legislator Bishop.

LEG. BISHOP:

This is the Greenways Match Program. I want to expand it to include SOS.

P.O. CARACAPPA:

Okay. Second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1300 (A Local Law to strengthen the enforcement of penalties for substandard rental housing). Motion to table by myself, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

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

LEG. FOLEY:

Motion to approve.

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator O'Leary, second by Legislator Alden. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

Raise your hands in opposition. Legislators Vilorio•Fisher, Foley, Lindsay, Montano, Bishop.

LEG. TONNA:

Which one is this?

LEG. MYSTAL:

The Democrats.

LEG. MONTANO:

Riverhead.

P.O. CARACAPPA:

Mystal and Cooper.

MR. BARTON:

Ten. (Not Present: Leg. Binder)

P.O. CARACAPPA:

That's tabled. ***1328 (To establish a Signage Program for all County Environmental Preservation Projects).***

LEG. CARACCIOLO:

Motion to approve. Mr. Chairman, this resolution has met with the approval of Parks Commissioner Foley. There had been some discussion previously about the size of the signs. He is now in total agreement. We've reduced the size to two•by•four. As is The County Executive's Office, I'm informed, so both the County Executive ••

P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo. Is there a second?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. ALDEN:

Just on the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

If this gets vetoed, I'm not coming back.

LEG. CARACCIOLO:

He's in favor of it.

LEG. ALDEN:

If it gets vetoed ••

LEG. CARACCIOLO:

Well, then we'll resubmit it in August, Cameron.

LEG. ALDEN:

Whatever.

P.O. CARACAPPA:

The question ••

LEG. FOLEY:

What other changes did he make?

P.O. CARACAPPA:

The question is what were the •• what were the significant changes?

LEG. CARACCIOLO:

What was the question?

P.O. CARACAPPA:

The changes in the bill.

LEG. CARACCIOLO:

Okay. Originally, the signs were much larger. There was conversation and feedback from Legislators in the committee and elsewhere that the signs were too large, so we reduced the size to two•by•four, which Commissioner Foley is in agreement with.

LEG. FOLEY:

Any other changes?

LEG. CARACCIOLO:

No. The signs will not contain names of elected officials.

P.O. CARACAPPA:

Only on ••

LEG. ALDEN:

Except for Bishop's district.

LEG. CARACCIOLO:

Only on environmental holdings.

P.O. CARACAPPA:

And more than acreages over ten, ten acres.

LEG. CARACCIOLO:

Of more than •• over ten acres.

P.O. CARACAPPA:

Right.

LEG. CARACCIOLO:

Correct.

LEG. O'LEARY:

And future ones, not current.

LEG. CARACCIOLO:

And •• right. These are prospective purchases, not retro •• the signs will not be mounted on ••

LEG. FOLEY:

How about cost? Through the Chair. What about the cost? Have you looked at what the financial impact would be?

LEG. CARACCIOLO:

I don't •• it's future, so it would all depend on future acquisitions of ten acres or more.

LEG. FOLEY:

I'd like to know whether or not the same will hold true for State parks in the future.

P.O. CARACAPPA:

What about Town ones?

LEG. CARACCIOLO:

Well, there's certainly more than ten acres.

LEG. O'LEARY:

What about Town parks?

LEG. FOLEY:

I could guarantee you that one.

P.O. CARACAPPA:

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

LEG. BISHOP:

Abstain.

MR. BARTON:

16. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1363 (A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 11 • Selden (CP 8117)).

LEG. LINDSAY:

Motion.

P.O. CARACAPPA:

Motion by Legislator ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• Lindsay, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1384 (Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes).

LEG. O'LEARY:

Motion to approve.

LEG. TONNA:

Keep moving.

P.O. CARACAPPA:

Motion to approve, Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1438 (Amending the 2005 Operating budget and transferring funds for Youth Experiencing Art (YEA) and Selden/Centereach Youth Association and other agencies). Motion by Legislator Nowick.

LEG. FOLEY:

Second.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17, approved. (Not Present: Binder)

P.O. CARACAPPA:

1449 (Directing the County Attorney to bring a lawsuit against the Long Island Convention and Visitors Bureau, Inc. (LICVB) to recover County funds).

LEG. CARACCIOLO:

Motion to table.

LEG. O'LEARY:

Second.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Mr. Chairman, on the resolution. Let me just put on the record also ••

P.O. CARACAPPA:

Go ahead.

LEG. CARACCIOLO:

•• that recent conversations with Mokie McGowan at the Long Island Visitors and Convention Bureau, we're in agreement that we will meet during the recess coming in July with the County Attorney, the Comptroller, and others to determine the cost that is owed the County as a result of previous expenditures that violated law. And once that number is established, the Long Island Visitors and Convention Bureau will convene a special board meeting to gain approval of their board to reimburse the County out of non•taxpayer funds.

P.O. CARACAPPA:

Question to you, Legislator Caracciolo. I had scheduled an executive session on this matter for the end of today's meeting. Would it be okay to now cancel that?

LEG. CARACCIOLO:

Yes.

LEG. TONNA:

Yeah, let's do that.

LEG. VILORIA • FISHER:

Okay. Is that a voice from the Peanut Gallery?

LEG. LOSQUADRO:

Fore.

LEG. TONNA:

Okay. That's what I like, efficiency.

P.O. CARACAPPA:

1611 (Authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Brookhaven for affordable housing purposes).

LEG. O'LEARY:

Motion to approve.

MR. BARTON:

The vote is 17 on 1449. It's tabled. (Not Present: Leg. Binder)

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1622 (Authorizing the acquisition of farmland development rights under the Suffolk

County Save Open Space (SOS) Farmland Preservation and Hamlet Parks fund for the Dosiak property (SCTM No. 0200•507.00•04.00•010.000 p/o, Town of Brookhaven).

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator O'Leary, second by Legislator Tonna.

All in favor?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Similar to our last meeting when this came before •• came before us for a vote, I had said at that time that both the Executive as well as the Legislator from the area, both names are on this particular resolution. And it's important that you know that the local Legislator as well as the Executive are cosponsors. It's my understanding that there's another bill later on in the agenda from the local Legislator.

I would just mention the fact that the Executive has moved forward with the resolution, number one, and number two, as a member of the Environmental Trust Review Board, I can tell you that both Legislators as well as the Executive Branch, particularly through Tom Isles' Office, that there has been, I think, I believe, some good coordination and acceleration of considering both Farmland Preservation as well as Open Space Preservation.

So, it's in that spirit that I would hope that we could support 1622 today. As I said, there's no one prime sponsor. Both the Executive and the local Legislator are on as cosponsors of the bill, and I think that way it sends the right message to the public that both the Legislature as well as the Executive are working together in order to move forward a common agenda of preservation of farmland, particularly in Brookhaven Town, where there is a dwindling number of farms, and

the quicker that we can preserve them, the better for future generations. So, I hope that we can approve this resolution, defeat the tabling motion, and move forward with land acquisitions, which all of us are in agreement on. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Foley. There's a motion •• oh, Mr. Zwirn.

MR. ZWIRN:

Yes. Thank you, Mr. Presiding Officer, and good morning, Ladies and gentlemen. I would, on behalf of the County Executive, urge you to adopt 1622 this morning.

I know that Legislator Caracciolo has another bill, I.R. 1332, that will come up later in the calendar, but there is a difference between the bills. In this •• this bill indicates that there is a joint •• this is a joint partnership between the Town of Brookhaven and the County, and the Town of Brookhaven is putting up 30% of the purchase price and the County is putting up the balance of 70%. It also lists the amount of •• the cost of the purchase per acre at \$61,000 per acre, and it's all subject to an accurate •• an accurate survey. And so that there is a difference in the facts and the structures of the bills. This one is accurate. We would ask, and we have, you know, responded, Legislator Caracciolo is a sponsor on this bill, and I would ask you to adopt this one, because this one really has the appropriate contract and the terms in it.

LEG. TONNA:

All right.

P.O. CARACAPPA:

Thank you.

LEG. TONNA:

I withdraw my second.

P.O. CARACAPPA:

You do?

LEG. TONNA:

Yeah. Somebody else will second it.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed?

LEG. TONNA:

Opposed.

P.O. CARACAPPA:

Just raise your hand if you're opposed to the tabling.

LEG. LINDSAY:

Oh, to tabling?

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Yeah, there's a tabling motion.

P.O. CARACAPPA:

There's a tabling motion before us.

LEG. FOLEY:

Right. That takes precedent. Opposed to tabling.

LEG. TONNA:

I'm opposed.

P.O. CARACAPPA:

That's what I was waiting for. Legislator Vilorina•Fisher, Foley, Lindsay, Mystal, Tonna, Cooper.

LEG. LINDSAY:

Bishop.

LEG. MYSTAL:

Bishop.

P.O. CARACAPPA:

And Bishop.

MR. BARTON:

Ten. (Not Present: Leg. Binder)

P.O. CARACAPPA:

It's tabled.

AD HOC ON WORKFORCE HOUSING

Moving on to Page 9, Ad Hoc on Workforce Housing. ***1701 (Authorizing planning steps for implementation of Suffolk County Workforce Housing Program at (SCTM No. 1000 •034.00•02.00•001.000) Kairos Village)***. Motion by Legislator Schneiderman, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

BUDGET AND FINANCE

P.O. CARACAPPA:

Budget and Finance. ***1459 (Amending the 2005 Operating Budget and transferring funds for Huntington YMCA for their summer camp program)***.

LEG. COOPER:

Motion.

P.O. CARACAPPA:

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

LEG. O'LEARY:

On the question.

P.O. CARACAPPA:

On the motion, Legislator O'Leary.

LEG. BISHOP:

Mr. Chairman.

LEG. O'LEARY:

The funds, they're pay•as•you•go?

LEG. COOPER:

These are already funds that were set aside for YMCA, they're just using it for a separate program.

LEG. O'LEARY:

Excuse me?

LEG. COOPER:

These are funds that were already allocated for the YMCA. It was originally for a senior program that they decided they don't need it for.

LEG. O'LEARY:

Okay. All right.

LEG. COOPER:

We're redirecting it to a youth program.

LEG. O'LEARY:

Okay.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. BISHOP:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

We're moving at a nice rapid clip, so, at this time ••

MR. BARTON:

17. (Not Present: Leg. Binder)

LEG. BISHOP:

I'd like to discharge from committee, not for a vote now, but for the purpose of aging an hour, 1716. You have a copy in front of you.

P.O. CARACAPPA:

There's a motion to discharge Resolution ***1716 (Amending Capital Program and Budget and appropriating funds in connection with improvements to certain athletic fields within the Babylon School District and authorizing a joint use agreement)***.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

That will age and we'll deal with it later.

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1610.

LEG. ALDEN:

1716, I'm either opposed or abstaining, I don't care what ••

P.O. CARACAPPA:

That was just to lay on the table •• discharge.

LEG. BISHOP:

We're not voting.

LEG. O'LEARY:

1610, can I have an explanation, please?

LEG. ALDEN:

I don't think it should even be on the agenda, so ••

P.O. CARACAPPA:

Okay. There's one, one abstention in Legislator Alden.

MR. BARTON:

16. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1610 (Rolling back prior appropriations to facilitate Level Debt Service Policies in accordance with Smart Government Principles to reduce pipeline debt and offset the increase that will occur due to the construction of the new jail).

LEG. O'LEARY:

1610, can I have an explanation, please?

P.O. CARACAPPA:

Is there ••

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Foley.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. Explanation. Mr. Zwirn?

MR. ZWIRN:

This is •• I just wanted to make sure. This is money from the shelter that will not •• they haven't got a site for, yet. So, this is just to take that money and just •• and not leave it out there, so that it could be used for another offset.

LEG. O'LEARY:

Just on the question. Ben, is this two separate and distinct children's shelter and juvenile detention facility, or are they one and the same?

MR. ZWIRN:

They're the same?

LEG. O'LEARY:

There's two separate, correct, or is it one and the same?

MR. ZWIRN:

The same, they're the same.

LEG. O'LEARY:

Yeah, okay.

LEG. CARACCIOLO:

Mr. Chairman, this was the former Juvenile Detention Center, the new facility that the State has indicated we no longer require, so this just defunds that Capital Project.

LEG. TONNA:

Great.

P.O. CARACAPPA:

Okay? All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstain.

P.O. CARACAPPA:

One abstention, Legislator Montano.

MR. BARTON:

16. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1647 (A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues).

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator O'Leary?

LEG. O'LEARY:

O'Leary.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Binder)

CONSUMER PROTECTION

P.O. CARACAPPA:

1709 (To establish a web page to inform Suffolk residents about parental controls of television programming viewing).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator Alden.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Binder)

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development, Higher Education and Energy. ***1637 (Reappointing Ernesto Mattace, Jr., to the Suffolk County Community College Board of Trustees)***. Motion by Legislator Carpenter, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

17, it's approved. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1649 (A Local Law to require that all tourism promotion agency contracts receive prior approval of the Legislature).

LEG. ALDEN:

Motion to table.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Motion to table, Legislator Alden, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1658, 58A (Appropriating funds in connection with planning for dormitory housing for Suffolk County Community College (CP 2112)).

D.P.O. CARPENTER:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Carpenter, the sponsor, second by myself. All in favor?

Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1682, 82A (Appropriating funds in connection with improvements to college entrances (CP 2192)).

D.P.O. CARPENTER:

Motion.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Foley. Roll call. On the motion. On the motion, Legislator Mystal.

LEG. LINDSAY:

Yeah, I've got a question.

P.O. CARACAPPA:

And then Lindsay.

LEG. BISHOP:

It's tabled.

LEG. MYSTAL:

It's tabled?

P.O. CARACAPPA:

Legislator Lindsay, go right ahead.

LEG. LINDSAY:

I'm a little bit confused. Isn't this a project that we have included in the omnibus resolution, or is this a different project, college entrances?

MR. SPERO:

It's the same project. This resolution is appropriating the planning funds, and in the omnibus, we advance the construction funding. This is for planning only.

LEG. LINDSAY:

And was that one of the vetoes?

P.O. CARACAPPA:

Planning?

MR. SPERO:

Yes, it was, I believe it was.

LEG. CARACCIOLO:

Motion to table.

LEG. LINDSAY:

No, no.

P.O. CARACAPPA:

Just let me clarify. The planning money, the planning money wasn't in omnibus.

MR. SPERO:

The construction funding •• advancement of the construction funds was vetoed in the omnibus.

LEG. LINDSAY:

Oh, I see, okay. So ••

LEG. TONNA:

Yeah, the construction. It's a different phase.

P.O. CARACAPPA:

Right.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

This is planning only. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17. (Not Present: Leg. Binder)

LEG. TONNA:

Yeah.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1694 (Amending the prior capital authorized appropriations for the West Campus Site improvements • design (CP 2190.111) to West Campus Site improvements • site improvements (CP 2190.410).***

D.P.O. CARPENTER:

Motion.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Motion by Legislator Carpenter.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Page 10, EPA.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Caracciolo.

LEG. CARACCIOLO:

I would just request that if we get to resolutions that are bonding as opposed to using pay-as-you-go funds, that the Budget Review Office bring that to our attention.

P.O. CARACAPPA:

Okay.

LEG. CARACCIOLO:

Okay.

LEG. TONNA:

All right.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

1081 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (North Fork Preserve property • • Farmland Component)).

Motion by Legislator Caracciolo.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Second by Legislator ••

LEG. CARACCIOLO:

Oh, no. I'm sorry, Mr. Chairman. On this resolution, given the testimony we heard from Mr. Isles earlier today, we're going to table this one.

LEG. O'LEARY:

Second on the table.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to table by the sponsor, second by Legislator O'Leary. All in favor? Opposed?
Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1186, 1186A (Authorizing acquisition under Suffolk County Multifaceted Land Preservation Program (Elwood Greenlawn Woods Property, Town of Huntington) we'll skip over.

LEG. TONNA:

Just lack of a motion.

LEG. CARACCIOLO:

Motion.

LEG. TONNA:

I'll make a motion to table.

LEG. O'LEARY:

Second.

LEG. CARACCIOLO:

Table? Okay.

LEG. COOPER:

Second.

LEG. O'LEARY:

Second on the motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1332 (Authorizing the acquisition of farmland development rights under the Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund for Dosiak Farms, Town of Brookhaven).

LEG. CARACCIOLO:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Caracciolo, second by Legislator Carpenter.

LEG. FOLEY:

On the motion.

LEG. O'LEARY:

On the question.

P.O. CARACAPPA:

On the motion, Legislator Foley, then O'Leary.

LEG. FOLEY:

Thank you. I'll do everyone a favor by not repeating what I had stated earlier about the Levy/Caracciolo bill, but let me just ask the sponsor. Mike?

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

The comments made by Mr. Zwirn, the fact that the bill does not contain •• doesn't identify the Town as part of the •• as part of the partnership, so to speak, with a 70/30 split between the County and the Township. Additionally, he mentioned the fact that the Levy/Caracciolo bill has •• identifies the price per acre, whereas, according to his testimony, 1332 does not. So, do those two items that are absent from your bill, in any way would that impact the successful closing of the property?

LEG. CARACCIOLO:

Counsel.

LEG. FOLEY:

And whether you want to hear Counsel on that.

LEG. CARACCIOLO:

Well, my resolution was corrected on six •• contains the provisions that you just indicated, or Mr. Zwirn indicated, they did not contain. It does contain the per acre price of \$61,000, and it does contain the 70/30 partnership.

LEG. FOLEY:

So, is this •• is it total •• it does, it does contain it?

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

It does.

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Okay.

LEG. TONNA:

We're already aware of the differences of the bill, come on.

MS. KNAPP:

They both say \$61,000 an acre, they both say 24.3 acres, and they both say 70% from the County and 30% from the Town.

LEG. CARACCIOLO:

Yeah. Mr. Chair, given the long recess coming up, and perhaps the opportunity of the Legislature not being able to convene to consider veto overrides, I'm going to table this resolution one cycle.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Caracciolo, second by ••

LEG. FOLEY:

Just on the motion.

P.O. CARACAPPA:

Let me •• second by myself. On the motion, Legislator Foley.

LEG. CARACCIOLO:

And I would also note for the record, Mr. Chairman, I reached out to the County Executive yesterday with two phone calls and an E•mail to discuss several items on today's agenda, did not receive a phone call until 5:05 from Mr. Sabatino, and that's unfortunate.

LEG. TONNA:

Well, that's only lunch time for him.

LEG. CARACCIOLO:

You know, when you extend the olive branch and there's not reciprocation, then maybe we'll have the month of July to talk about a number of Legislative initiatives.

P.O. CARACAPPA:

Motion and second to table. All in favor?

LEG. FOLEY:

Yeah, on the motion. On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Mr. Chairman, if we wait •• Legislator Caracciolo, if we wait six weeks, I mean, there could be a concern here that we could lose the sale of the property.

LEG. CARACCIOLO:

Well, if I can have assurances from Mr. Zwirn that this won't ••

LEG. FOLEY:

If we can't •• let me just say, if we can't get an explanation at this moment, what I would like, instead of tabling it right now, if we could pass over this and return to it later in the day, because I would be concerned about tabling this motion today and ••

LEG. CARACCIOLO:

I'm not adverse today, but I think we have to have assurances ••

LEG. FOLEY:

Well, no, just ••

LEG. CARACCIOLO:

•• that the bills are identical, there's no reason why this one ••

LEG. FOLEY:

Can we pass over this, Mr. Chairman? You can make ••

LEG. TONNA:

No, it's a tabling resolution.

LEG. FOLEY:

No, no, no. We •• in the past, we have past over resolutions.

P.O. CARACAPPA:

There's a motion and a second to table at this point, unless there's ••

LEG. CARACCIOLO:

I'm going to withdraw •• I'm going to withdraw the motion to table,
Mr. Chairman. I'll make a motion to approve.

LEG. TONNA:

Well, I'm making a motion to table.

LEG. FOLEY:

No, no, no.

P.O. CARACAPPA:

There's a motion to table, Legislator Tonna.

LEG. TONNA:

Come on, second it, Mike.

D.P.O. CARPENTER:

I would ask my colleagues not to table it. Let's pass over it, as we've done in the past in other resolutions.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Let me just call this. All in favor? Opposed?

LEG. LINDSAY:

What are we voting on?

P.O. CARACAPPA:

To table this bill.

LEG. SCHNEIDERMAN:

Opposed to tabling.

P.O. CARACAPPA:

Who's opposed to tabling, raise your hands.

LEG. SCHNEIDERMAN:

Opposed to tabling.

P.O. CARACAPPA:

Opposed to tabling, Legislator Caracciolo, Schneiderman, Losquadro, Foley, Vilorio•Fisher.

LEG. TONNA:

And Carpenter.

P.O. CARACAPPA:

And Carpenter. I'm sorry.

MR. BARTON:

12. (Not Present: Leg. Binder)

P.O. CARACAPPA:

It's tabled.

LEG. CARACCIOLO:

It's tabled.

P.O. CARACAPPA:

1345 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Long Island Beagle Club property) Town of Riverhead). Planning steps. Motion by Legislator Caracciolo, second by Legislator Schneiderman.

LEG. CARACCIOLO:

Table.

P.O. CARACAPPA:

Table the planning steps?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Motion to table planning steps, 1345, by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1635 (Making a SEQRA determination in connection with the proposed firearms training section drainage project (CP 3161) Town of Southampton).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by myself.

LEG. TONNA:

I'll second, I'll second.

P.O. CARACAPPA:

Second by Legislator Tonna, rather. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1636 (Making a SEQRA determination in connection with the proposed Long Island Maritime Museum Marine Railways restoration, Town of Islip). Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1656 (Authorizing planning steps and acquisition under Suffolk County 1/4% Drinking Water Protection Program (Babylon Cemetery property) Town of Babylon). Motion by Legislator Bishop.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1684 (Donation and dedication of certain lands to County Parks •• SCDHS Board of Review Transfer of Development Rights (S02•97•0014).

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Motion by Legislator Tonna.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1685, 85A (Appropriating funds in connection with the purchase of equipment for groundwater monitoring and well drilling (CP 8226)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

MR. SPERO:

This is a pay•as•you•go resolution.

P.O. CARACAPPA:

Oh, this is a pay•as•you•go resolution, Legislator Caracciolo.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

Roll call.

LEG. CARACCIOLO:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1686, 86A (Appropriating and program funds in connection with the purchase of

equipment for the Environmental Health Laboratory (CP 4079). Motion.

MR. SPERO:

This is a pay•as•you•go.

LEG. TONNA:

Motion.

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Tonna.

LEG. LOSQUADRO:

Joe, why are we doing the bond?

LEG. VILORIA • FISHER:

If it's pay•as•you•go, why are we voting on the bond.

LEG. SCHNEIDERMAN:

Good question.

LEG. O'LEARY:

That's an excellent question.

LEG. FOLEY:

Must have been changed.

P.O. CARACAPPA:

Yeah. Jim?

MS. KNAPP:

They were never changed.

LEG. MYSTAL:

Doesn't make sense.

P.O. CARACAPPA:

They were never changed. They never changed the method of financing.

LEG. TONNA:

Table, motion to table.

LEG. ALDEN:

Second.

LEG. SCHNEIDERMAN:

On the motion. Let's get clarification on the issue.

LEG. VILORIA • FISHER:

Can we skip it to clarify it?

P.O. CARACAPPA:

Yeah. On 1685, actually, we need a new offset, actually and ••

LEG. ALDEN:

Motion to reconsider.

P.O. CARACAPPA:

Motion to reconsider 1685 by Legislator Alden, second by myself. All in favor? Opposed?
Abstentions?

LEG. TONNA:

Motion to table.

P.O. CARACAPPA:

1685 is before us. Motion to table by Legislator Tonna, second by Legislator Alden. All in ••

LEG. VILORIA • FISHER:

On the motion, Mr. Chair.

P.O. CARACAPPA:

On the motion, Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

I would like us to skip 85 and go back to it, because I think there was representation that it's pay • as • you • go and I just want it to be clarified.

LEG. SCHNEIDERMAN:

She wants to pass over it.

LEG. VILORIA • FISHER:

I was asking that it be passed over, so that we could clarify the financing.

LEG. LOSQUADRO:

Mr. Chairman. In committee, the reason we moved these out was that we were told by Budget Review that the method of financing was changed from B to G, that it was now pay • as • you • go.

MR. SPERO:

No. I'm saying this is a pay • as • you • go project. The County Executive submitted it for bonding. I'm just ••

LEG. TONNA:

So, we've got to table it.

LEG. LOSQUADRO:

Very good.

LEG. MYSTAL:

Mr. Presiding Officer.

LEG. LOSQUADRO:

That was not represented in committee, though.

LEG. MYSTAL:

Mr. Presiding Officer.

LEG. LOSQUADRO:

We wouldn't have moved •• we wouldn't have moved them out.

LEG. MYSTAL:

Mr. Chair.

LEG. TONNA:

So, we made a mistake, no problem. It's a rookie mistake.

LEG. MYSTAL:

Mr. Chair.

P.O. CARACAPPA:

I recognize Legislator Mystal.

LEG. MYSTAL:

I think the County Executive wants for us to table for now.

MR. ZWIRN:

You could •• I mean, these were •• these could have been pay•as•you•go, as Budget Review Office said, but we kept it as bonds at this time. We did change a number of resolutions. Over 2 million dollars worth of projects became pay•as•you•go from bonded. We didn't change these, so ••

LEG. LINDSAY:

So, they are bonds.

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

These are bonds, okay.

MR. ZWIRN:

Yes, they are bonds.

P.O. CARACAPPA:

So, there's a motion and second to table ••

LEG. TONNA:

Yep.

P.O. CARACAPPA:

•• on 1685.

MR. BARTON:

Yes.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Let me just get through ***1686 (Appropriating and program funds and connection with the purchase of equipment for the Environmental Health Laboratory (CP 4079).*** This is ••

LEG. TONNA:

Motion to table.

P.O. CARACAPPA:

Motion to •• this is ••

LEG. ALDEN:

Second.

P.O. CARACAPPA:

The is the same thing, so it's a motion to table by Legislator Tonna, second by Legislator Alden.

All in favor? Opposed?

LEG. FOLEY:

Opposed.

P.O. CARACAPPA:

Abstentions? Opposition, Legislator Foley, Lindsay.

LEG. TONNA:

Okay.

MR. BARTON:

16, tabled.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Binder.

LEG. BINDER:

Motion to reconsider 1186. I wasn't here, but I'd like to get that passed today.

P.O. CARACAPPA:

There's a motion to reconsider 1186.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. O'LEARY:

Can you make that motion? You can't make that motion.

LEG. BINDER:

Yes, either on the prevailing side, or if you weren't here for the vote, you can make the motion.

LEG. O'LEARY:

I'll second the motion.

P.O. CARACAPPA:

Just for the sake of being safe, motion to reconsider by Legislator O'Leary, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. BINDER:

Motion to approve.

P.O. CARACAPPA:

1186 is before us. There's a motion to approve by Legislator Binder, second by Legislator O'Leary. On the motion, Legislator Lindsay.
Explanation, if you want to do it, or Counsel.

LEG. BINDER:

It's a land acquisition of 11 acres in Elwood. Unfortunately, we don't get to purchase too many acres in western Suffolk. This has been on the table for a number of years. Huntington •• at the first instance, we didn't pass this, because Huntington's Open Space Committee didn't

support it, and it didn't pass through the Legislature, and I basically said I wouldn't put it in again until they did. Finally, Huntington did support it, it's a partnership with Huntington and they do support it, and they have vote •• they have voted in favor of it, have a resolution in favor of it, and we've finished the deal and we're ready to go.

LEG. TONNA:

This is going to be an interesting press conference, Frank Petrone, Allan Binder, and Steve Levy, who is going to call it probably.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

A stupid question. Is there any special reason why we have to buy this 11 acres. Can we build on them?

LEG. BINDER:

It can be built, yes.

LEG. MYSTAL:

And can we use it for affordable housing?

LEG. TONNA:

Yeah.

LEG. MYSTAL:

Why do we have to buy every piece of land that have a piece of grass on it. I don't have any •• that's what I want to understand.

LEG. BINDER:

It has the same positive characteristics to buy open space as we do in the East End.

LEG. TONNA:

So, that's good enough.

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

(Not Present)

LEG. MYSTAL:

Binder came in, Cooper left.

LEG. TONNA:

Sure. For Elwood, why not?

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Sure. Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Cooper (Not Present). 17.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1699 (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 the Mud Creek Watershed Section 206 Aquatic Ecosystem Project (CP 8710.110).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

I think there's some problems here.

LEG. TONNA:

Table.

P.O. CARACAPPA:

I believe it needs to be tabled.

LEG. FOLEY:

Motion to approve. Thanks, Paul. What are the problems? Can we ••

P.O. CARACAPPA:

Counsel?

LEG. LINDSAY:

Second.

MS. KNAPP:

If you remember, this was discharged without recommendation ••

LEG. FOLEY:

Right.

MS. KNAPP:

•• because at the committee, Kevin Duffy indicated that he had never been provided with

applications for the 477 Fund, and I believe the County Executive's Office indicated that they would provide him with the applications. Mr. Duffy saw me this morning and said that he had not gotten anything.

