

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

OCTOBER 17, 2006

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

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

*(*The meeting was called to order at 9:35 AM*)*
*(*Court Stenographer - Alison Mahoney*)*

P.O. LINDSAY:

Good morning, everyone. Mr. Clerk, would you call the roll, please.

MR. LAUBE:

Good morning, Legislator Lindsay

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

LEG. ROMAINE:

Here.

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

LEG. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Here.

MR. LAUBE:

14 (Not Present: Legislators Schneiderman, Caracappa, Losquadro & Viloria-Fisher).

P.O. LINDSAY:

I apologize for the delay in the meeting this morning; our visiting Clergy has been delayed so we gave him a few minutes to get here and he still hasn't arrived so we're going to have the prayer a little bit late. Could everybody rise for the Pledge led by Legislator Romaine.

Salutation

You were about two words in front of us. Okay, everybody be seated. First I'd like to call Legislator Alden to the podium for the purposes of presenting a proclamation, and Legislator Eddington.

LEG. ALDEN:

I would like to just ask Jill Porter to come up. And while she's coming up, Probation is often an ignored law enforcement arm and they do put their lives in jeopardy and on the line every day, and that's why we've got Officer Porter with us today.

I'm joined by Legislator Eddington who is the Chairman of the Public Safety Committee and we want to just recognize the actions that she takes to put herself in jeopardy on almost a daily basis and that's to keep this County safe for you and I. So Officer Porter, thank you very much and God bless you.

Applause

P.O. LINDSAY:

Next I'd like to call Legislator Stern to the podium for the purpose of a proclamation.

LEG. STERN:

Thank you, Mr. Presiding Officer. It is with great pride that I recognize an outstanding organization within our community. In the 16th Legislative District we have so many great organizations that we could be so proud of, but this is certainly one that you want this kind of an award to go to.

We rise today to recognize the Dix Hills Fire Department Rescue Squad. The Dix Hills Fire Department Rescue Squad has been named the New York State EMS Agency of the Year for 2005 by the New York State EMS Council, an award bestowed upon the single State agency which best exhibits consummate EMS excellence and exemplary performance in providing emergency medical care.

And I have to say on a personal note, many years ago when my son was just a couple of weeks old, we had a potential emergency, the Dix Hills Fire Department, it could not have taken them any more than three minutes to get to the house; by the time I arrived there they were already there doing a great job and thank God that everything turned out okay. So I have a personal reason to thank the

very dedicated men and women of the Dix Hills Fire Department. On behalf of the 16th Legislative District and this Legislature, congratulations and we wish you every success in the future.

Applause

MR. STIO:

I would just like to extend a thanks to Legislator Stern, and just on behalf of all my members of the rescue squad for the constant effort and long hours that they put in to serve the community. Thank you.

Applause

P.O. LINDSAY:

And next I'd like to call myself to give out some proclamations.

This morning it's my pleasure to give out two proclamations to two different individuals that are involved in the safety of our citizens on a day in and day out basis. One is a long-time volunteer and the other one is a long-time County employee and they both deserve a tremendous amount of credit for their service to this County.

First I'd like to call Ed Carpenter to the podium. Ed is a 44 year volunteer fireman and has served on the Firemen's Association of the State of New York which he joined in 1971, he has been on our VEEBS Board, our Vocational Education Extension Board, which is the agency that trains our firemen in this County, and he's also been recognized by the Governor and has been on State Committees to oversee volunteerism and to encourage volunteerism. And Ed, your resume is impressive and your long record of volunteering for our citizens of Suffolk County is tremendously appreciated. It says you're retiring, is that -- you're retiring?

MR. CARPENTER:

No, sir.

P.O. LINDSAY:

Okay, I didn't think he was retiring. But congratulations to your many, many years of service and we really appreciate your service.

MR. CARPENTER:

Thank you, Bill.

P.O. LINDSAY:

You're welcome. Do you want to say anything?

Applause

MR. CARPENTER:

I'm very honored at this point in my career, but we do have an issue with the volunteer response across not only the State but the nation, and anything that you can do legislatively to assist in bolstering the ranks of volunteers is greatly appreciated. Thank you.

Applause

P.O. LINDSAY:

Thank you. Next I'd like to call to the podium Dr. Jeanne Alicandro who is a long-time employee of Suffolk County. Dr. Alicandro unfortunately is -- unfortunately for us is moving on in her career and is taking a job in the private sector; I hope you're going to make some real money for a change.

Dr. Alicandro ran the Suffolk County Emergency Medical Services system. She's the lady that has been responsible for the oversight and the training of our volunteer ambulance workers and has done a wonderful job and we're going to miss you something awful, you know. We just want to wish you the best of luck in your new endeavors and I know you'll be very, very successful because you were very successful here and you're going to be hard to replace.

Applause

DR. ALICANDRO:

I just wanted to thank the Legislature, Legislator Lindsay and the Legislature, for all their efforts over the years with public safety initiatives including public access defibrillation, drowning prevention, electronic prehospital care reporting, etcetera. It's been an honor to work with you, County Executive Levy and a real privilege to work with the men and women of the Suffolk County EMS volunteer system who do a fabulous job day in and day out. Thank you so much.

Applause

P.O. LINDSAY:

Okay. Legislator Cooper is going to start the public portion while I take some photos, I'll be right back.

LEG. COOPER:

Thank you. We'll now begin the public portion. The first speaker is Rosemary Delow. If you could please come up to the podium and identify yourself, and please note that you have three minutes to address the body. Thank you.

MS. DeHLOW:

With that in mind, I'm going to read instead of just talk because I'll be more than three minutes if I talk.

Good morning. Thank you for allowing me a few moments to introduce myself. My name is Rosemary Dehlow, I'm the Long Island Director for Community Housing Innovations. We are a full continuum housing agency providing shelter and case management for families and individuals who are homeless, providing truly affordable permanent housing for families and individuals who have a mental health diagnosis, a substance abuse history or are victims of domestic violence. We also have affordable rentals for families without aforementioned diagnoses but who are homeless and low income. Finally, CHI administers a first-time home ownership program providing up to \$50,000 in down payment and rehabilitation assistance as well as counseling on how to become and remain a homeowner; that's difficult sometimes.

My reason for addressing you today is to place a name and a face together for each of you and to express some of my deepest concerns regarding affordable housing; homelessness and the fear that the lowest income members of our society will be forgotten. There are many families and individuals who either work at low paying jobs or are unable to work due to a physical disability or health issue, severe mental health diagnosis, poor education, no skills or have a disabled child. I have clients in my shelters who have heart conditions, severe diabetes or any number of other health conditions which preclude them from steady employment. Many of them find jobs, but when their health starts to fail they quickly lose them. They cannot afford to continue paying rent and they find themselves homeless.

The Federal poverty level in 2006 is \$20,000 for a family of four and \$9,800 for a single person. The median income, and I'm sure these figures are very familiar to every Legislator sitting here, is \$91,000 for a family of four; that's a \$70,000 difference from the poverty means test used by the government and our median income in Suffolk County.

Currently, the Federal Government is actively promoting homeownership. And owning a home is wonderful for many reasons, including future predictor of family wealth, ability to send children to college, greater possibility to weather unexpected medical expenses or other family and personal declines, but what happens to those families who live in a 30% below median income? The annual income is \$27,300, approximately \$13 an hour. They're not poor enough and certainly not wealthy enough to afford the rents in Suffolk County, yet I hear affordable housing focusing on the 80% which is a \$72,800 gross annual income, to 120% hundred which is a \$109,200 income.

HUD defines the housing affordability as 30% of a household gross income. So by these guidelines, a family at the poverty line of \$20,000 could pay only \$500 a month in rent, an individual can pay \$245 a month. A family earning the \$13 that I described which I would say are my case managers and my non-profit agency, can afford \$682 for rent a month. The fair market rates just came out from HUD this past week, for a two bedroom apartment in 2007, fair market rate for Suffolk County is \$1,356; this is difficult to find and most landlords want rent plus utilities. The families CHI serves generally fall in that 30% of median income or below. Thirteen dollars an hour is a decent wage outside of New York. There are clients earning \$8 an hour; they are working full-time, they do not have health insurance, no financial assistance for child care, pay the same for transportation, food and utilities as you and I and yet they simply cannot afford the most basic need of shelter.

As you read the booklets that I distributed called Voices of Homeless Women, these are the words of the people that I serve. Please think about their plight and how we can work together on developing affordable rental housing for the people we serve. Do I realize how difficult the task is --

P.O. LINDSAY:

Could you please wrap up, Ms Dehlow, your time is up.

MS. DeHLOW:

Absolutely. Community Housing has developed a hundred units of truly affordable housing. Maintaining these units poses tremendous challenges which I would like to discuss further with you when I have time. It is a struggle to maintain a fiscally responsible balance between the desire to provide the ultimate program services and units that meet housing quality standards and do not look or feel like homeless housing.

I thank you for your attentiveness, as I know all of us are acutely aware of this crisis. I come with the desire to further conversation and to ensure the low income families and individuals CHI serves are not forgotten. I studied to be a social worker because I wanted to be the voice for those who may not be heard. Thank you for listening.

Applause

P.O. LINDSAY:

Thank you very much. Wallace Broege, Suffolk County Historical.

MR. BROEGE:

Good morning. I'm here to speak about the Historical Society's request for increased funding in 2007, I prepared a summary which I put next to your seats, it has a yellow cover on it; I'd like to touch on some of the high points, though, this morning.

Since 1989, the Historical Society -- the Historical Society had six full-time staff members in 1989, today we have only three; the Curator, Curatorial Assistant's position as well as that of the Librarian had been eliminated leaving two of our main program areas without leadership. Over the years the Historical Society has struggled to maintain all of its programs; this period has been marked by reduction in public hours, activities and exhibitions.

Deficits have used up the available cash and put the Historical Society into an almost constant cash flow crisis. Funding from the County has remained the same for the past three years while expenses have continued to increase; in fact, our funding has increased very little since 1989, the date that I just referred to when we had six full-time staff members. Each year the society's financial picture has become a little darker and the staff has struggled a little bit more and become more and more overwhelmed with the ongoing work.

We feel that the Historical Society's work is important and we hope that you agree. In each of the past three years the County Executive's recommended budget has removed funding from the Historical Society and the Legislature has put that funding back in. We appreciate your continued interest and support, but at the same time I wish to respectfully point out that we've been losing ground each year; year after year we've been faced with a crisis since we don't have a firm base of support for the society's operations.

The recommended level of funding for 2007 is \$177,480, that's almost \$22,000 less than we received in 2006. If that level of funding stands, the Historical Society will face a staggering deficit of almost \$66,000 and could mean the loss of seven part-time and one full-time staff position. Our programs will be devastated. The museum and library will become storage facilities which will be a place where things are collected and preserved. We're fortunate that the founders of the Historical Society had the foresight to establish the society in 1886 and we're fortunate that the Legislature has been willing to support us, as has the County Executive. The society's collections help us to gain insight into our past, yet preserving our heritage is not enough. To inspire passion for the past and future generations, the artifacts and documents in our care must be brought to life through programs, exhibitions and publications. They also need to be accessible to the public; we cannot do that without adequate funding and staffing.

The increase in funding that we asked for in our request to the County Executive would allow the Historical Society to replace three full-time professional positions. We would be able to improve the care of our collections, we would be able to increase the number of exhibitions that we do each year. Our public relations efforts could be increased and our visitation would increase; programming and publications could also be increased and our ability to raise funds would be improved.

I wish I were more articulate and I could say something very profound this morning about history and the Historical Society so that you would all want to jump to your feet and become excited about the Historical Society and funding it; alas, I don't have those words. What I can say is that the Historical Society has been experiencing an uninterrupted decline and deterioration of its infrastructure and operations, and a unique and wonderful institution who has worked to protect and promote history since 1886 is in jeopardy. Without your support, it will lose more ground in 2007 and may decline to the point where it can't be saved.

I thank you for this opportunity to speak about the Historical Society and I hope during your deliberations on the budget you look favorably on our request in considering increasing our funding for 2007. Thank you.

P.O. LINDSAY:
Peter Quinn.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn, I live at 675 Tanglewood Road, West Islip. I note that this seems to be the year of education oversight. With the District Attorney having -- empanelled a Grand Jury to review education, fraud, corruption and abuse and issuing a report last week with this Legislative body, creating an Education Commission on Revenues with another commission created on Education Expenditures. It just seems to me that we can't get out of our way in looking at and examining education and discerning what districts are committing fraud. And I wonder if one took the time to add up the cost that fraud and then one did some comparison, contrast, analysis with that of business, because that's always the model.

And if you added up and you even included Roslyn with its eleven million and William Floyd with another four or five million, and then you took the DA's report where there was some three and a half million and accumulated those numbers and maybe found another million or two somewhere, what's the total cost of that fraud? Certainly not to be condoned, but certainly to be weighed. That amounts to somewhere between 20 and \$25 million.

Now, if we were to ask each of you, along with the general public, who has commit more fraud; educators, supervisors, superintendents and so on or business? I'm sure that the media and the people who read Newsday and Cablevision would argue that it must be those in education. And yet last fall in the business section, in the Business Technology section in the back, you know, near the obituaries, Newsday points out in one article that they surveyed several hundred companies, only 40 of which who reported, and they reported that there is \$268 million in fraud for Long Island. So we've got 25 million at best and 268 million for business fraud, and that's only among those 40 companies who reported.

And I would submit to you that perhaps the DA ought to now create a commission on examining fraud in business and that this Legislature ought to consider about creating a commission to examine fraud in business. And I think -- when we talk about how we're paying extra in taxes for education, we might want to ponder how much we're losing in taxes that business is forcing us homeowners to underwrite.

P.O. LINDSAY:

Could you wrap up, Peter? You're out of time.

MR. QUINN:

And so I hope that Newsday as well will ponder this and maybe expose to the general public that there's a lot of danger in Denmark businesses across Long Island that needs to be better examined. Thank you.

P.O. LINDSAY:

Thank you, Peter. Okay, before I go to our next card, our visiting Clergy has arrived and I'm going to introduce Legislator Mystal for the purpose of a prayer.

LEG. MYSTAL:

Please rise. Thank you very much for your indulgence. The visiting Clergy today is a dear friend of mine, he got lost a little bit because he didn't know -- it was his first time to the Legislature. It is the first time a Hatian has ever been elected to office in New York and in the northeast. He's also the first priest who has been serving the Hatian community in Huntington, Islip and Babylon. His name is Father Maurise which is French for Father Moses. And as anybody knows, a group of immigrants or a group of people who are trying to find their way in the new world needs a leader. He is my leader in my church and when I need counsel I go and see him. So it gives me great honor to present to you Father Maurise.

Applause

FATHER MAURICE:

Thank you very much. I am happy to be with you this morning and to pray with you while you are doing your duty for Long Island, for the community and I'm working for the community, too. It would be good that we get together and that's why I'm here this morning, it is a joy for me to be with you, to continue to pray for you, to pray for the community that God can be with us and lead us.

Invocation

P.O. LINDSAY:

Thank you.

FATHER MAURICE:

Have a good day and a good work.

LEG. MYSTAL:

Thank you, Father Maurice. Obviously the Father never heard of the two minute rule.

P.O. LINDSAY:

Okay, back to the public portion. Susan Sinco; Susan?

MS. SINEO:

Good morning, Ladies and Gentlemen. My name is Susan Sineo, I am the founder of Compost Alert. I am here to speak in support of Legislator Kate Browning's initiative for air, water and soil testing in the areas closest to the composting operations. If I may, I'd like to just pass around a photo, if that's okay.

The photo that I'm passing around is actually of a school bus that is driving through one of the plumes of the compost debris as it's being turned in our area. I live in Manorville and at one point in time we had 16 compost dumps, four of them still remain within a quarter mile of our school. The school nurse there, who I've known since my older children attended the school for almost 16 years, has also seen an increase in respiratory illnesses in our community.

For those who aren't familiar with the composting operations in Suffolk County, some of the communities affected by them are Manor Park, Speonk, Baiting Hollow, Yaphank, Moriches, East Moriches, Manorville, Bellport, Islip, Riverhead, Calverton and so on; this is not just confined to one area.

While I understand the majority of the Legislature approved the air, water and soil testing, I understand that there is some concern at the County level that this may not be necessary. May I remind you that the Islip study was done over a decade ago. In some literature I found, and I'm going to read mainly from that, was an organization called CUURE, Citizens United Under Responsible Environmentalism. And in their report, what they said about the Islip study was, "What was not known at the time of the Islip study is that if these large concentrations of mold spores could be carried for any distance by the wind and if carried could they be causing disease not only in high risk people but so-called the normal population living downwind." That was never adequately investigated. Using what is now obsolete equipment, several early studies, late 70's and early 80's, suggested that these organisms may not be carried any distance in the air, however the necessary research to fully address this question was never completed and a definitive study to examine health effects in nearby residents was never undertaken.

They go on to say also that people are all over ill and in similar fashion. Unfortunately, because human populations have never been simultaneously and chronically exposed to the concentrations of mold generated by this new industrial practice, there was little clinical information on the nature of the effects on these people. Lacking scientific experience, doctors are unable to make accurate diagnosis of the symptoms, symptoms of what we call Mold Exposure Disease.

I'd like to just touch base also with some other areas that have experienced similar health issues. In Greenburgh, New York, this article sites, "The DEC said it received more than 50 complaints from people in the area, including reports from school children that said they have had difficulty breathing, scratchy throats and eyes and nausea when they are outdoors next to the compost facilities."

In Minnesota the same thing, they are all experiencing respiratory problems or lesions or a combination of both. A ten year old boy who was being home schooled because doctors had diagnosed him with asthma so severe he couldn't go to school. The other family members bounced from doctor to doctor getting diagnosis of colds, bronchitis and non-specific allergies. {Aspergillosis} can cause allergic reactions and in some instances infections. Complications can run from hey Fever-like symptoms to skin rashes and unusual types of asthma.

Wisconsin the same thing. Dermatitis fungus that is caused, the disease grows in the soil.

P.O. LINDSAY:

Your time is up, Ms. Sineo, could you wrap up, please?

MS. SINEO:

I appreciate it. I think that it's very important that we do a test and I thank Kate, Legislator Kate Browning also for bringing it to the table. Thank you.

P.O. LINDSAY:

Marianne Garvin.

MS. GARVIN:

Good morning. I'm Marianne Garvin, the President of Community Development Corporation of Long Island. I'm here today to encourage you to support and vote for Resolution 2149, acquisition and conveyance of property to support the cottages at Mattituck.

CDC is a 37 year old not-for-profit. We have developed thousands of units of affordable rental and affordable housing for homeowners over our 37 years. And last year we identified a parcel in the Town of Southold where we could develop 22 units of affordable housing for first-time homebuyers. And with the support of the Mattituck stakeholders and other stakeholders in the town, we decided that this would be an appropriate parcel for affordable housing.

This went before the town for a vote for rezoning earlier this year. The property has been rezoned for this use, we are very close to getting our final subdivision approval. This proposal to the town was well received by many employers in the town because they recognize the need for workforce housing in the community, for teachers and other local workers, particularly on the north fork of Long Island where housing prices have tripled over the last five years, largely due to the market for second homes for people coming from outside the town.

The interesting thing about this is the County -- CDC did actually purchase this property using our own funds and the County funding for the acquisition of this property to make it affordable I think is a very good use of the funds because the housing will be affordable in perpetuity. I know the County uses much of its funding for acquisition of open space and on the north fork of Long Island where there has been much affordable -- much open space preserved, this is a good balance because in addition to preserving open space in a farmland community, you need to focus on smart growth principals and land in {haylow} districts and in downtown hamlet centers to focus development of affordable housing and that's just what the Cottages at Mattituck will do.

And the town's, really, commitment to a zoning code that requires that the housing is affordable forever will, I think, be a very good use of the public subsidies that are going in to this development. Twenty-two units of affordable housing will be produced and as families will grow and move on to their next housing, the next person on the affordable housing list will be able to purchase the home.

P.O. LINDSAY:

Could you wrap up, Marianne? Your time is up.

MS. GARVIN:

Sure. The only other thing I wanted to say is that CDC has been working with over 150 families to get them educated to be able to purchase these homes and there's going to be a lottery held on December 9th. So again, I encourage your support and I thank you for the opportunity to address this body.

P.O. LINDSAY:

Thank you. Kim Agell. Kim Agell?

MS. AGELL:

Good morning. My name is Kim Agell from Orient Point and Huntington, New York. I am here to support Resolution No. 2044-2006 regarding appropriating funds in connection with improvements to two roads, Parkview and Rider Farm Lane in the Township of Southold. I would also like to thank all of you for giving my neighbors and myself this opportunity to speak to all of you again.

We are all gathered here today because each and every one of us feels this situation needs to be addressed. For the last few weeks and months, I hope all of us have realized by looking at the files I have supplied you with that this is a unique situation that should not be overlooked or postponed any longer. In my efforts to show how unique the roads are to other roads in the County, I have requested a list of other County-owned roads that were acquired for non-payment of taxes. So far, out of the 20 County roads on this list that I have mapped out and visited, they were not in the middle of a neighborhood.

In Orient Point there is a community that lives in fear, a fear of seriously getting injured not only to ourselves but to total strangers. Our question is doesn't Suffolk County have a fear; a fear of subjecting the taxpayers to a substantial lawsuit if there was a serious accident?

Within our community, we generate a tax base close to a million dollars to support our legislation, budgets and local taxes. Within these local taxes -- within these taxes is a road tax, a road tax that contributes to the upkeep of all roads, but why not ours? When the County acquired these roads for non-payment of taxes, they paid \$136.52 to take ownership which was paid out of the budgets that the Suffolk County taxpayers created. By not maintaining these roads, Suffolk County has put the taxpayers at a liability risk which, if there was a lawsuit, would be paid out of the budgets that the taxpayers created. Our question is can't Suffolk County use the budgets that the taxpayers have created to pay the 145,000 to the Town of Southold to fix the roads instead of using the budgets to pay for a substantial lawsuit?

The fact is the County owns these roads and has for 16 years. So I'm asking Suffolk County to fulfill its obligation to ensure that our tax dollars aren't wasted on an unnecessary lawsuit and to ensure the safety to the taxpayers for providing them with safe roads. We have a written commitment from the Town of Southold which supports this resolution, or 25% of the total cost of repairs. Can we please get all of your votes --

P.O. LINDSAY:

Ms. Agell, if you could wrap up, you're out of time.

*(*Legislator Caracappa entered the meeting at 10:20 AM*)*

MS. AGELL:

-- till this resolution is resolved. Thank you.

Applause

P.O. LINDSAY:

Dr. Bill Hagag.

DR. HAGAG:

Thank you very much for giving me the opportunity. I'm here to support Legislator Steven Stern for the umbilical cord stem cell.

In the past few years the umbilical cord blood stem cell has become another viable alternative source of stem cell that can be used for transplant, a stem cell transplant for thousands of children, primarily with cancers such as Leukemia, Lymphoma, Neuroblastoma and Sarcomas and some brain tumors. It has also been used for blood disorders such as Anemia of the sickle cell type and the {beta phalasma} type and {in borne errors} of metabolic disorders or diseases.

