

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**THIRTEENTH DAY
SEPTEMBER 19, 2006**

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

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

(* Court Stenographer • Lucia Braaten *)

[THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, would you call the roll, please?

MR. LAUBE:

Good morning, Mr. Presiding Officer.

MR. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Present.

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. BARRAGA:

(Not Present)

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

(Not Present)

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA • FISHER:

(Not Present)

P.O. LINDSAY:

Here.

MR. LAUBE:

14. (Not Present at Roll Call: Legs. Romaine, Barraga, Stern and Viloría •Fisher)

P.O. LINDSAY:

Could everyone rise for a salute to the flag, led by Legislator Nowick.

(Salutation)

Before you sit down and before we introduce our visiting Clergy, I'd like a moment of silence for all of our men and women that are serving our country overseas and are in harm's way this morning.

(Moment of Silence)

Now it's my pleasure to ask Legislator Caracappa to come to the mike and introduce our visiting Clergy, an old and dear friend of this Legislature, Father Wisbauer. But before Father says his prayer, and I know it might be inappropriate to pray for such a thing, but as a long suffering Mets fan, please, keep them in mind; all right?

REVEREND WISBAUER:

You got it, Bill.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I certainly appreciate the introduction. It's my pleasure this morning to introduce Reverend Canon Edward Wisbauer as our guest Clergy. Father Wisbauer is a former Rector of Saint Mary's Episcopal Church in Lake Ronkonkoma, for which I represent, along with a handful of my colleagues. Given that title as Canon back in 1981, Chief •• he is the Chief of the Chaplain's Bureau for our Suffolk County Police Department. He's been Chaplain to the Police Unions as well since 1967, including the Suffolk County PBA, the Superior Officers Association and the Detectives Association. As the Chairman said, he is well known throughout Suffolk County and to Suffolk County government, and as mentioned, a great friend and spiritual guardian to the members of law enforcement, also a dear friend of my mother's and so many others who have served this body, including myself. It is with distinct honor and a true privilege that I introduce to you this morning our guest Clergy, Reverend Canon Edward Wisbauer. Father.

REVEREND WISBAUER:

Thank you, Joe. It's very moving to see the pictures around the wall of all great friends, some who are gone, home to God, and others who are still serving in County life. So it's an honor to be here, Joe. Let us pray.

Almighty God, you have given us this good County where we may happily do your will and prove ourselves of people who are mindful of your favor and glad to do your will. Endow with the spirit of wisdom the Suffolk County Executive and these County Legislators to whom we entrust the authority of our County government, that there may be justice and peace for all our citizens. Give them wisdom and strength and a lively conscience to know and do your will. Give them the love for truth and for righteousness, making them ever mindful of their election and calling to serve the people of Suffolk, who, like them, are also your children and their sisters and brothers. All this we ask in the name of Abraham, Moses and Jesus Christ. Amen.

P.O. LINDSAY:

You could be seated. I'd like to call Legislator Schneiderman to the mike for the purposes of presenting a proclamation.

LEG. SCHNEIDERMAN:

Good morning, and thank you, Mr. Presiding Officer. A few moments ago you asked for a moment of silence for our soldiers in harm's way, and my remarks this morning are precisely to that point. I would like to bring up a

young man named Chris Carney to join me at the podium for a moment as I tell you a remarkable story about how one man, with not much more than an idea, can actually change the world. Chris, if you'll step forward.

While he steps forward, our story begins out in my district at a bar called the Stephen Talkhouse in Amagansett, some of you may know. And this young man, Chris Carney, who's about to join me, was a bartender there. And one night after work, while drinking a couple of beers with some of his friends, he was talking about the war and some of the wounded soldiers, and he was wondering what he as an individual could do to help some of these soldiers as they returned home to their country. And he didn't have a lot of resources available, he had his friends, he had his bicycle. He thought, "Hey, what if I went for a ride across the country to raise awareness for wounded warriors and also to raise money?" His boss, Peter Hannecamp, who owns the Talkhouse, he thought it was a good idea. His friends at the Talkhouse, they thought it was a good idea.

So then Chris went out to Bethesda, Maryland. He met with a guy named John Melia who had something called the Wounded Warrior Project, and what John was doing was going to hospitals and greeting some of these soldiers as they came back with backpacks full of comfort items. So Chris talked to him and said, "Look, I'd like to help you raise some money." So he went on his bike ride across the country. The first year he did it by himself. Then he did it again the next year. But that year he was joined by two soldiers, wounded soldiers. I think one was a double amputee who bicycled across the entire country. They did it again the third year, this year, joined by some 30 Wounded Warriors. Left Montauk for San Clemente, California. By the end of this year, they have raised some 4 million dollars for Wounded Warriors, an incredible amount of money.

(Applause)

What Soldier Ride and Wounded Warrior Project does is truly remarkable. It's gone far beyond providing backpacks. They provide counseling services, recreation services, all kinds of support services for our injured veterans as they come home. And, you know, these are the guys •• they're getting our guys back on their feet, even if those feet are artificial. And the government may be providing those prosthetic devices, but these guys are providing an enormous amount of emotional and community support for these guys so they get that sense of life back. They get out, they do productive things with

their lives, and their work is really remarkable.

One thing I forgot to mention, before I turn the mike over to Chris is the man, John Melia, who I mentioned who started the Wounded Warrior Project, he himself is a Wounded Warrior. Having served in Somalia, he was wounded there.

So, at this point, I'd like to give Chris a proclamation. I won't read it to you, but I would like to give Chris an opportunity to say a few words as well. Chris, this is for you. Congratulations.

MR. CARNEY:

Thanks. Well, I'd like thank everyone here for this, for this honor. And, you know, we started off as a fund•raiser, and what we found out along the way after the first ride, as Mr. Schneiderman mentioned, I was joined by two other soldiers. Heath Calhoun is a double amputee above the knee. He road a hand cycle across the desert through the Rockies, from L.A. to Montauk. And Ryan Kelly, who's a below•the•knee amputee, made the whole journey as well. It turned into a powerful rehabilitative event. And what happened is the Occupational Therapist out at Walter Reed Hospital started recommending other soldiers join us, whether it be for their home state, or whatever weekend they had free. To this day, we've had over 60 soldiers join us. Most of them had never ridden 60 to 100 miles a day before they were wounded, let alone after.

There's a horrible stat that I heard before I started all this when we were just getting involved, and that's one out of every three homeless is a veteran. We thought that was completely unacceptable. So what we're trying to do is set these guys up to succeed and not to fail as in generations past. So, you know, through the bike ride, we've realized that we need to raise the much needed funds for the programs for these guys. The Wounded Warrior Project helps them in every way, from providing them clean underwear when they hit the hospital to all the way through to job placement; flies family members in so they can be next their loved ones for a long•term hospital stay.

But it also •• with the Soldier Ride, what we found out is it also shows them what they still can do. And when you see these guys riding next to each other, you know, whether it be through a field in Indiana, or whatever, and just throwing high•fives at the end of the day and being guys again, girls again, it's a tremendous feeling.

And I want to thank the County for this honor and for all the support that they've given. It would have never gotten off the ground if it wasn't for the support that was generated here on the eastern end of Long Island. And I hope for your continued support. We hear a lot •• I hear all the time, you know, that they're in our thoughts and prayers. And, unfortunately, we can't help the ones that are overseas in harm's way right now, and, unfortunately, we can't help the ones that have already made the ultimate sacrifice, but I promise you there's hundreds and thousands that we still can help. Thank you.

(Applause)

LEG. SCHNEIDERMAN:

Chris had a powerful idea, and you could see the difference one individual has made. It wasn't really just one individual, because he did have some support. And I see that Nick {Krauss} just joined also from the Stephen Talkhouse, who worked a lot on the support side of this so that that could happen, too, so I'd like to acknowledge Nick {Krauss} as well.

(Applause)

The next story may seem less remarkable in terms of it not raising quite as much money as the last effort, but it's along the same theme, and I think it is still remarkable in that it comes from the ideas of several of our high school students out on the East End from East Moriches area. And I'd like to invite Mike Ballister and James Dolber up. There was a third involved named Mike Hopkins who is away right now, so he could not be here, but if those two and their families •• they organized an eight•person expedition also to raise money for Wounded Warriors, in particular, for a hospital in San Antonio, Texas, to build a new addition to do some very specialized work for Wounded Warriors, rehabilitation type of work. Just tell me •• let me introduce you guys. You're?

MR. BALLISTER:

Mike Ballister.

LEG. SCHNEIDERMAN:

Mike Ballister.

MR. DOLBER:

James Dolber.

LEG. SCHNEIDERMAN:

And James. Nice to meet you. Okay. These guys decided that they wanted to help. And so, in the same theme as what Chris did, instead of biking across the country, they decided to climb a Mountain. They chose an 11,000 foot mountain in California. On the west coast of California or ••

MR. DOLBER:

On the north side of Washington.

LEG. SCHNEIDERMAN:

Oh, it was •• sorry, the State of Washington. I think it's Baker Mountain. And they raised for that effort \$5,000. And they climbed to the top of that summit, and that money went to that hospital. So I want to appreciate these guys as well for what they have done.

(Applause)

Okay. I have proclamations for you guys, for Mike. You're Mike. And for Jim, for you. Do you guys want to say any words, and tell us a little bit about your expeditious very briefly?

MR. DOLBER:

Sure.

LEG. SCHNEIDERMAN:

Okay. Come on up, Jim.

MR. DOLBER:

Well, like first, it started as a community service thing for my school in Westhampton Beach, and my dad decided that we should go mountain climbing up in Washington. And by doing this, we'd ask people to pledge us a certain amount of money if we got to the top. And so, when we made it to the top, people started sending in money and we raised over \$5,000, and it was well worth it.

(Applause)

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

I'm going to switch spots here. I'd like to call our Treasurer, Angie Carpenter, to the podium with me, and also Lydia. Where are you, Lydia? There you go. Lydia Sabosto, who is the Vice President of our Public Employees Union, AME. And the reason for that, in 2001, Legislator Carpenter and I cosponsored a resolution to recognize the years of service of our County employees. Day in and day out they do their jobs to the best of their ability, and it's fitting that we honor them here today. There are currently more than sixteen hundred employees who have 25 or more years of service with the County. Don't worry, we're not going to call up all sixteen hundred. Of service with the County, and I'd like to introduce a few of them today as representative of all County employees who provide important services to the people of Suffolk County.

First, our current longest serving employee in Suffolk County has 44 years of service, and who, in fact, once worked at the Legislature and is now with the Department of Labor. He was supposed to be here today, but I don't see him yet. Carl Beybom? Carl? Okay, Carl.

(Applause)

Next, I'd like, and again, Ron LiPetz. Are you here, Ron? Was a •• is a representative from the District Attorney's Office. He's worked as an ADA for more than 38 years. I know Rose Skuro was here and Audrey Martin, who each have worked 38 years for the County. If you could join us.

(Applause)

And I'm also sending the more than sixteen hundred employees who have worked in the County for more than 25 years a certificate on behalf of the Legislature, and will place their names on the record at today's meeting. Every department, every department is represented in this •• in this presentation. On behalf of the entire Legislature, our heart felt thanks for our years •• for your years of dedication and service to the people of Suffolk County. And now I'm sure our Treasurer would like to add her thoughts.

D.P.O. CARPENTER:

I actually wasn't expecting to, but thank you very much. And I'm so glad that this has continued. We do appreciate what the employees do day in and day out. And I know, as Legislators in particular who represent the residents of this County, it's the workforce in the County that enables you to do your job better, because when people have issues and complaints, you call the various departments, and these are the people that really are the backbone of this great County.

I have two more employees from the department who are here this morning in addition to Audrey and Rose, who, by the way, Audrey Martin, 38 years, neither of them look old enough to have been anywhere 38 years, and Rose Skuro, 38, both have been in the Treasurer's Office that entire time. And Marcia Rambo has 36 years of service. Marcia, if you would stand. And Terry Greene has 35 years of service. So we're very, very blessed. Thank you.

(Applause)

P.O. LINDSAY:

Thank you very, very much for your long service to our County.

D.P.O. VILORIA • FISHER:

Okay. The next speaker will be County Clerk, Judy Pascale, for a presentation.

MS. PASCALE:

Good morning. It's not a presentation. I'd just like to welcome you all to Riverhead and invite you to our display in the lobby of our archives, some of the archives that we have in our archives facility. And I also invite you all to our archives facility, which is a climate controlled state•of•the•art facility. Archives Month has officially kicked off in October. We have some very interesting pieces of artifacts in this display. And also I'd like to take this opportunity to avail any Legislator. We have a full•time Archivist in Suffolk County, as many of you may know. We have a state•of•the•art climate controlled facility. And if any of your respective towns have a need for our facility or the use of the expertise of our Archivist, I encourage you to contact me and we would be happy to go and visit them and make sure that the historic documents from each of the towns are preserved. Thank you and have a great day.

D.P.O. VILORIA • FISHER:

Thank you. Our next speaker is Jim Morgo, Commissioner of Economic Development.

MR. MORGO:

Good morning. I'm here to voice the Department of Economic Development Workforce Housing support for three Introductory Resolutions you'll have before you today. The first is I.R. 2087, which is calling for public hearings for acquisition of property in East Patchogue. It's critical. This resolution is critical to begin the process for the revitalization of East Patchogue.

Just as a prestigious brand name retailer can serve as a magnet for new businesses and signal that a downtown is on its way back, blight that exists for decades, literally decades, can be a stain on a downtown and give exactly the wrong message that revitalization is far away and will not occur. This resolution is supported by the Legislator from the area, Jack Eddington. And it's ministerial in that it will begin the hearing process for either the acquisition through friendly negotiations, our condemnation of the Plaza Theater in East Patchogue.

The second I.R. that I'm here to talk about is 2026. It's a Local Law to advance U.S. WEB, a printing and mail service company, as a regionally significant project under the New York State Empire Development Zone Program. U.S. WEB is growing. Currently, the company employs 300 employees in a highly motivated, low skilled workforce. Interestingly, Ladies and Gentlemen, 70% of that workforce is either Latino or African•American, and 91 are from Huntington Station in Huntington. If the RSP designation is provided, it will create, at a minimum, 50 new jobs for our County and 5 million dollars in new investment.

New York State, remember, has the final authority, but this Local Law is necessary to advance the process. And the public hearing was closed, but there was a question of why it was not being located in an existing zone. There has to be public proof that that would be impossible. And there is a detailed cost benefit analysis to show that the public good that comes out of this in wages and benefits and investment far exceed any public benefits given to the company, and that is before you today.

And the third resolution I wish to speak about and the Department supports is Introductory Resolution 1877, which is a planning steps resolution for the acquisition of one property in the blighted Huntington Station area of the

Town of Huntington. This is part of the Town's longstanding organized Take Back The Block Program. This program, through owner-occupied homeownership and stable rentals, will begin the revitalization of Huntington Station, and that was a tabled resolution today. We hope that you can support it today when it comes up on the agenda. Thank you very much. That was three minutes, wasn't it, three?

P.O. LINDSAY:

Thank you, Commissioner Morgo. Wallace Broege.

MR. BROEGE:

Good morning. My name is Wally Broege. I'm the Director of the Suffolk County Historical Society. On behalf of the Historical Society's Board of Directors and staff, I want to thank you all for giving us the opportunity to meet with so many of you and your staff members this morning. We were very happy to be able to host the pre-meeting breakfast, and I want to thank the Bank of Smithtown for funding that. We'll be available until about 10:30 this morning, if any of you have any questions about the Historical Society, or •• and, of course, the refreshments will be there, too.

In 1683, the East Riding of Yorkshire became what today is known as Suffolk County. The Colonial Assembly at that time made provisions for an annual •• an annual court session to be held in Southold Town. Now, at that point, Southold and Riverhead Towns were one Town, they were joined together. It wasn't until 1792 that they separated. From the very start, the residents of what today is Southampton complained about the great distance they had to travel to Southold to pay taxes, conduct court business. The jail was also located there. It was known as a {goal}. And for a brief period of time, that court was relocated to Southampton, but then the residents of Southold complained because they had too far to go. And finally, in 1727, the Colonial Assembly passed an act that provided for the erection of a courthouse and {goal} to be located in River Head. It was two words at that time. In doing this, the Assembly designated Riverhead as the County Seat of Suffolk, saying that it was the most strategically located position and agreeable to the majority of people.

We've brought something along today that I wanted to show you. We had to move it out of the chamber, because there was concern about it obstructing traffic. This is the weather vane that stood over the 1727 courthouse in Riverhead. It's another unusual and interesting piece of our history here in

Suffolk County. And that's what we do, we collect, preserve and interpret the history of Suffolk County and its people. So I wanted to share that with you. It was for a time after the courthouse was taken down for the construction of a new courthouse. This courthouse was on Main Street, by the way, not where the courthouse is located today. It was first pictured in an 1842 woodcut. But, in any event, when that courthouse was taken down, it was purchased by a local farmer, who then put it over his barn. And in 1943, it was donated to the Historical Society. So I'm very pleased to share that with you. The weather vane is just one example of some of the things that we have in the Historical Society. We were happy to bring the {Hobart} Flag in June to talk a little bit about that.

I just want to touch briefly on another subject and that's the budget. It's one of the reasons that I'm here today. I've prepared a fact sheet that I've placed at each of your seats today. And also a small gift from our Education Department, lavender and rosemary. Susan SanFilippo, our Education Coordinator, tells me that this mixture of lavender and rosemary historically is supposed to have a very calming effect, and it seemed very appropriate to present you with a small package ••

MR. ROMAINE:
Sniffing it all day.

MR. BROEGE:
•• of that. Another Board member happened to mention that those of you that are married, when you go home, if your spouse smells that, there may be some uncomfortable questions you'll have to answer, too, but I'm sure that will be fine.

We hope that during your deliberations of the budget this year, that you will consider the Historical Society's needs. In 1989, the Historical Society had six full•time staff members. Currently, we only have three. Three full•time staff members have been eliminated because of budget cuts.

D.P.O. VILORIA•FISHER:
Okay. Mr. Broege, the three minutes are up. If you could wrap it up, please.

MR. BROEGE:
Okay, I will.

D.P.O. VILORIA • FISHER:

Thank you.

MR. BROEGE:

Basically, what has been happening the in the last few years is that the •• for the fourth year in a row, the County Executive has taken money out of our budget that the Legislature has put back in. And in each of the last three years, the Legislature has restored that. Unfortunately, what has happened is that the funding has not increased. Difficulty in fund•raising, inflation have literally eaten up our cash reserves, and we'd very much like to replace those full•time staff members. Thank you very much for considering our request.

D.P.O. VILORIA • FISHER:

Thank you for being here.

MR. BROEGE:

You're welcome.

D.P.O. VILORIA • FISHER:

Our next speaker, who seems not to be able to stay away from the Legislature, is Allan Binder. After Mr. Binder is Ruth Mulford. And I remind everyone that we have three minutes.

LEG. BINDER:

You always remind me before the •• of the times. Should I start?

D.P.O. VILORIA • FISHER:

Okay. I was just being advised that we will take a break from the public portion after Mr. Binder; is that correct?

MR. PEARSALL:

Yes.

D.P.O. VILORIA • FISHER:

Okay.

LEG. BINDER:

Okay. Thank you. I'm here representing again the Associated Builders and Contractors. And what I'm here about is the Suffolk Community College money that's been possibly withheld, and we're calling on the County

Executive to put in that •• put that bill back in, give you a CN so you can pass it.

What this I think does, it kind of strips bare what's this whole apprenticeship question has been about. When I was here in the Legislature, I think one of the worst •• one of the negative votes that I passed or voted on was for the Apprenticeship Program, and I found out afterwards that what it does really is drive up the cost of construction, it lowers the amount of competition, and what happened here with the Community College shows clearly that that's what the unions understood this to be about. They never thought this was about training. If they thought this was about training, they who cheer the Suffolk Community College, they would cheer them having an opportunity for training. ABC has a training program, apprenticeship program themselves, though they support more training, because deep down, they want to see employees trained. And if that's what this was really about, you would have seen all the unions come together and say more training's good, Suffolk Community College needs this money, that's what they should be doing, that's what they should be saying. So I think you should think about this in maybe some broader terms also.

Understand what this has really been about. The apprenticeship program, the requirement in New York State, it has made it very hard for a lot of independent contractors to be able to get through New York State Department of Labor. It takes over three months, four, five, six months to get in, if they can get their apprenticeship program. And what it does is it limits the ability of a lot of opportunity for independent contractors to bid on projects. And when that happens, when you limit the amount of bidders, what you do is drive up the costs to the taxpayers, and that's the last thing I know that this body, and I know that for sure, the last thing this body wants to do is drive up the cost for taxpayers.

So there is other ways to get training. There are other ways to make sure that happens, rather than a New York State certification, and we should be rethinking that. And today, as I said, we called today ABC. Though it would compete with our own, possibly compete with our own apprenticeship program, ABC today is calling on the County Executive to give you a CN, and for all of you, in a unanimous fashion, to pass this, because training for construction workers, particularly in this area of heating and air conditioning, this is vital to Long Island's interest to make sure that we have enough trained workers out there. Thank you and I appreciate your time.

D.P.O. VILORIA • FISHER:

Perfect timing. Thank you. We will go on with our next speaker who is Ruth Mulford. I am receiving signals that our Delegation is not quite ready to come forward.

MS. MULFORD:

Good morning, Ladies and Gentlemen.

D.P.O. VILORIA • FISHER:

Good morning.

MS. MULFORD:

And thank you for the opportunity to address this body.

LEG. LOSQUADRO:

Get closer to the microphone, please.

MS. MULFORD:

All right. As Mr. Binder said, I am the Regional Vice President for Associated Builders and Contractors. We represent •• we're a not•for•profit organization, representing the interests of approximately 75% of the construction workforce in Suffolk County. We also urge •• we urge that the • • this body reconsider and urge the County Executive to pass the resolution pertaining to the funding for the Suffolk County Community College building facility for HVAC training. We feel that although we do also training throughout New York State and throughout the United States, we have a New York State registered certified approved apprenticeship program. There's a vast, vast need for training.

I was struck in the Pledge of Allegiance. Actually, I have a prepared statement, but during Father's invocation and during the Pledge of Allegiance, two things struck me, justice and liberty for all. And it sounds kind of dramatic, but the truth is that why would we want to limit access to any of our citizens in Suffolk County? Why would we want to •• why would this body, why would any body want to restrict open opportunity for all of our citizens? This is not about training for commercial contractors or commercial workers, this is primarily a residential HVAC program, training program. This is a program that trains folks mostly to go out into the field and fix heating systems in your homes. Why would Suffolk County Community College not

want to run such a program?

So we urge that this body consider and encourage County Executive Levy to please restore those funds, bring that forward to this group. Thank you.

D.P.O. VILORIA • FISHER:

Thank you Ms. Mulford. Our next speaker is Vincent Pellitteri.

MR. PELLITERI:

Good morning and thank you.

D.P.O. VILORIA • FISHER:

Good morning.

MR. PELLITERI:

I'm here on behalf of U.S. WEB, and to ask you all to approve I.R. 2026. As I have explained to many of you before, U.S. WEB is a company that's been on Long Island for more than 20 years, has grown from five people to 30 •• to 300, over 300 people, and is the life blood for many of the workers in our County. In fact, 80% of Suffolk •• of our employees live in Suffolk County.

Our growth, as with many companies, is •• has great potential, but is somewhat up against difficulties because of the national nature of our business, servicing all the financial industries and publishing industries in their direct marketing efforts. Our competitors are primarily out of state, have lower costs, and as a result, we have been •• although we have this great potential to grow, we think we're limited in being able to compete. We think that a partnership between the County, the State and U.S. WEB will provide growth in our job markets, in our job growth for the long term. We know we can provide at least 50 more jobs, and probably more than that, as a result of our being able to compete more effectively. And we hope that you all see it the same way and recognize the multiplier effect of the people that we currently have employed on Long Island and potentially could employ on Long Island with the help of this I.R.

So I ask you once again for your consideration in this matter, and, hopefully, we will remain in a very good partnership with the County and the State. Thank you.

D.P.O. VILORIA • FISHER:

Thank you, sir. Our next speaker is Italo Zanzi.

MR. ZANZI:

Hi. Good morning. My name is Italo Zanzi, I live in Smithtown. I'm very troubled ••

D.P.O. VILORIA • FISHER:

Mr. Zanzi, could you just bring that up a little bit so we can hear you more clearly?

MR. ZANZI:

Sure, sure. Can you hear me okay?

D.P.O. VILORIA • FISHER:

That's better.

MR. ZANZI:

Great.

D.P.O. VILORIA • FISHER:

Thank you.

MR. ZANZI:

My name is Italo Zanzi and I live in Smithtown. And I'm deeply troubled that it's been left to the County to restrict the employment of illegal immigrants. If the Federal Government enforced its laws, there would be no need for County involvement. But sadly, that's not the case. And now the County Government must create a system to stop the hiring of illegal immigrants. This is absolutely necessary to protect lawful businesses, consumers and labor unions who have worked so hard to develop a quality standard. More importantly, restricting the employment of illegal immigrants will eliminate the magnet that brings and keeps illegal immigrants in Suffolk County. It has been suggested that Federal Law already restricts the employment of illegal immigrants, but it's clear that we cannot for the time being rely on the Federal Government, so we need County enforcement. Thank you.

(Applause)

D.P.O. VILORIA • FISHER:

Thank you. Our next speaker is George Hoffman.

MR. HOFFMAN:

Good morning, everyone. My name is George Hoffman, and I'm the Outreach Coordinator for the North Shore Heritage Planning Commission. Before you this morning there is an Introductory Resolution, 2046, that I'm hoping that you would favorably consider.

Just let me give you by way of background. In 1998 New York State established a North Shore Heritage area. A heritage area is an official State designation for an area that has a common history, and a common culture, and a common geography. This morning I noticed that you had two presentations talking about our history, both our archivist, and also the presentation from the Suffolk County Historical Society. What a heritage area is, there's one of •• the North Shore would now become one of 18 heritage areas in New York. So what we're asking for you today is to favorably consider approving the management plan that would allow Suffolk County to participate in the establishment of the heritage area.

There's three specific benefits to being a heritage area. I think one of them is very important as we talk today, which is additional funding. New York State has a funding program for heritage areas where municipalities, and groups, and organizations, if they come up with interesting projects, can be funded up to the tune of \$350,000. So I think that that's helpful. You also have access to technical assistance from State Parks Department. And then there's a third benefit, which is that any municipality, it protects you from future State actions that may be inconsistent with your historical plans for the area. So, in addition to just promoting and preserving and protecting our history, which I think we all agree is important, I think that there's some really good benefits to being in an historical area. Basically, that's it in a nutshell. If anyone has any questions or ••

D.P.O. VILORIA • FISHER:

We can't ask questions during this period, but if anyone has any questions to ask you personally, they can ••

MR. HOFFMAN:

Great.

D.P.O. VILORIA • FISHER:

•• see you outside.

MR. HOFFMAN:

Thank you very much.

D.P.O. VILORIA • FISHER:

Thank you.

MR. HOFFMAN:

Appreciate it.

D.P.O. VILORIA • FISHER:

Our next speaker is Karen Boorshtein.

MS. BOORSHTEIN:

Good morning. My name is Karen Boorshtein. I'm the Executive Vice President and Chief Operating Officer at Family Service League. I'm here today to request your help to provide additional funding for Family Service League's Alternative for Youth After Care Program in order to create the continuity of care that's needed for this model. The program is funded through the Suffolk County Youth Bureau and is part of the overall AFY Program in the County, which is projected to reach 720 children by the end of its first year of operation this December.

AFY was created last year by the County to obviate the necessity for opening of PINS diversion or PINS cases and eliminate the needs for PINS referred for residential settings. Our target population is children who are at risk of PINS referral by their family, and many of whom have serious emotional difficulties. We're requesting an additional 160,000, which would allow us to increase our staffing and increase the number of youths served, and reduce the waiting list, which has become sizable.

Please note, this is a prevention program and these dollars are reimbursable by New York State by the rate of 65%, thereby reducing the cost to Suffolk County.

The Alternatives for Youth Program is divided into two phases. Education Assistance Corporation operates the first component where the youth remain for approximately one month, and then are transitioned to Family Service League for After Care. Statistically, we're finding that 50% of the children

are referred for After Care and go on from Phase 1 to Phase 2, and the children usually remain with Family Service League and After Care for approximately five to six months. These children, as I said, have serious conduct disorders and emotional difficulties and absolutely need the After Care component of the Alternatives for Youth Program.

The combination of both phases of this program has indeed been successful. We've seen 250 children in the After Care component alone and have averted placement for 244 children. That's saving Suffolk County taxpayers million of dollars by keeping these kids out of residential treatment.

AFY has provided Suffolk County a valuable opportunity, but we must do more. Creating the seamless transition and continuity of care is perhaps the most critical reason that additional funding is needed. Waiting lists pose risks for these families and reduce momentum for the positive changes they've already made during the first phase of the program. And typically, people who go on waiting lists drop out. The \$160,000 will dramatically reduce the wait list, if not eliminate it, and avert court involvement.

We respectfully request the help of the Legislature to increase the funding in the 2007 Operating Budget. Thank you.

D.P.O. VILORIA • FISHER:

Thank you very much, Karen. Our next speaker is Edward Barr.

MR. BARR:

Good morning, Ladies and Gentlemen. I'm Ed Barr, President of North Ferry. Other members of our team, Bridg Hunt and Julie Ben•Susan, both of whom have addressed you before, are with me today to address North Ferry's rates, I.R. 1753•06, which is before you.

We hope that you will vote in favor of our rate petition to fund a new 25•car boat. Last week, we were affirmatively discharged unanimously from the Public Works and Transportation Committee. This followed our providing all of the required materials, including a contract with the shipyard and a commitment from our lending bank. As such, we have met the criteria to garner the recommendation of the Budget Review Office. We also have the support of our Town Supervisor, Al Kilb, and five of the six members of the local Ferry Advisory Committee have endorsed our proposal as is spelled out in the resolution.

You, the Legislature, and we, the North Ferry Management Team, share a responsibility to see that our fleet is equipped in such a way that it can provide consistent, safe and timely service across the bay for our 1,200,000 annual customers. We sincerely believe that a third large boat will complete our modernization program and thereby enable us to provide timely and efficient service all the time.

People on Shelter Island are not shy. When the service was terrible and lines sometimes exceeded one hour, no one spared us their criticism. Now that the service is great, they're quick to complement the operation. Our maintaining this service is all about the big boats, and the people who use the ferry know that instinctively. No one likes to pay more and we don't enjoy raising the rates. The passenger-based rate was last increased in 1993, and a major overhaul of the truck rates was done in 1991. But we cannot provide the service without this new facility of the third new boat. We are right on the brink of falling back to the bad old times and long wait times. These past five years have been a great turnaround, and we hope that you will exercise your part of our joint stewardship role by approving the requested fair increase, which will permit us to buy the third new big boat and let us finish the restructuring of North Ferry's fleet. Thank you.

D.P.O. VILORIA • FISHER:

Thank you very much, Mr. Barr. That was right on time. Our next speaker is Richard Amper.

MR. AMPER:

Good morning. The Pine Barrens Society's Board suggested it might be useful for me to come down here periodically and provide information to the Legislature, because in its absence of, sometimes there's misinformation.

I want to inform the members of this Legislature that the folks who joined the Pine Barrens Society in the litigation over the Trap and Skeet Range did not •

MR. MONTANO:

Can you speak louder?

MR. AMPER:

Repeat, did not ••

MR. MONTANO:

Can you speak louder, Richard?

MR. AMPER:

Thank you. That's the first time that anybody has ever accused me of not speaking loudly enough. I appreciate that.

LEG. MONTANO:

Getting older.

MR. AMPER:

That the people who joined the Pine Barrens Society in the Trap and Skeet lawsuit did not, repeat, did not move next to an active Trap and Skeet Range only then to complain and ask that it be relocated. Clearly, they were there when this Trap and Skeet Range was not operating and were assured by County officials that if it were •• if it were ever reopened, it would be relocated. That piece of misinformation needs to be clarified.

With respect to the Broadwater liquified natural gas factory proposed for Long Island Sound, while we agree that we have to explore all possible energy needs, it's important for the members of this Legislature that have take an active role in opposing Broadwater, for the most part, to understand that the energy it would produce would not be directed to Long Island. Eighty•five percent of it would be directed to New York City and Upstate. So the fact of the matter is we don't get the benefit and we get all of the liability, and that's why the environmental community and so many other Long Islanders are united against that plan.

We also notified you in the past two weeks of a proposal by the County Executive to issue a request for expressions of interest in new stables in Southaven County Park. It's couched as a renovation thing, but if you've seen the facility, it would really require rebuilding. There, again, that constitutes development in the core preservation area, and I would hope before the Legislature authorized any money for this, that we all understood that post 1993, we're not, especially government, is not allowed to do development in the core preservation area of the Pine Barrens. Recreation, yes. Construction, no. And you have a copy. We supplied you a copy of the most recent court case that dealt explicitly with riding stables and their

construction in the core, so I hope we don't go down that road again.

Finally, there has been a proposal to construct what I must characterize as the "Pine Barrens Hamptons Freeway" parallel to and east of County Road 111. There are some traffic problems on County Road 111. I would remind you as you entertain concerns from the community about that. Here again, we're talking about the core preservation area where land is preserved. That can't be done. It would also require alienation of parkland, which can't be done, so let's not go down that road. Thank you.

D.P.O. VILORIA • FISHER:

Our next speaker is John Kennedy.

MR. KENNEDY:

Good morning, members of the Legislature. I'm here to speak about I.R. 2025. There was an article dated Friday, September 15th, that Newsday put out.

D.P.O. VILORIA • FISHER:

Okay. Can you please hold the mike closer? Thank you. It's difficult to hear you.

LEG. MONTANO:

Bad acoustics here, or maybe it's the fan.

D.P.O. VILORIA • FISHER:

The fan is on, so it's difficult to hear ••

MR. KENNEDY:

Okay.

D.P.O. VILORIA • FISHER:

For the people over there.

MR. ROMAINE:

Can we adjust the volume?

D.P.O. VILORIA • FISHER:

That's better.

LEG. CARACAPPA:

That's good.

D.P.O. VILORIA • FISHER:

That's better, that's better.

MR. KENNEDY:

Are you all right then?

D.P.O. VILORIA • FISHER:

Yep, go ahead.

MR. KENNEDY:

Good.

D.P.O. VILORIA • FISHER:

We're good, you're good.

MR. KENNEDY:

There's an article in Newsday on September 15th that spoke about 48,000 illegal immigrants that are in Suffolk County, and this is what I want to talk to you about relative to I.R. 2025.

Historically, the building trades, which I represent, have done construction work in both Nassau and Suffolk County, and we look at this infusion of illegal immigrants that are being exploited as a real threat to middle class building trades guys and gals, and that's who we are and that's who we represent. We don't consider it an unfair bill against immigrants, we want to get illegal contractors that are exploiting all of these people, that we want to take them to task. We know there's federal law that's already on the books, but it has no value, because it's not being enforced or supported. We believe that this is another approach from the ground up to help stem that illegal practice.

I spoke at the committee meeting during the week and I talked about and I spoke about how the face of America, the face of Long Island has certainly changed in the last ten years. And what we don't want, we don't want this to affect our standard of living. We fought hard for over a hundred years to bring legitimacy and to bring good wages, fringes, to help people, and we see this as a slow erosion of our standards. So I'm asking you as a body to

please help support this bill. We think that it's very, very important to help the building trades. Thank you.

D.P.O. VILORIA • FISHER:

Thank you very much. We're going to pause now to introduce our Presiding Officer, along with Legislator Lynne Nowick, who have invited the Political Study Tour Legislators and officials from the Islamic Republic of Pakistan and the Republic of India. Mr. Presiding Officer, Legislator Nowick.

The first person that we're calling up is The Honorable Mr. Babu Kipa, member of the Legislative Assembly of Arunachal Pradesh. The second person is The Honorable Mr. Jothimani Sennimalai, General Council Member, All India Congress Committee. I'm sorry, I read that incorrectly. It was Ms., not Mr. I didn't see the "S", sorry. Please pardon us. Sometimes with the first names, we don't recognize. The Honorable Mr. Ravindra Dhar Badgaiyan, Political Secretary to the Minister of Commerce and Industry, Government of India. Okay. The Honorable Mr. Vijay Jolly, Member, Delhi State Legislative Assembly.

The Honorable Mr. Girish Raya Chodankar, President, Goa State Youth Congress Party. And that's the Delegation from the Republic of India.

The Delegation from the Islamic Republic of Pakistan. The Honorable Mr. Muzafar Said, Member, Provincial Assembly of Northwest Frontier Province. And the stenographer will be getting a copy of this. The Honorable Mr. Muijtaba Shuja•Ur•Rehman, Member, Provincial Assembly of the Punjab. The Honorable Dr. Nasrullah Baloch, Member, Provincial Assembly of Sindh. We would also like to recognize Mr. ••

MR. VORA:

Arvind.

D.P.O. VILORIA • FISHER:

Arvind. Sorry, Arvind. Arvind Vora from our own Suffolk County, who is here accompanying the Delegation. And I understand Assemblyman Raia is also here. Is he ••

P.O. LINDSAY:

He hasn't arrived.

D.P.O. VILORIA • FISHER:

Okay.

P.O. LINDSAY:

But if you would •• we have a present for Mr. Jolly for the Indian Delegation and Mr. Said from the ••

D.P.O. VILORIA • FISHER:

Oh, an additional presentation?

P.O. LINDSAY:

Yeah.

D.P.O. VILORIA • FISHER:

Okay.

P.O. LINDSAY:

We have a Suffolk County flag for them.

D.P.O. VILORIA • FISHER:

There is a Suffolk County flag that is being presented to The Honorable Mr. Vijay Jolly, the Member of the Delhi State Legislative Assembly, representing the Republic of India. And representing the Islamic Republic of Pakistan •• did you say it was Mr. Said?

P.O. LINDSAY:

I think so.

D.P.O. VILORIA • FISHER:

The Honorable Mr. Muzaffar Said, Member of the Provincial Assembly of Northwest Frontier Province. Thank you.

P.O. LINDSAY:

They're going to sit and observe our form of government.

D.P.O. VILORIA • FISHER:

Okay. These two Delegations will be sitting in to observe our form of government, so, everybody, behave yourselves.

(Applause)

P.O. LINDSAY:

Next speaker is Joan Cergol. Miss Cergol, you have three minutes.

MS. CERGOL:

Behave ourselves? No pressure there. My name is Joan Cergol. I'm here to represent Supervisor Frank Petrone, Town of Huntington, who would have liked to have been here at this podium himself, but we're having back•to•back budget meetings now.

I serve on Supervisor Petrone's staff to advance both affordable housing and the revitalization of our downtowns and neighborhoods, and as such, I urge you to pass Introductory Resolution Number 1877•2006, authorizing planning steps for the implementation of Suffolk County Workforce Housing Program. This is a very important resolution, because it will assist the Town of Huntington in piloting an Affordable Housing Neighborhood Revitalization Program, developed by Supervisor Petrone known as Take Back the Blocks. You've heard a little bit about that before by Jim Morgo. This initiative is but one component of a larger comprehensive plan to revitalize Huntington Station.