LEG. FOLEY:

Okay. Just, Mr. Zwirn. Is Mr. Zwirn here? Given the testimony by Counsel, and given the fact that we heard earlier from Mr. Isles that the federal government is awaiting word from this County until the end of this month, can we get whatever documentation has been requested before the end of the day? Otherwise, we stand a chance of losing the federal funding.

MR. ZWIRN:

I'm certainly going to try.

LEG. FOLEY:

Can we get that?

MR. ZWIRN:

I'll try.

LEG. FOLEY:

I would ask that we could ••

MS. KNAPP:

Mr. Duffy.

LEG. FOLEY:

Pardon?

MS. KNAPP:

Mr. Duffy.

LEG. TONNA:

You could always reconsider later.

LEG. FOLEY:

Yeah, but Mr. Duffy's in Hauppauge, we need it here. So, you know, we can't •• we have to do this today. If we don't do it today, we have ••

LEG. TONNA:

Yeah, but it's tabled now and you could reconsider.

LEG. FOLEY:

We have •• it's not tabled yet. There's a chance that we would lose this funding. And this is the first duck farm restoration project in the County and I think it would be important to do it. The Army Corps •• we know how difficult it is to get Army Corps funding, we finally got the corps monies, and now we stand a chance of losing it if we don't approve it today.

LEG. TONNA:

Well, whose fault is it that we don't have the proper documentation? If you put a resolution in •

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

If the County Executive puts a resolution in, we should have the proper documentation.

LEG. FOLEY:

It's not to find fault. Let's pass over it. We'll get the documentation before the end of the day.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Legislator Foley.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

I understand the •• you know, the perceived need to move this, but I ask, as we did in committee, if there is such an emergent need and there is a fear of losing this funding, why was the information not provided prior to committee, and why has it not been provided in the almost week since. It's •• you know, and now we're asking Budget Review to •• you know, to step in at the last minute, analyze something, and maybe make a determination that they're not comfortable with. I think this should have been provided when we asked for it, or the best case scenario, it should have been provided before the committee process. So, it's unfortunate, but I don't know why this was not addressed when it should have been.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. I'll grant the Chair of the Committee •• his point is well taken. This has happened in the past under different administrations as well where certain information did not come over in a timely fashion. However, we did not hold a resolution, if you will, hostage to that, if, in fact, there are some deadlines. I would hope, though, through the •• through the Counsel, through Counsel, is it a voluminous document that is requested by BRO, is it a rather straightforward piece of paper, or how involved is it?

MS. KNAPP:

Well, it depends usually on the scope of the project. This one is \$643,000, and I know the last time that we had one that we had questions on was the reseeded of the scallops, and the EPA Committee, together with Mr. Duffy, really went through that application, you know, fairly closely and, in fact, was able to find savings. And so working with Mr. Duffy, the EPA Committee has been successful.

How voluminous the application is difficult for me to say, but for the amount of money, it probably is pretty detailed.

LEG. FOLEY:

Mr. Zwirn, we've been told by •• this is my last yes, through the Chair. We've been told by Mr. Isles that the federal government has given us basically to the end of this month to vote affirmatively on a resolution. Is there a letter to that effect from them, or is it something that

we just believe is to be the case? How hard •• how hard and fast is this June deadline?

MR. ZWIRN:

The deadline is hard and fast. Mr. Davies was at a meeting with U.S. Army Corps where they expressed that to them. It was right before the •• it was a day before the committee hearing. He didn't have a letter to that effect, but he made the representation. And I'm going to try to find out why the documentation wasn't submitted and have an answer for the Legislature before the end of the day.

LEG. FOLEY:

That would be important. All right? Can we pass over, Mr. Chairman?

P.O. CARACAPPA:

We will pass over it, Legislator Foley.

LEG. FOLEY:

Thank you. Thank you for your indulgence.

LEG. TONNA:

We're going to pass over this?

P.O. CARACAPPA:

Yeah.

LEG. TONNA:

All right. I withdraw my motion to table.

P.O. CARACAPPA:

Okay.

LEG. FOLEY:

Thank you, Legislator Tonna.

P.O. CARACAPPA:

1706 (Authorizing acquisition under the Suffolk County Multifaceted Land

Preservation Program for the Brick Kiln Creek (Gerrato) property (Town of Islip • • SCTM No. 0500•378.00•01.00•036.001 & 036.002).

LEG. LINDSAY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

Health and Human Services. ***1450 (\$35,000: Establishing an Affordable County•Wide Fee Waiver Program for the testing of private wells by the Suffolk County Department of Health Services).*** Motion by Legislator Caracciolo.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna.

LEG. CARACCIOLO:

Table.

P.O. CARACAPPA:

Table?

LEG. CARACCIOLO:

Yeah.

P.O. CARACAPPA:

Motion to table by Legislator Caracciolo.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1567 (Transferring funds from Community Support Services to Mental Health Programs).

LEG. TONNA:

Motion. Oh, by Legislator Caracciolo.

P.O. CARACAPPA:

What's the motion, Mike?

LEG. CARACCIOLO:

Motion to approve.

P.O. CARACAPPA:

That's to approve. Motion by •• second by Legislator Tonna.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Explanation.

LEG. CARACCIOLO:

Counsel.

LEG. ALDEN:

Why don't we ask the Chairman of the committee what happened?

LEG. CARACCIOLO:

This was a pseudocode correction, as I understand it from Budget Review Office.

P.O. CARACAPPA:

This is a technical correction?

LEG. CARACCIOLO:

Technical.

P.O. CARACAPPA:

And why isn't it •• why doesn't the title reflect that?

LEG. TONNA:

So, we're tabling it?

LEG. MONTANO:

No.

MS. KNAPP:

My notes indicate that it's a transfer of funds from the Community Support Services to Mental Health Programs.

MR. SPERO:

It's a technical, really, a technical.

MS. KNAPP:

It is a technical ••

P.O. CARACAPPA:

It's a technical correction?

MR. SPERO:

This is a technical type correction.

P.O. CARACAPPA:

Okay. Motion and a second. All in favor? Opposed? Abstentions?

P.O. CARACAPPA:

1717 (Approving the appointment of Ronald J. Gaudreault as a member of the Suffolk County Board of Health).

MR. BARTON:

18 (1567).

LEG. BINDER:

Mr. Chairman on 1717, can we pass over it? Mr. Gaudreault couldn't be here, he's at a conference Upstate for the Committee. He is •• he will be here, but I told him 2:30, not thinking we would be up to this at this point. So, he's going to be here around the time of the public hearings, so people can get to ask him questions and we can vote on it later. Legislator ••

LEG. BISHOP:

Can I ••

P.O. CARACAPPA:

Okay, Legislator Bishop.

LEG. BISHOP:

•• ask one question of Counsel or of the sponsor? Does the •• you would know. Does the Board of Health regulate hospitals?

LEG. BINDER:

I think there are Sanitary Codes that are ••

LEG. FOLEY:

I have a motion to table, Mr. Chairman.

LEG. BINDER:

There are ••

LEG. FOLEY:

You can't ask this in the middle of •• I have a motion to table.

LEG. BINDER:

•• provisions that pertain specifically to hospitals in the Sanitary Code.

LEG. BISHOP:

Okay. I just, because it's •• I mean, there are only, what, a dozen or so hospitals in the County. This is, I understand, the head of one of the hospitals.

LEG. BINDER:

He's retiring.

LEG. BISHOP:

Oh, he's retiring, okay.

LEG. BINDER:

He's retiring, yeah.

LEG. BISHOP:

Fine, okay.

LEG. FOLEY:

I have the motion to table, Mr. Chairman.

P.O. CARACAPPA:

Yeah, I hear you. Hold on.

LEG. BISHOP:

I thought there was a conflict, but there's no conflict.

P.O. CARACAPPA:

There's a ••

LEG. BINDER:

Motion to postpone the vote until after lunch.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

There is a motion to table.

LEG. TONNA:

Is that a motion?

LEG. BINDER:

Yes, a motion to postpone.

P.O. CARACAPPA:

I'm going to recognize the motion to table first.

LEG. FOLEY:

Thank you. On the motion to table.

P.O. CARACAPPA:

Does that take precedence?

LEG. BINDER:

Motion to postpone takes precedence. You can ask Counsel.

LEG. LINDSAY:

Second.

LEG. FOLEY:

On the motion to table, Mr. Chairman.

P.O. CARACAPPA:

Your motion can be a motion to table until 2:30 •• I mean, two ••

LEG. ALDEN:

After the public hearings.

P.O. CARACAPPA:

After the public hearings.

LEG. FOLEY:

On the motion to table until the next meeting.

P.O. CARACAPPA:

It's the same thing. I was just trying to procedurally do this correctly. There's a motion to table until after the public hearings today ••

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

•• by Legislator Binder, second by Legislator Alden.

LEG. FOLEY:

Motion to table until the next General Meeting.

P.O. CARACAPPA:

Let's vote on that motion first, because it takes precedence.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

All in ••

LEG. BINDER:

Which one is this on?

P.O. CARACAPPA:

Yours.

LEG. BINDER:

On mine.

P.O. CARACAPPA:

So, all in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. TONNA:

I abstain.

P.O. CARACAPPA:

Opposed, Legislator Viloría•Fisher, Foley, Mystal, Tonna abstains.

MR. MONTANO:

I'll abstain.

P.O. CARACAPPA:

And Mystal is •• and Montano as well. We'll deal with it after lunch.

MR. BARTON:

13.

P.O. CARACAPPA:

Okay. We said 1717 we'll skip over.

PARKS AND CULTURAL AFFAIRS

Parks, Cultural Affairs. ***1382 (Authorizing use of Gardiner County Park by the Long Island Alzheimer's Foundation for its Pet Walk Fundraiser).***

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1652 (Declaring Theodore Roosevelt County Park a "Dark Sky Park"). Motion by Legislator Schneiderman.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor?

LEG. LINDSAY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah. First, I'd like to hear comments from the County Executive rep.

MR. ZWIRN:

The only comment that the County Executive had reviewing this is that there was a bill passed earlier this year that was sponsored by Legislator Schneiderman about lighting at the County parks, and this calls for that to be in conformance I think with that lighting. And Third House is a historical designation, and, therefore, the lighting would be exempt, so ••

LEG. TONNA:

Really in the dark.

MR. ZWIRN:

It's really •• there can be a conflict with the way to go forward and how to light this facility to make it a dark sky facility, because there are two bills that would put the Parks Department in a quandary as to how to proceed on this. So, it's not a question on the merits of the project, but just how to go forward when you have a bill that might ••

LEG. TONNA:

Table it and work it out.

LEG. SCHNEIDERMAN:

You know, I don't ••

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I don't believe that it's ••

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yes. I don't believe it's a conflict.

P.O. CARACAPPA:

There's a list.

LEG. SCHNEIDERMAN:

Okay.

P.O. CARACAPPA:

Legislator Mystal, then Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Okay. I thought you were calling me.

LEG. LINDSAY:

Put me back on.

LEG. MYSTAL:

A question for the County Executive. Two questions. One, isn't the park closed at the night? And two, if we're going to have a dark sky, so people can watch the sky with a telescope, wouldn't the County have to make sure there are people there to open the park and make sure the park is safe and ••

MR. ZWIRN:

It was a concern of the Parks Commissioner that, at the present time, there is no staff there in the evenings, but there •• in the future, there may have to be a person or persons who will have to staff the park and give people directions.

LEG. BINDER:

Can't we use •• can you use your headlights?

LEG. MYSTAL:

If the park is closed ••

MR. ZWIRN:

I think you can use your headlights to get into the parking lot, but after that, I think it's ••

LEG. TONNA:

Well, is there a Financial Impact Statement as far as this ••

LEG. MYSTAL:

That's what I'm •• that's what I'm looking for. I'm looking for the financial impact.

MR. ZWIRN:

It's not the County ••

LEG. TONNA:

Motion to table.

LEG. COOPER:

Second the motion.

LEG. MYSTAL:

Motion to table.

D.P.O. CARPENTER:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yes. I don't believe there is a conflict here. The earlier bill dealt with future fixtures. This bill deals with not only future fixtures, but with current fixtures. It's very nominal, there is not a lot there. It really recognizes the dark sky as a resource that's worthy of protection. It will make it better for nighttime observations, which have been going on there with small telescopes that people bring out there.

This park traditionally had a manager's apartment, and there was a 24•hour presence. Unfortunately, that manager's apartment has been closed because of damage to Third House, which is being taken care of. And, you now, I know this is •• there might be some administrative questions like with any bill in terms of how they administer it, but the Park Commissioner and the Public Works Commissioner can resolve those issues. I don't believe

there's any internal issue between this bill and the earlier bill that would affect this park.

MR. ZWIRN:

The issue that we had was with the lighting, because Third House is a Historic Register building. The lighting bill I think that was passed by the Legislature exempted that building.

LEG. CARPENTER:

Okay. Legislator Lindsay is next.

LEG. LINDSAY:

Yeah. As I recall, there was testimony in the Parks Committee from the Commissioner, concern about staffing at night, as well as the contradiction with the lighting. I just think that we should table this and take it back and work out some of the problems with it at this point.

LEG. CARPENTER:

Legislator Alden.

LEG. ALDEN:

Actually, I had •• at Parks, I had the same concerns, but then when I read the bill and we had some dialogue with the Commissioner, the bill provides for the Commissioner to develop a •• it's almost like a permit situation, so he's going to have a fee schedule with it. And with that, I would imagine that the Commissioner has enough resources that he'll include those costs in the permit, so that the user will, in fact, actually pay for any overtime or any type of staffing that would be necessary. So, those were pretty much taken care of at the Parks Committee meeting.

D.P.O. CARPENTER:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. This park holds many events in the evening that are approved by the Parks Department and this board, including the Shakespearean •• the Shakespeare Festival in the summer which goes on at night. There's always been evening activities in this park, and it's always with the Parks Commissioner. But the staffing issue isn't a true issue, because there's already activity

there at night.

MR. ZWIRN:

I think the Commissioner's concern was that this is going to be full time •• this is going to be all year•round. The Shakespearean Festival that's held I think is just the summer, is just a summer festival. Again, we're not against the merits. Third House will be undergoing major renovations starting this Fall with a half a million dollars. Money was appropriated by this Legislature to move forward on that. The roof will be fixed. So, we're moving on Third House. We just would like to get this worked out before it's •• the Parks Commissioner just had •• County Attorney's Office raised the issue, said there was a •• there could be a conflict in the way the bills were read.

P.O. CARACAPPA:

The motion before us is?

LEG. LINDSAY:

To table.

LEG. FOLEY:

Table.

P.O. CARACAPPA:

To table, and the second. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Raise your hand. Opposed?

LEG. SCHNEIDERMAN:

Opposed to tabling.

LEG. O'LEARY:

Opposed.

P.O. CARACAPPA:

Legislator Caracciolo, are you opposed to tabling?

LEG. CARACCIOLO:

Yes.

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Roll call.

MR. BARTON:

Okay. On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes to table.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCIOLO:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. TONNA:

You know what, is this the one we talked about? Switch my vote to a no. I'm just realizing, is this the one?

LEG. SCHNEIDERMAN:

It's related.

LEG. TONNA:

Is this the one we talked about?

MR. BARTON:

Seven.

P.O. CARACAPPA:

Tabling fails. There's motion and second to approve. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Opposed, just raise your hands, please. Opposed, raise your hands. Legislator Lindsay, Montano, Mystal, Cooper, and Bishop.

LEG. FOLEY:

Abstain.

P.O. CARACAPPA:

Abstention, Legislator Foley.

MR. BARTON:

12.

P.O. CARACAPPA:

It's approved. ***1654 (Amending the 2005 Capital Budget and Program and***

appropriating funds for the purchase of equipment and construction in connection with an astronomical observatory at Third House (CP 7156). Motion by Legislator Schneiderman.

LEG. TONNA:

Second.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

Opposed, Legislators ••

LEG. VILORIA • FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

This is the same project that is in the Capital Budget, but in the Capital Budget, it's financed through bonding and this is pay•as•you•go. Budget Review, this does not meet pay•as•you•go criteria, does it?

MR. SPERO:

Technically, any project could be funded on a pay•as•you•go basis.

LEG. VILORIA • FISHER:

Okay. But it doesn't meet the criteria that had been set up in the pay•as•you•go program.

MR. SPERO:

I would say, if you could build an observatory, it would probably be bonded for at least ten years, that would be my guess.

LEG. VILORIA • FISHER:

So, it doesn't meet pay•as•you•go ••

MR. SPERO:

So, it wouldn't have to be •• it wouldn't have to be a pay•as•you•go project.

LEG. VILORIA • FISHER:

Okay. Legislator Bishop. Legislator Bishop.

LEG. BISHOP:

What?

LEG. VILORIA • FISHER:

This is on 1654.

LEG. BISHOP:

Yes. You have a question?

LEG. VILORIA • FISHER:

Okay. And I just wanted to review the pay•as•you•go criteria, your having been the architect of that program. This I don't believe meets either the amount of money that's involved and the length of the project.

LEG. SCHNEIDERMAN:

This is the set•up.

LEG. VILORIA • FISHER:

Okay. Well, when we spoke privately I said the same thing.

LEG. BISHOP:

It's \$25,000 in the aggregate, \$5,000 on the individual, and has to have a life of more than five years.

LEG. VILORIA • FISHER:

Okay. And Budget Review just said that the life would be, of course, much longer than five years, and the amount is more than 25,000.

LEG. TONNA:

So, that's good.

LEG. BISHOP:

Right.

LEG. TONNA:

So, it's two for two.

LEG. VILORIA • FISHER:

So, obviously, this doesn't meet pay•as•you•go criteria, then.

LEG. TONNA:

No, if that's the minimum.

LEG. BISHOP:

No.

LEG. VILORIA • FISHER:

No.

LEG. BISHOP:

Well, all right, let's go over that.

LEG. VILORIA • FISHER:

No. Paul, you know that's not right.

LEG. TONNA:

I'm right.

LEG. BISHOP:

Pay•as•you•go, I think he may ••

LEG. TONNA:

Ask Budget Review, Vivian, just ask Budget Review.

LEG. BISHOP:

He may be right, and you may be right.

LEG. VILORIA • FISHER:

No. That's the minimum for ••

LEG. TONNA:

That's the minimum.

LEG. VILORIA • FISHER:

This •• it has to be under those amounts for pay•as•you•go, not over.

LEG. BISHOP:

Right.

LEG. TONNA:

No, over that amount.

LEG. BISHOP:

No, under.

P.O. CARACAPPA:

Please, one ••

LEG. VILORIA • FISHER:

Under, Paul, it's under.

P.O. CARACAPPA:

One at a time.

LEG. VILORIA • FISHER:

Okay, I still have the floor.

P.O. CARACAPPA:

You do have the floor.

LEG. VILORIA • FISHER:

For pay•as•you•go, it has to be under those amounts, not over, because think of the logic of this, Legislator Tonna. If it's a large amount, you don't want to use it •• you want to be able to bond it.

LEG. BISHOP:

If it's under those amounts, pay•as•you•go directs that it be paid for out of operating funds and not borrowed funds, not capital funds.

LEG. VILORIA • FISHER:

Exactly. Okay. And this is over those amounts, so this can be bonded.

LEG. BISHOP:

Right. It can be bonded, right. It doesn't have to be bonded, it can be bonded if it's over those amounts.

P.O. CARACAPPA:

Okay?

LEG. VILORIA • FISHER:

Okay. I'm sorry.

P.O. CARACAPPA:

Oh, I'm sorry.

LEG. VILORIA • FISHER:

I think Legislator Tonna had thrown a question here, which was, well, it can be, but why should it be? Because we're trying to move other projects that have been laid on the table by the County Executive's Office into pay•as•you•go, because they meet the criteria. So, we should save pay•as•you•go for those projects that meet the criteria, rather than raid it with projects that can and should be bonded, because of the length of their life and because of the amount that is going to be used.

LEG. TONNA:

Could I be recognized?

P.O. CARACAPPA:

Legislator Lindsay, then Tonna.

LEG. LINDSAY:

My objections to the resolution are more generic than Legislator Fisher. We haven't finished the Capital Budget yet, we're going to finish it today. This project never came up during the Capital Budget discussions, it didn't appear as a stand•alone to the Capital Budget, and here we are adding capital projects before we've even finished the Capital Program. I just think it's inappropriate. It displays a lack of discipline by this body to just continually add on more and more capital projects after we just went through the process.

P.O. CARACAPPA:

This is for 2005, Legislator Lindsay.

LEG. TONNA:

Yeah, this is not ••

P.O. CARACAPPA:

Legislator Tonna, then Alden.

LEG. TONNA:

Yeah, a couple of things. One is this is the more fiscally conservative policy. One is that if you have money in your pay•as•you•go for 2005 and it hasn't been totally utilized, let's utilize it,

because when you bond, you pay more money.

Secondly is that Legislator Lindsay's comments with regard to the Capital Budget has to do with 2006, it has nothing to do with this resolution, this is a 2005 resolution. So, what I would say is •• I would say is that if there's money in pay•as•you•go, we should pay everything that you can out of operating costs that's designated. If we haven't fully exhausted the pay•as•you•go this year, let's do that, because then you don't have to bond, which means that I encumber more money for the taxpayer over the years.

So, I would say that, first of all, it does meet the criteria for pay•as•you•go, because over those amounts have no bearing. It would be fine to do it. And, secondly, we're paying it out when we haven't fully extended •• fully expended that money. It's better than offsetting it somewhere else in the general budget, all right, for somebody to say, "Look at what we've come in." It's better to save the money from a bonding standpoint.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Actually, I agree with Legislator Tonna.

LEG. TONNA:

That's amazing.

LEG. ALDEN:

But I think a pertinent question would be do we have money left in the pay•as•you•go account?

LEG. TONNA:

And the answer is yes.

MR. SPERO:

Yes.

LEG. ALDEN:

So ••

LEG. BISHOP:

There's like 8 million left I hear.

LEG. ALDEN:

There's only 8 million left? And how much •• how much would this year's ••

MR. SPERO:

It was budgeted at 11.7 million, and I would say about 2 million or so has been used up.

LEG. TONNA:

Yeah, right.

MR. SPERO:

Somewhere in that neighborhood.

LEG. ALDEN:

So, we're down to an 8 to 9 million range.

LEG. TONNA:

Yeah, because they want to balance the budget with the money.

LEG. ALDEN:

Well, and that's very laudable, too, but it's not really •• it's not really straight•forward with the taxpayer if we put money in the budget to do certain things to save the taxpayer money, and that's really what the pay•as•you•go account does, saves the taxpayers money for needed things. I think that we have to be true to, you know, our principles and our policies in Suffolk County, and this seems to be something that •• and this, I guess, is a question for Legislative Counsel. Is this within our purview of expanding the minimum guidelines for pay•as•you•go? And, you know what, say, for instance, if we wanted to go and buy a building, which normally would be bonded, if we have cash and we wanted to buy that building for cash, we don't have to bond it, right?

MS. KNAPP:

No. Legislator Bishop stated it exactly correctly, that you can theoretically, so long as you have the cash, pay for everything cash. The •• our pay•as•you•go Local Law mandates what you can't bond, basically, but since it's suspended this year, that rule is not in effect either. But to the extent that we're ••

LEG. ALDEN:

Okay. So, I asked the question of Legislative Counsel and you're deferring to the Maven as far as pay•as•you•go?

Dave, are you the Maven?

MS. KNAPP:

I think I said I agreed with him.

LEG. BISHOP:

I'm the Maven.

LEG. ALDEN:

All right.

LEG. BISHOP:

I'm the Architect and Maven.

MS. KNAPP:

I agree.

LEG. ALDEN:

I have to •• who's next on the list, is Bishop next on the list?

P.O. CARACAPPA:

Yes, he is.

LEG. ALDEN:

Okay, because, actually, what I'm doing is trying to help Lynn Nowick out, because she'll be back in a minute and she didn't want the vote to take place before that. So, I'll pass the ••

LEG. BISHOP:

Architect Maven.

LEG. ALDEN:

To the, right, the Maven of ••

LEG. BISHOP:

Grand Exalted Mystic Ruler.

P.O. CARACAPPA:

Legislator Maven.

LEG. BISHOP:

These term limits are great. I get all sorts of praise now than I've ever seen before. The rhetoric of both the County Executive and the Legislature regarding this fund is off base, because you can't •• neither side can claim the high ground at this point. Here is why.

You have a fund that's set aside for small items, items that you shouldn't bond for, that you should do pay•as•you•go. The Executive is basically saying I don't want to spend anything out of there right now, because I want to see next year, if I need this money, you know, bring it to fund balance, so I don't have to raise taxes next year. That's one perspective.

The Legislature's perspective seems to be, "Hey, we have a fund that's not being used for that purpose, let's spend it for other things, but not for the very purpose that it's for, which is for small items." The worst situation would be if, at the end of the year, it goes to fund balance, so it's used to lower taxes next year, but all the small items that we need throughout •• you know, at the end of the year or throughout the year we bond. That would be the worst worse situation, because you would be borrowing for what you shouldn't, and you would be living on a credit card, and that's what this fund is designed to avoid. So, I don't •• as to this particular resolution, I don't think this is a small item, is it?

LEG. VILORIA • FISHER:

No.

LEG. BISHOP:

Probably, if we want to do it, we should bond for it. But the Executive, on the other hand, should be using the fund for its proper purpose, which is for items that are •• you know, meet the criteria.

LEG. ALDEN:

We all stand chastised?

LEG. BISHOP:

And the maven has spoken.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Let me echo Legislator Bishop's remarks. You know, recently, the County Executive had more than a dozen resolutions which he wanted to bond rather than use pay•as•you•go money. When this Legislature on both sides of the aisle made it clear that that was not acceptable, he changed those resolutions. So, as David said, you know, both sides are not innocent, and both sides are not completely guilty, but there has been some hypocrisy all the way around, and I think we should return to our roots and, you know, establish a policing and stay with it.

P.O. CARACAPPA:

Real quick, Mr. Zwirn.

MR. ZWIRN:

For the record, one of the reasons why the County Executive refrained from using pay•as•you•go money in the beginning was because sales tax revenues were down for the first quarter. He was trying to take a very prudent and fiscally conservative approach, and the most fiscally conservative approach, to echo Legislator Tonna, would not be to spend money, you know, if

you don't have to.

LEG. TONNA:

Ten that's real conservative, let's just not spend.

P.O. CARACAPPA:

There's a motion ••

LEG. TONNA:

Well, I would say ••

MR. ZWIRN:

You don't spend it, it goes back to the taxpayers.

LEG. TONNA:

I'm willing to take a discount if you are.

P.O. CARACAPPA:

There's a motion and a second.

LEG. ALDEN:

To approve?

P.O. CARACAPPA:

To approve. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

Just raise your hand. Viloría•Fisher, Foley, Lindsay, Montano, Bishop, Mystal and Cooper.

LEG. BISHOP:

Change the offset.

LEG. TONNA:

All right. Well, no, it just goes through without you.

LEG. MYSTAL:

Can we have a bigger recess?

MR. BARTON:

11.

LEG. TONNA:

No, let's get this done.

MR. BARTON:

11.

LEG. TONNA:

Keep going, keep going.

P.O. CARACAPPA:

It's approve. ***1683, and it says 1683A (Amending the 2005 Capital Budget and Program and appropriating funds accepted by the Legislature from the ISTE A Transportation Enhancement Program for restoration of Black Duck Lodge at Hubbard County Park, Flanders, Southampton, New York)***. Just so you know, I was just handed the bond. This is to bond \$45,000, 5,000 for planning, 40,000 for construction. Here, this is a classic example of what not to bond.

LEG. TONNA:

Right.

LEG. CARACCILOLO:

Exactly.

LEG. TONNA:

So, let's vote it down.

P.O. CARACAPPA:

Motion to table by myself.

LEG. CARACCIOLO:

Second.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed?

LEG. VILORIA • FISHER:

And we all agree on that.

P.O. CARACAPPA:

Abstentions?

LEG. TONNA:

There we go. See?

MR. BARTON:

18.

LEG. TONNA:

The Maven gives an A+

P.O. CARACAPPA:

We followed the Maven's instructions.

LEG. TONNA:

All right. Where are we? ***1687, 1687A (Appropriating funds in connection with***

improvements at County Campgrounds (CP 7009).

LEG. FOLEY:

Motion.

LEG. TONNA:

How much money?

P.O. CARACAPPA:

A million.

LEG. TONNA:

A million. Okay, it's good. All right.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Carpenter. All in favor •• roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

MR. BARTON:

Schneiderman.

P.O. CARACAPPA:

Jay.

MR. BARTON:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm sorry.

P.O. CARACAPPA:

Vote.

LEG. TONNA:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BISHOP:

Sorry's not a vote.

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

Sorry's a statement.

P.O. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. 1711. Motion by Legislator Schneiderman, second ••

LEG. O'LEARY:

This is 1688, Mr. Chair.

MS. KNAPP:

No, 1688. You skipped.