Because of the inherent size of the cord and the amount of stem cells you can obtain from, it was not used in adults until recently by developing technologies and manipurations of the stem cell. Literally we expand the stem cells in a test tube and will be given to an adult of a suitable size. Also, the introduction of a double cord blood stem cell has been introduced in the past few years and centers all around the country are using double umbilical cord stem cell transplants for cancers.

The umbilical cord stem cell is also a very viable source of genetic research of stem cells of the potential use of stem cell for many disorders other than cancers, and also I feel it's the debate over the embryotic stem cell.

(*Legislator Losquadro entered the meeting at 10:23 AM*)

The introduction of this legislation becomes more important when we look at the problem that's facing the national and international databases of stem cell donors. For example, the National Marrow Donor Program and the {NetCord} Program. The overall probability of finding a match donor of 100% genetic compatibility of a patient of Northern European origin or Caucasian population origin is 90%. That probability is severely reduced when the patient is from other ethnic groups, Blacks, Hispanic and Asians, they are severely under represented in the national donor bases.

Therefore, the education aspect of this legislation becomes very important. We do need a mechanism to inform the general population of this option and encourage them to donate umbilical cord blood. There are no risks involved for the mother, she just happens to be the carrier donor. We just ask the mother to sign a few consent forms and be tested for transmittal diseases and sign no liability for the product and just be given no rights to the product basically.

This is just phase I of the legislation. Basically, the awareness of the potential of the stem cell transplant and the potential for using it for many disorders, as I mentioned. We have to look at the potential future of this in terms of having Suffolk County wide tissue bank of stem cells coordinating between the various hospitals and physicians --

P.O. LINDSAY:

Could you wrap up, Doctor, your time is up.

DR. HAGAH:

Yes, yes -- in terms of resources and storage and personnel training and physician awareness of the potential use of this product. Thank you.

P.O. LINDSAY:

Thank you. Debbie Friedman.

MS. FRIEDMAN:

Good morning. My name is Debbie Friedman, I'm the Executive Director of SAJES and I'm just here for a couple of moments to encourage you to put a face to our work at SAJES. My partner, Dr. Dan, could not join me today but sends his best to everyone.

I just wanted to let you know that we are an educational agency that for many years was grassroots established and has supported our teachers and our educators and administrators in professional development and training relevant to our evolving community. You may know us by our work in prejudice reduction as we run a conference every year for 400 plus community educators, administrators and activists.

I would like to acknowledge the many members of the Legislature who have been supportive and have been interested to come see our work and participate in our programs.

Our goal is really to build partnerships in the community. We have been really -- we get a lot of respect from the community and a lot of response in bringing together groups from varied, varied means to come and discuss varied issues, among them prejudice. And now our new focus has really turned to what we have learned from our work in prejudice, that we must continue to work with our teens, and I just would like to speak just a moment on teen initiatives that we are interested in building.

We have learned that in order to make responsible adults we have to really work with our team population. We must learn to empower them as citizens, to take rolls of leadership and provide opportunities for them to test their skills. We really believe that we must bring teens together. Last night we held a program that was kind of a focus group in which we had 75 team leaders and community activists who are interested in helping teens become more civically active in the community. We cross all groups, all denominations and we are looking forward to bringing many more teens to the table to learn to take part in activities and community service that are important to the ongoing health of this community. So thank you very much.

P.O. LINDSAY:

Thank you, Mrs. Friedman. Nat Licata.

MR. LICATA:

Good morning, everybody. I'm from Orient by the Sea where we're having a problem with the roads. I'm a former veteran with a disability and one of my concerns is the problem with getting emergency vehicles in and out of there.

Another one of my concerns is the health problem that we have with the pot holes in the area fill up with water and stagnant water in the summer time and we have a health problem worrying about West Nile Disease. These are just a few of the problems I wanted to bring across. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Licata. Hiller Kahn.

MR. KAHN:

My name is Hiller Kahn and I'm from Orient by the Sea also. I'll be mercifully brief.

My object in coming here today is to try and emphasize the fact that I have lived in Orient by the Sea since 1971 and like everyone else, I pay my taxes. The people who live on these roads that the previous speakers have discussed pay the same taxes that I do and they don't -- and they don't get the services that they are entitled to. During the wintertime it snows deeply and the snow plows don't come down those two streets, Rider Farm Lane and Parkview. Also, fire engines are imperiled, ambulances are imperiled by the pot holes and the terrible condition of the streets. And I just think

it's intrinsically unfair to the people who go on with the rest of us and pay their taxes not to have the benefits that the taxes they pay for incur. That's it, gentlemen. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mr. Kahn. Miriam Bissu.

MS. BISSU:

Good morning, and thank you for giving us the opportunity to bring our case before you for some resolution. I have with me a board that some of you may have seen of pictures of some parts of the two roads that we're talking about, if I could pass it around. Thank you.

Before these -- the roads that we're talking about, Parkview Lane and Rider Farm Lane, are used by a community with over 130 property owners. In the 25 years since the road was built, it was built with curbs, which you can see in the pictures, it was paved, there are storm drains, it functioned and it functioned well. Unfortunately, the County took it over and 16 years has led -- of neglect has led to what you see here. The roads are impassable year-round due to the pot holes, the snow and the over grown weeds and shrubs. You take your life in your hands when you approach certain intersections and when you go over those roads.

The US Postal Service, a Federal agency, has deemed the roads to be impassable, not only in winter but at every point of the year, due to the overgrown vegetation. About five years ago a group of us on Parkview Lane reached in to our pockets and paid to have the over growth removed. We were in that -- we found out at that point that that road had curbs, we didn't know it; and if you look at those pictures, you will see that there are portions where you still cannot see the curbs. The fire department tells me that if the road is not 15 feet wide, then they will not be able to get their vehicles through; we think that it is a terrible situation that needs to be addressed. The Federal government will not put their vehicles at risk, the Federal government will not put its personnel at risk, but we have to travel those roads year-round.

I am the youngest person on my block and I get out and shovel that snow myself in the winter. It's a very serious situation. People have alluded to lawsuits and the potential for lawsuits, we have an attorney who is willing to work with us to file an Article 78 Proceeding. We can take the County to court, you do have an obligation to us.

And I want to point out that this road that we're talking about measures point four miles, we're talking about a drop in the bucket. This is a large County with a great many roads and a very large budget and a very large budget surplus. You're talking about not providing a basic essential service to the people in this County and the argument is that you don't want to set a precedent, but it is the only improved road owned by the County and you will not be setting a precedent. So we urge you to pass the legislation and fix these roads for your taxpayers. Thank you.

Applause

P.O. LINDSAY:

Betty Eccles.

MS. ECCLES:

Good morning. My name is Betty Eccles. My husband and I are recent newcomers to Orient by the Sea. When we were first looking for a place to build a home, we were so impressed with the beaches and what the residents had done to enhance Suffolk County.

In the very beginning of our entrance there's a sign saying, "We love" with a red heart "our children"; it's an older sign you can see and it says, "Please drive safely." And I said to myself, "Ah ha, these

are the good old days," or were the good old days when all we had to worry about, or all the people then had to worry about, was driving safely. Now, as you can see, the roads are not safe.

Another reason that my husband and I wanted to move out was to be near our grandchildren who reside in Orient. Occasionally my daughter will ask me to pick up my four year old granddaughter and seven year old grandson at their bus stop; of course, I'm only too happy to do so. I travel to their bus stop and the bus company is doing an excellent job; the kindergarten children are put in front of the bus in case there's an accident. I wave to my little grandchildren as they go by a beautiful road and they proceed to go to our development to drop off some children that are in our development, so they are going from their bus stop which is safe to this unsafe environment. There are also other children involved. There's a bus that transports children to and from the Greenport School District, there is also a handicapped child in our development who is transported in a minibus.

The Oyster Pond School is doing an excellent job. Kindergarten enrollment has more than doubled in one year, so we see right now 42 children are on this Oyster Pond school bus. Safety for all school children is always a priority throughout the nation, especially now we are hearing so much about safety for children. Unfortunately, because of today's times, we have too many what-ifs, and I feel that Oyster Pond has addressed the what-ifs very, very well. I feel very safe in knowing that my grandchildren and all the other children in the Oyster Pond District are safe; should an emergency come, I will feel that everything has been done to protect these children.

However, I cannot feel the same when my grandchildren and the other children riding that bus back and forth from the Oyster Pond District, and some of them have beautiful roads to go on, however they must go out to what you see. Too many what-ifs have not been addressed. I feel every time a child gets on that bus to go home from a safe day at school, there is danger. Our children are our future, they deserve a healthy future. One accident can happen. Carol Silver yesterday was saying, and Rich Hoffman, that the residents of Orient by the Sea will be in for a rude awakening because of the weather coming up and the conditions and pot holes will get worse. He also mentioned that with the --

P.O. LINDSAY:

Could you wrap up, Mrs. Eccles?

MS. ECCLES:

Yes. He also mentioned that with the rain coming in the spring there will be problems. There are too many what-ifs for these children and it's not a safe environment, and these are children who are vulnerable. Please correct our situation. Thank you.

Applause

P.O. LINDSAY:

Teresa Pinkow.

MS. PINKOW:

Good morning. I'm Teresa Pinkow and I'm also speaking on the urgency to promote awareness of the benefits of cord blood and encourage cord blood donations in the County.

With accessibility to the cord blood cells, research can continue and this is where our hope lies. Matching cord blood could be available to anyone, any family member, every child or adult who needs it. This is not hypothetical, it's already used in treatments for children and adults with Leukemia. It's been helping a fatal blood disease, {thalassemia}, nine out of nine children in Taiwan were treated with the cord blood cells and are successfully being treated there and have survived. This {thalassemia} is prevalent in mideastern and Oriental populations and the cord blood cells will be needed for treatment and will only multiply from there.

It would be best if we could store the cord blood publicly, there would always be, excuse me, a fresh supply which is rich in stem cells, rich in healing properties; it's a wonderful resource that is now being thrown away. And there is real excitement over cord blood cells in treating juvenile diabetes, eventually cardiac patients. It's being used in clinical trials for spinal cord industry, of which there are 400,000 people in the United States suffering from spinal cord injuries.

Cord blood is an easier match than whole blood. It's in whole blood where you need HLA antigens, you need six of them to match, in cord blood you only need four out of the six for a match. I encourage you to please make this awareness in Suffolk County, it's so important. Thank you.

Applause

LEG. COOPER:

Thank you very much. Next up is Jennifer Valentino, followed by Marion Zucker.

MS. VALENTINO:

Good morning. My name is Jennifer Valentino, I'm a resident both of Orient-by-the-Sea and Orient Point and also Huntington. And I'm here also to speak on the condition of the roads in Orient and the need for something to be done; in particular, I want to talk to you about two aspects of it. First if the value of homes and what has happened as a result of the neglect that the County has allowed -- the neglect that the County has allowed to happen on our roads and what that has done to our community.

When my husband and I viewed the property for the first time seven years ago, the house that we currently own, we almost didn't get out of the car to go into the development to look at the house because the road was in bad shape then and we thought this isn't the kind of neighborhood we wanted to look at. Now we watch other folks pull up with realtors in front of the homes that are for sale along the road that is in complete disrepair and they don't get out of the cars. The value of the homes on the north fork may have tripled in the last few years, but the value of the homes in our community have not, they are not moving, they are not selling, they continue to sit on the real estate roles.

The County happily collects the taxes based upon the value of our homes but is doing nothing to remedy something that's destroying our home's value, and that's very troublesome to me as a taxpayer for two homes in Suffolk County. I know that the taxes I pay in Huntington are going to go to good use, my roads there are in good shape. I cannot understand why you would ignore the roads in Orient Point when I'm paying the same amount of taxes out there.

We bought our house out there to raise a family in the kind of bucolic town where kids could ride and play. My son, who is considerably shorter than the rest of us, when you look at those pictures of the pot holes, if he were to stand or fall in one of those, the majority of the length of his leg would disappear into the bottomless of that pit. It might not look like a deep hole to an adult, it is, I assure you; if you tried to ride your own bicycle around there you'd be taking your life in your hands. But I can't let my children ride their bikes, they cannot roller blade, they cannot ride their scooters, I can't even let them walk. The danger that occurs because of cars swerving to avoid the massive, massive pot holes that eat up the majority of the width of that road make it virtually impossible for anybody to even take a leisurely stroll in safety in our community, and that's no way for anybody to live. The bottom line is that somebody in government dropped the ball over 20 years ago and lots of people in our government have failed our community since then. But you folks have a chance now to do something to make this right and that's what we're asking you to do, to step up to the plate. Are you willing to step up and fix it or will you be part of perpetuating other people's failures that have really negatively impacted our community and don't speak well about Suffolk County as a whole.

Applause

P.O. LINDSAY:

Thank you, Ms. Valentine. Marian Zucker.

DIRECTOR ZUCKER:

Good morning, Presiding Officer Lindsay, Members of the Legislature. My name is Marian Zucker, I'm the Director of Affordable Housing for Suffolk County. I'm here this morning to speak in favor of IR 2149, authorizing the acquisition of a seven point four acre site in the Hamlet of Mattituck in the Town of Southold.

This was one of the several sites submitted to the Workforce Housing Commission by the Town of Southold for the County's consideration. The site is one-half block from Mattituck's commercial area and barely a half mile to one of the major employment centers on the north fork. Since meeting at the Workforce Housing Commission, the Community Development Corporation of Long Island has been working with the town to develop its plans for the site and to develop the housing counseling and selection procedures for the potential homeowners. The site is planned for 22 single family homes, the homes are purposefully designed to be of starter-size of approximately 11,000 square feet containing two bedrooms and one bath and a full basement. All of the units are handicapped accessible and all of them are designed to Energy Star standards.

Half of the homes are eleven, are slated for occupancy by those earning below 80% of median income with a target purchase price of \$184,000. The remaining half of the homes are slated for occupancy by those earning below a hundred thousand -- excuse me, a hundred percent of median income. And I do want to make a note of that, even though I trip over my words; the 100% of median income has been set by the Town of Southold, it's actually less than that required by Suffolk County's involvement. Those homes for people earning below 100% of median income are set to be sold at \$218,400. The town -- as Marianne Garvin explained earlier, the town has established procedures to assure the home's continuing affordability into the future.

The lack of affordable housing is a County-wide problem. However, the issue and the need is especially acute on the north fork and the general east end of Long Island where incomes tend to be lower than that in western Suffolk, but due to the demand for second homes housing prices tend to be higher. At the town's public hearing on the rezoning of this site, we heard from school teachers, nurses, employers, emergency services about how acute this need was in the Town of Southold. The town has taken all steps necessary to partner with the County.

I respectfully request your approval of this resolution so we can support and partner with the Town of Southold in meeting its housing needs, and hopefully to encourage what will be the second groundbreaking of a workforce housing development in 2006 brought about by the County Legislature's support. Thank you.

P.O. LINDSAY:

Marian, before you go, and it's not a question but just to clarify the record; you said 11,000 square foot houses, you meant 1,100, right?

DIRECTOR ZUCKER:

Eleven hundred, thank you very much. I need another cup of coffee.

P.O. LINDSAY:

Eva Haughie.

MS. HAUGHIE:

Good morning, Presiding Officer Lindsay and Members of the Legislature, thank you. My name is pronounced Haughie. I'm here for the Empire State Lyme Disease Association, a non-profit organization affiliated with the Lyme Disease Association.

Suffolk County residents have ticks in their homes and they pick them up with tape all the time. At the Health Committee meeting last Thursday, two people from East Hampton asked me if they could help because ticks are out of control there. Some people I know are getting bit all the time. And unlike Ben Zwirn's family, as he mentioned last Thursday at the Health Committee meeting, that they -- that his family has all had Lyme and are fine; well, unlike the Zwirns, some people suffer terribly and some people become disabled and some even die.

Tick management is not simply using {Daminex} and cardboard tubes for mice, white-footed or not. While this does work, it's limitation is that ticks only feed on mice in the winter, so therefore we need measures for deer and possibly other animals for the spring, summer and fall months. Please pass Ed Romaine's Resolution 2114-2006 and also his Shelter Island 4-Poster Feeder Resolution.

I have here a petition that we only started circulating yesterday and we have 45 signatures. I have here a medical abstract about Equine Lyme Disease. I have here e-mails from a patient in Japan, from a doctor in Hungary and a website, a little section, an excerpt from a website in Germany. I am going to Germany in November where I will talk to people about Lyme Disease in Europe and all over the world. I also have here 15 pages of reference to Lyme Disease worldwide, and it goes from Africa to {Salvenia} to everything and I'm going to give this to Mr. Romaine and maybe he can copy that.

And also, I don't know if you're aware that in Dutchess County, New York, they have a lot of work done on tick management activities and they have had some success. There's a website called stopticksonpeople.org and I have the first page of that website and I can get more information to you.

In conclusion, I would like to just ask you again to please pass these resolutions, we're in desperate need of it. And I'd like to also say something about what Father Moise's said; no matter what our faith is, we can learn great lessons from a great teacher.

I've always been proud of Suffolk County government in that they have enacted laws for the people and the environment and they have always been ahead of their time, the forerunners. You have the opportunity to help the least of us, the children who may get bit if we don't control ticks and who may get sick and not get better as easily as the Zwirn Family seems to. Thank you.

Applause

P.O. LINDSAY:

Thank you. Antonio Martinez.

MR. MARTINEZ:

Good morning. My name is Tony Martinez, I'm Tony Martinez, I'm an organizer with the Carpenter's Union, the Empire State Regional Council of Carpenters, Local Union 7.

I'm here to -- of course in support of the affordable housing, 2149. It is important, many of our apprentices are still living with their parents, even though they may be 28 years old and they're still in their football sheets. But also -- but what's happening is there's an irony in this whole workforce housing, you know.

I want to ask the Legislators a question. Suffolk County formed -- what do you call it, Suffolk County's Living Wage is about \$12 with benefits included, and the question is would you be able to afford a house or decent rental housing in Long Island with those wages? The answer is probably not, and that's the irony in workforce housing and affordable housing, that people building these

houses are not getting a decent wage. The people building these houses cannot afford the affordable housing they're building.

A perfect example is like in Copper Beach, the first workforce housing sponsored by Suffolk County over in Patchogue, Copper Beach Village. There's a contractor there by the name of Danny Concrete. Back in January 1st -- January 9th of 2006, his house, this guy, this contractor's house burnt down, it was a single family house. In this house he was housing twelve of his own employees; this is the guy building the foundations for Copper Beach Village. The guys who are getting -- you know, they are getting Suffolk County's living wage, but they're -- cannot afford to buy those affordable housing. This is the house that burnt down in Suffolk -- on Suffolk Avenue in Central Islip. Adjacent to this house is Suffolk County Health Department which he owns, the building he owns and he leases it to Suffolk County. Okay? Now, this is the guy building the affordable housing in Copper Beach Village.

So I'm here on behalf of the Empire State Regional Council of Carpenters and I'm asking this great body to just perhaps lift the wage, you know, so -- lift the wage in affordable housing in housing that's supported by this body, okay, to reflect the wages presented to and accepted by the Workforce Housing Commission which I was a part of. The wages are 50%, usually 50% of the prevailing wage, okay. So that's what we're asking here today on behalf of our carpenters and our members, because the wages being paid right now in the residential industry where the wages that our members were earning back in 1969 and 1970, and that should be unacceptable in 2006.

You know, affordable housing is a problem -- and I'll end right now. Affordable housing is a problem, you know, but we can do something about it. Because it's like a train on soapy tracks; you can continue building this housing, but if the people building the housing cannot afford it, you perpetuate the problem, so the train is not going to go anywhere on those soapy tracks. Thank you very much.

Applause

P.O. LINDSAY:

Thank you. Ms. Kelly Wallace.

MS. WALLACE:

Hello, there. Good morning. My name is Kelly Wallace, I reside in the Town of Lake Grove. I have been a volunteer in many different issues and venues since 1990, working on political campaigns and for many different organizations with different issues.

What brings me here today is I'm in support of Resolution 2114 that is being introduced by Legislator Ed Romaine for the establishment of a Tick Management Task Force. I have brought with me today 75 names, it was quick notice of this particular hearing, to my knowledge, but I brought with me 75 signatures today in support of this Tick Management Task Force, the volunteer studies that are going to be conducted if you pass this vote today as well as tick control. This seems to be a very serious problem, as you know, there are many different types of ticks that cause serious illnesses, {tick-bornes}, Lyme Disease, etcetera, as well as the increasing population of deer in Suffolk County alone. Bringing with it, each deer carries a host of a thousand ticks in its body and these ticks are populating our properties, our pets, our families and our homes. It has become a problem on Long Island, bringing lots of this stuff to the Island.

I ask you today in support -- to support this, to invite this and pass this through as a beginning for Suffolk County. You've done a lot of great work in this County on many different issues and I ask for your vote today in support of this, to support this task force to get these studies done and to help prevent, you know, prevent disease through prevention and education and awareness in supporting this. This would be a very good step to do and there's a cry for this. There are people in many different towns that I have listed on this petition that grabbed this petition right away to sign it; I was very surprised at their reaction, that they feel there's a real need for tick control and management in Suffolk County.

I would say about out of those 75 names of people that I spoke to, I would say about 65 of those names either have a relative, family, pet or know of someone that has Lyme Disease, in any stage of Lyme Disease that they have; they consider this a real problem as well as the mosquito population as well in controlling it.

That's all I have to say. Again, I'm in support of this and I hope you pass this vote today. Thank you.

P.O. LINDSAY:

Thank you, Ms. Wallace. Last card, Dr. Dillon.

DR. DILLON:

Good morning. I wanted to give you feedback from the 4-Poster meeting that we had with the DEC last Friday.

I think, as you're hearing from everyone, ticks are a problem on Long Island as they are throughout the world. Unfortunately, the animal itself, the tick bug is as hearty as a cockroach and almost impossible to irradiate from the environment. The Federal Government gave up a long time ago after investing millions of dollars into tick irradiation. One of the proposals that has come up in Suffolk County and in New York State was to look at an innovative way of managing ticks by using what's called a 4-Poster System; this is a system where a deer would feed on corn and paint rollers embedded with a chemical that would be right next to it so that deer would be forced to have to rub his head and neck against the chemical.

So the meeting with the DEC was basically to find out if Suffolk County were to begin an experimental study what would be required, and it looks like the odds are pretty overwhelming. First of all, the people who have tested the 4-Poster System in other areas of the United States used a chemical called {Amitras} which is about one-tenth as strong as a Permethrin, which they're proposing, and that was actually not very successful in most cases. The other thing is in order to use Permethrin in this new form, we would -- we, the Shelter Island community, would need to get approval of both the EPA and the DEC for a new use of a chemical.