The Town of Huntington, its Community Development Agency, and the Long Island Housing Partnership have been working as a team since August of 2004 to fine tune and launch Take Back The Blocks. First, a Steering Committee was appointed to develop criteria by which the program could be administered. Our Steering Committee is comprised of eight citizens representing key interests in the Huntington Station revitalization area. After the Steering Committee developed a blueprint for Take Back The Blocks, Supervisor Petrone and I devoted many hours to presenting the concept before a broad range of groups and individuals to collect feedback.

I must tell you that throughout that outreach process, we received a 100% enthusiastic thumbs up to go forward. So, with that support, the Steering Committee next proposed and facilitated the adoption of amendments to the Huntington Town Code to accommodate this program. Using any affordable housing dollars we can tap, starting with those from Huntington's own affordable housing trust fund, Take Back The Blocks seeks to purchase dilapidated rental housing primarily owned by absentee landlords, rehabilitate it, and turn it back over to affordable owner occupied housing with an accessory apartment to help meet •• help the homeowner meet mortgage obligations.

Purchasing dilapidated homes from absentee landlords, which in many cases are in chronic violation of housing and zoning codes, is a creative way to address the need for affordable housing using existing substandard housing stock. By doing so, we can instantly make over or revitalize a block, while at the same time integrate affordable housing units into single family home neighborhoods in need of revitalization. To show its commitment to this initiative, Huntington intends to leverage its own approximate 3 million dollar affordable housing trust fund to attract outside affordable housing dollars.

For Phase 1 of Take Back The Blocks, our Steering Committee nominated a dozen address with •• a dozen addresses with 1 Tower Street, Huntington Station at the very top of that list. We would now like to purchase this property from a willing seller and respectfully invite Suffolk County to partner with Huntington via its Workforce Housing Program. As the Town of Huntington and Suffolk County have successfully worked together to benefit communities as partners in the acquisition of open space and recreational space, here, too, is another example of intergovernmental cooperation, the affordable housing arena.

P.O. LINDSAY:

Could you wrap up, Ms. Cergol, please?

MS. CERGOL:

Yes. With the Town of Huntington virtually built out, rehabilitation revitalization is a must if we wish to continue cultivating affordable neighborhoods and communities and we do.

So, on behalf of Huntington Supervisor Frank Petrone and the Huntington Town Board, I urge you to pass this important resolution, and thank you for your time.

P.O. LINDSAY:

Thank you. Susan Lagville.

MS. LAGVILLE:

Good morning. My name is Susan Lagville, and I'm here as a representative of the Huntington Township Housing Coalition. This is a group in Huntington comprised of over 50 Huntington organizations concerned with the need for affordable housing. I'm here today to urge you to pass Introductory

Resolution Number 1877, authorizing planning steps for implementation of the Suffolk County Workforce Housing Program. This resolution will support Huntington Supervisor Petrone's new Neighborhood Revitalization Program, Take Back The Blocks. This program is designed to revitalize areas of Huntington that are plagued with substandard housing. The purpose of the program is to purchase run down properties that are primarily owned by absentee landlords. The properties would then be rehabilitated, an accessory apartment added, and the homes sold to a lower income family. The income from the accessory apartment will assist the new homeowners in paying the mortgage, thus two new affordable units will be created from one eyesore.

The Take Back The Blocks Program has been in the design stage for over three years. The support of Suffolk County will provide the needed financial assistance for this demonstration property. Please join with Huntington to become part of the solution to Long Island's affordable housing crisis. Thank you.

P.O. LINDSAY:

Thank you, Ms. Lagville. Donald Cusick.

MR. CUSICK:

Good morning. I appreciate this time to speak to you. I'm here to speak in support of I.R. 2025.

We live in the greatest country in the world. We live in a free and democratic society. The reason for this primarily is because this country operates on the rule of law, the Constitution, the law of the land. Every law in this country, you don't get a chance to pick and choose which laws you want to enforce, which laws you want to abide by, and which laws you choose not to abide. There is a law in place, the Simpson Mazzoli Bill, the Immigration Reform Control Act, which legally mandates that U.S. employers verify the employment eligibility status of newly hired employees and makes it unlawful for employers to knowingly hire or continue to employ unauthorized workers.

The I•9 form is the law of the land. It was put in place 20 years ago. It constitutes •• it meets the Constitution's requirements. It's a good law. It's the law of the land. What I.R. 2025 does, it says that Suffolk County is going to enforce this law. It's that simple. The law •• the laws •• everybody in this country abides •• most people in this country abide by the laws. Without the rule of law, we're lost, we're in anarchy and chaos. This Legislature operates

by rules, parliamentary rules, guidelines. Without rules and laws, people would be driving down the wrong side of the street. You have to obey the law. If you don't like the law, if you feel it's discriminatory or it just doesn't do the job, it's your obligation to petition your Congressman to change the law. If the opposition to this bill wants this law changed, this is not the place to change this law. The U.S. Congress is the place to change this law.

I urge you to support 2025 and let the message go out today that the Suffolk County Legislature is going to do its part. Even if the rest of the country doesn't, we're going to enforce the law. I thank you for your time and your attention.

(Applause)

P.O. LINDSAY:

Gina Pellettieri.

MS. PELLETTIERI:

Good morning. My name is Gina Pellettieri and I'm a Project Manager with the •• can you hear me?

P.O. LINDSAY:

Gina, pull it down to you. There you go.

MS. PELLETTIERI:

Can you hear me now?

P.O. LINDSAY:

And speak right into it, it would be great.

MS. PELLETTIERI:

Can you hear me now? Okay. Good morning. My name is Gina Pellettieri. I'm a Project Manager with the Long Island Housing Partnership. On behalf of the Partnership, we thank you for the opportunity to speak ••

MR. LAUBE:

Can you speak up? Just speak up a littler louder.

MS. PELLETTIERI:

To speak in support of •• can you hear me now?

P.O. LINDSAY:

Yeah.

MS. PELLETTIERI:

In support of Introductory Resolution 1877, which will start the planning steps for the purchase of 1 Tower Street in Huntington Station.

The Partnership has been working with the Town of the Huntington and the committee established to implement the Take Back The Blocks initiative for over two years now. The Take Back The Blocks initiative was created to eliminate blight by purchasing properties from absentee landlords and replacing them with residents from the community, thereby generating the pride of homeownership that can rehabilitate a community. The homes will also have an attached legal accessory apartment, which makes it more affordable for the homeowner and provides another affordable rental for another qualifying tenant.

As the Take Back The Blocks Committee worked to identify absentee landlord sites for purchase, the first location that was immediately recommended by all the members was 1 Tower •• 1 Tower Street, excuse me.

The Partnership appreciates Legislator Cooper's previous attempt to target this location for rehabilitation by seeking to convert it to a community center. We are pleased that the committee has also noted the need for rehabilitation of this property and looks to begin the planning processes necessary to purchase it. The Partnership supports the efforts of the Take Back The Blocks Committee and the passage of Resolution 1877. Thank you.

P.O. LINDSAY:

Thank you, Miss Pellettieri. Kim Agell.

MS. AGELL:

Good morning. I have a photo I'd like to pass around. Can I start it over here or •• okay, thank you. Good morning. Thank you for letting me speak this morning. I have passed and provided a folder for all of you in front of you regarding correspondence to this Resolution 2044, and in it is a map that highlights the two undedicated roads that I'm going to be speaking about.

Again, my name, is Kim Agell, I live in Huntington. I'm also a resident of

Orient Point, and we have a very unsafe situation out in Orient. I'd like to give some history regarding our situation.

We are a community of 138 homes, most of us being full-time, and many of us being there since 1957. A builder named Walter Uhl built this development in three sections, the first section in '57 and the second in '61, which, upon completion and release of the bond, the roads were taken into the Town of Southold system. Section 3 is one we're all having a problem with. Section 3 was built in 1974, which consists of three roads, and upon completion regarding the files from the Town of Southold, the bond was released to the builder, and one of the three roads were taken into the Town's system, leaving Park View Lane and Ryder Farm Lane undedicated.

Then, with the builder having his release, the Town of Southold decides to tax these roads, which Scott Russell, the Town Supervisor, and Suffolk County admits was an anomaly back then, and with nobody paying taxes, they fell into Suffolk County for nonpayment of taxes on May 18th, 1990. Now, with Suffolk County owning these two roads for nonpayment of taxes, Suffolk County places these roads in the Real Estate Division. Our question is why these roads weren't placed in your Public Works Division, where the funding is to upkeep these roads. The answer from Suffolk County is because they look at it like a paved parking lot. But how can they look at it as a paved parking lot when it has curbs, a recharge • sump/recharge basin, street signs and drainage? All of the above is something the people in the community have no control over. And, as you can see in the map that I've passed around •• not the map, I'm sorry, the poster, how serious our roads are in need of repair.

Scott Russell has a letter in that folder also stating that he promises to accept the roads into the Town system if the County brings them up, or at least pays their share of helping with the upkeep of improving the roads. I'm sorry.

Many of us voted for you and we need your help. A majority of the people in Orient Point that live there part-time, we also live in another part of Suffolk County.

I support Ed Romaine's solution, or resolution, of providing •• having Suffolk County provide 145,000 and the ownership of these two roads to the Town of Southold. Our taxes have created these budgets that I think we're entitled to, and we need your help, so ••

P.O. LINDSAY:

Thank you.

MS. AGELL:

I hope you consider it.

P.O. LINDSAY:

Thank you.

MS. AGELL:

Thank you.

P.O. LINDSAY:

Mardy DiPirro.

MS. DIPIRRO:

I'm Mardyth DiPirro, Associate Director of Peconic Community Council. And I've spoken to you before, so I will not reiterate what I have said at that time. But I know most of us were speaking to •• in opposition to I.R. 2025 due to human rights considerations, etcetera. And so I brought you a copy of the publication showing what will happen to our economy if we begin by taking these steps. I'm asking you for constructive leadership and considering alternatives to this particular passage of this bill. Under our constructive ways, we can answer problems until the Federal Government steps up and plays its role. Thank you.

P.O. LINDSAY:

Thank you, Miss DiPirro. Joseph Mullen.

MR. MULLEN:

Good morning. My name is Joseph Mullen. I live in Hampton Bays in the Town of Southampton.

I have a different view on I.R. 2025 than Mardy, who just came before me, in that I don't see it as anti•immigration at all. It has to do with the employers who might be using somebody who is not documented. And I'm not saying somebody who's a citizen or not, because you don't have to be a citizen to work in this country, not like many other countries where you have to have a passport from that country in order to be able to work. You don't have to

have one here. You do need the I-99, perhaps, or some other form of documentation. This is aimed at those people who are reaping benefits from tax money.

This building was built with tax money. The whole •• everything that we're doing this morning is funded by tax dollars that are paid by people who legitimately live and work in the country. And we're only asking that you can consider this resolution that is only going to be providing •• providing employers that play according to the rules that are already written down in Federal law and not cutting corners by perhaps not paying what they're supposed to be, and things of that nature. It's only tax money that we're asking to be governed, not who's having what •• what's being built, not by the County, but by private entities. That has nothing to do with this bill. So it shouldn't really have that much of an affect on people who are here illegally and are working without documentation. God bless them, too. They're only trying to live. They're not here to kick your door down in the middle of the night and kill you. But why should they reap what's paid for by taxpayers when there are taxpayers that are willing to work, too? It's just a matter of how do you get •• how do you get the employers to be honest. This law might help. Thank you very much for listening.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Mullen. Udi Ofer. Udi Ofer. One last time, Udi Ofer. No? John McConnell. Johan? I'm sorry. I didn't ••

D.P.O. VILORIA • FISHER:

Johan McConnell.

MS. MC CONNELL:

We do this all the time.

P.O. LINDSAY:

I'm sorry.

MS. MC CONNELL:

That's okay. It's a common occurrence. I'm accustomed to it. My name is Johan McConnell and I'm President of the South Yaphank Civic Association. I would like to read two statements from members that could not attend

today's meeting. The first is from Diane Guida, the mother of one of the youngsters who spoke before the Parks Committee.

"My 11 year old son, Nicholas, is the spokesperson for the Yaphank Youth Association. He has spoken at several meetings regarding the issues that affect the children of our community due to the Trap and Skeet Range. On Friday, as my son got off the school bus, one of the members of the range must have recognized him from the meetings and gave him an obscene gesture. Not only is the range unhealthy for our community in the physical sense, but now we have to contend with the inappropriate behavior of the patrons who come into our neighborhood and be concerned about their actions toward our children. The actions of the patron of the gun range towards us in the past several weeks have been nothing short of illegal. Now they have resorted to despicable behavior toward our children. At what point will action be taken to move this facility to a location where it does not affect the quality of life for an entire community. My son and all of the other 16 children that live in our cul de sac should be able to get on and off their school busses each day and not have to be exposed to the noise, the led, and now the disgraceful behavior of the monstrosity that is the Trap and Skeet Range."

The second is from Debbie Carpluk, wife of Howie Carpluk, the New York City fireman who died on August 28th, 2006. Please bear with me. Howie was a very close friend.

"I would like to thank Presiding Officer Lindsay for his kind words about Howie and the moment of silence offered in his memory. Howie had spoken many times before the Parks Committee and the full Legislature on a topic very important to him and the community, the Suffolk County Trap and Skeet Range. Howie believed that the range should be moved from its present location in a residential neighborhood to a site where the impact of noise would not affect the quality of life of residents, as had been promised when we bought our homes. Since his death, myself and my children have had to listen to the constant gunshot noise from the range. I buried my husband on Saturday, September 2nd, and was awakened on September 3rd with loud gunshots from the range at 9:15. The range was also open on September 4th, Labor Day, as it was a Monday holiday. Howie's last act as a civic member occurred on August 24th, when he left a message for Brookhaven Town Councilperson Connie Keppert about the noise from the range. Quote, 'I just got home from work as a New York City fireman. How do you expect

me, my family, and others to live our lives?' Four days later, on August 28th, my husband died from injuries he had sustained while fighting a fire in the Bronx." And that was from Debbie Carpluk. Thank you.

P.O. LINDSAY:

Thank you, Ms. McConnell. Anne Kaicher.

MS. KAICHER:

My name is Anne Kaicher, I'm from East Hampton, and I'm asking you to vote against I.R. 2025. I would ask you to do that, examine it with a lively conscience, as Father Wisbauer prayed, to consider what this bill would really mean. It merely duplicates existing Federal legislation.

We have been reminded that if we wish to change this legislation, we should go to our Congressman. We do not wish to change this legislation, but we would also remind you that enforcement, if you wish to accelerate enforcement, you should address the Federal authorities.

What it does here is merely cater to fear and prejudice, I believe, because if you enforce this bill, indeed, if you seek to enforce it, this will take resources, and you might wish to read the recent editorial in Newsweek, that would be more appropriately devoted to enforcement of wage in our laws.

We are very much in sympathy with the unions who wish to defend their standard of living. We urge them to embrace all workers to participate in this, and to benefit from the proper enforcement of our labor laws. If it is not enforced, and I •• in Suffolk County, I don't know where Suffolk County would get the resources. Then it will merely give those unscrupulous employers who you wish to sanction another means of exploiting and threatening, not even paying the substantive wages that they do.

Finally, an immigrant myself, I would like to remind you that the richness of this country is partly supported by the mosaic of newcomers that come and renew our energy, our dedication, our work ethics, and our openness. Thank you.

P.O. LINDSAY:

Thank you, Miss Kaicher. Helen Fitzgerald.

MS. FITZGERALD:

I'm Helen Fitzgerald, I'm also from East Hampton, and I speak also for the South Fork branch of the LIPC. I spoke before the Ways and Means Committee on Thursday and took some satisfaction in the fact that it was not reported out of committee affirmatively. However, I think we're still teetering on the border. And I call to your attention the editorial today in Newsday, which reminds you that enforcement will probably be sketchy and it may result in lawsuits, which the County will have to pay. So there are other economic reasons besides the moral reasons that we cited the first time. Thank you.

P.O. LINDSAY:

Thank you, Miss Fitzgerald. John McConnell.

MS. MC CONNELL:

Good morning. We confuse people, Johan, J•O•H•A•N, and John. What I would like to say is very brief here. I'd like to invite some of the 15 members who voted to keep the Trap and Skeet open to come and listen, park your car and come and listen to the noise on any day, especially the weekends. Go down Howie's block and just listen what people have to listen to, the noise coming out of this facility. This range is operating illegally, according to the Town of Brookhaven noise law. This range is also in violation of other laws as well. Therefore, it should be closed and moved. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. McConnell. Marian Zucker.

MS. ZUCKER:

Good morning. I'm here to speak in support of a number of resolutions this morning. I.R. 1883 expands the membership and changes the name of the Environmental Trust Review Board. This board was put in place as part of the reform measures to provide checks and balances and rigor to the County's appraisal and acquisition process for our Open Space Program. The acquisitions under the Workforce Housing Program, like Patchogue, are also subject to the same review by the Environmental Trust Review Board. The changes included in 1883 recognize these broad responsibilities of the Board and change the name and seek to add both the Commissioner of Economic Development and Workforce Housing and the Chair of the Labor and Workforce Housing Committee to the Board to provide a balance of members, reflecting both the open space purpose of the Board and the workforce housing oversight of the Board.

I.R. 1907 and 1913 are two tabled 72•h resolutions that seek to transfer to the Town of Brookhaven two homes for renovation and ultimate occupancy by families that have gone through CDC's Section 8 Homeownership Program.

And the fourth bill, which you've heard a bit about this morning, is I.R. 1877. It's a planning steps resolution which seeks to aid the Town of Huntington in its acquisition and renovation of a house in its Huntington Station neighborhood. We support this. We got a very hefty application from the Town of Huntington for this effort, and we'd like to move forward and help them renovate and stabilize this neighborhood. Thank you.

P.O. LINDSAY:

Thank you, Ms. Zucker. Jim McAsey. Jim McAsey. Is he outside?

AUDIENCE MEMBER:

Yeah.

P.O. LINDSAY:

We'll pass over him. Can somebody tell him that his card came up? Michael O'Neill.

MR. O'NEILL:

Good morning, Legislatures •• Legislators. "There has been" •• I'm speaking on 2025, of course. "There has been an invasion of immigrants into our community, into the state. Often considered dangerous, uncultured, even savage, these immigrants are known to be subversive vectors of disease and crime. Nearly one•third of them were barred entry into the United States and had to go to Canada to disembark and then snuck into the United States. What makes them so dangerous is their jesuitical, subversive {pulpishness}, given to blind obedience and allegiance to Rome. These immigrants have harmed the American worker by willingly taking the dirtiest, the most dangerous jobs for much less money, undercutting the native born worker." This is 1844.

The hysteria against immigrants then was as vitriolic as it is becoming here today and throughout our country. Native born Americans knew and understood completely these Irishman were loudish, given to staying awake singing all evening, even dancing, because they were genetically given over to {disbomania}, which is drinking. They were always drunk.

In 1848, the anti-immigrant hysteria gave birth to the Native American Party, also known as the "Know Nothings". In the 1854 election, several •• they won several governorships. They won major mayorships of major cities, including Philadelphia, Chicago, San Francisco, Cleveland. They won the Legislatures of many states, state Legislatures, including Massachusetts. And in 1855, the Mayor of Chicago, one Levy Boone, I believe not a relationship to our current County Executive, issued a proclamation barring any immigrant from municipal work. Why? He said they brought down property values. Their uncontrolled and usually drunken lust filled the slums with large numbers, even innumerable amount of children. Certainly, gentlemen and gentlewomen, you will not be the first in our nation to further and deepen contempt for immigrants. You will, however, have the distinction of being the first in Suffolk County to help revive the American Know Nothing Party.

We know that it is against the constitution that you have been sworn to uphold, that I'm sure you take very seriously, that says that Congress has the power to establish immigration policy law.

P.O. LINDSAY:

Please, wrap up, Mr. O'Neill.

MR. O'NEILL:

I hope you will be law abiding and abide by the oath that you have taken. Thank you.

P.O. LINDSAY:

Jim Castellane.

MR. CASTELLANE:

Good morning. My name is Jim Castellane. I represent the ••

LEG. MONTANO:

Speak louder.

MR. CASTELLANE:

Good morning. How are you?

P.O. LINDSAY:

Good.

MR. CASTELLANE:

Good. My name is Jim Castellane. I represent Local 12, the Insulators Union in the building trades. I just would •• I had a nice speech prepared, but we spoke about 2025 a lot. I just want to •• this is not about immigrants, this is about contractors that hire immigrants and exploit them. You know, I understand what the gentleman before me was trying to say and some of the previous people, but, please, understand what this is about for our sake. We want everyone to understand. We want the •• our contractors to have a level playing field with contractors that are using illegal immigrants. They cannot compete at a third of the wage. That's what they're paying if they don't have medical benefits, they don't have vacation funds, they don't have pensions, they don't have nothing. That's what this law will help us enforce.

So again, I urge you and I commend Supervisor Levy for taking a stand on something like this. We urge you to please support this bill. And again, one more time, it is not about the immigrant, it is about the employer that is exploiting them. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Castellane. John Torpey.

MR. TORPEY:

Good morning, everyone. My name is Jack Torpey. I'm the President of the Enterprise Association of Steamfitters. I'd like to take a moment to clarify a subject that has been debated in the newspapers and on the concerns of Local 638 with the construction of a new building and the expansion of an HVAC program at Suffolk Community College.

Our only concerns are that I represent over 3,000 members in Suffolk County and that their taxpayers' money be utilized to enhance a program that already exists, to increase the program, and to build a new structure to house an expanded program to educate people that would go through the program and eventually go out into the industry and become our competitors.

As was stated before, we don't have any problem with competition. We train apprentices. We've had an apprenticeship program since 1947. We graduate

approximately 160 apprentices each year. Competition is fine. If someone like the ABC or private contractors, or any association, want to educate apprentices, that's fine, let them pay for it. We pay for ours. Why should the taxpayers pay for a program that are going to educate people in an industry to compete with our program? We're not saying that this program at the Suffolk College is an apprenticeship program, because it's not. In our •• in our estimation, it's a pre•apprenticeship program. It will give a two•year head start to folks who want to go into this field, may want to go into this field. And when they go out, they could go into an apprenticeship program with us, if they wish. But, most likely, they'll end up in the nonunion sector, or with some unions that are not even legitimate unions, not affiliated with the AFL, and go into their programs with a two•year leg up. Thank you.

P.O. LINDSAY:

Thank you, John.

D.P.O. VILORIA•FISHER:

Thank you.

(Applause)

Mr. Chair, I'd like to make a motion to extend the public portion.

P.O. LINDSAY:

I have a motion to extend the public portion. I need a second.

MR. ROMAINE:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Public portion is extended.

MR. LAUBE:

18.

P.O. LINDSAY:

Next card is George Gatta.

MR. GATTA:

Good morning. George Gatta, Vice President for Workforce and Economic Development at Suffolk County Community College.

The Clerk is passing around a packet of information regarding what we believe to be a CN that will be presented today, an appropriating resolution for the HVACR facility at our Western Campus in Brentwood. That's based on conversations that I had with Chief Deputy Kevin Law over the past several days.

Within that packet of information is a letter that Dr. Pippins, the President of the College, sent to the County Executive yesterday addressing a number of issues that had been raised by Local 638 and one other trade within the construction trades, and that is, and Mr. Torpey just testified to the fact that we are not an apprenticeship program, we are an educational program.

Secondly, and of note, with all of our work with the manufacturing community on Long Island within the past year as a result of a 2.4 million dollar Federal grant, we are planning to integrate a manufacturing laboratory in this facility.

This is a project that's been in the planning for six years, first proposed in response to industry needs in 2000. We worked on curriculum. It was approved by SUNY in 2002. At that same time, the County included this project in its Capital Program four years ago.

2003, the Fall of '03, our first class entered. In 2005, this Legislature appropriated \$336,000 for the planning and design of the facility, and we've continued to work up until today for the facility and design.

Also included in the packet is testimony from a number of industry representatives, including many employers of unionized workers, including a number of 628 employers, Local 553 Teamsters, Local 28, and also Local 355. The testimony from the June 7th meeting is attached, as well as a synopsis of the testimony that was presented last week by over ten individuals, both within the HVAC industry. Again, solid support from both union and nonunion contractors, as well as small manufacturers all the way up to multinational corporations that have headquarters, North American

headquarters here in Suffolk County, solidly in support of the project.

We stand ready, willing and very interested in meeting with Local 638 to work out a Memorandum of Understanding to institutionalize that we are not an apprenticeship program, and we ask for your support this afternoon when this comes up for a vote. Thank you.

LEG. CARACAPPA:

Thank you, George.

LEG. LOSQUADRO:

Thank you, George.

P.O. LINDSAY:

Thank you, Mr. Gatta. Pete Quinn.

MR. QUINN:

Good morning, members of the Legislature. Three quick issues.

One, I am concerned about the way the church has opposed the Levy immigration bill by characterizing it as fairness to immigrants. Rather •• and evade the real issue, illegals and illegality. And I find that for churches to be morally reprehensible.

And the second issue, I note that you have 50 new police recruits coming on board in a few months, and I know, not in the ••

P.O. LINDSAY:

It's a hundred. It's a hundred.

MR. QUINN:

Pardon me?

P.O. LINDSAY:

Hundred.

MR. QUINN:

A hundred. I saw 50.

P.O. LINDSAY:

We have a hundred in the academy now.

LEG. CARACAPPA:

Fifty next year.

MR. QUINN:

Okay. Well, the point is, when the new contract comes up for police, it would seem to me that, one, you should extend the 20-year retirement to 35 years, the way other unions are. Second, there should be a three-year final average salary to judge pensions, rather than a single one, where the senior police do overtime, massive overtime. And third, create, instead of a five-year achieving maximum pay, increase the 20 or 25 years. I support unions, but that one union is burning a hole in Suffolk County's budget.

The third point deals with a proposal I made at the Energy Committee meeting where I had proposed that you urge LIPA to sell off the Queens service territory of LIPA to a private company, and then do an auction to sell stock to Suffolk and Nassau ratepayers. The end result should be to lower the principal debt, which is 7 billion dollars. Over eight years ago, it was 7.2 billion, so we've been paying mostly interest during that time. And in the process of lowering those costs, the Presiding Officer asked a question, isn't this going backward and privatizing? And I want to clarify that. No. When you have ratepayers controlling their utility, that's called municipalization, or you're creating a municipal utility entity, and there are hundreds of them around the country. But, if you privatize, then that company goes to Wall Street, tries to get a bond favorable to them, and sticks the ratepayers, not only with the principal, but the interest. Two different things. So I would urge you to consider municipalization by getting both County Executives on board and the new Governor. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Quinn. John Lombardo.

MR. LOMBARDO:

Still morning, I guess. Good morning.

P.O. LINDSAY:

Yes, it is.

MR. LOMBARDO:

My name is John Lombardo. I'm the Director of Corporate training for Suffolk County Community College. Having spent 25 years in industry on Long Island, particularly in manufacturing, I had the honor of speaking last year, while I was still in industry, in support of Suffolk County Community College's training programs. I left industry in January to join the College, because its focus and its performance is on excellent technical training.

This is not really an issue between a union and a college. We train students, workers for the future. We fight globalization by training technical workers. We train General Motors workers, auto workers, we train Verizon workers, we train Toyota workers. And we're about •• we're in the middle of launching one of the most sophisticated technical training programs in the country, and that training for manufacturing needs a facility. We will provide integrated training to students that pass through this facility and give them options. They will take courses that integrate not only into the heating and ventilation industry, but engineering courses and manufacturing courses, and they will have choices. And that's what a community college is all about, provide solid technical training, provide that student with choices for alternative career paths. That's the way we fight foreign competition. We have to train these workers in a variety of areas. That's what we do at Suffolk Community College.

This facility will house millions of dollars of high tech equipment that's ready to be donated. Present endowments exist, we have no place to put it. Sheet metal workers, machinists, welders, technical assembly people, we'll all work together under this one roof. It's evolved over the past 12 months, funded 2.4 million dollars by the Federal Government. They believe in us, they believe in our program. I hope you do as well. Thank you.

P.O. LINDSAY:

Thank you, Mr. Lombardo. Walter Barrientos?

MR. BARRIENTOS:

Good morning. And my name is Walter Barrientos. I work with the New York Immigration Coalition, and we're a statewide umbrella policy and advocacy organization for approximately 160 groups throughout New York State that promote justice and opportunities for immigrants and refugees. I'm also a long•term resident of Babylon, of the Town of Babylon, that's where I've grown up, and I went to Amityville High School.

I'd like each and every one of the voting members of the Suffolk County Legislature to be aware that supporting I.R. 2025 sets a negative example for our communities, for our state, and for our country at large. I.R. 2025 will serve to further suppress and scapegoat the undocumented population, waste taxpayer dollars, and violate the Constitution. Instead of protecting the interest of hard-working members of our community •• of hard working members of our community, it will permit discrimination and profiling that will expose the County to costly litigation, and ultimately do more harm to workers by allowing unscrupulous employers to further threaten and abuse all the hard-working tax-paying immigrants.

I do not think that the voters of Suffolk County have elected you to be in this position so you can make decisions that are against the best interest of our communities, that violate our Constitution, and scapegoat vulnerable members of our community. I urge you to please vote against I.R. 2025, and instead, focus on true comprehensive immigration reform. Thank you.

P.O. LINDSAY:

Thank you. I skipped over Jim McAsey. I saw him come back in the room. Jim.

MR. MC ASEY:

Thank you, Mr. Presiding Officer. Jim McAsey, Director of Jobs with Justice. I'm sure many of you got to Newsday this morning, but for those of you who didn't get a chance to read the editorial today, I wanted to present that.

"The single-minded pursuit of a local solution to a national problem has brought Suffolk County Executive Steve Levy right up to the brink. The County Legislature is expected to vote today for this bill to make sure contractors do not hire illegal aliens. It could turn out to be an expensive victory. To be fair, Levy is not the only local official frustrated by the Federal Government's failures on this issue. Still, proposals carries a real risk of spawning lawsuits that could cost Suffolk taxpayers money. That would run counter to his image as a frugal guardian of the public purse. It also would create inconsistency with surrounding counties."

"The problem is that immigration is an issue that Congress reserves to itself. Federal law already requires employers to verify the immigration status of their workers. Levy's bill would add a requirement on firms with County

contracts. They'd have to submit affidavits to certify that they have complied with Federal law or face County penalties. But that same Federal law also preempts state and local laws."

"Both Levy's County Attorney and the Counsel for the Legislature say there's no preemption problem, but suppose they are wrong, or suppose someone sues over one of these sections of Levy's bill the Legislature Counsel concedes, quote, may be vulnerable to legal challenges, unquote. How much will it cost the County to battle the lawsuits? How much will enforcing the law cost?"

"One enforcement estimate from the Legislature is as high as \$300,000. Is Levy ready to spend that amount? Levy probably has the votes, because Legislators don't want to be seen as soft on illegal immigrants, but it won't accomplish much, other than add shine to his image as the people's valiant defender against the undocumented, a reputation he seems to cherish almost as much as the more valid one for frugality. Here's the bottom line. Levy's real job is controlling spending, not immigrants," unquote.

That's from today's Newsday editorial page. I'm going to reserve my comments for that. Thank you very much.

P.O. LINDSAY:

Thank you. Gene Parrington.

MR. PARRINGTON:

Good morning, distinguished Board. My name is Gene Parrington, Business Rep for Local 25 IBEW. Although I'm not feeling well, I was asked not to miss this meeting. By now, we all know the facts about I.R. 2025. The twenty•five hundred members that I represent are outraged. They are playing by the rules, they're paying their taxes, and they're sitting home while these undocumented workers are working and not contributing. This has to stop.

Resolution 2025 is not perfect. I applaud Suffolk County Executive Steve Levy for trying to clean up a mess that the Federal Government does not want to address. Thank you.

P.O. LINDSAY:

Thank you. Mike O'Rourke. Mike O'Rourke. One last time, Mike O'Rourke.

Okay. Dr. Luis Valenzuela.

AUDIENCE MEMBER:

He's outside.

P.O. LINDSAY:

Well, if he wants to talk, he's got to come inside. I'll wait a minute, but that's the last card. Is there anyone else in the audience that would like to speak under the public portion? Seeing none, I will entertain a motion to close the public portion.

LEG. LOSQUADRO:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. We're going to go to the agenda.

MR. LAUBE:

16. (Not Present: Legs. Montano and Mystal)

P.O. LINDSAY:

Well, if •• in the back room, if there's any Legislators back there, if they could please come to the horseshoe, we're about to go into the agenda. Too late.

DR. VALENZUELA:

All right. I still ask you to kill the bill, so please vote against it.

P.O. LINDSAY:

Okay. We'll go to the Consent Calendar. Make a motion. Is there a second? Second by Legislator Barraga. All in favor? Opposed? Abstentions?

LEG. CARACAPPA:

I'm here, Mr. Clerk.

MR. LAUBE:

17.

P.O. LINDSAY:

Page 4 of the agenda, resolutions tabled ••

MR. LAUBE:

18.

P.O. LINDSAY:

•• to September 19th, 2006.

TABLED RESOLUTIONS

I.R. 2022 (Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton). I'm going to make a motion to table that for one more ••

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

•• period, because we have still not gotten any reply to my letter from CEQ. I've sent a follow•up letter asking for some response. And if we don't get it soon, we're going to act on it without their input.

LEG. SCHNEIDERMAN:

Second.

D.P.O. VILORIA•FISHER:

On the motion, Mr. Chair.

P.O. LINDSAY:

Yeah, on the motion. Before I recognize Legislator Fisher, Counsel wants to add something.

LEG. SCHNEIDERMAN:

Did you get my second on that?

MS. KNAPP:

Just that I've spoken to Jim Bagg from CEQ and, this is, apparently, on track now to go before CEQ in December. They're doing an EAF and other things have to happen before that, but they are •• they are moving on your request.

P.O. LINDSAY:

It would be very nice if they communicated with this Legislature on what they're doing. The initial request was made in April, and I find that unacceptable and disrespectful to this body. Legislator Viloría•Fisher.

D.P.O. VILORIA•FISHER:

Actually, when I spoke with CEQ at their meeting and I asked what had happened to this, it had been sent to a department for review from there and then was sent back to CEQ, as Counsel has stated, to be put on their agenda. It had not been put on their agenda. When they received the letter, it was referred to a department for review to give them the design and give them more background material on it.

P.O. LINDSAY:

And I can appreciate that. But communications goes a long ways ••

D.P.O. VILORIA•FISHER:

Absolutely.

P.O. LINDSAY:

•• especially when it's a pending resolution that has a time line.

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Okay. A motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Nowick)

P.O. LINDSAY:

I.R. 1157 • To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use. Legislator Cooper?

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table. Do I have a second? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Nowick)

P.O. LINDSAY:

I.R. 13 ••

LEG. ALDEN:

Why 17?

MR. LAUBE:

Legislator Nowick.

LEG. ALDEN:

Oh, Lynne. All right.

P.O. LINDSAY:

I.R. 1393 • Adopting a Local Law to amend the membership of the Hispanic Advisory Board. Legislator Montano, what's your pleasure?

LEG. MONTANO:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Losquadro.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

Any discussion? On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I wanted to know, has the bill been changed now? Which Legislators would have members on this committee?

LEG. MONTANO:

Well, I don't have •• I don't have the breakdown of the Legislators, per se. All we've done here is amend the original statute to require 10% rounded off to its highest number. So I believe you were at 9.9, so you're •• you would be covered.

LEG. SCHNEIDERMAN:

I think I'm at 9.99.

LEG. MONTANO.

9.99, so •• and also, what we've done is we've grandfathered in the members of the •• those have been appointed, so that their term would not expire until one year after the passage of the statute, which would be in 2007. So this gives us time. And this bill really was requested by the Hispanic Advisory Board members, because they felt that the membership under the existing 5% rule was just unwieldy, they had too many members. So I'm going to •• it's been tabled for awhile. It has been amended. I think it addresses your concerns. It might address also the concerns of those that had appointed someone under the old standard, but the reality is that the Board has difficulty functioning under its present structure. So I would ask that we approve it, and we can always come back to the table again if we feel that this is not working.

LEG. SCHNEIDERMAN:

That's fine.

MR. MONTANO:

I'm just going to ask for an up or down vote.

P.O. LINDSAY:

Anyone else? No? Okay. We have a motion and a second to approve. All in favor? Opposed? Abstentions?

D.P.O. VILORIA • FISHER:

I'm opposed.

LEG. COOPER:

Opposed.

LEG. D'AMARO:

Opposed.

MR. LAUBE:

14. (Not Present: Leg. Nowick) (Vote Amended to 15)

P.O. LINDSAY:

I.R. 1414 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the improvements to the HYO Suffolk County Complex field. Legislator Kennedy?

LEG. KENNEDY:

I'll make a motion to table.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Nowick) (Vote Amended to 18)

P.O. LINDSAY:

The next one on your agenda, ***1415 (Establishing a policy and procedure***

for the naming of County facilities), Counsel is telling me was withdrawn; is that correct?

LEG. COOPER:

Correct.

P.O. LINDSAY:

Okay. **1515 • Amending the 2006 Operating Budget and transferring funds for various contract agencies.** Legislator Romaine, what's your pleasure?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Any discussion?

LEG. COOPER:

Motion to table.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion to table, second by Legislator Horsley to table.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Through the Chair, if we can have an explanation if this is just money that

was contained in the Operating Budget that was discretionary, so to speak, on the part of the Legislators? Omnibus money, I guess, as we call it, right?

MS. VIZZINI:

Yes, that's true.

P.O. LINDSAY:

Is the tabling motion, is there any explanation why the tabling motion is requested?

LEG. ROMAINE:

Besides it having my name on it.

LEG. COOPER:

Well, this has been an ongoing debate for the past •• ongoing debate for the past several months about whether it's appropriate to spend Suffolk taxpayer dollars on the census that has no legal standing.

LEG. ROMAINE:

Okay.

LEG. COOPER:

There was no problem with the •• there was no problem with the other two.

LEG. ALDEN:

Actually, that part of it's been amended, but ••

P.O. LINDSAY:

Through the Chair, Legislator Alden.

LEG. COOPER:

I'm sorry. Then how is it amended?

MR. ROMAINE:

The funding for the census was removed.

P.O. LINDSAY:

Okay. Wait a minute. Through the Chair. I'm going to go back to the sponsor. Legislator Romaine, do you want to talk about the amended version?

MR. ROMAINE:

Yes. The amended version has no funding for any census in Greenport. The amended version has the thirty•two hundred dollars for the Boy Scouts, fifty •six hundred dollars for the Ambulance Committee of the Moriches to buy an opticon, which turns the light from red to green for ambulances, and the remaining balance to the Vail•Leavitt Music Hall, the Stark Music Hall over here in Riverhead, that's it.

LEG. COOPER:

I withdraw the tabling motion.

LEG. ROMAINE:

There is no funding for the census.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

He's withdrawing the motion.

LEG. ALDEN:

To table, I know.

P.O. LINDSAY:

But you want to talk about the approval motion?

LEG. ALDEN:

Yeah.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

I just have a problem with a debate on this omnibus money. If we're going to debate every line that every Legislator put in, then let's do that. But as far as I'm concerned, we all agreed to a process and now •• and what's been going on with this resolution for the past whatever number of cycles, I think it's opening up a new avenue, so to speak, that either we're going to pursue that that way, or we're going to go with the omnibus money the way it was

originally put in. So I'd like to get a little bit of a sense of do we want to challenge every line item that every Legislator did? Then maybe that's what we're going to do in the future, too.