P.O. CARACAPPA:

Oh, I skipped it. I'm sorry. **1688, 88A (Appropriating funds in connection with improvements at County Golf Courses •• West Sayville and Indian Island (CP 7166)).**

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

Motion •• it's \$100,000. Motion by Legislator Caracciolo.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. LINDSAY:

And all the golfers.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. Now **1711 (Naming County park in East Hampton "The Edward Vincent Ecker, Sr. Park")**. Motion by Legislator Schneiderman.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety, Public Information, ***1324 (Establishing a County policy for use of foot patrols and bicycle patrols).***

LEG. BINDER:

Motion to table.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Binder.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1492 (Approving the appointment of Marshal Schwartz to the Suffolk County Citizens Corp. Council). Motion by Legislator Carpenter, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1587 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the acquisition of a Fiber Optic Cable Backbone Project (CP 1794)).

LEG. O'LEARY:

Motion.

P.O. POSTAL:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1588 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the acquisition of a Tax History System (CP 1791)).

LEG. O'LEARY:

Motion.

LEG. CARACCIOLO:

Pay•as•you•go, pay•as•you•go.

LEG. TONNA:

Second.

P.O. CARACAPPA:

There's a motion by Legislator O'Leary, second by Legislator Tonna. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1594 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the Probation Officer Remote Access System (CP 3048)).

LEG. O'LEARY:

Motion.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1595 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the purchase of additional data storage for the Police Department (CP 3236)).

D.P.O. CARPENTER:

Motion.

LEG. O'LEARY:

Motion.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1644 (Amending Resolution No. 389•2003, to allow certain fees and fines to be deposited in the Police District fund). Motion by Legislator Carpenter.

D.P.O. CARPENTER:

Oh, motion it table.

P.O. CARACAPPA:

Motion to table, Legislator Carpenter.

LEG. O'LEARY:

Second on the table.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1697 (Amending the 2005 Operating Budget to create one new position in the Day Reporting Center Program within the Department of Probation).

LEG. O'LEARY:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Vilorina•Fisher. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1700 (Donating 275 decommissioned body armor vests to the United States Department of Defense to protect our citizen•soldiers).

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

Motion by Legislator ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• Caracciolo, second by Legislator O'Leary.

LEG. TONNA:

Cosponsor.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

[COSPONSOR SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

1710 (Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the FFY 2004 Local Law Enforcement Block Grant to the Suffolk County Departments of Police, Probation, Sheriff's Office, and Youth Bureau).

Motion by myself, second by ••

LEG. TONNA:

Everybody but Bishop.

LEG. BINDER:

Everybody but Bishop.

P.O. CARACAPPA:

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

MR. BARTON:

18.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

P.O. CARACAPPA:

Public Works, Public Transportation. Is there a motion on ***1590 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737)?***

LEG. FOLEY:

Motion.

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1591 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the installation of emergency systems for major County owned buildings/NYS Fire Standards (CP 1710)). Same motion ••

LEG. TONNA:

Keep going, baby.

P.O. CARACAPPA:

•• same second, same vote.

1592 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the roof replacement on various County buildings (CP 1623)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1593 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the application and removal of lane markings (CP 5037)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1597 (Accepting and appropriating Federal aid (80%), State aid (10%) and County funds (10%) in connection with the purchase and installation of bus shelters (CP

5651).

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Motion by myself.

LEG. TONNA:

Second.

LEG. CARACCIOLO:

Second.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Second by Legislator Foley.

MR. SPERO:

This is a pay•as•you•go project.

LEG. BINDER:

On that, the question is did that change this? We did it without recommendation and they •• the County Exec's Office was going to do it as a pay•as•you•go. I don't know if they've changed it.

P.O. CARACAPPA:

On what?

LEG. BINDER:

1597.

P.O. CARACAPPA:

1597.

LEG. BINDER:

They would have to do it as a CN, because if they were changing it, they didn't have the time to make that change. Counsel has ••

P.O. CARACAPPA:

Counsel?

LEG. BINDER:

•• information.

MS. KNAPP:

This is a little odd. I don't see that it's changed, however, I don't see a bond resolution.

MR. SPERO:

There's no bond resolution, the way it's drafted currently.

MS. KNAPP:

I don't ••

P.O. CARACAPPA:

We were bonding out 10%; is that what's being said here?

LEG. BINDER:

But it's a bond. If it's a bond, you need a bond resolution, so I •• and if they have •• why don't I make a motion to table. If they have a CN, they can always bring it in as a CN.

LEG. FOLEY:

Ben Zwirn right here?

P.O. CARACAPPA:

Mr. Zwirn.

LEG. TONNA:

No, he's missing in action.

P.O. CARACAPPA:

All right.

LEG. MYSTAL:

Pass over it.

LEG. TONNA:

Pass over.

P.O. CARACAPPA:

1598, 98A (Amending the 2005 Capital Budget and Program and authorizing planning funds in connection with equipment for public transit vehicles •• Automated Vehicle Locator System, accepting and appropriating Federal aid (80%), State aid (10%) and County funds (10%) (CP 5648).

MR. SPERO:

Also pay•as•you•go project.

LEG. BINDER:

Same question.

LEG. MYSTAL:

This one has a bond on it.

LEG. LINDSAY:

98A has a bonding resolution.

LEG. BINDER:

All right. But the question on this one, they said the reason it was without recommendation is that they said they were going to do this as a pay•as•you•go and we would do it as CN, so we passed it out. But, if this hasn't changed, then ••

P.O. CARACAPPA:

Ben.

LEG. BINDER:

•• we said we would table it.

P.O. CARACAPPA:

1597 and 1598, are there CN's coming over for that?

MR. ZWIRN:

No, and the reason is that historically this is the way this has been done. We've always bonded this, from what I understand, and that's why it wasn't done differently.

LEG. ALDEN:

Motion to recommit.

LEG. FOLEY:

No, no, no.

LEG. O'LEARY:

How much is the ••

LEG. TONNA:

Well, 1597 isn't even a bonding resolution, right?

P.O. CARACAPPA:

1597 isn't.

MS. KNAPP:

There's no bond.

P.O. CARACAPPA:

There's no ••

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Actually, it is, but there's no bond associated with it.

LEG. BINDER:

There is a problem with 1597, just because there's no bond.

LEG. TONNA:

What, is the check in the mail?

LEG. BINDER:

We need the bond itself. The bond resolution we need. But on 1598 ••

LEG. TONNA:

Table them both.

LEG. O'LEARY:

On the question.

LEG. CARACCIOLO:

Ninety•seven makes reference to serial bonds.

MR. ZWIRN:

Right.

P.O. CARACAPPA:

Yeah, ninety •• and there's no bond, we have no bond resolution.

LEG. CARACCIOLO:

Right. You're absolutely right.

P.O. CARACAPPA:

We have no bond resolution.

P.O. CARACAPPA:

So, I will withdraw the motions on 1597 and make a motion to table.

LEG. CARACCIOLO:

Second.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder.

LEG. TONNA:

Can I make a suggestion on the motion? Why don't we •• since they sent it without recommendation, send it back to committee, so that they do their due diligence.

LEG. BINDER:

We could send it back.

D.P.O. CARPENTER:

No, because they wanted to approve it, it was just the funding ••

LEG. BINDER:

No. We only did it because ••

P.O. CARACAPPA:

One at a time, please.

LEG. BINDER:

We only sent it here with •• as a discharge because of the question of a bond. Obviously, that didn't happen, because we had assurances. They've taken a second look and not done it. We might want to send it back to committee and ••

LEG. TONNA:

I'm going to make a motion to ••

LEG. ALDEN:

Recommit.

LEG. TONNA:

•• recommit.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

The motion was made by Legislator Alden already, seconded by Legislator Tonna to recommit 1597. All in favor? Opposed?

LEG. FOLEY:

Opposed.

LEG. VILORIA • FISHER:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Vilorina•Fisher, Foley, Carpenter.

LEG. BISHOP:

Well, you could just table it here.

LEG. BINDER:

Right.

LEG. BISHOP:

Why does it have to go back to the committee?

LEG. TONNA:

Because that's where the •• that's where they do their due diligence.

P.O. CARACAPPA:

Call the vote, Henry.

LEG. BISHOP:

They knew what they were doing.

MR. BARTON:

15.

P.O. CARACAPPA:

Recommitted.

LEG. TONNA:

Okay.

LEG. BINDER:

Right, but it was on assurance of the County Executive's people, that they were going to make it ••

LEG. TONNA:

I'll make the motion to recommit 1598.

LEG. LINDSAY:

No, no, no.

LEG. ALDEN:

Second.

LEG. BINDER:

Same thing, second.

P.O. CARACAPPA:

There is a motion to recommit 1598, second by Legislator Alden.

LEG. LINDSAY:

On the resolution. On the question.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. Admittedly, it's a small amount, it's \$20,000 in bonds, but at stake here, the project's a million•eight, most of it from federal funds. I mean ••

LEG. TONNA:

So, let them get it right, let it go through committee. There's not time ••

LEG. LINDSAY:

There's nothing wrong with it.

LEG. TONNA:

Yeah, it is, this is ••

LEG. LINDSAY:

He wants to bond \$20,000 ••

LEG. TONNA:

I thought this was pay•as•you•go.

LEG. LINDSAY:

•• on a million•eight.

P.O. CARACAPPA:

1598 is a separate one. He wants a bond. There is a bond on it and it's for 20, \$20,000, which is the County's share.

LEG. TONNA:

Why don't we put it in pay•as•you•go.

LEG. BINDER:

Right.

LEG. CARACCILO:

Why isn't it pay•as•you•go.

P.O. CARACAPPA:

Don't ask me.

LEG. LINDSAY:

Do you want to jeopardize losing a million•eight?

LEG. TONNA:

No, you don't.

LEG. BINDER:

Mr. Chairman.

LEG. TONNA:

It's just going to happen, but with the right funding source.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

One at a time.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

This was sent out only because of the assurance that it would be pay•as•you•go and we would have a CN. So, we didn't want to keep it in committee, we thought we'd put it out here. Now, obviously, the County Executive has had a change of mind, because he's seen that they do it •• have done it a certain way in the past. I don't think that affects us as far as we're concerned, particularly small like this we would like to see as pay•as•you•go. So, I don't •• maybe we can pass over this and maybe the County Executive would want to reconsider, if it's such an important project. We can get this done by the end of the day with a CN.

P.O. CARACAPPA:

Mr. Zwirn.

MR. ZWIRN:

I'll bring it back, but as I say, the reason that it's done this way is it's historically been done this way.

LEG. BINDER:

Why don't we pass over it?

LEG. TONNA:

But, could I just ask a question? I have a question, Mr. Zwirn.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

In the committee, though, there was dialogue between the committee, right, and The County Executive's Office. And if I listen to what Legislator Binder, who is the Chairman of that committee, he said, "Look, we're going to bring this out," the committee said, "We'll bring it out, as long as you guys have, you know, pay•as•you•go." There must have been some type of affirmation, a nod of the head, "I'll get the document," "I'll communicate with you about

where we are," because •• right? Because my sense is ••

MR. ZWIRN:

I said I would bring it back to the County Executive.

LEG. TONNA:

Okay. So, what happened? So, the County Executive basically said ••

MR. ZWIRN:

It was discharged without recommendation, as ••

LEG. TONNA:

Torpedoes ahead?

MR. ZWIRN:

He said this is the way it's been done historically.

LEG. TONNA:

So ••

MR. ZWIRN:

He didn't see a reason to change it.

LEG. TONNA:

But there was no dialogue back? In other words, there was no dialogue back to the Committee Chair that said, "Listen, thank you very much for getting it out, but our opinion is we're going to keep on bonding it and, you know, we'll go up or down based on how we feel"?

MR. ZWIRN:

But we've had that dialogue right now. I mean, I don't think •• there's not much magic to it.

LEG. TONNA:

But it is •• well, the magic to it is that all you have to do, if there's •• if there's communication

within the committee, okay, from a Legislator, or whatever else, saying get back, why are we doing it •• why not a phone call, so we kill all •• you know, save all of us time in just being able to say, "Look we're going to •• we're going to stand where we feel, this is it."

I'm not saying that you don't have the right opinion or the wrong opinion, but it seems to me very dysfunctional. It's a dysfunctional communication when a committee asks something, when the representatives of the Executive Office then say, "We will take that back to the County Executive," and then it's just now a void of communication, until that day, there's a standing resolution. That to me seem a little dysfunctional between the Executive Branch and the Legislative Branch, whether it be a Democratic colleague, a Republican colleague, I know a Committee Chair, or whatever else. It breaks down in the committee system where we're rehashing the same stuff. And, in this case, what it's going to do is it's going to bring a resolution back to committee, okay, to start the process all over again, because there was no ensuing communication in between.

MR. ZWIRN:

I think the communication ••

P.O. CARACAPPA:

Legislator Alden. I think that was a statement.

LEG. ALDEN:

I actually just •• I have a couple of questions. Just can •• maybe, Jim. Can you give me the breakdown between planning, the planning funds and the construction funds, because I think it's all included in one resolution.

MR. SPERO:

We're debating a •• 1598?

LEG. ALDEN:

1598.

MR. SPERO:

That's •• I'll make sure I have the resolution up here. Yeah, this is for planning and for furniture and equipment. There's no construction funding in this one.

LEG. ALDEN:

I'm sorry. Yeah, that's right, equipment. But the planning, how much is allocated for planning?

MR. SPERO:

Planning is 20,000 in County funds and 20,000 in State aid.

LEG. ALDEN:

Okay. And this might be a minor point, but these are basically GPS systems that are going to go in each Legislator's car, just so that people can keep track of where their Legislators are. But how much •• why would you need planning •• why would there have to be planning money as far as that goes? These are pretty straightforward systems, right?

MR. SPERO:

I can't really comment on that issue.

LEG. ALDEN:

Maybe I'd have to ask the Chairman of that committee, through the Chair.

P.O. CARACAPPA:

Well, I think this has to do with DPW vehicles and buses.

LEG. ALDEN:

And Legislators' cars. That's all. But through the Chair. Through the Chair.

P.O. CARACAPPA:

Is that what we're doing here?

LEG. ALDEN:

No, no, no. I was asking some questions. I'm asking the question. How much? There's 200,000 for planning? Jim, is that right, 200,000 for planning?

MR. SPERO:

A total of 40. Total of 40,000 for planning, 20 local share, and 20,000 State aid.

LEG. VILORIA • FISHER:

And 160,000 federal, isn't it?

MR. SPERO:

Oh, sorry. I missed ••

LEG. VILORIA • FISHER:

Jim, and the 160 fed.

MR. SPERO:

•• the 160,000 in planning. Yes, so it's a total of 200,000. I'm sorry, I'm reading this incorrectly.

LEG. ALDEN:

Was there testimony in the committee why there would be \$200,000 worth of planning for GPS systems to be installed in buses?

LEG. TONNA:

That's why it should go back to committee. Send it back to committee.

LEG. ALDEN:

The record seems to be incomplete on this, and I would feel a little bit hesitant to vote on something where I would really •• I would prefer it going back to committee to, you know, have those questions answered.

LEG. TONNA:

There's a motion and a second.

P.O. CARACAPPA:

There is a motion and a second to recommit. All in favor? Opposed?

LEG. FOLEY:

Opposed.

MR. MONTANO:

Which is this?

LEG. VILORIA • FISHER:

I'm opposed.

LEG. MYSTAL:

Opposed.

P.O. CARACAPPA:

To recommit 1598.

LEG. COOPER:

Opposed.

LEG. VILORIA • FISHER:

Henry, I'm opposed.

D.P.O. CARPENTER:

Roll call.

P.O. CARACAPPA:

Roll call. Roll call's been asked.

MR. BARTON:

On the motion.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Tonna, say yes.

LEG. TONNA:

Yes, yes, yes to recommit.

LEG. ALDEN:

Yes to recommit.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

I'm with the Republicans the rest of the day, yes.

LEG. NOWICK:

Yes.

LEG. FOLEY:

Don't take it out on us.

LEG. NOWICK:

I said yes.

LEG. KENNEDY:

Yes.

MR. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to recommit.

LEG. VILORIA • FISHER:

I'm sorry, pass.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes to recommit.

LEG. CARACCIOLO:

(Not Present)

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. VILORIA • FISHER:

Is this on the recommit, Henry? No.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

12.

P.O. CARACAPPA:

It's recommitted. 1602, 16 ••

MR. SPERO:

This is a pay•as•you•go project.

LEG. O'LEARY:

Pay•as•you•go?

P.O. CARACAPPA:

Pay•as•you•go? I have a note here that says it needs a new offset.

LEG. TONNA:

If it's a pay•as•you•go and it says a bond ••

P.O. CARACAPPA:

1602 (Appropriating funds in connection with the reconstruction of culverts (CP 5371)).

LEG. TONNA:

Send it back. Table, motion to table.

LEG. FOLEY:

Explanation on the ••

LEG. TONNA:

Well, if it's a pay•as•you•go project and it says a bond, we know that it's wrong, right; is that •
• is that correct?

LEG. NOWICK:

That sounds correct.

LEG. TONNA:

Can I ask Budget Review?

P.O. CARACAPPA:

You can.

LEG. TONNA:

I know you're retiring, but just before you retire, can you make this one opinion for us? You can't bond and have it as pay•as•you•go, right?

MR. SPERO:

They're conflicting, you do one or the other.

LEG. TONNA:

There you go, Laddie. All right.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1605, 1605A (Appropriating funds in connection with the Public Works buildings operation and maintenance equipment (CP 1806)). This is, I believe ••

MR. SPERO:

This is pay•as•you•go as well.

P.O. CARACAPPA:

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

MR. BARTON:

18.

LEG. LINDSAY:

The resolution says bonds.

P.O. CARACAPPA:

Actually, it says not pay•as•you•go. It needs a correction.

LEG. FOLEY:

What was the correction that was required for 1605, Mr. Chairman?

LEG. LINDSAY:

The resolution I have on the computer says bond.

LEG. TONNA:

Pay•as•you•go.

LEG. BINDER:

Same problem.

LEG. TONNA:

Pay•as•you•go.

P.O. CARACAPPA:

Chairman of the Committee, if you could just enlighten us.

LEG. BINDER:

My understanding is this is not pay•as•you•go also, this is also bonded.

LEG. NOWICK:

Well, there's no bond on it.

LEG. BINDER:

There's a bond on it. You see ••

P.O. CARACAPPA:

There is a bond on it.

LEG. BINDER:

Right.

LEG. TONNA:

But there's no bond.

P.O. CARACAPPA:

Okay.

LEG. BINDER:

And we again, this is ••

P.O. CARACAPPA:

It's \$72,000.

LEG. BINDER:

Right, this is the same question. The committee expected a CN for pay•as•you•go. All of these •• see, all of these were without recommendation ••

P.O. CARACAPPA:

Okay.

LEG. BINDER:

•• because that was an expectation.

P.O. CARACAPPA:

I maintain my motion to table and a second.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. TONNA:

Can I make a suggestion? Don't do this again. Let it ••

P.O. CARACAPPA:

Who, me?

LEG. TONNA:

No, not you, to the Chairman of the Public Works.

LEG. BINDER:

We trusted the County Executive.

LEG. TONNA:

Just, if it's not proper, don't bring it out of committee until it is proper.

P.O. CARACAPPA:

1615 (Approving the purchase of vehicles in accordance with Section 186•2(B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard). Motion by myself, second by ••

LEG. LINDSAY:

Explanation.

P.O. CARACAPPA:

Explanation. Second by Legislator Foley.

LEG. LINDSAY:

Okay, I see ••

P.O. CARACAPPA:

Okay? All in favor? Opposed?

LEG. LINDSAY:

Can I get an explanation?

P.O. CARACAPPA:

Oh, I'm sorry, I thought you said you were good.

LEG. LINDSAY:

I'd just like to hear the explanation, not that I'm opposed to it.

MS. KNAPP:

From me? This is a County Executive resolution to approve purchase of vehicles. We have a section of the Code, 186•2(B)6 that brings vehicles to the Legislature. There's 110 replacement vehicles. They include six full•size sedans for the D.A. and Probation, 4 marked sedans for Parks, 14 mid•size sedans for Civil Service, DPW, Health, DSS, and the Law Department, three sport utility •• sport ••

LEG. FOLEY:

Okay, thank you.

LEG. LINDSAY:

Just a comment. Is •• this is going to go through our preference laws, it's going to go to a local dealer, if we can help it, we're not going to be buying cars from Jersey?

LEG. TONNA:

Nor leasing, hopefully.

LEG. LINDSAY:

Huh?

P.O. CARACAPPA:

It's off a State bid list.

LEG. BINDER:

Mr. Chairman, I was asked on the record. It will go through the same normal purchasing procedure. It could go to New Jersey, as some police cars did, because they were the only place that had the police packages at the time. But, yes, Local Preference Law is a part of this bidding process.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. ALDEN:

He's our Maven. Go, Danny.

LEG. LOSQUADRO:

Thank you. And this is important to replenish the County fleet, as we've discussed on a number of occasions the lack of available vehicles in the County pool. And I've even heard some recent rumblings within the Police Department that K•9 units are currently sharing vehicles where they had not been in the past.

So, I'm glad to see we're beginning the process of replacing vehicles and replenishing the County fleet, but just to put •• wherever

Mr. Zwirn is, to put the Department of Public Works on notice. The Chairman of the Committee and I met with the Commissioner of Public Works, and I plan on keeping on top of this and following up to make sure that we do develop and utilize a standard for vehicles, as was the intent of the original legislation. I feel that we could be doing much better than we currently are right now with the type of vehicles we're selecting, so I will be keeping on top of this.

Thank you.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1643 (Authorizing public hearing for approval of amended ferry license for Fire Island Ferries, Inc (I.R. 1584•2005). Motion by myself, second by Legislator Carpenter. All in

favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1645 (Authorize a request for proposal to re-establish the Bay Shore Health Center).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion it table by Legislator Alden, second Legislator Tonna. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1648 (Amending the 2005 Capital Budget and Program and appropriating Capital Budget and Program Pay-As-You-Go funds in connection with erosion mitigation at Unchachogue Creek, Shirley, Town of Brookhaven).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. TONNA:

Second.

LEG. VILORIA • FISHER:

Okay. Say it for us, though.

LEG. O'LEARY:

Twenty•thousand dollars pay•as•you•go.

LEG. FOLEY:

I'll second the motion.

P.O. CARACAPPA:

Second by Legislator Foley.

LEG. TONNA:

There you go.

LEG. O'LEARY:

2005.

LEG. VILORIA • FISHER:

Unchachogue.

LEG. TONNA:

There's real bipartisanship.

LEG. O'LEARY:

Unchachogue.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1695, 95A (Appropriating funds in connection with the reconstruction of CR 80, Montauk Highway, between NYS 112 and CR 101, Sills Road, Town of Brookhaven

(Capital Program Number 5534). Motion by myself, second by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yep.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1696, 96A**

(Appropriating funds in connection with the construction of sidewalk on various County roads (Capital Program Number 5497)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Binder. All in favor •• roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1703 (Amending the 2005 Capital Budget and Program in connection with the construction of the new Jail/Correctional Replacement Facility at Yaphank (CP 3008)).***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder. All in favor?

LEG. BISHOP:

Explanation.

P.O. CARACAPPA:

Explanation.

MR. SPERO:

This is amending the Capital Budget to transfer seventeen thousand •• \$17,500,000. I'll have Ben up here in a second.

P.O. CARACAPPA:

Jim, you want to leave now, if you want?

MR. SPERO:

From the Tier II Homeless Shelter Project to the Yaphank Jail Project. This is using •• it's not actually appropriating the funding, it's just adding to the construction funding for the Jail Project. The appropriation will come later in the year after the SEQRA process has been completed.

LEG. BISHOP:

Okay. So, this is •• this is taking money from the Tier II Homeless Shelter and putting it towards the jail, is that •• that's what the resolution is?

P.O. CARACAPPA:

Yes.

LEG. BISHOP:

Okay. That says a lot.

P.O. CARACAPPA:

All in favor?

LEG. BISHOP:

Opposed.

P.O. CARACAPPA:

Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Opposed, Legislator Vilorio•Fisher, Montano, Bishop and Tonna.

MR. BARTON:

14.

P.O. CARACAPPA:

It's approved. ***1704, 1704A (Appropriating funds in connection with the County share for participation in the replacement of St. Andrews Bridge on CR 39, North Road, Town of Southampton (CP 5847).*** Where is North Road, Southampton? Motion by Legislator Schneiderman, second by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

1713, 13A(Amending the 2005 Capital Program and Budget and appropriating funds in connection with the improvements to County Center, R•001, Riverhead (CP 1643).

Motion by myself, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

WAYS AND MEANS

Ways and Means. ***1104 (Requiring annual reporting of contract agency finances).***

LEG. CARACCIOLO:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Caracciolo.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna.

LEG. LINDSAY:

Explanation.

P.O. CARACAPPA:

Explanation.

LEG. CARACCIOLO:

Counsel, you want to explain?

MS. KNAPP:

This requires that the County Comptroller require annual financial reports from all contract agencies receiving funding of \$100,000 or more. It can be either in the form of an audited financial statement, or in the form of a report of revenues and expenditures certified as accurate by the COO and the CFO and notarized.

LEG. ALDEN:

That was my question.

LEG. FOLEY:

I have a follow•up.

P.O. CARACAPPA:

Legislator Foley.

LEG. TONNA:

Sounds good.

LEG. FOLEY:

Have we determined what would be the financial impact? As much as all of us, I'm sure, are supportive of this, but what's the financial impact on •• I know given the size of different budgets, but what would be the financial impact on contract agencies; is there some ballpark figure?

LEG. TONNA:

They get over \$100,000.

LEG. FOLEY:

Right. I mean, it's a worthy resolution, I'm just •• was there any testimony in committee about the financial impact to the contract agencies to do this?

LEG. TONNA:

I think I can help Legislator Foley with an answer.

P.O. CARACAPPA:

Go ahead.

LEG. TONNA:

The answer is, Legislator Foley, most not•for•profit have some type of financial statement anyway, so they're already •• this is a redundancy, that they could probably just hand in a financial statement. Anybody who seeks not•for•profit funds or any fund•raising over \$100,000 should probably have a financial statement, and if not, we're just forcing best practices for them anyway.

LEG. FOLEY:

Okay. Thank you ••

P.O. CARACAPPA:

Legislator Alden.

LEG. FOLEY:

•• Mr. Tonna, for that ••

LEG. ALDEN:

Mr. Foley.

LEG. FOLEY:

Yes, sir.

LEG. ALDEN:

Just to go one step forward, there's a reporting requirement from New York State ••

LEG. FOLEY:

Depends on which direction you want to go, but we can go one step further.

LEG. ALDEN:

No. But there's a reporting requirement for New York State and also for the federal government for 501(C)3's

LEG. FOLEY:

Oh, so it's just basically making another copy of ••

P.O. CARACAPPA:

It's just a report.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1569 (Establishing County policy regarding use and occupancy of County owned properties under litigation).

LEG. CARACCIOLO:

Table.

P.O. CARACAPPA:

Motion to table, Legislator Caracciolo.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1608, 08A(Appropriating funds in connection with a study for the development of County owned land in Yaphank (CP 6420).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

MR. SPERO:

This is a pay•as•you•go project, Mr. Chairman.

P.O. CARACAPPA:

Second by Legislator •• this is a pay•as•you•go?

LEG. BINDER:

It say's bond.

LEG. MYSTAL:

It says bond in there.

MR. SPERO:

Five•year life.

LEG. TONNA:

Table.

MR. SPERO:

Five•year life.

LEG. O'LEARY:

Two hundred and fifty thousand?

LEG. TONNA:

Motion to table.

LEG. FOLEY:

This was approved out of committee, though.

LEG. O'LEARY:

Yes, it was.

P.O. CARACAPPA:

There's a bond associated with it.

LEG. TONNA:

Motion to table.

LEG. FOLEY:

Wait a second.

P.O. CARACAPPA:

Wait, wait, wait, just ••

LEG. BINDER:

It's a study.

P.O. CARACAPPA:

This is a bond for a study?

LEG. BINDER:

We're going to bond a study?

LEG. TONNA:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Tonna.

LEG. VILORIA • FISHER:

Fails for lack of a second.

LEG. TONNA:

Fails for lack of a second?

P.O. CARACAPPA:

Second by ••

LEG. COOPER:

Second. Second.

P.O. CARACAPPA:

•• Legislator Cooper.

LEG. FOLEY:

On the motion to table.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

If, in fact, there's a question of whether this should be pay•as•you•go or use another source of funding, wasn't that brought up in committee, and what was the answer in committee?

LEG. O'LEARY:

Yes, it was and •• I'm sorry, through the Chair.

P.O. CARACAPPA:

Go ahead.

LEG. O'LEARY:

It was, and it was the monies that are going to be appropriated for the purpose of the planning for the development of the County properties in Yaphank. And being quite familiar with that particular area and initiative, I initially made a request that the Executive change his position from bonding it to pay•as•you•go, and he opted not to. And I think it important enough to move this forward. It's a two hundred and fifty thousand dollar initiative, it is for planning, and it's for purposes of bonding. Perhaps the Executive can explain it further as to why it came out of committee.

LEG. FOLEY:

Through the Chair •• I have the floor. Through the Chair, could we ask the •• either our Budget Review Office or from the County Exec's Budget Office, whichever you would need.

P.O. CARACAPPA:

Make it quick.