The deer population, first of all, must be maintained or reduced in order for any of their studies to be effective, and that's a very important issue that some people may not understand. They may see that the 4-Poster should be used in lieu of a deer population control, but that cannot happen. It would require a SEQRA and a NEPA application and it would require probably a couple of million dollar study and it would have to run at least eight years, according to the scientists who are behind this. Their hope is that it would be as effective as culling the deer heard or perhaps fencing them off.

So after the attending the meeting, it looked look the odds of getting this approved are very minimal because this, first of all, has to be EPA and DEC approval and State Health has several issues that they want monitored. For example, they want tissue levels of children who grow up in the communities where this is tested compared with specimens from a controlled area. They would also want to know about deer behavior, cat injuries, because apparently they state that this is toxic to cats, it's also toxic to humans in certain doses. And so it just -- I want to report back that the odds look overwhelmingly poor that this would be an effective study. Thank you.

P.O. LINDSAY:

Thank you, Dr. Dillon. I have no more cards. Is there anyone in the audience that would like to address us under the public portion? Seeing none --

LEG. CARACAPPA:

Motion to close.

P.O. LINDSAY:

I'll ask for a motion to adjourn the public portion.

LEG. ALDEN:

Motion.

P.O. LINDSAY:

Motion, second. All in favor? Opposed? Abstentions?

MR. LAUBE:

12 (Not Present: Legislators Browning, Eddington, Vilorio-Fisher, D'Amaro, Cooper & Schneiderman).

P.O. LINDSAY:

Okay, to the agenda.

Consideration of the **Consent Calendar**. Do I have a motion to accept? Motion by Legislator Caracappa, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

12 (Not Present: Legislators Browning, Eddington, Vilorio-Fisher, D'Amaro, Cooper & Schneiderman).

P.O. LINDSAY:

Would all Legislators come to the horseshoe, please, we're about to vote on the agenda.

Tabled Resolutions:

Okay, ***IR 2022-06 - Making a SEQRA determination in connection with the proposed Frances S. Gabreski Airport redevelopment Long Island Jet Center East, Inc., Town of Southampton (Presiding Officer)***. I am going to make a motion to table this again; I have been contacted by CEO, they don't have a definitive answer for us yet.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

12 (Not Present: Legislators Browning, Eddington, Vilorio-Fisher, D'Amaro, Cooper & Schneiderman).

P.O. LINDSAY:

Okay, we're under Tabled Resolutions, page six on your agenda from October 17th.

IR 1157-06 - To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use (Cooper).

LEG. COOPER:

Motion to table, please.

P.O. LINDSAY:

Motion to table, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

14 (Not Present: Legislators Browning, Vilorio-Fisher, D'Amaro & Schneiderman).

P.O. LINDSAY:

1414A, Pending Bond Resolution, Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to the HYO Suffolk County Complex Field (CP 6503) (Kennedy).

LEG. KENNEDY:

Motion to table.

CHAIRMAN EDDINGTON:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

14 (Not Present: Legislators Browning, Viloría-Fisher, D'Amaro & Schneiderman).

P.O. LINDSAY:

1414A, the Bonding Resolution; same motion, same second, same vote.

IR 1525-06 - Adopting Local Law No. 2006, a Local Law to establish responsible euthanasia standards at animal shelters (Alden).

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

Motion to table, Legislator Alden.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

15 (Not Present: Legislators Browning, Viloría-Fisher & Schneiderman).

P.O. LINDSAY:

1586 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with planning and improvements at Raynor Beach County Park (CP 7175.111 and 7175.313) (Kennedy).

LEG. KENNEDY:

Yeah, I'll make a motion to table, Mr. Chair, and just a brief comment on the motion.

P.O. LINDSAY:

Go right ahead.

LEG. ALDEN:

Second on the motion.

P.O. LINDSAY:

Second by Legislator Alden. Go ahead.

LEG. KENNEDY:

The Town of Brookhaven indicates that their Community Development Plan is going to be adopted at the end of the month and at that point they'll have the commitment for the 50,000 to support the sidewalk project, so I'll amend for the next cycle. Thank you.

P.O. LINDSAY:

Thank you. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

15 (Not Present: Legislator Schneiderman, Browning & Vilorio-Fisher).

1586A; same motion, same second, same vote.

1880 - To require the percentage of recycled paper used to be indicated on all publications of the County of Suffolk.

LEG. LOSQUADRO:

I'll make the motion, but if I get a second I'd like to make a comment on this.

LEG. CARACAPPA:

Motion to what?

LEG. ALDEN:

Motion to table or --

LEG. LOSQUADRO:

Motion to table, I'm sorry.

P.O. LINDSAY:

Motion to table, second by Legislator Nowick. The floor is yours, Legislator Losquadro.

LEG. LOSQUADRO:

I know we had some discussion on this last time and I've been doing a bit of research. Contrary to what was discussed at the previous meeting, I found that at least all of the stationary that I found for the County so far is printed on recycled material. So you're going to see this bill change for the next cycle, but instead of becoming exclusionary it's going to become more encompassing and there will be more material listed in here instead of less. The information that perhaps Legislator Cooper was given last time was incorrect; we're using quite a bit of recycled material and I would like the public to know that. So I'll make a motion to table for this cycle.

P.O. LINDSAY:

Okay, we have a motion and a second. On the question. Legislator Losquadro, one of the problems that I had with it is your legislation seemed to indicate that no matter what publication went out it had to indicate how much, if any, recyclable paper was used. And, you know, if there is some publications that we cannot use any recycled paper, we have to add a proviso that 0% of recycled paper is used in this publication?

LEG. LOSQUADRO:

I will be amenable to adding a portion of legislation that if the material contains recycled content that we indicate it.

P.O. LINDSAY:

Okay. Okay, we have a motion --

LEG. LOSQUADRO:

And I think you understand what that is.

P.O. LINDSAY:

Yep. I have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Browning & Viloría-Fisher).

IR 1885 - Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Holiday and Labor Day Holiday (Presiding Officer Lindsay). I'll make a motion to table.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

16 (Not Present: Legislators Browning & Viloría-Fisher).

P.O. LINDSAY:

1894 - 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. MYSTAL:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to table. Who was the second?

LEG. COOPER:

Legislator Mystal was the motion to table.

P.O. LINDSAY:

Okay, you got that, Mr. Clerk?

MR. LAUBE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator Viloría-Fisher).

P.O. LINDSAY:

2008 - Appropriating funds in connection with the modifications to the warehouse at Board of elections (CP 1461)(County Executive).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table.

MR. LAUBE:

Legislator Cooper?

P.O. LINDSAY:

Yes.

MR. LAUBE:

Okay.

P.O. LINDSAY:

Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (Not Present: Legislator Viloría-Fisher).

P.O. LINDSAY:

IR 2008A, the accompanying Bond Resolution; same motion, same second, same vote.

2028 - Adopting Local Law No. 2006, a Local Law authorizing the establishment of a Suffolk County Local Development Corporation for the purpose of developing WI-FI network in Suffolk County (County Executive).

LEG. HORSLEY:

Motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Horsley, second by Legislator Cooper and --

LEG. HORSLEY:

And on the motion, I just wanted to add that Sharon Cates-Williams, Commissioner, my co-chair on the WI-FI Commission is here today to answer any questions, if that is -- if they do come up.

P.O. LINDSAY:

Okay. Ms. Williams, if you would come up. Legislator Kennedy?

LEG. KENNEDY:

Yes, Mr. Chair.

MS. CATES-WILLIAMS:

Good morning.

LEG. KENNEDY:

Good morning. Actually, my questions go to not necessarily the technological side of this, as I had spoken about in the past. I believe the initiative of that effort to go ahead and promote wireless communication is certainly a healthy and laudable one.

My questions went more to -- and I guess I'll pose to Legislative Counsel again and/or whoever can tell us about the fiscal arrangements associated with this LDC. The bonding, some of the powers that it may have and ultimately who bears responsibility in the event that there's any kind of issue associated with the operations, the debt or the bonding itself. George, could you speak to any of that?

MR. NOLAN:

Well, it does have the authority to issue bonds; we're looking at the question that you posed regarding the liability. Since it's a Type C corporation, I believe the liability is going to be limited to that corporation and wouldn't extend bond that to the County-at-large, that's my understanding, but we're actually researching that this morning based on your request this morning.

LEG. KENNEDY:

I also recall that there is one of the appointments that is an out-of-County appointment as well; is that correct?

MR. NOLAN:

Yeah, this was discussed at the last meeting. One of the appointments is going to be made by the Nassau County Legislature and at the last meeting I expressed reservations about that. First of all, I don't know that we have the authority, the Suffolk County Legislature, to say to the Nassau County Legislature, "Appoint somebody to our LDC." Second, I think there's also a residency concern, we do have a residency requirement in the not -- in the State law regarding LDC's. There isn't a discussion about residency, but in our County Code, County employees and officers do have to reside in the County. So I think there is a legal problem with giving an appointment to the Nassau County Legislature.

LEG. CARACAPPA:

(Inaudible).

LEG. HORSLEY:

Mr. Chair?

P.O. LINDSAY:

Legislator Romaine and then Horsley. Are you done, Legislator Kennedy?

LEG. KENNEDY:

Well, I think, Mr. Chair, the only thing that I'd like to suggest is that this was the reason that I raised some questions. As a matter of fact, as I said in the beginning of my comments, I take no issue with the notion of trying to advance or promote the ability to go ahead and have wireless communication. My issues go to, as it seems they often do, some of the nuts and bolts aspects associated with what we do here as a body. Personally, I'm concerned, A, that I don't have a definitive answer about the financial obligations in the event that there's something that goes array. And secondly, Legislative Counsel is telling us that we've got a legal issue as far as one of the appointments. So I still have the same concerns, they're not resolved.

MR. BROWN:

If I may, Mr. Chair?

P.O. LINDSAY:

Go ahead, Mr. Brown.

MR. BROWN:

I can address some of Mr. Kennedy's questions with respect to the liability. First, I'd like to say that as far as Mr. Nolan is concerned, I generally concur with what he said as far as the liability aspect is concerned.

Without going into all of the powers and purposes that are listed in the not-for-profit Corporation Law, because there are a lot, they're listed in Section 202 and Section 1411, 1411 being because it's a local development corporation. And so as you can see from your own research, there are substantial powers that the Local Development Corporation has. It's a Type C Corporation, as mentioned by Mr. Nolan, which you may also know that a Type C Corporation is a special -- a Local Development Corporation, first-off, is a Type C corporation and a Type C not-for-profit corporation is a corporation that is able to carry on all of the functions of a corporation as if it were a for-profit corporation, except with a Type C Corporation it's created for the purpose of carrying on a governmental or a quasi-governmental function.

So as you know, just from general corporate knowledge, the corporation is an entity and so there should be some insulation on the issues of liability, tort liability and contract liability. Specifically, also, there's a section of the not-for-profit Corporation Law, it might be 504, it's in the corporate finance article, which specifically addresses liability as far as members is concerned and there's an immunity granted to members. And there is also an immunity granted to directors that serve in a -- without compensation, a qualified immunity.

LEG. KENNEDY:

Mr. Chair, again, I appreciate the advice that the County Attorney's Office is providing here, but I think it only further heightens some of the concerns I have. Let me ask or pose, if I can, then this way. If we create this body and these members are appointed, do they have the ability, without coming back to us as a Legislative body, to issue debt, say a \$50 million construction bond, a \$100 million construction bond without approval by us?

MR. BROWN:

It's difficult to address your question because it's a hypothetical question, but again --

LEG. KENNEDY:

How can it be hypothetical, Counsel? I just asked.

MR. BROWN:

But I have to reiterate that it is an entity, it's a corporation, it's a Type C Corporation and it's conferred with statutory powers. And not only is it conferred with statutory powers, I would also just add that don't forget that the corporation acts by its Board of Directors, so by passing duly enacted resolutions with respect by the Board of Directors, based on the powers and the purposes, it seems like it would be able to act without necessarily coming back to the Legislative body. However, however, what I would add is don't forget, you know, there are by-laws and agreements which can be entered into between the entity and between a third party. So if you're talking about putting some type of restrictions, there might be some type of answerability that can be infused within the entity. But also, I just might add that the more control that is attempted to be exerted upon any entity by a third party leads to the possibility of piercing the corporate veil and then eliminating the liability protections which may exist.

LEG. KENNEDY:

Again, I don't seek to monopolize the conversation here, but I'll go back to the comments I made at the last meeting. I think that the concept is a worthy, viable concept, but I also believe it's something that we should keep within the IT Department. We are a government as it exists now, I'm concerned about creating another entity that's quasi-governmental, has great powers but really has no direct oversight with us.

And I still remain unconvinced as far as who bears liability for bonds that this entity would go ahead and generate. It has no income, it has no resources, it has no assets on its own. It is just a legal placeholder that we're shifting some of our direct municipal authority and responsibility to in order to undertake this activity. I'll yield, Mr. Chair, but I still have the same concerns.

P.O. LINDSAY:

Mr. Brown, did you want to comment? I mean, I think it goes back to who bears the liability for the bonds.

*(*Legislator Vilorio-Fisher entered the meeting at 11:18 AM*)*

MR. BROWN:

The only thing that I would comment upon with respect to what Mr. Kennedy said, some of those questions are probably are best addressed by Sharon Cates-Williams. But also, this resolution, it only empowers the County to create a not-for-profit corporation, that's only the very first step. As I stated, bylaws would still have to be drafted, the -- the directors are appointed with -- would have to be appointed with the approval of the Legislative body, that's currently what's done with respect to the Local Development Corporation for the Minority Business Incubator. In fact, I think -- Mr. Chair, I think, in fact, one of your nominees was even a subject of one of those resolutions.

So, you know, like I said, it's difficult to talk about the future, but I personally, from a legal perspective and as an Assistant County Attorney, I don't see it -- as a lawyer, I don't see it as an entity that would be unfeathered from any oversight.

P.O. LINDSAY:

But again, Mr. Brown, who bears the responsibility to the bonds? If you can't answer that, maybe Ms. Williams can. I think that's the heart of the issue.

MR. BROWN:

The corporation is empowered under the statute to issue debt and to enter into contracts. That suggests to me, as an attorney, that the entity obligated is the entity that has issued the debt or contracted for the debt.

P.O. LINDSAY:

So the County wouldn't have to backup those bonds.

MR. BROWN:

I can't address all of the nuances of the bankruptcy law, I'm just not familiar with it. And there are other legal issues, which I had mentioned, relating to piercing the corporate veil. But the powers conferred upon the corporation are specifically enumerated in the Statute. And just as a matter of corporate law and practicality, the entity that's contracting for the debt should be the entity that's responsible for the debt.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Earlier Legislator Horsley, acting as a whip on this measure, approached me for my support and I said, "Of course I support this concept and I want to give the County Executive every opportunity to make this successful," but I asked the question about bonding and he said, "No, they won't issue bonds"; correct me if I'm wrong.

LEG. HORSLEY:

That is correct.

LEG. ROMAINE:

Now I'm hearing a great deal of discussion which Legislator Kennedy very astutely brought up about this independent semi-autonomous body without oversight having the ability to issue bonds even though there may be an understanding amongst us that that isn't what we want to do. By establishing this authority four or five years from now, they would have ability to do that, so that's a concern to me.

Maybe I would make a suggestion, because I want to vote for this and I want to support the County Executive in this effort, that we amend the resolution to indicate that this authority would be established without the ability to bond. That's just a suggestion and I'll leave it, Mr. Chairman, to Mr. Horsley to address because he had offered that to me. And if that's the case, I would support it, but if we're going to be doing bonding or if it has the authority to do bonding years after we establish it, and some of us aren't here to remember, I'm concerned. I'm always concerned about semi-autonomous bodies with oversight having the ability to bond and where that liability may go to. Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, I certainly understand the concern of Legislator Kennedy as well as Legislator Romaine. The intention of the LDC, much like it was with the minority business incubator when we passed a similar resolution earlier this year, is that there will be no bonding for this proposal.

The concept of the WI-FI Commission is that they would reach out and they'd seek sponsorships for the WI-FI network, much like say the naming of the Jones Beach Theatre or Shea Stadium or something like that, that was the concept. So never envisioned was there going to be that the County, through this LDC, would ever bond through this particular entity.

Secondly, in addressing the issue of residency, this is a profit and not-for-profit organization that involves both government, business as well as academia in bringing together the WI-FI Commission. So by including a resident of Nassau County which many, many of the transmitters will be located, it just seems only plausible to have representation from the other County in which this is going to be sharing with. I just think it's morally correct to include them in the governance of the WI-FI network itself.

So -- and I think there's precedent. When you think about the Regional Planning Board, that there are members from both counties. And I think it's our responsibility, as a regional approach to government, to include both Nassau and Suffolk on this particular board.

So, one, this board is never going to issue bonds; I would have no problem if you wanted to limit that capability. But secondly, the process that is rolling along now, the RFP's are about to be sent out for sponsorships as well as for erecting the WI-FI network. And we have been working very diligently, both Nassau and Suffolk as well as academia and business community, this is probably the most august group of people ever put together in Suffolk and Nassau County that's working on this particular commission. And I think for us to nitpick over this issue, I just -- I'm willing to amend it, but I'm certainly -- I think we've got to move forward, we've got to make preparations to not

stonewall such a positive. And as you saw yesterday in the press or this morning that Senator Schumer is now weighing in where he is going to be including in the Federal budget the WI-FI Commission. I think that we are in a position where we are stepping on our own feet when we're trying to create such a worthwhile project.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

And I think they are some simple questions, because New York State law allows establishment of paid positions when you create this type of a corporation. And maybe Legislative Counsel can address, is there a limitation in this resolution that would limit the ability of this not-for-profit corporation to create paid positions? And then the other question is the expenses that would be incurred by this commission, how much have are they estimated to be and where is that money coming from?

MR. NOLAN:

Well, the -- I can't speak to the costs that are involved or may be involved with the creation of the LDC, but the legislation itself, the State authorizing legislation, this Local Law does not place any limitations or even really address the question of employment and salaries and the like. But they're basically authorized to do that to effectuate the purposes of the LDC.

LEG. ALDEN:

Through the Chair, I see Counsel to -- or not Counsel, but a representative from the County Attorney's Office; you can weigh in on that?

MR. BROWN:

I'll do my best. First with respect to employees -- well, start-up costs, let me address start-up costs first. It's actually very inexpensive to establish the corporation, under \$300 in terms of cost; that was the cost that was actually incurred when we did the Local Development Corporation for the Minority Business Incubators.

The expenses of employees, for example. The LDC is a corporation, it's an entity. And as Mr. Nolan has pointed out, it can have employees, it can have expenses, it does have to have some type of funding. Maybe Mr. Horsley mentioned the -- what Senator Schumer talked about, pledging some money for this type of project; I'm not positive, but there can be some type of funding for employees, there can be employees. Staff can also serve in a non-compensated role, perhaps as directors. That touch is upon the issue of what Mr. Nolan had mentioned in terms of residency and whether or not the administrative code prohibits a non employee outside of Suffolk County to serve or whether or not service by a non-Suffolk County Director is possible when he or she is not compensated.

My recall from the prior session that we had was that -- and I would have to go back and look at the code myself -- was that a non-compensated employee, person can serve if he or she is not a resident. So there can be non-compensated members or directors as well as compensated people and it may very well be that a Local Development Corporation would require paid employees to help carry out its purpose.

LEG. ALDEN:

This is a perfect example of things that have happened in the past that really the red flag has been brought up by, and it's usually the majority -- whoever is not in power at the time, brings up the red flag that you could be creating something here where we're going to have a ton of new appointments, we're going to have a ton of people that are paid, we have no oversight over it. So there's numerous legitimate questions being raised today on this and it goes -- it doesn't really go to the WI-FI network, it goes to the way we're doing this. There's a whole bunch of different ways that this could have been accomplished rather than this formal corporation that can actually go and have a life of its

own and end up with a whole bunch of paid positions and borrowing money and all kinds of complications and the normal business things that happen after that type of transaction.

So I think that there's numerous lines of questions really that are brought up here. And when you do have a choice to look at it or maybe make this -- refine this a little bit, I don't think we need to rush down the path and end up with something where we've lost control. The taxpayers end up, you know, taking it on the chin. So I think we have the opportunity to do it correctly, and if that takes a little bit more time, I don't see where there's any great need to rush this because Nassau County hasn't produced any type of legislation that said that they would participate in this or not participate, whether they want representation on the board or they don't, whether they agree with this type of a procedure or whether they don't agree. So I think that if we got a little cooperation between the two entities that it seems this is going to cover, I think that might be a more prudent way to go rather than turn over a potential nightmare to the taxpayers in the future.

P.O. LINDSAY:

Legislator Romaine, did you want to say something?

LEG. ROMAINE:

Yes. I believe, considering some of the debate that was heard and the willingness of the Chief Deputy County Executive and others in the administration to consider a CN that would limit bonding, I think it would be best for us to table and allow the Executive Branch to work and bring forward a CN or a revised -- if it could not be done today, a revised resolution that we could take a look at because I think it would engender more support.

LEG. ALDEN:

Motion to table.

LEG. COOPER:

I'll second that motion.

P.O. LINDSAY:

Okay, so we have a motion to table and a second. I still have on the list Legislator Schneiderman; do you want to say something?

LEG. SCHNEIDERMAN:

Yeah, only to the effect that I don't see why this couldn't be done by CN with some of those changes made. I think the real trouble, you know, the issue with the Nassau County Legislature I think that's solved once you take out the bonding authority, I don't think that's as much of an issue. No?

LEG. KENNEDY:

Mr. Chair?

LEG. VILORIA-FISHER:

I have a question.

P.O. LINDSAY:

Okay, we have Legislator Fisher and Legislator Kennedy for still last words. Viloría-Fisher.

LEG. KENNEDY:

Again, I'll go back to the original --

P.O. LINDSAY:

No, no, Viloría-Fisher, Viloría-Fisher.

LEG. VILORIA-FISHER:

Paul, I just have a question about C-4, acquiring by purchase, lease, gift, you know, the acquisition of property; how would that occur, where would the funds come from for that, who would carry the deed on that? I'm just curious as to how that would work with this entity.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, it would be one of the powers that the board would have. I think that that -- that particular provision is standard State legislation, language for Local Development Corporations. But in this particular context, you could have a donation of property, for example, to the County agency which would then be utilized to put the equipment on. There could be an acquisition, I don't envision that based on what the current proposal is, but it would give them the option and that capability to do that, but it would be purely through financing by the agency. They are going to be generating revenues from the program that they contemplate subject to whatever the ultimate result of the RFP process is, but that's just to provide them with the authority in the event that there are other opportunities to have sites that would be available to hang the wires on.

LEG. VILORIA-FISHER:

When the revenues are generated, Paul, do they go into the General Fund and then there's monies allocated back, or are there monies that are earmarked within the agency?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, these revenues are going to be with the agency. That's why it was the recommendation of the commission that was put together which has representatives from all across Long Island, they asked for this kind of entity, as I understand it, largely because of the revenue issue and to have the capability to do it on a two-County basis as opposed to just Suffolk County, so.

LEG. VILORIA-FISHER:

Thank you, Paul.