P.O. LINDSAY:

I think Legislator Cooper withdrew the tabling motion.

LEG. ALDEN:

I know, but ••

P.O. LINDSAY:

Okay.

LEG. ALDEN:

•• I'm just a little bit disappointed ••

P.O. LINDSAY:

Okay.

LEG. ALDEN:

•• that it was even made in the first place and that we've been debating where a Legislator, who had money at his discretion to dictate, we've been holding that up. And maybe let's be fair to each other and to other Legislators, and if that's going to be the case, then let's hold it all up for every Legislator, not just one Legislator, Legislator Romaine.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1525 • A Local Law to establish responsible euthanasia standards at animal shelters.

LEG. ALDEN:

I'm going to make a motion table. I've got some ••

P.O. LINDSAY:

Okay.

D.P.O. VILORIA • FISHER:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Motion to table by Legislator Alden. We had a second to that? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1586 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the planning improvements to Raynor Beach County Park.

LEG. KENNEDY:

I'm going to make a motion to table, Mr. Chair, and then ••

D.P.O. VILORIA • FISHER:

Second.

LEG. KENNEDY:

•• I'd just like to speak briefly on it, if I can.

P.O. LINDSAY:

Okay. We have a motion and second ••

LEG. LOSQUADRO:

I'll second for the purpose of discussion.

P.O. LINDSAY:

Well, I have a second from Legislator Vilorina • Fisher. And I recognize Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Again, in an effort to keep my colleagues up to date on what's going on with this initiative, I have been in contact with the Town of Brookhaven about seeking and obtaining a Town Board resolution for 50,000 to put towards a partnering for the construction of the sidewalks. I anticipate I'll have that resolution by our next cycle, and so it's my intention to submit an amended resolution and seek the support of my colleagues to go ahead and get approval. Thank you.

P.O. LINDSAY:

Thank you for your work on this, Legislator Kennedy. Anyone else want to speak on this issue? Okay. All in favor? Opposed? Abstention to the tabling motion? I.R. 1629 was with ••

MR. LAUBE:

18.

P.O. LINDSAY:

Oh, I'm sorry. Thank you. **1629** was withdrawn; am I correct, Counsel.

MR. NOLAN:

Yep.

P.O. LINDSAY:

Okay. ***I.R. 1877 • Authorizing planning steps for implementation of Suffolk County Workforce Housing Program.*** Legislator Cooper, what's your pleasure?

LEG. COOPER:

Motion to approve, please.

P.O. LINDSAY:

Motion to approve. I'll second the motion.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Through the Chair, can I have an explanation of how this actually works and how much money is involved?

P.O. LINDSAY:

If you don't mind, I'll refer back to the sponsor, okay?

LEG. ALDEN:

Okay.

LEG. COOPER:

Well, the amount of money involved is unknown. This is planning steps, so the purpose is to find out what the value of the property is. But we'll be partnering with the Town of Huntington in a 50•50 partnership using funds, Suffolk County funds set aside for promotion of affordable housing. This is a unique program that's been developed in the Town of the Huntington. There's actually already been inquiries, I understand, received from various parts of the country that have interest in this innovative program seeking to perhaps replicate it.

This would be •• they've looked at, I believe, well over a dozen potential parcels for acquisition and conversion into affordable housing. This property was at the top of the list. As you may recall from previous discussions about this property, this was the single most crime ridden address in Huntington Station, directly across the street from an intermediate school, and the Take Back the Block Program would, by partnering with Suffolk County, allow them to take control of this property, convert it into affordable housing, and there'll be a rental component that will allow the family that buys the affordable home to better afford it. So it actually creates affordable housing for two families at a previously decrepit site.

LEG. ALDEN:

And I apologize if you answered this already, but how much money is Suffolk County putting in, how much money is Huntington putting in?

LEG. COOPER:

Well, it's 50•50. But, again, it's planning steps, so we don't know what ••

P.O. LINDSAY:

Don't know yet. Don't know until the ••

LEG. ALDEN:

Okay.

P.O. LINDSAY:

•• appraisals are done.

LEG. ALDEN:

Does this include in the resolution the authority to condemn the property if there's not a willing seller?

LEG. COOPER:

No.

LEG. ALDEN:

So this would just be to negotiate with a willing seller.

LEG. COOPER:

Hopefully there is •• there was a willing seller in the past. I'm hoping that there still is a willing seller, but we just don't know. That's why we want to move as quickly as possible in the planning steps.

LEG. ALDEN:

Is the property occupied at the current time?

LEG. COOPER:

The Town of Huntington is currently leasing the property, but it's not occupied.

LEG. ALDEN:

Leasing it for what, though?

LEG. COOPER:

My original intent last year was to convert this property into a community center. But because of opposition from some of my colleagues, we've dropped that plan and, instead, decided to use an existing County program to promote affordable housing, and that received the full support of the Town of the Huntington.

LEG. LOSQUADRO:

You've got to speak up a little, Jon, I can't hear you.

LEG. MONTANO:

Jon, we can't hear on this side.

LEG. ALDEN:

Oh, good. I'm glad I'm not the only one, because I thought I was just completely deaf. I know I have •• I'm hearing impaired, but •• and, Jon, or through the Chair, whoever is appropriate to answer this, our affordable housing program right now in the County consists of a couple of different things. One of them is, if we acquire property for nonpayment of taxes, we can deed it out intergovernmentally to any town or any •• even a village for affordable housing purposes. This •• is this a current program that we have where we would actually partner with a town and buy property, individual parcels?

LEG. COOPER:

George, would you like to address that?

P.O. LINDSAY:

Why don't we have Counsel answer that, if you don't mind, Legislator Alden.

MR. NOLAN:

This is permissible under Article 36 of the Administrative Code. It talks about the acquisition of land by the County in conjunction with a municipality, which includes both vacant parcels and improved parcels, so it's permissible. And I believe there's been one case where this was done. Previously, it was a County Executive resolution, but I don't remember the details.

LEG. ALDEN:

Okay. Now it requires a 50•50 split, and it requires •• I know some of them require resolutions from the other municipality.

MR. NOLAN:

I think, if we go ahead with this particular purchase later, after the planning steps are done, a Town Board resolution will be needed. The Administrative Code doesn't say it has to be 50•50, but my understanding, that is what is going to be happening here.

LEG. ALDEN:

Okay. Now will the planning steps look at the responsibility to relocate any tenants? Because when there's government action involved and property changes hands and there's a tenants, there's a responsibility on the acquiring municipality or governmental entity to replace those people into a •• I guess either an equivalent or better circumstances than if there were in ••

LEG. COOPER:

Well, once again, you may not have heard, but there are no tenants at this property currently, it's been vacant for a number of months. And, number two, it's actually not correct that it's going to be a 50•50 partnership. It's a 50•50 partnership to acquire the property, but the Town of Huntington has committed additional funds to refurbish the property to make it suitable for affordable housing.

LEG. ALDEN:

All right. Thank you.

P.O. LINDSAY:

Okay. I have a list. Legislator Mystal? No? You're through? Okay. Legislator Romaine?

LEG. ROMAINE:

Yes. I thought I recognized this address. It was before us before in the form of another resolution that I don't believe the Legislature went for. We obviously have gift•wrapped it in another form as innovative, and that's interesting. And I think all of us are very interested in the precedent, because we all have in our areas different homes that have problems where there may be drugs or other activities there that are not good, or where there may be code violations that perhaps the towns aren't enforcing that maybe we can convince our towns to purchase.

I just would say this. I sit on the Ways and Means Committee. We consider land for acquisition. I sit on the Environment, Planning and Agricultural Committee. We consider lands for acquisition there. And any time that •• and I know Steve Stern will confirm this. Any time that we are going to partner with the Town, we want a letter, a form of a resolution, something up front before we make that commitment.

My suggestion to the sponsor is to possibly table this until there can be that

type of resolution coming forward from the Town of Huntington. And my suggestion to the rest of our colleagues is that we should look at this very innovative program, because I can think of thousands of homes throughout Suffolk County that we can be innovative with, that we can get rid of drugs, or crime, or decay, and we can partner with our towns and talk about purchasing this.

I understand it's only a planning step, but it would be more helpful to me if there was a Town Board resolution, notwithstanding the speaker from the Town this morning, a Town Board resolution or a letter signed by the Supervisor indicating their intent. Thank you, Mr. Chairman.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This is deja vu in a couple of different ways. One is because we've seen this Tower Street property here before this Legislature on several occasions. But it also reminds me of a bill about a year ago in this room when Babylon was looking to get some money for their school fields from the County, and the question was was this really a County•Wide purpose, or was it something that was just going to help the Babylon School District.

This is obviously a bad house with a bad landlord and maybe bad tenants. We have situations like this all over the County. I have plenty of overcrowded houses in my district that I wonder, if I came here to have you guys pay for that, would you do it? And the answer is probably •• probably not.

MR. ROMAINE:

Because it's in our district.

LEG. SCHNEIDERMAN:

You have bad tenants? Where is the P.D.? If there's so much crime at this house, where is the Police Department? Where is Code Enforcement if there's illegal apartments? All of these issues. Why aren't they dealing •• why didn't they deal with those things in the past? It may be vacant now. This is already an affordable home. As I understand it, this was part of the Section 8 program. There are plenty of HUD regulations that could be enforced. We took a house to task in East Hampton with \$25,000 in

penalties, because they had an illegal apartment in a Section 8 house. There are a lot of things that can be done here.

I have some additional questions. If the County is to embark on this new program, which with no criteria to establish which houses fit this program, will we retain an ownership interest? Will we •• will it be sold to somebody else? Will the County be made whole? Will we get a portion of the rents if it's rented? Or will this just simply be given at a discounted price to somebody, which may constitute a gift of public funds and violate our own statutes? So I have a lot of questions.

And this program •• there's no program for me to look at, because they're going to develop a program around this house. So we don't have a program, we just have a troubled house in a troubled neighborhood. And the Town, if it really thinks that, it should just go and buy it. If they want the County to buy a park in the neighborhood, I'm all for it. Same amount of money, it makes sense. But to start buying individual houses that are troubled houses is opening up a Pandora's box and setting a precedent that could really end up economically crippling the County with all the homes we have trouble with. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And we are rehashing a point that's been made many, many times. We've seen this bill in different forms before us many times. And the position of this Legislature has been consistent in that we do not want to embark on this type of program. And notwithstanding any support forthcoming from the Town as to whether or not they would or would not formally say they would partner with us, I think that's irrelevant. I do not think that this is an appropriate use of our funding. And, really, it's a cop•out for a situation where we had public safety, and law enforcement, and town codes that we were •• that were either unable or unwilling to be enforced in this area, and I do not feel that this is the solution, and I am steadfast in my opposition to it.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I equally have some concerns about, I guess, the precedental nature about this. And I find that as we all go about, while I appreciate the support of all my colleagues when it comes to planning steps resolutions, I personally have encountered somewhat of a quandary. Those who have had the opportunity to read Newsday today will see that there is somewhat of a dilemma that's underway, as a matter of fact, with the Lake Ronkonkoma trailer park. My planning steps resolution was introduced when this property was put on the market. At no time did I ever seek to advance an opportunity to evict tenants or to go ahead and cause or work a hardship. Nevertheless, unfortunately, that message was transmitted to the prospective •• to the owners.

I see with this something that the sponsor articulates as a policy that may perhaps be a noble policy. Unfortunately, my own personal experience is these policies do not get implemented, embraced or delivered by the administration. So I am once again concerned and, if you will, gun shy. And I will not vote for this, because I do not believe that it's a policy that would be embraced by the administration, as far as dispossession of tenants, or an opportunity to go ahead and work it out, ultimately, that it would be to the benefit of those that are distressed or in hardship way.

P.O. LINDSAY:

Legislator Cooper, do you want the last word? No?

LEG. COOPER:

No. A motion to approve.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Okay. We have a motion to table.

MR. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. The tabling motion takes precedent. All in favor of tabling?

LEG. COOPER:

Opposed. Roll call, please.

P.O. LINDSAY:

Opposed?

LEG. COOPER:

Roll call, please.

MR. LAUBE:

Do a roll call?

P.O. LINDSAY:

Okay. I've been asked for a roll call on the tabling motion. Mr. Clerk?

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes to table.

MR. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Pass.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No to table.

LEG. COOPER:

No to table.

D.P.O. VILORIA • FISHER:

No to table.

P.O. LINDSAY:

No.

LEG. BROWNING:

No.

LEG. MONTANO:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay. Motion to approve. Okay. Do you want a roll call, too?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Legislator Cooper?

LEG. COOPER:

Not necessary.

P.O. LINDSAY:

Roll call.

MR. LAUBE:

Legislator Cooper.

P.O. LINDSAY:

He's calling the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

Ten.

LEG. COOPER:

Thank you very much.

P.O. LINDSAY:

I.R. 1884 • A Local Law to ensure payment of fair wages and enforcement of job site safety standards on public projects.

D.P.O. VILORIA • FISHER:

I'll make a motion?

P.O. LINDSAY:

Yep. We have a motion by Legislator Viloría•Fisher. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

D.P.O. VILORIA • FISHER:

On the motion.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

First, I'd just •• I'd like an explanation, but I'd like the explanation to include what the current state of the law is in Suffolk County, because I believe that currently we do, through the D.A.'s Office and through the Department of

Public Works, have this exact scrutiny or oversight.

P.O. LINDSAY:

If it's okay, I'll recognize the County Attorney's Office.

MR. BROWN:

Thank you. For the record, Dennis Brown. With respect to your question, if I understand it fully, if there is an awarding agency and they're in violation ••

LEG. ALDEN:

I'm sorry.

MR. BROWN:

Go ahead.

LEG. ALDEN:

You've got to speak up.

D.P.O. VILORIA • FISHER:

It's hard to hear you.

LEG. ALDEN:

I'm almost deaf.

MR. BROWN:

Okay. When there is a bidding process, when there is an awarding agency, before a bidder is determined to be a nonresponsible bidder, the awarding agency gives the bidder an opportunity to be heard and explain him or herself or itself about why the contract should be issued to the bidder. In this particular case, what we did was the responsible bidder definition was amended to include violations of the Labor Law. And, of course, we did not include every single section of the Labor Law, enumerate every single section of the labor law where there could possibly be a violation, because there are many. So we listed the Labor Law in general, we listed safety violations, and we also listed violations of the Living Wage Law.

With respect to the safety violations, because there could be de minimus or serious violations, we specifically enumerated •• I'm sorry. We specifically granted discretion, which I think the awarding agency already has. But, in any event, to answer some of the questions of the Legislature, we specifically

specified discretion to the awarding agency in considering safety violations before a determination is made about the responsibility of the bidder.

LEG. ALDEN:

Are you done?

MR. BROWN:

Yes.

LEG. ALDEN:

All right. Because, originally, if somebody had been required to post something and say it got put up on the wall and it got ripped down, that's a violation of OSHA and maybe even some other State employment. So how does this change that?

MR. BROWN:

Because it grants •• that would be a de minimus violation. So it grants discretion to the awarding agency to consider the seriousness of the violation.

LEG. ALDEN:

So this isn't looking to •• once the contract is awarded, we're not looking to police the contract or ensure that the contract, everything is followed according to County law. This is strictly on the front end of it, where the contract would be awarded or not awarded, the determine whether you're a bona fide type of bidder or ••

MR. BROWN:

That's correct, the front end side.

LEG. ALDEN:

How much discretion is in here, then, still? Because I could see it being misused by a bureaucrat.

MR. BROWN:

You know, discretion, I can't answer that question, because the discretion is a subjective thing that does take place during the evaluation of the bidding process. But it nevertheless specifies that the awarding agency does have discretion.

LEG. ALDEN:

Okay. What problem was this designed to correct? As an attorney, that's pretty much what you would draft something for, right? If there was a big problem, you'd try to correct it with this. What was that?

MR. BROWN:

Well, I can tell you that, initially, there was concern about whether a prevailing wage, which is in the State statute, whether that would be paid on the project, and whether a violation, a preexisting history perhaps, violation of the prevailing wage statute would become a factor in determining whether or not a bidder was a responsible bidder. That would be one example.

P.O. LINDSAY:

If you don't mind, and I'd like to exercise the ••

LEG. ALDEN:

Sure.

P.O. LINDSAY:

•• you know, my prerogative as the Chair, this is something that in my prior life I was involved in a lot. And typically, when attorneys looked at low bidders on their responsibility, were they a viable entity, could they get a bond, that was as far as responsibility went. And for years, we thought it should •• in the public interest, it should go further, that, you know, the low bidder's record, as far as safety and health violations with their employees, about living up to State and Federal statutes, about paying prevailing wage, about prior •• being found prior guilty of violating other State and Federal laws should be taken in as a whole into this formula of assessing responsibility, and I believe that's what this does, is increase the criteria of what a responsible bidder should be. It should be more than just a bond. And I'll cite an example that we're very familiar with.

I mean, we all went to the opening of Raynor Park a few weeks ago or months ago, and that project was a nightmare. It went on for four years, because the first contractor we had was deemed to be responsible because he secured a bid. But he was obviously irresponsible, because we had to throw him off the job in a matter of months because of lack of performance, which is something that I believe should go into this assessment as well, past performance of other contractors, you know.

LEG. ALDEN:

This actually codifies what you have to look at, but •• and I've been involved in bids and responsible bidders for about •• probably about 30 years now, because we were in a bus business and that's one of the things we had to do every year was bid on all the contracts. But the authority that is actually getting the bid always had the prerogative, so to speak, to look at every aspect of, you know, what a responsible bidder is, and they could cite that in their •• if they wanted to excuse a bidder, they could cite it.

P.O. LINDSAY:

My experience in the construction business, Legislator Alden, was just the opposite. If they secured a bond, you'd have to jump through hoops to get the agency to throw out their bid and declare them irresponsible, simply because there wasn't any definition of what responsible was.

LEG. ALDEN:

I just hope that this would be used in a responsible manner, not to, you know, discriminate against some company, that, you know, "We just don't like you," and we're •• you know, now we're going to pick apart the fact that you had four •• well, see the maximum occupancy sign back there? You're supposed to have two of them, one on each wall and maybe one back here. So that type of thing, I hope it's not going to be used to dismiss bidders or to create a situation where you're going to deem them as irresponsible bidders and throw them out of the bidding process.

MR. BROWN:

Of course, I can't speak to how an individual person may act under a specified circumstance at some time in the future. That, of course, is discretionary. But what I can tell you from the previous experience that I've had is when there has been an objection to the possibility of a determination of a bidder being a nonresponsible bidder, there have been circumstances where the Law Department has reviewed the process and commented on the legal application of the definitions in the statute and the individual contract in question.

LEG. ALDEN:

Right, but there's no requirement in here that this go to the Law Department. This actually •• whoever's awarding the bid, whatever level that

is, they have a lot more discretion now and a lot more of an ability to throw a contractor out.

P.O. LINDSAY:

Again, if I •• forgive me if I keep jumping in, but I think there's a process. If you are declared irresponsible, you can go to an administrative hearing and challenge that determination.

LEG. ALDEN:

I'm just expressing a grave reservation I have with this bill. It probably is a good idea to codify some of the things that •• you know, where you can render somebody or render a decision if they're irresponsible, but I really have reservations about the amount of power we're giving to maybe one or two individuals here. Thank you.

P.O. LINDSAY:

Okay. Legislator Viloría•Fisher.

D.P.O. VILORIA•FISHER:

I thought he was going to answer that just now. Was he going to say something else?

P.O. LINDSAY:

Do you ••

MR. BROWN:

The only thing I was going to add was that a lawyer from the Law Department attends the responsibility hearings.

P.O. LINDSAY:

Okay. I got you. Go ahead.

D.P.O. VILORIA•FISHER:

Thank you, Mr. Chair. I made the motion to approve, because I think 1884 is a very good idea in defining a responsible •• a nonresponsible bidder. And I think that it's a very excellent way to get rid of the cheaters that are often referred to when we are discussing 2025. With that in mind, I had asked that the County Executive amend 1884 to include a provision that would refer to the Federal Law, also known as Simpson Mazzoli, and those bidders who violate the provisions of that law would also be defined as nonresponsible

bidders.

The question that was asked by Legislator Alden, which is what problem was this designed to correct, well, that would be a problem that another resolution was designed to correct. Would we be able with 1884 to achieve some of the goals that we are seek •• that the County Executive is seeking to correct in 2025 if we were to expand the definition of a nonresponsible bidder to include those who are in violation of Simpson Mazzoli?

MR. BROWN:

I can't speak to 2025, but I can say that the violations that you're talking about would not be •• would not be as part of this 1884 as drafted.

D.P.O. VILORIA • FISHER:

No. Then you missed the whole first part of my question, which was that I asked the County Executive to amend 1884 in order to include a provision that would expand the definition of "nonresponsible bidder" to be one who is in violation of Simpson Mazzoli, the Federal provision.

MR. BROWN:

Your question, I'd have to defer that to the County Executive's Office.

D.P.O. VILORIA • FISHER:

Well, you're an attorney. Okay. I'm not asking you to make a policy statement. I'm asking you, as an attorney, if we were to define "nonresponsible bidder" as a bidder who is in violation of Simpson Mazzoli, as well as the State •• okay.

LEG. MYSTAL:

Here comes the big gun.

D.P.O. VILORIA • FISHER:

As well as those who are in violation of •• and, you know, there are many people here from Labor who should be listening to this, because I did propose this as a way of taking some of the volatility out of what we see in 2025, and looking at this simply as the County being a consumer of services, rather than trying to enforce, perhaps in violation of the Constitution, enforcing federal law, that we would see it as a consumer who's entering into a contract. And as a consumer or an agency who's entering into a contract, we would have the ability to weed out those cheaters as nonresponsible bidders.

If we're doing that, then it would be a cleaner way of achieving our outcome, which is to weed out those nonresponsible bidders, to weed out those people who are being called cheaters, to provide for an equal playing field, a level playing field. So my question, then, is for •• and I will ask more than one attorney to answer this question, which is, if we expand the term "nonresponsible bidder" to include those who are in violation of Simpson Mazzoli, would we then have the ability through 1884, if it had been amended that way, to achieve our goal?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We had that conversation. You and I had one conversation. By the way, Paul Sabatino, Chief Deputy County Exec. Deputy Presiding Officer Fisher and I had that one conversation initially with respect to possibly doing it as an alternative bill to the bill that was currently in front of us. Then there was a second separate conversation with the County Executive. The short answer is that, yes, you could use 1884 to add additional provisions along the lines of what you described and along the lines of •• at the time we were talking, we were talking about OSHA provisions, I believe. But the concern at that particular juncture was that it would be a smaller universe of contract entities that would be covered, since it would be dealing with the responsible bidder scenario, which is a smaller category of the total number of contracts that would be covered by 2025.

So, legally, yes, you could weave in language and make it part of 1884. And, in fact, I had a separate conversation with Legislator Cooper at the same time, literally, on the same day, and I think that's led to him filing an alternative bill, rather than merging the two ideas into one bill. And then, in the end, what it really came down to was a philosophical difference, you know, between the County Executive and that particular proposal where he felt that his proposal was more comprehensive and he wanted to go down that path, as opposed to having a smaller universe. Although, legally, you know, you're absolutely correct, legally, you could weave in different kind of language, but you'd only be dealing with the responsible bidder situation, so •

D.P.O. VILORIA • FISHER:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay.

D.P.O. VILORIA • FISHER:

When you speak to a smaller universe, isn't it, in fact, that smaller universe of contract agencies where the problem exists? And let me expand on that. We have •• Newsday said 6,000 contracts. I don't know the correctness or incorrectness of that number. However, I do know that this Legislature introduces many pieces of •• many resolutions which include contracts with not•for•profit agencies, small agencies that deal with the County, and those probably shouldn't be included in this universe, and, indeed, they are in 2025. What we are referring to here are those contracts with bidders who probably are the ones who are violating Simpson Mazzoli, and probably we should focus on that smaller universe. That would be a more appropriate universe, rather than tying up •• and some not•for•profits are concerned. If there's a not•for•profit, for example, who has a contract with the County, and that not•for•profit might be leasing space in a building where perhaps that landlord is having the lawn mowed by people who are illegal, how far is the stretch in 2025? How many generations away from the contract do we go?

I find it a very ambiguous piece of legislation. That's part of the reason why I'm not supporting it. However, if we had redefined "nonresponsible bidder" within the parameters set forth in 1884, I think we would have a much cleaner target of reaching those cheaters, as the County Executive calls them, or what we call here nonresponsible bidders. And so perhaps that smaller universe is precisely who we should be targeting with these pieces of legislation.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, these are •• I hear your point. These are philosophical differences that elected officials, you know, have with regard to how far, how elastic the bill should be. But by way of example, there are other people who believe that the 15,000 occupational licensees that we currently, you know, regulate should be part of the mix. That was not made part of the mix in the first instance, that might be part of a later piece of legislation.

Number two, with respect to the smaller universe, it's not just a smaller universe at the threshold, which is the people that are actually obligated to do the bidding. But the difference between 1884 and the current bill, 2025, is that at the back end of the process, you know, after you've got the contractor, 2025 allows for an ongoing review of the certification process, so you can ascertain whether or not employees that are hired after the contract

are awarded are in compliance or not.

1884, by design, was crafted really to deal with litigation that we were not successful in with the Coram Health Center, which is •• was a starting point of trying to deal with the prevailing wage issue. It never talked about or thought about what about employees that are coming on board after you have a contract awarded. The advantage of 2025 is that, on an ongoing basis, from day one to the end of the contract, you have the ability to impose those penalties, or at least hold out the possibility of terminating the contract. So ••

D.P.O. VILORIA • FISHER:

But you do have the threat here that that bidder, and somebody who is bidding on a contract as large as the Coram Health Center, would probably want to be on the list for future bidding. And you do have that ability to take them off the bidder's list as a nonresponsible bidder, or at least make them have to go through the process of that review in order to remain on the responsible bidder list.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes. Again, you know, not to •• your points are well taken with respect to a certain philosophical orientation as to how far the bill should or should not go. We respect that. You know, we just believe that we've got the right bill at the right place at the right time ••

D.P.O. VILORIA • FISHER:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

•• in terms of its overall scope or magnitude. It doesn't preclude, however, the kind of conversation that you're having, the dialogue I've had with Legislator Cooper in terms of amendments he wants to do to 1884 ••

D.P.O. VILORIA • FISHER:

But the importance in underscoring this ••

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

•• or going for the occupational licensees.

D.P.O. VILORIA • FISHER:

The importance in underscoring that there are legitimate differences and that there are •• that there are alternatives to one particular path is that those of us who are opposing that particular path and are proposing a probably more focused view or a more focused course of action are also being painted with a very broad brush as being people who don't believe in upholding the law, or who perhaps are not supporting those people in our trades who find themselves without a job. And that's not really seen in, you know, in a kind of epistemological view of looking at something on data, and looking at the facts, and looking at different positions philosophically. So, with that in mind, I think it's very, very important to clarify that 2025 is not the only way in which the issues that we have with bidders who are not responsible, or with contractors who are breaking the law, that is not the only alternative that we have before us, that I did provide an alternative that would have achieved that outcome without some of the other attending issues in that particular •• with that particular problem. That's not a question, so you don't have to give me an answer. But I believe that that's why it's important to make this very, very crystal clear.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I would just make one observation, not a response, but an observation. I thought Legislator D'Amaro the other day did a very good job of summarizing the notion that there have been mischaracterizations on both sides of the issue. Some people have said the proponents of the legislation are anti •immigrant, and other people have said that those who oppose the legislation, you know, don't want to uphold the law. What I said at the committee last week is what we really believe, which is that people should vote their values, their philosophy, you know, their beliefs. We think it's the right bill at the right place at the right time. We respect the fact that other people have a different or an alternative approach, a way to get to the same goal or to a slightly different goal or objective. We just feel that today's the day to vote on that bill. We also think this bill should be voted on today, because a lot of work has gone to it •• into it. It will deal with something that came out of litigation that involved the Coram Health Center when we were building it and we had the inability to enforce the prevailing wage. So we support both bills and hope that they both get adopted today.

D.P.O. VILORIA • FISHER:

And to that end, I have introduced a separate bill that would define the nonresponsible bidder as someone who is in violation of federal law, as well as State and Local Law.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I may need to go ahead and pose a question to the Chief Deputy County Exec. But first, I would like a definition from our Legislative Counsel as to •• let's begin with the term "public project". What is the scope of this legislation, and what, in fact, will it cover?

MR. NOLAN:

Well, the applicability section says it will apply to any public project contract, which makes me think that perhaps a word was left out there and they meant to eliminate the Public Works projects. I don't know. But I should say that it's •• this is going to be part of Chapter 143, which deals with nonresponsible bidders, and that chapter of the law applies not only to Public Works projects, but all contracts the County may enter into.

LEG. KENNEDY:

Again, it's not our job here, I believe, to go ahead and probe the mind of the sponsor to see whether or not they did or did not include language that they did or did not intend. We're working with what we have in front of us. And so it seems to be that, in fact, this is something that's intended to go ahead and apply towards the full scope of that section of the Administrative Code. Public project, a public project can be something as grand as construction of a jail, or something as simple as purchase of pencils. So what we have in front of us appears to be an attempt to go ahead and amend that very basic function that we perform as a municipality, which is transaction of business across the board.

MR. BROWN:

Mr. Chair, I can speak to the question. The intent was not just Public Works, the intent was public contracts, as the chapter is written.

LEG. KENNEDY:

Again, Counselor, public contracts, everything that we do as an entity involves some type of a contract. So, as I said, if this is the intent of the sponsor, the County Executive, to have this amendment be applicable only to construction work projects, that's not manifested in what we're looking at right now. There's an ambiguity and there is an absence of language.

I'll also suggest to you that the standard you've attempted to craft basically makes this, similar to 2025, subject to failure in the fact that it is vague and it is ill defined. Not any entity on a municipal side has the right to go ahead and mystically define what is or isn't a responsible bidder. Any bidder would have the ability then to go ahead and challenge, based on the fact that they are not on a level playing field, and it's vague and ambiguous.

MR. BROWN:

With all due respect, sir, the chapter, I believe, says "public contract", and we just amended for public contracts and we did not specify Public Works contracts.

LEG. KENNEDY:

Then you make my point. So your intention is to go ahead and have this apply across the board ••

P.O. LINDSAY:

That's what he said.

LEG. KENNEDY:

•• to everything we do.

P.O. LINDSAY:

That's what he said.

LEG. KENNEDY:

Everything that we do you want this to go ahead and impact then. Then how do you define the standard?

MR. BROWN:

The resolution attempts to amend the definition of "responsible bidder" and apply certain Labor Law, living wage and safety violations to any entity that is involved in a public contract. With all due respect, I don't think that there's an ambiguity there.

LEG. KENNEDY:

But the standard that you've crafted has no specificity to it, so that if there's a de minimus violation and a Commissioner or an awarding authority in any County department doesn't have the understanding, you'll have a standard

you've created that differs amongst every department.

MR. BROWN:

As I stated to Mr. Alden, when there is a bid, there is a responsibility hearing, there is a lawyer from the Law Department in attendance. Of course, any discretion is subject to abuse. In fact, in litigation, whether or not there's abuse of discretion, that's a reviewing standard of Appellate Courts, of lower courts. But the point, nevertheless, is that there is discretion given to the awarding agency, which, in fact, is the Commissioner, and there's somebody from the Law Department in attendance at responsibility hearings.

LEG. KENNEDY:

Okay. Let me •• let me come from one other perspective, then, and I guess I'll have everything that I need to know about this bill. Absent this legislation, right now, if, in fact, the bidder is engaging in illegal activities in the course of performing a contract, do we have the right to go ahead and terminate or to go ahead and compel that individual contractor to go ahead and perform?

MR. BROWN:

In the course of performing a contract?

LEG. KENNEDY:

Yes.

MR. BROWN:

I can't speak to in the course of performing a contract, because if you gave me a specific situation, I could look at the situation and I could give an opinion as to whether or not under the terms of that contract and the Local Law and the State Law there should be some type of cancellation.

LEG. KENNEDY:

Okay.

MR. BROWN:

But that's not what this does.

LEG. KENNEDY:

Well, we were told that is what was drafted in response to difficulties associated with the construction of the Coram Health Clinic. And I need to

understand this, because I've spent many, many hours trying to read, research and understand Labor Law provisions. Labor Law provisions in 220 et.al. has specific provisions where a bidder who is not paying prevailing wage is subject to civil fine and criminal prosecution.

MR. BROWN:

That's correct.

LEG. KENNEDY:

Okay. How come that didn't occur in this case, or can't occur in any construction project we do now?

MR. BROWN:

When you raise that question specifically with respect to the Coram Equities case, the Coram Equities case involved a construction project of a County facility and for use by County purposes. And in the Coram Equities case, a distinction was made as between whether or not, in fact, the Coram Equities construction project was a public contract or a contract for use of the County. Now, we could get into what occurred before the •• what occurred before the Appellate Division and the applicability of the law to that case, but I •• but with all •• again, with all due respect, I don't think that the issues that you are raising now are necessarily probative of what this is trying to do. All this is trying to do is, plain from its face, is expand a definition of a nonresponse •• of a nonresponsible bidder for the reasons that the Chair has stated, to look deeper into safety violations, Labor Law violations, and wage violations, and that's all it does on its face.

LEG. KENNEDY:

I have the respect for the Chair and the ••

P.O. LINDSAY:

Legislator Kennedy, maybe I could just interpret.

LEG. KENNEDY:

Again, Mr. Chair, I'm going to defer to your decades of experience.

P.O. LINDSAY:

Cut to the chase a little bit.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

As in the Coram situation, it was a lease•back, it wasn't a contract from the County; am I correct on this?

MR. BROWN:

That's correct.

P.O. LINDSAY:

Yeah. Where we lease space and spec'd out how it was to be built. And although there was language there that •• you know, that our statute should be lived up to, the owner of the building challenged this and won; all right?

MR. BROWN:

It was actually •• there was a provision in the lease that said that the employees on the project were to •• were to be paid according to the prevailing wage, and it was that ••

P.O. LINDSAY:

So our intent was pure, but we didn't have the guns to do it, and this would probably help in that process.

The other thing is the difference between responsible bidding language and enforcement of Labor Laws with penalties, and whatever, one is before the fact, the other is after the fact. This should prevent the violations from happening initially. It should prevent us from contracting with, whether it's a cleaning company or a construction firm that has a long history of providing an unsafe workplace for their workers and a long history of their people getting hurt on the job and disregarding Federal OSHA statutes. So this is before the fact and that's why it's a good thing. It prevents it •• it prevents that whole other part from kicking in as •• you know, it's like it prevents the guy from going to the bank and holding up the bank instead of trying to catch him after the fact.

LEG. KENNEDY:

Mr. Chair, again, I appreciate your explanation, and I certainly am, you know, in favor of taking a bag away from the bad guys.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

But I will again suggest that perhaps some of the language that we're looking to put in lacks some of the specificity that's going to be needed to withstand scrutiny. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

The bill on its face, it sounds like a great idea. It sounds like the kind of thing we should be supporting. But I want to increase my comfort level, because I do have some fundamental questions. And I like what you're saying, Mr. Presiding Officer, but when I read the bill, it doesn't say anything about a long history of violations. It could look at a single violation. If somebody shows up at the job site and a guy's not wearing his helmet, he should of •• should be wearing his •• you know, his hard hat, he's not, they get written up, they pay a small fine. See, what I think, you know, and I'm going to ask a question about preemption and about the Taylor, Wicks types of laws in a second, but those laws were created not just to protect the taxpayer dollar, but to prevent corruption, so that you •• you know, it was the lowest responsible bidder. And both of those things were clearly defined, lowest, the lowest number. Responsible meant that they had to have, you know, responded to all of the specs of the bid. Now we're •• as you have •• the County Attorney is saying, we're building in kind of some discretionary elements. And I'm concerned that, not this administration, but somewhere down the road, somebody might use this as a tool to get around some of the low bidders, because this guy didn't •• you know, got a violation for, you know, not having his hard hat on, or whatever it might be, and suddenly we're making it a little bit more prone to abuse. And the intention's very good. I just don't want to create a tool that could be misused in that fashion.

And so my questions are, one, is in regard to the Taylor Laws, the Wicks Laws, you know, where the State mandates how we deal with competitive bidding. Are we even allowed to redefine what "responsible" is? That's my first question. And if we are, how can we do it in a way that's not subject to potential corruption?

MR. BROWN:

I can't answer the last question, but I'll try and address the first question. With respect to the bidding, it would generally govern by the General Municipal Law. And there's really no provision of the sections of the General Municipal Law, whether it be 103 or some subsequent sections, 104, prohibiting us to define "responsible bidder". We know from the General Municipal Law that the contract should go to the lowest responsible bidder and we're defining "responsible bidder". We're not preempted from defining "responsible bidder". Could we strengthen that •• can we strengthen that definition to avoid misuse?

MR. BROWN:

You'll have •• you have to give me another question. Strengthen the definition of what, of responsible ••

P.O. LINDSAY:

I hope that was a cell phone ringing, not ••

MR. BROWN:

Strengthen the definition of what, "responsible bidder"?

LEG. SCHNEIDERMAN:

Well, right now, you're not responsible if somebody decides •• you know, if somebody wants to consider some violation that might have occurred five or six years ago, he might have a perfect record, or are we going to pick apart each of the bidders? Are we going to compare which is the most responsible of them? Is one violation going to be construed as not responsible? I'm a little bit concerned, because it's such a gray area. And, you know, I think, rightly so, we ought to be looking at those things. If somebody's got a bad labor record •• I know one situation that I was familiar with when I was Supervisor, we had a contractor who was disbarred because of prevailing wage issues. For five years they were not allowed to bid, so it was being handled. They were removed from the process. The State took care of that. So I know that there's provisions if somebody does violate the law, that they can be withheld from competitive •• from bidding already.

MR. BROWN:

There's a whole body of case law about what a responsible bidder is under the sections of the General Municipal Law. You know, I cannot sit here and cite cases for you and different fact patterns about what's a responsible

bidder and what's not a responsible bidder.

LEG. SCHNEIDERMAN:

I just •• I'm just concerned that if you make it arbitrary what's a responsible bidder, then it will be at some point misused to get around one bidder to get to the one you're trying to get to, and, you know, I think that's dangerous.

MR. BROWN:

I believe your ••

LEG. SCHNEIDERMAN:

But the bill, I think the intent is quite good.

MR. BROWN:

I believe your comments are similar to Mr. Kennedy's when he talks about ambiguity or vagueness. If there's a definition of "responsibility", these are the factors to be considered by the awarding agency.

P.O. LINDSAY:

Okay. Cooper, Legislator Cooper.

LEG. COOPER:

Thank you. I wanted to ask Counsel to just put on the record any concerns that you may have about language in this resolution. I believe that in the past you felt that there were some amendments that needed clarification. So could you just address that, please?

MR. NOLAN:

Well, I made some comments in the committee regarding this and the bill was amended thereafter, but I do have one question. The law expands the definition of "nonresponsible bidder" to include any violation of Labor Law or Living Wage Law, or three, any provision of State or Local Law protecting workers' safety. And then after that third provision is the language giving the awarding agency some discretion to look at the nature of the violation, the good faith of the bidder and so forth. And I'm just wondering, and maybe the County Attorney's Office can shed some light on this, does that discretion extend to the Labor Law violations and the Living Wage violations? Because the way it's written, it looks to me like it only would •• the discretion would only be there for the last provision.