MR. CHIUSANO:

Yes. My name is Carmine Chiusano, I'm from the County Exec's Budget Office, and the 250,000 for the study has long•range benefits. And when we do pay•as•you•go, things that have longer range benefits like a corridor study, again, would be usually bonded. It's not really a pay•as•you•go project, because, eventually, it would be hooked into whatever additional

funds are appropriated for planning, for construction, and longer range benefits. So, it is correct as a bonded project.

P.O. CARACAPPA:

Okay. Legislator Tonna.

LEG. TONNA:

I withdraw my motion to table.

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve and second. Roll call.

MR. BARTON:

Who's the second, Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

MR. BARTON:

Oh, thank you.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yep.

LEG. BINDER:

Pass.

LEG. MYSTAL:

Is that to table?

LEG. TONNA:

No, to approve.

MR. BARTON:

Approve.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

MR. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

18 on the bond.

LEG. TONNA:

Okay.

P.O. CARACAPPA:

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

SENSE RESOLUTIONS

Sense Resolutions. ***Sense 44 (Memorializing resolution in support of H.R. 1696 and S.842 the "Employee Free Choice Act").***

LEG. COOPER:

Motion.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Binder.

P.O. CARACAPPA:

Second •• was there a motion to approve?

LEG. BINDER:

On what?

LEG. COOPER:

I made a motion to approve.

LEG. BINDER:

On what?

LEG. MYSTAL:

To table.

P.O. CARACAPPA:

Sense 44.

LEG. MYSTAL:

44, Sense.

LEG. TONNA:

There's a motion to approve by ••

LEG. MYSTAL:

Motion to table, you said, right?

LEG. LINDSAY:

I'll second that.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Explanation.

LEG. BINDER:

Explanation.

LEG. COOPER:

It would provide for mandatory injunctions against unfair labor practices during collective bargaining, such as firing an employee for attempting to form a union.

LEG. MYSTAL:

So, why do you want to table it?

LEG. COOPER:

I don't, I want to approve.

P.O. CARACAPPA:

There's a motion and second to approve. All in favor? Opposed? Abstention?

LEG. LINDSAY:

List me as a cosponsor, Henry.

LEG. FOLEY:

Cosponsor, please.

P.O. CARACAPPA:

Sense 47 (Memorializing resolution in support of Assembly Bill A.07934 and Senate Bill S.05336 establishing the crime of home invasion robbery). Motion by Legislator Binder.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary.

MR. BARTON:

18 on 44.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Memorializing resolution in support of Assembly Bill, I won't read the number, and Senate Bill, I won't read the number, establishing the crime of home invasion robbery.

LEG. BISHOP:

Isn't that a burglary?

LEG. O'LEARY:

No, they're changing it to a robbery.

LEG. TONNA:

On the motion. What ••

P.O. CARACAPPA:

What happened in •• did they do anything with this in •• before the end of session?

LEG. BINDER:

I don't know, I didn't •• I didn't get to check up on it. But what this is, basically, it's a whole •• it establishes a different set of penalties for invasion of the home while someone is actually at the •• in the home. That's another level of robbery. When someone's in the home, it changes everything.

LEG. TONNA:

Can you tell me what it does? What does it do? Like when you rob •• I'm not a lawyer, so what happens. Now, do you get pistol whipped? I mean, what happens when you're at home?

LEG. BINDER:

It just increased penalties. Whatever the penalties are for normal invasion, a robbery in the house, it increases that.

LEG. TONNA:

Pete, could you tell me?

LEG. O'LEARY:

Yes. Through the Chair, please. I mean, currently •• currently, a Burglary in the First Degree is when there's an occupant within the house and the charge is Burglary, which I believe is a B Felony. I think the most serious offense of this particular home invasion robbery would be an A Felony, when there's an occupant within the home, where there's forcible theft within the home while there's occupants. It would no longer be a burglary, it will be a robbery, home invasion robbery, which I believe will be an A Felony. So, it increases the penalty, as Legislator Binder eluded to.

LEG. TONNA:

Sounds good to me.

P.O. CARACAPPA:

Motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 49 • Memorializing resolution in support of New York State Senate Bill No. S3506A, strengthening remedies in relation to the registration of sex offenders.

LEG. TONNA:

Second. Second.

P.O. CARACAPPA:

Second by Legislator Tonna.

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. BINDER:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

LEG. COOPER:

Henry, cosponsor.

P.O. CARACAPPA:

Cosponsors, Legislator Binder, myself ••

MR. BARTON:

18.

P.O. CARACAPPA:

•• Losquadro.

LEG. TONNA:

History was made.

P.O. CARACAPPA:

Everybody.

LEG. TONNA:

History was made.

LEG. SCHNEIDERMAN:

We're not done.

LEG. VILORIA • FISHER:

We're not done.

LEG. FOLEY:

What's next?

LEG. VILORIA • FISHER:

Discharge.

P.O. CARACAPPA:

What was that about history?

LEG. O'LEARY:

Did we pass over something?

LEG. TONNA:

History was made.

P.O. CARACAPPA:

Oh, we still got a lot of work to do.

LEG. TONNA:

I know. But, still, we did pretty good.

P.O. CARACAPPA:

The agenda's done by 12 •• the quickest we've done the agenda at least was 12:10, so it's now 12:05. Okay. But we have vetoes aside from the Capital Budget. Would you like to address those?

LEG. TONNA:

Yes, yes.

LEG. COOPER:

Mr. Chair, I'd like to make a motion to discharge and lay on the table two resolutions, if I could.

P.O. CARACAPPA:

Motion. Motion to discharge.

LEG. COOPER:

Resolution 1638.

P.O. CARACAPPA:

1638.

LEG. COOPER:

And **1641.**

P.O. CARACAPPA:

1638 •• we'll take them one at a time •• is to Assure "Chief", a soon•to•be•retired Police Dog, a humane and loving home, upon his early retirement.

LEG. ALDEN:

I'll second the motion.

P.O. CARACAPPA:

Second the motion to discharge by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18. It's discharged.

LEG. TONNA:

Wait. Just ask Legal Counsel, I own a German Shepherd, am I in conflict?

P.O. CARACAPPA:

That's discharged. The next •• what is the other one?

LEG. COOPER:

And ***1641 (Saving "Chief" from the auction block).***

P.O. CARACAPPA:

I don't have it.

LEG. COOPER:

That should have been distributed.

P.O. CARACAPPA:

Oh, here, I have it.

LEG. ALDEN:

I'll second that.

LEG. BINDER:

Oh, the other Chief bill.

LEG. TONNA:

The other Chief.

P.O. CARACAPPA:

This is Legislator Alden's.

LEG. ALDEN:

And I'll second that.

P.O. CARACAPPA:

Saving Chief from the auction block. There's a motion and a second to discharge. All in favor? Opposed? Abstentions?

MR. BARTON:

18. It's discharged.

P.O. CARACAPPA:

Bills will age. Motion by Legislator Tonna to override the veto ••

LEG. TONNA:

Yes.

P.O. CARACAPPA:

•• on •• which is Resolution 513, previously 1129, which was the 44 positions in the Department of Social Services.

LEG. TONNA:

That is correct.

P.O. CARACAPPA:

I'll second that.

LEG. TONNA:

Thank you very much.

P.O. CARACAPPA:

Roll call.

LEG. O'LEARY:

All right. Where are we?

LEG. LOSQUADRO:

Where are we? Hold on.

LEG. TONNA:

We're overriding the 44•position resolution.

P.O. CARACAPPA:

Social Services positions veto.

LEG. TONNA:

Yeah. Yes, yes, yes.

MR. BARTON:

Mr. Chairman, I need the motion and second again.

P.O. CARACAPPA:

Motion to override **Resolution 513 ••** could we have a little quiet, please? Thank you. **513**, motion by Legislator Tonna, second by myself to override. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes, yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes to the override.

LEG. KENNEDY:

Yes to override.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. TONNA:

I feel the love. Thank you very much.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

That's overridden. Moving on.

LEG. TONNA:

Thanks. Social Services is going to appreciate that. Cameron, could we get a lawsuit together now?

P.O. CARACAPPA:

A motion by Legislator Caracciolo, second by Legislator ••

LEG. TONNA:

A lawsuit, I want to get a lawsuit together now.

P.O. CARACAPPA:

•• O'Leary.

LEG. LINDSAY:

What are we on?

P.O. CARACAPPA:

This is to override ***Resolution Number 518***, currently •• previously ***1468, which is amending the 2005 Operating Budget and transferring funds for the various community based contract agencies.***

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

Mr. Chairman, who was the second?

P.O. CARACAPPA:

Legislator O'Leary.

MR. BARTON:

Thank you.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

Yes.

MR. BARTON:

18 on the override.

P.O. CARACAPPA:

And it's overridden. Moving on. There's a motion by Legislator Alden.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

Second by Legislator Montano to override •• to override ***Resolution Number 521, previously 1466, amending the 2005 Operating Budget and transferring funds to the Brentwood Historical Society.*** There is that motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the override.

P.O. CARACAPPA:

That is overridden. Moving on. Motion by Legislator O'Leary, seconded by •• oh, wait, this is •
• no, I'm sorry.

LEG. LINDSAY:

Alden.

P.O. CARACAPPA:

This is Legislator Alden. Motion by Legislator Alden, second by Legislator O'Leary, to override the veto on ***Resolution 522, previously 1477, amending the 2005 Operating Budget and transferring funds for various contract agencies.*** Having that motion and second roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 the override.

P.O. CARACAPPA:

That is overridden. There's a motion by Legislator O'Leary, second by myself, to override the veto on ***Resolution Number 524, recently •• prior, it was 1575, amending the 2005***

Operating Budget and transferring Police •• transferring funds to the Suffolk County Police Museum in the Village of Bellport. Having that motion and second, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Legislator Nowick.

LEG. NOWICK:

Yes.

MR. BARTON:

Thank you. 18 on the override.

P.O. CARACAPPA:

That is overridden.

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

There is a motion by Legislator O'Leary, seconded by Legislator Losquadro, to make •• to override Resolution •• the veto on Resolution 586, previously 1572, to waive park fee for the Bay Area Head Start Annual Picnic, Southaven County Park.

LEG. VILORIA • FISHER:

On the motion, Mr. Chairman.

P.O. CARACAPPA:

On that motion, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

May I ask a question of the sponsor, please?

P.O. CARACAPPA:

Go ahead.

LEG. VILORIA • FISHER:

Okay. Does •• is this a fund•raiser for the bid, Legislator Caracciolo?

LEG. O'LEARY:

I'm the sponsor.

LEG. VILORIA • FISHER:

Oh, you're the sponsor, I'm sorry.

LEG. CARACCIOLO:

No, you're one •• you're on the next one.

LEG. LINDSAY:

This is Head Start.

P.O. CARACAPPA:

Head Start.

LEG. VILORIA • FISHER:

Oh, I'm •• oh, no.

LEG. O'LEARY:

I'm the sponsor on 586.

LEG. VILORIA • FISHER:

I'm sorry, I thought we were on the Blues Festival. Sorry.

LEG. O'LEARY:

Do you still want to ask me a question?

P.O. CARACAPPA:

There's a motion and second.

LEG. O'LEARY:

Do you want to ask me a question?

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes, yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the override.

P.O. CARACAPPA:

It's overridden. Motion by Legislator Caracciolo, second by Legislator Carpenter, to override the veto on ***Resolution 587, previously 1628, to partially waive fee for use of County showmobile for the Riverhead Blues Festival.*** On the motion, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. I just wanted to ask of the sponsor, does the bid, Riverhead bid, use this as a fund•raiser?

LEG. CARACCIOLO:

Not that I'm aware of.

LEG. VILORIA • FISHER:

Okay.

LEG. CARACCIOLO:

This is to promote tourism in downtown Riverhead, something that we •• you know, we do

rather well. I'm talking about ••

LEG. VILORIA • FISHER:

Okay. I was just curious. I've been to the Blues Festival and enjoyed it, but I didn't know if there were any funds going to the bid, or if it was just promoting all of the downtown businesses.

LEG. CARACCIOLO:

If that's the case, I'm not aware of it.

LEG. VILORIA • FISHER:

Okay. Thank you.

D.P.O. CARPENTER:

If I could ••

P.O. CARACAPPA:

Yeah, Legislator Carpenter.

D.P.O. CARPENTER:

There is a letter, I don't know if everyone's noticed it, from the Supervisor of the Town of Riverhead clearly stating that the admission is free to this festival with 40,000 people, so ••

LEG. VILORIA • FISHER:

Right, I know the admission is free.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

My question is are there any corporate sponsors here? There's revenue that's ••

LEG. CARACCIOLO:

There are corporate sponsors that offset the cost of the entertainment for the festival, and that's why it's open to the public, and we derive the sales tax proceeds from the 40,000 visitors who attend this festival annually.

LEG. LINDSAY:

And does the reduced fees cover the expenses that will incur by bringing it out there? The showmobile. It isn't free.

LEG. CARACCIOLO:

This is a partial waiver. There were two waivers that I submitted by resolution, one was for a full waiver, and this was for \$975 in fee waiver •• fees being waived. The committee and the Legislature approved the partial 975. I'm confident we receive back probably a hundred fold more in sales tax revenues. It's a good way to promote not only tourism in the County, but, you know, to continue our legacy here in the Legislature of making downtowns something that we're all proud of. The Town has done a tremendous job over the last decade revitalizing downtown with our help and revitalization funds, and this is just a continuation of our commitment.

P.O. CARACAPPA:

Okay? There's a motion and a second roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes. Yes to override.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes to override.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Okay, yep.

LEG. ALDEN:

Abstain.

LEG. NOWICK:

Henry, abstain.

MR. BARTON:

Thirteen. (Vote amended to 12 yes, 4 no, 2 abstentions)

P.O. CARACAPPA:

That, too, is overridden. I make a motion by Legislator Kennedy, second by Legislator Nowick.

LEG. VILORIA • FISHER:

Can you say the number, please?

LEG. O'LEARY:

600.

P.O. CARACAPPA:

To override ***Resolution No. 600, previously 1466, which is amending the 2005 Capital Budget and Program and appropriating funds in connection with the feasibility study for noise abatement structures on County Road 67, Motor Parkway, from Harned Road***

to *Shinbone Lane*. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

Pass.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. BISHOP:

Yes, but •• after you call the vote.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

It's overridden.

LEG. BISHOP:

That's on the sound barrier issue, right?

P.O. CARACAPPA:

That's his study.

LEG. BISHOP:

Right. But I was going to make a suggestion •• I'm not going to file this bill, but in the years ahead, maybe you should develop some criteria for sound barriers, like some scientific objective criteria other than, you know, election year and so on.

LEG. TONNA:

Maybe when you're out of office they could hire you as a consultant.

LEG. KENNEDY:

Thank you.

P.O. CARACAPPA:

Okay. What we have left are the capital budget vetoes. We have no CN's yet.

LEG. TONNA:

Wayne Prospect was a consultant.

P.O. CARACAPPA:

We are anticipating a CN. I think the people in the back row there are anticipating one as well. So, with that, we'll recess now. We'll come back at 2:30 for ••

LEG. BISHOP:

Come back at two.

LEG. FOLEY:

2:30, 2:30.

P.O. CARACAPPA:

We'll come back at 2:30 for public hearings and ••

MR. BARTON:

Mr. Chairman.

P.O. CARACAPPA:

•• deal with the ••

MR. BARTON:

Mr. Chairman.

P.O. CARACAPPA:

Yes.

MR. BARTON:

I'm sorry. I just want to point out that ••

LEG. TONNA:

We don't have a contract now?

P.O. CARACAPPA:

Hold on.

MR. BARTON:

I just want to point out, we've been •• we've just been advised that we're going to be receiving five CN's, but I haven't gotten anything yet to photocopy.

P.O. CARACAPPA:

We know that.

MR. BARTON:

Oh, okay.

P.O. CARACAPPA:

We know you haven't received them. Yeah, we haven't copied them yet. When we come back,

we will deal with the veto •• the public hearings, Capital Budget veto overrides, and CN's, as well as late•starters. We are recessed until 2:30.

[THE MEETING WAS RECESSED AT 12:17 P.M. AND RESUMED AT 2:30 P.M.]

[SUBSTITUTION OF COURT STENOGRAPHER • DIANA KRAUS]

P.O. CARACAPPA:

Mr. Clerk, are the affidavits of publications in proper order?

MR. BARTON:

Yes, they are, Mr. Chairman?

P.O. CARACAPPA:

Thank you, sir. Going to the first public hearing, public hearing regarding 2005/2006 Suffolk County Community College Recommended Budget. First speaker is Chuck Stein.

MR. STEIN:

Good afternoon. My name names is Charles Stein. I'm Vice President of Finance at Suffolk Community College. I just wanted to give you a quick synopsis of the recommended budget that was sent over by the County Executive for 2005/2006.

His recommendation includes no increase in County support. It includes the proceeds of a tuition increase at the \$150 level. It assumes that the college will end the current year with a balance of \$2.5 million, which is about a million and a half dollars more than what we had anticipated back in April. It's interesting to note that that also equates to what a 4% increase in County support would be.

There's no provision in the current year •• the current year for the potential in contract settlement; therefore, if the contract does pass today, we'll have to accrue those pay•outs in the current year. And that will wipe out the approximate amount that we thought we had. But there is money that has been left in next year's budget for anticipated settlements. So over a two•year period it will wash.

The specific reductions in next year's budget, such as about \$73,000 in advertising, 80,000 in adjunct and overload lines, lowering of health insurance expense by about \$285,000, reduction in the Police payment for experiences related to the Police Academy, and expenses associated with the seven requested positions that were not included in the budget, those equate approximately to the amount that we have proposed using from our reserves.

We did an analysis •• a quick analysis at the college of the details that were sent over by the County Executive in his recommended budget, and we believe that his estimate of the remaining balance for this year of \$2.5 million will not be achieved. In fact, we're now estimating that we'll finish the current year with a surplus of probably less than a million dollars, and that doesn't include the impact of the AME settlement should it happen.

The Budget Review Office of the Legislature is beginning its analysis of the Executive's recommended budget. As is the case, once that review is available, we at the college, we'll be happy to answer any questions that you may have. Thank you.

P.O. CARACAPPA:

Thank you, Chuck. Kevin Peterman.

MR. PETERMAN:

Good afternoon. I'm Kevin Peterman with the faculty association at Suffolk Community College. I, too, want to speak about the college budget and specifically bring your attention to the County Exec's recommended budget, which I'm sure you all have copies of.

I've spoken at several times before the Legislature and also with the state representatives. And I want to bring to your attention the revenue side of the charts that are at the beginning of the document. It talks about the students paying 38.4% of the college freight or revenues where the state is paying 27.1% and the County under this proposal will be paying 25.2% of the total budget.

Now, as we all know, under the state law, in theory it's supposed to be one•third, one•third, one•third. The thing that puzzles me •• and I've met with the student groups on all three campuses •• the County budget says 38.4%. It also talks about other •• the students pay additional fees. So the actual cost that they •• that they bear is over 40%, and again the

County is 25.2%.

Another point I want to make is student tuition keeps going up. State aid is •• fluctuates. And last year, you know, we got 4% from the Legislature. And we certainly appreciate that. The County Exec's rep is recommending a zero percent increase. I have difficulty •• I don't want to experience the things that we had happen to us many, many years ago where we had zero, zero, zero and then we were really, really behind. We talk always about having a little bit of growth each year so that we don't get backed into a corner where we have no •• no increases. And then we have to pay the price and have a substantial increase.

The thing that I want to point out is there was a message here about property taxes and school budgets at the beginning here by the County Executive. And I just want to point out that, according to the analysis, the average cost to the taxpayer in the tax levy per household per year is about \$7.20 per year for the average tax levy. So we're not talking about, in my opinion, a big outcry from taxpayers about the Suffolk Community College portion of their tax bill. It certainly seems to me that probably for an average taxpayer it's got to be less than a \$100 a year to fund the college. And I'm just guessing, i'm not the budget people.

But I just want to urge you to think about smart planning and increase the college budget, increase the County contribution, because, as you know, when we deal with zeros, it comes back and haunts us down the road. We have new leadership at the college. There are a lot of things that we're trying to do. Certainly you've noticed the downtown revitalization, some of the projects that we're trying to do. It's hard to do some of these projects with no increases.

And again, I want to thank you for your time. And I also want to thank you for your votes last couple of weeks with the capital projects. Thank you.

P.O. CARACAPPA:

Thank you, Kevin. Ellen Schuler Mauk.

MS. MAUK:

Good afternoon. I'd like to •• I'd like to just add to some of the comments that Kevin made and that Chuck Stein has made about the community college budget. Both of them talked about the need for an increase so that we don't find ourselves in a situation which we have to

have major increases because there has not been regular incremental increases through the years.

What I'd like to talk about is the number of full-time faculty lines. The Faculty Association, I'd say, probably for at least the last ten years, has been talking about the number of the ratio of full-time faculty lines to adjunct faculty lines over the years. And currently we have 461 full-time faculty lines, and we have over 1200 adjunct faculty teaching every semester. The number of adjunct positions has been increasing over the last few years, even though the college has been increasing the number of full-time lines, because, very frankly, our enrollment has been increasing at such numbers that we haven't been able to keep up with the number of sections that are required to address the number of student needs.

About ten years ago, I believe it was Brian Foley presented to this Legislature a resolution that included about \$1.5 million for use for full-time lines exclusively to help to address this ratio. Since that time, the College Board of Trustees has also passed a resolution where they would like to have a goal of having 70% of all of the courses taught by full-time faculty members and the rest taught by adjuncts, and they've been trying to address this gradually. All of us realize that it's not something that's going to happen in one year and we've been trying to address this.

About four years ago we had 24 brand new faculty lines in addition to filling the lines that were vacated by people who had retired. Last year we added 10 new faculty lines in addition to filling all of the vacancies. This year in the budget that the college proposed, they wanted to add 8 new faculty lines in addition to replacing the lines that had been vacated. In the budget that was proposed by the County Executive, 4 of the lines that he took out of the budget proposed by the college were for full-time faculty lines. And what I'm here to say is that that's an area that still needs to be addressed at the institution.

The college is trying its best to reach its ratio of 70/30, so that we have the right balance and the right mix between full-time faculty and also adjunct faculty who bring in a different kind of a dimension. And again, I think that it's short-sighted to think that we can hold off having more faculty •• full-time faculty lines and that some day we'll be able to mysteriously, you know, replenish them. So I would hope that you would consider the staffing needs of the Community College when you're looking at the entire budget.

And along this lines, one of the areas that was also decreased in the County Executive's proposal was the adjunct faculty budget line. And, again, the adjunct faculty lines, when we don't have enough full-time faculty, we need to have, you know, money in the adjunct faculty lines, otherwise we can't offer the sections and we can't address the student needs. So you have to look at the whole staffing needs. But, again, in what the college proposed, they were proposing a modest increase in the number of full-time faculty lines and also trying to keep the levels for staffing for adjuncts at the rate that it currently is.

I thank you for your support in the past and I hope that you'll give this serious consideration when you look at our budget this year. Thank you.

P.O. CARACAPPA:

Any questions? Legislator Vilorina-Fisher.

LEG. VILORIA-FISHER:

Hi, Ellen, thank you for coming down. I should have asked Chuck this question when he was up, but perhaps you know. How is the enrollment this summer? Has it been a robust number of sessions?

MS. MAUK:

I can't really address that. I mean, I think that there was a slight increase in the first summer session, but that's always more of a modest one. And we get a larger increase usually for the second semester, the second session, which will begin, I believe, next week. But I'm •• I haven't really looked at the enrollment figures. Maybe ••

LEG. VILORIA-FISHER:

Well, it's okay. I can ask Chuck later. I had a question which is something that I think you could address more directly, which is, as you know, I have also been a proponent of filling those full-time faculty positions and the need for them pedagogically. You should have people who are in the department who can work on programs. In recruiting faculty members, has there been any difficulty in recruiting faculty members from outside of the region to come to this region based on our issues with affordable housing, workforce housing here?

MS. MAUK:

I think it has not been the same •• we have not had the same recruitment problems with the faculty that we have with upper level administrators. It's been a concern that has been raised. But we've been able to •• we have been able to have enough people in our pool. And I think that that's what makes the faculty searches different than the administrative searches, because we have •• sometimes we have a couple of hundred applications for every vacancy that we advertise. And so, as we begin gleaning them, you know, some people will self-select after they've researched an area. But the ones who are invited for interviews usually have done enough research and they're prepared to come to the New York area.

LEG. VILORIA • FISHER:

And come affirmatively to ••

MS. MAUK:

Correct.

LEG. VILORIA • FISHER:

•• process.

MS. MAUK:

But when we're doing searches for administrative positions, the pool is much slimmer and the requirements are, again, much more specific in terms of their experience, their managerial and administrative experience, so there's a different element ••

LEG. VILORIA • FISHER:

And that's where the recruitment problem comes in with the cost of living here?

MS. MAUK:

Yes, absolutely.

LEG. VILORIA • FISHER:

Okay. Thank you.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Ellen. Ellen, just some confusion about the numbers. I thought, and I don't have the County Executive report in front of me, but I thought we were talking about a request for 17 positions by the college and him wanting to fill 10, but your numbers were different.

MS. MAUK:

There were •• I believe that there were requests of 17 positions. Not all of them are faculty positions, some of them are clerical positions. And of the ones that were cut out, it's my understanding that there were seven that were cut out, four of which were faculty positions.

LEG. LINDSAY:

Okay. So that's everything.

MS. MAUK:

Yes.

LEG. LINDSAY:

Okay. Thank you.

P.O. CARACAPPA:

Thank you, Ellen. And no other cards? Motion to close by myself, second by Legislator Nowick. All in favor? Opposed? Abstentions? The public hearing is closed.

Next public hearing is public hearing on a proposed increase in improvements to facility for Sewer District Number 18. I have no cards. Is there a motion?

LEG. KENNEDY:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed? Abstentions? It's closed.

Next public hearing is IR 1642, Charter Law to promote nonpolitical professional diverse County Planning Commission. I have no cards.

LEG. CARACCIOLO:

Motion to recess.

P.O. CARACAPPA:

Motion to recess by Legislator Caracciolo.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? That public hearing is recessed.

I make a motion, second by Legislator Lindsay, to set the date and •• dates, times and locations for the following public hearings: Thursday, July 28th, 2005 at ten AM in Hauppauge for the 2005/ 2006 Suffolk County Community College recommended budget. That's the second of two required public hearings.

Also, Wednesday, August 3rd, 2005 at 9:30 AM at the Economic Development Higher Education and Energy Committee in Hauppauge for IR 1722; setting Wednesday August 3rd, 2005 at one PM the Consumer Protection Committee in Hauppauge, a public hearing on 1776; Thursday August 4th, 2005 at 9:30 AM Ways and Means Committee in Hauppauge, a public hearing on 1726; Thursday, August 4th, 2005 11:30 AM the Health and Human Services Committee in Hauppauge for public hearing on 1738; setting a public hearing for Thursday, August 4, 2005 at 2 PM in the Environment, Planning and Agriculture committee in Hauppauge for resolution 1727; setting the date of Tuesday, August, 2005 at 2:30 PM at the General Meeting in Hauppauge for the following public hearings on resolution 1728, 1750, 1777. There's a motion and a second to set those public hearings. All in favor? Opposed? Abstentions? Those public hearings are set.

Moving on. I recognize Legislator Binder.

LEG. BINDER:

If I could ask if Mr. Gaudreault could come up in case anyone has questions for him, because he's here. He is currently still CEO at Huntington Hospital. They have a Finance Committee and a Board meeting that he's going to have to go back for. So, if anybody had questions, because he couldn't make it to the Health Committee, he was up at a conference, he's here in the front row, and this way we can move forward with it because of his attendance.

P.O. CARACAPPA:

Yep. As you all are aware, we skipped a few resolutions on the agenda. Let's take care of those now.

1699, is page. We received •• Legislator Binder, I'll get to your resolution next. Okay? I just wanted to do it in order. We did receive the memo on the 477. Jim, the application?

MR. SPERO:

The Mud Creek Duck Farm. Kevin got some material to review. And I just had a phone conversation with him, and he said that the commitment of federal funding at this point is not firm; it's only an intention that funding be provided. He also mentioned that the requirement for a cash match may not be a firm requirement. It could be •• an in-kind match might be sufficient to fulfill the requirements of the federal grant. But right now, as we speak, there's no commitment letter from the federal government concerning the funding.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thanks. Jim, while there's no formal commitment letter, we've heard from the Planning Department here on the record today, and I've heard in the past, that the federal government is four square behind the project. So, I mean, absent a specific letter, every occasion on the record has been given by those in our County government who have been working with the Department of Interior •• with the Army Corps, rather, that they will play a financial role in this wetland •• fresh water wetland restoration project. Shouldn't that •• I mean, in the past that has sufficed and ••

MR. SPERO:

Like I said, that's up to you, if you think that's sufficient to move ahead with the resolution, but they could still choose not to fund it.

P.O. CARACAPPA:

What's your pleasure?

LEG. FOLEY:

Mr. Chairman, the fact of the matter is it's my understanding •• I stand ready to be corrected, but it's my understanding that there is a line item within the Army Corps of Engineers Program for this specific restoration project. And that •• that being the case in that there is a line item of monies that are dedicated to this specific geographical location through the Army Corps, I would •• additionally, the fact that we were told by Mr. Isles that the feds are •• would like to see some affirmative vote prior to the end of this month, I would ask my colleagues •• I would make a motion to approve the resolution.