P.O. LINDSAY:

Okay, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Again, I've said from the beginning, I promote the concept. And certainly, if there's a willingness to go ahead on the sponsor's part to go ahead and address those provisions, I'd be happy to go ahead and support it.

I guess the last technical question I'd ask to whoever may choose to advise, either our Legislative Counsel and/or Chief Deputy, then can we locally voluntarily restrict an entity that's authorized or empowered under State Statute to have less than all the powers that are authorized, and is it valid and legitimate, is it binding?

P.O. LINDSAY:

Is that question to Counsel or to Mr. Sabatino?

LEG. KENNEDY:

Well, let's start with our own Counsel and maybe Mr. Sabatino can augment it if there's a need for it.

MR. NOLAN:

I don't know, I'm going to have to look at that over the lunch break. That's a good question.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

You want to weigh in, Paul?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, let me just weigh in. First of all, thanks for the opportunity to be able to address the issue. On that particular point, this County Legislature can bind itself, so for the next 18 months or whatever time is left in this particular term, if we were to incorporate a clause in the resolution, it would be binding on this Legislature, but I can't guarantee that the next Legislative body coming in with a different majority couldn't make that change. But as I've indicated to several Legislators today and as I indicated at the last session, if you recall on the floor, I said we want to have a consensus bill. This is really important, it's a brand new technology which has extraordinary opportunities for the people of Long Island, not just Suffolk County and we're willing to try to do things that will get us to a consensus position. We're willing to do a Certificate of Necessity this afternoon, but I need to get a comfort level that putting that restriction about the bonding in with the understanding that it's only going to be binding us for the next 15, 16 months on a guaranteed basis and, you know, beyond that it's going to be subject to a new majority. We'd be willing to incorporate that change, but I'm only going to make that change if I know we have a consensus that that satisfies concerns.

I know Legislator Alden raised another concern about the oversight and it came up at the last session. I'll just repeat what I said at the last session which is on that particular point, you know, I understand the sensitivity to that and I think that there's two answers. One, we've got Sharon Cates-Williams who is an outstanding Commissioner at the departmental level who is going to be managing and overseeing it, but also don't underestimate or overstate the oversight function that's going to be coming out of the Economic Development Committee which will be having jurisdiction over that particular program. It's no different, as Legislator Horsley stated before, than the Local Development Corporation we created earlier this year to deal with incubators in distressed communities; the same powers and authority exist for that particular entity. And again, I would expect that the Economic Development Committee is going to exercise the kind of oversight that Legislator Alden is raising. So I think between the two, you know, we've got something that can deal with it.

LEG. KENNEDY:

Well, I'd be happy to have a conversation with you as far as being able to support it. And like I said right from the very beginning, I'm not looking to go ahead and nitpick or direct, I'm looking to go ahead and promote and support an entity that I feel comfortable with that's well defined. If we restrict it as far as the bonding goes and I respect your advice as far as our ability to limit it going forward, this could be an entity that's in existence for 20 years. We can bind it or restrict it as to the bonding piece for 16 months.

But Legislator Alden also brings out another piece and you'll agree that 1411 is broad in what powers it does give to the LDC, including the ability to go ahead and hire staff, solicit staff, establish a payroll, do a number of other things that, in essence, all corporations do throughout the State, we know those things. So I guess I'd want to hear a little bit about that as well as far as what the intentions are or aren't.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

But in many respects, the constraint with the Local Development Corporation in terms of your concern about staff, the restraint is going to be greater than if it was being run out of a County department in the sense that they're going to be limited to the revenues that they can generate from this particular program as opposed to having the deep pocket of the County of Suffolk as the backstop. So in that respect, I think you're going to see less concentration, especially when you combine it with the fact that you're going to put a restriction on the ability to borrow.

LEG. KENNEDY:

I'll yield, Mr. Chair.

P.O. LINDSAY:

I know Legislator Alden wants to comment, but to address some of the things. Paul, to sum up here, I think the body here in general thinks that this is a real good idea, we just want to get it right. You know, we just want to make sure that we're not rushing into something and buying something that is so --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I agree, I agree. We want to do it right, I said that at the last session; if it's not a consensus it's not worth doing.

P.O. LINDSAY:

Okay. Legislator Alden and then Mystal.

LEG. ALDEN:

Paul, you've been on both sides of the street now and a vast knowledge of the way government has operated in the past and the way it's operating right now. Your best guess at how many employees, is this going to become a huge entity on to itself? Because once we launch this ship, I think it's going to be hard to bring it back. But your best guess with your experience, how many people do you think are going to end up working for this entity, how big? And keep in mind what you said, too, that Senator Schumer is thinking about creating on the Federal level a revenue source to actually be tapped by local entities, local governments or local corporations. So give me your gut feeling on it.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, a couple of responses. One is that Commissioner Williams is communicating to me that her expectation is that there would be no need to hire any individuals.

My expectation, worst case scenario even if everything fell apart, just knowing the nature of what is entailed, I mean, it would be hard-pressed for me to imagine more than three people and that would include a clerical person, if for some strange reason the department itself was not able to provide the kind of backup and resources.

Also, this particular entity and this particular program is different than, you know, another kind of an agency that we've contemplated in the past. For example, back in 1986, we actually had created a Local Development Corporation, believe it or not, to take over LILCO at that time, and that would have actually -- because you were going to take over and manage and operate a huge entity, you were going to run a business, clearly you were going to have hundreds, probably thousands of employees contemplated in that Local Development Corporation. So the contrast here is that that's not the goal, this is not to set up a business. The County is basically just saying that we're going to come forward, bring people together and offer -- in effect, the contribution we're making is really the physical sites, the locations where we can have these gadgets hooked up to make the WI-FI system work. So I think qualitatively it's just a different kind of an organization.

I would share your concern about a huge work force if we were doing something where we're going to be really running a business, like we contemplated in '86 with the takeover of LILCO. This is not the takeover of a business, it's really a facilitation of things that are happening in the private sector with us, in effect, really just putting up, you know, the poles and the sites and the physical plant.

LEG. ALDEN:

But then when you end up with the physical plant and you have a private entity -- so that's what you're envisioning, a private entity to come in and run that -- there's going to be a revenue stream. If that revenue stream ends up in this entity, there's going to be the feeling that, you know, we might or should spend that money and therefore create things that might not have been created. And maybe, just maybe -- and this is just a wind-down position of it -- maybe to be fair to the people of Suffolk County there should be like an end plan, just like when you plan a corporation out you always counsel your clients to have, you know, creation, the way it runs and the way it winds down. And maybe that should be contemplated right now, and I don't know if you're going to address it in the

CN, but how, if there's a revenue stream at the end and we really don't need any employees, how that corporation can get wound down and that revenue stream could actually come back to the benefit of the people of Suffolk County, because it is going to be a hard asset that should be owned by Suffolk County.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The only suggestion I could make -- again, I'm sensitive to the point you're making and I understand where you're coming from -- is perhaps a commitment that when the board is fully constituted, that the board would come before the Economic Development Committee and make a full-fledged presentation as to what its long-term plan is, you know, something that they wouldn't be obligated to do but something that I would commit to you today that we would, together with Commissioner Williams, make certain would happen as soon as the board was fully constituted. When you had the full membership up and running, have them come before Economic Development Committee and I mean make a full-fledged, you know, two hour presentation with the charts and the graphs and this is where we intend to go and these are our proposed bylaws and the whole ten yards, I think that would go a large way towards reassuring the Legislature's as to where this group is going. Plus comments like yours and the feedback, talking to the members of that board and saying these are our concerns, I think they would get the message and know that they're potentially on a short string because you've got the ability to revoke the authority if you're dissatisfied with what you see. So I think that might be the middle ground or the middle road and I would make that commitment right now, you know, together with Commissioner Williams that that would happen.

LEG. ALDEN:

Thanks, Paul.

P.O. LINDSAY:

Okay, Legislator Mystal.

LEG. MYSTAL:

Paul, when you do that, the other part to me that's crucial is Mr. Brown was talking about the more restriction we put on that LDC the more we become liable, you know, in terms of the County itself. So if we're going to make that presentation in terms of to more or less vet out the whole thing and satisfy Legislator Alden and Legislator Kennedy, could you also make a presentation on what do we do and how liable we might become if we put the restriction in. Look, I don't know what the percentage is, I don't know based on the corporation will do to us, but I don't think we want to put ourself in a position where we might be liable for anything. So could you please also address that question in terms of liability to the County?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, that's a good point, we'll certainly make that part of the equation. That's also the reason why I'm suggesting we limit ourselves in the resolution to the one clause which deals with the bonding, but then just deal with this personal, you know, verbal commitment where we'll certainly fulfill to make the presentation. But by keeping that a commitment between the administration and elected officials as opposed to part of the bill, I think it protects us on a liability, but we'll certainly make that part of what we incorporate in the presentation.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Very quickly, I think Legislator Cameron Alden made an excellent point about a corporation having an end-game. Likewise, I thought Legislator Mystal made an excellent point about how much exercise of control do we want to have over that.

One of the ways that you may be able to resolve this is with a sunset provision that would require it to be renewed periodically and that would require the Legislature maybe every 24 months to periodically review and have a sunset provision in there that triggers it where we are forced to take a look at the operations of this corporation and that would probably resolve a lot of the problems that are raised here. I just raise that, you know, 24 months sunset provision, there are things in the State that every 24 months they come up they're renewed, most of them are renewed unless the agency has some problem. So it may be something that you may want to consider, I just put that idea forward. Thank you.

P.O. LINDSAY:

The only -- I'd like to comment about that. The more provisions that we put in to it to oversee this corporation, I mean, the more liable we become, and we get to the point almost where why don't we do it ourselves if we're going to have the liability. So, you know, I think we have to find the magic number between creating the separate corporation, you know, and our role in that separate corporation. And maybe at the break, Paul, maybe we could just have a brief chat of what we need to look at the CN when it comes back over.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I'd like to do that. We'll try to draft something between now and noon time and then we'll circulate it. Thank you very much.

P.O. LINDSAY:

Okay, I have a motion to approve, I also have a motion to table; the tabling resolution takes precedent. We have a motion on the table and a second; right, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. We have *IR 2044 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to Parkview Lane and Rider Farm Lane in the Town of Southold (Romaine)*. And I am going to -- first of all, do I have a motion on that?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve. And do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. And I have a note that I'm going to sign up as the first speaker and Ms. Bizzarro would like to comment; is she in the room, Ms. Bizzarro?

MS. BIZZARRO:

Yes.

P.O. LINDSAY:

You sent me a note you wanted to comment on this resolution?
Please come forward.

MS. BIZZARRO:

Thank you, Presiding Officer Lindsay. I spoke at committee regarding a related resolution on this, it's a 50 -- I'm sorry, a 72-h transfer of these roads to the Town of Southold. As I said, it's related to this resolution and I just wanted to make similar comments that I made at committee to the General Legislature, basically just advising you that pursuant to Section 53-2 of the County Law where property is taken for the non-payment of taxes, which is the situation we have here with the two roads. The County is immune from liability by reason of the property being out of repair unless the County is in actual physical possession, control and operation or derives a direct income from the roads; none of those factors exist in the present case.

I will say, I apologize to General Counsel Nolan, I know he asked me for some cases on this matter, unfortunately I didn't have a chance to look at them until late last night. And I just would like to apprise the body that we, approximately a month ago, had a matter in our Torts Bureau involving the same issue and the same situation with respect to tax deeds and we prevailed in that matter.

Basically what the courts do is they interpret what the terms actual physical possession, control and operation mean, and it does mean physical possession; none of that is the situation here. The Town of Southold has actually taken the possession of the roads, put up stop signs and done some repair work, so the County has not taken any of those steps.

With respect to deriving any type of income from the property, there is no evidence to indicate that any income has been derived from the property. However, if the County undertakes to make some repairs to these roads, it may then be found to be insufficient control, possession and operation to make it liable for any potential damages that may arise due to the potential unsafe conditions of the road, plus it will have to continue to maintain the roads. To date, DPW has done no maintenance, the roads have not gone under our highway system.

There is also an issue regarding the bond. I believe a Bond Resolution was issued by Bond Counsel on this, however, he advised me this morning that he will be retracting that because it was unknown to him that there were plans to bond for the road and then give the property to the Town of Southold. As I'm sure George Nolan will agree with me, we can't do that, we have to basically hold some type of an ownership interest with respect to the property before we give it away. So really, based on the history of the case, the 72-h transfer would probably be the more prudent way to go.

And again, I just wanted to let the general Legislature know this. And if you have any other questions, I do have some specifics of, you know, the history of what took place with respect to the roads.

P.O. LINDSAY:

Before I go to anybody else, Counsel Nolan would like to just comment.

MR. NOLAN:

Just on the bonding question, just so the County Attorney's Office is aware, I actually spoke to Bond Counsel about this issue last week and explained the circumstances to him, so he was aware of the factual background before he issued the Bond Resolution, unless he forgot.

MS. BIZZARRO:

He may have forgotten. I just spoke to him this morning, he said he was unaware of that, did not have the backup. He said because he issues these type of resolutions, you know, 50 at a time, he did

not know this was an odd one. I explained to him how the resolution read, he said absolutely not and he was going to be sending a retraction, I just wanted to let you know.

MR. NOLAN:

No, we had a long conversation about the issue, about the transfer to the town and so forth. At that time he did not give me a definitive answer whether or not he would issue the Bond Resolution, but when he issued it he was apprised of the background.

MS. BIZZARRO:

He indicated to me this morning he was not aware that that was the one you were speaking on or he would not have issued it, I'm just letting you know.

P.O. LINDSAY:

Before I go to the list, I just wanted to comment on something, and I guess it would go to the residents that testified here this morning.

It's certainly not that this body has a deaf ear to their plight, and they certainly have a plight. The circumstances, the way we understand it, is that subdivision was built some 16 years ago, the builder put up a performance bond like every other builder, something happened to the builder, he defaulted on that bond, the town took the bond and never repaired the road.

LEG. ROMAINE:

No.

P.O. LINDSAY:

And nobody paid the taxes; is that correct or not correct?

LEG. ROMAINE:

That's not correct.

P.O. LINDSAY:

Okay. Then we're going --

LEG. ROMAINE:

If you wish, I'll give you a brief history.

P.O. LINDSAY:

Go ahead.

LEG. ROMAINE:

Very briefly, this subdivision was built in the late 70's, these roads were built in 1980, about 26 years ago. The town chose not to accept the road into the town system, although they were built to town code. They let the bond, they released the bond, it did not -- he did not default on the bond, they released the bond, it did not take the road into the town system.

P.O. LINDSAY:

Okay, so they --

LEG. ROMAINE:

At some point, at some point the County described the road as real property with a tax map number. And then when they sent a tax bill to the owner of the road, the developer, at some point he stopped paying the taxes and subsequently, in 1990, ten years after the road was built, the road came into the possession of the County of Suffolk.

P.O. LINDSAY:

Okay. But why did the builder -- why did the town release the bond and not accept the roads into the town system? I think that goes to the heart of the whole issue.

LEG. ROMAINE:

I believe -- and I wasn't there in 1980, but I believe that the town did not want to accept these roads because there was no or very little improved property to support the roads through their tax base and they did not accept it at that time. It was an anomaly and an oversight and that is one of the reasons the town has said, a town of 20,000 -- which Legislator Horsley knows, his Village of Lindenhurst has 29,000 people, Southold Town only has 20,000 -- has agreed to pay up to 25 -- not up to, 25% of whatever the cost is to bring these roads up to code at this time.

P.O. LINDSAY:

That's big of them, it should have been their road to start off with. Why did they issue the building permits to the builder to build the subdivision if they weren't going to accept the road into the town system?

LEG. ROMAINE:

You're asking me to explain what the Town of Southold did 26 years ago.

P.O. LINDSAY:

No, but you're asking me to bail out the town now.

LEG. ROMAINE:

I'm telling you now we own the road and have owned the road for 16 years, so what other alternatives do we have to resolve this?

LEG. ALDEN:

That's what we're going to find out.

LEG. ROMAINE:

And I'd like to know if there are other alternatives. Now, I've spoken with the Supervisor and the best he was able to do for me with his Town board was 25% of whatever the cost is, which is a large cost for a very small town. So that's the best I was able to get out of the town.

LEG. SCHNEIDERMAN:

Plus they're taking it off our roles.

LEG. ROMAINE:

Plus at the end of this, at some point, a year from now or whatever, to meet the bond requirements, they would be willing to accept this.

Now, counter with the Executive's proposal to simply transfer the road to the town with a 72-h, as any attorney could tell you, it takes both parties to agree. The Town of Southold will not agree to accept a road in that condition at this time, nor does I believe town law permit them to accept a road in the current condition. So unless we break the impasse and make a decision about what we're going to do, we are preventing people of this County from enjoying their neighborhood, we're preventing postal delivery, we're preventing school bus systems from running on these roads, we're preventing emergency services from running on these roads. This is an impasse that has to be broken.

I have been all ears for the Executive to speak to me. Quite frankly, other than a few shouting things that have occurred at committee, I have not heard from the Executive on this matter. I am more than willing to work to resolve this problem, but so far, unless you have a better resolution, I have introduced this as a way of resolving this problem. And as far as setting a precedent -- and I don't

want to debate the bill now, I'd like to speak last -- this is the only improved road in Suffolk County that we own.

P.O. LINDSAY:

We're debating the bill now, what do you mean you want to speak last? Legislator Alden.

LEG. ROMAINE:

You asked me some factual questions, so.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Lynne, you made a statement before that we had to exercise some kind of control and things like that; can you distinguish that as far as a piece of property that we might take for lack of payment of taxes where there's contamination on it? Because on Federal law and State law, if we get in the chain of title, we're required to remediate or we could be required to compensate for remediation, either done by the Federal or the State. How can you distinguish that from this situation?

MS. BIZZARRO:

County Law 53 speaks to negligence. The concern that Legislator Romaine had was if someone tripped and fell on the road; that is the type of negligence that that section speaks to. It does not speak to any type of potential contamination, that is another issue and, you know, that is not what County Law speaks to. So if it is a contaminated road, which I don't believe anybody has any evidence that it is, that may be an issue.

LEG. ALDEN:

Okay. But now County Law would State that unless we do certain things, if somebody goes and trips on that road or breaks their leg in one of the holes and whatever, we're not responsible under County Law?

MS. BIZZARRO:

Correct.

LEG. ALDEN:

Okay, but that's Black Letter Law. Now, Common Law, how bad are we when we go to court when somebody sues us?

MS. BIZZARRO:

As I said, we just prevailed on a matter very, very similar to this about a month ago.

LEG. ALDEN:

There was a statement made that we don't own any other roads, but we do own, the County owns like hundreds of miles of roads, to the best of my knowledge. We do have property that's owned by the County that's used for roads, right.

MS. BIZZARRO:

I would -- yes, we have County roads, correct.

LEG. ALDEN:

All right. Now, when you spoke to the town, was there any give and take on any other type of solution other than us pay whatever it is, two-thirds or three-quarters?

MS. BIZZARRO:

I never spoke to the town.

LEG. ALDEN:

Oh, okay.

MS. BIZZARRO:

I don't know who's working with the town on trying to negotiate.

LEG. ALDEN:

And then just before we get to that, then, one other legal question; what are our options as far as can we do a cancellation of deed, can we do a quick claim deed back to the original owner?

MS. BIZZARRO:

You could do a Certificate of Abandonment and the property would go back to the developer or you can do a 72-h, but obviously with the cooperation of the town.

LEG. ALDEN:

Right, the 72-h you can't. Okay, so we do have the ability to put this right back to the original owner of the property.

MS. BIZZARRO:

Correct.

LEG. ROMAINE:

Who's dead.

LEG. ALDEN:

All right. And Ben, can you address this, through the Chair?

LEG. ROMAINE:

The guy's dead.

LEG. ALDEN:

Can you address that?

MR. ZWIRN:

Yeah, exactly. One of the things we're hoping today is that this bill is actually defeated at the Legislature today. Because while this money is hanging out there, whether there's -- the town knows they can always say, "Well, the County is talking about giving us, you know, \$150,000 for a \$200,000 project, so while they're debating this issue we're not going to do anything. If the County comes through, then we'll pick up our responsibility."

I have had some conversations with the Town Supervisor and then we've been playing telephone tag for the last two weeks. I'm hoping to be able to speak with the town and the County Executive is going to try to resolve this thing even if this bill is defeated. But we think it would be more helpful for the County to be in a position to say, "Look, we don't have \$150,000 of tax money coming from all your districts to pay for ostensibly a town road.

The town has exercised control over these roads. Whether they say that the town owns them or not, they have put up stop signs on these roads. Now, you can't put up a town stop sign, I was a Town Supervisor, we had public hearings and we weren't putting up stop signs on roads the town didn't own. Now, if somebody goes through a town stop sign, how is the County responsible when they had no -- they weren't petitioned to put it up, they didn't put up the stop sign.

LEG. ALDEN:

Ben, did you go through with a dialogue something similar to this, like when --

MR. ZWIRN:

Yes.

LEG. ALDEN:

No, but when they granted the subdivision -- and it sounds like a major subdivision, not just a minor -- so when they granted the subdivision, there always is a requirement for a town road. Did they not follow their own procedure, or why is that discretionary on their part as to take a town road that should have been dedicated years and years ago?

MR. ZWIRN:

I think everybody agrees, including the present Town Supervisor, that the town erred. Legislator Romaine's analysis of why they did not take the road I think is accurate, from what we understand, but that's no reason why they shouldn't have taken the road and released a Performance Bond. These roads have -- and I've gone out to visit the site, County Executive Levy asked me to go out and take a look and see what we're dealing with and the roads have held up remarkably well for having no tended care for 20 years. The developer built nice roads. The town, for whatever reason, the Town Superintendent of Highways, you know, who has passed away -- the Town Supervisor told me that when he was the Tax Assessor at this time that he offered the community to set up a special district so that they could tax for the roads and take care of the roads themselves, but they couldn't get 51% of the members of the community to support that.

The people have a real problem, nobody denies that, you couldn't find nicer people in the County, but they have a redress and the redress is with the Town of Southold, not with the County of Suffolk. We have done nothing out there, we have no County roads out there, we have not County equipment out there. So what we're trying to do is that if we can get this bill defeated here today, we'll continue dialogue with the town and perhaps we can put a little more pressure on the town to do the right thing and to repair these roads. Legislator Kennedy asked me, as a former Town Supervisor what would I have done in this situation; we would have paved the roads. I mean, they're town residents, they're town roads, they should be in the town highway system. These people are paying town highway taxes, unfortunately so is the County. But the County could also take these roads and plant grass there. I mean, we own them, we took them just by default, we didn't go out there and aggressively take these roads, we pick up property and we're a little more selective now than we were back then.

LEG. ALDEN:

I beg to differ, because I don't think we can deny people access to their property.

MR. ZWIRN:

No, no, I'm not saying that's something we would consider, but we saw it as real property, not roads.