MR. BROWN:

We read it the same way, Mr. Nolan, because, with respect to the first and second, that's fairly objective. For example, if there was a prevailing wage violation, which could be a misdemeanor, or, for example, if there was an employment of minors illegally, that's fairly objective, or if there was a living wage violation, that's fairly objective. So we do •• so, in answer to your question, we read it the same way, that the discretion is granted on the third subparagraph.

MR. NOLAN:

And that, to your understanding, was the intent of the sponsor?

MR. BROWN:

Yes.

P.O. LINDSAY:

Okay. Legislator Romaine.

MR. ROMAINE:

Very quickly, just to summarize and not to take a lot more of your time. Is there a comprehensive definition of a responsible bidder that can be applied uniformly across the board, yes or no? Yes or no question. We have to vote yes or no on this. I'm asking you a yes or no question.

P.O. LINDSAY:

I'll answer it for you. The answer is no.

MR. BROWN:

Standing here, to the best of my knowledge, there's no statutory definition of "responsible bidder", except as we have set forth in the Local Law. "Responsible bidder" is discussed in the facts of the cases which follow the General Municipal Law in the bidding statutes.

MR. ROMAINE:

Is it specific enough to be applied uniformly?

MR. BROWN:

As the current resolution?

MR. ROMAINE:

As it's currently written in this resolution.

MR. BROWN:

Yes.

MR. ROMAINE:

We have a no answer and a yes answer.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. I had originally shared Legislator Schneiderman's concerns about what rises to the level and whether or not it could be uniformly applied. And one of the examples that Legislator Schneiderman raises, you know, it could be as simple as being, you know, cited for, you know, a worker not wearing a hard hat, and it could be as relatively de minimus as that. Suggesting that because the amended language in B•3 goes to, I guess, really those kinds of potential violations and gives some discretion, that that is one of the potential situations that was considered, because ••

MR. BROWN:

That's correct.

LEG. STERN:

•• it would be a shame to see that that becoming the affect. But it appears as though the discretion that's granted to the reviewing agency in Paragraph 3 would have the ability to look beyond that relatively de minimus violation.

MR. BROWN:

I'm not really sure if I understand your question. You have this •• the third subparagraph which talks about safety violations, and that in that same subparagraph, discretion is awarded to •• is given to the awarding agency to look, I believe, at the number of violations or the seriousness of the violations.

LEG. STERN:

That seems to be what it's saying here in this paragraph. And so you have

this kind of situation where I believe that the original version of the legislation would have been way too strict, now appears to open up some type of review on behalf of the awarding agency to take a look at the relatively de minimus citing or violation that Legislator Schneiderman raises in his example.

MR. BROWN:

We tried to address those concerns with this subsequent amendment.

LEG. STERN:

Specifically in Paragraph 3?

MR. BROWN:

Yes.

LEG. STERN:

One more question. It appears as though the awarding agency has the discretion. It uses the word "may", so there may be this kind of review of maybe this longstanding history of no violations in the past, but it certainly does not provide a mandate. Can you speak to that?

MR. BROWN:

Well, it uses the word •• it uses the word "may" so that the awarding agency may, at its option, look at the various violations, the history, the seriousness, the number of the violations. If •• I believe that if we use the word "shall", you're really locking •• I think you might be hindering discretion, as opposed to broadening discretion.

LEG. STERN:

That being the case, can you speak to Legislator Romaine's concern that perhaps there is no set standard across the board that having this kind of language leaves perhaps too much discretion on behalf of the awarding agency?

MR. BROWN:

Again, with all due respect, Mr. Stern, I can't really alter the answer that I gave to Mr. Romaine, because there might be situations that awarding •• an awarding agency would want to look at. If we use the word "shall" as opposed to the word "may", the awarding agency would only be limited to looking at what's listed in the resolution. If we use the word "may", we're

actually expanding the reviewing process of the awarding agency. So that's why I answered yes to Mr. Romaine's last question. There is a clear •• an even-handed way of applying it.

P.O. LINDSAY:

Okay? Legislator Viloría•Fisher. There's still a list.

D.P.O. VILORIA•FISHER:

Thank you, Mr. Chair. I'm just going to point out to my colleagues that I have laid on the table a resolution that would be expanding the definition of "nonresponsible bidder". It's laid on the table today. It's 2117. Because that particular bill is not on the table, but it's related to 1884, I'm going to ask my colleagues to this afternoon vote no on 2025 and consider this alternative to it.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Let me just ask you a question. It seems to me, when you listen to the members of the horseshoe with regard to what is a legitimate bidder, it is up to basically the awarding agency to make a determination. They may or they shall, or they take a look at the bid to see whether or not this criteria is met predicated on the legislation. And I guess there's some concern of the members as to whether or not there would be any bias associated with that decision, if this concerns itself with all projects that the County's going to get involved in.

MR. BROWN:

Public contracts.

LEG. BARRAGA:

Public contracts. What about the feasibility? Have you entertained the feasibility of a particular group of three, a committee of three being appointed? And as these bids come in, the committee of three would take a look at the bid and the bidder in determining whether or not they meet the criteria of the legislation. And then, for example, if you had eight bids on a Public Works project, they were legitimate bids predicated on what the committee saw in the bids, then they could be forwarded on to the agency and the agency make a decision.

MR. BROWN:

The idea of some type of committee, I can tell you, from my knowledge, I don't believe was considered. But in answer to your question, many of the •• many of the members of the Legislature have expressed that there wouldn't be an even-handed application, that there might be some type of abuse. And I hate to answer your question with a question, but isn't that possible with every single resolution, or Local Law, or Charter Law that's passed at any time by anybody anywhere, that there might be •• that it might be abused by some Commissioner or department head, whether at the County, the State, or the Federal level? All we attempted to do here was draft a resolution applying certain standards to responsible bidders, and responsible •• and we know that responsible bidders are required in public contracts, to include just these three other items. And to further address your question about the idea of committees, I think that that's •• yeah.

LEG. BARRAGA:

All I'm saying is that if you had a, just to use a number, a committee of three, and the three of us had expertise in the legislation, and these bids come in from all different areas, depending upon the project, do the bids meet the criteria of the legislation? And if they do, they get passed on to Public Works or some other entity that makes the final decision as to who the bidder •• you know, the bidder is going to be that gets the job ••

MR. BROWN:

Are your ••

LEG. BARRAGA:

•• as opposed to the possibility of bias on the part of the agency.

MR. BROWN:

Are you asking me if there should be or if we considered whether or not there should be some type of Legislative committee to review public contracts?

LEG. BARRAGA:

I'm not saying it's a Legislative committee. It could be a committee that's ••

MR. BROWN:

What type of committee, then? I'm sorry, I don't understand.

LEG. BARRAGA:

Well, it could be a committee where the County Executive makes the appointment, the Legislature makes an appointment, and maybe a judicial appointment. You know, a nonbias committee, tremendous expertise, have no vested interest of members. As these bids come in, they take a look only from the standpoint, does the bidder meet the criteria of the legislation.

MR. BROWN:

Just so ••

LEG. BARRAGA:

And, for example, you know, if you've got five bids on a given job and they meet the criteria based on the committee's decision, they forward the five bids on to the respective agency, the agency head makes the decision.

MR. BROWN:

So just so we're talking about the same thing, we're talking about a committee that's independent of any department?

LEG. BARRAGA:

Yes.

MR. BROWN:

Okay. Now, is your question was it considered that that should be done?

LEG. BARRAGA:

Was it considered and would you consider it?

MR. BROWN:

I can tell you, from my perspective, I do not know if it was considered. Are you asking me personally now if I would do it? Are you asking me as an attorney?

LEG. BARRAGA:

Well, I'm just asking you in any capacity that you want to take whether or not you'd consider the possibility of having an independent committee taking a look at the bids as they came in.

MR. BROWN:

I think then that committee would be managing each department's business

on a day•to•day basis and trying to control its details. It's ••

LEG. BARRAGA:

No, they wouldn't do that. They'd be just •• they'd be just taking a look at it from the standpoint of whether or not the bidder meets the criteria of the legislation as spelled out in the legislation. And if he does, if that company does, they forward it on to the respective agency. The agency in the end makes the decision as to who get the award.

MR. BROWN:

But, with all due respect, I thought that I answered your question. No, I do not agree with you from a personal perspective that there should be a committee analyzing the day•to•day dealings of a department.

LEG. BARRAGA:

Well, I don't really care •• I don't care, with all due respect to you, about your personal perspective. Do you think that that has some merit from a legal perspective, that it has some merit from an Executive perspective?

MR. BROWN:

From a legal perspective? Standing here, I don't know of any objection from a legal perspective. From an Executive perspective, I would defer that to the County Executive's Office.

D.P.O. VILORIA•FISHER:

Here he comes.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

First of all, just to give a little perspective to this particular statute, the statute being amended today has been amended several times in the past. So this is not like we've invented bread today. The responsible bidder standing •• standards, I should say, have been established over a period of time, and each time that we did the amendment, you know, quite frankly, it was done on a targeted basis to deal with a perceived new problem. This is dealing with the problem I described before.

But to answer your question directly, the current process is this. If there is a project put out for bid, you get five responding bidders to the bid, Public Works Department has an internal committee that reviews that bid. They'll review that bid in consultation with the County Law Department to make

certain that they're in compliance with the statute, because right now, right now, before these amendments take place, you can disqualify bidders that are the low bidder for a variety of reasons. One of them is something that was mentioned earlier this morning, you don't comply with the apprenticeship program for contracts over \$250,000, you don't comply with the Local Preference Law, you've got a convicted felon who had the felony committed in the prior ten years. Those kinds of decisions are happening every day of the year under the current law, the existing statute.

[COURT STENOGRAPHER • ALISON MAHONEY]

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

So the answer is we're not going to support creating another committee to look at that committee which is already operating under existing law with all kinds of standards, all kinds of criteria, in consultation with the County Attorney. And remember, all of this is subject to Article 78's, because in my 30 years in the County, there have been numerous instances in which a losing bidder has said, "Gee, I was somehow wronged in the process." Somebody didn't exercise that discretion that we just talked about in a proper fashion; sometimes they win, most of the times they lose.

And the ultimate layer of review, just to reassure everybody, is that when all those contracts come up to my office, I look at all of the backup, I look at all of the materials and I write memos back when I feel that something is missing. So that's the way the process is currently working, irrespective of whether these amendments pass or not, and we would not support creating another committee on top of all of the systems that are currently in place.

P.O. LINDSAY:

Okay, we are five minutes passed the lunch break, but I'll •• you know, whatever you want to do. I was hoping to get through this resolution. You want to keep talking or do you want to eat?

LEG. MYSTAL:

Call the vote.

LEG. SCHNEIDERMAN:

I want to finish discussion on this one.

LEG. ALDEN:

I'd rather eat.

D.P.O. VILORIA • FISHER:

Call the vote; why don't we vote?

P.O. LINDSAY:

Well, I still have people on the •• I still have two people on the list. Do you want to hold your remarks until after lunch and we'll continue the debate?

LEG. SCHNEIDERMAN:

If we can finish it and vote before lunch, I think we should.

P.O. LINDSAY:

Okay. Is that agreeable with everybody?

LEG. SCHNEIDERMAN:

I don't have much to say.

P.O. LINDSAY:

Okay. Legislator Schneiderman, being that you talked once or twice before, maybe you can make it brief.

LEG. SCHNEIDERMAN:

Thanks. Well, this is important. You know, I think Chief Deputy Sabatino just articulated a bunch of criteria for disqualifying a bid, those were all very empirically defined criteria, now we are injecting a subjective criteria. And although I don't necessarily agree with Legislator Barraga in terms of forming a new committee, I think if we just would clean up the language a little bit, rather than saying any provision of any labor law, if we said •• if they had a record of violation or maybe say, you know, more than a number of violations.

If you've got a situation where somebody violated something or even had numerous violations ten years ago and they cleaned up their act, they're a new operation, they shouldn't be dismissed based on that.

So I would like it to be a little bit more clearly defined and then my comfort level would be there and I would say okay, there's at least some empirical definition for what it means to be non•responsible.

P.O. LINDSAY:

Okay, you want it to be based on subjective criteria.

LEG. SCHNEIDERMAN:

Some exact criteria.

P.O. LINDSAY:

Objective criteria.

LEG. SCHNEIDERMAN:

Objective criteria.

P.O. LINDSAY:

Yeah. Okay, Legislator Romaine.

LEG. ROMAINE:

Very quick, I'll keep it short. Is there any provision •• if I'm a contractor, for some reason I think I'm responsible, I think I've done the right thing, I've followed all the rules and I get disqualified for some technicality; is there any appeal process, is there an appeal process where I can try to reclaim my good name as a responsible bidder since that would have a huge impact on me?

P.O. LINDSAY:

Could I •• you mind if I answer this, just to cut to the chase?
If you're declared irresponsible, you can ask for a hearing.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

All right? It's a responsibility hearing. And if I'm •• correct me if I'm wrong, the County Attorney is involved in that, the letting agency is involved in that, probably some other entities as well.

MR. NOLAN;

Plus it would go to court.

MR. BROWN:

I think its been stated two or three times already this morning.

P.O. LINDSAY:

And if that fails, you could always file an Article 78 and go to court to have it overturned which happens frequently.

LEG. SCHNEIDERMAN:

Expensive.

MR. BROWN:

I won't comment on the frequently.

P.O. LINDSAY:

Well, in my experience it happens frequently.

MR. BROWN:

It happens. It happens, cases are lost and cases are one.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Mr. Chair, one more quick question.

D.P.O. VILORIA • FISHER:

Tell him no.

LEG. KENNEDY:

It goes to the example that the Chief Deputy County Executive just posed. Who finds out that the firm, one of the firms that submitted a bid may, in fact, employ a convicted felon as its CEO? Certainly that firm didn't say, "John Smith, done time for ten years." How does that find •• how do we come about that knowledge?

MR. BROWN:

No. Actually, the bidding •• the bidder has to do certifications to the awarding agency. So if the contract is made on false •• is awarded on false pretenses, you have •• you would have grounds, that could be a perfect example to your prior question, you would have grounds to perhaps seek cancellation of the contract.

LEG. KENNEDY:

Which, of course, is in the law already without needing to go ahead and do this today.

MR. BROWN:

Well, it's in common law.

LEG. KENNEDY:

Falsity is •• but my question goes to, and I'll yield, who does the external investigatory work associated with noting whether or not there's been accuracies that are furnished by the responsible bidder? And I don't pose this in a vacuum, I did deal with it to a certain extent with a long and torturous contract process, that's why I pose it.

MR. BROWN:

Then if •• and again, with all due respect, Mr. Kennedy, if you did do it personally, correct me if I'm wrong, but you have a request for bids, a bid •• bids are given, the bids are ••

LEG. KENNEDY:

You don't have to walk me through the whole process.

MR. BROWN:

The bids are opened, they're evaluated by the department, an award is made based on the bid, certifications have to be done by the bidding agency, by the bidding vendor.

LEG. KENNEDY:

Right, when the approved untrue contract was terminated, based on the terms of the contract. My point is ••

P.O. LINDSAY:

Okay. Could I again add some clarity to this debate, just so we can go and eat? All right? It is usually •• and again, correct me if I'm wrong •• there is a form that you fill out that you hand in with your bid, and a lot of times they ask you on that, "Have you ever failed to perform in a prior Public Works contract? Have you had violations of this or that?" So it's self-reporting, in a sense. And in terms of investigating it, again, my experience, if there's five bidders and the low bidder is hiding something in the closet, I guarantee you

the other four know about it or find out about it and will challenge that low bid.

MR. BROWN:

And the only thing that I would add to that is, you know, the geography and the projects, they're pretty well defined. You know, it's a small community so the people that are involved in the bidding process are aware of the reputations of the people that are bidding.

P.O. LINDSAY:

Does anybody need any more clarity on this issue?

LEG. KENNEDY:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to what?

LEG. SCHNEIDERMAN:

Table.

P.O. LINDSAY:

To table; we have a motion to table and a second.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No to table.

LEG. COOPER:

No.

D.P.O. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay. Motion to approve. We have a motion and a second; am I correct, Mr. Clerk? It's been so long.

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. You want a roll call again? All right, all in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

Opposed, put your hands up.

LEG. ALDEN:

Just me I guess.

P.O. LINDSAY:

Just you? One, two, three. Okay, four?

LEG. LOSQUADRO:

Abstain.

P.O. LINDSAY:

We've got four nos and one abstention.

MR. LAUBE:

Who's the fourth no?

D.P.O. VILORIA • FISHER:

Romaine.

LEG. SCHNEIDERMAN:

I'm not going to vote against it. It could have been a better law, though.

P.O. LINDSAY:

Romaine, Alden, Nowick, Kennedy.

LEG. MYSTAL:

Just for the record, it's a lot faster if you take a roll call than going like that.

P.O. LINDSAY:

Okay.

MR. LAUBE:

13.

P.O. LINDSAY:

Okay? We will recess for lunch until 2:30.

(*The meeting was recessed at 12:39 PM*)

(*The meeting was reconvened at 2:28 PM*)

P.O. LINDSAY:

Okay, the first ***Public Hearing is the 2007 Operating Budget for the Southwest Sewer District Assessment rolls.*** I do not have any cards on this subject. Is there anyone in the audience that would like to speak on the subject? Seeing none, I will make a motion to close.

MR. NOLAN:

No, I think there's going to be another hearing on the budget.

P.O. LINDSAY:

Oh, so we have to recess it?

MR. NOLAN:

I think you do have to recess it.

LEG. MYSTAL:

We have to have one in Hauppauge?

MR. NOLAN:

Yeah, there's another one.

P.O. LINDSAY:

All right, Counsel tells me there's another one scheduled, so I'll just make a motion to recess. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

10 (Not Present: Legislators Romaine, Schneiderman, Browning, Caracappa, Losquadro, Alden, Nowick & Cooper).

P.O. LINDSAY:

Next is IR 1645•06 • A Local Law to reduce emissions of pollutants from diesel•fueled motor vehicles operated by or on behalf of Suffolk County (Cooper). I have one card, Kasey Jacobs.

MS. JACOBS:

Good afternoon. My name is Kasey Jacobs, I'm the Long Island Program Coordinator with Citizens Campaign for the Environment.

LEG. EDDINGTON:

Can you turn the volume up?

MR. LAUBE:

There's not a volume button on that.

LEG. MONTANO:

You have to talk into the mike.

MS. JACOBS:

I could talk louder. CCE strongly supports Intro Resolution No. 1645 which requires all Suffolk County owned heavy duty vehicles and County contracted vehicles to use the best retrofit technology and ultra low sulfur diesel for on•road and off•road vehicles. This legislation will move Suffolk County into the league of environmentally conscience counties in the region. Public health threats from diesel fuel combustion will be reduced and consequently benefit residents immensely.

CC believes that it is unacceptable that according to the EPA, all of Long Island fails ozone and fine particle health standards. High levels of ozone can result in chest pain, congestion and coughing. Studies have found that up to 7% of hospital admissions in the summer can be attributed to smog. In addition, fine particulate matter, or PM 2.5, has been linked with premature death, heart attacks and many lung related ailments. Diesel emissions account for a large portion of pollution, degrading local air quality including PM 2.5, nitrogen oxide and acid rain causing sulfer dioxide.

ULSD is a cleaner option currently available for diesel fuel vehicles. ULSD reduces emissions of nox which is a major contributor to ozone and fine particulate matter pollution. The EPA has found that by using these technologies, particulate matter can be reduced by 60 to 90%. Currently, residents are exposed to harmful and lethal contaminants every day that cause lasting effects on human health and to our environment. Recently a study published in the Journal of the American Medical Association concluded that long•term exposure to combustion•related fine particulate air pollution, such as in diesel emmisions, is an environmental risk factor for cardio, pulmonary and lung cancer mortality.

The primary role of government is to protect the health and safety of its people; without ensuring safe air quality, the County cannot sufficiently achieve that primary goal. This critical legislation will lower emissions from on•road and non•road vehicles by approximately 10% almost immediately. On behalf of the millions of residents living, working, recreating and breathing in Suffolk County, to the Island and to the region, CCE strongly urges the Legislature to pass Intro Resolution 1645. Thank you.

P.O. LINDSAY:

Thank you, Ms. Jacobs. I do not have any other cards on this subject. Is

there anyone in the audience that would like to address us on 1645? Seeing none, what's your pleasure?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess by Legislator Cooper. Is there a second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

13 (Not Present: Legislators Romaine, Schneiderman, Losquadro, Alden & Nowick).

P.O. LINDSAY:

Okay, IR **1791•06 • A Local Law to require gasoline service stations to install emergency generators for fuel pumps (County Executive)**. I do not have any cards on this subject. Is there anyone in the audience that would like to speak? Mr. Zwirn, you want to comment?

MR. ZWIRN:

We're still working on this bill with the industry, so we would ask that it be recessed at this time.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher to recess.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

13 (Not Present: Legislators Romaine, Schneiderman, Losquadro, Alden & Nowick).

P.O. LINDSAY:

1792•06 • a Charter Law to ensure a non•partisan, fair and objective process by which Legislative Districts are reapportioned (County Executive). And again, I do not have any cards on this subject. Is there anyone in the audience that would like to comment? Seeing none, does somebody want to make a motion?

LEG. MONTANO:

Motion to recess it.

P.O. LINDSAY:

Motion to recess. Is there a second to the recess motion?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

13 (Not Present: Legislators Romaine, Schneiderman, Losquadro, Alden & Cooper).

P.O. LINDSAY:

1814•06 • A Local Law to enhance implementation and enforcement of the "DWI Seizure Law" by towns and villages located outside the County Police District (Schneiderman). I do not have any cards on this subject. Is there anyone in the audience that would like to be speak on this subject? Being that the sponsor is not back from lunch yet, I'm going to pass over this to see what he •• how he would like this disposed of.

1854•06 • A Local Law to increase connection fees for sewer district contractees located outside the geographical boundary of sewer districts (Alden). Again, I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'm going to skip over that one as well.

1883•06 • A Local Law changing the name of the Environmental Trust Review Board to the Real Property Acquisition Review Board and increasing the membership (County Executive). I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this? Mr. Zwirn?

MR. ZWIRN:

Mr. Presiding Officer, we have made some changes to this bill. We would ask that the hearing be closed today so that it could go back to committee for •• there were changes in the way •• in the appointments.

MR. PEARSALL:

Do we have a corrected copy on that?

MR. ZWIRN:

Yes.

MR. PEARSALL:

Tim?

P.O. LINDSAY:

If we can just give Counsel a minute, he'll will find the bill and go over the changes with you.

MR. NOLAN:

The last amendment I have is 8/11 in my book. When was it filed?

MR. HERRINGTON:

Today.

MR. NOLAN:

I don't have that.

D.P.O. VILORIA•FISHER:

I only have 8/11 also.

P.O. LINDSAY:

Do we have that?

MS. ORTIZ:

She's checking.

P.O. LINDSAY:

Okay, I'm going to skip over that as well until we can get the changes before us.

MR. ZWIRN:

Okay.

P.O. LINDSAY:

IR 1952•06 • A Local Law to require proper supervision at hotel and motel swimming pools (Cooper). I have several cards. James Zaborski.

Thank you, Mr. Zaborski.

MR. ZABORSKI:

Thank you for the opportunity to speak to you today. My name is Jim Zaborski, I'm President of Dune Management Company, we manage ten resort motels on the east end. I'm here today to express my concern about the impact of IR 1952 on the resort industry.

All the facilities that I manage have swimming pools. During the summer season, generally from mid•June through mid•September, we provide supervision at all but the smallest facilities which, because of the limited number of patrons, makes supervision cost prohibitive. At the larger or busier facilities, and they're generally busier because of location, we do provide supervision through the active mid•June, mid•September period. And we opt for the adult self•supervision which is permitted under the code during the off•season when the availability of the personnel, generally young people who fill the positions, is reduced as they return to school, and the diminished number of patrons combined with the reduced rates that we're able to charge makes the cost of that level of supervision very expensive at that time.

IR 1952 will impact hotels and motels in Suffolk County. However, our competition elsewhere in the State will not be subject to the same stringent standard, giving facilities of similar size and other regions a competitive advantage. This is in addition to the already higher operating costs that we face in our area; such• costs are labor, real estate taxes, insurance and sales tax just to name a few. The impact of this legislation will be most pronounced for smaller facilities or those which are not located in the most

desirable locations, where the ability to pass the cost of the additional supervision along to the customer is not possible. Often higher rates at these facilities mean fewer patrons and diminished overall income. On the east end, we generally say we have about a hundred days to make our living, probably a little less for smaller and less well situated properties; this further magnifies the impact of the proposed legislation on our region.

Certainly everyone in the hospitality industry would agree that enhanced pool safety is something we all desire. However, safety comes at a price and the question is if the price •• the price is purchasing the safety desired. More often than not, pools, where supervision is present, we are generally relying on the protection provided by young people who many times may be more focused on what happened the night before than what's going on in the pool. We often find they need to be reminded to pay attention; this seems to be exacerbated at smaller facilities where fewer patrons generally means less pool usage and sometimes long periods with little or no activity in the pool. Unfortunately, parents don't recognize the human flaw in the system and often assume relaxed vigilance when pool supervision is provided. It is my belief that no substitution •• that there is no substitution for parental supervision and oversight in a swimming pool. I'm concerned that we are substituting the perception of increased pool safety for higher operating costs, a diminished competitive position and the attending financial problems these conditions cause.

In conclusion, I ask that the Legislature reconsider the need for this legislation, particularly in light of its negative impact on the industry and heretofore spell a record of our industry. I thank you for your time and the opportunity to speak.

P.O. LINDSAY:

Thank you very much. Alice Houseknecht,

MS. HOUSEKNECHT:

Hi, good afternoon. I thank you for this opportunity to speak. I sent a letter to several Legislators and I'm just going to read from that letter. I first would like to thank Legislator Jon Cooper for responding; thank you.

With regard to pending resolution that would require seasonal motels to employ lifeguards for pool supervision, I make the following statements. The

Suffolk County Board of Health has mandated numerous safety requirements for motels with pools under supervision level four. Two of these comprehensive rules include that staff members attend yearly CPR training so that they can be on-site during pool operation hours in case of an incident. In addition, all motels are required to have a pool rule log for all guests to sign upon check-in in order that parents are made aware that swimmers under the age of 16 are to be accompanied by them at all times. Because the establishment where the incident took place did not comply with these mandates, an unfortunate tragedy occurred. It is of deep concern and sorrow that an innocent nine year old child drowned due to neglect and an irresponsibility on the part of that motel's management.

I appreciate the duty that you have to protect the health and welfare of your constituents. However, I feel that those of us who take the Board of Health's mandates seriously by complying with numerous safety and equipment requirements •• including CPR and CPO, Certified Pool Operator training, annual exams and frequent Board of Health inspections •• are not the ones who should be penalized, the fault lies with the irresponsible and negligent behavior of the management at the particular site.

My family built the East Deck Motel in 1955; we have owned and operated it since then with excellent evaluations from the Board of Health Pool Safety Department. Please consider my statements when pondering legislation regarding IR 1952. Respectfully submitted, Alice Houseknecht, East Deck Motel, Montauk.

P.O. LINDSAY:

Thank you, Mrs. Houseknecht. Janet Kohlus.

MS. KOHLUS:

Hi. Thank you very much for seeing us today. I own a motel in Montauk Point and it's a small••

P.O. LINDSAY:

I hate to bug you, Janet. You have to really put it right in your •• almost right in your mouth.

MS. KOHLUS:

Like that?

P.O. LINDSAY:

There you go. Thank you.

MS. KOHLUS:

I own a small motel in Montauk, it's a mom and pop organization and I do not feel that we should be subjected to the legislation that's going •• trying to be put through. We do have a lot of Board of Health rules that we have to follow, we do follow them and Montauk has never had a drowning or an accident in the pools and we're very strict about those rules. Our customers come and they have to have •• be handed pool rules, as Ms. Houseknecht said, and we all follow those rules and we have not, as I said, had an accident prior to this.

I really hope that you will consider our financial situations when this does come to light because doing •• either hiring a full•time lifeguard or filling in the pools to a five foot level is way beyond what some of us can afford. Thank you.

P.O. LINDSAY:

Thank you. I do not have any other cards on this subject, IR 1952. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Cooper, what is your •• what would you like to do with this?

LEG. COOPER:

I've been working with the hotel and motel industry in an effort to come up with an even better bill, so I'd like to make a motion to recess this for one more cycle.

P.O. LINDSAY:

Okay, we have a motion to recess. Do I have a second? Second by Legislator D'Amato. Did you want to talk on the recessing motion, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Just that I can't participate in the vote, I'm recused from this application.

P.O. LINDSAY:

Okay; please note that, Mr. Clerk.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

We have a motion and a second to recess. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislators Romaine & Losquadro).

P.O. LINDSAY:

Okay, I skipped over a couple of resolutions that we've already asked if anybody wanted to speak, one is **IR 1814**. It's your resolution, Legislator Schneiderman; in deference to you, we skipped over it. Do you want to close this or recess it?

LEG. SCHNEIDERMAN:

There was no one here to speak on it, is that it?

P.O. LINDSAY:

We've already went through that, yeah.

LEG. SCHNEIDERMAN:

Okay, we'll recess it. I mean, we'll close it, I'm sorry. I'll make a motion to close it.

P.O. LINDSAY:

Close? Motion to close. Is there a second?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Which one was that?

P.O. LINDSAY:

1814.

MR. LAUBE:

16 (Not Present: Legislators Romaine & Losquadro).

P.O. LINDSAY:

Okay, I also skipped over **IR 1854**. There was nobody to comment, but to Legislator Alden who is the sponsor, we waited for you to come back; what would you like to do with that?

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Alden, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislators Romaine & Losquadro).

P.O. LINDSAY:

That's where I'm going to next. Did we get the vote?

MR. LAUBE:

Yes, you have the bill in front of you. You have the corrected version.

P.O. LINDSAY:

No, but did you read the count on 1854?

MR. LAUBE:

Yes, 16.

P.O. LINDSAY:

Okay. Now, we're back at **1883** again. The changes were passed out, evidently they were in our packet as well. But now, I guess, Counsel, if you could verbally review the changes.

MR. NOLAN:

Okay, this is the law that's changing the name of the Environmental Trust

Review Board to the Real Property Acquisition Review Board and it's expanding the size of that board. Originally it was adding the Commissioner of the Department of Economic Development & Workforce Housing and the Director of the Department of Environment & Energy to the board. The amended version still adds the Commissioner of Environment & Energy, but instead of the other Commissioner it's going to be the Chairman of the Labor, Workforce and Affordable Housing Committee who will be the new member of this particular board. That's the only change.

P.O. LINDSAY:

So it's still going from nine to eleven, but it's one from the Executive Branch, one from the Legislative Branch?

MR. NOLAN:

Right, it substitutes a Legislative representative.

P.O. LINDSAY:

Okay. I'll entertain a motion on this. We've already asked if anybody wanted to speak on it.

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Cooper. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Losquadro).

P.O. LINDSAY:

IR 1973•06 • Authorization of rates for Fire Island Ferries, Inc. (Presiding Officer Lindsay). I have no cards on the subject. Does anyone in the audience want to speak on this subject?

MR. NOLAN:

I think we have to recess that one.

P.O. LINDSAY:

We have to recess it?

MR. NOLAN:

I don't think we have the Budget Review report. Gail, did we get a Budget Review report on this, Fire Island Ferries? I don't believe so.

MS. VIZZINI:

The report is not out now.

MR. NOLAN:

No, then we have to recess it.

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

Motion by Legislator Alden to recess, I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Losquadro).

P.O. LINDSAY:

IR 2045•06 • A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Romaine). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine, what would you like to do with this?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. SCHNEIDERMAN:

I will second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Losquadro).

P.O. LINDSAY:

All right, that concludes our public hearings for today.

We'll set the date for the following Public Hearings for Tuesday, October 17th, 2006 at 2:30 at the General Meeting of the Legislature in the Rose Caracappa Auditorium, Hauppauge, New York; the 2007 Operating Budget Southwest Sewer District Assessment Roll; IR 2091, a Local Law to encourage affordable housing and workforce housing initiatives in towns and villages; IR 2093, a Local Law to strengthen the Suffolk County Living Wage Law; IR 2113, a Local Law to regulate the use of outdoor wood•burning devices in Suffolk County; IR 2115, a Local Law to extend protections to residents of planned retirement communities;.

IR 2117, a Local Law to ensure contractor compliance with anti•discrimination requirements; IR 2171, a Local Law to establish a safe and sustainable procurement policy; IR 2173, a Local Law to establishing crime prevention requirements for scrap metal dealers. That concludes the setting of the date for that public hearing, those public hearings.

Okay, we're back on page four. ***IR 1885•06 • Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Day Holiday and Labor Day Holiday (Presiding Officer Lindsay).*** I'll make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1894•06 • Electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York in a fiscally responsible and prudent manner (County Executive).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion by Legislator Cooper to table. I'll second the motion to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1907•06 • 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 (SCTM No. 0200•973.80 •01.00•026.000) (County Executive).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1913•06 • 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 (SCTM No. 0200•973.80 •04.00•020.000) (County Executive).

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote is okay with everybody?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay, we have ***1957A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with roof replacement at Meadowcroft County Park, Sayville (CP 7510)(Presiding Officer Lindsay).*** I will make that motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Roll call.

(*Roll Called by Mr. Laube • Clerk*)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

And Montano wasn't here, right? So it's 17 (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay. On IR 1957; same motion, same second, same vote.

IR 1958A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with strengthening and improving County Roads (CP 5014) (Presiding Officer Lindsay).

LEG. COOPER:

Motion to approve.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Cooper made the motion, I'll second the motion. It's a 14 voter; roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

17 (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, IR 1958; same motion, same second, same vote.

1959A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with the application and removal of lane markings (CP 5037)(Presiding Officer Lindsay).

MR. NOLAN:

You need 14 votes.

LEG. COOPER:

Motion; motion to approve.

P.O. LINDSAY:

Also a 14 voter. Motion by Legislator Cooper to approve, I'll second it. Any discussion? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not Present).

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

17 (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay. IR 1959; same motion, same second, same vote.

IR 2008A, Pending Bond Resolution, Appropriating funds in connection with the modifications to warehouse at the Board of Elections (CP 1461) (County Executive).

LEG. COOPER:

At the request of the County ••

P.O. LINDSAY:

I'm going to •• go ahead, I'll recognize Mr. Zwirn as the Executive; what do you want to do with this.

MR. ZWIRN:

We would just ask this be tabled for one cycle.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. SCHNEIDERMAN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Oh, Legislator Romaine wants to comment on it.

LEG. ROMAINE:

Not a comment, a question; why the Executive would request this to be tabled? I just want to know the purpose of the tabling before I vote for it.

MR. ZWIRN:

If I may, Mr. Presiding Officer. There's •• what this bill would do is add air •conditioning to one of the warehouses where they store Board of Election equipment. The County Executive and the County Law Department are exploring the option of whether we do not have to go forward with the new scanning technology, that perhaps we could keep the lever machines for the time being, in which case this would not be necessary.

LEG. ROMAINE:

Humidity does not affect the lever machines?

MR. ZWIRN:

No, this is specifically being requested because the new technology has computer technology in it but it needs to have a certain temperature.

LEG. ROMAINE:

And the other machines are not affected by humidity?

MR. ZWIRN:

They haven't been for all the years that we've had them.

LEG. ROMAINE:

So that they don't stick.

MR. ZWIRN:

I don't know if you were talking about the last County Executive election, but generally they work fine.

P.O. LINDSAY:

Okay. Legislator Romaine, I don't know whether you've ever been to the Board of Elections Building, but they don't air•condition anything, including the people.

LEG. ROMAINE:

Yeah, I understand that. And usually in this day and age, particularly when we get temperatures that approach 100 degrees and we have contractual obligations with our municipal unions in terms of treating our employees well, I understand that even some of those warehouses that people have to work in are unheated. That's why I'm wondering why we're not moving forward with air•conditioning because eventually, eventually it's my understanding that we will not be using lever machines. To have a rule, to have a

requirement of the Federal Government in terms of voting machines will require us at some point to adopt a newer technology that will be sensitive to humidity conditions and temperature conditions.

MR. ZWIRN:

We're just asking for a tabling, it will be one cycle, that's all.

LEG. ROMAINE:

Oh, okay. Thank you.

LEG. MONTANO:

Quick question.

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Ben, I missed part of the •• well, when the bill got called. But you're contemplating legal action, challenging whether or not we have to buy the machines?

MR. ZWIRN:

We're going to take a look at it and it would be a •• it would be based on the language of the statute, whether we're absolutely required or there's some discretion with the Board of Elections.

LEG. MONTANO:

So you haven't made the decision yet whether or not you are going to bring an action.

MR. ZWIRN:

That's correct, the County Executive will make that decision at some point.

LEG. MONTANO:

All right, thank you.

P.O. LINDSAY:

Okay. So we have a request to table this resolution.

Did we get a motion and a second?

MR. LAUBE:

Yes, you did.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay, page six; **Budget & Finance:**

2029•06 • Adopting Local Law No. 2006, a Charter Law to simplify and clarify Operating and capital Budget property Tax impact Statements (County executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper to approve. Do we have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Any discussion? Legislator Romaine.

LEG. ROMAINE:

Yes. We're discussing 2029?

P.O. LINDSAY:

Correct.

LEG. ROMAINE:

And I have before us, which we all have, a memo from Gail Vizzini, our Budget Review Director. And I just will read the first sentence; "If 2029 is before you and if adopted will eliminate the requirement for the

town•by•town property tax impacts to be included in the proposed operating and capital budgets as well as the fiscal impacts accompanying the legislation during the year."

This is a mistake to adopt this resolution. I know the Executive wants to disguise some of the impacts in the various towns, but I believe in truth and honesty in our budgeting operation. The Budget Review Office has made it clear the impact of what this legislation would do.

I live in the Town of Brookhaven; some of us here share that same location. Last year we were told our property taxes were going down. Every resident in the Town of Brookhaven received a 29.7% increase in their County General Tax. But if I read Newsday and if I read the County Executive's statement, I would believe that my taxes were going down; in fact, I believed that until I got my tax bill. They didn't go down. I would like to know, when I vote this year on this budget, the impact on my residents in each of the four towns I represent.

I will just refresh yourselves and read that first sentence by the nonpartisan Budget Review Office. We will be given less information instead of more. We will not be told the impacts on our residents.

I believe in truth and honesty in budgeting and in presenting budgets and I would like to know the impact on my residents. By the way, not only is it true for the Operating Budget but it is true for the Capital Budget. And as Gail Vizzini clearly points out, fiscal impacts that will accompany legislation during the year will no longer include an impact town•by•town.