P.O. CARACAPPA:

Is there a second?

LEG. MONTANO:

I'll second.

P.O. CARACAPPA:

Second by Legislator Montano. I have a question to the sponsor.

LEG. FOLEY:

Sure. Yes.

LEG. MONTANO:

The County Exec's the sponsor.

P.O. CARACAPPA:

Well, I'll ask the Counsel or Budget Review, what risk do we run by passing this resolution and then not having the federal funds come through as Legislator Foley hopes? We would be on the hook for all of it?

MR. SPERO:

100% County funded.

P.O. CARACAPPA:

It would be or it is?

MR. SPERO:

It would be. I mean, you could always choose to back away from it. I mean, you could pass a subsequent resolution rescinding the •• the authorization, I suppose, but ••

P.O. CARACAPPA:

In the text of the bill, I guess •• Brian, I know this is your district; right?

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

There is no mention of federal funding within the text ••

LEG. FOLEY:

Fair point.

P.O. CARACAPPA:

Should there be or shouldn't there be?

LEG. FOLEY:

You know, you're absolutely right. It would •• for clarity and transparency it would make sense to have that as part of it, even though •• even though I think we can approve it without it, but let me just ask •• let me just ask the County Executive Office's, Mr. Zwirn, through the Chair. Mr. Zwirn? Is he here? He's in the back.

Mr. Zwirn.

P.O. CARACAPPA:

Someone run down and get him.

LEG. FOLEY:

I know Mr. Isles, he's still not here. I mean, he's not here.

P.O. CARACAPPA:

Ben, if you can hear us. Mr. Zwirn, just come to the podium.

LEG. FOLEY:

Thanks for your patience.

P.O. CARACAPPA:

Nothing but time.

LEG. ALDEN:

Look where we're spending it.

P.O. CARACAPPA:

Drum roll please. And there he is. Legislator Foley would like to ask you a whole series of questions.

LEG. FOLEY:

Mr. Zwirn, the question's been raised, and it's a good one, while the resolution itself speaks only of county funding, Mr. Isles had mentioned earlier, and as was the case in committee, and to me as the local Legislator, that federal •• the federal government, particularly Army Corps, will be funding part of this project. That being the case, why don't we incorporate the federal portion of the funding within the body of this resolution?

MR. ZWIRN:

Well, I think, if you recall at committee, it was discussed that it was only that •• the day before that the US Army Corps of Engineers suggested that there could be federal funding available. So the resolution was already •• had been laid on the table and was before the Committee. And there was no guarantee of federal funds, but they said if we acted quickly, there was a possibility that we could get federal funding.

LEG. FOLEY:

If we ••

MR. ZWIRN:

We didn't •• as I stated earlier, we did not have a letter of commitment.

COMMISSIONER FOLEY:

We still don't have a letter.

MR. ZWIRN:

No, because they said there were other •• that there was no 100% guarantee; that if we moved quickly ••

LEG. FOLEY:

Would we have •• would there be more clarity on the issue if we approved this •• if we wait until •• 'til August? Will it give us some time to try to get a letter from the •• or do they only •• just through the Chair, or do they only •• would they only give us a letter, send us a letter if, in fact, we first approve a resolution that appropriates the money? Normally speaking, they don't necessary have to wait for us to approve it. They'll tell us beforehand that if we approve it, X amount of percentage of the overall project will be covered by the feds as opposed to telling us after we have it.

MR. ZWIRN:

My understanding from the testimony at the committee was that if we moved forward •• moved forward quickly, there was a possibility that we could get federal funds. It is a project that County Executive and the Planning Department think is worthwhile to go through, even if we use county funds on it •• on its own merits.

LEG. FOLEY:

On its own •• in its own right, its own merits. Well, Mr. Chairman, you know, with that clarification from Mr. Zwirn, it is a project certainly on its own permits, it's an expensive one, I'll grant you, but I know that the Planning Department would like to move forward with several of these wetland restoration projects, the former duck farms. This one is in Brookhaven. I know

there's several others in eastern Suffolk County that in the future, that they would like to move forward with. And that this •• the fact would be, let's say, the ground•breaking project. So, I would •• I would still keep the motion to approve in order to move forward with the project.

P.O. CARACAPPA:

There's a motion and a second to approve. All in favor? This is 1699.

LEG. FOLEY:

Thank you, Mr. Zwirn.

P.O. CARACAPPA:

All in favor. Opposed? Abstentions? Legislator Alden. Okay. Where's Allan? Sorry, Allan.

LEG. BINDER:

No problem.

P.O. CARACAPPA:

Next is 1717. Mr. Gaudreault is here. If there are any questions. Let me just establish a motion. Motion to approve by Legislator Binder.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. Are there questions for the candidate?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yes. Could you please step up to the podium? Good afternoon. Legislator Lindsay.

LEG. LINDSAY:

Yes, Mr. Gaudreault. We been looking at your resume. It's very impressive. I know you spent

a lot of time in health care. You are currently the President of Huntington Hospital?

MR. GAUDREALT:

Yes, that's correct.

LEG. LINDSAY:

And Chief Executive Officer?

MR. GAUDREALT:

Correct.

LEG. LINDSAY:

Do you see that as a conflict, being the President and being on the Board of Health?

MR. GAUDREALT:

Not necessarily. I mean, you know, certainly I will come with over forty years of experience on the institutional side of health care, which has been the area that I've concentrated on, obviously. But in order to be, I think, an effective hospital administrator, you need to be, I think, quite familiar with health care issues in the larger context of your community or your county. Incidentally, I've spent over four decades in this field, and 41 years of that time was in Suffolk County, so I think I'm reasonably familiar with the larger county issues respect to health care.

LEG. LINDSAY:

And I'm sure your experience will be very helpful. But my point is the Board of Health does regulate your hospital. How do you not see it a as a conflict?

MR. GAUDREALT:

Well, you know, it's difficult for me to answer whether or not there are going to be •• I don't know what issues that we're going to be dealing with and what agenda items, but I can tell you that as of October I am stepping down from this position. So, if that's a concern to you and others of the Board •• the Legislature, rather I would think that that perhaps would mitigate some of the concerns you have. You know, off the top of my head, I have done this from, you know, as I said, from a standpoint of statewide hospital in health care activities, on a regional

level with Nassau/Suffolk Hospital Council.

I've been active with the American Hospital Association. When I sit on a board of any one of those organizations, I sit on the board and use the hat that they give me as a trustee. And my fiduciary responsibility is to that organization, that entity and that board and no longer my hospital's. So, I've been able to do that effectively for forty years with trust and confidence from my colleagues and others, and I see no reason why it would be a problem here.

LEG. LINDSAY:

And we're not questioning you personally. It just looks like an inherent conflict. When you step down in October, is that into retirement or is that another position with the hospital?

MR. GAUDREALT:

Ah, I will remain as a trustee of the hospital, but not in active management.

P.O. CARACAPPA:

Next, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Ron, it's good to see you. We have discussed a number of health center issues over the years with Dolan and as part •• a unique part, a somewhat different part within the constellation of health centers in the County system. I don't know whether or not the sponsor of the bill made you aware that Dan McGowan, who I know you know well, is a member of the Board of Health. And I have a resolution to reappoint him to another term. We've tabled it for several meetings. Now, there is an issue of whether there was a potential conflict there simply because he's the CEO of HIP and HIP has some work with Vytra. But, at any rate, we do have that resolution. It's been on the floor for quite sometime, and it's a resolution that I have had in •• you know, on the floor for several months. And, certainly, I just want you to understand that while I hold you in the highest regards, there's a resolution I've already put forward for reappointment of a person who's considered in the metropolitan area of New York to be one of the outstanding members in the health care field. And when I was on the Board of Health he was a regular attendee and participated within debates and discussions quite actively. So I just want you to understand that while it's not so much the proposed •• your proposed appointment, while I will oppose it, but more to the point, that I already have a resolution in to reappoint a person to that board. And I just wanted that clear

for the record and to you personally and directly. Okay. Thank you. I'm going to make a motion to table, Mr. Mr. Chairman.

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

P.O. CARACAPPA:

Motion to table by Legislator Foley. Is there a second?

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. On tabling of 1717.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

On the motion?

LEG. CARACCIOLO:

Roll call.

LEG. FOLEY:

Were there any other questions for the •• I don't have anymore questions for the ••

P.O. CARACAPPA:

I asked if there were any other questions.

LEG. FOLEY:

Thank you.

LEG. KENNEDY:

Mr. Chair, if I could just do one follow•up question, please.

P.O. CARACAPPA:

Sure can.

LEG. KENNEDY:

Mr. Gaudreault.

P.O. CARACAPPA:

Right here, Legislator Kennedy.

LEG. KENNEDY:

Mr. Gaudreault, I •• just to follow•up with one of the questions before about in October, when you change, I guess, your role from being active CEO to a Trustees. I see also in your CV here that you have a position associated with the Nassau•Suffolk LIJ Oversight Board. Is that something that's part of Huntington, or how does that operate?

MR. GAUDREAULT:

Correct. In my capacity as the President and Chief Executive Officer of Huntington Hospital, I am currently a member of the North Shore LIJ Board, and attend regularly the Executive Committee, but that's an ex officio appointment to that board, and once I step down from my Huntington Hospital position, I will also relinquish that role on that board as well.

LEG. KENNEDY:

I see. So, then after October, you merely just envision having that Trustee role associated with Huntington?

MR. GAUDREAULT:

With Huntington, and I do expect to continue working as a consultant in the health care field as well.

LEG. KENNEDY:

Okay. That's fine. Thank you.

P.O. CARACAPPA:

Okay. There's a motion and a second to table. Roll call is requested.

MR. BARTON:

Okay. Legislators Binder.

LEG. FOLEY:

No, this is for tabling.

MR. BARTON:

Oh, I'm sorry, wrong page.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Abstain.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Pass.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No to table.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCIOLO:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. BISHOP:

I believe yes.

MR. BARTON:

Seven.

P.O. CARACAPPA:

It fails. There's a motion and a second?

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Abstain.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved.

LEG. BINDER:

Congratulations.

P.O. CARACAPPA:

We have three bills that have been discharged. We'll take **1638**. Legislator Cooper, this is going •• one of those rough votes.

LEG. COOPER:

Hopefully not. Motion to approve.

LEG. FOLEY:

Title.

P.O. CARACAPPA:

Motion to approve.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

This is *to assure Chief, a soon to be retired police dog, a humane and loving home upon his early retirement.*

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed?

LEG. BISHOP:

What's the practical ••

P.O. CARACAPPA:

Abstentions?

LEG. COOPER:

I knew it was going to be too easy.

LEG. TONNA:

Just leave it.

LEG. BISHOP:

I just want to know what's going to happen.

LEG. TONNA:

No, no, no, no.

MR. BARTON:

18.

P.O. CARACAPPA:

Thank you.

LEG. COOPER:

Chief will be adopted by a member of his K•9 unit.

LEG. TONNA:

I don't want to be embarrassed, people knowing how I voted.

P.O. CARACAPPA:

Now, 1641.

LEG. COOPER:

Cameron, you were watching my back on this, right?

P.O. CARACAPPA:

1641.

LEG. ALDEN:

Motion to approve 1641.

P.O. CARACAPPA:

Saving Chief, saving Chief from the auction block. What this does is removes him as surplus property; correct?

LEG. COOPER:

We're going to have to split Chief in half, unfortunately.

LEG. BINDER:

Which end do you get?

LEG. TONNA:

He's going to the Alden home.

LEG. BINDER:

Which end do you get?

LEG. TONNA:

Going to the Alden home. Hope he's house trained.

LEG. ALDEN:

Just to tell you what the difference is.

LEG. TONNA:

No, no, no.

LEG. FOLEY:

No, no, no. Let's just vote.

LEG. ALDEN:

No. Good, let's vote.

LEG. FOLEY:

Cameron, please.

P.O. CARACAPPA:

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

LEG. COOPER:

Cosponsor.

MR. BARTON:

18.

LEG. TONNA:

There you go. One pet bill a year, Jon, that's it, one pet bill a year.

P.O. CARACAPPA:

1716 (Amending Capital Program and Budget and appropriating funds in connection with improvements to certain athletic fields within the Babylon School District and authorizing a joint use agreement). Motion by Legislator Bishop, seconded by Legislator Carpenter.

LEG. BINDER:

What's 1716?

P.O. CARACAPPA:

Do we have a bond?

MS. PASTORE:

I don't have a bond.

P.O. CARACAPPA:

You don't have a bond?

MS. BURKHARDT:

County Executive said they have a bond.

P.O. CARACAPPA:

We have not received a bond.

LEG. BISHOP:

There's a CN because there's a change, so ••

P.O. CARACAPPA:

We'll skip over that.

LEG. BISHOP:

Skip over that.

P.O. CARACAPPA:

Okay. You know what that means. You want to do the CN's?

LEG. LINDSAY:

We don't have them yet.

P.O. CARACAPPA:

Right in the red ••

MS. BURKHARDT:

Red folder.

LEG. VILORIA • FISHER:

Red folder.

P.O. CARACAPPA:

You know, Capital Budget vetoes won't take long.

LEG. TONNA:

It's only one vote, right?

P.O. CARACAPPA:

There's just going to be a handful of votes.

D.P.O. CARPENTER:

Let's do the vetoes.

LEG. ALDEN:

You'd be surprised.

P.O. CARACAPPA:

Capital Budget vetoes. Okay.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Who's calling me?

LEG. VILORIA • FISHER:

Here I am.

P.O. CARACAPPA:

Yes.

LEG. VILORIA • FISHER:

I would like to take ••

P.O. CARACAPPA:

I'm going to do that.

LEG. VILORIA • FISHER:

I would like to make an amendment to the omnibus to take that 8 1/2 million dollars out.

P.O. CARACAPPA:

I'm going to •• I'm going to take care of that.

LEG. VILORIA • FISHER:

Thank you.

P.O. CARACAPPA:

Okay. The County Executive and Chief County Executive have sent to the Legislature a number of documents to either approve our actions with regard to the Capital Budget or veto our actions. Some of these documents have inconsistencies. For example, in a memo to the Clerk, the Capital Budget Project Number 1738 is vetoed, but in a separate memo to the Legislature, the County Executive has stated that he has approved this project, but he did not approve the appropriate Capital Budget project document as he has with all the other approved projects. I have asked the Clerk to provide you with a list of all the documents sent by the County Executive's Office, including the two documents that kind of contradict each other, and you have those documents before you, the ones with the yellow memo on top.

LEG. TONNA:

Joe, was one a bill and one a press release, or they're both ••

P.O. CARACAPPA:

In that light and in order to make this as clear and orderly a process, Budget Review has prepared this spread sheet for you, and I am going to make a procedural motion that will consolidate some of the vetoed projects. So, there will be a couple of motions, so try and follow.

The first motion will be by myself, second by Legislator Carpenter, Procedural Motion to take

the following •• the following projects in Budget Amendment Number One and include them all in one veto, including the Third and Fourth Resolved Clause. These are the numbers. Project Number, or Resolution Numbers 563 ••

MS. BURKHARDT:

No.

P.O. CARACAPPA:

Oh.

MS. KNAPP:

They're all 563.

P.O. CARACAPPA:

Oh, I'm sorry. Project Number 1461, 1623, 1643, 1646, 1674, 1677, 1678, 1681, 1682, 83, 1689, 1697, 1706, 1707, 1729, 1732, 1738, 1741, 1751, 1755, 1760, 1762, 1769, 1775, 1786, 1789, 1794, 1796, 1798, 1799, 1806, 2120, 2159, 2170, 2181, 2192, 3048, 3117, 3184, 3230, 3235, 3301, 3502, 3503, 3508, 4041, 4052, 4057, 4066, 5001, 5014, 5021, 5024, 5037, 5095, 5097, 5168, 5177, 5185, 5186, 5377, 5497, 5528, 5538, 5651, 5711, 5720, 5726, 5731, 7162, 7164, 7184, 7185, 7186, 7510, and 8237. All of those project numbers will be included into one vote. That's the Procedural Motion. All in favor?

LEG. LINDSAY:

Question.

P.O. CARACAPPA:

Question on the motion.

LEG. LINDSAY:

My first question is about the ADA improvements. So, if one document vetoes them and the other one approves them, are we overturning the veto or approving •• I mean, I ••

P.O. CARACAPPA:

No. The approach I was going to take was more like a belt and suspenders approach, where

even though one says approved, the other has a veto stamped across it, we're just going to override it anyway, just to be ••

LEG. BINDER:

It's no harm, no foul.

P.O. CARACAPPA:

Just to be on the safe side.

LEG. BINDER:

If it's not vetoed, there's no harm, no foul.

P.O. CARACAPPA:

Right.

LEG. LINDSAY:

Okay. And ••

P.O. CARACAPPA:

And if it is vetoed, it's dealt with.

LEG. LINDSAY:

And, of course, the other changes that you've removed from the omnibus that we approved initially, 7177, which ••

P.O. CARACAPPA:

7177, which will now be a stand•alone.

LEG. LINDSAY:

Which is to delete the 8 million dollars ••

P.O. CARACAPPA:

Correct.

LEG. LINDSAY:

•• from the Land Preservation, which has been portrayed as affordable housing money when we've heard different testimony from Budget Review that ••

P.O. CARACAPPA:

Correct.

LEG. LINDSAY:

•• there's still 25 million dollars there.

P.O. CARACAPPA:

Yes.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

And it's the will, it seems like a majority of this Legislature, to separate that out from omnibus and have it treated as a stand-alone and that's how we'll deal with it.

LEG. LINDSAY:

I'll be opposing it.

P.O. CARACAPPA:

Okay. There is that Procedural Motion. All in favor? Opposed? Abstentions?

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

You're opposed to taking them all as one. That's not the vote, that's just a Procedural Motion to take them as one, excluding the one.

LEG. LINDSAY:

Excluding 7177.

LEG. TONNA:

Who made the motion?

D.P.O. CARPENTER:

Right.

P.O. CARACAPPA:

I did.

D.P.O. CARPENTER:

He did and I made the second.

LEG. LINDSAY:

We approved the omnibus as whole and I want to leave it as a whole.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

And I voted against it.

P.O. CARACAPPA:

So, that's two opposed to the Procedural Motion.

MR. BARTON:

16.

P.O. CARACAPPA:

Now before us is the vote on the veto on Omnibus One, or Budget Amendment One, which is omnibus.

LEG. O'LEARY:

Motion to override.

P.O. CARACAPPA:

Motion to override by Legislator O'Leary, second by Legislator Tonna. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes to override.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17.

P.O. CARACAPPA:

That's overridden.

P.O. CARACAPPA:

Moving on to Budget Amendment Number Two. And I'll make the same Procedural Motion, second by Legislator Carpenter, to take the following •• take Budget Amendment Two and the

following projects as a whole in our override vote. Those project numbers consist of 8103, 8117, 8164, and 8170. All in favor? Opposed? Abstentions? Now before us is a motion to override ••

MR. BARTON:

18.

P.O. CARACAPPA:

•• by Legislator O'Leary, second by Legislator Tonna, the veto on Budget Amendment Number Two. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes to override.

LEG. TONNA:

Yep.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

MR. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

18.

LEG. LINDSAY:

Question, Mr. Chairman.

P.O. CARACAPPA:

That's overridden. Question, Legislator Lindsay.

LEG. LINDSAY:

Yeah. Now, out of the omnibus that we approved, you left out two other projects, 7510 and 7427.

P.O. CARACAPPA:

Where ••

LEG. LINDSAY:

Well, one was approved.

LEG. VILORIA • FISHER:

They weren't vetoed.

P.O. CARACAPPA:

Those weren't vetoed.

LEG. LINDSAY:

But 7510 was.

D.P.O. CARPENTER:

He said.

LEG. LINDSAY:

Did he say that? I missed it?

D.P.O. CARPENTER:

He said that he checked off every one.

P.O. CARACAPPA:

Anyone that was yellow I said.

LEG. O'LEARY:

That 7510 is a personal interest bill?

P.O. CARACAPPA:

Okay. Budget Amendment Number 4 •• oh, wait, I'm sorry. Let's do 7177.

LEG. CARACCIOLO:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. CARACAPPA:

Legislator Caracciolo is going to make a motion.

LEG. VILORIA • FISHER:

A motion to override?

LEG. FOLEY:

Mike, no.

P.O. CARACAPPA:

Override.

LEG. VILORIA • FISHER:

Override.

LEG. CARACCIOLO:

Override, no.

LEG. VILORIA • FISHER:

No.

P.O. CARACAPPA:

Okay.

LEG. CARACCIOLO:

I didn't hear the whole motion.

LEG. O'LEARY:

Motion to override.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Motion to override by Legislator O'Leary, second by Legislator Lindsay.

LEG. TONNA:

Which?

P.O. CARACAPPA:

This is 7177, which is the 8.3 million dollars in ••

LEG. TONNA:

I thought we were going to take that out separately.

P.O. CARACAPPA:

We did, that's why •• and that's what we're doing now.

LEG. TONNA:

No. I thought you wanted to do something, amend it.

LEG. VILORIA • FISHER:

We did that. That was in the procedural.

P.O. CARACAPPA:

Instead of keeping it in the omnibus.

LEG. TONNA:

We're all on the same page.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. TONNA:

I could feel the love.

LEG. ALDEN:

A vote to override •• a vote to override this legislation ••

LEG. VILORIA • FISHER:

We want to sustain the veto.

P.O. CARACAPPA:

Just to keep the money out.

LEG. ALDEN:

It would take the money out.

P.O. CARACAPPA:

Right.

LEG. ALDEN:

So, if you want the money in ••

P.O. CARACAPPA:

You'd vote no.

LEG. ALDEN:

•• you'd vote no to override.

LEG. TONNA:

I got it now.

LEG. VILORIA • FISHER:

Correct.

LEG. ALDEN:

It's counterintuitive.

LEG. VILORIA • FISHER:

You have to sustain the veto.

P.O. CARACAPPA:

Legislator Nowick.

LEG. TONNA:

There, I got it now, I got it.

P.O. CARACAPPA:

The Legislature actually wants to take out money.

LEG. NOWICK:

Just to make it clear to me, there is 100 million dollars available now, and what we want to do is, or what the •• if you put the \$8,000 back in there, then there would be ••

P.O. CARACAPPA:

Eight million.

LEG. MYSTAL:

Eight million.

LEG. NOWICK:

Eight million. We did this earlier, didn't we, with this million a hundred? So, there is a 100 million dollars currently available in various land programs that has to be spent, so that would be available?

LEG. LINDSAY:

To be exact, \$118,233,111.

LEG. TONNA:

But who's counting?

P.O. CARACAPPA:

And thirty•three cents.

LEG. NOWICK:

So, this 8 million dollars is just over and above.

P.O. CARACAPPA:

Right, to be used for the Year 2006.

LEG. KENNEDY:

Mr. Chairman, if I can just follow up on that one further point, I guess, and I would ask BRO. Specifically, in the area of affordable housing as a component out of this Multifaceted Program, what, in fact, is still available at this point that has been unexpended? I heard somewhere in

the neighborhood of 20 to 25 million; is that true?

MR. SPERO:

Yes. Specifically, almost 3.2 million is available specifically for the affordable housing. Okay? That can be used for no other purpose. Within Multifaceted Land Program, there's total authorized funding of 25.2 million dollars available, which can be used for Affordable Housing, Farmland, Open Space, or any combination of those projects.

LEG. KENNEDY:

So, those two sit on top of one another, so there's a combined potential of 28 million that could be spent now, absent this additional eight•three?

MR. SPERO:

Correct.

LEG. KENNEDY:

So, there's 28 right now.

MR. SPERO:

It could potentially be used for affordable housing, or, like I said, any combination of the programs.

LEG. KENNEDY:

That's not been spent to this point.

LEG. LINDSAY:

Just, Mr. Chairman, just •• but we still left 5 million in for '06, so that's on top of the 28.

P.O. CARACAPPA:

Right.

LEG. NOWICK:

So, that's 33 million?

LEG. KENNEDY:

There's 33 million dollars right now?

LEG. NOWICK:

Without the 8 million.

LEG. KENNEDY:

Without the 8 million; is that a true statement?

MR. SPERO:

If you include the five for 2006. There's also 13 million dollars in the current Capital Budget for '05.

LEG. NOWICK:

So what's the total there?

LEG. KENNEDY:

What's the real number?

MR. SPERO:

So, you got the 25, you got the 3.2, you have the funding in the '05 Capital Budget of 13 million, and another five in '06, if the override is successful.

LEG. KENNEDY:

There's over 40 million dollars at this point without this additional eight•point•million; that's a true statement ••

MR. SPERO:

Yes.

LEG. KENNEDY:

Thank you.

LEG. NOWICK:

Thank you.

LEG. TONNA:

Could I ask, Joe.

LEG. MYSTAL:

I'm next.

LEG. VILORIA • FISHER:

Can you put me on the list, Joe, please?

LEG. MYSTAL:

I'm next. Am I next?

P.O. CARACAPPA:

Legislator Mystal is next.

LEG. MYSTAL:

I think there are some •• one of the reasons why I voted in the omnibus to put that money •• to take that money away is because of the fact that I'm very scared that if that money is put into any kind of Multifaceted thing •• Marian, stay right here. I want to talk to you, Marian. Come on, come on up. I want to ask you a question.

P.O. CARACAPPA:

Are you •• did you ask?

LEG. MYSTAL:

I'm going to ask her a question. Yeah, I asked her to come up. I asked her to come up. I'm going to ask you a question in a minute. It is because I'm afraid that whatever money we have in any kind of program is going to go for open space. I know the Budget Director have given us the numbers. Marian, this is the question for you. How much money do we actually have to spend strictly on workforce housing or affordable housing, whatever you want to call it?

MS. ZUCKER:

For site acquisition, 3.1 million, and that money has been earmarked for the Patchogue

development that was approved by this Legislature several months ago.

LEG. TONNA:

That's all.

LEG. MYSTAL:

Okay. What about •• what about that money that ••

MS. ZUCKER:

The Multifaceted Program?

LEG. MYSTAL:

Yeah.

MS. ZUCKER:

Yes. Actually, we agree that the figures are roughly 23 millions, but the Division of Real Estate, Real Property, has a pipeline of developments that have been moving through for open space acquisition, and that money has been earmarked for properties. They have contracts signed, they have approved offers, and that money is largely spent.

LEG. MYSTAL:

Okay. One other thing that I want to do if we approve this, I think Legislator Fisher has a bill coming up, is to •• is to put that money in a lock box just for affordable housing, because I'm afraid if we don't do that it's going to go for open space and we won't see it. Anybody else?
I'm done.

P.O. CARACAPPA:

Well, we have other accounts for land acquisition, our Open Space, our Quarter Percent, new SOS, so •• on top of Multifaceted, so there's a •• that equates to the hundred•plus million, so the dollars are there. My question is, over the last five years, how much has been expended for affordable housing purposes by Suffolk County?

MS. ZUCKER:

One•point•eight million for land acquisition to developments. But what I'd like to point out is ••

P.O. CARACAPPA:

One •• in the last five years, how much, 1.8 million?

MS. ZUCKER:

One•point•eight. There was 1.5 for Millennium Hills in Huntington, 300,000 plus for Sunny Brook Court in the Town of Islip. What I'd like to point out, though, is that there has been a movement over the last number of years to support the development of affordable housing.

The County can only _incent_ towns to move forward and rezone their properties. What we're trying to do is to stimulate the development of affordable workforce housing and our money helps make that happen. In the last few years land prices have been going north, not south, but what we have seen is a willingness of town boards and communities to accept workforce housing developments into their locales and ••

P.O. CARACAPPA:

I'm sorry. You're saying for 2006, with the money that was just stated by Budget Review and yourself, that that will not be sufficient for the Year 2006? Because that's the •• the money we're talking about in this amendment is for 2006.

MS. ZUCKER:

Yes.

P.O. CARACAPPA:

You're saying there's not enough money currently?

MS. ZUCKER:

We just approved today Southold planning steps moving forward. The short answer is yes.

P.O. CARACAPPA:

Planning steps, which means we won't see an acquisition until maybe 2007. Talking about 2006.

MS. ZUCKER:

I would hope to do that in 2006. The Town Board is moving forward with that rezoning. I'm

hoping that's a 2006 development.

P.O. CARACAPPA:

Okay.

LEG. TONNA:

Can I just, while she's here?

P.O. CARACAPPA:

Again, my •• the point I'm trying to make is I think the money that we have currently will fill the void of the projects that are ready to go for the Year 2006. That's the point I was trying to make. Legislator Tonna.

LEG. TONNA:

And just her point is, is that she disagrees, right, that she's saying we're going to be short money for 2006 if we •• if we do •• if we take this 8.333 out.

MS. ZUCKER:

I see the Multifaceted funds that are currently there being gobbled up by the open space acquisitions. I don't see that the current funds that are there now will be available for me for workforce housing acquisitions.

LEG. TONNA:

Has there been any spread sheet that the County Executive's Office has put together to demonstrate where that money •• in other words, what's in the pipeline, so that we actually know, right, from the •• you say that there is a number of •• its largely spent already.