LEG. ALDEN:

Okay. Thanks, Ben.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want to reiterate a little bit more about the history, as I understand it that Legislator Romaine was talking about and Presiding Officer Lindsay. The way I see it, there was an issue back in the 80's as to the town taking the roads through dedication, but at that time the town made a decision that there was not a sufficient amount of development I believe within the subdivision for the town to take that. So the town was monitoring the project, the town was aware of the project, they knew the progress of the project and decided, you know what, we're not going to take them yet. Even though it had been submitted to the town, we're not going to take them yet until you have some further development. So the town set its own standard on when these roads should be taken.

Then again in April of '86, it's my understanding that the developer offered to bring all the roads up to the town specifications if the town agreed to accept them for dedication, but again the town said, "No, you're not meeting our standards of dedication, whatever they may be based on the amount of development in this actual project, so come back another day and we'll look at that at another time." Then I understand in 1988, the town did indicate that there was sufficient development in the subdivision in order for the town to now accept dedication of these roads and then just failed to follow through.

So that's my understanding of the history based on my own research. And it seems to me, as Mr. Zwirn had stated, that the town back in the late 80's simply erred, made a mistake. And I agree with the Presiding Officer when he says, you know, now we're being asked, at the County taxpayer expense, to come to the rescue, which is not necessarily a bad thing. But I just can't understand for the life of me why a town would not want to accept dedication of these roads now and spend the money that it has to spend through the collected Town Highway Tax in order to improve these roads. It just seems to me that if we do this here, would there be future cases where we're asked every time there's a mistake at another level, in another jurisdiction, you know, "Go to the County Legislature, they'll take care of it for you." Well, I'm not prepared to do that on the backs of Suffolk County taxpayers.

Thank you.

P.O. LINDSAY:

I know you want the last word, Legislator Romaine, I have you down, but Ms. Bizzarro, did you want to --

MS. BIZZARRO:

Thank you, Presiding Officer. I just want to add to Legislator D'Amaro's comments that there is a letter dated January 30th of 1980 to the Town Planning Board, a Raymond C. Dean, Superintendent of Highways, recommended release of the Performance Bond based upon the final inspection of the roads and there's a notation on the report stating that dedication to the town is necessary. So again, we don't know what happened after that, but just to add that in.

P.O. LINDSAY:

Legislator Romaine, did you want -- oh, Legislator Schneiderman, go ahead.

LEG. SCHNEIDERMAN:

It does sound like the town made a mistake here, should have taken the road, didn't for whatever reason, but the County seems to have made a mistake as well in taking this, we should have not taken this property and now we have it. Just yesterday I visited a town marina in East Hampton on Three Mile Harbor Road which is a County Road, and the right-of-way for that road extends right to the bulkhead and that bulkhead was collapsing; it took away all the dirt on the County's property which made quite a hazard and one might say a liability. And the County did -- even though it's not our marina, it is our right-of-way -- we did backfill that and put in a new sidewalk or a hardened surface there. So the County has at times gone in because we own the land and fixed it at our own expense.

You know, something has to happen here. I don't think the County should continue to own this property, we need to get it to the town and we've got to come up with some kind of compromise that we can live with, Southold can live with, the County Executive can live with and not just leave this one hanging. So I would not support tabling -- not support defeating it, perhaps it could be held, but this should not go away until this is resolved, one way or the other.

P.O. LINDSAY:

Legislator Barraga would like to ask a question.

LEG. BARRAGA:

Ben, let me ask you a question, because you had made the point that at some time I guess in the past there was an effort to go to the residents to set up a special district so they would pay for the road. Has there been any discussion -- I'm really going on the basis of the needs of those who spoke this morning, you know. Has there been any discussion with a three-way split, where the County would pick up a third, a special district set up for the residents to pick up a third and the town would pick up a third of the initial cost, once it was done and it would be shifted over to the town.

MR. ZWIRN:

There has been some discussion of a three-way split, not necessarily along those lines but there has been some discussion. One of the things I -- the County Exec would like to see, if this bill were defeated it would give us a chance to have the negotiations that we could have had before this bill was sitting on the table. Once this bill is out there, then there's \$150,000 sitting on the table, whether it's real or not, the town fathers can say, "Well, look, we're waiting to see what the County does." If that money is not on the table, then we can sit down and have some talks with them and see if we can work out something that would be satisfactory to the community and the town and the county.

LEG. BARRAGA:

Because I recall receiving a letter, I think it was from Mr. Romaine, indicating that the town or someone estimated the cost at \$196,000, so a three-way split would be in the 60 to 70,000 category. Is it necessary to defeat the bill or can you table the bill and maybe pursue an appropriate a third, a third, a third split with the three entities? Why do you have to defeat the bill in order to have that kind of conversation?

MR. ZWIRN:

Because that money is still on the table, it's not a three-way split, it would be three-quarters for the County and it gives the town to ability to say, "Look, if the County is going to put up that much money, why should we put up any less?" The people of the community have felt -- and they can correct me if I'm wrong, but they feel that they have already paid enough in the way of taxes. And while they would consider some contribution, they would think that a third would be more than onerous.

So as I said, if we can get this bill defeated, give us a chance to talk to the town sort of, you know, one-on-one and maybe we can work this out. But I think as long as this is sitting out there as a possibility, we're really not going to get very far because this is their exit strategy.

LEG. BARRAGA:

Or if you defeat the bill and you open discussions again with the municipality, that could drag on for months and months and months.

It looks to me like they're pretty firm in terms of what they're willing to contribute here.

MR. ZWIRN:

You know, I don't know. There may be --

LEG. BARRAGA:

And those residents, you know, just sit there and the holes get bigger and nothing is done.

MR. ZWIRN:

As I said, there is a real human face, the people have a problem.

I've been out there, they do have a problem, but it's a town problem ostensibly, we picked up the property through a tax deed. You know, I would -- we would like the opportunity to be able to talk to them.

LEG. BARRAGA:

No, I understand the history, I'm just looking for a solution.

MR. ZWIRN:

And I agree with you and I think it would be helpful to us if this bill were not on the agenda, and eventually I suppose the bill could be reintroduced if no conclusion can be reached.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Ben, what's missing to me in this whole discussion is the town. I've heard from the residents, I've heard from the County and there seems to be a reluctance on the part of the town to enter in any kind of negotiation because they don't want to end up -- Legislator Barraga, you know, made the suggestion of a third, a third, a third, and again on the back of the residents, they have a problem. Why is it that the town is not -- I want to get the key explanation that the town gave the County as to why they will not negotiate at all.

MR. ZWIRN:

Well, at the present time they don't have to. They've already got a bill on the table to pay 150.

LEG. MYSTAL:

Your suggesting that they don't have to because of this bill.

MR. ZWIRN:

Absolutely.

LEG. MYSTAL:

Because we have this bill that lets the County pay for it.

MR. ZWIRN:

They say it's \$150,000 of county tax funds, why should we put up any more than a small amount? Gee, it's Christmas, you know. And I understand that Legislator Romaine wants to help the people in his district and we're all -- everybody wants to help, that's why everybody got into government, to try to redress -- you know, address problems that people have in the community. Here we think the natural -- or the entity that made a mistake was the Town of Southold; everybody agrees to that, even the Town of Southold. So what do we do now? As I say, if we can get this bill off the table, withdrawn, defeated and let us start fresh with the Town of Southold to try to put some pressure on them to do the right thing, I think that would be more helpful from the County Exec's point of view.

LEG. MYSTAL:

Ben, just one last thing. While we're doing that, the residents who come to us, they are still going through the trouble and having the pain of having to live there.

MR. ZWIRN:

Right, and they're also going to the town. I mean, they're not just focusing on the County. To their credit, they've probably put as much -- they want their roads done, if the town did it they would say great, if the County did it they would say great. They have a problem they want --

LEG. MYSTAL:

They really don't care who does it.

MR. ZWIRN:

But legally we think the town is responsible. If we can talk to the town. You know, right now, as I say, I don't think there's any incentive on the part of the town. I asked for this bill to be recommitted at the last General Meeting because I thought at that time maybe we could get the Town Supervisor

to appear before the committee, but that didn't happen. So we're asking now for the bill to just be defeated and give us a chance, it can always be refiled, but it would give us a chance to see if we can work this out in the short term.

LEG. MYSTAL:

One last thing, this is for Counsel. Can we ask the town to come in and sit down and talk with us?

MR. NOLAN:

Sure, but they don't have to.

LEG. MYSTAL:

They don't have to. I was trying to find a way of, you know, forcing the issue; they don't have to. Okay, I guess that answers me.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Ben, two questions. One relates to 2188 which is the County Executive's bill and it's the last on our agenda, but seeing that they come in so to speak, I'll ask the question now. First the bond, the County Attorney, Ms. Bizzarro, said that there's conflicting reports from the Bond Counsel; is there a bond being made available or not? I think that's a pretty straightforward question we need answered.

MS. BIZZARRO:

Yes, the bond was issued en masse with other ones. I spoke to Bob Smith this morning, Bob Counsel, who stated to me once I told him the content of Resolution 2044 that the property was going to be given to the Town of Southold. He indicated that the bond resolution should not have been issued and he was recanting that and he was going to be e-mailing the normal people in his cycle that I don't know if it -- if that has happened yet.

LEG. CARACAPPA:

So what would be the next step in that regard from Bond Counsel's point of view and how would it effect this legislation?

MS. BIZZARRO:

Basically, the problem would be you would be voting on a piece of legislation, 2044, that references a Bond Resolution that doesn't exist. So the way I see it, 2044, the way it reads, would be defective and then you would not have the companion Bond Resolution to vote on.

LEG. CARACAPPA:

Well, we need to clear that up before we vote on this, obviously, and I'm sure Legislative Counsel is going to work on finding if that was sent to him.

Second, as it relates to the 72-h, Ben, as was mentioned earlier and as we know, doing 72-h's over the years, it's a very well planned out cooperation or partnership between towns and the County or whatever other municipalities are involved, and before we even get to vote on the resolution it's all planned. Seeing that that has not been the case here, let's say there's ten votes later for this 72-h, what happens by way of the parcel, does the County just throw up its hands and say, "Hey, listen, we 72-h it." Is it going to fall into a black hole? That's my fear it is, or is there some sort of preliminary agreement that hasn't been discussed yet as it relates to the 72-h?

MR. ZWIRN:

And that's a good question. What we're trying to do is put the pressure back on the town. We're saying, "Look" -- they're saying, "Well, we don't have title to the property, it's not our property,"

we're giving them the opportunity now to say that's not an issue any longer. We can always abandon the deed, we could have done that now and just said, "We're throwing up our hands, it's somebody else's problem"; we're not doing that, we're trying to do this the right way.

And if this is defeated today, it doesn't mean the book is closed on this issue, we're still going to continue to work with the town to try to get this resolved. We just think that it would be more helpful for us to do it without this bill on the table, you know, on the shelf over here so that we can sit down to the town and try to negotiate it. And if we can't then, look, at some point Legislator Barraga or one of the other Legislators can put up a compromise bill and say, "Look, the town either signs on or it doesn't." I mean, that's a possibility down the road that would make the County Executive happy, it may not make everybody happy, but that might be a more equitable way to go. We would just like that opportunity and as long as this is hanging around, we don't think we're going to get it.

LEG. CARACAPPA:

So, again, just for the record, the 72-h, if approved, there will be extensive talks with the town and that there will be an actual partnership instead of just handing the ball off and saying, you know, "Run with it, we're out of it".

MR. ZWIRN:

We're trying to do it in a nice way and not use a heavy hand, just try to do it so we can talk, you know, in an amicable fashion as opposed to become adversarial.

LEG. CARACAPPA:

Understood. You know, to my --

MR. ZWIRN:

And that was a good question, I appreciate it.

LEG. CARACAPPA:

Over the years, the Presiding Officer's right, this Legislature has handled a lot of town issues, whether it's housing in Brookhaven, zoning issues along the Commack corridor or flooding in Smithtown. It's always going to happen; it has happened and this isn't the last time, it's going to happen many more times. But the reason I say that is there has to come -- we have to come up with a solution and stop the finger pointing and I'm looking forward to resolving this by the end of the day. And hopefully through the efforts of the County Executive's Office, and of course Legislator Romaine's office, we can get this done.

MR. ZWIRN:

And I just want you to understand that that -- we're not washing -- if this bill is defeated today, the County Exec is not washing his hands and saying, "All right, now it's not our problem anymore." We go to plan B, you know, we go to the next door and we see if we can get this done. But we're asking for your support in opposition to this bill so that we can accomplish the goal that was set out in the beginning.

P.O. LINDSAY:

I still have more people on the list, but just to comment. Whether this resolution passes or doesn't pass, by Legislator Romaine presenting this resolution, you know, he's brought to us all a situation that is a horrendous situation for those residents and hopefully will facilitate some kind of settlement that will make things better. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And Legislator Caracappa brought up, I guess, some of the points that I wanted to go ahead and raise, and I think he's right as far as the fact that we are always going to

have issues that arise out of our districts. And I got the good support from this body for issues in my district in Smithtown that involve village, town and County.

But I was going to address Mr. Zwirn and ask him, and maybe it's a simple question, but when you ask for, in essence, a calming of the waters by removal of this resolution, then why do you seek to continue to advance the 72-h? Why not level the playing field and withdraw that as well? If you really want to return it back to just plain dialogue, then why not return it to status quo?

MR. ZWIRN:

Okay.

LEG. KENNEDY:

Okay? So you're saying okay, you'll withdraw the 72-h?

MR. ZWIRN:

If this bill is withdrawn, the 72-h, we can get them both off the table, that would be fine.

LEG. KENNEDY:

Well, I'll yield to the sponsor.

MR. ZWIRN:

We're just trying to get this thing resolved and we thought one way to do it was to try to say, "Look, the Town of Southold, the argument that you're making that you don't have title to this property so you can't do anything with it, we can end that right away." But if we can sit down and talk with them, we don't have a problem with that.

LEG. KENNEDY:

Thank you. I'll yield to the sponsor.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

We've been working off some numbers that the town provided that amount to the sum of \$174,000 for this road repair, but that's really --

MR. ZWIRN:

I think it's more, I think it went up.

LEG. SCHNEIDERMAN:

Oh; either way, it's based on private contractors doing this. The town has a highway department, obviously the town can get this done for far less. And if we come -- if we could come up with a different split, let's say a hypothetically split might be a quarter from the tax district, a quarter from the County and half from the town, that would -- if the number is knocked down let's say to \$100,000 -- this is, again, hypothetical -- the County's portion is in at 25,000; I don't think that we're going to have to even bond if we can get those numbers so we can resolve this bonding issue and take it out of another source. And I support the negotiations and I support bringing this number down, having the town do it, and maybe their 50% can come from their own highway department.

P.O. LINDSAY:

Okay. Legislator Romaine, did you want the last word?

LEG. ROMAINE:

Yes.

LEG. MYSTAL:

Five minutes.

LEG. ROMAINE:

I'll make it much shorter than that. Let me just conclude by --

P.O. LINDSAY:

He meant five minutes to lunch.

LEG. ROMAINE:

That's why I will not take more than ten that time. One, I'm happy I introduced this resolution. The people of Orient by the Sea are wonderful people that have faced the problem for 26 years of no one really caring about their roads.

Two, what a difference a month makes. What a difference a month makes. I watched the gentleman that's at the podium say two words the last time in Riverhead. One, we will not negotiate, and two, we will not spend one cent on this; we all heard those words, they're part of our verbatim transcript. So a month later we have a change of heart. I'm happy to hear that and maybe that is what's held down the discussions with the Supervisor.

I have been in constant discussions with the Supervisor -- and as you know, that's a split board, the Supervisor is Republican, all the Councilman are Democrats -- and he was able to get from his board a commitment from a small town of less than 20,000 people, a commitment to pay whatever 25% of the cost was. Mr. Zwirn said no, that was only 25,000, and I had to circulate a letter to show that it was 25%.

Mr. Zwirn said there was a \$400,000 estimate, then I had to say no, the town had an estimate for considerably less, he said, "That's 10 years old," and I circulated the estimate that came from June, 2006.

Then we heard the County Attorney come forward and say, well, they've exercised control. But as Ian Barry, our Assistant Counsel, told me, no they didn't, every town has the right to control traffic on roads even of not their own, such as the County's road of Pulaski Road, the towns put up stop signs there. So that wasn't exercising control over those roads.

Now we've sat and looked at this. Who screwed up? Obviously the Town of Southold back then, but what about the County of Suffolk in taking an improved road, the only improved road that this County owns. There's talk about setting a precedent. Well, the other roads that we own are either paper streets that aren't roads or dirt roads. All the people would like is to get this road back in the condition that it originally was. The town wants to take it back but in the condition it was; town law prevents him from taking it in the current condition.

This resolution was negotiations between myself and the town, and I got involved in that and the town was willing to pony up 25%. We have an opportunity to resolve this, we should have never taken this property. I've offered to work with my colleagues to introduce laws that would prevent this County from taking parks or playgrounds or sumps or improved roads in the future for back taxes, that's a foolish policy; when erred when we made that mistake. Now, there is no one coming to these people's rescue. Now they've lived with the situation that it's become so bad they can't get postal delivery, it's become so bad the school buses won't run. They have no one to plow their roads in the winter and winter is coming in Orient once again.

So what do we do now? Well, I'd ask my colleagues. Someone said let's table this, I don't believe in postponing decisions. We tabled it once. I'm going to ask all of you to vote on this. I'm going to ask you all to be County Legislators, and in the end I'm going to ask you to do the responsible thing. All the words -- I mean, the County Executive has had two months to negotiate with the town, but I guess the statement at the Riverhead meeting -- one, we will not negotiate and, two, we will not spend one cent on this -- set the tone for negotiations.

And then the third thing that set the tone for negotiations was the County coming in and passing a 72-h for a town that doesn't want to accept the property; that's a very clear message to the town. I mean, it doesn't seem right.

LEG. MYSTAL:

One minute.

LEG. ROMAINE:

We have an opportunity to resolve this problem now. Counsel has said he had extensive discussions with Bond Counsel specifically about this resolution. You understand some of the information that has been presented and why it's been presented.

LEG. MYSTAL:

Thirty seconds.

LEG. ROMAINE:

Act responsibly. Thank you.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Mr. Chairman, can I make a recommendation --

P.O. LINDSAY:

Go ahead, Legislator Caracappa.

LEG. CARACAPPA:

-- maybe to the Legislature? Again, this conflicting assessment on the bonds and where it is I think really controls how I vote. So maybe we could take it up after lunch after our Counsel could talk to Bond Counsel again; because if it doesn't have a bond, quite frankly, we're voting on something that's completely useless.

P.O. LINDSAY:

Well, if you would like to keep talking for another thirty seconds or someone else, we're going to reach the bewitching hour anyway.

LEG. CARACAPPA:

Ed, would you be all right until after lunch?

LEG. ROMAINE:

I'd be happy to let the vote go after lunch, but I do --

P.O. LINDSAY:

If that's all right with everybody, we'll defer this until after the lunch break and we'll get a definitive answer from Bond Counsel.

LEG. MYSTAL:

Fine with me.

P.O. LINDSAY:

Okay.

[THE MEETING WAS RECESSED AT 12:27 P.M. AND RESUMED AT 2:30 P.M.]

[COURT STENOGRAPHER - LUCIA BRAATEN]

P.O. LINDSAY:

Okay. I call this meeting back to order. Public Hearings.

MR. LAUBE:

Roll call.

P.O. LINDSAY:

Mr. Clerk, have the hearings been properly advertised?

MR. LAUBE:

Yes, they have. Would you like a roll call?

P.O. LINDSAY:

Please.

LEG. ROMAINE:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present)

LEG. CARACAPPA:

(Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Present.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not Present)

LEG. MYSTAL:

(Not Present)

LEG. STERN:
(Not Present)

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
(Not Present)

P.O. LINDSAY:
Here. Okay. First Public Hearing is the --

MR. LAUBE:
12.

P.O. LINDSAY:
-- on the *2007 Operating Budget*. I have no cards. Is there anyone in the audience like to speak on that? There'll be further budget hearings next week. Seeing none, we have to leave that one open for next week, so I'll take a motion to recess that until --

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Motion by Legislator Nowick and second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
12.

P.O. LINDSAY:
Okay. *Southwest Sewer District assessment roll*. I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll entertain a motion to --

LEG. LOSQUADRO:
Close, Mr. Chairman.

P.O. LINDSAY:
To close?

LEG. ALDEN:
Motion to close.

P.O. LINDSAY:
Legislator Alden, second by Legislator Caracappa? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:
13. (Not Present: Legs. Montano, Horsley, Mystal, Stern and Viloría-Fisher)

P.O. LINDSAY:

I.R. 1645 was recessed from 9/19. Before I go on to 1645, Counsel tells me that I can close the ***Operating Budget 2007***, that the hearings that are scheduled next week would not interfere with us closing this. So I'm -- first, a motion to reconsider.

LEG. ALDEN:

Motion to reconsider.

P.O. LINDSAY:

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

MR. LAUBE:

14.

P.O. LINDSAY:

Okay. And I'll make the motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

And that's 15. (Not Present: Legs. Horsley, Mystal and Viloría-Fisher)

P.O. LINDSAY:

Okay. ***I.R. 1645 - A Local Law to reduce the emissions of pollutants from diesel fuel motor vehicles operated by or on behalf of Suffolk County.*** I have no cards on this issue. Is there anyone who would like to address us on this issue? Seeing none, Legislator Cooper, what would you --

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess. I'll second the recessing. All in favor? Opposed? Abstention?

MR. LAUBE:

15. (Not Present: Legs. Montano, Mystal and Viloría-Fisher)

P.O. LINDSAY:

I.R. 1791 - A Local Law to require gasoline service stations to install emergency generators for fuel pumps. This was recessed also from the 9/19 meeting. I have no cards on this issue. Would anybody like to speak on this issue? Seeing none, I'll make a motion to recess it.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

15. (Not Present: Legs. Montano, Mystal and Viloría-Fisher)

P.O. LINDSAY:

I.R. 1792 - A Charter Law to ensure a nonpartisan, fair and objective process by which Legislative districts are reapportioned. Again, I have no cards on this issue. It was recessed from 9/19.

LEG. LOSQUADRO:

Recess.

P.O. LINDSAY:

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

MR. LAUBE:

16. (Not Present: Legs. Mystal and Viloría-Fisher)

P.O. LINDSAY:

I.R. 1854 - A Local Law to increase connection fees for sewer district contractees located outside the geographical boundary of a sewer district. I have no cards on this issue. Is there anyone who would like to speak on it? Legislator Alden, what would you like to --

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Alden.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Viloría-Fisher)

P.O. LINDSAY:

I.R. 1952 - A Local Law to require proper supervision at hotel and motel swimming pools. No cards on this issue. It was recessed from 9/19. Anybody like to speak on this? Legislator Cooper?

LEG. COOPER:

I have a question for Counsel. George, do you know whether the latest revision has been made as yet, or is that still being worked on?

MR. NOLAN:

I think it's still being worked on.

LEG. COOPER:

Okay.