I don't know about the rest of you, but I am prepared to vote against this because it is limiting the amount of information, the fiscal information I have available to make a decision. I think it's wrong. I'm sorry the County Executive has proposed this; I'm sure they'll give you some story as to why. I see Paul who doesn't sit around this horseshoe but is prepared to debate this legislation as if he were a Legislator, although he is not. This is a discussion that should be between us because it's the information we get that are going to make our decisions on how we're going to vote and how we're going to justify it to our residents. Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

Some of the things that Legislator Romaine said I agree with, but actually I think it operates in the opposite way. When we adopt a budget, we look at all the impacts, upside down, backwards, all over the place. And unfortunately, there's forces that determine what that budget impact is going to be town•by•town that have nothing to do with us. So I think that it's a little bit deceptive that we would start looking at things and try to make up our minds whether we're going to either adopt a budget or not adopt a budget based on really a tax increase or a tax decrease that's above and beyond our control. Because let's face it, the towns do have a major impact on even the way we present our budget, the way it gets adopted in those towns. And even just one little for instance; if they don't assess their property correctly, last year, if they •• if the towns made mistakes on their property and we lost a lot of tax certiorari ••

LEG. ROMAINE:

Erroneous assessment.

LEG. ALDEN:

Then that's included this year and it can really like throw completely out of kilter the effect that we would have on the town tax •• well, not on town tax, but on the County portion of our residents taxes.

So I think that what we're doing here is we're actually cleaning it up a little bit. And if individual Legislators still want that information that information can be generated, but with the clarification that it's actions that have nothing to do with Suffolk County Legislature that would have the effect of either increasing or decreasing the town portion of those taxes.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, I don't think I quite agree with Legislator Romaine on this. This is a bit deceptive in terms of how it's read. It's easy to be in a political campaign used in a way •• if I look at what the Budget Office put together, it looks like East Hampton taxes are going up by 44%, even though if we adopt this budget we're doing a General Fund property tax cut. In one of my towns it's an enormous increase in County property taxes, but I have no control over that aspect because it has to do with how the tax base is growing in that

particular area. It's not helpful necessarily to weigh what we do here based upon what's happening on the town levels and use that against us, I don't think that is really fair. So I think changing this in some ways is more honest than to leave it here, because this will be used for dishonest purposes.

P.O. LINDSAY:

Okay. I was just leaving you to the end so you can answer all the questions at once, all right? Are you done, Jay? Oh, you want a comment from ••

LEG. SCHNEIDERMAN:

Well, I just wanted maybe Paul to respond to that.

P.O. LINDSAY:

Okay, okay.

LEG. SCHNEIDERMAN:

Because I think it is confusing.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Quite frankly, I was about to say that I, unlike what Legislator Romaine characterized the bill as, view this bill as repealing the Deception and Distortion Act of 1989. Because I think what this town•by•town calculation does is it deceptively portrays the opposite of what elected officials have done. So that as you just pointed out, you vote for on a County•wide basis the things that you can control to cut 2% or 10% or 8% because of something you don't control which is the way the taxes are apportioned under State equalization formulas which nobody understands except for Robert Lipp ••

P.O. LINDSAY:

That's scary in itself.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

And Fred Pollert when he's motivated •• causes unnecessary and inappropriate mischaracterizations of what you've done. So you've got ten charts, 13 charts, 14 iterations of the same group of numbers being portrayed in different communities when the reality is that you voted for a 10% cut or a 2% cut or a 1% cut. So I view this proposal •• and the reason it was put forward was to basically get rid of the deception and distortion, and also it's part of the package. If you recall, back in August we had the first piece of the puzzle which actually addresses Legislator Romaine's first

point which is that when you pick up your tax bill and you look at the percentages that show the difference between one year to another year, those percentages again are coming out of State law, not the County Law. So by repealing the bill that we repealed in August, we're going to eliminate the situation that Legislator Romaine just identified which was even though last year you cut the General Fund by 2.2%, you cut the •• you held the Police District at 2.2, you had a tax bill go out where the State did a calculation that showed whatever it was in the particular town, and it happened in a lot of different towns.

So we think that we've dealt with that issue with the percentages by the repeal that we did in August of the 2002 legislation. I would think that this bill is going to be much fairer to all the elected officials in the County Legislature, as well as the County Executive, who actually put together a budget that does whatever it does and that's what should be portrayed to the public. So that's the long answer to what you succinctly described as eliminating distortion and deception in the tax bills.

P.O. LINDSAY:

Okay, Legislator Mystal.

LEG. MYSTAL:

Thank you, Mr. Presiding Officer. I just want to take you back a little bit on what Mr. Sabatino just said. I wanted to remind Mr. Romaine of the enactment of the act in 1989. I was then a rookie in this Legislature and it was a political bill that was against by the then majority Republicans to embarrass the newly•elected County Executive who was a Democrat. And at that time, what you guys •• what that side wanted to do • • by that side, I mean the Republican side wanted to do •• was to show how Pat Halpin was, you know, raising taxes in every town. And it was the Republican majority who voted for that bill and who put it there as an embarrass •• as a political embarrassment. And I remember very clearly, Mr. Romaine, you were there leading the charge at that time.

LEG. ROMAINE:

I was County Clerk at that time.

LEG. MYSTAL:

In 1989? In 1989 when we passed that bill, you were still here; 1989.

LEG. ROMAINE:

I was still here in '89, you are right.

LEG. MYSTAL:

You were still here, I remember you. I remember, you were still here, you were leading the charge to have that bill to have the tag "High Tax Halpin" stick during the election. You guys were successful in the fact that you defeated Pat Halpin, you know, two years later, but in the sense that I think this bill should be passed because it's the wrong thing to do. We look like we are raising taxes when the town themselves are doing whatever they are doing. It should be repealed, this is a good bill.

D.P.O. VILORIA • FISHER:

Legislator Montano.

LEG. MONTANO:

I'll pass.

D.P.O. VILORIA • FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. I would say I spoke a little bit about this during the public hearing on it and I believe that the impact that is furnished, the information that's furnished actually, is very pertinent and important for us.

The insertion of an average tax bill for the County taxpayer is a fiction, because there is no average taxpayer since we have townwide assessment. By virtue of the fact that we have townwide assessment, we have ten different treatments at the least and we have villages that assess as well. Certainly the equalization rates as they apply in this County are complex; I'll cede that, very much so. And the fact that we only have a handful of individuals that comprehend them thoroughly is also an issue as well. And what might be the remedy, rather than omitting or eliminating pertinent information, would be Countywide assessing; but then again, who will ever move to County wide assessor? Nevertheless, I believe the townwide information is pertinent and I don't support this.

D.P.O. VILORIA • FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Me?

D.P.O. VILORIA • FISHER:

You're on the list.

LEG. D'AMARO:

Okay, if you insist. Thank you. You read my mind, in effect, there were a few things I wanted to say. You know, this really •• Legislator Romaine talks about truth and honesty, I agree in this particular bill with the County Executive's position that this goes to responsibility, this goes to accountability.

Unlike Legislators Romaine and Legislator Mystal, I was not here in 1989, I was not here in 1999, but I'm here now, and I know that when I have to go back to my constituents and talk to them about what have I done to effectively represent them in the County Legislature, I want to talk about what I'm accountable for, okay. And I think it's very misleading to make a presentation to them and say, "Yeah, but if the effect of what we did, if the effect in your town •• when it goes through the State process is to actually increase your tax, then that goes to accountability." And I think the accountability should be directed where the responsible parties are, I don't think we would be the responsible party in that instance.

I also want to point out that it's not irrelevant information, we should have this information if you want it. And I think we could, on a case•by•case or individual basis, ask our Budget Review Office to provide this information if we feel we want it. I think to make it rise to a requirement, to the level of a requirement in our Charter, though, is misleading. I think that somehow, by raising it up to that level, indicates that we are accountable and responsible for something we have absolutely no control over, so I would support this bill.

D.P.O. VILORIA • FISHER:

That was the last speaker.

P.O. LINDSAY:

Okay. Is there any other discussion on this?

LEG. NOWICK:

Can I ask a question?

P.O. LINDSAY:

Yes, Legislator Nowick.

LEG. NOWICK:

Yeah, just a question, and we're trying to figure this out. How does this affect •• and I don't believe it does, from what Counsel Nolan said. It doesn't affect the tax statement that goes out to our constituents?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, the tax bill that actually goes out at the end of December, was impacted by the bill that we adopted in August which is going to eliminate that distortion on the percentages that the State calculates with mandated versus non•mandated; so we've dealt with that issue in August.

This is an internal document that gets generated for the Community College Operating Budget, the Capital Budget and the Operating Budget and amendments during the course of the year with respect to having this ten town•by•town breakout of whatever action you're taking. And again, just to repeat what I had stated at the public hearing, it's not fair to elected officials •• you folks on the County Legislature, the County Executive •• who set a certain course, whatever it might be; if you decide to cut something by \$100 or you decide to increase anything by \$100, that's what should be reflected. But because the ten town•by•town breakout is distorted by things you can't control which are the full equalized value and dividing assessed evaluation by equalization ratios, you wind up with numbers and percentages in a document that you're generating internally as a matter of law that don't accurately reflect what you've done on those matters that you control. So it's two different things, an internal document versus the tax bill.

LEG. NOWICK:

Okay, this is just the internal •• we already did the tax bill in August, we took away that ••

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right, and that's ••

LEG. NOWICK:

Which I disagreed with, but we did do that.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right, and that should hopefully deal with this percentage problem that Legislator Romaine had mentioned before.

LEG. NOWICK:

And this is an internal document that nobody actually sees except for us.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Except what's happened is since 1989, as I stated at the public hearing, that legislation was proposed at the time by County Executive Halpin to respond to the tax increase from the year before; it was a knee•jerk reaction that didn't go to the issue that generated the problem. What happened was that particular Budget Director, due to his youth and inexperience, had miscalculated the tax levy versus the tax warrant, and it lead to 13% versus 161%. This legislation which was designed to address that couldn't possibly • couldn't possibly solve the problem if somebody miscalculated, but instead it generated 17 years of new problems which are every year, this takes on a life of its own. You've got this chart out there with ten sets of numbers that are different than what you actually voted on, not a question of what you believe you voted on. What you actually voted on is one set of numbers, then you've got charts floating around the County pursuant to the Charter which make it look like you somehow deceived the public and didn't tell them the truth. That's why we think it's important to take away the status of that document being something generated pursuant to law, and if somebody wants to generate it internally, you know, fine, but it won't take on the official status of a document attached to every resolution.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

One more question, Mr. Chair, and I guess I'll pose it either to Legislative Counsel or to the Chief Deputy ••

MS. MAHONEY:

Is that on?

LEG. LOSQUADRO:

Your mike is not on.

LEG. KENNEDY:

Sorry about that. Just one quick question, and it's just so that I understand terminology; I think I know the answer already. Even I ••

LEG. MYSTAL:

Why you ask it?

LEG. KENNEDY:

Because I think it's important to have it on the record, Legislator Mystal. Even though it's generated internally, that document is available to the world upon request. So it's subject to FOIL, any and all can go ahead, see it and read it and go ahead and have at least some indication of what the tax impact is town•by•town and that we don't go down to the village, even though we do have village assessing as well. But certainly it is something that can go out there to the world, otherwise we'd not have this discourse.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right, but it's not •• what will happen is we won't have the statutory authority or status or stature. And again, if somebody chooses to request on their own, if you're foolish enough to want to get information that's going to hurt yourself, you're welcome to do that.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. MYSTAL:

Hello, Jack.

LEG. SCHNEIDERMAN:

Maybe Paul shouldn't sit down yet, maybe Robert Lipp will answer my question. Just in attempt to simply clarify this, if I or we the Legislature vote for a tax rate decrease in the next budget, yet in one of my towns or within my district the property values go up in terms of assessed value, maybe they've been reassessed, the property value is accelerating faster maybe than other areas of the County, then my towns have to pick up a bigger portion of the total pie; is that correct?

So even though the tax rate goes down, the actual amount that each property is paying is bigger and so it looks like a percentage increase even though County•wise it's a tax cut?

P.O. LINDSAY:

Well, if you vote for this ••

LEG. HORSLEY:

Yes, that's exactly what it is.

LEG. SCHNEIDERMAN:

Did I make it more confusing? That's, in essence, what is happening, is it not?

LEG. HORSLEY:

That's well put.

MR. LIPP:

Exactly. What happens is because the apportionment to a town may go up significantly, even if there's a flat tax or a decrease, it's possible they could get a higher tax bill.

LEG. SCHNEIDERMAN:

Everybody pays the same tax rate but ••

MR. LIPP:

It's the apportionment. So for instance, if a particular town went from 7% of the overall tax warrant to say 10%, then even though there may have been a decrease or a flat tax, that particular town would get a higher apportionment on the tax warrant.

LEG. ROMAINE:

Or erroneous assessment.

LEG. SCHNEIDERMAN:

So it's the same percentage off ••

MR. LIPP:

No, having nothing to do with erroneous assessments actually.

LEG. SCHNEIDERMAN:

It's the same percentage but off of the higher number.

MR. LIPP:

No, actually the other way around. It's a higher percentage in this case off of perhaps •• in this case a lower number. The property tax is recommended for the General Fund, for instance, to go down, so that's a lower number globally for the County, however a higher percentage and some towns could result in their bill actually going up.

LEG. SCHNEIDERMAN:

Right.

P.O. LINDSAY:

If I could just •• Legislator Schneiderman, you represent Southampton and East Hampton.

LEG. SCHNEIDERMAN:

Right, and a little piece of Brookhaven. And Southampton is looking at 21 ••

P.O. LINDSAY:

Well, according to this chart, Brookhaven is going up 1.1, Southampton •• East Hampton is going up 44 and Southampton is going up 21; I'd hang out in Brookhaven.

LEG. ROMAINE:

Or I'd vote for this legislation so the people don't know it until they get their tax bill.

LEG. NOWICK:

They don't know then either.

LEG. ROMAINE:

Then they'd find out.

LEG. SCHNEIDERMAN:

Right, it looks bad on paper, it looks like a huge increase in taxes in those areas.

P.O. LINDSAY:

It's •• you know, correct me if I'm wrong, and I know this is really a tabu with our ten towns, but if we had County•wide assessment you would

eliminate the problem as well.

LEG. ALDEN:

Yeah, but you would create some more problems.

LEG. SCHNEIDERMAN:

Good luck with that one.

LEG. HORSLEY:

We're not with you, though, Bill, on that one.

P.O. LINDSAY:

I know, I can hear that. Did you want to say something else?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I just wanted to add an additional point to the numbers you just read. Keep in mind, they're going to change again between now and the time that you even consider your budgetary amendments because these numbers aren't final; I think two of the towns we don't have final numbers on and a third town there would be an adjustment. So it kind of highlights, it kind of highlights the distortion and deceptive factor because even the numbers you read today are going to be a different number before you get to vote on whatever amendments you decide to do on the budget.

P.O. LINDSAY:

You know, I said that in gest before about the County•wide assessment and we saw some of the difficulties in Nassau with the County•wide assessment but, you know, they're responsible for the numbers.

I mean, we pass a budget here and we're totally up to the mercy of the individual towns on individual issues on what the actual tax rate comes out at.

LEG. MYSTAL:

Just an aside, Mr. Presiding Officer. The last Supervisor who dared to reassess the town was in East Hampton?

LEG. ROMAINE:

Southampton.

LEG. MYSTAL:

Southampton and she was quickly thrown out of office forcefully in two years.

LEG. CARACAPPA:

Forcefully.

LEG. MYSTAL:

Mardy { Dipitro } ?

LEG. ROMAINE:

No, no, no, no, she resigned.

LEG. MONTANO:

What was her name?

LEG. SCHNEIDERMAN:

No, you got the right name; it's Mardy, right?

LEG. MYSTAL:

I forgot her name.

P.O. LINDSAY:

Okay. Any other discussion on 2029?

D.P.O. VILORIA • FISHER:

No, let's go.

P.O. LINDSAY:

We have a motion, Mr. Clerk, and we have a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Yes, okay. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

P.O. LINDSAY:

Opposed, Legislator Romaine.

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

We have three in opposition. Any abstentions? No.

MR. LAUBE:

15 (Opposed: Legislators Romaine, Barraga & Kennedy).

P.O. LINDSAY:

IR 2077•06 • Authorizing the County Treasurer to borrow cash funds from other County funds for 2006 (Presiding Officer Lindsay). I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

2026•06 • Adopting Local Law No. 2006, A Local Law Amending the Suffolk County Empire Zone Boundaries to include U.S. Web Inc. (SCTM No. 0400 •• 104.00•01.00•050.000)(County Executive).

LEG. COOPER:

Motion.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro. On the issue?
Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a clarification; in amending the boundaries, are we taking any place out that was in or are we just simply adding additional property?

MR. NOLAN:

We're just adding.

LEG. SCHNEIDERMAN:

Just •• Carolyn, we're just expanding the zone?

MS. FAHEY:

The regionally significant projects add acreage to the original designation.

LEG. SCHNEIDERMAN:

Great.

P.O. LINDSAY:

Okay. Did you want to •• no, okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstention, Legislator Alden.

MR. LAUBE:

17 (Abstention: Legislator Alden).

P.O. LINDSAY:

2028•06 • Adopting Local Law No. 2006, a Local Law authorizing establishment of Suffolk County Local Development Corporation for the purpose of developing WI•FI Network in Suffolk County (County Executive). Counsel, you wanted to comment on this?

MR. NOLAN:

I just want it noted for the Legislators that there's supposed to be a five member board with this LDC. One of the appointments is given to the Nassau County Legislature and when I wrote my Rule 28 on this, I believed that was in error because there was no other mention in the legislation regarding Nassau County; I'm told that it was not a mistake. However, I think there are legal issues with giving the Nassau County Legislature an appointment to this, to our LDC; I know of no precedent for it. And additionally, we have a residency requirement even for non•paid officials, so I would suggest tabling this and then try to address that issue.

LEG. ROMAINE:

Motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Romaine. Who was the second?

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Montano. Mr. Brown, did you want to add something to this discussion?

MR. BROWN:

Yeah, thank you, Mr. Lindsay. I just wanted to speak to Mr. Nolan's comments in that during the lunch hour we did do a little bit of research as to the residency requirements. And as to the conclusion about it being a non•paid employee, the resolution adds Directors, adds one Nassau County representative to the Board of Directors to this Local Development Corporation which is a not•for•profit corporation. There's no residency requirement within New York State Statute. And as to the residency

requirement on the Local Law, the residency requirement as we read it speaks to officers and employees and a Director is neither; it maybe can be, but in this particular case it's not.

P.O. LINDSAY:

Okay, but just getting more to the point. If this is only envisioned for Suffolk County, why are we adding someone from Nassau County?

MR. BROWN:

Well, actually the question is probably best answered by the County Executive's Office, but I believe that it's in the Legislative Intent section, it speaks to a County•wide WI•FI area •• not County•wide, Island•wide.

LEG. HORSLEY:

That is correct.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Okay. Thank you, Mr. Brown. That actually raises many more questions like have we entered into a formal agreement with Nassau County, has that agreement been presented to the Legislature? That's my first question.

MR. BROWN:

To my knowledge, no.

LEG. ROMAINE:

So this resolution ••

MR. BROWN:

In to answer your first question about the agreement, to my knowledge no.

LEG. ROMAINE:

Right. So this resolution may be premature until such agreement is entered into and this Legislature had an opportunity to review.

Second question. What we're attempting to do here, which is very noble, is to create a WI•FI Network for both Nassau and Suffolk, something that in concept I support. Here's the problem; we're not going to do it as a

governmental agency, we're going to look for a development, a Local Development Corporation to get a private vendor to do that to then charge the public for wireless to then compete with other people who already perform this service in private industry.

I mean, that's the way it appears to me and I may be misinformed and I just throw that out there so that you could give me the correct information if I'm misinformed.

MR. BROWN:

I'm not really sure what the question is, but ••

LEG. ROMAINE:

The question is are we creating an entity to give a contract to another private industry with the sanction of a government imprint that will compete with people already in this industry that want to provide WI•FI or to provide wireless communication?

MR. BROWN:

But Mr. Romaine, your question really does not •• is not a legal question about the formation of the Local Development Corporation.

LEG. ROMAINE:

Okay, I understand, thank you. That would be a question I would have. I see Mr. Zwirn or Mister •• our Chief Deputy County Executive is still here •• that I would have for the Executive as to the intent of where we're going with this. Because, you know, I'm just a little concerned about government trying to compete with private industry in providing a service that we allow another private industry to provide on our behalf, I just want to understand what this is about. And I do support the concept of WI•FI, I just want to make sure we're doing it in a way that promotes private enterprise.

P.O. LINDSAY:

I'm sure there's going to be a couple of questions, so maybe Mr. Sabatino, if you could just hang out there. Legislator Horsley.

LEG. HORSLEY:

Yes. Legislator Romaine's question was •• if I'm wrong just tell me "Yes, you're wrong, I'm telling you." The issue with the WI•FI commission is yes, it was to be a •• is envisioned as a joint Nassau County, Long Island proposition, though it would be run through the Local Development

Corporation centered here in Suffolk County, though it did give them one vote. The question is are we competing with private businesses? The answer is no. The WI•FI, which would have a sponsor, you were correct in that statement, the WI•FI would be using public buildings, it would be using access to LIPA telephone poles and a lot of the details about how the structure is going to be worked out has not been concluded as yet, but it would be using public entities to create this system. It is an issue of economic development.

And secondly, we would not be competing with, say, Cablevision, Verizon or whatever; though they could bid on this process, we would not be competing because we would not be going inside the homes itself. As technology stands today, this would be strictly for usages. If you take your •• if you take a County water meter guy that's using computer equipment, is using a wireless system, he could get into the wireless system. It would be outside, it would be in your parks, it would be in your backyards, but it would not be inside your home. And so that's what •• that was the difference why we are not competing with enterprise.

LEG. ROMAINE:

Thank you, Legislator. Through the Chair, if I may; Legislator Horsley, my concern is •• and I think WI•FI is a noble purpose and I've said that again.

LEG. HORSLEY:

Right.

LEG. ROMAINE:

Why are we not doing this in•house? Why do we have to create another agency or authority or local corporation? Because they seem to proliferate and we seem to •• you know, we seem to lose control sometimes of those things. I have no problem creating a local authority if I knew the extent and power of that development corporation. And now that I understand that Nassau is going to be involved, we don't even have a Memorandum of Agreement before us or we've never had any discussion about how this is going to work between the two counties. I think this resolution, while probably •• if it is, as you explain, worthwhile and certainly beneficial, where is the precedent resolution with entering into an agreement with Nassau County regarding this Local Development Corporation?

LEG. HORSLEY:

The Memorandum of Understanding ••

LEG. ROMAINE:

I think this resolution is premature. I certainly think that we should table it for a session, maybe get some answers on that, and I think you understand my concern on that.

LEG. HORSLEY:

I do, and I do understand that. Possibly what we could do is we have a full network of technology people, business people, etcetera, that are involved in this project, maybe what we should do is we should have a proposal and a talk-through to the Legislature, to one of the committees so that everyone can understand and be brought up to speed on this. Because there's a lot of details, there's already a request for information that's already out there, we have 14 respondents at this point in time. It is moving forward and we are on the cutting edge of technology, we should be proud of this effort.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I share some concerns on this bill as well; as a matter of fact, Legislator Horsley and I spoke earlier. I am a proponent of technology, as many of my colleagues are. Coming from the office that I came from, I saw what powerful technology can do and I think that this is a good concept to advance.

I am concerned about the ability of the private industry to go ahead and provide these same services and do not want to be in an area where we would have any competition. But more importantly, I believe that by creating an authority and empowering this authority as I see the powers that are named in the resolution, including the ability to go ahead and construct facilities, issue debt and essentially operate as a very powerful entity with very little oversight beyond the original appointment I think puts us at great risk. I think it's important to talk about, but I do not favor this mechanism. I would prefer to see this be a venture that is administered directly through our IT department or something to that effect.

P.O. LINDSAY:

Mr. Sabatino, you want to comment on some of the comments?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Just to touch on a few of the bases. Number one, this is the recommendation of Sharon Cates•Williams who is the Commissioner of IT; I believe that she came to the committee and explained her rationale, I know she put testimony on at the public hearing; it doesn't mean you're bound by that. It's not a composition or a concept or an idea that was done without the input of the person who is actually taking the lead on this cutting edge technology. Her rationale for asking for one of the five appointments to be Nassau County was that she envisions this as being a bi•County, as the County Executive does, the two counties working together to maximize the capability of getting this technology to everyone.

To answer the other question, it's not going to be government•run, it's going to be the private sector. As Legislator Horsely just mentioned, there was a request for expressions of interest that went out, the responses just came back ten days ago, two Fridays ago, where 14 or 15 have responded. There will be an RFP process that will follow that, the RFP's will obviously be circulated to the world at•large, there will be the normal review process. The people that will be responding to the RFP's are not Suffolk County government and Nassau County government, they're going to be the private sector, all of the big telecommunication companies that you hear about. So at the end of the process, you're going to be dealing with private sector companies doing the actual WI•FI.

What government brings to the table and what potentially makes it a successful public/private venture is that government has poles, they have public buildings, they have facilities, sites that you're allowed •• with County approval, you can attach these devices to which make the system work. It's been described to me again, there's like maybe three people in the universe who understands the technology of how it works, but basically the more sites you've got, the closer they are, the greater the capability.

Personally, you know, we're not wed to the Nassau County appointment, but it was the Commissioner of IT that made that recommendation, so I basically deferred to her judgement in terms of how she wanted to see the composition of the committee. The Department of Information and Technology is going to be the County agency that's, you know, intimately involved in the process, but at the end it's not going to be County government that's doing the technology, it's going to be the private sector.

So we'd like to see the bill get adopted. It was a little bit time sensitive in trying to get an agency up and running but, I mean, if there's a consensus that this Nassau County appointment is a huge stumbling block, I would say that in the event that you do table the bill that you should at least, you know, do the reach•out to Commissioner Williams and see if she can't persuade you to stay with it. I mean, my judgment was she's the expert, you know, she wanted to have that Nassau County/Suffolk County participation, it's only one vote out of five, it's not going to be a dominating participation but we're looking to get the bill adopted and we're looking for consensus.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Paul, if I can just •• the Nassau County appointment may be an issue, but my issues I guess go again to something more fundamentally threshold, if you will. Explain to me; will this entity be able to go ahead and issue debt?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

This entity •• yes, this entity would have the ability to do financing that, for example, the County would not be able to do; yes.

LEG. KENNEDY:

Right. We talked very much about the pipeline debt, we talked about \$488 million worth of authorized projects in there and we need to be vigilant and concerned and conservative, particularly with our Capital Budget so that we don't wind up getting over burdened with debt that's out there. But this entity wouldn't be subject to any of that concern, would it, beyond the five appointees?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It would not be subject to those constraints because it wouldn't be County money that would •• it wouldn't be County money that would be involved. They would be using the financing mechanism with the entity that ultimately would be successful with the RFP if, in fact, there was a need to go that route.

LEG. KENNEDY:

But when an authority issues debt ••

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

This is not an authority, this is local •• there's a big difference.

LEG. KENNEDY:

Help me out.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

This is a Local Development Corporation. Under New York State Law, okay, there's the authority for counties to •• for municipalities to create a Local Development Corporation; in fact, you approved one earlier this year for the incubators in economically•distressed areas. In fact, in 1986 we had created a Local Development Corporation that was going to take over LILCO, if you recall, in the summer of 1986, but that was not ••

LEG. KENNEDY:

Not here but from a different place; yes, I recall.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

But that was a Local Development Corporation; in fact, we had already appointed the members to it and they were going to be able to use that device to secure the acquisition and then turn it over to a public entity. So the Local Development Corporation is not •• it's not something new, but it's not a public authority; a public authority is a totally different kind of an entity which is pursuant to a different set of State laws and those are the ones I know you're concerned about with doing things that are, you know, off the ••

LEG. KENNEDY:

Let me cut to the chase and see if I can go ahead and then get an answer.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay.

LEG. KENNEDY:

If this entity gets created and it issues debt, 50 million, 100 million, whatever it is, and for whatever reason it flounders; who stands behind the debt? Is the County responsible in any way, is it our full faith and credit, or is it that entity alone; are we separated from it?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

My recollection is it is not full faith in County. I'm sorry, I'll just defer to Dennis.

MR. BROWN:

I'm sorry, I'll just ask you to repeat the question.

LEG. KENNEDY:

The entity, let's say, gets created.

MR. BROWN:

Yes.

LEG. KENNEDY:

The entity then adopts a business plan. The entity then goes ahead and issues debt •• 10 million, 50 million, 100 million, whatever it is •• for whatever reason the entity flounders; who supports that credit? Is it the full faith and County •• full faith and credit of the County of Suffolk or are we separate and apart from it; are we liable or not?

MR. BROWN:

It is a separate legal entity. So standing here, without researching that particular question, I would assign the debt to the corporation. And that is the purpose, in fact, of authorities, corporations, it's to insulate the municipality from liability, whether it be personal injury property damage, liability or debt ••

LEG. KENNEDY:

Counsel, you're not answering my question.

MR. BROWN:

I'm sorry, sir, but I thought that I just did. I thought that ••

LEG. KENNEDY:

In this case, I'm not talking about hypotheticals, I'm talking about this authority •• I'm sorry, this Local Development Corporation that we are contemplating adopting. In the event that there's an issue and for whatever reason they founder, who becomes liable for the bonds?

MR. BROWN:

As a general proposition of law, the corporation is the one who's responsible for debt and other types of liability. That is the very purpose for which whether it be an authority which is also a corporation and a corporate entity, or a Local Development Corporation; the purpose of the corporation is to insulate the principals from liability.

LEG. KENNEDY:

Can you tell me in this case, if this thing goes belly up, are we liable or not?

MR. BROWN:

My opinion as I'm standing here is that the County would be insulated from liability.

LEG. KENNEDY:

That's your testimony, that there will be no liability on our part in the event that this thing founders?

MR. BROWN:

That's my opinion as I'm standing here based on general propositions of law.

LEG. KENNEDY:

I'm going to defer to the chair, but I think I would like to see that in writing. Thank you.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

That's also my recollection and my experiences we had with the other Local Development Corporations; it was never full faith and credit, that was the whole point of the transaction. I just wanted Dennis because he's doing more up•to•date research than I do to verify, and that's the way it always was, not full faith and credit.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Actually, I missed the meeting of the Economic Development Committee. Is this particular resolution time sensitive? You indicated that you'd like to move it, but is there any compelling reason why it needs to be voted? Because to be quite honest with you, it raises some questions that I have

with respect to, you know, the relationship between Nassau County, the formation of the corporation. I understand clearly what Legislator Kennedy is talking about in terms of the obligations, it's a Type C corporation, I'm not quite clear what a Type C is right now because I can't remember. But what I'm leading to, Paul, is whether or not it would not be a problem, I'd like to recommit this back to the committee and then have the Commissioner •• I don't know if she came in •• and testify and, you know, ask some questions about where we're going with this. Particularly, you know, in light of the fact that you have a Nassau representative from the Legislature, this appears to be a quasi•governmental operation that we're forming here. There are a whole lot of questions I have. I think you could wrap it up.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Let me say this. It's time sensitive only in the sense that if it's delayed a month it just means the RFP process will be delayed by a month. But I think it's more important to get a consensus and to get a comfort level that everybody is going to be, or at least a clear majority of elected officials will be on board to do something which is truly cutting edge and which, I have to acknowledge, has been very contentious in other parts of the country. In fact, some State Legislatures have actually tried to pass legislation to bar these types of transactions. So I think it would be better to get a solid consensus at this level before we go for the final vote.

But I would just ask that if you're going •• if you could leave it on the floor of the Legislature but let the Economic Development Committee, you know, bring the Commissioner back to go through the level of details. I would just feel a little more comfortable with it sitting on the floor. You could table it today and at that next meeting we have the Commissioner •• quite frankly, the Commissioner coming to the committee by itself is probably not going to be enough anyway because I think all 18 want to hear what she's got to say. So the only request I would make is that in tabling it, if you could just table it on the floor, have the Commissioner come to the committee or have the Commissioner come to the full Legislature in October.

LEG. MONTANO:

Yeah, actually, I don't have a problem with that, I'm sure Legislator Horsley who is the Chairman of the committee could invite the Commissioner. I just have some questions with respect to some of the legal issues and then I'll be prepared. I think it's a great idea, I just want to know more about the technicalities involved. So I won't make a motion to recommit but I'll make,

you know •• is there a motion to table?

P.O. LINDSAY:

There's a motion and a second to table ••

LEG. MONTANO:

Okay.

P.O. LINDSAY:

•• standing.

LEG. MONTANO:

I seconded the motion.

P.O. LINDSAY:

You still want to talk, Legislator Horsley?

LEG. HORSLEY:

Well, basically, I could argue all these points but I won't do that because it's not necessary right now.

P.O. LINDSAY:

But there's still some questions ••

LEG. HORSLEY:

Yeah, I see there's questions about this.

P.O. LINDSAY:

•• and I think everybody would like to look at this a little bit more, all right?

LEG. HORSLEY:

Yeah, I see there's questions about this and I fully understand that and I want this to be as open a process as possible. We are under time constraints because, yes, we have put out a Request For Information. And if anyone knows this business of WI•FI and technology, New York City is on the forefront of this, Philadelphia, San Francisco and the like. So we would like to get the process to continue on so we can be the first County in this nation to bring WI•FI to our public. And certainly I will bring it back to the committee and if that's •• if you'd like to invite everybody or you'd rather do it for the whole Legislature?

LEG. COOPER:

No, I think we're going to do it here.

P.O. LINDSAY:

Well, I think what we just agreed with Mr. Sabatino is that he would bring the Commissioner back to your committee for further analysis and then would bring her to our next General Meeting to answer any other questions from people that aren't on the committee or couldn't make that committee. All right, Paul?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, that would be good. The issue is too important not to get a consensus on.

P.O. LINDSAY:

Yes, I agree.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I want people to feel comfortable before we go forward.

P.O. LINDSAY:

I agree wholeheartedly.

LEG. MONTANO:

If I may, Legislator Lindsay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

The only problem would be that if, in fact, we decide that we want to go with this but we want to make amendments to the bill, if we table it now and it comes back before us for a vote, we're not going to have an opportunity to make the changes. So in that sense ••

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, the only thing I would ••

LEG. MONTANO:

•• it seems if we're going to ••

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The only thing I would suggest is that if we get the consensus that I hope we get, the comfort level that I think will come when you talk to Sharon Cates •Williams, because she's really awesome in terms of explaining the nuances, I think a Certificate of Necessity with the 12 votes would probably solve the problem.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

All right? So we have a motion and a second to table. All in favor? Opposed? Abstentions? Moving right along.

MR. LAUBE:

17.

LEG. COOPER:

Excuse me, Mr. Chair, just a question for Counsel.

MR. LAUBE:

18.

LEG. COOPER:

If we do make these changes as envisioned, do we have to have another public hearing on the resolution?

MR. NOLAN:

It depends how extensive the changes are. If they are substantial changes, then it would have to go back for a public hearing; if they're something less than that, we wouldn't need another public hearing.

P.O. LINDSAY:

If you just drop the Nassau ••

MR. NOLAN:

Like if we dropped •• for example, if we substituted the Nassau appointment to a Suffolk County appointment, we would not need another public hearing

for that.

P.O. LINDSAY:

Okay. You called the vote?

MR. LAUBE:

Yes, I did.

P.O. LINDSAY:

Okay.

Environment, Planning & Agriculture:

1390•06 • Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS) farmland Preservation and Hamlet Parks Fund (Treemont Avenue Property) Town of Brookhaven (Eddington).

LEG. EDDINGTON:

Motion to approve.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington to approve, second by Legislator Viloría •Fisher. Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1873•06 • Authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk (County Executive).

D.P.O. VILORIA•FISHER:

Motion.

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Viloría•Fisher.
Any discussion? All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Would the Clerk list me as a cosponsor?

MR. LAUBE:

Yes, sir. 18.

D.P.O. VILORIA•FISHER:

The next few we can do same second, same motion.

P.O. LINDSAY:

2047•06 • Making a SEQRA determination in connection with the proposed replacement of salt storage building, Town of Southold (Presiding Officer Lindsay).

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2048•06 • Making a SEQRA determination in connection with the proposed acquisition of land for parkland purposes known as the Hertlin Property, Town of Brookhaven (Presiding Officer Lindsay).

D.P.O. VILORIA • FISHER:

Same motion.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion •• well, I've got two different.

D.P.O. VILORIA • FISHER:

I thought you were saying same motion.

LEG. LOSQUADRO:

I was going to say same motion.

P.O. LINDSAY:

Oh, same motion? Okay, same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

2049•06 • Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Forge River Watershed addition, the Estate of Guccione Property, Town of Brookhaven (Presiding Officer Lindsay).

D.P.O. VILORIA • FISHER:

Same motion.

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Same motion, same second, same vote.

2050•06 • Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Patchogue River wetlands addition, Irwin Property, Town of Brookhaven (Presiding Officer Lindsay).

D.P.O. VILORIA•FISHER:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

2051•06 • Authorizing planning steps for the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program (Approved in 1987, amended in 1996) (Town of Smithtown • Sebesta Property) SCTM No. 0800•106.00•02.00 •011.007) (Kennedy).

LEG. KENNEDY:

I make a motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2070•06 • Approving planning steps for the acquisition of Farmland Development Rights • August, 2006 (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Vilorina•Fisher.
All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir. 18.

P.O. LINDSAY:

IR 2083•06 • Authorizing acquisition of land under the Suffolk County Open Space Preservation Program • Joseph F. Gazza Property • Pine Barrens Core Area (Town of Southampton • SCTM No. 0900 • 243.00•03.00•022.000, 047.000 & 055.000, 0900•245.00•01.00 •015.000, 0900•281.00•03.00•006.000, 024.000, 026.000, 038.000, 047.000 and 049.000, 0900•283.00•01.00•012.000, 014.000, 0900 •306.00•01.00•022.000 and 030.000) (County Executive). Motion.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Schneiderman makes the motion.

D.P.O. VILORIA•FISHER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2084•06 • Authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Joseph Gazza Property • Pine Barrens Core Area (Town of Southampton • SCTM No. 0900 • 215.03•01.00•034.000, 0900•286.00•02.00•002.000, 003.000, 004.000, 005.000, 009.000, 016.000, 0900•307.00•01.00•032.000, 0900•281.00•03.00•001.000, 0900•246.00•02.00•007.000, 0900 •243.00•03.00•012.000, 014.000, 016.000, 044.000, 046.000, 0900

•285.00•02.00•006.000, 009.000, 010.000, 012.000, 013.000, 014.000, 018.000, 019.000, 0900•310.00•01.00•003.000) (County Executive).

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

Same motion, same second okay, same vote?

LEG. SCHNEIDERMAN:

Tim, list me as a cosponsor on all these, these three?

D.P.O. VILORIA•FISHER:

Yeah, there's a third one of those.

P.O. LINDSAY:

And **2085•06 • Authorizing acquisition of land under the Suffolk County Save Open Space Preservation Program for the Joseph Z. Gazza Property • Pine Barrens Core Area (Town of Southampton • SCTM No. 0900•215.03•01.00•061.000, 0900•243.0001.00•005.000 & 0900•243.00•02.00•003.00) (County Executive).** Same motion, same second, same vote.

2086•06 • Authorizing acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund • Farmland Preservation component for the Johnson Property • Smoke Run (SCTM No. 0200 •197.00•06.00•025.000, p/o 026.001, 021.000 and 021.006, Town of Brookhaven) (County Executive).