MS. ZUCKER:

Yeah, yeah.

LEG. TONNA:

So, do we have ••

MS. ZUCKER:

I'm sorry, I don't have the Division of Real Property's spread sheets for their acquisitions. What I do know is what I'm working on, I know what's in my pipeline. I know what I expect to move forward shortly. And just for your edification what •• we normally don't make developments known until they're approved by their town boards and aired somewhat in the community. But there are a number of other towns that are moving forward with initiatives that I would hope to bring at least to you in the next several months, and I'd say a handful of others in the beginning of next year. There are things, we're in conversations with town supervisors directly as well as with other nonprofit groups and for•profit developers for several developments around the County.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

You just said something that I think is the fear of most of us sitting around here, or some of us sitting around here. You just stated that the money that they have that are available, you're afraid that will be gobbled up by open space, right?

MS. ZUCKER:

I did say that.

LEG. MYSTAL:

You said that. Now, what guarantee do we have if we put back that 8 million dollars that we are talking about right now, that that would not be gobbled up by open space?

P.O. CARACAPPA:

There is none.

LEG. TONNA:

I have to say, Elie, most of your questions I don't like, but this is a good one.

LEG. BISHOP:

I'd like to go on the list. How many people in front of me?

LEG. MYSTAL:

Marian.

MS. ZUCKER:

You really want me to answer that? I think what I'm asking for is a fighting chance to move these developments forward and have access to that money. Without that money ••

LEG. MYSTAL:

So, in other words, you know ••

MS. ZUCKER:

•• we're never going to make any progress.

LEG. MYSTAL:

In other words, I can be doing the same thing again. What I'm afraid of, I give you back that 8.3 million dollars and then there it goes again, somebody trying to buy every piece of land with a blade of grass on it, like Binder did today.

P.O. CARACAPPA:

I think we know where we're all on this.

MS. ZUCKER:

It's my intention to move these developments forward as soon as possible.

LEG. MYSTAL:

Okay. I'm going to let you off the hook, Marian.

MS. ZUCKER:

Thank you.

LEG. MYSTAL:

Okay. I like you, I'm going to let you off the hook. But, wait, this is the problem. That's the problem, she can't answer that.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Okay. Can I just follow up with a couple of rudimentary questions?

MS. ZUCKER:

Sure.

LEG. KENNEDY:

The affordable housing funding, how does the County actually apply that in your •• your in discussion or negotiation with various developers, not for profits, for profits, whatever. How does the County actually utilize the affordable housing funding to have a project go forward? Do we participate in purchase, do we subsidize construction? Where does it go?

MS. ZUCKER:

We have two possible pots of money. What we're talking about here, one pot is in infrastructure subsidy program. That's not under discussion today. What we're talking about here is the Land Acquisition Program, and this program allows us to go in •• I want to talk about the resolution that was approved today 1701. It's a site in the Town of Southold. It's the County's intention to go in. We've entered into informal discussions with the property owner. We're going to purchase the site from the property owner, we're going to transfer the site to the Town. It's the Town's intention to transfer that site to the Southold Community Land Trust. And that's the model that has been used. In Sunny Brook Court, we bought the land from the property owner, we transferred it to the Town, the Town transferred it to the developer. And by writing ••

LEG. KENNEDY:

It's a four-way flip?

MS. ZUCKER:

Excuse me?

LEG. KENNEDY:

Four-way flip, County acquires, County flips, Town flips, ultimately you've got some developer,

either for profit or not•for•profit, who's going to build.

MS. ZUCKER:

Right.

LEG. KENNEDY:

Zero consideration all the way across?

MS. ZUCKER:

We put a •• we have put a lien on the property for our investment in it to date, and that subsidy ends up as a soft second for the property owner. So, let's say that our subsidy went in, it was \$30,000 a unit, the house would have otherwise sold, including the land cost, for 180, we would write the cost down to \$150,000.

LEG. KENNEDY:

What's the life of the second?

MS. ZUCKER:

It has varied from development to development. Sunny Brook Court, I think it's somewhat over 30 years. That assumes that there's subsequent resales to people who meet our affordable housing guidelines. And then after that point, what's been structured to date is a subsequent resale, whether to affordable or not affordable, would trigger repayment to the County. What we're looking at now is to think about forgiving that for developments that are looking to have perpetual affordability. You know that there's been a concern that we've spent so much time trying to create affordable housing units, and then after 10 years or 20 years, or something like that, we lose them to the open market. So, what a lot of towns are putting into place is criteria that would keep units affordable for a very long•term basis.

LEG. KENNEDY:

Okay. I don't ••

LEG. VILORIA•FISHER:

If you could just yield for a second.

LEG. KENNEDY:

Yeah. I don't want to go ahead and go much further, but, obviously, I need to speak to you to understand some of this stuff. But I ••

MS. ZUCKER:

Okay.

LEG. KENNEDY:

Let me ask you one last ••

MS. ZUCKER:

Sure.

LEG. KENNEDY:

•• global question.

MS. ZUCKER:

Sure.

LEG. KENNEDY:

Do you agree with the tabulations we went through just before that there is approximately 40 million dollars available at this point to do the things that you're contemplating?

LEG. VILORIA • FISHER:

No.

MS. ZUCKER:

No.

LEG. KENNEDY:

You do not?

LEG. VILORIA • FISHER:

No.

MS. ZUCKER:

No. I think the 40 million dollars included the 2006 numbers.

LEG. KENNEDY:

What •• in your opinion, how much is there now?

MS. ZUCKER:

To do what I'm doing?

LEG. KENNEDY:

Yes.

MS. ZUCKER:

3.1 million, and is ••

LEG. KENNEDY:

How much?

MS. ZUCKER:

3.1 mill that has been set aside exclusively for acquisition of workforce housing sites. There's 23•plus million dollars in Multifaceted, but it's my understanding that that money is largely committed to open space purchases that the Division of Real Property has in its pipeline, or it has accepted offers where it's in serious negotiations with property owners.

P.O. CARACAPPA:

Budget Review.

LEG. KENNEDY:

Okay. I'm more confused now than I was before, and I started confused.

P.O. CARACAPPA:

Budget Review.

MR. SPERO:

Maybe I can make you more confused even more. Okay. We did a little analysis based on the April 30th report from the Real Estate Division. Multifaceted accepted offers totalled 10.9 million dollars covering ten separate contracts. The contracts haven't been executed as yet. In negotiation is another 5.1 million dollars for 12 separate parcels. There are two parcels. There's _Marby_ Nursery parcel, 858,000. It's been in contract since December 31st of '03, has yet to close. The _Corso_ parcel, 1.136 million has been in contract since March 31st, 2004, has also yet to close.

LEG. NOWICK:

So, what's the total?

LEG. KENNEDY:

So, that's 15 million?

P.O. CARACAPPA:

Almost 18.

LEG. VILORIA • FISHER:

It's 18.9.

LEG. LINDSAY:

And that's a lot of Multifaceted?

MR. SPERO:

That's what's committed in the Multifaceted Program.

LEG. KENNEDY:

So, we take 15 against 40, or 15 against 23?

LEG. VILORIA • FISHER:

Against 23.

MR. SPERO:

Well, you could take it •• if you take it against 23, you'd still have eight left, plus the '05 money, which is yet to be appropriated, plus the 5 million that would remain in the '06 Capital Budget.

P.O. CARACAPPA:

What's the money amount in '05?

MR. SPERO:

13.3 million.

P.O. CARACAPPA:

Plus the five we're about to put in.

MR. SPERO:

That's right.

P.O. CARACAPPA:

Okay.

LEG. KENNEDY:

Thank you.

D.P.O. CARPENTER:

Next.

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. BISHOP:

I'm on the list.

D.P.O. CARPENTER:

I have some questions.

P.O. CARACAPPA:

Yeah.

LEG. BISHOP:

I'll yield.

P.O. CARACAPPA:

Okay. Legislator Viloría•Fisher.

LEG. MYSTAL:

I will solve all your problems.

LEG. VILORIA•FISHER:

Okay. I wanted to just mention one thing to Legislator Kennedy. Legislator Kennedy?

LEG. KENNEDY:

Yes.

LEG. VILORIA•FISHER:

The model that Ms. Zucker was speaking about had to do with a new model, which is holding a land trust, and that would maintain the perpetuity of the affordability, because the land would be owned by the land trust and not by the homeowner. So, that's one piece. I don't know if she •• if Marian mentioned, but we'll talk about that later, but I just wanted to mention that.

LEG. KENNEDY:

Yeah, which I would like to explore. I know it's done in other parts of the country and, as a matter of fact, is a favorable way to maintain affordability. I just don't understand the lifetime and a second.

Thirty years is not something that you ordinarily see when you're talking about a soft second.

LEG. VILORIA•FISHER:

Okay. With the land trust we're talking about in perpetuity, because the land trust would own the property, not the homeowners.

I did want to say that it's very, very important that we realize that there are a number of properties that are either in the planning stage, in the contract stage. We have a list of parcels that we do want to preserve for open space and parkland. And we want to ensure, now that we're developing a synergy in the workforce paradigm here in Suffolk County, we have •• we have town supervisors on board, we have not•for•profits on board, we have villages on board. There have been a number of parcels identified throughout Suffolk County. And when we finally have the wheels turning on this, we can't pull the carpet out from under the program.

I have spoken with other Legislators about looking at a reasonable amount of money and perhaps designating that money back into the workforce housing, almost a lock box for workforce housing use, because we can't let it be pushed out. We can't doom the project to failure just as it's getting its legs. So, it's critical that we speak in one voice and support the program by sustaining this particular veto.

P.O. CARACAPPA:

Thank you. Legislator Bishop.

LEG. BISHOP:

Well, let me •• let me try this approach. The overall Capital Budget, you, as a Legislature, through your amendments, added a significant amount of dollars to, and you made this one cut, but when you were adding, you were justifying the add saying that, you know, it provides you flexibility, it's only a planning document, it doesn't mean you're absolutely committed to spending all that amount and you could deal with it later on. Now we have the one cut, which is being questioned by the administration as really tying their hands, and would have a negative impact on their ability to go forward on something that this Legislature has a consensus on, which is affordable housing. So, why not just go back to your original position of including this money as a planning document, and if it's necessary to be spent in order to move the projects forward, it will come back in specific appropriation resolutions. That would be the safer course than to cut it out and then have to amend the budget or add to the budget later on. So, that's at its most simple level.

On a second level, more complicated, and getting into this debate of what's available and what's not, there is a document in this packet of, you know, 10,000 pages that you have, it's within the folder with the ribbon around it, and it's the County Executive's veto message where

he lays out, or the administration lays out what they believe to be the available funds, and it's only 3.173 million that's been appropriated that's specifically dedicated to workforce housing, and then there's the broad appropriation under Multifaceted, but there is a lot of land preservation programs in the pipeline that is going to draw down from that. So, you have competing programs, and this is only logical, because we've been pushing both. As a Legislature, we've been pushing both affordable housing and land preservation, and there is a broad consensus here to do both, and the fund is being hit and drawn down from, so we have to keep it going. And so I don't know why this would be cut. It doesn't seem to make sense, you know, given the logic and the history of what we're doing around here.

P.O. CARACAPPA:

So, let's vote. Legislator Carpenter.

D.P.O. CARPENTER:

I have to say that I agree with Legislator Bishop, and I think his analysis of it was right on the mark. This •• the role of housing and zoning, and everything else involved, really rests with the town. And we, as a Legislative body, took the initiative to get involved in this a number of years ago, and I think the towns are finally coming around. And the perception would not be right if we were to pull this funding. Whether it is real or not, whether there's enough money or not, I think the perception would be wrong. And, again, it has to come back to us to be appropriated. So, I think that for those reasons, we should vote.

LEG. VILORIA • FISHER:

Let's vote.

P.O. CARACAPPA:

Is there a motion?

LEG. LOSQUADRO:

Yes.

MR. BARTON:

Yes.

LEG. O'LEARY:

Yeah, I made the motion.

P.O. CARACAPPA:

This motion is to override 7177. By overriding, you will keep this money out of the Capital Budget and Program. By voting no, your desire is to put it back into the program. Roll call.

MR. BARTON:

Legislators O'Leary.

LEG. LINDSAY:

Wait a minute. Wait a minute.

P.O. CARACAPPA:

Hold on. Hold on.

LEG. O'LEARY:

Wait, wait, wait, wait. That's not •• that's not quite clear.

P.O. CARACAPPA:

By voting no on the override, you are supporting putting the money back into the budget.

LEG. VILORIA • FISHER:

Correct.

P.O. CARACAPPA:

If you vote yes on the override, you are sticking with the original omnibus plan to remove the money.

LEG. VILORIA • FISHER:

Correct.

LEG. O'LEARY:

All right. Let me •• let me just ••

P.O. CARACAPPA:

Yes is no, no is yes.

LEG. O'LEARY:

Let me just get this straight. I made a motion to override. Yes is no, no is yes?

P.O. CARACAPPA:

Yes, maybe.

LEG. VILORIA • FISHER:

If you made a motion to override, you want to cut out the •• you want to withdraw your motion?

LEG. O'LEARY:

No, no, no, no.

LEG. TONNA:

To override takes the original thought, which is to take the money out.

P.O. CARACAPPA:

Correct.

LEG. VILORIA • FISHER:

Correct. That's correct, Paul.

LEG. TONNA:

The original action of the Legislature.

P.O. CARACAPPA:

Yes for lower taxes, no for higher budget.

LEG. VILORIA • FISHER:

No is yes for workforce housing.

LEG. O'LEARY:

You know, I hate to sound like I'm ignorant, but my motion to override, if I say no ••

LEG. TONNA:

You can do that.

LEG. O'LEARY:

Wait, wait, wait.

P.O. CARACAPPA:

No. If you say yes, you want the money out, cut.

LEG. O'LEARY:

Yeah. That's what we initially did and the resolution won that Legislator Lindsay and I supported.

LEG. VILORIA • FISHER:

Correct.

MS. BURKHARDT:

Then you say yes.

P.O. CARACAPPA:

Then you say yes to override.

LEG. O'LEARY:

Okay, all right.

P.O. CARACAPPA:

Now you could start that roll call, Henry.

LEG. TONNA:

Wait a second. How were you on a crime scene? I want to know how you were on a crime scene.

LEG. O'LEARY:

I don't know. It goes back about 35 ••

LEG. TONNA:

Detective O'Leary.

LEG. O'LEARY:

About 35 years ago. Yes means no, no means yes.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

I'm going to pass.

LEG. TONNA:

I'm confused.

LEG. VILORIA • FISHER:

You're saying no, Paul, no.

LEG. TONNA:

I'm voting on no.

LEG. BINDER:

No.

LEG. MYSTAL:

No.

LEG. BISHOP:

No to override.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes to override.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. FOLEY:

No. No to override.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

No to override.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. NOWICK:

No.

LEG. ALDEN:

Yes to override.

MR. BARTON:

Five.

LEG. TONNA:

Mr. Presiding Officer.

P.O. CARACAPPA:

County Executive's veto is sustained.

LEG. TONNA:

Mr. Presiding Officer, just one comment. The one thing that scared me a little was when said we're getting our best chance to use this for affordable housing. I would suggest that the Ad Hoc Committee on Affordable Housing watch this very carefully and make sure that that money and those budget lines are used, not for, as Elie said, the possibility of open space acquisition, but that it's actually used for affordable housing, because I think if that's ••

LEG. VILORIA • FISHER:

That's what I put on the record. You were speaking with someone else ••

LEG. TONNA:

Okay.

LEG. VILORIA • FISHER:

•• but that's what I put on the record.

P.O. CARACAPPA:

Okay. We have a slew of stand•alones, so let's get right to them. **Budget Amendment Number 4**, which is **Resolution Number 566, Project Number 1673**, motion by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary to override. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yep.

LEG. O'LEARY:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yep.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. CARACCIOLO:

Pass.

D.P.O. CARPENTER:

Yes.

LEG. BINDER:

No.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

County Executive's veto is sustained. ***Budget Amendment 6.***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

LEG. TONNA:

Where is 6.

P.O. CARACAPPA:

Six is at the bottom of Page ••

D.P.O. CARPENTER:

7.

P.O. CARACAPPA:

7.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk).

LEG. O'LEARY:

Yes to override.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

No to override.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

County Executive's veto is sustained. ***Budget Amendment Number 7.***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes to override.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

County Executive's veto is sustained. ***Budget Amendment Number 14.*** Motion by myself.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

For you Foley, yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

17.

P.O. CARACAPPA:

Thank you. It's overridden. ***Budget Amendment 15.*** Motion by Legislator Bishop, seconded by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Pass.

LEG. NOWICK:

Yes.

LEG. LOSQUADRO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Let me guess, 11.

MR. BARTON:

12.

LEG. TONNA:

How do you get so lucky?

LEG. BISHOP:

That is luck, that's just dumb luck.

LEG. ALDEN:

The first part's right.

P.O. CARACAPPA:

The County Executive's veto is overridden.

LEG. BISHOP:

I'll take that.

LEG. TONNA:

All right. Where are we?

P.O. CARACAPPA:

Budget Amendment 17. Motion by Legislator Schneiderman, second by Legislator Caracciolo. Roll call.

MR. BARTON:

Legislator Schneiderman.

P.O. CARACAPPA:

To override, I mean.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

MS. BURKHARDT:

Dan.

LEG. LOSQUADRO:

I'm sorry, pass.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

County Executive's veto is sustained, Legislator Bishop.

LEG. BISHOP:

I'm going to bring it back, if it makes anybody feel better.

P.O. CARACAPPA:

Budget Amendment 18. There's a motion to ••

LEG. NOWICK:

I need •• there's a mistake I want to ••

P.O. CARACAPPA:

Yeah, we'll reconsider it in a second. ***Budget Amendment 18.*** A motion to override the veto by Legislator Schneiderman, seconded by Legislator Caracciolo.

LEG. LINDSAY:

Mr. Chairman didn't we do that already under ••

LEG. VILORIA • FISHER:

Didn't you do that pay•as•you•go.

LEG. SCHNEIDERMAN:

We don't need it.

LEG. LINDSAY:

Is this different than ••

P.O. CARACAPPA:

Is this a duplication?

LEG. SCHNEIDERMAN:

It's no longer necessary.

P.O. CARACAPPA:

No longer necessary?

LEG. SCHNEIDERMAN:

Unless the County Executive vetoes ••

MR. SPERO:

If this was overridden, it would be another \$200,000 for the astronomical observatory.

P.O. CARACAPPA:

So, this is •• there's no motion. The motion's withdrawn.

LEG. TONNA:

So, we even have Schneiderman voting against Schneiderman.

P.O. CARACAPPA:

Legislator Nowick, did you ••

LEG. NOWICK:

Yes.

P.O. CARACAPPA:

There's a motion to reconsider Budget Amendment •• Budget Amendment 15.

LEG. NOWICK:

I was confused.

LEG. TONNA:

Oh, no, no.

P.O. CARACAPPA:

Is there a second?

LEG. O'LEARY:

Yeah, I'll second that.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor?

LEG. BISHOP:

Wait. You've got to have a roll call on the reconsideration. That's my only hope.

P.O. CARACAPPA:

Roll call on the reconsideration.

LEG. TONNA:

You guys are really going to down it now?

LEG. VILORIA • FISHER:

Wow.

LEG. COOPER:

Oh, Lynne, that's really mean.

P.O. CARACAPPA:

Roll call on the reconsideration.

MR. BARTON:

Okay. On the reconsideration. Nowick. Legislator Nowick.

P.O. CARACAPPA:

On the reconsideration, Lynne.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

LEG. O'LEARY:

Yes on the reconsideration.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. KENNEDY:

Pass.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes, of course.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

Yes.

LEG. KENNEDY:

Yes.

MR. BARTON:

I'm sorry?

LEG. KENNEDY:

Yes.

MR. BARTON:

Nine.

P.O. CARACAPPA:

It fails.

LEG. TONNA:

Lucky.

P.O. CARACAPPA:

Man, you are walking a tightrope today, brother. That will •• that will wrap up the Capital Budget process.

LEG. TONNA:

CN's and that's it, right?

P.O. CARACAPPA:

If I could have everyone's attention for a second. This is very important. Ladies and Gentlemen. Ladies and Gentlemen, please. I'd like to give a very special thanks to Jim Spero, Gail Vizzini, Lance Reinheimer, John Ortiz, and all the Budget Review Office staff.

(Applause)

You know, a lot of •• during this process, they take a lot of time away from their family and work a lot of hours and we certainly appreciate it. Also, Mea Knapp and her staff, and the Clerk and his staff. The Legislative Working Group on the Capital Budget, with special thanks to Majority Leader, Pete O'Leary and Minority Leader, Bill Lindsay. And, though, I'm sure more words will be said later as we wrap up this meeting, I'd like to say a special thank you and a special fairwell to our good friend and Budget Director, Jim Spero. Jimmy.

(Applause)

I'd like to say on behalf of all of us, thank you for extending your retirement to get us through this process and this •• with a little smooth transition, get us through this veto and amendment process. We wish you all the best. We wish you a happy and healthy retirement, and to you, your wife and your family, just nothing but the best as you move on to the second phase of your life. God bless and good luck. Jimmy.

MR. SPERO:

Thank you very much. I appreciate the support the Legislature's given me personally and Budget Review. And I keep saying it, without that support, we just •• we'd pack up our bags and go home, because without that support, we can't do our job, we'd never be able to get the information we need to pass on to the Legislature to help it in its deliberations on the various

budgets you have to adopt every year. So, hopefully, that support will continue, and the Budget Review Office will continue in the fashion it has been in the past with Gail at the helm.

(Applause)

MR. SPERO:

And don't do anything silly like securitize tobacco revenues, or anything like that while I'm gone, now.

LEG. TONNA:

Jim, I just •• you're Tier 1, right? That should be an applause. There you go.

MR. SPERO:

In three weeks.

LEG. BISHOP:

You got to bond his retirement.

LEG. LOSQUADRO:

That's not from pay•as•you•go, is it?

P.O. CARACAPPA:

All right. I'll make that motion.

LEG. TONNA:

Mr. Chairman, just ••

LEG. MYSTAL:

The bid to hire you as a consultant has been withdrawn.

LEG. TONNA:

Mr. Chairman.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

As reminded by your Chief of Staff, I've just •• I have an unpaid intern here, Elizabeth O'Donnell, no relation to Jack O'Donnell. This is actually a bright young lady who ••

LEG. LOSQUADRO:

What do you mean by that?

LEG. TONNA:

She's a junior moving into her senior year at Mercy Academy in Syosset. And I just wanted to thank her for her volunteer time to see how local government works. So, Liz, it's great to have you here.

(Applause)

LEG. LINDSAY:

What did she learn how to do so far, putt?

LEG. TONNA:

Actually, she's employed at Huntington Country Club. That's the truth.

LEG. VILORIA • FISHER:

Mr. Chair, since we're introducing unpaid interns, I'd like to introduce _Travis Greeley_ , who has been working in my office to learn about governmental work, and, unfortunately, he comes here to the horseshoe.

P.O. CARACAPPA:

Yeah. Throw all your textbooks out.

LEG. VILORIA • FISHER:

Right. And this is James Greene. And they're both college juniors now.

P.O. CARACAPPA:

Very good.

(Applause)

LEG. ALDEN:

Let me just take a second and •• I'd like to introduce my unpaid volunteer, Warren Greene.

MR. GREENE:

Here I am.

LEG. LINDSAY:

Is he a senior?

LEG. ALDEN:

Big time, Bill, big time.

LEG. MYSTAL:

An AARP member.

P.O. CARACAPPA:

Okay. CN's. I think there's one or two important ones in here, right, guys?

LEG. VILORIA • FISHER:

James Greene is no relation to Warren Greene, by the way.

LEG. ALDEN:

Motion to adjourn.

P.O. CARACAPPA:

There's a CN, **1622 (Authorizing the acquisition of Farmland Development Rights under Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for the Dosiak Property, SCTM No. 0200•507.00•04.00•010.000 p/o, Town of Brookhaven).**

LEG. O'LEARY:

Motion to •• motion to commit.

P.O. CARACAPPA:

Motion to commit?

LEG. CARACCIOLO:

Committee, yep.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

To committee by Legislator Caracciolo or by O'Leary.

LEG. CARACCIOLO:

I'll second it.

P.O. CARACAPPA:

Seconded by Legislator Caracciolo. This is •• this is your bill.

LEG. ALDEN:

1622.

LEG. CARACCIOLO:

No. It's supposed to be my bill, but somehow they made a mistake.

LEG. FOLEY:

Well, Mr. Chairman, on the motion.

P.O. CARACAPPA:

If you could just •• I don't think they got that.

LEG. CARACCIOLO:

Yes. I was •• it was indicated to me after the lunch break that 1322 would be issued a CN.

LEG. LOSQUADRO:

1622.

LEG. CARACCIOLO:

No, no, no, no, 1332.

LEG. LOSQUADRO:

Oh.

LEG. CARACCIOLO:

1332. However, mysteriously, 1622 has appeared. So, the games will continue.

LEG. TONNA:

Okay. Can I just ••

P.O. CARACAPPA:

Just let me establish the motions. There's a motion to recommit to EPA.

LEG. TONNA:

I don't think that's a motion for a CN, can you?

MS. KNAPP:

Yes.

LEG. TONNA:

You can?

P.O. CARACAPPA:

You commit a CN.

LEG. TONNA:

I thought just to get to 10 votes it goes.

MS. KNAPP:

That's automatic.

P.O. CARACAPPA:

That would be an automatic is a vote to approve takes place and then ••

LEG. FOLEY:

Mr. Chair, on the motion.

P.O. CARACAPPA:

The follow•up motion will be a motion to approve by Legislator Foley, second by Legislator Lindsay.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion to recommit, Legislator Foley.

LEG. FOLEY:

Thank you. Mr. Chairman, could we ask •• could we hear from the Budget •• from the County Executive as to why the other resolution was not placed on ••

P.O. CARACAPPA:

Sure.

LEG. FOLEY:

•• was not given a CN?

LEG. TONNA:

All right.

LEG. BINDER:

Press conference. Sorry.

LEG. FOLEY:

Oh, come on, let's •• no, no, come on.

MR. ZWIRN:

No, they already had the press conference on this, so it's got nothing to do with the press conference. We had ••

LEG. FOLEY:

Mr. Zwirn.

LEG. TONNA:

That's what I call a proactive.

LEG. FOLEY:

Mr Zwirn.

MR. ZWIRN:

I spoke with Legislator Caracciolo after, after lunch. Both bills that were on the floor had minor defects in them. I •• we corrected the County Exec's bill. I couldn't •• the County Exec's Office couldn't correct Legislator Caracciolo's bill, because we didn't have that bill. But they're both •• Legislator Caracciolo is on this bill. It is a County Executive and Legislator Caracciolo bill. It has now made all the changes, and it would be ready to be voted on today in its entirety. And in the spirit of open space acquisition and bipartisanship, I would hope that before the summer break, this one could be voted on.

LEG. BINDER:

I'll second the motion to commit.

LEG. TONNA:

Can I just ask Legislator Caracciolo ••

LEG. FOLEY:

I still have •• I still have the floor, Mr. Chairman.

P.O. CARACAPPA:

Yes, you do, Legislator Foley.

LEG. TONNA:

What •• what's going on? Do you want to be on this bill?

LEG. FOLEY:

Mr. Chairman, I still have the floor.

P.O. CARACAPPA:

Legislator Foley.

LEG. CARACCIOLO:

No. We have competing bills.

P.O. CARACAPPA:

Legislator Foley has the floor. Legislator Foley, please.

LEG. FOLEY:

Thank you. Mr. Zwirn, the defect of •• that you had corrected, what was the defect that was corrected?

MR. ZWIRN:

There was •• actually, there was a defect in each bill.

LEG. FOLEY:

Okay.

MR. ZWIRN:

In Legislator Caracciolo's bill, while it broke down the purchase price, it didn't break down the actual ownership of the property. In the County Exec's bill, there was an additional clause which would permit discretionary, but the Town could take a management contract and run this •• run the open space as a park.

LEG. FOLEY:

Mr. Chairman.

MR. ZWIRN:

Now that they're both incorporated into this CN.

LEG. FOLEY:

Thank you. I just have something I'd like to speak to Legislator Caracciolo about, but I'll wait until others have questions for

Mr. Zwirn.

LEG. TONNA:

How about afterwards.

LEG. FOLEY:

Should I wait, Mr. Chairman.

P.O. CARACAPPA:

You want to ask the •• well, the sponsor of one of the bills a question?

LEG. FOLEY:

I just want to make a statement, a statement to Legislator Caracciolo about ••

P.O. CARACAPPA:

On the record?

LEG. FOLEY:

Right, but not •• if others have questions of Mr. Zwirn, I'll wait until they ask his questions before I speak.

P.O. CARACAPPA:

Well, he's not going anywhere.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

So, go ahead, while you have the floor.