MR. NOLAN:

So you should recess this.

LEG. COOPER:

Okay. Motion to recess, please.

P.O. LINDSAY:

Motion to recess, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, I'm recused from this, voting on this, so I guess I'm recusing myself also from any decision to close or recess as well.

MR. LAUBE:

16. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

I.R. 1973 - Authorization of rates for the Fire Island Ferries, Incorporated. It was recessed from 9/19. Budget -- I don't have any cards on this. Anybody want to speak on this subject? Seeing none, Counsel tells me it has to be recessed. Is Budget Review still looking for information on this rate structure? I guess they are. Okay.

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría Fisher)

P.O. LINDSAY:

2045 - A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues. It was recessed from 9/19.

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Okay. I have a motion to recess by Legislator Romaine. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll entertain Legislator Romaine's motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. ***I.R. 2091 - A Local Law to encourage affordable housing and workforce housing initiatives in towns and villages.*** I do not have any cards on this subject. Anybody in the

audience would like to speak on it? Seeing none, what would you like to do, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Close it.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

I.R. 2093 - A Local Law to strengthen the Suffolk County Living Wage Bill Law. I have two cards on this. First, John Woods. Hello, John. You have five minutes.

MR. WOODS:

Good afternoon, Presiding Officer. Is this on?

P.O. LINDSAY:

I don't think you're on.

MR. WOODS:

Good afternoon, Presiding Officer Lindsay, Majority Leader Cooper, Minority Leader Losquadro, and the rest of the Legislators. My name is John Woods and I'm the Political Director of United Food and Commercial Workers Union Local 1500. Local 1500 represents over 22,000 retail food workers who work in a variety of supermarkets, the retail food stores like King Kullen, Stop and Shop, Pathmark, among others.

I am here today to speak in favor of Majority Leader Cooper's amendments to the historic Living Wage laws that were recently passed. As with all legislation, only through implementation and enforcement do we find the devil in the details. The Living Wage policy, through its Legislative intent, was to ensure that employees of County contractors and subcontractors receive an hourly wage that is sufficient for a family of four to live at or above the Federal poverty level. In order for this law to be not just feel-good legislation, we need to toughen up the penalties so that we send a clear message to a possible unscrupulous contractor who might say to him or herself, you know, let's just roll the dice. If I get caught, I'll just pay the fine. We need to make those fines and/or penalties high enough so that that thought isn't even broached. Ideally, I would love to think the opposite, that the unscrupulous contractor would say, "I can't mess with Suffolk. I better do the right thing here." In order to make this happen, we need to give the County a big stick instead of speaking softly. I urge the swift passage of these amendments. Thank you very much for your time.

P.O. LINDSAY:

Thank you Mr. Woods. Okay. Next, I have Jim McAsey.

MR. MCASEY:

Good afternoon Mr. Presiding Officer, Mr. Majority Leader, Mr. Minority Leader. I'm here today to support I.R. 2093. My name is Jim McAsey, and I work for an organization called Jobs With Justice. And for those of you who don't remember, Jobs With Justice is a coalition of unions, such as 1500, community-based organizations, the faith-based community, and student and youth groups, and we've come together with the mission of building a movement for social and economic justice. Our philosophy is that in order to build the power that we need, we have to realize that our issues are very much connected, and we have to work together.

At Jobs With Justice, we've prioritized the struggle of the most oppressed in our community. We do that because we believe that a rising tide lifts all boats, but we don't believe in trickle down. Rather, we believe in trickle-up economics. In other words, if the bottom rung of the working class gets a raise, we get -- we all get a raise. And if you have one segment of the workforce that's well paid, and the vast majority are working poor, we're going to continually be pit against one another, and the corporations laugh themselves to the bank.

Furthermore, if we have fewer working poor, we have fewer people relying on government programs to supplement their income. Many of you remember the Fair Share for Health Care bill that this body overwhelmingly voted for last year, and which Jobs With Justice and our partners at 1500 and many others help to push. The logic of this bill was that big corporations like WalMart are taxing the community because they were underinsuring their workers, and, as a result, the workers were relying on us, the taxpayers, to provide their insurance.

I applaud you for taking a step to fix that egregious injustice, and I would urge you to continue fighting that kind of exploitation.

I think it's an imperative to empower and uplift those who make the least, those who are looked down upon, and those who are poor. I'm talking about WalMart workers or janitors, youth, people of color, health care workers, women, and, yes, immigrants, not because it's the nice thing to do, but, rather, because it's in all of our interests to do so. I believe it is worth the investment for a society to address, to challenge, and to fix the chronic problem of poverty, and voting for this bill is a step in the right direction. As the old labor saying goes, "An injury to one is an injury to all". Thank you very much.

P.O. LINDSAY:

Jim, before you leave the microphone --

MR. MCASEY:

Yes.

P.O. LINDSAY:

-- Legislator Barraga has a question.

LEG. BARRAGA:

Jim, let me ask you a question. We have an existing law, 12-2001, dealing with the Living Wage policy in Suffolk County. Now, normally, when you -- this bill increases civil penalties, I think a minimum of 2,000, maximum of \$5,000 for these contractors doing business with the County. Normally, when you go in and you increase penalties against a given entity, there's abuse. Has there been abuse of this law, the existing law by these contractors to merit these increases in fines?

MR. MCASEY:

Well --

LEG. BARRAGA:

To your knowledge, either yes or no? I mean --

MR. MCASEY:

Well, personally, I'm not an expert on how it's been going so far and how the enforcement of the bill has been going.

LEG. BARRAGA:

Because that's my quandary. You know, I mean, if there was an abuse, I can see leveling these fines against these contractors. You have a good existing law. I'm not so sure I've seen evidence indicating where contractors in Suffolk County doing business with the County are violating the law,

which would necessitate increasing these civil fines against them, which makes life a lot more difficult for them to conduct.

MR. MCASEY:

I'm sure when we continue with this process, hopefully, your questions will be answered and I hope they will be.

LEG. BARRAGA:

I hope so, too.

MR. MCASEY:

In terms of me, myself, I don't have the answer for you.

LEG. BARRAGA:

I thought maybe you might know, because sometimes if you make a presentation, you might have a history of abuse that you can sort of enlighten us on. Thank you.

MR MCASEY:

Sure.

P.O. LINDSAY:

The next speaker might help there, too. It's Brenda Rosenberg, who is with the Labor Department that's charged with enforcing this particular statute.

MS. ROSENBERG:

Hi. Good afternoon, Legislators, Presiding Officer Lindsay. My name is Brenda Rosenberg and I'm the Director of the Living Wage Unit in the Department of Labor. I've been the Director of this Department since the inception of the law. I'm really here to answer questions from the Legislators regarding the law, but currently, just to answer your question, Mr. Barraga, we have had -- in the four-and-a-half years that this law has been in effect, there has been one company that we're dealing with currently that we're having a problem with paying back compensated time off and the salaries. Up to this point, we do have monitors that go out on a regular basis, on a weekly basis, to all the companies, and if we find a violation, they have always paid back the -- either the compensated time or the salary level. So, currently, we don't have a problem. And we -- and there are some penalties now, financial penalties built in the law. We've never had to use them.

LEG. BARRAGA:

You've answered my question, because, frankly, you know, if there was an abuse going, if you said 50, 75, 100 contractors, loads of different companies violating the law, I can see this kind of piece of legislation going forth. But, you know, you're passing something where a problem does not exist, basically. Thank you.

MS. ROSENBERG:

Right.

P.O. LINDSAY:

Okay. Did you have a question, Legislator D'Amaro?

LEG. D'AMARO:

I did. Just to follow up on that logic a little bit, if you're saying there's no problem, is there then in turn a downside to increasing the penalties if there's no problem?

MS. ROSENBERG:

This particular legislation imposes a penalty of 2,000 to \$5,000 per incident, plus per employee, I think it's a \$500 per employee penalty. I think it would be putting a chilling effect on County

business. People aren't going to want to do business with us if we have to give them a \$2,000 penalty every time we find a violation. Some people are in violation not realizing it. They might realize -- a lot of times we find the violations in compensated time off, not the salary levels. Every time we come in there, we have never had an issue until I have one -- I have one person right now, one company we're working with and we're trying to resolve that. We've never had an issue where they don't pay back. So I'm not quite sure, you know, what the purpose is.

LEG. D'AMARO:

So the -- and the one -- and the one violation that you're dealing with now was an inadvertent or an unknowing violation?

MS. ROSENBERG:

Yeah, they think the law does not apply to them.

LEG. D'AMARO:

I see. So you think that by increasing the penalties would have a chilling effect on doing business with Suffolk County.

MS. ROSENBERG:

That's my own personal opinion, yes.

LEG. D'AMARO:

Okay.

MS. ROSENBERG:

Just from dealing with the law since its inception.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Legislator Nowick also has a question, Brenda.

LEG. NOWICK:

Yes, just to make sure I heard you clearly. You say we have never had any problems, we only have one particular --

MS. ROSENBERG:

We've had problems where we find people not paying the proper wage, but we've worked with the companies and they have paid back all of the monies that they've owed to the employees.

LEG. NOWICK:

Does that usually happen because of an oversight or --

MS. ROSENBERG:

Sometimes.

LEG. NOWICK:

You feel most of the time it was not intentional, is that what you were saying?

MS. ROSENBERG:

Yeah. I think most of the time it's not intentional. A lot of the paid back time is compensated time off. The law calls for 12 compensated days off, and some of these are people that work different kind of hours, not a normal work week like you or I would work. And so they don't figure it out properly,

or they're ten days off, and we go in and we monitor them and we have a good system and we find those violations.

LEG. NOWICK:

So, and maybe before we close the public hearing I could ask the sponsor, what brought about this legislation? Was there a problem that we didn't know about? Something that would have --

LEG. COOPER:

This came about because of discussions that were had on another bill, 2025, and the penalties that were put in place for those violations. And my feeling was that it would be appropriate to have enhanced penalties for the Living Wage Bill as well. I do want to point out that this does not mandate a fine of \$5,000 or \$2,000, it just increases the maximum fine. So it's still up to the discretion of the court as to what fine will be leveled. If it's an innocent violation and it was inadvertent, then, once again, it does not have to be a fine of the maximum. However, if there is a more egregious case, at least now the law will permit the imposition of a larger fine.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Hi, Brenda.

MS. ROSENBERG:

Hi, Cameron.

LEG. ALDEN:

Quick question. The mix, as far as who this applies to, is it mainly not-for-profits, or is it mainly private for-profit corporations, or is it about 50-50.

MS. ROSENBERG:

What was the first part of the question? I didn't hear you, Cameron.

LEG. ALDEN:

What's the mix, is it predominantly not-for-profit corporations that this applies to or is it a mix of --

MS. ROSENBERG:

Oh, this applies to everybody who --

LEG. ALDEN:

Yeah. But, I mean, what, as far as --

MS. ROSENBERG:

As far as what we get in as contractors that is applicable to the law?

LEG. ALDEN:

Yeah.

MS. ROSENBERG:

It's a mix.

LEG. ALDEN:

So half the people are not-for-profits.

MS. ROSENBERG:

I would say.

LEG. ALDEN:

Half of them are for profit, that type of mix?

MS. ROSENBERG:

Yeah. We have a pretty good mix of not-for-profits and profits.

LEG. ALDEN:

Thanks.

MS. ROSENBERG:

Sure.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Legislator Alden basically asked, I guess. My understanding with this is that the living wage applies to any of those entities that are actually providing services for us or have a contract in some fashion to deliver services on behalf of the County?

MS. ROSENBERG:

Basically, that's correct. However the law does have exemptions in it and specific and general exemptions, and also for those organizations that pay prevailing wage, they're automatically exempt from the law. People with less than 10 employees are exempt from the law. If you have a service contract for less than \$10,000, you're exempt automatically. Then there are specific exemptions and general exemptions. The general exemption you can apply based on the statute of the law. If it goes against County law or State law, we can -- the County Attorney looks at that and can decide whether or not you're exempt. And there are also specific exemptions and there's a list of those. I'll just quickly go through them. There's a six to one exemption, which says if the highest paid employee makes more than six times -- not more than six times the lowest paid employee, you can get an exemption. A 10%, if the living wage puts you 10% over what it would normally cost you to do business, you would also be exempt. The seasonal exemptions, youth employment exemptions, there are different ones that we qualify people on.

LEG. KENNEDY:

Daycare providers were the example that were offered to us during some of the discussions we've had previously. Does that make up a third, a half? When you look at all the folks that you're dealing with, where would that fall in?

MS. ROSENBERG:

Daycare providers are in a very different category than the rest of the vendors for us. During the amendment process of this bill, when it started out, they were actually given a bifurcated rate, so -- because they complained that the regular living wage rate was too high for them. So they have a different rate than the regular vendors do. And up to this point, up to this last year, you sat on the Legislature when Dave Bishop put in the legislation to take away the exemptions from the daycare providers. Basically, they were all getting exemptions, so they weren't paying even the lower rate. So now they're all paying the daycare provider rate, and I wouldn't even say it's a third, I would say it might be 10%, maybe.

LEG. KENNEDY:

And how often do you wind up actually going out, I guess, to do some kind of site inspection with this whole universe? I mean, when you describe the universe, what do we have, maybe 500 entities, 1,000 entities? How many entities do we have all together?

MS. ROSENBERG:

That are -- that is applicable to?

LEG. KENNEDY:

Yes.

MS. ROSENBERG:

I would say every year we get about 2,000 contracts and about 800 it probably would apply to.

LEG. KENNEDY:

About 800.

MS. ROSENBERG:

I would say.

LEG. KENNEDY:

Okay. And so you'd --

MS. ROSENBERG:

That's, you know, an approximation.

LEG. KENNEDY:

Again, we're talking approximations, I understand. And so your office then sets up some kind of a site inspection schedule periodically for this whole --

MS. ROSENBERG:

Every -- I have two monitors on staff that go out every week.

LEG. KENNEDY:

Okay.

MS. ROSENBERG:

They do approximately three apiece each week, so I have about six to seven, you know, on a two-week period.

LEG. KENNEDY:

Okay. And out of about 800, give or take, that were involved, you have one company that is what you'd call like a chronic violator or nonresponsive?

MS. ROSENBERG:

Nonresponsive, somebody we're trying to work out something and he just -- he has an attorney at this point and they're trying to say that the law doesn't apply to them. Our County Attorney's Office begs to differ.

LEG. KENNEDY:

Sure.

MS. ROSENBERG:

And we're at that point.

LEG. KENNEDY:

Okay. All right. Thank you very much, Brenda.

MS. ROSENBERG:

You're welcome.

LEG. KENNEDY:

I appreciate it.

MS. ROSENBERG:

You're welcome.

P.O. LINDSAY:

Okay. Legislator Cooper, what's your pleasure on this?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close.

P.O. LINDSAY:

Motion to close, okay. Second? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. NOWICK:

Motion to table.

P.O. LINDSAY:

We didn't call it yet, but you want to make a motion?

LEG. ALDEN:

Recess.

P.O. LINDSAY:

Recess.

LEG. NOWICK:

Excuse me, recess.

P.O. LINDSAY:

There's a motion, a recess motion, as well.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. Okay. The recess motion would take precedent. All in favor of recessing? Opposed? Okay, recessing. Put up your hands if you want to vote for the recessing.

LEG. LOSQUADRO:

To recess it?

P.O. LINDSAY:

To recess it. Yeah, I would rather take it up in committee and --

LEG. ALDEN:

Send it to committee.

P.O. LINDSAY:

Yeah. Anyway, opposed to recessing? Everybody else, is that it? Okay.

MR. LAUBE:

Okay, just a second.

LEG. ALDEN:

Don't care?

MR. LAUBE:

Wait, I didn't -- I didn't get a count on that. You've got to hold it up.

P.O. LINDSAY:

Okay.

MR. LAUBE:

You've got to hold it up and let me see it.

P.O. LINDSAY:

Come on, hold up your hands, recess.

LEG. COOPER:

Wait, wait.

MR. LAUBE:

This is opposed to recess.

LEG. COOPER:

Opposed to recess.

P.O. LINDSAY:

Opposed to recess.

MR. LAUBE:

Okay. Just a second. Let me go around the horn here. Okay, Stern, D'Amaro, Cooper.

P.O. LINDSAY:

You got -- Mr. Clerk, you need a roll call. You got it?

MR. LAUBE:

Well, just a second. Well, I got a lot of people not here. Give me a roll call real quick.

P.O. LINDSAY:

Roll call.

MR. LAUBE:

Because certain people -- certain people are not here.

P.O. LINDSAY:

Roll call on -- to recess.

LEG. NOWICK:

Is this what, to recess? To recess, yes.

(Roll Called by Mr. Laube, Clerk)

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes to recess.

LEG. CARACAPPA:

Yes to recess.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

No.

MR. LAUBE:

Seven. (Not Present: Legs. Alden and Viloría-Fisher)

P.O. LINDSAY:

Okay. Recessing fails. Motion to close. Do the same thing, roll call.

MR. LAUBE:

This is the motion to close?

MS. ORTIZ:

Who made the motion?

MR. LAUBE:

Motion to close?

P.O. LINDSAY:

I believe Legislator Cooper made the motion to close.

LEG. EDDINGTON:

And I second it.

P.O. LINDSAY:

Motion to close was before the recess motion.

LEG. ALDEN:

That's an old motion.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes to close.

LEG. EDDINGTON:

Yes.

LEG. D'AMARO:

Yes to close.

LEG. STERN:

Yes to close.

LEG. MYSTAL:

Just plain ol' yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes to close.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to close.

LEG. ROMAINE:

No.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

MR. LAUBE:

Ten -- 11. (Not Present: D.P.O. Viloría Fisher)

P.O. LINDSAY:

I.R. 2113 - A Local Law to regulate the use of outdoor wood burning devices in Suffolk County. I have no cards on this issue. Anyone in the audience want to speak on it? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. ***I.R. 2115 - A Local Law to extend protections to residents of planned retirement communities, and I have a number of cards.*** First speaker is Nicholas Camerano. Nicholas Camerano. If I'm mispronouncing --

MR. CAMERANO:

I'll give my time to --

P.O. LINDSAY:

You can't do that, you can't do that.

MR. CAMERANO:

Can't do that, huh?

P.O. LINDSAY:

No.

MR. CAMERANO:

Okay.

P.O. LINDSAY:

You come and speak or go to the next speaker.

MR. CAMERANO:

Ladies and Gentlemen of the Legislature, I'd like to introduce you to Greenwood Village. Greenwood Village, show yourselves.

(Applause)

We are a retirement community out in Manorville. We're here to back Mr. Romaine's resolution of 2115, to protect the homeowners of our type of retirement community.

My part of this is I'm worried about my investment. We bought into this community and it was a beautiful community, but we're experiencing drastic depreciations of property value. Most of this is because of a 4.5 annual increase of the rent of the leased land that we're on at this point. And not just that it's 4.5, but that the increase is not a justified increase. It's higher than any present consumer price index that's out there. It's higher than other communities in our area. It's an arbitrary and capricious number that they were allowed to fix, because they're allowed to fix it and there's no laws against it.

When our community members sell their homes or they leave their homes to their children, they can tack on for a new buyer coming in, they could tack on additional cost for the rent. Where my lease is 4.5, they're able to say, "Okay, new renters are coming in, we're going to do 5.5." I mean, that's bringing down the appreciation of my home to sell my home, and a lot of people, the homeowners are giving their homes away at lower prices to make up for that additional -- that additional rent. That's all depreciating our home value. If no children are present, the home lies -- my understanding is that the home lies vacant and unkept for what could be years, until Suffolk County takes the home and auctions it off in public auction, and that's usually at a very low cost to recoup taxes, and that's bringing down the appreciation of our village.

Homeowners take much pride in their homes. Drive around, take a look at what the home sites look like, then look at what the common areas look like. No money is being poured back into this village to give us any kind of satisfaction for the high prices we pay.

Presently, there are more than 35 homes for sale in the community, and of those, 23 are vacant, and none of the homes that are paying large rents are selling at a fair market price at this time. My home equity continues to decrease, because there's no safeguards in place for this type of retirement community.

Long Island, where the homeowners of Greenwood Village, worked, raised their children, probably were mentors to some of you, living in a retirement community, we want their investments to be protected in their golden years. Now, this resolution we feel is a start, and we're looking for champions to come to our aid and help us out.

P.O. LINDSAY:

Before -- Mr. Camerano.

MR. CAMERANO:

Yes.

P.O. LINDSAY:

Legislator Caracappa, I believe, has a question for you.

MR. CAMERANO:

Yes.

LEG. CARACAPPA:

Thank you, Mr. Chairman, I'll try and be brief. I know you've got a lot of speakers. I'm just trying to get a -- I haven't read the bill yet, because this is just a public hearing. Who -- this retirement community is all rentals or own homes?

MR. CAMERANO:

No, no, we're homeowners.

LEG. CARACAPPA:

Okay.

MR. CAMERANO:

We own the land. We lease -- we own the home.

LEG. CARACAPPA:

Don't get upset, I'm just asking questions, Ladies and Gentlemen.

MR. CAMERANO:

That's all right. You got a lot of backing here.

LEG. CARACAPPA:

Okay.

MR. CAMERANO:

We own the --

LEG. CARACAPPA:

All homeowners.

MR. CAMERANO:

We own the homes.

LEG. CARACAPPA:

Okay.

MR. CAMERANO:

And we leased the land for 99 years.

LEG. CARACAPPA:

That's my next question.

P.O. LINDSAY:

Could I just say something --

LEG. CARACAPPA:

Yeah, please, Mr. Chairman.

P.O. LINDSAY:

-- just to the audience? Please, bear with us. This is the first time we've seen this legislation, so there might be a lot of questions about it. Go ahead, Legislator Caracappa.

LEG. CARACAPPA:

Yeah. And some of us don't serve on certain committees, so this is our chance to hear.

P.O. LINDSAY:

That hasn't went through committee, yet.

LEG. CARACAPPA:

No, it has not.

P.O. LINDSAY:

No. So nobody really knows much about it, yet.

LEG. CARACAPPA:

And listening to the opening speaker, I'm just trying to get my bearings on where we are here.

MR. CAMERANO:

Go right ahead.

LEG. CARACAPPA:

Who are you leasing the land from?

MR. CAMERANO:

Equity Lifestyles Properties.

LEG. CARACAPPA:

And who are they?

MR. CAMERANO:

They're a real estate property owner. They're throughout the United States. Mostly they deal with RV rental spaces and renter RV properties.

LEG. CARACAPPA:

And they are, you're saying, unjustly raising your rates on the leased land as per unit or as a whole?

MR. CAMERANO:

We're saying that they have the liberty to do whatever they want --

LEG. CARACAPPA:

Okay.

MR. CAMERANO:

-- with our leases. When we sell, they can -- they can adjust that 4.5 rate that I personally have, and there are many tiers of rates, depending on where you're situated in our community.

LEG. CARACAPPA:

Understood.