D.P.O. VILORIA•FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2088•06 • Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund (Hanson Place Property, Town of Islip) (Presiding Officer Lindsay). And I'll make the motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Health & Human Services:

1971•06 • Adopting Local Law No. 2006, a Local Law strengthening smoking prohibitions in Suffolk County facilities (Presiding Officer Lindsay).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper and I'll second the motion. On the issue? Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2067•06 • Accepting and appropriating 80.1% State grant funds

from the New York State Department of Environmental Conservation to the Suffolk County Department of Health Services for the NYS Legislative Member Item Grant for support of the Peconic Bay Estuary Program (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir. 18.

LEG. SCHNEIDERMAN:

Myself, too.

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

2065•06 • Amending the Suffolk County Classification & Salary Plan in connection with new position titles in the Department of Health Services (Pharmacist I, Pharmacist II, Director of Medical Support Services)(County Executive). Do I have a motion?

LEG. MYSTAL:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Mystal, second by Legislator Cooper.
On the question?

D.P.O. VILORIA • FISHER:

Yes, I just have a question for the County Executive's Office. I was just looking for an assurance that this wasn't going to be eliminating any positions in the Health Department.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, it's not eliminating positions. What it is is there's been a difficulty in recruiting Pharmacists and ••

D.P.O. VILORIA • FISHER:

Closer to the mike.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Sorry, it was off, I apologize. No. There's been a problem in the past in terms of recruiting pharmacists because of the nature of the title. So what Civil Service has done is they've come up with a different range of titles so they're going to be deleting just titles, titles in the Classification & Salary Plan, replacing them with a new schedule of titles in the hopes of having more success recruiting.

But this is not abolishing any positions of employment in County government.

D.P.O. VILORIA • FISHER:

Okay, thank you.

LEG. KENNEDY:

Mr. Chair, if I can also?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

All right. Paul, can you just tell me, what is the Director of Medical Support Services, what's involved in that; what's the actual role of the individual? Is that a practitioner or is that somebody that's overseeing, they're operating the clinic; what does that individual do?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Director of Medical Services?

LEG. KENNEDY:

Medical Support Services; are they going to run the Jail Medical Unit, is that it?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I'm sure that person is overseeing the medical operation, but I don't personally know the duty statement of that individual.

LEG. KENNEDY:

The Medical Support Services Coordinator is being deleted. Okay, fine.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

They're all Civil Service positions, too, I might add.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Anybody else? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Parks & Recreation:

IR 2046•06 • Approval of the Long Island North Shore Heritage Area Management Plan (Viloria•Fisher)

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Viloria•Fisher. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. LOSQUADRO:

Would the Clerk please list me as a cosponsor?

P.O. LINDSAY:

2053A, Pending Bond Resolution, Appropriating funds in connection with improvements to County Marinas (CP 7109) (County Executive).

I'll be happy to make that motion.

LEG. SCHNEIDERMAN:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. Roll call.

(*Roll Called by Mr. Laube • Clerk*)

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. IR 2063A • Pending Bond Resolution ••

MR. LAUBE:

Legislator Lindsay, same second, same vote, 2053?

P.O. LINDSAY:

Oh, I'm sorry. Yeah, 2053, same motion, same second, same vote.

2063A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with the restoration of West Neck Farm, Huntington (CP 7096) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Stern.
Any discussion? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

IR 2063, same motion, same second, same vote.

IR 2071A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with improvements and lighting at County parks (CP 7079)(County Executive).

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator Caracappa.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Any discussion? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. CARACAPPA:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

IR 2071, same motion, same second, same vote.

Public Safety & Public Information:

IR 1950•06 • Authorizing the Department of Information Technology to implement a "Mapquest" styled information service on the County's website for Suffolk County Transit bus routes (Eddington).

LEG. EDDINGTON:

Motion to approve.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Caracappa.

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Just briefly, I want to commend the sponsor. This is an excellent bill, long overdue. And I want to offer my assistance to the sponsor to work on those who don't have access to computers to help improve their knowledge of our various bus routes. But Mr. Eddington is to be commended and when we cast a vote, I'd ask the Clerk to list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Any other ••

LEG. KENNEDY:

I was going to equal the same ••

P.O. LINDSAY:
Legislator Kennedy?

LEG. KENNEDY:
Yeah, echo the same sentiments for the sponsor, as a matter of fact.

D.P.O. VILORIA • FISHER:
It's a very good bill.

LEG. KENNEDY:
This is an issue we've talked about at great length in the committee. And certainly it's something that we ought to be able to go ahead and do in-house and I see this resolution as a way to go ahead and achieve that. Again, I commend as well and I'll look to cosponsor.

P.O. LINDSAY:
Legislator Eddington, you've got two at-a-boy's, you don't get that often around here, so suck it in.

LEG. MONTANO:
List me as a cosponsor.

P.O. LINDSAY:
Okay, all in favor? Opposed? Abstentions?

LEG. COOPER:
And cosponsor, please.

LEG. D'AMARO:
Cosponsor also.

P.O. LINDSAY:
IR 1986•06 • A Local Law to enhance evacuation plans ••

D.P.O. VILORIA • FISHER:
I don't think he had done the count, they're getting the cosponsors.

P.O. LINDSAY:
Oh, I'm sorry. You got it? I'm sorry.

MR. LAUBE:

Anybody else?

D.P.O. VILORIA • FISHER:

I'm already a cosponsor, I'm already listed.

MR. LAUBE:

I think I got everybody. 18.

P.O. LINDSAY:

IR 1986 • 06 • Adopting Local Law No. 2006, a Local Law to enhance evacuation plans for pets and animals (Cooper).

LEG. COOPER:

Motion to approve.

D.P.O. VILORIA • FISHER:

Second.

LEG. MYSTAL:

Do we have one for humans?

D.P.O. VILORIA • FISHER:

Oh, did you want to second that? I'm sorry. Did you want to second that?

LEG. D'AMARO:

Did I want to second it?

D.P.O. VILORIA • FISHER:

I thought you had your hand up.

LEG. D'AMARO:

Sure, I'll second it.

D.P.O. VILORIA • FISHER:

No, I had already seconded.

P.O. LINDSAY:

No, we have a motion by Legislator Cooper, a second by Legislator Vilorina •Fisher. Any discussion?

LEG. NOWICK:

I have a question.

P.O. LINDSAY:

A question, okay. Legislator Nowick.

D.P.O. VILORIA • FISHER:

No, husbands don't count.

LEG. NOWICK:

I need to know •• this is going to enhance the program; is there already a program now that we're enhancing?

LEG. COOPER:

Yes, there is a program but FRES contacted me that they would like to have some changes made to enhance the program and make it better. I had sponsored a resolution several years ago to create a task force to establish a disaster animal rescue plan •• for reasons I won't go into, Legislator Vioria •Fisher could go into more details if she cares to •• it didn't move forward as quickly as I would have liked. The County Executive, by I think Executive Order, implemented what I was trying to accomplish, but it fell short of what FRES is looking for, so this just fine tunes the existing program.

LEG. NOWICK:

Well, I'm going to cosponsor this one.

P.O. LINDSAY:

I just have one question. Is it possible to combine this bill with Legislator Alden's bill about the euthanasia of pets?

D.P.O. VILORIA • FISHER:

Cosponsor.

P.O. LINDSAY:

This way they could escape.

LEG. CARACAPPA:

Ouch.

D.P.O. VILORIA • FISHER:

Oh, you're a sick man.

P.O. LINDSAY:

Okay, we have a motion and a second. No, this •• forgive me. It's a very important subject, forgive me. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ROMAINE:

Would the Clerk list me as a cosponsor?

LEG. CARACAPPA:

We can add animals to the next one.

P.O. LINDSAY:

IR 2027•06 • Adopting Local Law No. 2006, a Local Law to update and strengthen the investigation and enforcement powers of the Suffolk County Human Rights Commission and to achieve substantial equivalence with the Federal Fair Housing Act (County Executive).

LEG. MYSTAL:

Motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion by Legislator Mystal and seconded by Legislator Montano. On the question, anybody have any questions? Okay. Seeing none, all in favor? Opposed? Abstentions?

LEG. CARACAPPA:

Opposed.

LEG. COOPER:

Cosponsor, please, if I'm not already down.

P.O. LINDSAY:

One opposition.

LEG. LOSQUADRO:

Opposed.

P.O. LINDSAY:

Two oppositions.

D.P.O. VILORIA • FISHER:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. STERN:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

P.O. LINDSAY:

Okay, let's get •• you got the two oppositions?

MR. LAUBE:

Two opposition. Cosponsors?

MS. ORTIZ:

Cooper, D'Amaro, Mystal, Stern and Vilorina•Fisher.

P.O. LINDSAY:

Public Works •• oh, wait, we didn't get an announcement; did you call the count?

MR. LAUBE:

16 (Opposed: Legislators Caracappa & Losquadro).

P.O. LINDSAY:

Public Works & Transportation:

IR 1753•06 • Authorization of alternation (sic) of rates for the North Ferry Co., Inc. (Presiding Officer Lindsay). Is that alternation of rates?

D.P.O. VILORIA•FISHER:

Yeah, I think it's alteration.

LEG. ROMAINE:

Alteration it should say. Motion.

P.O. LINDSAY:

Okay. Motion by Legislator Romaine, seconded by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just a quick question of Budget Review. Number one •• well, I need two questions. All their documentation is in and they're in full compliance?

MS. VIZZINI:

Absolutely. Our report was issued in early August, there were some concerns we expressed, North Ferry came and addressed Public Works and provided the documentation that clarified the reason for the rate being related directly to their going into contract and getting the financing for another boat.

LEG. ALDEN:

And does this still contain the •• it's a fairly substantial difference between residents and non•residents?

MS. VIZZINI:

The non•residents do subsidize the residents to a substantial extent. The ferry company is aware of that and there are reasons for that; that is something that they will probably be looking at in the future.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. Any other questions?

LEG. CARACAPPA:

Mr. Chairman, I just want to put on the record •• I'm sorry, was I next?

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

Just very quickly, North Ferry Company, in the past they've been asked to jump through tremendous hoops, so to speak, with the past Legislator from the 1st District and they've always proven themselves to be a very professional organization. I would just like to commend them once again for doing it this go•around, Ms. {Vansusan} and her colleagues, I know the troubles you've been through with this Legislature in the past and you've always risen to the occasion. So I just wanted to put that on the record.

P.O. LINDSAY:

In other words, they've dealt with this Legislature for years without therapy.

LEG. CARACAPPA:

They've dealt with Caracciolo without therapy.

P.O. LINDSAY:

Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

Since we seem to be doing double at•a•boy's today, I have to say that recently, since I've been traveling a lot more than usual around the County, I have had occasion ••

LEG. CARACAPPA:

Why is that?

LEG. LOSQUADRO:

Why?

D.P.O. VILORIA•FISHER:

•• to ride the North Ferry and it's •• I see the improvement in the service, it's very quick, there seem to be more •• it's just been great service.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstention.

MR. LAUBE:

17 (Abstention: Legislator Alden).

LEG. SCHNEIDERMAN:

You can go home.

P.O. LINDSAY:

IR 1880•06 • To require the percentage of recycled paper used to be indicated on all publications of the County of Suffolk (Losquadro).

LEG. LOSQUADRO:

Motion to approve and I'll be happy to answer any questions, because I know a couple remain.

P.O. LINDSAY:

Oh, I'm sure you're going to.

LEG. MYSTAL:

Yeah, we have a lot of questions.

P.O. LINDSAY:

We have a motion. Is there a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Legislator Cooper.

LEG. LOSQUADRO:

Could I try to preempt a couple of the questions?

P.O. LINDSAY:

That would be wonderful.

LEG. LOSQUADRO:

I just want to make it clear, and I think Assistant Counsel was actually very familiar with the language behind this; this is not intended to imply to internal documents or stationery, this is only on publications to be sent out to the public when we do newsletters, when the County Executive's Office puts out publications that they send out. I hate to be diminimous, but really this is very unambitious and very simple. This is simply to read on the box of the paper that the Print Shop is using what the percentage of recycled content is and place that at the bottom of the publication when we send it out. This is just to let the public know what we are doing as County government and that we are purchasing paper with post consumer recycled product.

LEG. MYSTAL:

Question.

P.O. LINDSAY:

Legislator Cooper.

LEG. MYSTAL:

Jon, just one question.

LEG. COOPER:

Go ahead.

LEG. MYSTAL:

Does the same thing apply to ••

P.O. LINDSAY:

Wait a minute, you're not Cooper.

LEG. MYSTAL:

He's yielding to me.

P.O. LINDSAY:

He's yielding to you.

LEG. MYSTAL:

Yeah. Does it apply to •• we do sometimes mass mailing from our own districts; for example, I sent ••

LEG. LOSQUADRO:

I'm sorry, could you ••

LEG. CARACAPPA:

Mass mailings.

LEG. LOSQUADRO:

Oh, mass mailings.

LEG. MYSTAL:

I do a mass mailing from my district. We have a prostate cancer screening that we do in my office where we send out, you know, letters to a lot of my constituents; would that apply to it?

LEG. LOSQUADRO:

Do you run them off at your office or do you have the Print Shop print them up?

LEG. MYSTAL:

Usually they're generated really by the Print Shop, I think. It's one sheet of paper, sometimes they're generated by us, sometimes the Print Shop does it depending on the volume. It's internal in the sense I put a stamp on it, we stuff them, but we send out, you know, five, 6,000 ••

LEG. LOSQUADRO:

I've done those as well and usually it's on my own letterhead, so essentially it's still ••

LEG. MYSTAL:

It's on my own letterhead.

LEG. LOSQUADRO:

It's still your own stationery, it wouldn't be subject to that.

LEG. MYSTAL:

All right.

LEG. LOSQUADRO:

This is strictly for publications, not for stationery or internal documents.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I'm reading the resolution, unless this isn't •• no, this has to be the most current version. It says that it would have to be printed on every publication of the County of Suffolk, but it does not apply to the printing of documents for the internal use. So following up on Legislator Mystal's question, I routinely send out a thousand, 2,000 letters to my constituents on various issues.

LEG. ALDEN:

How many do you send out?

LEG. ROMAINE:

I hope we have the same franking privileges.

LEG. COOPER:

A thousand or 2,000.

P.O. LINDSAY:

It's all those pet owners.

LEG. COOPER:

Now, sometimes it may be photocopied or printed in my office, but other times it's printed by the Print Shop, but that's clearly not for internal use, that's a publication. Also, there's some cases, I understand, where ••

LEG. LOSQUADRO:

I do not think it would be inappropriate at that point for you to request the Print Shop, when they print that for you, to put the tag at the bottom listing the amount.

LEG. COOPER:

Well, but for example •• but letterhead, my understanding is that letterhead cannot be printed on recycled paper because there are some publications, such as letterhead, if it's going to be going through a certain type of •• conceivably a certain type of laser printer, I forget what the Print Shop had told me.

LEG. LOSQUADRO:

Correct, that's why it's for publications, not for stationery.

LEG. COOPER:

Right. So but you just said that if I'm doing a thousand piece mailing ••

P.O. LINDSAY:

Could I just clarify something? We're not determining what gets printed on recycled paper, only if we put the tab on the bottom.

LEG. LOSQUADRO:

Yes, it's up to the Print Shop what to use.

P.O. LINDSAY:

So we use all recycling paper anyway, right? Well, to some degree.

LEG. LOSQUADRO:

For example, our newsletters are printed on 20% post•consumer recycled paper.

P.O. LINDSAY:

Okay. But again, all we're arguing over is whether to print that on the bottom.

LEG. LOSQUADRO:

Exactly.

LEG. COOPER:

Right, but the problem •• let's say letterhead, which my understanding is cannot be done on recycled paper; according to this resolution, I'm now having to put a message at the bottom of a letter that I send out to a thousand constituents, "This paper contains" •• "This publication contains no recycled paper".

LEG. LOSQUADRO:

According to Counsel's office, this only applied to publications and not to letterhead and stationery, so that would not be included.

LEG. COOPER:

Well, could I have •• because it just ••

LEG. LOSQUADRO:

In committee that was Counsel's interpretation.

P.O. LINDSAY:

We're just trying to clarify, but you have the floor, Legislator Cooper.

LEG. COOPER:

But my point is that there may be publications where •• look, if everything could be recycled, I'd love that. But I was told by the Print Shop a couple of years ago when I checked into this that there are certain types of documents that cannot be on recycled paper for technical reasons, others because the quality of the recycled paper generally is not as good as non•recycled paper, for certain other documents ••

LEG. LOSQUADRO:

If I may, through the Chair, that's why our newsletters ••

P.O. LINDSAY:

Wait a minute. Are you done?

LEG. COOPER:

No, I'm not.

P.O. LINDSAY:

Let him finish, let him finish.

LEG. LOSQUADRO:

Okay.

LEG. COOPER:

So I just don't want to be forced, if I do a mailing of a document that through no fault of mine contains no recycled paper, now you're forcing me to put a statement on that piece of literature to my constituents saying, "This

literature contains no recycled paper." It's a negative.

LEG. LOSQUADRO:

The only instance that I know of that ••

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

•• is with stationery.

LEG. COOPER:

That's not what I was told by the Print Shop. Because again, I investigated this a couple of ••

LEG. LOSQUADRO:

Our newsletters, they can't go higher than 20%, they could go less but higher than 20% and it starts to degrade the print quality. If anything, I think you're right, this might bring something to light and you wouldn't be happy about sending that out and we might ask questions of the Print Shop as to why they weren't doing certain things.

LEG. COOPER:

Well, but I did, I asked these questions ••

LEG. LOSQUADRO:

And what I'm telling you based on my research is that all the publications that the County sends out, publications, there can be a content printed on them. That was my ••

LEG. COOPER:

I'm just saying I'm concerned that it could reflect poorly on individual Legislators.

P.O. LINDSAY:

Okay, you made your point.

LEG. LOSQUADRO:

Then it's your choice.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

And I did think this was a simple issue until Legislator Cooper brought this up. Does that mean ••

LEG. LOSQUADRO:

Excuse me, I can't hear.

LEG. NOWICK:

Dose this mean on our newsletter we need to put at the bottom, "This newsletter is printed on 20% or less recyclable paper"?

LEG. LOSQUADRO:

You won't have to do a thing. When the Print Shop sets it up for you, they will look at the material stock they're using and on the bottom it will say, "This" ••

LEG. NOWICK:

Well, I don't mean I have to do it.

LEG. LOSQUADRO:

Right, "This publication is printed" •• just like you see on everything. You know, most things you get from major corporations across this country will have that little tag line that tells you, you know, "This product was printed on material containing 20% post•consumer recycled product"; very simple.

LEG. NOWICK:

So then on our newsletter it will say that.

LEG. LOSQUADRO:

Yes and right now it does not.

LEG. NOWICK:

But unfortunately, though, I doesn't say it with an explanation and then it looks as though why didn't we do it on 100% recycled paper, that's a little bit about what I'm concerned. Because until you said that to me, I didn't realize 20%.

LEG. LOSQUADRO:

I think that most people, when they see that little recycling symbol and they see that there's even a percentage of recycled paper used, I think it indicates to people that there is an attempt being made to be environmentally conscience.

LEG. NOWICK:

I'm not sure about that, Legislator.

LEG. LOSQUADRO:

At least that's my interpretation of it; if people disagree with that, well, that's their prerogative. But I think, you know, most people understand and see that and understand that there is an attempt being made to be environmentally conscience.

P.O. LINDSAY:

Okay.

LEG. COOPER:

I'd like to make a motion ••

P.O. LINDSAY:

Another comment by Legislator Cooper.

LEG. COOPER:

No, no, I just wanted to •• since there are some questions, I applaud you for the intent, but I checked into this a couple of years ago because I had put in a request that we print all of our paper on recycled •• all of our documents on recycled paper and the Print Shop explained to me why, "We can't print this, we can't print that, we can't print that." So there are a lot of documents, I'm concerned, that cannot be printed on recycled paper and now we're going to be publicizing the fact that it contains 0% recycled paper or 8% or 12%. There's nothing to stop you right now from putting that recycled paper logo on your newsletter if you want, I'm doing it on my next newsletter because it is printed with partially recycled paper.

LEG. LOSQUADRO:

Correct.

LEG. COOPER:

But I don't necessarily want to say it's 12% recycled because then it raises

the question, well, what about the other 88% and it reflects ••

LEG. LOSQUADRO:

What about open and honest government, Legislator Cooper?

LEG. COOPER:

I'm just saying why don't we table this for one cycle and if you can reach out to the Department of Public Works and ask them the same question I asked them a couple of years ago and I think you'll find that there are a lot of documents that are problematic.

P.O. LINDSAY:

We're having a hard time hearing; the back talk, please. Go ahead.

LEG. COOPER:

So again, it's not because we don't want it to be printed on recycled paper, but there are technical or practical reasons why it cannot be, but the public won't understand that.

LEG. LOSQUADRO:

I would say that you're not giving the public enough credit when it comes to this issue. And I will say that as the Presiding Officer pointed out, this has nothing to do with mandating the portion of recycled content, this is what the Print Shop chooses to use and merely is advising the public of what that content is. If you feel that it needs some modification, I don't know what the consensus of my colleagues is but I think it's pretty self-explanatory.

LEG. COOPER:

I'm just concerned that we're not giving an explanation to the public for when we're printing a document that's on 12% recycled, they don't know why it's only 12% recycled or it's not recycled paper at all. They don't ••

LEG. LOSQUADRO:

Well, I'm not going to amend my resolution to include a disclaimer because the portion of recycled paper is too low; that's not going to happen. I just propose that we put on there what we're using.

LEG. COOPER:

Well, okay. Then before we vote, just realize that chances are we're going to be sending out a publication with our name on it to the public saying that this

document was printed with no recycled paper, and I don't know what sort of message that's going to send if we don't have some way of explaining to them why we intentionally did not use any recycled paper. That's all I wanted to say.

LEG. LOSQUADRO:

As I said, if it is the will of my colleagues to amend this to be a little clearer instead of just the interpretation of Counsel as to what documents this will or will not include, I would be willing to spell that out, but I certainly am not willing to put in any sort of disclaimer as to the portion. So I will change it to a motion to table.

P.O. LINDSAY:

Okay. Joe, it sounds like we're invoking the rule.

LEG. CARACAPPA:

Which rule is that?

P.O. LINDSAY:

The one that when we have nothing to argue about we find something.

LEG. NOWICK:

Yes.

LEG. CARACAPPA:

Yes. That's right, Mr. Chairman.

P.O. LINDSAY:

Motion to table and I'll be happy to second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 2023•06 • Adopting Local Law No. 2006, a Local Law to add ecological health and marine productivity as acceptable criteria for County dredging projects (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. ROMAINE:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Maybe could we get an explanation of how this would affect our dredging, Counsel?

MR. NOLAN:

Presently we have a Dredging Project Screening Committee that reviews each proposed dredging project. To be approved by that committee and by this Legislature, it has to be determined that it is in the public interest and the law presently sets out nine or ten criteria that would justify finding something being in the public interest. This would add a new criteria, if the project improved environmental or ecological health and/or marine productivity based on certifications from the Department of Health or the Department of Energy & Environment, that would be a basis for finding that a project was in the public interest and could be approved.

P.O. LINDSAY:

Okay. I have a question for the sponsor, and it's really a simple one. Will this mean it would be harder to dredge some of our waterways or easier?

LEG. SCHNEIDERMAN:

From an environmental perspective, it won't make a difference because you still have to go through the DEC permitting process and that's the difficult one. This only establishes an additional criteria that will qualify a project under the County's Dredge Screening Program.

P.O. LINDSAY:

So it might make it easier.

D.P.O. VILORIA • FISHER:

Yeah.

LEG. SCHNEIDERMAN:

In essence, it will make it easier to do a dredging.

P.O. LINDSAY:

Because there's enough •• we have so much trouble in getting waterways dredged now without ••

LEG. SCHNEIDERMAN:

Right.

P.O. LINDSAY:

Yeah, okay.

D.P.O. VILORIA • FISHER:

Mr. Chair, actually I sit on the Stony Brook Harbor Task Force.

LEG. SCHNEIDERMAN:

I can't hear you.

D.P.O. VILORIA • FISHER:

Can you hear me now? I have it on. No? This happened to be mentioned at a Stony Brook Harbor Task Force meeting and Estuaries Council and it would make it easier, just to answer your question very directly.

P.O. LINDSAY:

Legislator Horsley, did you want to comment?

LEG. HORSLEY:

No, I'm good, let's go with this.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BROWNING:

Cosponsor.

LEG. COOPER:

Cosponsor, please.

LEG. HORSLEY:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

2043A, Pending Bond Resolution, Appropriating funds in connection with safety and drainage improvements to center medians on various County Roads (CP 5116) (Browning).

LEG. BROWNING:

I will make a motion.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Caracappa.
Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. IR 2043, same motion, same second, same vote.

IR 2044A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with improvements to Parkview Lane and Ryder Farm Lane in the Town of Southold (CP 5135) (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you, Mr. Presiding Officer. I had a couple of questions on this bill because I think it's a little unique in the sense that the County is being asked to assume responsibility for the repair and maintenance of a ••

LEG. LOSQUADRO:

(Inaudible).

LEG. D'AMARO:

I'm sorry?

P.O. LINDSAY:

Go ahead, you have the floor, Legislator D'Amaro.

LEG. D'AMARO:

Unless I'm talking about the wrong bill; am I talking about the wrong bill?

LEG. MONTANO:

No, you were not.

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

All right, thanks. Excuse me. All right, anyway, the •• it's a little unique in the sense that the County, this was a •• we explored this in committee a little bit and obviously what had happened here was the road at some point should have been dedicated, that never happened and that goes back, I think there's a history of over 20 years here. But I had a couple of questions for the Executive's Office or the County Attorney's Office on this bill, Mr. Presiding Officer.

The first really goes to the ownership issue itself; have we confirmed that the County of Suffolk actually owns this property?

MR. BROWN:

Sure, by deed dated May 25th, 1990.

LEG. D'AMARO:

So the County acquired the property in 1990. And since then, has the County done any type of repair or maintenance on this road at all?

MR. ZWIRN:

No.

LEG. D'AMARO:

No.

MR. ZWIRN:

If I can give a little bit of the history of it.

LEG. D'AMARO:

Yeah, sure.

MR. ZWIRN:

What happened, there was a development in this area in Orient in the Town of Southold. The road was completed by the developer, it was offered to the Town Superintendent of Highways to take the performance bond which the developer had put up, it was returned to him and the Superintendent of Highways at that time, who has since passed away, decided not to take the road for the Town of Southold; the property went into default and the County picked it up through tax deeds. It has never been •• I went in to the Real Estate Department, it has never been maintained by the County Department of Public Works as a County Road. In fact, it is •• it would be a Town Road, it feeds into two town roads.

I think the Town of Southold will tell you, and I had conversations with the Supervisor, Scott Russell of the Town of Southold, earlier this week and as late as yesterday where they would say the Town of Southold should have taken title to these roads at that time and they didn't, they have sat all this time. We have put a bill to be laid on the table today to do an Article •• to do a 72•h to transfer title to the town.

LEG. D'AMARO:

For this property.

MR. ZWIRN:

For this property so that the issue of title would no longer be in question and that the town can move forward. I was going to ask on behalf of the County Executive today to have this bill not only tabled but recommitted back to committee. The appropriation here is for \$145,000 for no project. The Town of Southold has not committed to build these roads that are long overdue.

LEG. D'AMARO:

You mean we don't have a letter from the town indicating consent or some

kind of resolution?

MR. ZWIRN:

No, no.

LEG. D'AMARO:

Oh; don't we usually require that?

MR. ZWIRN:

There's nothing from the town; in fact, there is some dispute. The Public Works Department on their own did some research into what the cost would be. Now, the reason, we understand, that the \$145,000 figure was used in this bill, it's not because, as it states in the bill, that the town says it would cost \$145,000, the town actually has about a 15 year old estimate that's for 179,000. But the Town Supervisor apparently made a representation to Legislator Romaine that he would, you know, represent that the town board would put up 25% of the cost of putting the town road, make it a town road that would be usable by the people who live on this road. So the money was originally 179,000. As I mentioned earlier, our DPW, the Suffolk County Department of Public works, did an estimate of what this would cost and their estimate is over \$400,000 to do this road the proper way. When I mentioned that to the Town Supervisor, you know, quite frankly, he was taken aback because it's a lot more money than they anticipated being spent.

This bill is clearly premature. The County Executive is adamantly opposed to spending any money of the County taxpayers to build a town road because there are about 50 of these roads throughout the County. And if we spend \$150,000, 145,000 on this one, then we're going to have to do them all over the County and the cost will be prohibitive and we'll be doing town roads. This is •• the people here have a real problem, there's no question, they are very nice people, but their redress is with the Town of Southold and not with the County of Suffolk. And no matter how well meaning Legislator Romaine is in throwing out the money, the Town Supervisor did put a letter in saying, "I'm in support of the bill"; well, you know, free money from the County would be welcome toward any cost for this town road. We will continue, you know, to talk to the Town of Southold, but the County Executive will not commit one penny to building a town road in this case.

LEG. D'AMARO:

Yeah, I think we'd all agree that it's unfortunate. You know, we heard the

testimony in the committee and again this morning, it's unfortunate that the residents suffer the consequence of really what turns out to be the town's failure to address this issue over 20 or 25 years, when they're clearly looking •• at least my understanding of the history, they had the opportunity to do so when the bond was in place. But if this goes forward and there's discussions and ultimately the County decides to do something, just for perhaps future reference, I have a question about the precedent that we could set here in somehow improving this road or roadway and whether or not the County would incur liability should we decide to go ahead and do that.

MR. ZWIRN:

Well, the same argument can be made for Brownfields. I mean, the County will take title to these Brownfields, are we •• are the County taxpayers responsible for cleaning up every Brownfield property?

LEG. D'AMARO:

Right.

MR. ZWIRN:

I mean, so it opens a door that I don't think the County Legislature, the County Executive certainly doesn't want to walk through. As difficult it is for the people who live there, their redress is with the Town of Southold. As I say, we have a bill on the table to try and clear up the title problem and let the Town of •• I thought the Town of Southold Town Supervisor was going to see if the Town of Southold Highway Department could do this road themselves in•house, what kind of savings there would be.

In fact, when the Town Supervisor was the Tax Assessor back in the early 90's, he had come up with a solution for the people in this community by setting up a special tax district, but they needed 51% of the residents in the community to sign•off on it; they couldn't get 51% of the people of the community to sign•off. At that time I think it was \$51 a family for seven years and it would have been paid off, but they couldn't get 51% of the community to sign•off on it and it fell through.

LEG. D'AMARO:

Right, but this resolution would not only •• it would appropriate the funds and eventually lead to the County itself repairing the road; is that correct?

MR. ZWIRN:

That's what the idea is, to put this money in toward the road repair, even though there's •• even at this particular moment there is no project to put this money toward, I mean, it's just •• there's not a project to put it into. There's no way to appropriate this money because there's no project whether on the town or the County level and the County has no intention of doing it.

LEG. D'AMARO:

I just want to ask the County Attorney's Office the same or similar question. If •• right now as we sit here today, does the County have any liability with respect to this road and if we take further action does it somehow change our liability?

MR. BROWN:

The answer to your first question is no, there is no liability because since we took via tax deed, the liability would be incurred if we were exercising control or if we were deriving income from the property, from the parcel. And if we did undertake repairs, I'm sure that that would be viewed as an exercise of control. And also we'd be undertaking a responsibility, I believe, for maintenance for an extended period of time since the bonding can't be for greater than the useful life of the item being bonded. So if it was for five years, they might face liability for five years.

LEG. D'AMARO:

Are you saying that should the County improve the road and use funds through a bond, that we would have to maintain ownership of the road than for the period that the bond is out?

MR. BROWN:

Yes.

LEG. D'AMARO:

We would.

MR. BROWN:

I believe so, yes.

LEG. D'AMARO:

So in effect, the County would acquire this road.

MR. BROWN:

Well, we do own it now.

LEG. D'AMARO:

Well, in effect ••

MR. BROWN:

And we would be acquiring liability.

LEG. D'AMARO:

Liability for the road and also maintenance and repair.

MR. BROWN:

Yes.

LEG. D'AMARO:

And we could not, we would be prohibited from actually deeding or dedicating the road to the town until the bond that was used to improve the road was actually satisfied.

MR. BROWN:

I would have to check the answer to that particular question.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

How did we acquire title?

MR. ZWIRN:

Tax deed.

LEG. ALDEN:

So non•payment of taxes we acquired this property. Has there been an assessment as far as whether it was constructed to any kind of standards or anything like that?

LEG. ROMAINE:

Yes.

MR. ZWIRN:

Originally the road was in •• met standards. My understanding is that the Superintendent of Highways in Southold at that time did not take the road for the town because there were not enough •• now, this is what I understand, and this is not the criteria which he should have been judging, whether the town took the road or not, but there were not enough people living along the road and it wasn't worth it for the town at that time to take on the road and the responsibilities of maintaining it.

LEG. ALDEN:

Okay, two troubling things; you said we took title in 1990?

MR. BROWN:

May 25th, 1990 tax deed, yes.

LEG. ALDEN:

So for 16 years we've been paying the local and the town tax on this property and the school district tax and any other tax that might be appropriate on it; that's correct, right?

MR. ZWIRN:

It should be, yes.

LEG. ALDEN:

Which could end up being thousands of dollars. Now, one other question, though, on one of your statements that you made. If the County owns a piece of property and there's a dangerous condition on it, I believe we're responsible for it.

LEG. ROMAINE:

So do I.

LEG. ALDEN:

If there's an injury or if there's a suit or a claim for damages.

MR. BROWN:

Sure, liability for property damage or personal.

LEG. ALDEN:

I'm sorry, hold it, I couldn't hear.

MR. BROWN:

Sure, liability is predicated, however, though, on prior written notice. So it could very well be that there could be a defect on some public property.

LEG. ALDEN:

But wait a minute, though.

LEG. LOSQUADRO:

Haven't we received some?

LEG. ALDEN:

Today it was passed around, you know, a picture or a bunch of pictures of that property. And now maybe that doesn't rise to formal notice, putting the County on formal notice, but ••

LEG. ROMAINE:

They've already put the County on notice.

LEG. ALDEN:

But there could be potentially liability here.

MR. BROWN:

Municipal liability is predicated on prior written notice. So the fact that the picture was passed around today wouldn't create liability. There are exceptions to the prior written notice statute, but really for the purposes of this discussion, what you need to know is that there are •• that liability is predicated on prior written notice. Now, whether ••

LEG. ROMAINE:

Which they have provided.

MR. BROWN:

•• somebody has filed prior written notice in the past, whether there's been the filing of a notice of claim in the past, I don't have that information right now. But liability is predicated on prior written notice.

LEG. ALDEN:

Okay. And we're self-assured, so any injuries or property damage that might occur, if we end up with prior or if we had prior written notice, is going to fall to the taxpayer.

MR. ZWIRN:

Well, one of the reasons why we laid a bill on the table today is also to try to get the property into the Town of Southold which has real control over the property and let them go forward with putting a road, town road in.

LEG. ALDEN:

But here's my point, too, though. We didn't do an environmental assessment when we took the property, obviously, so we really don't know what was buried under the intended road. We could have an environmental nightmare there where we're in a change of title and we're responsible for it; that's part of the purpose of us not taking Brownfields property now.

MR. ZWIRN:

Okay. So what ••

LEG. ALDEN:

Has there been an assessment done; is there an assessment on what might or is buried under that road?

MR. BROWN:

If I can just also address, I had mentioned to Mr. D'Amaro before that liability, when a parcel is taken by tax deed, there's no liability. And without control one less income is being derived from the parcel which is the subject of the tax deed.

LEG. ALDEN:

Well, wait a minute. No, when we take property, if it's contaminated, we're in the chain of title, it's our responsibility, under any legal theory, it's our responsibility to clean that up. We can be held liable in any lawsuit that comes down from any other body, the Federal Government or the New York State Government.

MR. ZWIRN:

I don't think we want to get into a debate, quite frankly, over something, a hypothetical of what might happen on the property. The fact is that we're

trying to set a policy that we don't want to take over town roads, and this is clearly a town road. There's not a •• it connects to two ••

LEG. ALDEN:

Right, but it's ••

MR. ZWIRN:

And the Town Superintendent of Southold should have taken this property as part of the Town of Southold Highway System. It is •• I mean, if you want to set a precedent, then there's a lot of roads you're going to be •• in fact, the Town of Southold Town Supervisor said to me that this would not be a good precedent, that he would not like to see the County take title to these paper roads and pave them.

LEG. ALDEN:

I don't want to set a precedent. What we did, though •• I don't want to set a precedent, but what we did in 1990 was we took this property. We took a deed into our name, that makes us responsible for the property. We've been paying taxes to all the entities for whatever it is, 16 years now, and if somebody gets injured on that road or has property damage on that road, we're going to get a lawsuit and we're going to end up having to pass that on to the taxpayers. So actually, this is •• it's good that Ed Romaine brought this up today because something has to be done to get that out of our name, whether it's a reverse deed or whatever has to be done, maybe even a lawsuit to compel the town to take the road back into their control.

MR. ZWIRN:

That would be a better way to go, we think.

LEG. D'AMARO:

Excuse me. Mr. Chairman?

P.O. LINDSAY:

I have a long list.

LEG. D'AMARO:

Okay, throw me on.

P.O. LINDSAY:

I'll add you to it. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. I also think it's a good thing that this is in front of us because we do have a real problem in this neighborhood. And I think it's important to understand that we are talking about a neighborhood and some improved roads within a neighborhood that should have been taken by a town, and I think this is more unique than is being led on.

When Mr. Zwirn talks about all the precedents this can set, I've seen other roads that the County owns but they are on open roads. I don't know of improved roads like this. There's lots of them all over the place, but this is a case where we have a road that's fallen through cracks, it's full of cracks, it's full of potholes and we should figure out a way to get out of this as quick as possible and give it to the town. Now, if we just do the 72•h, I don't see why the town would take it. A town will often say, "We'll take it when it's in the proper condition." So I think we may be in a situation where we have to strike some kind of deal with the town where we have to do something here; maybe it's 25%, maybe it's 50%. If they'll just take it the way it is, great, we don't pay a penny, but I think we've got to figure out a way to get this from the County to the Town of Southold as quickly as possible.

P.O. LINDSAY:

I put myself on the list. When a developer goes forward with a subdivision, builds a road, the infrastructure for development, I assume that's what we're talking about here, right?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

There's usually a bond with the town ••

MR. ZWIRN:

There was.

P.O. LINDSAY:

•• to assure that the developer performs what he's supposed to be doing; what happened to the bond?

MR. ZWIRN:

It was returned to the developer by the Superintendent of Highways.

P.O. LINDSAY:

So the town returned the bond, refused to accept the road and we ••

MR. ZWIRN:

Correct, that's where the problem began.

P.O. LINDSAY:

And we accepted, we took the road as a result of tax liens.

MR. ZWIRN:

Right.

LEG. SCHNEIDERMAN:

It's a mess.

LEG. ALDEN:

Now we're paying the taxes on it.

P.O. LINDSAY:

This is just •• Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I agree with the sponsor and with Legislator Schneiderman in that I do believe that this presents a somewhat unique type of a situation, it's not something that's necessarily going to be precedential across the board, and that's why I supported the resolution coming out of the committee. Because as we sit here and talk about the alternatives and in particular the 72•h which many of us sit around here and say there's no reason why the town will accept the deed. We can draw all the deeds in the world that we want, but there's got to be acceptance on the part of the grantee in order to go ahead and ratify it; that's not something that appears is going to happen here.