LEG. FOLEY:

Thank you. Legislator Caracciolo, I know that you've been very involved with this particular project as we have on the Environmental Trust Review Board, and I know there's pride of ownership, so to speak, and of authorship. But what I can say, in the past, you know, there are two cosponsors to the bill, the County Executive and yourself. There were times under Legislator •• rather, County Executive Gaffney's time where local Legislators, particularly Democrats, wouldn't even get their names on as cosponsors to bills in the earlier part of his administration. So, some of us were able to simply say, if that's what needs to be done in order to get the bill approved, we went ahead and we still supported those land acquisitions, whether they were farmland or extreme corridor resolutions. We were willing to do that, even though we felt that, at the very least, we should have been on as cosponsors. We weren't even put on as cosponsors to his bill unless we put the name on ourselves.

So, if I just might ask through the Chair that, notwithstanding your concern that you'd like to have your bill passed, by virtue of the fact that you're on as cosponsor to 1622, and it will reach the same end that we all want to see, which is the preservation of the Dosiak Farm, why not support it today, because if we wait until August, there could be a possibility, if not a probability, a possibility that we may lose this sale?

LEG. CARACCIOLO:

I heard the same arguments ••

LEG. FOLEY:

No, I understand. You're on as a cosponsor, and I'm just simply stating publicly for the record, is there a way to move with this today with this resolution, since both you and Executive are on as cosponsors of a particular bill? I'll just leave it at that.

LEG. CARACCIOLO:

Okay.

LEG. TONNA:

Mr. Chairman.

LEG. FOLEY:

No, no. I spoke •• I appealed to the Legislator ••

P.O. CARACAPPA:

He's asking for a response to the question.

LEG. FOLEY:

If you'd like to respond to it.

LEG. CARACCIOLO:

Mr. Chairman, Legislator Foley.

LEG. FOLEY:

And I offer it in all sincerity, as you know.

LEG. CARACCIOLO:

And I know your remarks are sincere. Unfortunately, we don't have that type of sincere relationship between this Legislative Branch and the Executive Branch. Everybody keeps skirting the issue, but that is the issue. And when Mr. Zwirn informed me after the lunch break that 1332 would be issued a CN, I expected to see a CN. I come to learn now, as a result of his remarks a few minutes ago, that there were some tweaking, if you will, because both bills apparently were defective. Now, we did not hear that at any time up until today.

LEG. TONNA:

Right.

LEG. CARACCIOLO:

1622 was previously tabled, never heard about any, you know, tweaking or defects in the bill. It would have been approved if the Legislature would have made a motion, second it and that motion carried. I'd like Legislative Counsel to look at the new CN, or the CN for 1622 and the original 1622 and tell me where there •• have there been changes made, because I don't see any.

MS. KNAPP:

When you say the original, you mean the one prior.

LEG. CARACCIOLO:

The one that was tabled on today's ••

MS. KNAPP:

Just prior to this.

LEG. CARACCIOLO:

Right, the one that was tabled. There are two •• there are two different •• there is an additional resolved that talks about the three different ways in which the property can be held. That was not in the previous 1622. And there is a resolved that authorizes a maintenance agreement, and those were not in the previous 1622.

LEG. CARACCIOLO:

Okay. Well, based on that information would •• you would consider substantive changes that •

MS. KNAPP:

I think the maintenance agreement is a substantive change. I think that the way in which you hold title can in some ways be construed as an administrative function, depending upon that flows from the funding. Since we don't specify which of the three measures the County must take, we simply give them the options, and those are options that, you know, are open to any lawyer, regardless of the direction of the Legislature.

LEG. CARACCIOLO:

Okay.

MS. KNAPP:

But I do think the maintenance agreement is a change.

LEG. CARACCIOLO:

Okay. Then rather than prolong this any further, I will withdraw my second, my objection. And in the future, Ben ••

LEG. TONNA:

No, no.

LEG. BINDER:

Don't do it.

LEG. TONNA:

No.

LEG. VILORIA • FISHER:

Oh, come on.

LEG. BINDER:

Don't do it.

LEG. TONNA:

No.

LEG. CARACCILO:

Well, my colleagues are telling me not to.

LEG. BINDER:

I'm not voting for it.

LEG. CARACCILO:

Okay.

LEG. BINDER:

I'm not voting for it.

LEG. CARACCILO:

All right.

LEG. FOLEY:

Oh, come on.

LEG. ALDEN:

Don't do it, Mike.

LEG. CARACCIOLO:

All right. All right.

P.O. CARACAPPA:

Now you're going to start listening to your colleagues?

(Applause)

LEG. CARACCIOLO:

How many years, Joe?

P.O. CARACAPPA:

Too many.

LEG. VILORIA • FISHER:

You had the right spirit.

LEG. CARACCIOLO:

Then I will go with the motion to commit.

LEG. VILORIA • FISHER:

Oh, that's too bad.

P.O. CARACAPPA:

The motion stands.

LEG. CARACCIOLO:

Motion stands.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

This is an issue of •• I mean, if you respect your own body, okay, this Legislature, there's a colleague •• Democrat or Republican, it doesn't matter, okay. The fact is a colleague came up with an idea, he worked with the County Executive, there's communication back and forth, and it's all double•speak. And, yeah, you could pick any one of our bills at any single time, all right, and have this situation where all of a sudden there's pressure to pass it. All right? This is ridiculous. You know, this is very, very simple. We've had committee meetings, they've had communications up until this afternoon, right?

LEG. CARACCIOLO:

Right.

LEG. TONNA:

You were told 1344, or whatever else, and here is 1622. All I can say is, if you pass this, and I would like to see this go forward, all right, but you're enabling one branch of government, basically, to say, "We don't really care about our conversations, we don't care about the priorities with other things," and you're always going to say, Oh, you know, but this is such an important issue." The next time it's going to be about kids, or maybe it's going to be about something else, all right, that they could pick on. They're going to have it their way or the highway.

I honestly believe that if you say, "Listen, we have conversations, you know, we've settled something," then this body and every Legislator here should support each other, all right, with that, because if you're going to start you know doing this, where somebody can play games with you, then, you know •• then it's open house on everything that we can do.

So, I would say, or whatever you want to use, I can't think of the analogy, I'm sure you'll think of a smart response, but the fact is, is that it's not right, it's not right to have miscommunication, it's not right to be able to •• I mean, I have heard about 1622. I was never aware of any defect in 1622. We're looking to pass it, you know, awhile ago, or whatever else.

That's ridiculous.

LEG. BISHOP:

You have rage today.

LEG. TONNA:

I just feel it's really wrong. It's wrong from a standpoint of allowing an Executive Branch to dictate to Legislators after there's already agreements, whether it be CN's, pay•as•you•go versus bonding, or anything else. When there are communication, when there's functional communication, we should respect each other; all right?

And, Legislator Caracciolo, I commend you on saying, "Let's just get it through," all right, but that's not the point. Now it's an issue of propriety, and I say no, vote it down. Get it to committee.

P.O. CARACAPPA:

Legislator Binder •• Mystal, then Binder.

LEG. MYSTAL:

Pass, please.

P.O. CARACAPPA:

Oh, you're done? Then Binder.

LEG. MYSTAL:

Binder, go ahead.

LEG. BINDER:

Mr. Chairman, I would •• I'd just like to relay the story of the last legislation that I passed. It was today, we had the Elwood Property, we •• three years ago I started working on it, and it's taken a lot to get this acquired. Huntington was out and it failed, and now it was back in. I did the planning steps, I did everything. And then I put in a bill, I put in a piece of legislation, and I put a price in, and I was accused of all kinds of things because I put a price in, but I pulled the

price out of Newsday, so I didn't come up with a price by myself, it basically came out of a Newsday article and the information came from The County Executive's Office to the Town of Huntington. So, the bill was in, and repeatedly on the floor in committee, in Environment Committee, I constantly said, "Let me know when you did it." And I kept asking, "Where are we? Where are we?" And, "No, we're still •• we're at this point, we're not done yet, we don't have a price." And I kept saying, "Give me the price, I'll put it in my bill, I'll fix it, it will be perfect. No problem, we'll get this thing done." And then what happens? One day they put in a bill and they put my name on it. I don't know how about •• how you feel about having your name put on something when you've never been asked, but I didn't.

And I'm thinking maybe we should put in legislation saying that the County Executive cannot submit legislation with anyone's name without written approval. In fact, let me ask Counsel. Could you draft a bill that says the County Executive cannot •• cannot put a bill into the Legislature, cannot file a bill with the Legislature with any Legislator's name unless he has written confirmation that that Legislator has agreed to be a cosponsor, because I was put on this legislation as a cosponsor without agreeing. So now why was it •• why was it •• courtesy, a courtesy. I had a bill in waiting to be passed, I initiated this, I worked on it for years, and as a courtesy, he put me as a cosponsor on his legislation.

So, my colleagues, you were kind enough in committee not to even give it a motion and it died there. Now, if that didn't happen, maybe the story about, "Well, I couldn't" •• "We couldn't change one bill, we could change the other," but the truth is they could have. With Mr. Caracciolo's acceptance and acquiescence, they could have changed his bill and given it a CN with that number, as long as he agreed to it. They could have made those changes with him and given it a CN. They could have done that, but they didn't do that. And they put in a bill on my •• the property that I've been working on and they tried to undermine my legislation and put my name on it. That's wrong.

So, the bottom line, the bottom line, Mr. Bishop, is that it's wrong for the institution, it's wrong, and it shouldn't be happening, and you've got to stand up to the institution, Republican, Democrat ••

P.O. CARACAPPA:

All right.

LEG. BINDER:

•• for all of us, we shouldn't pass this legislation.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

In all this righteous indignation, I think it's very, very important to note that I had worked with the parent of someone who died of melanoma, had done a great deal of research on a tanning bill, and another Legislator ••

P.O. CARACAPPA:

Legislator Vilorina•Fisher, I'm going to have •• I'm going to have to keep it focused on Legislator Caracciolo's bill here.

LEG. BINDER:

Now, we'll have a debate on that?

LEG. VILORIA • FISHER:

Okay. But the focus is this that, here we have the sponsor of the bill, who has been listed as cosponsor by the County Executive, who had said that in the spirit of thinking about the people, and the community, and the County, he would be willing to cede the position and say, "Let's move this forward for the sake of the people." I have been asking a caucus here to support my tanning bill for the sake of the health of the children of Suffolk County, and because there was a duplicate bill, almost ••

LEG. BINDER:

No.

LEG. VILORIA • FISHER:

•• that was put in without discussion ••

P.O. CARACAPPA:

Allan, listen, this is ••

LEG. VILORIA • FISHER:

•• with the original sponsor.

LEG. BINDER:

If she wants to talk about other things, I'll debate.

LEG. VILORIA • FISHER:

Okay, but ••

P.O. CARACAPPA:

This is a debate on the tanning bill.

LEG. BINDER:

You want to debate the tanning bill, we could do that.

LEG. VILORIA • FISHER:

Oh, no. It's a debate on the righteous indignation that has been shown with regards to respecting the work of a colleague.

LEG. BINDER:

It has nothing to do with it.

LEG. VILORIA • FISHER:

So, if we're going to talk about respecting the hard work of anyone here ••

LEG. BINDER:

No, it has nothing to do with it. Has nothing to do with it.

LEG. VILORIA • FISHER:

What's good for the goose is good for the gander.

LEG. BINDER:

Has nothing to do with this.

P.O. CARACAPPA:

Legislator Montano.

LEG. BINDER:

What are you talking about?

LEG. TONNA:

I love the drama.

P.O. CARACAPPA:

Can I just say before Legislator Montano, this Legislature's had a good day today. We've worked together really well, we've accomplished a lot. Let's not have it disintegrate to this stage at this point. All right?

LEG. BISHOP:

What does Mike Caracciolo want us to do?

LEG. VILORIA • FISHER:

Okay. But I was just asking to respect the sponsor who was willing to cede the position until he was told not to do it.

P.O. CARACAPPA:

Understood. Legislator Montano has the floor. Go ahead, Legislator Montano.

LEG. MONTANO:

I have to agree.

LEG. NOWICK:

Mike, what's the sponsor going to do?

P.O. CARACAPPA:

Please, guys.

D.P.O. CARPENTER:

They wouldn't do this in Albany.

P.O. CARACAPPA:

Would you let ••

LEG. MYSTAL:

One second.

P.O. CARACAPPA:

No. Legislator Montano has the floor. Please.

LEG. MYSTAL:

Montano, can I ••

LEG. MONTANO:

I haven't spoken all day.

P.O. CARACAPPA:

Yep.

MR. MONTANO:

And I'm just going to be very brief. But the reality is, Legislator Binder, that you opened the door with respect to your comments, and they directly impact the bill that Legislator ••

LEG. BINDER:

No, they don't.

LEG. MONTANO:

Yes, they did.

LEG. BINDER:

Then I'll debate.

P.O. CARACAPPA:

Allan.

LEG. MONTANO:

Yes, they did.

LEG. BINDER:

I'll debate, we'll debate.

MR. MONTANO:

Okay?

LEG. BINDER:

We'll be here all day, I don't care.

MR. MONTANO:

You opened the door and let's walk through it; okay?

LEG. BINDER:

Let's have a debate.

LEG. MONTANO:

I agree with you, that we should not be stealing one another's bill ••

LEG. BINDER:

Put me back on.

MR. MONTANO:

•• and I agree that we shouldn't be allowing the County Exec to come in and take a bill from a Legislator. It's happened to all of us. But if you're going to •• if you're going to criticize it, then you should be willing to also abide by the fact that if there's a bill in by a colleague, that it shouldn't be bill•napped by another Legislator. I think we should all abide by those •• by those rules.

LEG. BINDER:

Mr. Chairman, I think I should be able to respond.

MR. MONTANO:

So, to make a political statement •• you know, I'm going to end it there, unless the debate continues.

P.O. CARACAPPA:

Legislator Binder, I'm going to recognize you, but I'm going to ask you, please, to keep it •• to keep it civil.

LEG. BINDER:

I'll keep it civil.

P.O. CARACAPPA:

And talk about Legislator Caracciolo's recommitting motion.

LEG. BINDER:

I'm going to •• there's a difference ••

LEG. MYSTAL:

If he doesn't I'll hit him.

LEG. BINDER:

There's a difference between an administration putting in the exact same bill and on the exact same land, rather than two Legislators here having a difference of opinion on a general topic, but have different, very different provisions and an outlook that's different. That was what was happening. In the one case, in his case, we're talking about two branches of government having the exact same legislation on the exact same piece of land. They're not equivalent. That's it.

P.O. CARACAPPA:

Thank you.

LEG. MYSTAL:

Mr. Caracappa.

P.O. CARACAPPA:

I'm sorry, Legislator Mystal.

LEG. MYSTAL:

Okay. We were moving right along.

LEG. BINDER:

We were.

P.O. CARACAPPA:

We were.

LEG. MYSTAL:

Somebody made a mistake. In the word of Rodney King, can't we all please get along? Let's vote on whatever we're going to vote and let's go home. I have a life.

(Applause)

P.O. CARACAPPA:

There's a motion to recommit and a second. Roll call.

LEG. BISHOP:

Is that what Legislator Caracciolo wants?

LEG. CARACCIOLO:

Yes.

LEG. LINDSAY:

Recommit it.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes to recommit.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. TONNA:

Stand up for the institution, Dave.

LEG. BISHOP:

Yes.

LEG. TONNA:

Oh, you are standing.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to recommit.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes to recommit.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes. And that will go to the EPA Committee.

MR. BARTON:

16.

LEG. LOSQUADRO:

Great, thanks.

P.O. CARACAPPA:

1753 (Accepting One Hundred Percent Grant Funding from the New York State

Governor's Traffic Safety Committee to enhance the County's Current Stop•DWI Program throughout Suffolk County.) Motion by Legislator Carpenter.

LEG. BISHOP:

This is my idea.

P.O. CARACAPPA:

What's that? Well, it's public safety, so.

D.P.O. CARPENTER:

Yeah, I'll make the motion, but I would like to ask ••

P.O. CARACAPPA:

Second by Legislator Lindsay.

D.P.O. CARPENTER:

The County Executive's Office to come up on this one.

LEG. TONNA:

It's 100%.

D.P.O. CARPENTER:

It's 100%, and we have a CN before us. And I'm looking at the backup and I see that the letter was sent from the State about this grant on March 24th. We've had a number of Public Safety Committee meetings from March 24th to today, and we had a meeting last week, and why wasn't this brought to our attention that a CN would be coming forward?

MR. ZWIRN:

Legislator Carpenter, I don't •• I haven't got an answer for you, I don't know. All I know is that this bill is time sensitive, because there won't be another meeting before this money could be spent during the enforcement period, which is in August and early September.

D.P.O. CARPENTER:

And I can appreciate that. But time sensitive means that when an award letter is sent on March 24th ••

MR. ZWIRN:

This should have been here before this.

D.P.O. CARPENTER:

And here we go.

MR. ZWIRN:

Yeah, this should have been, that's why we have CN's. But this is ••

D.P.O. CARPENTER:

That at the very •• at the very least ••

MR. ZWIRN:

This is one we should have gotten before the Legislature before today, but, as I say, it's time sensitive.

D.P.O. CARPENTER:

But if it's not going to be happening and a CN is going to be coming forward, I think a call to the Chairman of the Committee and/or the members of the Committee to say that a CN's going to be coming forward next week, we couldn't get the information together, whatever the reason, but to let us know, a courtesy.

MR. ZWIRN:

That's fair enough.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1781, CN authorizing, ratifying and adopting the acquisition of land in the Open Space Preservation Program, the Old Drinking Water Protection Program, the New Drinking Water Protection Program, and the Multifaceted Land Preservation Program known as part of Maple Swamp, near Sears Bellows County Park, Town of Southampton.

LEG. BISHOP:

More for Schneiderman?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yep.

LEG. KENNEDY:

Mr. Chairman, just on the motion. A quick question for the County Exec's Office.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Why is this a CN?

MR. ZWIRN:

Because there was •• a judgment came down and we're paying interest on the judgment. This goes back to a piece of property that was acquired through condemnation by the County back in 1989. Then Legislator Fred Theile was the primary mover behind that. The County took title in 1992 and it's been in the courts ever since then. And now that the judgment has been arrived at, we'd like to, you know, pay the judgment and stop paying the interest, which is \$662 a day.

LEG. KENNEDY:

Ben, I'm just scanning this real fast. If I go to the fourth Whereas, a judgment was granted on October 28th, 2004; is that correct?

MR. ZWIRN:

Apparently, yes.

LEG. KENNEDY:

Apparently. And it's June 28th?

MR. ZWIRN:

Correct.

LEG. KENNEDY:

That was what, eight months ago?

MR. ZWIRN:

Correct.

LEG. KENNEDY:

Okay.

LEG. ALDEN:

What's going on?

LEG. BINDER:

How much interest over those eight months?

MR. ZWIRN:

Legislator Kennedy, I have some additional information.

LEG. KENNEDY:

Great. Help me out, anything. Throw me a line.

MR. CHIUSANO:

The initial settlement was in October of 2004, but they had to be working out of the special allowances, which basically are the attorney's fees, which is a substantial amount, which was also determined by the Judge.

LEG. ALDEN:

Eight months?

MR. CHIUSANO:

It was tied up, so ••

LEG. KENNEDY:

I'm just •• I'm trying to figure out why we have a multi•million dollar expenditure in front of us with essentially about ten minutes to go ahead and contemplate or figure out, that's all.

MR. CHIUSANO:

Well, again, I mean, it is two parts, it's the original judgment and what was determined to be the fair market value of the property, but also, in the interim, the settlement or the special allowances, as it's referred to, had to be worked out, and that had only been worked out fairly recently, and that's the difference in the time frame.

LEG. KENNEDY:

I'll make a motion to commit to Ways and Means.

LEG. FOLEY:

Is there anything time sensitive, ask him that.

LEG. KENNEDY:

Yeah, sure. Okay.

P.O. CARACAPPA:

Is this super time sensitive?

MR. ZWIRN:

We're paying interest on the judgment, which comes to about \$662 a day.

LEG. NOWICK:

Six hundred and sixty•two dollars a day?

MR. ZWIRN:

Correct.

LEG. BINDER:

Did they •• Mr. Chairman.

P.O. CARACAPPA:

Legislator Alden, actually, is next.

LEG. ALDEN:

You know, I'm going to renew a complaint, and it's not mine, it's Legislator Montano's. This is totally unfair to hand us something like this at this late hour, and it's a complex document, because it involves judgments, it involves us having to make a decision whether we want to look at this further, whether we want to stop the payment of interest on this. And I think this is not a good way to conduct government business.

And, again, it's not my complaint, and I'm going to just reiterate what Legislator Montano said at the last three meetings, I don't appreciate this. This should have been given to us at some earlier point in time. And, you know what, if you came over with a CN today, it means that you had all this information at some prior point in time prior to today. So, even if you contemplated coming with a CN, why weren't we informed of it? This is just not a good way to run government.

P.O. CARACAPPA:

Ben. Ben, a question. Did you have this •• were you preparing the CN with the information on the settlement before the last Ways and Means Committee meeting?

MR. ZWIRN:

No.

P.O. CARACAPPA:

No?

MR. ZWIRN:

Not that ••

LEG. ALDEN:

It's right here.

MR. ZWIRN:

Well, I wasn't, no.

LEG. ALDEN:

It's right here.

MR. ZWIRN:

Well, I don't have ••

LEG. TONNA:

What do you think he's going to answer?

P.O. CARACAPPA:

Hold on, just ••

MR. ZWIRN:

Well, part ••

P.O. CARACAPPA:

We have to ask that question.

MR. ZWIRN:

But part of the problem, Presiding Officer, is that there's not another meeting until August. So, we're •• you know, we don't have another meeting to just say, "Well, let's just wait, you know, for the next meeting in July." But we don't have a meeting until August 9th, so there's a long

time in between.

LEG. ALDEN:

Then open dialogue.

P.O. CARACAPPA:

And if we didn't •• if we didn't approve this resolution, if it failed, what are the consequences?

MR. ZWIRN:

We're paying interest.

LEG. TONNA:

Did they talk to the Committee Chair, just give him a forewarning, so he could call the committee members and say ••

P.O. CARACAPPA:

Legislator O'Leary.

LEG. TONNA:

•• "By the way, there's a complicated document, let me give you some backup".

LEG. ALDEN:

There you go. Pete.

P.O. CARACAPPA:

This would be a settlement, because it would be in Ways and Means, meaning litigation.

LEG. O'LEARY:

And the answer to your question, no, there has been no consultation with me with respect to this.

LEG. TONNA:

So, where's the communication?

LEG. BISHOP:

Where's your flexibility anyway? What are you going to do with this?

LEG. TONNA:

I don't know, I don't sit on that committee. That's the ••

P.O. CARACAPPA:

Legislator Binder, you had the floor.

LEG. BINDER:

I just want to ask one question. One question. Did they •• did they toll the interest while they were working on it eight months? It took eight months to do the salaries.

LEG. BISHOP:

Who's "they", the court?

LEG. BINDER:

The court. Was it •• so, they were just charging us interest during the eight months that they were trying to work out attorneys fees?

MR. ZWIRN:

I'll have to find out. I don't have that information. All I could tell you is that this is one of those things where we'd like to get it done before, so the taxpayers don't have to foot the bill. I mean, that's just ••

LEG. TONNA:

But the •• excuse me. But the taxpayers expect, believe it or not, that a Legislative branch, it's not one branch of government, there's actually another decision-making branch here, that they would actually do the scrutiny to make sure that at least there's another look at this thing. And the thing that I find almost surreal is that if you have something so important as this, and I know, as a Committee Chair over the years, that there was communication both from this administration and the prior administration, okay, from the Executive Branch and both, that if they had something that had to be a CN, they would call you right away and say, "By the way, could you communicate this? There's really a need for a CN." Then explain it to the Committee Chair and then leave it in the Committee Chair's hands, to make sure that •• so that everybody

knows what's coming down the pike.

P.O. CARACAPPA:

Legislator Lindsay, then Caracciolo.

LEG. LINDSAY:

You know, we're quoting the date of last October. The judgment was entered March 31st, 2005. And just to Mr. Zwirn, I realize we don't meet again until the first week of August, but we had to have five meetings since March 31st. Why it wasn't brought over in that time frame is just absolutely mysterious.

LEG. BINDER:

Even without a bill.

LEG. LINDSAY:

But just to get ••

P.O. CARACAPPA:

Would you let the speaker have the floor, please?

LEG. LINDSAY:

To get to the point of the matter, in spite of all that, and it's not that I disagree with the annoyance of the Legislature, so what we're saying now is we're going to charge the taxpayers another \$20,000 just to make sure it goes through the process, and in all honesty, I can't do that.

LEG. TONNA:

Well, maybe •• maybe it shouldn't go through.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Lindsay made some of the points I'd like to make. But more importantly, how much

interest has it cost the taxpayers since this judgment was entered, and who's responsible for that?

LEG. BISHOP:

Judge Costello.

LEG. ALDEN:

No.

LEG. TONNA:

No.

LEG. CARACCIOLO:

No. Who's responsible for that? Who's been getting paid at taxpayers' expense to make sure the taxpayers don't find themselves in situations like this?

MR. ZWIRN:

I think this ••

LEG. CARACCIOLO:

Whose ultimate responsibility is that?

MR. ZWIRN:

I think this is the first meeting that we had before the Legislature where there could have been a vote on this, and that's so ••

LEG. CARACCIOLO:

How do you determine that? As Mr. Lindsay just pointed out, this was granted by the court in March.

MR. ZWIRN:

I don't know when the exact final numbers were worked out, but I'm assuming that the County Attorney's Office ••

LEG. CARACCIOLO:

Do we have somebody here from the County Attorney's Office? I would imagine it was one of our "Legal Beagles" that worked on this case.

LEG. ALDEN:

Hey, watch that stuff.

MS. CAPUTI:

I really am not familiar with this particular matter, but there would still have to be service of the order, and then, you know, there's the 30-day appeal time, there might have been some discussions about a possible appeal, so it wouldn't necessarily be from the date of the order that we were served with a copy of the order.

LEG. CARACCIOLO:

Well, the date of the order was back in October; okay? The •• it was granted here and it was recorded in the County Clerk's Office October 28th, 2004.

MS. CAPUTI:

I could look into it, if you want, but I really don't •• I'm not familiar with this particular piece of litigation.

LEG. CARACCIOLO:

Mr. Chairman, I don't think this is a small point. Somebody has to be called on the carpet for this, because, as Mr. Lindsay had pointed out, \$20,000 additional expense between now and August, but what about the thousands of dollars it's already cost taxpayers? Who is responsible for that? The County Executive is not responsible. He's the Chief Budget Officer, but he's not responsible.

MR. ZWIRN:

Well, in all fairness, the County Executive wasn't involved. You know, it was •• this was •• goes back to 1989, and ••

LEG. CARACCIOLO:

No, I'm not saying he's responsible for the successful lawsuit brought by a plaintiff.

MR. ZWIRN:

I'm just saying, I mean, the judgment came •• this is a process that has lasted some period of time. The County took title back in 1992 and this thing has been sitting around, banging around the courts ever since. It has finally been resolved, and I believe this is the first meeting that we could vote on it.

LEG. CARACCIOLO:

When you say, "finally resolved", the resolution came last October. Here we are some eight months later. Why? What did that cost taxpayers? And, again, Mr. Zwirn, who is going to be held accountable for that?

LEG. TONNA:

Have we paid any fees yet, penalties.

LEG. CARACCIOLO:

You will once you approve this resolution.

LEG. TONNA:

All right.

LEG. CARACCIOLO:

You will, 6% interest today.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

And just to point out one other thing, there's techniques to stop the payment of interest or the accrual of interest and that would have been to pay a settlement into court when this originally came down. And it doesn't look like we appealed the original judgment. So, we took a judgment, then we didn't use every technique that we could possibly at our arsenal to stop the accruing of interest to be paid. So, I'm real disappointed that this wasn't being discussed in Ways and Means even last year and this year, because this date goes back almost a year.

LEG. TONNA:

Scrutinize.

P.O. CARACAPPA:

Legislator Montano, then Mystal.

LEG. BISHOP:

Mea, what were you doing with this?

MS. KNAPP:

I didn't do this, I came here.

LEG. MONTANO:

Benefit I'm looking at the judgment, which was entered in March, March 31st. The interest goes back to 1992. But I'm only concerned about the period between March 31st and today and I •• you know, as was stated earlier, I don't like the fact that we get C of N's unless they're really necessary. This one's costing money. The reason for the C of N is that it's costing us money, but, yet, between March and today, how do we explain where we've been? I'm not looking to criticize anybody, I just want to know why we're here in this position when it should have gone to the committee right after March, because we knew we were paying interest.

MR. ZWIRN:

I don't know why it didn't come to committee in March, but I'm •• I'd have to •• I'd have to talk to the County Attorney who handled this matter.

LEG. MONTANO:

All right.

LEG. TONNA:

How about May?

P.O. CARACAPPA:

Legislator Mystal. Can't we all just get along?

LEG. MYSTAL:

No. Once again, I make the appeal, like, you know, we can debate this •• debate this issue for the next three or four hours. It is now 4:30, we should have been out of here by three. Either we vote it down or vote it up. Do something.

LEG. TONNA:

All right.

LEG. MYSTAL:

Okay? Let's cut.

LEG. TONNA:

Let's do it.

LEG. MYSTAL:

Come on, let's vote.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Question for Counsel.

LEG. BISHOP:

Thank you, Elie.