MR. CAMERANO:

But they would have the right to tell my buyers that you're not going to be buying that lease at 4.5, you're buying at 5.5 or 6. Now, to make up for that extra money, I have to bring the price of my house down to try to sell it.

LEG. CARACAPPA:

So you're saying it's only on -- it's only -- you lock into a rate when you purchase your home, as --

MR. CAMERANO:

Yes.

LEG. CARACAPPA:

So all these are either on resales or original sales.

MR. CAMERANO:

Yes.

LEG. CARACAPPA:

Okay.

LEG. ROMAINE:

I think I could clarify some questions.

P.O. LINDSAY:

You'll get your turn. There's a long list, okay, that has questions for this speaker. Are you done, Legislator Caracappa?

LEG. CARACAPPA:

For the meantime, Mr. Chairman. Still, I'm still trying, without reading the legislation, just trying to get my bearings here.

P.O. LINDSAY:

Yeah, I could understand that. I mean, just to interject something, and this is probably -- I'm familiar with these with mobile homes, where the --

MR. CAMERANO:

This is something different completely.

P.O. LINDSAY:

Okay. But where there's a land lease, but you own the home.

MR. CAMERANO:

The property -- the home.

P.O. LINDSAY:

There's a similarity there; am I right?

MR. CAMERANO:

To?

P.O. LINDSAY:

To the mobile home parks. I have a number of mobile home parks in --

MR. CAMERANO:

There's no similarity at all the way -- the way we're set up.

P.O. LINDSAY:

Okay, but --

MR. CAMERANO:

We're not covered by --

P.O. LINDSAY:

No, no, I'm not saying that.

MR. CAMERANO:

-- mobile park.

P.O. LINDSAY:

But the land isn't owned by the resident there.

MR. CAMERANO:

Yes, that's correct.

P.O. LINDSAY:

Just the home is owned, but it's a land lease.

MR. CAMERANO:

That's correct.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Mr. Chairman, just one last question. I'm sorry. Was this stipulated within the contract of sales.

MR. CAMERANO:

Yes, it was.

LEG. CARACAPPA:

The land lease?

MR. CAMERANO:

Yes, it was.

LEG. CARACAPPA:

Was it stated then? Was it a fixed land lease? Obviously, it's not, but was it stated within the contract that it was a sliding scale?

MR. CAMERANO:

It varies, and some of the other homeowners can get up and testify to where there have been bait-and-switch type of deals that were made at the time of purchase where you were sitting at the closing table and all of a sudden the company came up and said, "Oh, by the way, you're not at a CPI rate, you're at 4.5," or, "You're at 4% annual increase." That's the type of thing we need some backing for, so that it's not just free to adjust to whatever they feel to adjust.

LEG. CARACAPPA:

I asked the question earlier if it was a one-time rate as you locked in, but you're saying --

MR. CAMERANO:

Once you purchase the home, yes, it is.

LEG. CARACAPPA:

Okay.

MR. CAMERANO:

Am I correct? Yes, it is.

(Negative Response From the Audience)

MR. CAMERANO:

No, it's not.

LEG. CARACAPPA:

So they're going to say it changes with their payments.

MR. CAMERANO:

You have a lot of people that have been there longer than I have.

LEG. CARACAPPA:

Almost like when you get your LIPA bill, there's always an adjustment towards your surcharge, you're saying you're getting hit with these increased rates on this lease rate every so often and it's not locked in.

AUDIENCE MEMBER:

Every year.

MR. CAMERANO:

Well, it's four-and-a-half percent annual.

LEG. CARACAPPA:

Okay. For ninety-nine --

MR. CAMERANO:

Every year we're getting a four-and-a-half percent increase. But when we sell the home, they can make -- turn that increase into five-and-a-half percent, if they want.

(Negative Response From Legislators)

MR. CAMERANO:

Yes.

LEG. CARACAPPA:

I guess I'll wait for the other speakers to come up, Mr. Chairman.

MR. CAMERANO:

Yep.

LEG. CARACAPPA:

It still looks very cloudy to me, and I'll wait to hear from the sponsor himself.

P.O. LINDSAY:

Legislator Alden.

LEG. CARACAPPA:

Thank you.

LEG. ALDEN:

I don't know if you're speaking -- I don't know if you're speaking on behalf -- I'm over here, to your left. Hi. I don't know if you're speaking on behalf of everybody that's here, but it would help us, and, again, I don't know if you did it already or if you didn't do it, but there's a couple of different points to the law here that might apply, contracts law, real property, New York State --

MR. CAMERANO:

What we would like to do --

LEG. ALDEN:

But no.

MR. CAMERANO:

-- right now is give you a background of who we are.

LEG. ALDEN:

I know. What's going to help me, though, if you could at some point in time, it doesn't have to be today, over the next couple of weeks, if you could get copies of your lease and any of the agreements that you have with the company that -- like your sales contract, something like that, you could redact all the names and the selling prices and stuff, but it would help, I think, if we could see the terms on some of the original documentation.

MR. CAMERANO:

We'd love to do that.

LEG. ALDEN:

Thank you very much.

P.O. LINDSAY:

Legislator Montano. Wait, wait a second. Come on back. We still have a lot more questions. Legislator Montano.

MR. CAMERANO:

You still have a lot more speakers that might answer those questions.

P.O. LINDSAY:

I know, but --

LEG. MONTANO:

I'm going to be very brief, just so I understand. You said the lease is ninety-nine years, so I guess if you -- if you buy into it, you put your home on the property, that person has a lease for ninety-nine years?

MR. CAMERANO:

Yes, that's correct.

LEG. MONTANO:

And in that ninety-nine year lease, there's a built-in clause that says you're going to have a 4.5% increase every year?

MR. CAMERANO:

Yeah, it's in your contract, yes.

LEG. MONTANO:

And when you sell, then that lease is terminated and the landowner can renegotiate with the new -- that's what you're saying?

MR. CAMERANO:

That's correct.

LEG. MONTANO:

Wow.

MR. CAMERANO:

That's what we're looking --

MR. MONTANO:

I got you.

MR. CAMERANO:

That's one of the main things we're looking for protection on.

LEG. MONTANO:

And there's no homeowners association? The homeowners don't own the land.

MR. CAMERANO:

It's private property.

LEG. MONTANO:

You got it. Thank you very much.

P.O. LINDSAY:

Okay. Legislator Mystal.

LEG. MYSTAL:

Good afternoon. What I am trying to get a grasp on right now is what is the remedy that you are looking for from us?

MR. CAMERANO:

Well, right now, what we were just talking about. One of the -- one of the statements in the -- in the new resolution is that it is our lease, we can sell our lease as is. So, if I have an annual increase of four-and-a-half percent, I could sell that to you if you want to purchase my home. And the management firm could not come in and say, "Oh, no, the new rate is 5.5."

LEG. MYSTAL:

But, legally, I'm asking Counsel, Mr. Nolan.

MR. NOLAN:

I'm sorry.

LEG. MYSTAL:

Mr. Nolan. I have the bill in front of me and I'm reading it and I'm trying to find out what is the remedy that they are looking for, and can we legally tell a developer or an owner of the land you cannot raise the rent, or you cannot raise whatever.

LEG. HORSLEY:

The lease. The lease.

MR. NOLAN:

The law doesn't say that. Just a little background. This problem was brought to my attention by Legislator Romaine. He had met, I believe, with the homeowners and with the Attorney General's Office. And I had a long discussion with the Attorney General's Office and they told me that this particular situation was not governed -- they weren't condominiums, they weren't co-ops, they weren't mobile home parks. They fell between all those cracks. And, therefore, he believed that this body, the County, could enact legislation and not be preempted. The law that's before you is largely modeled, adapted from State legislation that was introduced by a Assemblyman Theile, which was not enacted. So there's a whole series of provisions in here, safeguards for the people living in this type of community. I do believe this is a unique community in Suffolk County. This may be the only one.

MR. CAMERANO:

It is, and that's why we're looking for legislation.

LEG. MYSTAL:

So, in other words, we can do this without any fear that we will be preempted by State law or any other State regulation, and that we can impose ourself and say to the developer, "Okay, you can't do this, we want you to do it this way"? That's basically --

MR. NOLAN:

I think we can do this, but I think people should realize that this is a going-forward type of bill. I mean, we can't go back in time and say, you know, agreements you made five, ten years ago are going to be affected by this. That's not the case. It's for actions going forward in these type of communities.

LEG. MYSTAL:

Mr. Brown.

MR. BROWN:

Sure. What I can say, Mr. Mystal, is that the Law Department is currently looking at the preemption issue. We don't have an answer for you as of yet, but I'd like to say that we'd have one for you by the time of the next committee meeting.

LEG. MYSTAL:

Thank you. I'm done.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you. Just a couple of questions. Have we not had a number -- I have to ask it in the question form, because I'm not allowed to make statements, so I'll ask questions. Have we not had a couple, several meetings with the Civic Association and the Attorney General, the Supervisor of Brookhaven Town, Assemblyman Theile, and representatives from Senator LaValle's Office regarding this matter?

MR. CAMERANO:

Yes, we have.

LEG. ROMAINE:

Have we not been told that this is not preempted by State law.

MR. CAMERANO:

Yes, we have.

LEG. ROMAINE:

Would this bill spell out for the owner of this property that you would be entitled to see a written lease before you sign? Would it not entitle you to see the rules before you sign? Would it not, when you're given a ninety-nine year lease, give you the ability to assign that lease, so that, for example, there are some people, when they bought, they were paying four or five hundred dollars in maintenance fees, but if they sell, management jacks up the maintenance fees to 862, or things of that nature?

MR. CAMERANO:

Yes.

LEG. ROMAINE:

And that depreciates everyone's home; is that not the case?

MR. CAMERANO:

That is the case.

LEG. ROMAINE:

Is not the Attorney General working with you to investigate this matter?

MR. CAMERANO:

Yes, he is.

LEG. ROMAINE:

Thank you very much.

MR. CAMERANO:

And it's only a start.

LEG. ROMAINE:

Yes.

MR. CAMERANO:

There's a lot more abuses that are being -- that are taking place that we just can't stand for anymore.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I was just trying to understand whether it was the fact that your -- your rates go up every year. Was that something that was the problem, or is it that to get --

MR. CAMERANO:

No, this is community-wide. And one of the other speakers has a complete chart for you that would explain it a lot better than I can.

LEG. NOWICK:

And is the concern also, when you sell your property, that your lease --

MR. CAMERANO:

Yes, can raise.

LEG. NOWICK:

The rates are changed. You can't -- your lease rates don't go on to the --

MR. CAMERANO:

Right.

LEG. NOWICK:

And, Legislator Romaine, you said also the fact that when you sell your property, that the common charges go up and there's no control over that?

LEG. ROMAINE:

There's no control. And what's worse is if you're paying say 450 or \$500 a month in maintenance, because it all varies, they can take the new buyer up to 862. And then what do you think that does to the value of that house? There is no control on this person, on the entity that owns this. And that's only -- the reason -- that's why the Attorney General's looking at this.

P.O. LINDSAY:

Legislator Nowick has the floor.

LEG. NOWICK:

I shouldn't have --

P.O. LINDSAY:

You shouldn't have done that.

LEG. ROMAINE:

Assemblyman Theile had this legislation and he suggested that we bring it forward in the County.

LEG. NOWICK:

Legislator Romaine.

LEG. ROMAINE:

Yeah.

LEG. NOWICK:

I just wanted an answer to that question.

P.O. LINDSAY:

She wants to reclaim her time.

LEG. ROMAINE:

I'm sorry.

LEG. MYSTAL:

You got the full dissertation.

LEG. NOWICK:

No. Because one of the concerns that I'm thinking, how can we change what private -- what a private contract is?

MR. CAMERANO:

I don't know. That's why we're before you.

LEG. NOWICK:

And I know that with condominiums and townhomes, if you were to sell your townhome, the association has every right then to raise rates to the next person. I mean, there's a right there. I don't know that we have rights to change this and --

MR. CAMERANO:

Are they raising a rate, or they're raising their -- the cost?

LEG. NOWICK:

Well, for example, if you have a townhome and you're paying \$500 every three months for association dues to cover, you sell your house, and then could the association then raise those rates for the next person? I don't know. I'm concerned. I just don't know, can we, and I hope we can, do something to help these people?

MR. CAMERANO:

We would like at least to have that in our --

LEG. NOWICK:

Can we legally do anything?

MR. CAMERANO:

In our -- in our statement, saying that they can't just arbitrarily and capriciously --

LEG. NOWICK:

Oh, okay.

MR. CAMERANO:

-- raise the rent to whatever they want. It would be nice to have a guideline.

LEG. NOWICK:

All right. You have a lot more speakers, so I'm going to let it go.

P.O. LINDSAY:

Nick, don't disappear. You've piqued everybody's interest. Everybody has questions here.

MR. CAMERANO:

Wait until you hear some of my homeowner neighbors.

P.O. LINDSAY:

No, you're going to answer all the questions. I can see that right now. Legislator Cooper.

(Negative Response From the Audience)

P.O. LINDSAY:

No, no. Process here. You folks understand something. Process is every Legislator has the right to ask a speaker a question. I'm not circumventing that right because you're going to make a fuss. Legislator Cooper.

LEG. COOPER:

I just wanted additional clarification from Counsel. Even if this resolution is not preempted by New York State Law, I'm confused as to whether the changes that we're considering would --

LEG. ALDEN:

That's debating the bill.

LEG. COOPER:

-- would benefit -- no. But would benefit these homeowners, or would it only be on a --

LEG. NOWICK:

Forward.

LEG. BARRAGA:

Prospective.

LEG. COOPER:

-- forward-going basis. I'm just concerned that whatever this resolution accomplishes is not going to help anyone in the auditorium.

MR. CAMERANO:

And we know that at that -- at this point. But, again, this is the first step and we're not just going to sit back.

P.O. LINDSAY:

Okay.

LEG. COOPER:

But, George, is that understanding correct?

MR. NOLAN:

As I said, it's on an going-forward basis, prospective.

P.O. LINDSAY:

Okay.

MR. NOLAN:

So it may not be the remedy for these people.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Like several of my colleagues, I guess, it began with Legislator Caracappa. I also am trying to understand this hybrid, I guess, that you bring to us, because I don't know that any of us have experienced this type of a situation. You own the dwelling that you live in; correct?

MR. CAMERANO:

Yes, correct.

LEG. KENNEDY:

The land that it sits on is a ninety-nine-year lease.

MR. CAMERANO:

Correct.

LEG. KENNEDY:

You have a lease with this Equity Lifestyles Communities?

MR. CAMERANO:

Yes.

LEG. KENNEDY:

Is that lease something that is assignable going forward? When you transfer, you give the rights to the dwelling that you live in and you assign the lease you have with Equity Lifestyles, don't you?

MR. CAMERANO:

Well, that's what we feel we do, but they can assign a new rental fee, a new annual jump in our rental fee; correct?

LEG. KENNEDY:

Are these leases recorded? Are they out in the County Clerk's Office?

MR. CAMERANO:

It's not a deed.

LEG. KENNEDY:

No, it's a lease.

MR. CAMERANO:

They are not deeds.

LEG. KENNEDY:

No, I'm not -- I'm sorry. I misspoke if I said deed.

MR. CAMERANO:

Are they recorded? I believe we couldn't find any recordings.

AUDIENCE MEMBER:

Maintenance.

AUDIENCE MEMBER:

Bill of sale.

AUDIENCE MEMBER:

Maintenance.

P.O. LINDSAY:

Okay.

MR. CAMERANO:

It's not maintenance, it's rent.

LEG. KENNEDY:

Yeah, I'll yield. I'll yield.

P.O. LINDSAY:

Okay.

MR. CAMERANO:

It's rent, it's not maintenance.

P.O. LINDSAY:

Okay. Thank you very much for the serious cross-examination, Nick.

MR. CAMERANO:

Thank you.

P.O. LINDSAY:

I appreciate it. John Wiesmann. Wiesmann?

MR. WIESMANN:

Thank you for letting me speak before you. My name is John Wiesmann. Let me clarify a few points. When we buy our home here, we were deceived from the beginning. We were told CPI. They tried to slip in 4.5 at the closing. When we protested, they offered to give us our money back and walk. Our homes were sold, the moving man was coming, we couldn't do it. We -- they raised our rents, they went from 395 in 2001, they're up to \$840 a month right now. It's not the 4.5 or the 5.5 that he's talking about. It's the idea that we -- I'm paying five-and-a-quarter or 550. If I were to sell my house tomorrow, I'd have to -- the new people would have to pay 850, \$860. That's why we can't sell our house.

They go around the community -- well, it's Manufactured Homes, it was, now it's Equity, they go around the community and they don't fairly do the things that they're supposed to do to find out how much they can raise this, because we're the only game in town that leases the land. They take the private homes, they take the condos, and they take -- and they take it and they do it. You know why? Because they can do. We have no legislation, we have nobody here to help us. This is why we need you in our golden years to come out and say enough is enough, because they're forcing us out.

We have widows that are here that are losing their homes, because their husbands died and they can't afford to keep them up. Manufactured Homes doesn't give a damn about us. They took a 500 million dollar loan out two years ago to give their CEO a 450 million dollar bonus. Who the hell are you -- we're paying for it. We are paying for everything these people do. They're not good people. I have a thing back here, I'm going to give you the poster later to look at it. They do no work in the community. We have three-and-a-half miles of road. They paved 500 feet in front of their office. There are cracks, the people are walking in walkers, wheel chairs, crutches. They don't care. The lighting stinks. The clubhouse is too small. The pool is falling apart. These are the things we're fighting for. And their words are, "It's not in the budget." Well, you know what, what is in the budget? We give them anywhere from 350 -- 3.5 million to 4 million dollars a year out of our pockets, because there's 525 homes here. And it's not fair that you people sit here and say, "Well, what can we do?" You could pass the laws to help us and put us in the same category as the trailer park where they can't gauge all this -- take all our money away from us.

P.O. LINDSAY:

John, just understand something --

MR. WIESMANN:

I know, I know.

P.O. LINDSAY:

-- is this is the first time we've seen this --

MR. WIESMANN:

I know it.

P.O. LINDSAY:

-- legislation.

MR. WIESMANN:

But I'm upset because what's going on.

P.O. LINDSAY:

Yeah. But we're -- I mean, we can sympathize with that, we're but we're trying to understand what the legislation does and what we can do; okay?

MR. WIESMANN:

And I'm trying to clarify what that gentleman was saying to you.

P.O. LINDSAY:

Okay, okay.

MR. WIESMANN:

There's not 4.5. The 4.5 is what we pay now. Some people pay CPI. They have 33 leases in here, 33 leases in here. Everybody pays different stuff and they do different things. They change the name of the company within their company, so they can just raise the common charges, and that's what our argument is with you. All we're asking you to do for us is to get in there and say, "This is enough of the abuse for the senior citizens of Suffolk County." They have lawsuits all over the country, this company, because they abuse the senior citizen, and that's just what they do.

We're begging you to pass this legislation, so you can help us and live in our golden years, if you want to call them golden years. But this is what we want to do, we want to live here with our children and not have to sell our places or lose our places because we can't afford them.

P.O. LINDSAY:

Okay.

MR. WIESMANN:

Now, let me get to security, because that's what I do.

P.O. LINDSAY:

Okay.

MR. WIESMANN:

The security in here is terrible. The streets, I have pictures. I'd like to pass it around. We were promised a road in the back. May I give it to you?

P.O. LINDSAY:

Go ahead.

MR. WIESMANN:

This is what it looks like. We have cracks in the road, we have holes in the road where the contractor came in and dug. People are in here with wheel chairs, people are in here in canes and walkers. The lighting is terrible, the roads are terrible. Everything they do in here is to hurt us, because all the money that they take out, they don't put -- very little back into doing the community. Whenever we ask them for something, the girl in the office tells us it's not in the budget. Well, nothing's in the budget. We need your help. They won't disclose how much the budget is. They don't tell us what they're going to do for us or how they're going to do it. Now, any questions, Mr. Caracappa, on what I'm saying.

P.O. LINDSAY:

No, wait a minute. Again, that isn't the way it works.

MR. WIESMANN:

Okay.

P.O. LINDSAY:

It goes through the Chair; all right.

MR. WIESMANN:

No, I'm sorry.

P.O. LINDSAY:

Don't take my job; all right?

MR. WIESMANN:

Okay.

P.O. LINDSAY:

Anybody have any questions of Mr. Wiesmann?

LEG. CARACAPPA:

Not yet.

LEG. STERN:

Yes.

P.O. LINDSAY:

No, not yet. Oh, wait a minute. We got -- over here, we have Legislator Stern. Go ahead, you've got the floor.

LEG. STERN:

Thank you, Mr. Presiding Officer. Sir, take me through again the sidewalks. Are you saying that the sidewalks in the community --

MR. WIESMANN:

We don't have sidewalks.

LEG. STERN:

They're nonexistent.

MR. WIESMANN:

We have streets.

LEG. STERN:

It's not that they're in disrepair, they don't exist. Thank you.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Sir, hi. Just does the lease deal with the maintenance of the common area?

MR. WIESMANN:

Okay. How it starts out is we go into the office where they sold us the place. They give us a sample copy. In this sample copy, and we -- I've given to Mr. Romaine and he has a whole -- in this sample copy, it says "CPI" and that's it. When you go to closing, they have 4.5. They change it without telling you. They ask -- they don't represent ourselves, they have the contractor, the builder representing. You ask the builder, "Is there any change in the contract?" Ethically, the lawyer with him has to say yes, but he says no.

LEG. D'AMARO:

Let me understand something. When you go to sell your personal property, which is the home, you execute a contract with a prospective buyer, and the landlord is not a party to that contract.

MR. WIESMANN:

He is to a point when I sell my home to you. Say I'm selling it to you.

LEG. D'AMARO:

Okay.

MR. WIESMANN:

And you come in and I say, "Well, I'm paying \$525 maintenance charge. It's a fair price, because we have a bus and stuff. But then, when you buy it, it's 850.

LEG. D'AMARO:

Right. And the reason for that is that when you sell your home, correct --

MR. WIESMANN:

Yes.

LEG. D'AMARO:

-- the terms of the lease are renegotiated with the new buyer; is that correct?

MR. WIESMANN:

It's not supposed to be.

LEG. D'AMARO:

Why not?

MR. WIESMANN:

Because that's not the way it was presented to us.

LEG. D'AMARO:

Well, what does the lease say? Does the lease terminate upon a conveyance?

MR. WIESMANN:

Doesn't say anything about that, that they could raise the price and do anything they want to. There's no -- there was no -- there was no communication with it. Anything they did when they bought --

LEG. D'AMARO:

I can't believe that you sign a ninety-nine year lease and it does not address the issue of whether or not that lease is assignable by you as a matter of right, or subject to the consent of the landlord.

MR. WIESMANN:

It's assignable --

LEG. D'AMARO:

Okay. Subject to the consent?

MR. WIESMANN:

-- but it was nothing in there saying that they could raise the price to 850 or 900.

LEG. D'AMARO:

Is the assignment subject to the consent of the landlord?