In the meantime, these people are eyeball•to•eyeball another winter of being unable to go ahead and get access in and out of their homes and dealing with a dangerous situation. They testified to the fact that they can't get mail, there's issues associated with the fire department, there's issues associated with the emergency access, and I think it really behooves all of us at this

point to try, at least in this one incidence, to come to some kind of a conclusion.

Legislator Schneiderman brings a good point. I've dealt with Brookhaven now for two months to try to get a sidewalk constructed and get some money out of them. I think we ought to be able to get some dialogue and agreement and get this thing paid so these people can get taken care of.

MR. ZWIRN:

If I might. That's one of the reasons why I was asking it to be sent back to committee. If the committee wants to call in the Town Supervisor and have him testify before the committee to get his opinion, because his explanation to me was that he did not recommend that the County go ahead and do anything with building a road here or getting involved with a road project, that was not something that he recommended because he said it would set a precedent that he would not like to see across the west end of Suffolk County. So I think if •• I would ask that it be sent back to committee, consider the 72•h, if you want to ask the Town Supervisor to come back in and chat with the committee, but this bill is way premature; you're talking about paving a road before the winter, there is no project on the town or County level to do such a road, and you know if they came up with it in the next two weeks, there's no way it would happen before the next year or the year after at the earliest the way government works, even at best. So the time constraint isn't going to make a difference for this winter.

I would just say that this bill, no matter how well meaning in trying to get money to the Town to help build a road, the town has no plans at this particular time to build, there's no Town Board resolution, there's no Public Works project. As I said, I would just have it sent back to committee. It's not going to go away; the people are very nice people, they'll come back out. One of the women who was here today and spoke before you was my son's 1st grade elementary school teacher who reminded me of that on more than one occasion. But the fact is they are very decent people, they have a problem, but we think that their problem is with the Town of Southold and that's where it's going to have to be resolved.

LEG. KENNEDY:

Ben, you were a Town Supervisor, too. Put on your other hat, your former hat; what would you do?

MR. ZWIRN:

Can you imagine me going to then County Executive Tom Gullotta and asking for help in trying to do a road in one of the towns in North Hempstead?

LEG. KENNEDY:

No.

MR. ZWIRN:

I don't think I would have gone there. And the Town of North Hempstead would have paved the road, simple and plain, that simple.

LEG. KENNEDY:

Okay.

MR. ZWIRN:

People came to us for redress. If it was a town road, the town took care of its own. If it was a County road, we plowed the County roads back in my time because the County wasn't doing such a good job, we didn't ask for reimbursement; we didn't salt and sand them, then we would have asked for reimbursement, but town roads were maintained by the town and we took care of it.

LEG. ROMAINE:

But your building department was sterling.

P.O. LINDSAY:

Okay. Legislator Cooper.

LEG. COOPER:

No, that's okay, I withdraw my question.

LEG. SCHNEIDERMAN:

This is a County Road by default, a County•owned road.

MR. ZWIRN:

No, it's never been considered a County Road.

LEG. ALDEN:

How many more on the list?

P.O. LINDSAY:

Two more after Cooper.

MR. NOLAN:

Cooper doesn't have any questions; he doesn't have any questions.

P.O. LINDSAY:

You don't have any questions?

LEG. COOPER:

No, thank you.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

Thank you. This road was built in 1980, it was built to town standards with curbing and drainage and asphalt. The town did not accept it into its system and this County, very unwisely, decided to accept it into our system, not of roads but of property that was delinquent on back taxes. Legislator Kennedy and I discussed at lunch time the possibility of drafting a resolution that will outline set policy that this County will not take for back taxes and amend the Suffolk County Tax Act, things like roads, parks, sumps, drainage, all of these things that we should not be doing. We made a major mistake when we did that, then we compounded this mistake by not providing any services to these people. And slowly a road that was built in 1980 to standards, so over the last 26 years deteriorated until it looks worse than the roads in Beruit.

We have a letter from the Postmaster of Orient indicating that these people will no longer be eligible for postal delivery to their homes because the roads are in such impassable conditions. This is not a lot, by the way, these are rather small roads. I addressed this •• and by the way, the County has been put on notice. An attorney by the name of Franks whose father lives in the development has written to the County Executive, he should know that, and to Public Works and to the County Attorney's Office, and I received a copy of it, putting the County on notice because some young child fell and injured themselves this summer and after that the letter went out, so we are on notice. And I have to tell you, and I'm not an attorney but I know if you own property, I have a house, I have liability insurance, and I've got to tell you, no matter what anyone would say, I think a case can be made that we have

liability.

Legislator Cameron Alden brought out an excellent point. We're paying all the taxes to the school district, to the town, to any special taxing district. And guess what? We'll never recoup that money because we can't sell roads at an auction like we sell other parcels of property; we will never recoup that money. We have a liability here. These people have a tough situation. I drafted this bill because there was no other way to go.

And I will say, and I want to say this on record, I met with my constituents outside before this meeting began today. I did not appreciate Mr. Zwirn's characterization of me as an irresponsible Legislator because I tried to solve a problem by bringing this resolution forward, if only to get the attention of the County as to this matter. To characterize that, me in that fashion in front of my constituents I think was unforgivable, and that is something that I will have that discussion with Ben about.

Nevertheless, we are confronted with this. We had a meeting in June with a number of residents and the Supervisor who, by the way, I spoke to last night as late as 5:30. One, the County Executive has introduced as a late starter a 72•h; there is no way that the Town of Southold is going to take this. We're holding the hot potato, they are not going to do us a favor. Unless, I'm sure the County Executive has ways of negotiating with the Town of Southold and that's great. And when this discussion is over, I think maybe what I will do is allow this to be tabled for one session, but I suggested other alternatives when this resolution was discussed. I said, "Look, you say it's 400,000. I talked with the Supervisor and I'll" ••

P.O. LINDSAY:

Legislator Romaine, I'm going to stop you for a minute. Do you ••

MS. MAHONEY:

Oh, no, that's okay.

P.O. LINDSAY:

Oh, okay, I'm sorry, I thought the stenographer needed help.

LEG. ROMAINE:

But we had a meeting with all the constituents out there. The supervisor talked about paying 25% towards this, even though he said, "Look, you're

holding the hot potato, but we know we had something to do with it." This is a long time before he came along, before I came along, he's willing to pay 25%. He got an estimate from his highway department of \$175,000, I put in for 145,000, just figuring that maybe a little bit higher and they'll have to pay the rest. This resolution sets the County level of funding at 145,000. What I suggested to.

Mr. Zwirn is go to the Town of Southold once we pass this resolution, which I wish we could today but I can see the opposition is out in force, but go t them and say, "We'll put 145,000 on the table, you take the property, you sign a Memorandum of Agreement not only to take the roads but to bring them to up to your standards, we'll give you this portion of it because we made the mistake to begin with to take it." If it's actually 400,000, then I guess they'll have to pay the rest. And you know what? I think you'll have a deal, because it isn't 400,000 and that number is an inflated number. The Highway Superintendent said 175, I bet they can do it for under 200,000.

I'm saying let's move this off our plate. We're talking about developed roads that we allowed under our ownership to disintegrate, to create problems for these people, to deny them postal delivery, to deny deliveries of other things to their home because no one will travel these roads. This is not a big situation. I would certainly ask your consideration and then ask you one other question; what are we elected for?

LEG. MYSTAL:

To listen to you.

LEG. ROMAINE:

What are we elected for? Well, I listen to you also and I'm always interested and informed, through your humor, by the things that you say because I listen carefully to the message behind them. But what are we elected for, if not to help constituents that are confronted with a County-owned problem. This was my attempt to do it; it may have been imperfect, but at least we're having a discussion, and for a long 16 years there were no discussions. What are we elected for? That's what I'm asking. And let me tell you, there isn't one of you, if you came to me and said, "My constituents need this problem resolved," there isn't one of you that I would not listen to because I understand our job.

I appreciate your consideration and I won't trouble you further. I will table this, but I'm asking the County Executive to come •• and I want to

participate, I don't want you to exclude me from the process, to sit with the Town of Southold and see by the next meeting if something cannot be worked out. If it can't, I'm not shy to move things whether they feel or pass, but I will table this and give you that opportunity. But I make this commitment to my other 17 colleagues; when you see something to benefit the ordinary people who pay taxes where the County is doing them a disservice, count me there. I don't care what party you belong to. Thank you.

LEG. BROWNING:

Trap and skeet?

LEG. SCHNEIDERMAN:

I'll second it.

MR. ZWIRN:

Mister ••

P.O. LINDSAY:

So you've changed the motion to a tabling motion?

LEG. ROMAINE:

I'll make a motion to table so we don't prolong discussion.

P.O. LINDSAY:

And we have a second. Did you ••

MR. ZWIRN:

Well, I can make it very simple. The County Executive does not plan on sitting down with the Town of Southold and negotiating a monetary settlement on this property; he wants to make that very clear and I made that very clear to the folks who came here today.

LEG. ROMAINE:

I didn't say monetary, I said negotiate.

MR. ZWIRN:

It's just not •• it's a Town of Southold problem.

LEG. SCHNEIDERMAN:

It's not a problem.

MR. ZWIRN:

And the County Executive has no intention of sitting down and trying to work out, you know, \$50,000, \$100,000, this is not a question of how much.

P.O. LINDSAY:

Okay. Legislator D'Amaro, did you ••

LEG. D'AMARO:

Yes, just very briefly. I agree with Legislator Romaine that we are elected here to help our constituents, but we also have to be responsible and ask at what cost and what liability. And as much as I'd like to go forward today and attempt to help his constituents, because I know he would do the same for me, I don't really have satisfactory answers to either of those questions.

Also, we know that there's no Capital Project yet. We also know that there's no agreement from the town to commit in any way to helping with this road or through any project that should come forward. So I think the right thing to do here would be to recommit this to committee so we could explore all of those possibilities as well.

P.O. LINDSAY:

Okay. So are you making a motion to recommit now?

LEG. D'AMARO:

Yes.

LEG. COOPER:

I'll second that motion.

P.O. LINDSAY:

And we've got a second. So we've got a tabling motion, we've got a recommit motion and I still have a list. Legislator Eddington.

LEG. EDDINGTON:

I would just like to commend Legislator Romaine and I agree that we need to look at this. I don't like when I hear that we're not going to negotiate, that we're closed to looking at it. I've been sitting here listening to this for an hour and how we got it I don't really care, we got it. Now that we have it, I

want us to do the right thing for the people. I don't think it should be just our burden, but I don't like hearing "I'm closed"; that's not what I'm about and certainly that's why I ran, to make sure that we all do communicate and somewhere in the middle is the answer. I don't know how much liability, but we're talking about people and I think that's where Legislator Romaine is going to get a lot of support, he doesn't forget that these are people. And I understand, but I don't really care what pocket it comes out of, I think we've got to work together to resolve this issue and I think there's enough support around this horseshoe to do that. And I would just petition you to go back to the County Executive and say, "Please reconsider." I'm not telling them how much to spend, but don't be closed to communicating, just be open.

MR. ZWIRN:

His position, Legislator Eddington, is that the people do have redress. It's not as if there's nowhere else for them to go.

LEG. EDDINGTON:

What's the redress?

MR. ZWIRN:

This is a problem that was created by the Town of Southold, the Town of Southold can solve this problem; it's that simple.

LEG. ROMAINE:

And the County of Suffolk.

MR. ZWIRN:

I know, Legislator Montano, you shake your head, but it was the Town of Southold Superintendent of Highways.

LEG. MONTANO:

I ••

D.P.O. VILORIA • FISHER:

Whoa, whoa, you're on the list. Wait, you're on the list, you're on the list.

LEG. MONTANO:

Okay.

LEG. EDDINGTON:

Thank you.

D.P.O. VILORIA • FISHER:

Okay, Legislator Alden.

LEG. SCHNEIDERMAN:

Vivian, I'm on the list, right?

D.P.O. VILORIA • FISHER:

I'll put you on the list.

LEG. ALDEN:

I have to agree with Legislator Eddington and he put it very well, I think, that we've got a major problem. We own that property, we're paying tax on it, it's in a deteriorated and dangerous condition, we're on notice. Something has to be done and it can't be just that, you know, the Town of Southold has to step up to the plate and do something because we're the owners of the property and that's like putting your head in the sand and pretending that you have no problem. So I would ask both our Legislative Counsel and also the County Attorney was here, is she still here? I would just ask for an analysis of what •• and be creative, what type of creative solutions we can do to make this right. And to make it right means I don't want somebody having a major accident there or some kid falling in a pothole and ending up as a paraplegic or something like that and suing the County for \$100 million, because it is our responsibility, we own the property, we have to get that property into a safe condition. We're the owners of the property; whichever way we came of it, it doesn't really matter.

So there's got to be a solution worked out here and a solution is not, as Legislator Eddington put it, you know, just point the finger at the Town of Southold because they can laugh at us, they don't own the property, they have no problem; we have the problem which means our taxpayers have the problem.

P.O. LINDSAY:

Okay, Legislator Montano.

LEG. MONTANO:

Yes. Ben, the reason I was shaking my head is that I think you're somehow missing the point. I'm not crazy about voting for 145,000 on a particular

road, the same way I wasn't crazy about voting for •• you know, to buy a house in Huntington, Huntington station. But this problem is even greater than the other problem because we own the road; whether we like it or not, we have a liability that's waiting there. And I have to agree with Legislator Alden and the others, we're exposed already, we've got money into this situation. You know, your position seems to be that we're just going to leave this road in perpetuity sitting there and not take any action because we don't want to spend the money. You're going to have to come up with a solution. I don't know why the town •• I'm going to vote to, you know, recommit it.

LEG. ROMAINE:

Table.

LEG. MONTANO:

To table it, but •• and I don't know why the town doesn't want to get involved, I think that they have a rightful place in this. But for you to sit •• for you to stand there and say, "No, we're not going to do anything, it's not our problem"; it is our problem, it became our problem when we took the road. So whether we like it or not, legally we're obligated and we're also obligated in case someone gets hurt on that road.

You know, I also understand that they're not going to get mail; I think that's a little bit, you know, harsh. I think your side needs to sit down with Legislator Romaine and the town and try and work out a solution to this. If not, I will be prepared to come back later and vote for the appropriation •• if you want to veto it, that's up to you •• but I'd like to see it solved before that because we just can't let this problem sit. So for now, you know, I say table it, try and work it out, but let's not take hard positions.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

My analogy, I guess, I'm going to share with my colleagues and certainly with you, Ben, because you played a critical role in this. I have an ongoing issue in my district where half of it's under water. We're in County land, we're in town land, we're in village land, but it's all people; a 102 year old lady who was the leader of it, as you well know, all suffering from flooding in their basements. If we continued to go with who's responsible for where, we would have never gotten a resolution passed.

We're almost at the point where we have a scope of work, we should see some remedy shortly.

In this case, the County Executive embraced the need of people and the fact that governments need to work together to come up with solutions. I think it's the same thing here. I think that same kind of willingness on the part of the County Executive has to be manifested. That's the way I look at it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll keep it short. I just wanted to make sure it stays in front of us. I don't want to see this get buried in committee, I think it's an important issue that needs to be on the front burner. We know that we own the road, we know it's in bad shape, and though some may say we have no liability here, it's hard for me to believe a Judge won't think, if somebody gets hurt, that we have some liability here.

And in terms of the financial, and it really has been said before, we can try to say we're not going to spend anything for this, but at the end we might have to improve it to town standards, completely pay for it all ourselves, or the worst case scenario is if it turns out we do have liability and somebody gets hurt, then we're in much greater trouble.

My own experience as a former Town Supervisor, having done some of these where people try to get these roads out of their hands and into the town hands, the town always said, "Bring it up to town standards and then we'll take it," universally.

P.O. LINDSAY:

Let me see if I can wrap this up. There's a pattern here that's disturbing to me. The Smithtown people with the flooding want us to pay the bill.

LEG. NOWICK:

Absolutely.

P.O. LINDSAY:

The sidewalks on Brookhaven roads want us to pay the bill, I've had similar

situations in Islip with flooding where they want the County to be responsible, and now we have a road that's clearly town responsibility and somehow, in someone's infinite wisdom, we acquired it, now it becomes our responsibility.

LEG. MONTANO:

That's the problem.

P.O. LINDSAY:

Folks, the towns cannot continue to shed that responsibility on the County because we simply can't do it. The towns collect taxes as well as we do. You know, somewhere's along the line they have to step up to the plate and accept their responsibility.

LEG. SCHNEIDERMAN:

What about 50/50?

P.O. LINDSAY:

We have a motion to recommit and a motion to table.

LEG. ROMAINE:

Motion to table takes precedence.

P.O. LINDSAY:

No, Counsel is telling me recommit.

LEG. ROMAINE:

Who made the motion to recommit?

P.O. LINDSAY:

Who made the motion?

MS. ORTIZ:

There was no second.

MR. LAUBE:

Legislator D'Amaro and I need a second on that.

P.O. LINDSAY:

There was no second.

LEG. COOPER:

Yeah, I seconded it.

P.O. LINDSAY:

Legislator Cooper seconds it.

MR. LAUBE:

Okay.

P.O. LINDSAY:

And truthfully, Legislator Romaine, I really think it belongs back in committee where some more discussion •• I hear what you're saying, I hear what your residents say. Somewhere's along the line someone has got to get together and solve this problem, but the pattern is very, very disturbing.

LEG. ROMAINE:

To the chair, I understand the pattern, I'm as concerned with you as the pattern. That's why I wanted this tabled so we can see if we can meet with the town and come back to this Legislature as a whole and have a discussion. In the meantime, if it stays on the floor and there is an agreement, I'm capable of amending this resolution and hopefully we could resolve it at our October 17th meeting.

So I would ask, sincerely ask •• you have the votes, I'm in the minority, it's not going to happen. I would sincerely ask you to table this for one session, and then if things aren't worked out let people defeat it, let people recommit it, but let it stay active and see if we can do something in the next month. I would hope that the Executive would work with me, meet with the Town Board or the Supervisor and see what discussions can take place and if something can be worked out. I think the sooner the better. We have been put on notice by Mr. Franks, an attorney, of our liability, everyone got that mailing, including the Executive, myself, the County Attorney and DPW. I'm just •• I just would like to work this out. If it stays tabled, we'll have an opportunity to take a look at this at our next meeting and then you can dispose of it as you see fit.

P.O. LINDSAY:

Even if it was alive at the next meeting, there's no plan, there's nothing where this money is going. I mean ••

LEG. ROMAINE:

I'm planning, if there is a solution at hand, to amend this resolution to spell out a specific plan.

P.O. LINDSAY:

Yeah, but don't •• you need an engineering study, you need some kind of construction plans on what they're going to do with this road.

MR. ZWIRN:

That's why I said ••

LEG. SCHNEIDERMAN:

One month.

LEG. ROMAINE:

As you see fit.

P.O. LINDSAY:

All right.

LEG. D'AMARO:

On the motion, just very briefly.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Just I want to ask Counsel, if the bill is recommitted this evening to committee, could it still come out of committee and be here for the next cycle anyway?

MR. NOLAN:

Yes.

LEG. D'AMARO:

It could. So if we send it back to committee, I think there's more of an opportunity to discuss it and give the sponsor an opportunity to get something in writing from the town as well.

MR. NOLAN:

But it's got to get out of committee.

LEG. D'AMARO:

Right.

LEG. MYSTAL:

Can I ask a simple question? I'll try not to prolong this. This is something that the four of us were discussing a scenario. Somebody gets sick in that area and the ambulance cannot get to them and they die; do I have to see Ms. Malafi in Executive Session telling me we are going to settle a major lawsuit?

LEG. MONTANO:

Yes.

LEG. ALDEN:

Absolutely.

LEG. ROMAINE:

Yes, absolutely.

LEG. EDDINGTON:

Let's do it before then.

LEG. MYSTAL:

I was asking Counsel.

MR. NOLAN:

You expect me to answer that question?

LEG. MYSTAL:

Yes. No, my question is, you know, if somebody in that development gets sick and the ambulance cannot get through to get that person and the person dies, am I looking at a serious lawsuit?

MR. NOLAN:

That's always a question of fact. You've got •• there's got to be a duty, there's got to be ••

MS. MAHONEY:

The microphone is not on.

P.O. LINDSAY:

You're not on, George.

MR. NOLAN:

There's got to be a duty, we have to have a duty, we've got to breach that duty, there's got to be causation between what we did and the outcome. So it's impossible to answer that question.

LEG. MYSTAL:

Okay. Thank you.

MR. BROWN:

If I may, Mr. Chair, also?

P.O. LINDSAY:

Okay. All right, last •• wait. Legislator Alden?

LEG. ALDEN:

Well, just through the chair, if we could also get the amount of money that's been paid in taxes by the County of Suffolk in a report? Whether this goes to committee or whether it stays tabled here, I think that's pertinent.

P.O. LINDSAY:

I think that would be very useful for us to see that, too.

D.P.O. VILORIA • FISHER:

Uh•huh.

P.O. LINDSAY:

What we want to know, Ben, is how much have we paid in taxes to the school district and the town on this piece of property?

LEG. ALDEN:

Not tonight.

MR. ZWIRN:

I could find out and get it to you at the committee.

P.O. LINDSAY:

Okay. Okay, we have a motion ••

LEG. NOWICK:

I'm sorry, one more question.

P.O. LINDSAY:

You're killing me.

LEG. NOWICK:

Just to clarify in my mind so I can think about this. The County owns this road?

D.P.O. VILORIA • FISHER:

Yes.

LEG. ALDEN:

For 16 years.

MR. ZWIRN:

By operation of law, there was a default. The Town of Southold did not take it ••

LEG. NOWICK:

The County •• no, but the County owns this road?

MR. ZWIRN:

We own the property and it's •• we pick up the property ••

LEG. ROMAINE:

We own the road.

LEG. NOWICK:

The County owns the property.

LEG. ALDEN:

We recorded a deed.

MR. ZWIRN:

But it wasn't a conscience decision, it's by operation of law.

LEG. MONTANO:

Does it matter, Ben?

MR. ZWIRN:

Well, Legislator Romaine says we consciously took the road.

LEG. KENNEDY:

We included it on the deed. We could have omitted it.

LEG. NOWICK:

But that ••

P.O. LINDSAY:

Okay, hold on. Legislator Nowick has the floor.

LEG. NOWICK:

Just so I think about this until October 17th, the County owns the road, yes, or the property that the non•road is on?

MR. ZWIRN:

Yes, we own the tax lots that make up the road.

LEG. NOWICK:

Okay; we're liable. What are we waiting for?

MR. ZWIRN:

Waiting for what?

LEG. NOWICK:

To fix it?

LEG. SCHNEIDERMAN:

For a lawsuit.

LEG. ROMAINE:

A lawsuit is right.

MR. ZWIRN:

Because the town ••

LEG. ALDEN:

That's a rhetorical question.

LEG. HORSLEY:

Yeah, it's rhetorical.

LEG. NOWICK:

I think we need an insurance broker.

LEG. ALDEN:

That's us.

P.O. LINDSAY:

Okay. All right, I think •• all right, let's go. We have a motion to recommit and a second. All in favor to recommit?

LEG. SCHNEIDERMAN:

Roll call.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

No to recommit.

LEG. SCHNEIDERMAN:

No to recommit.

LEG. BROWNING:

No.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No.

LEG. STERN:

Yes to recommit.

D.P.O. VILORIA • FISHER:

No.

P.O. LINDSAY:

No. Okay, we have a motion ••

MR. LAUBE:

Four.

P.O. LINDSAY:

•• to table. Can I do all in favor, opposed, abstentions?

MR. NOLAN:

You've got a second?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes. I had a motion and a second way back when; I can't remember who it was, but ••

MR. LAUBE:

Yes, you did; it was Romaine and Schneiderman.

LEG. ROMAINE:

Right.

LEG. MYSTAL:

The two east•enders.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

The companion resolution, IR 2044, same motion, same second, same vote.

IR 2059A, Pending Bond Resolution, Amending the 2006 Capital

Budget & Program and appropriating funds in connection with improvements to CR 39, North Road, Town of Southampton (CP 5528) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

LEG. HORSLEY:

Who owns it?

P.O. LINDSAY:

Who owns the road?

LEG. SCHNEIDERMAN:

We do.

P.O. LINDSAY:

Second by Legislator Vloria•Fisher.

LEG. SCHNEIDERMAN:

We own the land under the road.

MR. LAUBE:

I'm sorry; who was the motion?

P.O. LINDSAY:

Motion by Legislator Schneiderman.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Second by Legislator Vloria•Fisher. Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. SCHNEIDERMAN:

Yes. And I just wanted to thank the County Executive for moving forward swiftly with this interim plan for County Road 39 and putting the funding in place.

D.P.O. VILORIA • FISHER:

Yes; and I'm just a yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Tim, I should be down as a cosponsor already.

MR. LAUBE:

Yes.

P.O. LINDSAY:

IR 2059, same motion, same second, same vote.

P.O. LINDSAY:

2060A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Okay, do I have a motion? Motion by Legislator Cooper, seconded by Legislator Stern. Any questions? Question from Legislator Alden.

LEG. ALDEN:

This is amending the 2006 Capital Budget, so it's •• I was just informed it's a 25, \$26 million ••

MR. NOLAN:

No, 250,000.

LEG. ALDEN:

Two hundred and fifty thousand?

MR. NOLAN:

Yes.

LEG. ALDEN:

And where is that •• the money is coming from where?

P.O. LINDSAY:

But isn't this in the Capital Program?

MR. NOLAN:

It's in the Capital Program.

LEG. ALDEN:

What's it amending then?

P.O. LINDSAY:

That's the way they're all worded.

MS. VIZZINI:

Actually it isn't amending, it's •• well, what it's amending is it was G money, now it's B money, so you will need 14 votes.

P.O. LINDSAY:

Okay. Okay, we have a motion and a second. Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

IR 2060, same motion, same second, same vote.

IR 2061A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with painting of County bridges (CP 5815)(County Executive). I'll make the motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Any discussion? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. IR 2061, same motion, same second, same vote.

IR 2062A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with improvements to County Environmental Recharge Basins (CP 5072)(County Executive).

Do I have a motion?

LEG. COOPER:

Motion; motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. On the question? No one. Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. COOPER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. IR 2062, same motion, same second, same vote.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

P.O. LINDSAY:

IR 2064A, Pending Bond Resolution, Amending the 2006 Capital Budget & Program and appropriating funds in connection with energy conservation at various County buildings (CP 1664) (County Executive). I'll make the motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the question? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. IR 2064, same motion, same second, same vote.

IR 2072•06 • Transferring Escrow Account Revenue Funds to the Capital Fund, Amending the 2006 Capital Budget & Program and appropriating funds for Sewer construction in Suffolk County Sewer District No. 3 • Southwest (CP 8110)(County Executive).

LEG. COOPER:

Motion to approve.

MR. NOLAN:

Hold on. It's like a transfer from ••

P.O. LINDSAY:

Okay. Do I have a motion? Motion by Legislator D'Amaro; no? Cooper.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by D'Amaro. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2074A, Pending Bond Resolution, Appropriating funds in connection with the dredging of County waters (CP 5200)(County Executive). Do I have a motion?

D.P.O. VILORIA•FISHER:

Sure.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Viloría•Fisher. On the question, Legislator Alden.

LEG. ALDEN:

This is actually •• we're changing the form, it used to be cash, now we're going to bonding. Is there any money left in the dredging account?

LEG. MYSTAL:

Nope.

MS. VIZZINI:

This appropriates \$80,000 in serial bonds.

LEG. ALDEN:

Gail, there was some cash in the dredging account not that long ago; is there any cash left in the dredging account?

MS. VIZZINI:

Yeah, I'll have to check another file.

D.P.O. VILORIA • FISHER:

You want to pass over this?

LEG. ALDEN:

No, let's just vote. Everybody will vote yes, I'll vote no. Go ahead.

P.O. LINDSAY:

Okay. We have a motion and a second. Roll call.

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

LEG. EDDINGTON:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16 (Opposed: Legislator Alden • Not Present: Legislator Romaine).

P.O. LINDSAY:

Okay. IR 2074, same motion, same second, same vote.

Okay, *Ways & Means:*

IR 2025•06 • Adopting Local Law No. 2006, a Local Law to require companies doing business with the County to certify compliance with Federal law with respect to lawful hiring of employees (County Executive).

LEG. CARACAPPA:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Caracappa, seconded by Legislator Eddington.

D.P.O. VILORIA•FISHER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Viloría•Fisher.

LEG. MYSTAL:

Ten minutes, Viloría.

D.P.O. VILORIA•FISHER:

Well, we've discussed this •• well, we haven't really discussed it as a Legislature. We've heard a great deal of ••

LEG. CARACAPPA:

Your mike is not on.

P.O. LINDSAY:

I don't think your mike is on.

D.P.O. VILORIA • FISHER:

The mike's not working. May I use yours?

P.O. LINDSAY:

Yes.

D.P.O. VILORIA • FISHER:

We've heard many, many, many hours of testimony, much of it not really pertaining to this actual resolution. And there has been a great deal •• there have been a great many of people who have been advising me on how I should vote on this resolution and most of that advice has not been based on the merits of the resolution, they have been based on whether or not I'm committing political suicide to vote against this resolution.

Many of you who have sat around this horseshoe with me for almost eight years know that I base my votes on the merits of the bill and on my good judgment regarding those merits. This afternoon and many other times I've heard people say that if we have some kind of respect for the rule of law and for the Constitution of this country that we should vote against this bill. While I'm probably one of the few people sitting in this auditorium who can tell you with complete and total certainty that my family came here as legal immigrants because I was a child when my family came here, and every year throughout my childhood, until I became a naturalized citizen, my mother picked up the requisite forms as aliens that we had to fill out every year to state where we lived and what we were doing for a living, you know, how we were earning our living, etcetera •• I mean she was •• and we complied with all of the laws of the country. We came here from a country that had a horrible tyrant which is why we left the Dominican Republic, and so the Constitution of this country and is very, very near and dear to me and when I held up my hand and said that I would support the Constitution, I meant it with all my heart, and that's not what is before us here today.

The reason I'm voting against 2025 is on the merits of the bill. I don't believe that this bill is truly enforceable. I don't believe that this bill is without fiscal impact. I have not seen any empirical data demonstrating that there is a need for this bill. No one has told me how many contractors who

have 100% County-funded contracts with the County have illegal immigrants or undocumented workers working for them. I don't believe that this bill is going to really address the fears and the concerns of the citizens of this County and I believe it's cynical to lead people to believe that it's going to do that.

And I'm going to say, "I told you so" before it's even time for this bill to pass, because I won't say it months from now. I'm going to say, "I told you so" to the public who will see that there will be no effects that they will be able to discern that will result from this piece of legislation. I'm going to say, "I told you so" to my colleagues who will see delays on the contracts, on your member item contracts that will increase exponentially, because all of those are going to be subject to this scrutiny. I'm going to say, "I told you so" to my brothers and sisters in the labor community because I don't think that it's going to give any discernable relief to your fellow union members. I'm going to say, "I told you so" to the taxpayers who are going to see lawsuits that will impact fiscally on all of us who are taxpayers.

I hope I'm not going to say, "I told you so" to all of us whom I feel are exposing everyone in our community in Suffolk County to acts of hatred and divisiveness and polarization; that's what I mostly hold against this bill. Because I truly believe that the outcomes that we are purporting to be trying to achieve through this legislation could have been achieved administratively. I truly believe that we had •• that the County Executive certainly had within his powers to police the contracts •• the contractors with whom the County is doing business without having to expose all of the people in Suffolk County to what this Legislature has seen over the past couple of months. And so if this is political suicide, so be it, but I've never wanted any office enough to compromise my conscience.

P.O. LINDSAY:
Legislator Mystal.

LEG. MONTANO:
Put me on the list.

LEG. MYSTAL:
Thank you. When this resolution first came out and I was asked by a reporter whether or not I was going to support this resolution I said yes, because at the time, and still today I look at the resolution, I look at it being

innocuous and not really doing anything that bad to the County. But after sitting through thirteen hours of public hearings, I saw the basis and the worst sentiment coming out of our constituents, I did not see that in my fellow Legislators.

And I want to start my statement by saying a simple statement; the people who accuse those of us who sit around the horseshoe who may be supporting this resolution as bigoted or racist, they are wrong. I have talked with every Legislator around this horseshoe, I don't think there exists a racist or bigoted bone in any one of them. And the people who deem those who are against this bill as unpatriotic, they are wrong because I don't see anybody who's been unpatriotic or not loving this country to the core of his body and soul.

This bill •• my resentments or my not voting for this bill, I am not going to debate the bill on its legality or its constitutionality, it is simply a moral issue; a very simple moral issue to me. And I've been sitting here next to my colleague Wayne Horsley and jotting down notes as people have spoken in the past about this bill. Is this County a magnet for immigrants? Yes, it is because they are now bi passing New York City and coming straight to the suburb. Are they causing seas of trouble to the people in our community? Yes, they are. If any one of you have any doubt, I want you to go on a summer morning or weakened to Farmingville where I have been three times and see what those people go through. Just because a group of immigrants want to better their lives does not mean they have to subject a group of citizens and residents in another community to the worst case of low quality of life that you could ever imagine. And I've always said it because I remember going there with Maxine Postal when she was alive and I told Maxine, "If I was living in that community and these people were around my corner, I would feel worse than they do and I would take action worse than they were taking." So my not wanting to vote for this bill has nothing to do with those questions.

People say that we are breaking the laws by not voting for this bill. The law is already in the books, the law is already there. We are not enforcing it or the Federal government is not enforcing it. This is not something unusual; we do not enforce a lot of laws in our own community. A perfect example is our DWI laws. If we wanted to enforce every law in the books in terms of DWI, there would be nobody at a football game, at TGIF or Ruby Tuesday's because everybody coming out of there is drunk, but we don't enforce it because it is impossible to enforce. Not everybody, I know, you don't do it, most people coming out of there, but we cannot enforce it because it's

impossible to enforce. The Federal Government does not enforce its immigration laws because it is impossible for them to monitor 12 million people in this country which is equivalent to the State of Michigan.

There are those who say we have to •• we need this law because immigrants do not pay taxes. Well, if anybody ever read the paper, there was an article a week and a half ago in the New York times where they delineated in the 1990's 20 billion, not million, \$20 billion worth of taxes were paved by undocumented or false Social Security workers which will never, never be reclaimed by anybody. Some writer even went so far as saying that the Social Security System right now is being propped up by the taxes paid by people who will never be able to reclaim that money.

[SUBSTITUTION OF STENOGRAPHER • LUCIA BRAATEN]

To the people, and my heart goes out, you know, for these other people. If I was going to vote for this bill, that's the only reason why I would vote for this, for the people of Farmingville. There is a •• there's a mendacity in this County when we decide that we are going to do something like that. This is • • as Legislator Fisher said, it's political, it is very, very political. Yes, this poll running on this is 95% for, even in my own district, everybody in my district. And I'm not talking about everybody of a certain skin color. Everybody in my district, including Hispanics, African•American, have called me and told me to vote for this bill, but I cannot. It's a matter of conscience. It's a question of morality.

It is very easy for us to sit back years later and say, "Well, I had nothing to do with this." The sins of my fathers should not be revisited upon me again. We do that all the time. We do it time and time again. We came •• Europeans came to this country, decimated and killed the Indians, and white society benefitted from it. Years later, when we say something about it, they said, "Oh, well, I had nothing to do with that. Those were •• those were those other people who did that." We do it over and over. We supported slavery, and then when we said something about it, they said, "Oh, we had nothing to do with that, that was not me." We sent boat loads of Jewish people looking for asylum in this country during World War II. "Oh, I had nothing to do with that, that wasn't me." Three, four generations from now, when your great•great grandchildren will come to a forum like this and we will be talking about the backlash against immigrants that happened in Suffolk County in 2006, your great•great grandchildren will say, "Oh, it

wasn't me, I had nothing to do with that." Well, this is the time that you do it now. This is not a bill that's going to help anything. The people who sit on the corner of Farmingville are not employed, have never been employed, and will not be employed by contractors who are contracting with Suffolk County.

LEG. CARACAPPA:

That's not true.

LEG. MYSTAL:

They are contracted by small homeowners, small home improvement contractors to do their dirty work and it's not going to help. And even if it were to help a little bit, they are still going to come, as long as there are jobs for them to do, as long as there are jobs that nobody •• I know people said, "Oh, well, there are Americans who will take these jobs." Yeah. Let me strap •• let me strap a motor on your back on July 8th at noon whirling and crying and say, "You go out there and blow some leaves out there in those "Big Mac" mansions in Southampton and I'm going to pay you 5.50." Let me see you do that with your pristine pinkish looking color, because you will die, you will die. And I was trying to come up with a sentence that •• and I could not come up with the right way to say it, my colleague, Wayne Horsley, gave me the right way to say it and I will end with this. Where is it? There is no right way to do the wrong thing, and this is the wrong thing.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I'm one of the cosponsors, and it troubles me when I hear things like we're going to point the finger and say, "I told you so." I'm not going to do that. What I will do is go to my constituents in Medford, Farmingville and Patchogue and say, "You told me so and I verbalized what you said. I listened to the media with 94% from Suffolk County and I did what you told me you wanted me to do, because that's why I'm here."

As far as Farmingville, you're right, there are a lot of people, but there are subcontractors picking up those men and women, mostly men, and doing paving and other things, because those businesses and union officials have been in my office. As I walked around the area, and I've been doing it since we started this legislation to make sure I am in touch, I heard things, the two issues totally the same, school taxes and immigration, and my conclusion, it's

two sides to the same coin. We're having a severe problem with our school taxes. I went to the superintendent. I spoke with 50 teachers Friday and they told me there are large numbers of undocumented children in our school districts that we're paying for. It is a problem. Yes, we can say it's the Federal, we could say it's the State. You heard with Legislator Romaine, now we're getting involved with towns saying it's our responsibility. It's all of ours.

And I commend the Suffolk County Executive for trying to take a stand and saying the Suffolk County people say they do not want our tax money going to undocumented people and to businesses that are hiring undocumented people. We cannot control other people, but we can control ourselves. And I've always said, when you point your finger, look at where the other fingers are pointing. The other three or four are pointing at you. You want to solve a problem, start with you, and the "you" is us here in Suffolk County.

And the last thing I want to say is I've been called a racist, un-American, and un-Christian, which right now in the media, I don't know if that's good or bad. But I will say that there was a Reverend here that came and he was •• I felt bad, because he was citing how all these scriptures. And what I said to him, and it kind of silenced him, too, a little bit, is what about the Tenth Commandment, "Thou shalt not covet your neighbor's goods"? So, with that, I'll end. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'm not going to torture with a long speech. I think you all know where I've stood on this issue. It's exactly the response from my colleague and my friend, Jack, to Ellie why I wish we weren't in this debate. You know, I have to fault the County Exec's Office and the sponsors, too, because I don't think we needed this debate. I didn't need to sit here and be tortured for 11 hours to hear all the kinds of statements on both sides. No one that votes against this is saying, "I'm voting so that we can do something illegally." And, as Elie said, I don't think that anyone in this Legislature votes for it to consciously say, I want to be •• I'm •• "I discriminate against certain people." But we heard the comments.