LEG. CARACCIOLO:

Ms. Knapp.

LEG. MYSTAL:

Oh, Mr. Prime Minister, could you please let it go?

LEG. CARACCIOLO:

The funds that would be used to pay this judgment with interest would come out of our environmental program funds? Is that an authorized ••

MS. KNAPP:

It looks as though this resolution authorizes three different sources of funding, 3.293 million out of the Open Space Preservation Fund, 1.2 million out of the Old Drinking Water Protection Fund, and 2.2 million out of the Multifaceted Land Preservation Fund.

LEG. CARACCIOLO:

Is that an authorized use of those funds? Would that be an authorized use of those funds? Can taxpayers support a referendum to be used to pay tax judgments •• interest payments, rather?

MS. KNAPP:

I think that •• I think you're raising a fair question to the extent that, and, again, this is something that I would have to look at a little bit more closely. We do have a judgment and claims account. Judgments are bondable, if this is, indeed, a judgment. However, it looks like it's also an acquisition of land, so that the use of the land acquisition funds may also be appropriate. It is possible that we do have a choice of what kind of funds this should be paid from.

LEG. TONNA:

Yeah. I mean, we could bond this. And, by the way, do you see the last one, the Multifaceted Land Preservation Program, the one that we want do get the best chance for affordable housing, 2,196,000.

LEG. CARACCIOLO:

Exactly, Paul.

LEG. TONNA:

So, for \$20,000, I might even approve a bonding of this to say that we don't want to •• we don't want to raid the affordable housing. I mean, this needs scrutiny.

LEG. CARACCIOLO:

Yeah. And that's my point, Mr. Chairman. In other words, we should not right now be setting a precedent using water quality monies, quarter percent monies, or any other monies without a clear•cut legal opinion that that's an authorized use.

P.O. CARACAPPA:

Henry, there's a motion?

LEG. TONNA:

Motion to recommit.

P.O. CARACAPPA:

There is that motion pending?

MR. BARTON:

No.

P.O. CARACAPPA:

I thought Legislator Kennedy had made that motion.

MR. BARTON:

I didn't record it. I have a motion to approve and a second.

LEG. KENNEDY:

No. I'll withdraw the motion to recommit.

P.O. CARACAPPA:

Okay.

LEG. KENNEDY:

I mean, I've had an opportunity to look ••

LEG. TONNA:

I'm going to make the motion to recommit.

P.O. CARACAPPA:

Legislator Tonna, making the motion to recommit, second by Legislator Caracciolo. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

P.O. CARACAPPA:

Raise your hands. Legislators Schneiderman, Vilorio•Fisher, Foley, Lindsay, Kennedy, Bishop, Mystal and Cooper.

LEG. TONNA:

I'd like to ask our affordable housing expert if she anticipated another 2 million dollars out of this.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's recommitted. That's going to go to Ways and Means.

LEG. LINDSAY:

Moving right long, let's go.

P.O. CARACAPPA:

Let's see. 1782. Maybe we should take a recess. I'm just kidding, guys. ***1782 • Authorizing County Executive to execute an agreement with the Suffolk County Association of Municipal Employees, otherwise known as AME, for Unions No. 2 ••***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

No. 6, covering the terms and conditions ••

LEG. TONNA:

Motion.

LEG. COOPER:

Second.

P.O. CARACAPPA:

•• of employment for the period January 1st, 2004 through December 31st, 2008.

Motion by myself.

D.P.O. CARPENTER:

Second.

LEG. TONNA:

Second, second.

P.O. CARACAPPA:

Seconded by everyone.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Cosponsor for everyone.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. TONNA:

Congratulations.

MR. BARTON:

18.

(Applause)

LEG. MYSTAL:

Now you can go home.

P.O. CARACAPPA:

1783.

MS. FELICE:

If I may, Mr. Presiding Officer.

P.O. CARACAPPA:

Oh, sorry, Cheryl.

MS. FELICE:

Just on behalf of a very proud and patient membership, we would like to thank the Legislature for their continued support throughout the year through this contract battle. And we would like to encourage you to reach out to the membership and as we have reached out to you. And just on behalf of all of them, thank you very much.

P.O. CARACAPPA:

Thank you. Good job.

(Applause)

P.O. CARACAPPA:

1783 (Adopting Salary Plans for employees who are excluded from Bargaining Units).

There's a motion.

LEG. O'LEARY:

Motion to commit.

P.O. CARACAPPA:

Motion to commit by Legislator O'Leary.

LEG. BISHOP:

What's this one?

P.O. CARACAPPA:

This is the exempt bill.

LEG. BISHOP:

Why?

LEG. TONNA:

Second.

LEG. MYSTAL:

Why to commit?

LEG. BINDER:

Commit to Ways and Means?

LEG. TONNA:

Yeah. Second.

P.O. CARACAPPA:

Second by Legislator Tonna.

LEG. BISHOP:

Why? Why commit?

LEG. MYSTAL:

Why?

P.O. CARACAPPA:

Legislator O'Leary has a bill that mirrors this one, but it will include steps.

LEG. MYSTAL:

Oh, I see.

LEG. BINDER:

Wait a minute, you didn't kidnap that bill, did you?

LEG. O'LEARY:

No.

LEG. BINDER:

Oh, okay, good.

LEG. BISHOP:

Mr. Chairman.

P.O. CARACAPPA:

Yes, Legislator Bishop.

LEG. BISHOP:

I don't know what the consensus is on this one, but I for one would think that perhaps it would be better to pass this and then take up the step issue separately, because I think the step issue may prove controversial. I assume the Executive is going to come out very much opposed to it, then everybody's going to be in a bind and you may be •• a long time before you can get anything passed. Why not get this done and then take that up separately?

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

I disagree with Legislator Bishop. I would prefer, as the sponsor of the resolution, to initiate steps effective July of '06 with my resolution. I would like to see this CN sent to committee for the purposes of evaluating both, and at such point in time, when the Ways and Means Committee meet, we will send out to the full body one or both of these resolutions.

LEG. VILORIA • FISHER:

Mr. Chair, am I the next one on the list? Mr. Chair, am I the next one on the list?

P.O. CARACAPPA:

You were next.

LEG. VILORIA • FISHER:

Thank you. I'm hoping that we could pass 1783 today, and take the other issues up at another time, because there are people out there who are anticipating retro checks. If we don't bring this •• if this goes through the committee process, then we'll be voting •• as it says here in Paul Sabatino's message, the next regularly scheduled County meeting will be August 9th and it will push back the issuance of retro checks to the end of the year. There are people who would be affected like •• by this for whom this is a considerable amount of money. I would like to have this move forward, and with all due respect, Legislators O'Leary, I know that you have some step issues that are raised here, there are also some positions, I believe, in the Board of Elections that are not included in the •• in the County Executive's bill?

LEG. O'LEARY:

Yes. Yeah, my resolution would include ••

LEG. VILORIA • FISHER:

And that could be addressed at a later time. But I don't want to hold back the people's retro checks that they're thinking they'll get maybe before Christmas.

LEG. O'LEARY:

May I respond to that, Mr. Chair?

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

May I respond to that, Mr. Chair? In light of the ••

P.O. CARACAPPA:

Quickly, yes.

LEG. O'LEARY:

May I respond to that particular ••

P.O. CARACAPPA:

Yeah, go ahead, quickly.

LEG. O'LEARY:

In light of the impact of my resolution upon exempt employees, I am certain in my mind that the exempt employees would not mind waiting at least a month for their retro checks based on the impact of this particular resolution, my resolution.

P.O. CARACAPPA:

Marty Haley feels it definitely in the back.

LEG. LINDSAY:

Question.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

The other part of this that I have concern is the Sixth Resolved that addresses leave, holiday pay, jury duty, emergency time ••

P.O. CARACAPPA:

Mr. Tempera, come on up here.

LEG. LINDSAY:

•• vacation time, sick time. I'm not sure exactly what that does, and I would like it examined in depth at the committee.

P.O. CARACAPPA:

Well, let me ask the question. What did you guys do with sick time, personal time, is ••

MR. TEMPERA:

Hasn't changed a thing. What you see in the resolution is what's been in every resolution in the past, with the addition of 659 as amended. "As amended" refers to Resolution 655 of '01, which changed the payments for vacation time, allowing •• actually, there's an additional resolution that goes beyond that. One allowed the payout for vacation time, the other one raised the cap. In addition, it changed the payout on sick time for 90 for 180. That's the "as amended" that you see attached to 659 of '88. There are no changes with regards to the management benefits.

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

I feel sort of compelled to say this as an exempt employee and on behalf of all the others. The language of the 2001 resolution, and I'm sure the County Attorney will not disagree with me, nor will any attorney here, says that effective January 1st, 2001, notwithstanding the provisions of Resolution No. 659 of 1988, upon separation from County service, the unused, blah, blah, blah. Now, should the intent of this resolution have been to amend 659, it would have been said, "659 is hereby amended to change the payout." What it says is, "Notwithstanding 659." If it was the County Executive's intent to amend 659, I think that it has to have clearer language than that.

MR. TEMPERA:

All I can tell you is •• and, again, I wasn't here in this position in 2001 when those resolutions went through. I can clearly tell you, though, that this resolution and the intent behind it was not to diminish any benefits. The "as amended" was put in there in recognition of 655 of '01. It was put in there in recognition that there was also a change with regards to the cap on vacation time.

I can't •• I'm not an attorney, I'm not about to address your concern as to what 655•01 did. I can clearly tell you, though, there was no intent in putting this resolution through to diminish any current benefits.

LEG. TONNA:

It needs scrutiny.

P.O. CARACAPPA:

There's a motion to commit to Ways and Means.

LEG. TONNA:

Second.

P.O. CARACAPPA:

And a second. All in favor? Opposed? Just raise your hands if you're opposed. Abstentions?

MR. BARTON:

18.

LEG. VILORIA • FISHER:

I'm opposed.

MR. BARTON:

Oh, 17.

P.O. CARACAPPA:

Assigned to Ways and Means.

LEG. O'LEARY:

17•1, was that?

P.O. CARACAPPA:

1784 (Accepting and appropriating 100% reimbursable funds for the New State Pharmaceutical Assistance Program (SPAP). It's a hundred percent federal funding to assist the EPIC Program.

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Motion by Legislator Tonna, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. LINDSAY:

Cosponsor, Henry.

LEG. VILORIA • FISHER:

Cosponsor.

P.O. CARACAPPA:

That was easy, right, Holly?

MR. BARTON:

18 on the CN.

P.O. CARACAPPA:

Okay. ***1716 • Amending the Capital Program and Budget and appropriating funds in connection with the improvements to certain athletic fields within the Babylon School District, and authorizing a Joint Use Agreement.*** Motion by Legislator ••

LEG. TONNA:

Second.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

And A. This is 1716 and 1716A. Motion by Legislator Bishop, second by Legislator Carpenter.

LEG. TONNA:

No discussion, let's just get it done.

LEG. NOWICK:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Nowick.

LEG. NOWICK:

I just wanted to ask a few questions on this to the sponsor of the bill. Do I understand that once the County makes this partial donation, if you will ••

LEG. FOLEY:

Lynne. We can't hear you, Lynne.

LEG. VILORIA • FISHER:

We can't hear you.

LEG. LOSQUADRO:

Lynne, you've got to speak up.

LEG. NOWICK:

Gees, I'm speaking right into this thing, too.

LEG. LOSQUADRO:

Try a different mike.

LEG. BISHOP:

You've got to hit the button. You've got to push the button.

LEG. NOWICK:

Yeah, one time I speak and nobody can hear me. Okay. Just from the sponsor, I wanted to get some clarification. The County will be sharing in the •• excuse me. Hello. Okay. The County is going to share in the funds here, 60/40. Do I understand that the County has 60% use of these fields, unless, of course, the •• are you here, Dave ••

LEG. BISHOP:

Yeah.

LEG. NOWICK:

•• because I'm asking you. Unless, of course, the school is already using the fields?

LEG. BISHOP:

Yes. Let me ••

LEG. NOWICK:

Okay.

LEG. BISHOP:

If I may explain how this ••

LEG. NOWICK:

What I would like to know is how the County makes up any money, what percentage they can use of the fields, just tell me, and can they use it on Saturdays and Sundays?

LEG. BINDER:

And will your name be on it?

LEG. BISHOP:

I hope so. But let me explain to you why this is an interesting and positive deal for Suffolk County, not for Babylon Village. I think it's obvious why it's good for them. It's good for the County, because we did a similar Greenways with the Town of Babylon and it cost a lot more than this one, and we did that last year and it was noncontroversial. We are going •• we are entering into an agreement with the school district. In essence, they are giving us their land for free. In the end of it, we will end up with a park open to residents from Selden, Kings Park, Brentwood, Babylon, Wyandanch. All will stand equally in their ability to access this field. The field will be a turf field. It will be of sufficient size for the highest level soccer, highest level lacrosse, girls lacrosse, all the big field sports where on the •• in Western Suffolk, we have desperate need for field space.

Babylon's situation is unique. Babylon is really an urban area. If you look at an aerial map of

Babylon Village, there is not one acre, not one-half acre of open space remaining. There is no option, whereas in other areas you could just simply buy a sod farm out east. We don't have that opportunity in our end of the County, so we have to do •• you know, necessity is the mother of invention. We have to do something creative. So, the School District says, "You could take our field and put down a turf field, and when we're not using it, you can have it as a County park, and in return, we will put up lights so you have night play, you could play until ten o'clock at night, you could have it Saturday and Sunday, you could have it all the time during the summer." And bond counsel, who looked at this proposal, said it's fine, as long as the County gets a share of use that's equivalent to the percentage share that it's putting into the deal. In this case, it's figured to be 60% County money, therefore, 60% of the time it will be a County park available to County residents throughout the County in the evening and on the weekends. Yes, there's weekend play.

Now, let me just compare this to the deal that we did at Van Bourgandien Park, Our Lady of Grace, I'm going to do it quickly, in West Babylon, which was noncontroversial. On that field, we don't get it on the week •• on Sundays, because it's a deal with the church, we don't get it at night, because there are no lights, and we end up paying \$900,000 at the end of the •• for the lease and the field, whereas here we're paying 600,000. So, this is actually a better deal than the one that we did last year, which was noncontroversial.

LEG. NOWICK:

I have one other question. I just •• can I just continue my questioning?

LEG. BISHOP:

Oh, and we could charge here.

LEG. NOWICK:

That's what I want to know.

LEG. BISHOP:

And we could defese the ••

LEG. NOWICK:

How do you intend to make up the money on this? How can you charge? What are you ••

LEG. BISHOP:

As Legislators probably know from their experience in the community, currently, a rental of a field goes from between 75 to \$200 an hour. This should be at the high end, because it's lit and it's a turf field, and we can market it to adult leagues throughout the County. Babylon understands that they're taking in people from all over. That's their end of the bargain, that their community field is no longer for their community, it's now a County facility when they're not using it scholastically.

LEG. NOWICK:

When you say that you can charge, do you charge •• if two teams are playing, each one of them pays \$80 an hour, or is that negotiable?

LEG. BISHOP:

I think the County Legislature will set a fee schedule, like we do for golf courses, probably at the recommendation of Parks at the beginning of the year, so I don't know exactly what will come out at the end. I know the market rate right now is 75 to \$200 an hour, and I know the number of hours that are supposed to be made available to us, or not supposed to, that will be made available, are more than sixteen hundred a year.

LEG. NOWICK:

Is this is a high school?

LEG. VILORIA • FISHER:

Joe, I have a question.

LEG. BISHOP:

High school.

LEG. NOWICK:

And don't they have •• don't they have their events there on Saturdays and Sundays, or their football, or isn't that ••

LEG. BISHOP:

They have their events, football, six games a year and that's it.

LEG. NOWICK:

Oh, okay.

LEG. BISHOP:

So, that's ••

LEG. ALDEN:

Well, no 12.

LEG. BISHOP:

Four.

LEG. ALDEN:

Actually, 12, because you've got JV, and the junior high is going to use it also, so you've got another 8 from them.

LEG. BISHOP:

But we have all of July, we have all of August, we have all of Sunday, we have evenings that they don't play. The County is getting its •• it has to, by law, will have to get 60% of the usage, of the available usage.

LEG. NOWICK:

And this has to go to a referendum with the district?

LEG. BISHOP:

It has to go to referendum ••

LEG. NOWICK:

Special vote?

LEG. BISHOP:

•• within the district, and it will have to come back here for ratification of the agreement. So,

you'll have a second bite at the apple if you don't agree with the proposal.

P.O. CARACAPPA:

There you go, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

I have a question of the sponsor. Dave, you're talking about charging fees and sharing the fields. How will the management piece of this work? Who, in fact, will, indeed create the schedule, charge the fees, collect the monies?

LEG. BISHOP:

The management will be done by the school district, they will collect the fee for us.

LEG. VILORIA • FISHER:

So, they're doing all of the management of the fields?

LEG. BISHOP:

Correct.

LEG. VILORIA • FISHER:

And how will other areas, how will other entities know of the availability of the fields?

LEG. BISHOP:

Well, through the Parks Department. Parks Department ••

LEG. VILORIA • FISHER:

So, the Parks Department will be working with the school district to manage it?

LEG. BISHOP:

Yes, but they're going to have minimal involvement, which, I mean, they could direct people to contact the school district, but the school district has to make it available, first come, first serve, throughout the County. So, if they want to play from Greenport, you stand in the same shoes as somebody from Babylon Village, because it's a County park when it's not being used scholastically.

LEG. VILORIA • FISHER:

How will the auditing of that work, the school district? I'm just curious, because I •• there had been a lot of questions regarding the Boys and Girls Club and charging fees on another piece of park property. For example, they have to •• we have to have a full schedule, in other words, showing when the school district is using it.

LEG. BISHOP:

At the beginning of the year they have to provide County parks a block•out of when they need it.

LEG. VILORIA • FISHER:

Right, okay.

LEG. BISHOP:

And then the rest of the time it becomes available for the County.

LEG. VILORIA • FISHER:

And then there will be some kind of subcontract signed with whichever groups are using it?

LEG. BISHOP:

Yeah, and you're going to see that, because it's got to come here for ratification.

LEG. VILORIA • FISHER:

Each time a different group uses it, Dave, you're saying?

LEG. BISHOP:

No, no, I mean the schedule.

LEG. VILORIA • FISHER:

I see.

LEG. BISHOP:

And the fee schedule has to come for ratification.

LEG. VILORIA • FISHER:

Okay, good. Thank you.

LEG. NOWICK:

I just had one last question. I know that in Smithtown we are very short of football fields •• soccer fields, or whatever kind of fields that the kids use. Does that mean that the Town of Smithtown at the beginning of the year can go to the County and say, "Could you block out some time for us and we'll pay you," is that how that works?

LEG. BISHOP:

Yes.

LEG. NOWICK:

So, Smithtown, my town would get use out of that as well?

LEG. BISHOP:

Yes, if they want to come to Babylon. It's a County park. It's the same as any other County park.

LEG. NOWICK:

Okay.

LEG. BISHOP:

That's the point I've been emphasizing.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

This is a, and I do think Legislator Caracciolo was on the list, too, but they •• this is kind of similar to teams using the facility at the Community College at the Sports Complex ••

LEG. BISHOP:

Right.

D.P.O. CARPENTER:

•• where they pay a fee, because I know the West Islip Soccer Club, again, because they don't have enough space to play, will have practice during the winter at the Health and Wellness Building, and they contract with the management of that center.

LEG. BISHOP:

Right.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

This resolution authorizes expenditure of \$600,000 of County taxpayer money for improvements to certain athletic facilities in the Babylon School District. Which facilities, where are they located?

LEG. BISHOP:

It's only one facility, it's one field. It's the main football field on Montauk Highway, Argyle Lake. It's adjacent to the Babylon School •• High School.

LEG. CARACCIOLO:

Exactly what type of improvements are being made to the football field?

LEG. BISHOP:

They're going to put a turf field, which will be big enough for football, soccer, lacrosse, and that field, when it's not used scholastically, when it's not in a block•out period for scholastics, will be available to County residents on a fee basis, administered by the school district, but open to everybody throughout the County. The school district is also providing lights, so this field will be lit, and so the availability will be significant at least sixteen hundred hours a year.

LEG. CARACCIOLO:

And the bill for the lights will be taken care of by the school district, that expense?

LEG. BISHOP:

Through the fees.

LEG. ALDEN:

No, prorated.

LEG. BISHOP:

Prorated.

LEG. CARACCIOLO:

Prorated, okay. Is there a management agreement attached to this resolution, because I don't
••

LEG. BISHOP:

There is not. There will be before the deal could be final. This is the •• this is for the funding of the construction of the field. Before the final arrangement can go forward, there needs to be another resolution to •• you know, the lawyers need to negotiate the final product.

P.O. CARACAPPA:

It was said earlier, there will be a school referendum on this matter and then it will come back before •• for ratification here.

LEG. CARACCIOLO:

Right, right. Now, that was my next question, when is that referendum planned? When is the school district referendum planned?

LEG. BISHOP:

Well, that's why it's on CN. The reason it's on CN is it's planned for August.

LEG. CARACCIOLO:

The referendum?

LEG. BISHOP:

Right.

LEG. CARACCIOLO:

Okay.

LEG. BISHOP:

So, they need this passed now, so they can go forward and put their ••

LEG. CARACCIOLO:

I think it's a novel idea, it has some merit. I think there are a lot of questions, though, that really haven't been answered. No management agreement, how interesting. We just had a resolution here on a land acquisition that at the eleventh•and•a•half hour we had the County Executive say we needed to insert a management agreement in the resolution, yet, here we're going to spend \$600,000 with no management agreement. The inconsistencies are blatant.

LEG. BISHOP:

Right, okay. You just want to point to the inconsistency.

LEG. CARACCIOLO:

It's got nothing to do with you, Dave. I mean, he issued the CN, you didn't.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Yes, this is real novel as far as that goes. This football field goes back to probably maybe 50 years, and as far as the last time I looked, it's the responsibility of the school district, which would be the responsibility of the taxpayers in the school district to pay for improvements to their fields, and this football field absolutely needs improvements. It needed improvements a number of years ago when I played on it, and it still needs improvements right now. But, is that ••

LEG. NOWICK:

How many years ago?

LEG. ALDEN:

Just a couple of years ago. But to actually hand off the tax burden that belongs to a school district to all the people of Suffolk County, I think we're going down •• we can use two analogies here, a slippery slope, and, also, we've opened up Pandora's box, because I have about, I think it's eight school districts that I represent, and each one of them is going to look for probably as much as this, if not more money. And I think there's, last time I looked, there's 18 Legislators, so that would take care of Bishop and it would take care of me. There's 16 other Legislators that •• I think we represent a total of a hundred and •• how many school districts in ••

LEG. TONNA:

A hundred and forty•eight.

LEG. ALDEN:

A hundred and twenty?

LEG. CARACCIOLO:

No, 127.

LEG. ALDEN:

A hundred and twenty•seven school districts in the County of Suffolk. And if we start subsidizing school district budgets with town •• not town, but taxpayers money through the Suffolk County budget, I think we've gone on as far as like being a little bit sneaky and not being open and transparent. I think we've gone not just over the line, man, we're down the road a couple of miles. So, this is a very dangerous position that we're coming into right here. A very noble idea to supply fields to people. This is the football field, though, that's been at Babylon High School forever, and it's their responsibility to maintain the condition that you could play on it.

LEG. BISHOP:

Right. But the point of this is that you're not •• you're not renovating the field for use exclusively by the school district, it •• because of the technology of a turf field, that solves the fundamental problem we have in Western Suffolk, which is you could play on these fields constantly, and that allows us •• instead of buying more property and creating more fields, we could take what we have and put the turf field on, and that will solve the problem. That's

where we could direct all the adult leagues and youth leagues, which we could charge to offset the cost of it. So, it's not being sneaky at all.

LEG. O'LEARY:

Point of personal privilege.

LEG. BISHOP:

And, as I said, bond counsel says, if we put up 50%, we've got to have to have 50% of time. In this case 60%, 60% of the time.

LEG. O'LEARY:

Point of personal privilege.

LEG. BISHOP:

If you want to do it in your district ••

LEG. ALDEN:

If that's in response to me, then I'm going to take a •• I'm going to do a little multiplication here. And, let's see, 127 times maybe a million, that's a lot of money to ask the taxpayers of Suffolk County to subsidize football fields, baseball fields, soccer fields. We're going down a wrong ••

LEG. BISHOP:

It's just not going to •• Cameron, Legislator Alden, with all due respect.

P.O. CARACAPPA:

I'm going to call a recess.

LEG. BISHOP:

Please don't. Please don't. I'm just going to sum up.

LEG. TONNA:

David.

LEG. BISHOP:

Okay, I'm done. Call the vote.

LEG. TONNA:

Let's vote, let's vote, let's vote.

LEG. O'LEARY:

Point of personal privilege.

P.O. CARACAPPA:

I recognize Legislator O'Leary.

LEG. O'LEARY:

I would request that the Chair recess for five minutes.

LEG. ALDEN:

We absolutely need a recess.

P.O. CARACAPPA:

Five-minute recess, a real five minutes. Five o'clock we're having a roll call.

[THE MEETING WAS RECESSED AT 4:52 P.M. AND RESUMED AT 5:03 P.M.]

P.O. CARACAPPA:

Roll call.

MR. BARTON:

Mr. Chairman. Mr. Chairman, on the CN or just attendance?

P.O. CARACAPPA:

Just roll call.

MR. BARTON:

Oh, okay. Thank you, sir.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

(Not Present)

LEG. MYSTAL:

Absent.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. MYSTAL:

Not here.

LEG. O'LEARY:

(Not Present)

LEG. MYSTAL:

Gone.

LEG. VILORIA • FISHER:

(Not Present)

LEG. MYSTAL:

She's here.

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

I'm here.

LEG. ALDEN:

Not here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

(Not Present)

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

We don't have a quorum, forget it. I'm here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Yeah, I'm here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

(Not Present)

P.O. CARACAPPA:

Here.

LEG. SCHNEIDERMAN:

I'm here, Henry.

[The following Legislator Entered the Auditorium: Legislators Caracciolo, Losquadro, Lindsay, Montano, Nowick, Carpenter, Binder, O'Leary, and Kennedy]

MR. BARTON:

We're back up to 18 now with the new arrivals.

P.O. CARACAPPA:

There's a motion and a second on **1716**.

MR. BARTON:

Yes, there is.

P.O. CARACAPPA:

And 1716A.

MR. BARTON:

Yes, there is, on the bond, yes.

P.O. CARACAPPA:

Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Pass.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCIOLO:

No.

P.O. CARACAPPA:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

MR. BARTON:

Thirteen.

LEG. TONNA:

Hey, that's okay, it's going to get vetoed by Levy anyway.

LEG. FOLEY:

Mr. Chairman. Mr. Chairman, there's another certificate ••

P.O. CARACAPPA:

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

Where's the late•starters?

LEG. ALDEN:

I'm going to expect consistency when I turn in mine, because it's going to be huge.

LEG. FOLEY:

Mr. Chairman. We have another CN, Mr. Chairman, 1723.

P.O. CARACAPPA:

I don't have it.

LEG. FOLEY:

Mr. Chairman, we have another Certificate of Necessity.

P.O. CARACAPPA:

I don't.

LEG. FOLEY:

It was distributed.

D.P.O. CARPENTER:

It was.

P.O. CARACAPPA:

1723 • Authorizing use of Smith Point Park • •

LEG. FOLEY:

Motion.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• for Mastic Beach Fire Department Fourth of July Fund Drive.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

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

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you. There's one small correction in the First Resolved Clause. It should read \$125. You can eliminate per day, the per day •• the per diem is out, it's simply \$125. And, also, in the Fourth Whereas Clause, the words "per day" are to be stricken and it's simply a fee of \$125.

P.O. CARACAPPA:

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

It's approved.

MR. BARTON:

18 on the CN.

LEG. FOLEY:

Thank you. Thank you.

P.O. CARACAPPA:

I'll make a motion, second by Legislator Carpenter, to lay the following bills on as late•starters: 1778 to Ways and Means, 1779 to Parks, 1780 to Ways and Means, and that's it. All in favor? Opposed? Abstentions?

Where's Jim? Again, we wish •• oh, I need to put something on the record. Earlier today, we passed a bill, 1656, which was authorizing planning steps and acquisition of a piece of property in Babylon, the Babylon Cemetery Property. Lance Reinheimer from our Budget Review Office is a Trustee of this •• of the property, and we wanted to put on the record for •• just to make

sure that there is full disclosure, so that has been done. There's no conflict.

LEG. BISHOP:

I didn't even know that.

LEG. MYSTAL:

I didn't even know that.

LEG. BISHOP:

Lance, you ghoul.

P.O. CARACAPPA:

There's no conflict. And I just wanted to put •• again, put on the record. Again, Jim, we wish you all the best.

MR. SPERO:

Thank you very much.

P.O. CARACAPPA:

Thank you for your years of service and congratulation.

(Applause)

I wish everyone a good holiday break here, in the summertime holiday break, and you had a really good first year. Thank you for all your cooperation. And, Jim, final gavel. We're adjourned.

[THE MEETING WAS ADJOURNED AT 5:08 P.M.]

_ _ Indicates Spelled Phonetically