You know, this could have been handled •• we've already been through this for hours in committee talking with the attorneys about preemption, whether or not the County should be passing a law like this. But the real issue is that this has polarized, you know, a community here on Long Island. It's in many ways polarized the members of the Legislature, and that's unfortunate. We could have done this administratively. You know, I think you went and you made a political statement. You know, this is not the first time that this statement has been made. There's a history of the English•only, there's a history of the deputization; all right? I've been against those since the beginning. I think they're bad policy. I've heard •• you know, if I close my • • if I close my eyes and I just listen and I go back in time, I hear the same arguments raised about other groups that preceded us.

This is an issue I think that really needs to be dealt with at the Federal level. I have •• I don't think I've heard your department come forward and say, other than the Federal government that's not doing its job, you could have come forward and said to your Congressional officials, "Do something about this problem. I'm the County Executive, I have the weight of the County Executive's position. I speak for the residents of Suffolk County. We're all tired of this problem." The people in my community are tired of this problem also, but we understand that we've got a lot of counties in the state, we've got a lot of counties in the country. We're not going to solve any of the problems that you •• you know, that you've brought forward with this bill in my mind by passing it first in the nation. We're out there ahead of •• ahead of everybody else.

I don't think that we should be doing this. I know it's taking a political hit, you know, as well as I recognize the position that some of my colleagues fall into because they voted against this. And I'm not going to debate this with you anymore, Paul; all right? I'm simply going to vote no, because I don't think it's the right thing to do. And over time •• and I don't think it's going to solve any problems. You may catch one or two undocumented workers in some department and, you know, good for you. Okay? You'll come out with another press conference. But I don't think that you've taken a positive step in dealing with the issue. What you need to do is really go back and reflect.

This shouldn't have been the political debate that it was, and that's unfortunate. So, you know, rather than go on, you've heard my arguments, we've had these conversations in private, you know where I stand. My parents, my grandparents came from Puerto Rico. They were not

immigrants. We were born citizens. I don't know what it is to be an immigrant. I've never been to an INS office to •• you know, to get a visa, or anything like that. But the reality is that, you know, it's unfortunate that you would come forward with this kind of legislation when I think you could have dealt with it •• if you were really serious about dealing with it, you could have dealt with it administratively. You could have put a clause in the contract saying, "Anyone who contracts with the County produces their I•9 form. If we find anybody that's hiring illegals, we're going to void the contract." I think this was more a political statement. I'm sorry that we got into this. I'm sorry that you brought it forward, I really am. I don't think it was necessary. You've tortured us for •• you've tortured me for 11 hours hearing this debate, and, you know, let's just get on with the vote is my attitude, because I know that •• I know which way it's going to go.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Thank you. This bill has been horrible, a horrible bill. One of the things that I have to say is, excuse me, I am an immigrant and I came here legal. And I can tell you one thing. You go into Manhattan and you look at all the bars and restaurants and you'll find many, many Irish illegal immigrants who are supporting the economy of Manhattan, and it's happening here in Suffolk County also.

You know, this bill may be trying to mirror the Federal law, but it's not. It's not mirroring the Federal law when it comes to 1324B, the Anti •discrimination. It's not mirroring that. It doesn't mirror that. And if people are going to be fooled to think that this is going to take illegal immigrants off the corners of Farmingville, then they're being fooled, because that's what I'm hearing. People think it's going to make changes and it's not.

School taxes. The people that are living in these homes, these illegal immigrants, school taxes are being paid in the homes they're living in, and it's not going to change the problems in our schools. These kids are going to the schools and they'll continue to go to the schools. This bill will not change anything.

The one thing I do see that it's done is the union worker in me says it has divided our unions. I support our unions, both our service unions and our

trade unions. And whichever way I go, I'm going to upset one or the other. And that's what bothers me, because as a union worker, I see "United we stand, divided we fall," and this bill has caused a serious division between our unions and I am very upset with that.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah. In looking at this bill, I can't help but thinking this is not something I really wanted to vote on, nor did I need to vote on this, nor did I need this to come to my attention in this manner, because, of course, it's been out in the forefront. But now that it is here and it is before us, I can't help thinking that we are government, it is before us, and as government, we must follow the Federal law. And so now it's before us, it is part of a Federal law, so it is something we must consider.

And I must remind everybody that this is not for companies in general, this is not for the local landscapers. The County is not telling businesses you can't do •• other people besides people that have contracts with the County. So this is only, as I read it, and correct me if I'm wrong, this is only for companies doing business with Suffolk County, not everybody in Suffolk County.

And the other thing that I wanted to bring up, and it's something that I haven't really heard mentioned, but I learned when I went to a union breakfast, and maybe it's one•sided, maybe not, but it made sense to me, that if there are undocumented workers, are they protected by safety standards? Workers Compensation, what if somebody gets hurt? Are these people protected? Who pays for their hospital bills? So it's something •• one of the reasons why I would consider voting in favor of this is not only to protect the undocumented worker himself or herself, but also because we again are government. How can we vote against a Federal law, so to speak? And that's why this is out before us and we have to make a decision today. It's not something we wanted to do, but something we must do.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Similar to some of the my colleagues' comments, I don't welcome this vote at all. I have read on this subject more than any other topic since I left law school. And despite the advice from our Legislative Counsel, who admitted that he cited his opinion off a Supreme Court case that was subsequently •• legislation was adopted by the Congress.

And our County Attorney, whose client first and foremost is the County Executive, I disagree that we are preempted. But that doesn't make any difference in the hype and all of the furor that has been created with an environment that's crying for solution, which this legislation will do nothing to meet. It is one where we are called on to make a symbolic vote that will compel a legal challenge, because we were violative of the Supremacy Clause, we are violative of the Foreign Commerce Clause, we are violative of all the principles of Supreme Court legislation, but we're mavericks. But what comes at the consequence of being mavericks? We will invite litigation. We will set the pattern, and, as Legislator Vloria•Fisher said, in six months from now, if the court case comes and we're defeated, there'll be no furor, there'll be no press conference. The press is all about today. So, as an attorney, I abhor this. As an elected official, I hear the comments of Labor and everybody else who stepped here today, and I'm presented with a conflict and a dilemma. I lose both ways that I vote. My support will be support that will be hollow support, if that's where it goes.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:

Thank you. I found so many aspects of this subject, of this issue, of this debate most troubling, but I would have to disagree with my colleague. I have the greatest respect for Legislator Montano, but regardless of how you come down on this issue, this is one of the great issues of the day, and so I certainly would in no way characterize the hours and hours of public comment and debate among all of us as being torturous. This is a debate, unfortunately, that is before all of us at every level of government, and certainly all of us as citizens of this great nation.

I'm most troubled by how the debate has some •• in some way been characterized as being anti•immigration. And I know that's the tact •• I

know that's strategically how this debate goes, not just before this body, but all across this country, that somehow we are not welcoming of immigrants. I know that I certainly am and I know that all of my colleagues welcome immigration. I know that the overwhelming majority of immigrants are honest and hard•working, and contribute greatly to our nation's economy and to our cultural diversity. It makes us a stronger nation. And it's important that at all level of government we always take appropriate steps to protect all workers to ensure that each and every worker always maintains and has a sense of dignity and that there be underlying fairness.

I'm disgusted by prejudice, and I know that all of my colleagues share that disgust. I find it personally abhorrent, and oppose discrimination in all forms. And I think that all of us always owe it to ourselves and to those that we represent, and certainly to our communities, that we speak out against discrimination in all of its forms whenever we see it, that we go before the T.V. cameras and we condemn it, that we write articles about it, and that we do all that we can within our own homes to discourage it.

And so I had great problems with this bill, but there were changes that were made, anti•discrimination language that was included, which I felt was sorely lacking. But I have seen that language has been there and have assurance from the County Executive that there are certainly, whether it be at the County level or civil rights procedures, that discrimination has been an issue that has been dealt with.

In addition to my duties here as an elected official representing my community, I'm also an employer and a business owner. And as a business owner, I have to be sure that when I'm making a hire, that I get the required documentation from my potential employees and that we fill out the I•9. And if I don't comply with that law, then I would be penalized. Employers who break the law need to be penalized, and employers who play by the rules should not be at an unfair disadvantage.

We spent a great deal of time going back and forth with the County Attorney's Office. One of my great concerns was that this legislation not pose an undue burden on business, that it not have a chilling effect on the ability of those companies that we contract with, the ability to do business with us. And I have spent a great deal of time speaking with local businesses, with those that do have County contracts, and have been told that, at least procedurally, it should not have that kind of a chilling effect on business.

But I think, at the end of the day, I see this as really a labor bill. It provides a level playing field for those companies pursuing County contracts and follow the law, those companies that do the right thing by their employees, that provide health insurance, that pay a living wage, that contribute to the Workers Compensation system. And I see this as a small attempt, but an important attempt, to level the playing field and to prevent those companies that do play by the rules from being undercut by those companies that, let's face it, unscrupulously take advantage of undocumented workers and exploit them.

I don't see this really as Suffolk County setting immigration policy. We all know and we've all heard the debate, we've been a part of that debate, we've all researched that on our own, that that is certainly the role of the Federal government. And I don't think anybody here has ever said that this is going to have a far-reaching impact on one of the most important issues of the day of immigration. I certainly don't believe that's going to be the case. I don't believe my colleagues believe that either. But I believe in playing by the rules. I believe that those employers that seek County contracts should play by the rules. I believe in protecting those that do play by the rules are not at an unfair disadvantage. I think, at the end of the day, these are County contracts, and we are the employers and we work for our constituents, and our constituents expect us to play by the rules and follow the law.

P.O. LINDSAY:

Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

Thank you, Mr. Chair. I thought that I was only going to make one statement regarding this resolution. However, I feel the need to respond to a couple of statements that were made.

To Legislator Nowick, voting against this is not voting against Federal law. The Federal law is not ours to vote yea or nay, it's there already. Voting against this resolution is voting against the County setting itself up as the vehicle to enforce Federal law, and I don't believe that that's our authority or our purview.

Regarding what Legislator Stern has said, I posed a number of questions this afternoon to the Chief Deputy County Executive regarding a resolution that

was laid on the table today by me, Resolution 2117. I had originally intended to put this language in the County Executive's resolution, 1884. I asked the County Executive to include that as a compromise bill, so that rather than put ourselves •• and, Legislator Eddington, I was listening. And, by the way, I've walked in Farmingville and I've seen how •• and we've been through this, we've been through this for years, and we know the pain that's involved in this situation. And so I asked the County Executive to look at a compromise, which would put the County in the position of a consumer of services, rather than an enforcer of Federal law, which I don't believe it should be in that position. If we were to have taken 1884 and include in it that a contractor who violates Federal law, as well as State and County laws, would be a nonresponsible bidder. That would deal with the contractor who is not playing fairly. He would •• he or she would be taken off the bidder list, would be a nonresponsible bidder. It's a way of behaving within the parameters under which we are defined. The County should be working as a County, it should be dealing with its contractors as a consumer of the services that the contractor is providing. We should not be setting us up in the enforcement of Federal laws.

And there are many ways in which I •• my heart bleeds for people who are •• who are being abused by employers. I was speaking with a teacher whose school is overcrowded. Teachers are having to provide more services because of overcrowding, but some •• but I've taught in schools that were overcrowded and it wasn't a factor of immigration, it was just that the population grew faster than the school buildings did. However, my argument with this particular resolution and the reason I'm voting against it, again, is because I think it's not a good way to approach a very, very serious problem, and I believe it's disingenuous. I believe it's cynical, because it's telling people that we're going to solve a problem that we are not going to solve or even make any kind of dent in. You will still see the people in the Farmingville corners.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I would echo the words of John Kennedy, our Legislator. My support for this bill will be hollow support. I don't think there's too many Legislators around this horseshoe that would have drafted this legislation. We all have heard the concerns, that there's no money or staffing to provide to enforce this

legislation. Someone ridiculously referred to it's self-enforcing. If that was the case, Federal legislation would be self-enforcing. And then you have to question how serious they are about this bill.

It's been sold •• and one of the people that's been very active in the Farmingville community on the immigration issue called me. And I said, "Doesn't it trouble you that we're going to pass a law that may or may not be enforced?" And he said, "No". And this person told me about his extensive conversations with the County Executive, and said, "The issue is that we have to send a message." I don't pass laws simply to send a message. I hope that there's something more to this law.

I'm worried about the preemption, and I know County Attorney, and I don't want to use this word, I don't want to say deceived, but certainly gave the impression that it would be no cost. And John Kennedy raised a perfect question, which every economist would know. What about the opportunity cost if your staff has to defend this and it takes up staff hours and is not doing something else?

The most troubling thing about this is discrimination. I'm concerned, and I'm told, "Well, there's double-barrel protection, but I'm concerned that someone may not even get to that point, may say there's no job available, because they may feel that if they hire someone that's Hispanic, that maybe they could be legal, maybe they could have false documents, and that's a problem.

There's a lot to recommend against this law. The reason I'm going to vote for it is because at the heart of the law is a reaffirmation of the Federal law. I'm very uncomfortable with this bill, because I think it's poorly written, poorly designed. And I question whether there's more stage craft than state craft in this law.

I'll just end by saying a message to the County Executive. Leaders try to unite, not divide. Leaders try to bring people together to solve problems. And I'll leave it at that. Thank you.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:

Actually, I wasn't going to speak again, but •• and I don't want to get into a protracted debate, but since Legislator Stern addressed his remarks to me, I'll simply say, you didn't see the E-mails that I was privy to that I received, particularly after I did an interview and, you know, brought forth my position. And I have to agree with what Legislator Romaine •• we probably should have let it end on that.

But my only point is, no matter how you mask this bill, the underlying message and the underlying statement that is made, not by •• not necessarily by people here, but at a broader level and a level that sometimes really doesn't understand the complicated issues that we're faced with. And someone was •• a candidate once said to me, for every complicated •• for every complicated problem, there's a simple solution, which is generally wrong, and I think that this fits into that category. I don't care how you mask it. We're the government, we're here to help you. The underlying message I think is something that we could have solved a problem, if we felt we really had a problem. We didn't need to do it in this fashion.

And when I say torture, and this is not a great debate in my mind, this is a petty debate. But when I say •• you know, when I say torture, we know what the issues are, we've heard that, but to sit here and listen to some of the venom that came out from people really was a disservice. That's what I meant when I said torture. So I'm going to end it on that. You know, let's get on with the vote and we'll take it from there.

LEG. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'd like to say first how proud I am of this Legislature, how deeply you've analyzed the issues and the strong sense of moral responsibility and commitment to values. I, too, am a child of an immigrant. My mother came here from Hungary just before the Holocaust. She was one of the lucky ones. So many were sent back, turned away from this country to face the gas chambers in Nazi Germany, in a country that scapegoated a large portion of its population and blamed them for all their economic troubles. So I, too, have wrestled greatly with this bill.

The bill itself asks for nothing more than people to follow laws that exist, and so it's hard to say I shouldn't support a law that simply asks people to follow

the law. There's so many applications now that says you have to sign, and it says, "I will comply with all applicable regulations," be they town, State, Federal. The real problem with this bill is not in what it does, it's how it's been progressed.

The County Executive often skips this Legislature and does things administratively, a problem that I've complained about in the past from various committees and roadwork, and things that just seem to happen. This path was different. It was brought to us, even though it could have been done administratively and accomplished the same goal. So it was made a political issue, and that fundamentally is what's troubling here. I believe it should have been done quietly. It's not that it's a bad law, but making this a political issue is a tinder box. It's dangerous at a time when there are so many tensions. And I, as a Legislature •• Legislator, knowing the strong feelings about this issue, also knowing some of the underpinnings of why we have this problem, how difficult it is to live in Suffolk County with the high cost of housing, low wages, a lot of this is anger about overcrowding. That's unfortunate. And this is a deep •• there are deep social economic aspects to this issue. What we're asked to vote about right now is simply a bill that asks us •• asks people to comply with the law, and that's hard to oppose. But I do oppose the way this was moved forward.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I've been really conflicted about this resolution from day one for a number of reasons. First of all, my •• I'm not Hispanic, but my domestic partner, Rob, is Hispanic, all five of my kids are Hispanic. I certainly don't want to do anything that in any way could be seen as potentially increasing discrimination in Suffolk County.

There's also part of me that is concerned that passage of this resolution sends the wrong message to our Federal government, that they're off the hook and they don't have to deal with this issue, because we're going to deal with it for them. And shame on Congress for not getting their act together and coming together in a bipartisan fashion to deal with this national problem.

But, on the flip side, another part of me thinks that maybe, if we pass this

here in Suffolk County, it will have the same impact as my Federal law did where we passed it here in Suffolk, and within six months it was Federal law, because we shamed them into action. Or the cell phone bill, we shamed Albany into action in six months. But to also point out what I think is the unenforceability, the complete unenforceability of this law is, and if anyone •• you all have laptops in front of you. I've just been surfing the net over the past five minutes. I came across about two dozen websites where you could obtain legally false I.D.'s. There's one right here, the I.D. Shop. "No one can touch the quality of our fake I.D.'s." You can get them with added security options, such as holograms. They look •• I've seen these. Of course my son doesn't have one, but a lot of my son's friends have them. One of them has like 12 of them and I can't tell the difference. They have holograms. They look exactly like real driver's licenses. You can get social security cards off the internet.

If Congress wanted to deal with this problem, they could deal with this problem in a second. Number one, they could make it illegal for the I.D. Shop. And they give a toll•free number 24 hours a day. You get your fake I.D. in 24 hours. They could make it illegal for these companies to sell fake I.D.'s. They can enact a law imposing a six•month jail sentence, \$10,000 fine for a company that knowingly hires an undocumented alien. They're not going to do it, because the National Association of Manufacturers doesn't want it, and the U.S. Chamber of Commerce doesn't want it, so it comes down to money in the end. But to think that by our taking this action at the local level we're going to really be able to have any impact on this problem, and it's a real problem, it's a problem here in Suffolk County, I don't think it's going to happen. But, on the other hand, it's hard to argue against those that make the case that all we're requiring is that businesses that we contract with follow Federal law.

So, for those of you who haven't realized it already, this is very complicated. It's a no•win situation. In the end, I'm going to vote for the bill. I think it's innocuous. I don't think it's going to make any difference. Unlike Legislator Mystal, in my district, and I just confirmed with my Aide, every call that I've gotten has been from constituents urging me to vote against this bill, but I'm going to vote for it, and •• but it's a mess. I wish the County Executive had never introduced it. He better not even think about introducing another bill like this again any time soon.

But I just wanted to point out that any undocumented alien worth his salt can

get a false I.D. in 24 hours. I think it costs about ten bucks. And the only way the law is drafted, all the company has to do, the contractor has to do is maintain a photocopy on file of that false document. The original document is hard enough to tell from a fake from real, but a photocopy is completely worthless. So I really do think it's unenforceable.

P.O. LINDSAY:

Okay. I'm going to take the last word.

LEG. MYSTAL:

All right.

P.O. LINDSAY:

All right?

D.P.O. VILORIA • FISHER:

All right.

P.O. LINDSAY:

I don't think share the backgrounds of many of my colleagues. I'm not an attorney. Sometime that's an advantage. My background is a blue collar middle class worker. And the bill isn't really threatening to anybody. The perception of it is what generated 12 hours of testimony. Ladies and Gentlemen, the blue collar middle class is scared to death. They're getting squeezed from every side. Between outsourcing, shipping our jobs overseas, and the unabated allowance by the Federal government for illegal immigrants to come across our borders and take all of the low level jobs, have people very, very frightened, and that's the reaction you saw for 11 or 12 hours.

The bill before us really boils down to one piece of paper. When we give out a contract, whether it be to a contract agency or a construction contractor, we're going to ask that entity, that employer to sign an affidavit that they comply with Federal immigration law. If they sign that knowingly that they don't, they've just filed a false document in connection with a government contract, which is a very, very serious offense.

As far as compliance, in my other life, I was the keeper of thousands of I-9 files. An I-9 file is a very simple document. It's nine questions. You photostat two forms of identification. I don't know whether the identification

I was looking at was real or not real. That wasn't my job. My job was to take two forms of identification, fill out the nine questions, put it in a file, keep that file, I've complied with Federal law. And that's all I think we're asking anybody to do with this legislation. I'll just leave it at that, because I think we've said too much already. All right?

LEG. ROMAINE:

Call the question.

LEG. MYSTAL:

Roll call.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. CARACAPPA:

Wholehearted yes.

LEG. EDDINGTON:

Yes.

MR. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Reluctantly, yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA • FISHER:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

15.

LEG. MYSTAL:

Let's move on.

P.O. LINDSAY:

I.R. 2073 • Authorizing the acquisition of land from the Town of Smithtown pursuant to Section 72•h of the General Municipal Law in

connection with the acquisition of property for the reconstruction of Sewer District No. 18 • Hauppauge Industrial, Town of Smithtown.

Do I have a motion?

LEG. KENNEDY:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 2079 • Authorizing ••

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Oh, I'm sorry. ***Authorizing the Suffolk County Executive's Office to act as a signatory for the Brownfield Cleanup Agreement for the Suffolk County Canine Kennel Site.***

LEG. MYSTAL:

Canine, Romaine.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Okay.

LEG. COOPER:

Someone said canine?

P.O. LINDSAY:

Motion by Legislator Cooper for the cleanup of the Canine Site. Do I have a second?

LEG. SCHNEIDERMAN:

Sure, second.

P.O. LINDSAY:

Second by Legislator Schneiderman. All in favor? Opposed?

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:

Yes, sir.

LEG. ROMAINE:

Explanation by Counsel, because ••

P.O. LINDSAY:

Legislator Romaine asked for an explanation.

LEG. MYSTAL:

They're building a dog house.

MR. ROMAINE:

No, no, no, no. I think it's more than that.

MR. NOLAN:

What this resolution does is designate the Chief Deputy County Executive to be the authorized signatory on behalf of the County for a brownfield cleanup agreement at this particular site. My understanding is, and the County Attorney's Office can confirm it, that this is required by the State in order for us to move ahead.

P.O. LINDSAY:

Okay. Everybody satisfied? All in favor? Opposed? Abstentions?

MR. LAUBE:

16. (Not Present: D.P.O. Viloría Fisher and Leg. Montano)

P.O. LINDSAY:

I.R. 2087 • Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of property to be acquired to alleviate blight for Downtown Economic Development Revitalization, Town of Brookhaven.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Plaza Theater. Motion by Legislator Eddington. Do I have a second?

LEG. HORSLEY:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. On the question? Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

One opposition.

MR. LAUBE:

15. (Not Present: D.P.O. Viloría Fisher and Leg. Montano)

P.O. LINDSAY:

You got it?

MEMORIALIZING RESOLUTIONS

Memorializing Resolutions. ***M.066 • Memorializing Resolution in support of the "Lyme and Tick • Bourne Disease Prevention, Education and Research Act of 2005"***. Legislator Romaine?

MR. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. On the he question? All in favor? Opposed? Abstentions?

MR. LAUBE:

16. (Not Present: D.P.O. Viloría Fisher and Leg. Montano)

P.O. LINDSAY:

M.067 • Memorializing Resolution in support of the Pool and Spa Safety Act. Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Losquadro.

LEG. LOSQUADRO:

Cosponsor, Mr. Clerk.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

16. (Not Present: D.P.O. Viloría Fisher and Leg. Montano)

P.O. LINDSAY:

M.068 • Memorializing Resolution in support of the Counterfeit Drug Enforcement Act of 2005. Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Mystal. Any question? All in favor? Opposed? Abstentions?

MR. LAUBE:

16. (Not Present: D.P.O. Viloría Fisher and Leg. Montano)

P.O. LINDSAY:

Okay. If we go to the red folders, CN's. First one is ***I.R. 2159 • Resolution authorizing certain technical corrections to adopted Resolution 949 • 2006.***

LEG. LOSQUADRO:

Explanation, please.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Please. I'll make a motion for the purpose of debate. Do you want to second that motion?

LEG. SCHNEIDERMAN:

Sure, absolutely.

LEG. LOSQUADRO:

Explanation.

P.O. LINDSAY:

And we have a question from Legislator Losquadro.

LEG. LOSQUADRO:

Just a brief explanation from Counsel. Very quick.

LEG. SCHNEIDERMAN:

I can answer as well.

MR. NOLAN:

It is correcting a resolution that was adopted earlier this year. According to the explanation by the County Executive, the title company preparing the •• for the sale discovered that the ownership of the property was attributed to the wrong owner in the County resolution. So there's an acquisition resolution and it's changing •• it's giving the correct name of who the owner of the property is.

LEG. SCHNEIDERMAN:

I believe there may have been a death of the property owner and it went through an estate process and transferred ••

P.O. LINDSAY:

Well, that makes me feel better that we didn't sell it to the wrong person.

LEG. SCHNEIDERMAN:

We're buying it.

P.O. LINDSAY:

Okay. Or buying it. Okay.

LEG. SCHNEIDERMAN:

Just technical.

P.O. LINDSAY:

We have a motion. Is there any other questions? You're satisfied? Okay.

LEG. LOSQUADRO:

Good.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? I.R. 21 ••

MR. LAUBE:

17. (Not Present: Leg. Montano)

D.P.O. VILORIA • FISHER:

He didn't call the vote.

P.O. LINDSAY:

I'm sorry. ***I.R. 2160 • Authorizing certain technical corrections to Resolution 946 • 2006.*** It's a similar number.

LEG. SCHNEIDERMAN:

Same thing.

P.O. LINDSAY:

But I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Legislator Schneiderman will second. On the motion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 2178 • A resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed 55 million dollar Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for the County purposes or return to the County for collection for the Fiscal Years commencing January 1, 2003, 2004, 2005, 2006, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of

such notes.

D.P.O. VILORIA • FISHER:

Wow.

LEG. MYSTAL:

Gees.

LEG. EDDINGTON:

Say that again.

P.O. LINDSAY:

Okay. Do we have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion. Motion by Legislator D'Amaro. Second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Legislator Alden. On the question, anybody? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 2179 • Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space Farmland Preservation, and Hamlet Parks Fund for the Deborah Light Preserve Property, Peconic Land Trust, Incorporated, Town of East Hampton.

Legislator Schneiderman, would you ••

LEG. SCHNEIDERMAN:

I'll make the motion.

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 2186 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the Workforce Development Technology Center.

LEG. HORSLEY:

Motion.

D.P.O. VILORIA • FISHER:

I have a question.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

All right. Motion by Legislator Horsley.

LEG. ALDEN:

Second.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Alden. And Legislator Viloría•Fisher has a question that she'd like addressed to Mr. Gatta from the College.

D.P.O. VILORIA • FISHER:

Hi, George. You gave us a packet this morning, and there's something I didn't quite understand regarding the bond sale. Can you explain that? Is

that why this has to be a CN?

MR. GATTA:

That's correct. About ten •• actually now about twelve days ago, the SUNY Administration advised us that if this were not adopted, the appropriating resolution were not adopted prior to their •• the SUNY Trustees meeting on September 26th, that this project would be delayed at least a year. And we could have •• we could have these funds in jeopardy longer term.

D.P.O. VILORIA • FISHER:

George, when I looked at that •• the E•mail in the packet, it said that there was a •• we already missed the deadline.

MR. GATTA:

Well, we've been ••

D.P.O. VILORIA • FISHER:

Are they going to give us a waiver?

MR. GATTA:

We've been talking with staff to the SUNY Board, and if the Legislature acts today, they will walk the resolution into the meeting. The important thing is that it got done before •• before the meeting next Tuesday.

D.P.O. VILORIA • FISHER:

Okay. Thank you, George.

LEG. MYSTAL:

Roll call.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

George, did you have an opportunity to go ahead and speak with Mr. Torpey today at all?

MR. GATTA:

I did speak with him briefly earlier in the day and we did clear the air somewhat. If I could just make one comment on 2186, which will get to that

matter.

If you looked at I.R. 1511, which I included in the packet I handed out this morning, it was the last two pages of the packet, that was the appropriating resolution that had been submitted back in May by the County Executive, which was eventually withdrawn. In our discussions •• in my discussions with Chief Deputy County Executive Kevin Law the end of last week, he asked the College to send a letter to the County Executive, which we did, and that is the first document in the package, and he wanted that resolution to do a couple of things. One, he wanted us to let the County Executive know and you know that we were adding a •• adding a manufacturing laboratory to that facility, and that is contained in Dr. Pippins' letter. Secondly, he wanted us to again put in writing that we would not be associated with •• would not be an apprenticeship program for any union. We put that in the letter and Dr. Pippins signed it.

If you look at the other documents that I've included, including my letter to John Torpey in August, and if you spoke with the other County representatives, some of which I believe were here •• are here this evening, that were at the meeting that we had with the trades back in the end of June, you would hear that we •• I said verbally a number of times that the College is certainly willing to enter into that MOU, that we are not an apprenticeship program and will not align ourselves with any union to become an apprenticeship program. So we've been working since the early part of June to communicate and to have a meeting of the minds, trying to get meetings.

If you look at the Sixth Resolved in the resolution that's in front of you, it predicates the expenditure of these funds on us entering into that MOU. Now I will stand here and tell you in good faith that we will make every effort to do that, but we are a party of one. The College President has put it in writing, I have putting it in writing. We will do that, but, again, I cannot force, the College cannot force a private entity to sign that document. I can assure you that within 24 hours we will have sent that MOU to Mr. Torpey and to any other union official that was at that meeting. I believe the sheet metal workers were there. But, again, I can't force them to sign that. It's critical ••

LEG. KENNEDY:

No, I ••

MR. GATTA:

Could I just take one more second? And I'm sorry.

LEG. KENNEDY:

Sure.

MR. GATTA:

It's critical that this be passed tonight. But what I would like to do is •• what I have to do is keep this body informed, both at every committee meeting and at every meeting of the general Legislature, of how that process is going. Because if at the end of the day we've used every resource we have, if we've acted in good faith and, yet, I cannot get that MOU signed by another party, I can't have this project held hostage because we've predicated the expenditure of the funds on some private entity signing a document.

So I just wanted to bring that to your attention, let you know that we will •• you know, we will not jeopardize our integrity. We are part of the County. The College President, nor I, would ever go back on what we've committed to doing, but we can't force that MOU to actually be entered into.

LEG. KENNEDY:

I ••

MR. GATTA:

You've adopted numerous •• just one last sentence. You've adopted many, many appropriating resolutions today for capital projects, and over the years you've adopted thousands. I doubt that any have every been predicated on building a public facility using County and State funds based on some private entity signing a document. So that's all I really wanted to say about this, and I'd be pleased, if you had any other questions, to respond to them.

LEG. KENNEDY:

I appreciate the measures the College has gone in order to engage in the dialogue. And, really, the only other thing I'll ask is, did Mr. Torpey see this reso today and have any comment about it or any dialogue?

MR. GATTA:

I do not know if he saw that. You could ask the County Executive's

representatives about that. But I did speak to him. I did speak to Mr. Nardelli from the County Executive's staff and said, "I am anxious to sit down and talk with you about this."

LEG. KENNEDY:

Okay.

MR. GATTA:

But now having seen the resolution, we will forward them a draft MOU by the close of business tomorrow, and, hopefully, within the next few days, it will be signed off and all of this verbiage will be for naught. But I just •• I'm always concerned when a public institution, higher education, or a public project is •• can be held hostage by a private entity.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

George, you say you're concerned when a public entity could be held hostage, but the Sixth Resolved Clause does say that you will not spend •• no appropriation authorized therein may be expended unless an MOU is signed?

MR. GATTA:

It says, "Entered into." And if you talk to an attorney, "entered into" means both parties must sign off on that. We will certainly •• we will draft something, we will work with them to find common language, we will sign it. However, I can't force the other party to sign that, and that, I believe, would constitute meaning "entered into".

LEG. NOWICK:

But why would they not if the money's been allocated anyway? Wouldn't it behoove them to sign something like that?

MR. GATTA:

I don't know the answer to that. I could just bring it to your attention and hope that you will support the project, and that this will all work out wonderfully.

LEG. NOWICK:

Just one more question. I notice it's not just HVAC anymore, it's going to be

a technical building. Is that what it says, technical?

MR. GATTA:

Yes. And we •• and the second part of the Sixth Resolved we have no problem with. We are committed to and we have the funding for, and we will be installing a manufacturing support laboratory for our advanced manufacturing/mechatronics training, which is ongoing. So we have no problem with the second half of that.

LEG. NOWICK:

Is the second half also contingent upon the MOU?

MR. GATTA:

No, it's not.

LEG. NOWICK:

Okay.

MR. GATTA:

No. It's just simply the College •• the language is plain. It says the College commits to, and we do commit to.

LEG. NOWICK:

And just one more last question. The HVAC program, has that been expanding? Do you have a waiting list for that? Are there ••

MR. GATTA:

We do, and we're doing a tremendous amount of continuing education there. And besides that, we'll have 400 manufacturing workers also using the facility on a regular basis. So the project is going well. But, again, it's operating in temporary facilities, and you can only seat, I believe it's 16 students in the lab that ••

LEG. NOWICK:

Oh, I'm familiar, yes, I've been there.

MR. GATTA:

You've been there, I guess.

LEG. NOWICK:

Okay. Thank you, George.

P.O. LINDSAY:

Okay. Anybody else?

MR. MONTANO:

Bill.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'm going to be quick, George. Looking at the Sixth Resolved Clause, what it tells me is that unless you have this memo, which I think you just said in fancier words, you're not going anywhere unless you have this memo signed.

MR. GATTA:

We will sign it, but ••

LEG. MONTANO:

But they won't sign it.

MR. GATTA:

I don't know.

LEG. MONTANO:

Unless it's signed on both sides. But I'm looking at it lawyer like. All pertinent unions, who are these people?

MR. GATTA:

Well, the ••

MR. MONTANO:

I mean, who are we talking about? Do you have a list of them?

MR. GATTA:

The only unions that we've had discussions with, the only unions that were at the meeting that was convened by the Labor Commissioner, the Suffolk County Labor Commissioner and the County Executive's representative back in June was Local 638. Mr. Torpey was there with several of his folks, and

there was also the Sheet Metal Workers. Only those two unions were present, to my knowledge. So, as far as the College is representing, those are the two unions that we've talked to, and we are certainly willing to sign an MOU with both of them.

LEG. MONTANO:

All right. So if you sign •• you're talking about Local 28 and Local 638. Those are the two unions •• that's the "S" in the union. Those two unions would give you the ability to expend the funds. We're not talking about other tangential unions, or whatever, right, just those two?

MR. GATTA:

That's my understanding.

LEG. MONTANO:

Well, that's what •• that's what we're passing.

MR. GATTA:

Those are the only •• those are the only ones that we've been in discussion with to this point. That's our •• that's our understanding of what this document says and what we •• and who we've been speaking with.

LEG. MONTANO:

Okay. And you've been in conversations with the two of them? You're optimistic that you can work out something with those two unions?

MR. GATTA:

Well, again, if you •• there's a letter in here to Mr. Torpey dated, I think it's August 18th ••

MR. MONTANO:

Let me see it.

MR. GATTA:

•• wherein we •• wherein I said I thought we made some progress at that meeting and we'd love to meet again. Those calls weren't ••

LEG. MONTANO:

I don't see the letter, but I'll take your word for it.

MR. GATTA:

Okay. Those calls were not answered, and we weren't able to schedule another meeting. But I did speak to Mr. Torpey this morning and he indicated that he would sit down with us.

MR. MONTANO:

Okay.

P.O. LINDSAY:

Okay. Anybody else?

LEG. NOWICK:

I'm sorry. Quick, quick. What if they don't sign it, what happens to the money?

MR. GATTA:

Well, I suspect that I will be keeping you posted on a regular basis, and I would be asking for this resolution to be amended to delete that clause, if that, in fact •• after all of our best efforts, if that doesn't happen, you will know about it, and I would ask this body in its wisdom to amend this appropriating resolution. But let's see what happens and give it time.

P.O. LINDSAY:

Okay. We've got everybody now. This •• yeah, it's a bond. We've got 2186A. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. ALDEN:

Yes.

MR. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

17.

P.O. LINDSAY:

Same motion, same second, same vote. ***I.R. 2187 • Authorizing conveyance of a parcel to the Town of Babylon, Section 72•h.***

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator ••

LEG. HORSLEY:

Second.

P.O. LINDSAY:

•• Mystal, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? Stay right there.

MR. LAUBE:

18.

P.O. LINDSAY:

Late•starters. I want to make a motion to waive the rules and lay on the table the following resolutions:

2174 • Accepting a donation of real property for open space purposes, to the EPA. 2175 • Accepting a donation of real property for open space purposes, to EPA. 2176 • Accepting a donation of real property for open space purposes, to EPA. I hope these aren't abandoned roads by the Town.

LEG. EDDINGTON:

I was just thinking the same thing.

P.O. LINDSAY:

2177 • Adopting Local Law Number , a Local Law to prohibit skateboarding at County-owned or operated facilities, scheduled to Public Safety. 2180 ••

LEG. EDDINGTON:

Public hearing on the 17th?

P.O. LINDSAY:

And •• on that one? Okay. I don't see that. Okay. We set a public hearing on that for the 17th of October.

MR. NOLAN:

Okay.

P.O. LINDSAY:

All right? **2180 • Authorizing the County Executive to execute an agreement with the Guild of Administrative Officers.** That's assigned to Education Development and •• Economic Development, Higher Education and Energy. **2182 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the replacement of Kodak scanners.** Assigned to Ways and Means. **2184 • Naming Picnic Areas 8 and 9 in Southaven County Park in honor ••**

D.P.O. VILORIA • FISHER:

I think you skipped one, 2183.

P.O. LINDSAY:

All right. Let me just finish this one. **In honor of Specialist Thomas J. Wilwerth.** I skipped •• and that's assigned to Ways and Means. **2183** is the one I skipped. No, I •• didn't the Kodak ••

D.P.O. VILORIA • FISHER:

No. It looks the same, but it's different.

P.O. LINDSAY:

Okay. **It's amending the 2006 Capital Budget and Program, and appropriating funds in connection with the replacement of Kodak Archive Writers.** And I guess that's assigned to Ways and Means as well. **2185 • to integrate County Department of Environment and Energy**

into the full implementation of County Pest Control Policy. That's assigned to Health and Human Services.

MR. NOLAN:

Set the public hearing.

P.O. LINDSAY:

And set the public hearing as well for that, for October 17th.

2188 • Authorizing conveyance of parcel bearing Suffolk County Tax Map Number, to the Town of Southold, to Ways and Means. 2189 • Amending the 2006 Capital Budget and Program, and appropriating funds in connection with the purchase of security equipment for Suffolk County Correctional Facilities, assigned to Public Safety. And the last one is 2190 • To promote land acquisitions in underserved communities. Assigned to EPA.

LEG. SCHNEIDERMAN:

Bill, if I may, before we adjourn, can I just, one second?

P.O. LINDSAY:

Now wait, just one minute. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. And I recognize Legislator Schneiderman for, hopefully, the last word.

LEG. SCHNEIDERMAN:

This is the last meeting for my Chief Aide, Eric Brown, who's moving to a private law practice, and I just wanted to •• I know he's been a friend to many of you on both sides of the aisle. He's been a wonderful Aide to myself, as a Legislator, and also when I was Supervisor, he was my Chief Executive. So I just wanted to thank him for all the years that he has served me so well, and to wish him the best of luck at his future job.

(Applause)

P.O. LINDSAY:

While you have the mike, would you like to make a motion to adjourn?

LEG. SCHNEIDERMAN:

I will make the motion to adjourn.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

[THE MEETING WAS ADJOURNED AT 6:30 P.M.]

{ } Indicates Spelled Phonetically