MR. WIESMANN:

We don't -- I don't know. I don't know.

AUDIENCE MEMBER:

We have to find out. I don't know.

MR. WIESMANN:

We have to find that out.

LEG. D'AMARO:

The point is -- the point I'm trying to make --

MR. WIESMANN:

I know.

LEG. D'AMARO:

The point I'm trying to make here is you had -- your landlord and yourself enter into a lease, that's a private agreement between two private parties. So whatever terms get negotiated into that lease, both sides would have to abide to; correct?

MR. WIESMANN:

Yeah, yeah.

LEG. D'AMARO:

Okay.

MR. WIESMANN:

To a degree.

LEG. D'AMARO:

Right. So --

MR. WIESMANN:

Because they don't abide by their rules.

LEG. D'AMARO:

So before we can determine whether or not -- how Suffolk County can regulate a private agreement between two parties, and maybe there is some -- a need for regulation here, because I know it happens in the -- with co-ops, where you're leasing, in effect, an apartment, you're not leasing real property, we need to know exactly what the terms of those leases are, because if all of the owners of the homes negotiated a lease and signed a lease that says, "You know what, if I ever conveyed a home, the lease terminates, then, in effect, the lease is subject to renegotiation with the perspective buyer," and then it becomes a function of the negotiation between the buyer and the landlord, and what a willing buyer is willing to pay and what the willing landlord is willing to ask them to pay. So, you know, you're asking for regulation of a private agreement; do you agree with me?

MR. WIESMANN:

It works both ways. The private agreement is both ways. They don't do their end of it for us as it is and then they want to hold us to what they want to do. But I don't know what the --

LEG. D'AMARO:

Well, you're being very vague, though. They don't do their end of it. What exactly do you mean by that?

MR. WIESMANN:

Just what I -- Mr. Spitzer's representative said to us --

LEG. D'AMARO:

Talk into the microphone, please, so everyone can hear you.

MR. WIESMANN:

Oh. What Mr. Spitzer's representative said to us was, "This is the most one-sided lease I've ever seen."

LEG. D'AMARO:

Okay.

MR. WIESMANN:

That's exactly how he put it. I gave Mr. Romaine and six other people that were at the meeting my lease that was copied. I don't know if Mr. Romaine had -- Romaine has it with him or not, but he has a copy of my lease.

LEG. D'AMARO:

And it's very one-sided in favor of the landlord. So the landlord, at least just talking about the private lease agreement, has the right under your existing lease that if you sell your unit, they're not prohibited from raising these rates.

MR. WIESMANN:

We don't know that. I don't know that.

LEG. D'AMARO:

We don't know that?

MR. WIESMANN:

I don't know that, no.

AUDIENCE MEMBER:

That is correct. That is correct.

LEG. D'AMARO:

That has to be correct, otherwise you wouldn't need our help.

MR. WIESMANN:

But if I -- in other words, if you're -- what are you saying to me? Repeat that.

LEG. D'AMARO:

Sure. The landlord -- in your lease right now with your landlord for the ground that your property sits on, your home sits on, there's nothing in that lease that prohibits the landlord from increasing the monthly charges, let's say, if you decide to sell your unit. In other words, what I'm asking --

MR. WIESMANN:

I know.

LEG. D'AMARO:

-- is the landlord violating your lease by raising these fees?

AUDIENCE MEMBER:

No.

MR. WIESMANN:

I don't know. They're saying no, but I haven't read that part of the lease.

AUDIENCE MEMBER:

I'll speak next.

LEG. D'AMARO:

Okay. Well, I would expect the answer to be no.

MR. WIESMANN:

Yeah.

LEG. D'AMARO:

Okay? So now we're in a situation where you have two private parties, a landlord and a tenant so to speak, negotiating at arms length --

MR. WIESMANN:

Okay.

LEG. D'AMARO:

-- the terms of the lease. No one's forcing either side to sign it, but both parties chose to sign it, and now you're asking Suffolk County, and I just want to frame the issue so I understand it, to come in and say, "Even though we agreed to these terms, and even though the landlord is not violating any term of the land lease," you want Suffolk County to impose terms on the landlord to prohibit how much they can charge on a conveyance.

MR. WIESMANN:

From gouging us. Put it a different way. Not how much they can charge us --

LEG. D'AMARO:

Well.

MR. WIESMANN:

-- how much they can gouge.

LEG. D'AMARO:

We're not talking gasoline here, we're talking --

MR. WIESMANN:

We're talking what?

LEG. D'AMARO:

-- private parties --

MR. WIESMANN:

Right.

LEG. D'AMARO:

-- in an unregulated industry --

MR. WIESMANN:

In other words --

LEG. D'AMARO:

-- negotiating at arms length a ground lease.

MR. WIESMANN:

Well, you're telling me they can raise it to \$2,000 a month if they want --

LEG. D'AMARO:

Well --

MR. WIESMANN:

-- because there's no legislation?

LEG. D'AMARO:

Well, the only thing -- I'm not telling you that. I think it would be silly for the landlord to do that, because it becomes a function of supply and demand and --

MR. WIESMANN:

He's doing it.

LEG. D'AMARO:

Well, okay. Well, then, people must be signing the leases, then.

MR. WIESMANN:

No, no, no.

LEG. D'AMARO:

No, no, no, but, you know, I can't understand -- you know, you want us to regulate -- you want us to go back and revise your written lease agreement, in fact, is what you're saying.

P.O. LINDSAY:

Legislator D'Amaro, why don't -- you know, this is just a public hearing. I mean, we're going to have plenty of chances to debate the bill --

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

-- and to look at it in committee.

LEG. D'AMARO:

That's fine.

MR. WIESMANN:

You know, you're asking a question I don't know.

P.O. LINDSAY:

And, you know, I know I have a lot of questions that I'd like Counsel to do a little research on whether we can do this or not do this. And, you know, just that we have so many speakers.

LEG. D'AMARO:

No problem.

P.O. LINDSAY:

Okay?

LEG. D'AMARO:

No problem.

LEG. D'AMARO:

Sir, I appreciate you trying to answer my questions. I'm just trying to get it clear in my own mind, that's all. Thank you.

MR. WIESMANN:

I know what you're doing, and I can't give you the proper answer that you want.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, thank you. To answer the question before I ask some questions.

LEG. ALDEN:

No. Let's debate the bill later.

LEG. ROMAINE:

I'm not going to debate. I'm just going to say Counsel spoke with the Attorney General's Office before drafting this bill, to answer your question, Legislator D'Amaro. And if you all have a copy in front of it, essentially, what it does, it's a generic bill that spells out right on the leases that they have to provide assignability, rights on the terms of providing rules and regulations, so that people know the rules and regulations, and they can't -- they have to apply evenly to everyone in the community, not to a few. The same with the fees.

P.O. LINDSAY:

Are you asking a question, Legislator Romaine?

LEG. ROMAINE:

Yes.

LEG. EDDINGTON:

No, he's answering a question.

LEG. ROMAINE:

The question is, this is something -- right now, besides the problems that we've talked here, let's talk about one of the other problems. You own your house. Do you have a deed to your house?

MR. WIESMANN:

No, no, no.

LEG. ROMAINE:

But the Town of Brookhaven imposes property taxes on your house.

MR. WIESMANN:

Correct. We have a bill of sale.

LEG. ROMAINE:

Instead of paying sales tax on that bill of sale, you are instead paying property taxes.

MR. WIESMANN:

We pay sales tax on a bill of sale.

LEG. ROMAINE:

And then you pay property taxes to boot on top of that.

MR. WIESMANN:

Double, double time, right. That's right.

LEG. ROMAINE:

In addition to your maintenance fees.

MR. WIESMANN:

Yes.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Again, just some more general questions, so I can kind of understand the issue. I take it that this is basically a seniors community?

MR. WIESMANN:

That's right.

LEG. KENNEDY:

Fifty-five and over.

MR. WIESMANN:

That's right.

LEG. KENNEDY:

Equity Lifestyles Communities, or whoever the prior owner was, is that like a corporation? It is.

MR. WIESMANN:

It's a corporation.

LEG. KENNEDY:

Should it should be governed by the rules of the State of New York. The common facilities that you have there, is there like a club or a pool or --

MR. WIESMANN:

Clubhouse, pool, right, deteriorating. No money's being put back into the community.

LEG. KENNEDY:

Into any of the amenities, the roadways and things like that? Who maintains the roadways, if they were to be maintained?

MR. WIESMANN:

They do.

LEG. KENNEDY:

The corporation. In other words, the Town doesn't come in there to; plow snow or patch, or any of that.

MR. WIESMANN:

No. Private, everything is private.

LEG. KENNEDY:

All private.

MR. WIESMANN:

But they don't maintain. They don't --

LEG. KENNEDY:

I understand.

MR. WIESMANN:

They don't do the things.

LEG. KENNEDY:

I understand. I think, like all of us are sitting here trying to go through the process to understand.

MR. WIESMANN:

I'd like you to come in and see the place, if you have the time, and see what we're talking about.

LEG. KENNEDY:

Well, your photos -- your photos helped. I mean, that was a positive. How long has the community been in existence, approximately?

MR. WIESMANN:

Twenty-five years.

LEG. KENNEDY:

Twenty-five?

MR. WIESMANN:

And it only started going out when, I guess, when Manufactured Homes picked it up. That's when everything started to go sky high. You know, it's a big corporation, it's country-wide. They have them all over the country, and they have problems all over the country.

LEG. KENNEDY:

But your units are not manufactured homes, your units are fixed --

MR. WIESMANN:

It's a stick-built.

LEG. KENNEDY:

Stick-built --

MR. WIESMANN:

That's right.

LEG. KENNEDY:

-- townhouses.

[Negative Response from the Audience]

MR. WIESMANN:

They're what? There are a lot of them in there, manufactured homes. Homes.

LEG. KENNEDY:

There are.

MR. WIESMANN:

Oh, yeah, it's a ton of them. More manufactured homes than stick homes. There's a ton of them.

P.O. LINDSAY:

Okay. Legislator Stern.

LEG. STERN:

Thank you. Mr. Chair. Also trying to get a better feel for the physical layout of the development. Legislator Kennedy asked about common areas. There's a clubhouse?

MR. WIESMANN:

Yes.

LEG. STERN:

And a pool, you had said as well.

MR. WIESMANN:

Right, right.

LEG. STERN:

Tell me about handicapped accessibility. I mean, there are -- this is a room full of good looking, fit seniors, but in the community there are those that have special needs, I'm sure. This is a retirement community --

MR. WIESMANN:

Yeah.

LEG. STERN:

-- fifty-five and older. Tell me about handicapped accessibility. You had already said that there are no sidewalks. So, if there are people who are confined to wheel chairs or the use of walkers, how are they getting to and from these common areas?

MR. WIESMANN:

At the clubhouse, they have circular drive. There are sidewalks just at the clubhouse. The people get out of their cars, it's accessible. If they go to the pool, they have a walk-around through the street that you can get to. That's the only place they have a sidewalk. So you can get -- you want to say it's handicapped accessible? Yes, it is, just the clubhouse and the pool.

LEG. STERN:

But only if that person either drives themselves or is driven to the common areas. But to get from their own home to those common areas, they would literally be going through the streets.

MR. WIESMANN:

Well, they would be taking -- if they have a walker or a cane and stuff, they're taking -- yes. If you look at the street, you'd see what I'm talking about.

AUDIENCE MEMBER:

Hope your mother and father never have to go to one of these places, it's disgusting.

MR. WIESMANN:

Come on.

AUDIENCE MEMBER:

I don't care.

MR. WIESMANN:

Don't, don't, don't. We're going to get thrown out of here. Come on.

LEG. D'AMARO:

We're not going to throw you out.

LEG. STERN:

And has that -- has that issue ever been raised with the -- with the owner?

MR. WIESMANN:

Yeah, yeah, it is. You know what they tell us? "It's not in the budget." We ask them for -- what is the budget? How much do we get? They don't have to disclose anything to us, and they don't disclose anything to us. They just do what they have to do and they collect their money, their 3.5, 4 million dollars a year, and put a minimal back into us. Everything goes to their stockholders.

LEG. STERN:

You're saying it's the developer --

MR. WIESMANN:

We got screwed.

LEG. STERN:

-- the owner is essentially saying to the residents that sidewalk accessibility to common areas for the handicapped and disabled, or those who perhaps may become disabled in the future, that it's just not in the budget.

MR. WIESMANN:

Not in the budget. I'll tell you what hurts. They --

LEG. STERN:

Thank you.

P.O. LINDSAY:

Again, thank you.

MR. WIESMANN:

You know why they do it?

P.O. LINDSAY:

Thank you.

MR. WIESMANN:

Mr. Stern.

P.O. LINDSAY:

We still have more questions.

MR. WIESMANN:

Mr. Stern, why do they do it? Because this body is the only one that's going to stop them; okay?

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Good afternoon. I'm not at all sure, listening to your story, you know, what a Legislature, any Legislature can do retrospectively, because you have existing leases. You signed those leases. I mean, it would seem to me that at the time you signed the lease, your attorney, if you had one, should have been advising you at the moment what you were getting involved in, but you put your signatures to those leases. My question is this. Prospectively, going forward, because I was listening to the other gentleman with reference to 33 units are on the market for sale, and I don't know how many have sold.

MR. WIESMANN:

A lot of vacancies in there, too.

LEG. BARRAGA:

A lot of vacancies, okay. And one of the problems is, in the sale, there's no guarantee that the new owner, if I'm the new owner, that the increase isn't going to be 8 or 9% annually.

MR. WIESMANN:

No, no, no, no, that's not the way he -- that's not right. The thing they change is the common charges, they don't change the 4.5. You sign a lease for 4.5, it's still 4.5. It's when they raise it, this and 860. That's where they're making their money.

LEG. BARRAGA:

On the maintenance, in addition to the lease?

MR. WIESMANN:

Yeah.

LEG. BARRAGA:

So it's 4 1/2% annually, the growth on the lease, that stays the same, but then they can come in with the common charges, it could be 300, five, it's up to 800 in some cases. So that's how they whack the new owner. So if this -- if we developed legislation to limit that increase on the common charges, that would at least help you, if you ever had the opportunity of selling; is that the idea, prospectively?

MR. WIESMANN:

But it would be good if you could at least put it on the other end, too, where they can't raise it to -- out of the people -- you don't want to buy in there if it's \$1,000, and next year it's going to be close to \$1,000.

LEG. BARRAGA:

Well, the common -- again, those who have an existing lease, is there any reference in the lease to their ability to raise the common charges? If it's in the lease, you're stuck. If it's not in the lease, you could do battle, because this kind of legislation, limiting the increase on the maintenance fee, would apply to you, as well as new homeowners.

MR. WIESMANN:

I understand you, I understand. But it's still not solving our problem, because our problem is the other end of it, the 900 to \$1,000 maintenance fee that people are not going to pick up. You understand what I'm saying? Now we have to look at the lease and --

LEG. BARRAGA:

No, I'm not understanding what you're saying.

D.P.O. VILORIA-FISHER:

I'm not understanding it either.

LEG. BARRAGA:

All I'm saying is that if I lived in your community and my maintenance fee is \$850, all right, now is that -- was that part of the lease? Was that mentioned in the lease when I signed it, or is that just something he's unilaterally doing every year on his own?

MR. WIESMANN:

They just do it on their own.

LEG. BARRAGA:

Then we could possibly develop legislation prospectively limiting the increase. I'm already paying the 850, it's not going to go down, but maybe instead of getting a \$100 increase, he's maybe limited to 50 or 40 dollars, or a certain percentage based on the legislation we pass here prospectively.

MR. WIESMANN:

I understand.

LEG. BARRAGA:

You got it.

MR. WIESMANN:

Yeah, yeah, yeah.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

Legislator Fisher -- Viloria-Fisher.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No? Okay. Thank you very much, Mr. Wiesmann for your patience; all right?

MR. WIESMANN:

Thank you.

P.O. LINDSAY:

Georgel Frost. I think -- George Frost. It must be George Frost. Okay. L, I guess.

MR. FROST:

Good afternoon, Legislators and Body. I have just a few things to talk about. The swimming pools and the sidewalks, which you have gone over, I don't think it was explained fully. We don't have any sidewalks, you know that. We have gates that you go in and out. When the cars pass going out, you can go out. Coming in, you have a disc that you press and you can come in. To get out of the gate where you're allowed to walk out, there is no access for people with wheelchairs, and there is no sidewalk to get out to the main road, none whatsoever. And I had put in a grievance with the homeowners about it and have never heard anything about it. That's one thing.

We have bocce courts. Oh, we complained around four years to try to do something with it. They put up a couple of hot dog stands on the end. Don't sell hot dogs. I don't know what it's for. But the courts, terrible. We've been looking to get them fixed. Nobody does nothing. They say, "Oh,

next year, maybe we'll get it in the budget." Get it in the budget? No. Next year we'll get it in the budget.

Now, as far as when I came into this place, I was an original homeowner. About nine years ago, I paid \$350 maintenance charges. I'm one of the lucky ones with CPI. Mine goes up whatever the CPI is. But if I went to sell my house now, I'm paying maybe about 450. My fee for the maintenance will go up to at least \$800 or more, because I have a road in back of me. There's no houses in back of me. So each house, if it's on the lake -- they call it a lake, it's a pond where all the geese fly, and they got -- if they have wooded areas, that's all extra on top of the \$800 that the other gentleman we're talking about. That's about all I've got to say. You have any questions, I'll be glad to help you.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Thank you. Here I am, sir. Hi. Thank you for being here. I was going to ask the previous speaker, but since you mentioned the Homeowners Association and a grievance, what kind of power does your association have? What kind of governance do you have? Do you have any say in how the increases occur, what the maintenance schedule is? Do you manage any of the fees that people pay every month?

MR. FROST:

We have a president, we have a vice president, treasurer, and a couple of alternatives, whatever they are, I don't know. And we have meetings once a month and any grievances that we have, we write them out, we pass them, we hand them into the president, and they go over them and they bring them into management. But half the time, more than half the time, you never wind up getting an answer and getting anything done.

I had a rodent --

D.P.O. VILORIA-FISHER:

So you don't really have any power over the management, in other words.

MR. FROST:

No, no.

D.P.O. VILORIA-FISHER:

It's just a matter of going and --

MR. FROST:

That's right.

D.P.O. VILORIA-FISHER,

-- putting in the request.

MR. FROST:

What they feel like doing, they'll do, and what they don't feel like doing, they don't do.

D.P.O. VILORIA-FISHER:

Okay. Okay, thank you.

MR. FROST:

You're quite welcome.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. To pick up on what our Deputy Presiding Officer is saying, in my mind, your problem is that you don't have a cooperative form of ownership. If you buy into a co-op, a corporation owns that building, but you control the corporation. If you buy into a condo, the association owns the roads and all the common areas, but you control the association. Here, you're simply leasing land.

MR. FROST:

Right.

LEG. D'AMARO:

You have no control over the private ownership of the land on which your house sits.

MR. FROST:

Absolutely.

LEG. D'AMARO:

Okay. So the --

MR. FROST:

Except our maintenance charge is supposed to cover most of that land. Whatever has to be done on that land, the maintenance charge is supposed to pick it up.

LEG. D'AMARO:

I understand that.

MR. FROST:

Snow removal and road repairs --

LEG. D'AMARO:

Right.

MR. FROST:

-- and all that sort of stuff.

LEG. D'AMARO:

The only thing governing your use of that land is what's in your lease. The only thing governing your common area is what's in that lease. But as a community, you don't have that cooperative form of ownership where you're controlling that and looking out for your own self interest. The owner of the land is just looking to maximize their profit --

MR. FROST:

That's right.

LEG. D'AMARO:

-- is what's really going on. So my question would go then to Counsel, very quickly, is similar to how co-ops and condos or regulated by the State of New York. There are certain reporting requirements and management responsibilities, and things like that. Or to the extent they are regulated, is there a gap here that perhaps would -- where this Legislature has authority to step in and regulate a noncooperative ownership? You know, I don't see how we get from A to B here.

MR. NOLAN:

Are you asking how we have the authority to regulate in this area?

LEG. D'AMARO:

Well, that's --

MR. NOLAN:

To regulate this type of --

LEG. D'AMARO:

That's the -- that's what the purpose of this bill is, to regulate a situation between a landlord and a tenant, and there's no governing body, no cooperative ownership of any of the common elements that they're aggrieved about.

MR. NOLAN:

Well, this type of legislation would be under -- if we have the authority to do it, it's under the broad police power that a locality has. And when we looked at this law and whether or not we could do that, believe me, I thought about it and discussed this with the Attorney General's Office. The fact that the State does not regulate in this area at all led me to conclude that we could regulate in this particular area with this particular arrangement.

LEG. D'AMARO:

Well, just -- I know we want to move on. Just very quickly. Whether the State regulates or not is a different issue than whether or not we, as a County, have the authority --

MR. NOLAN:

We can only -- we can only do what we're authorized to do and it would be under the broad powers we have under Municipal Home Rule Law and the Constitution, police powers, public safety, public health, like that.

And I think --

LEG. D'AMARO:

A valid public purpose.

MR. NOLAN:

And I think it falls within that rubric, I do.

P.O. LINDSAY:

Mr. Brown, I'm going to let you answer this, but, again, we're getting way beyond the public hearing. This is mainly designed to hear from the public about what they want us to do with the bill, not to debate the bill, not to examine the bill. That is reserved for committees and our general session when we vote on it. Go ahead, Mr. Brown.

MR. BROWNING:

What we're looking at is Real Property Law Section 233, which is entitled "Manufactured Home Parks, Duties and Responsibilities", and whether, in fact, it is a regulated area.

P.O. LINDSAY:

Thank you very much, Mr. Frost. Leonard Fanwick. Leonard Fanwick?

MR. FANWICK:

I abstain from talking. It already had been said, what I wanted.

P.O. LINDSAY:

Thank you, Mr. Fanwick, I appreciate that. How about Rosalie Fanwick.

MRS. FANWICK:

No.

P.O. LINDSAY:

Okay. Mary Cleary.

MS. CLEARY:

Thank you so much for your patience. You can tell that the emotions run very high. I am the President of the Homeowners Association, which means I have absolutely no power whatsoever, except to hear the complaints of the people.

We are a lease-held property, privately owned. There is no condominium, there is no cooperative, there is just the house that we own, and we love our house, our property, we love our friends. The amenities that we bought into are being drastically reduced since Manufactured Homes has taken over. The clubhouse is very dated. There used to be a maintenance staff of about ten people. We're down to one-and-a-half. There was a general manager, administrative assistant, social director, and then -- and other odd person, whatever she did. Now we're down to two in the staff. In May of this year, we have none, because they all walked out. So for two months, we had no management and we had no maintenance staff. So you can tell that Manufactured Homes is losing control over what is happening where we're living.

What happens is that if you sell your house anywhere in Suffolk County today, to get a two bedroom, two bath house, about twelve hundred square feet with a garage, you'd be paying a whole lot of money. You could come into our community tomorrow and perhaps take it up for about \$130,000, because we cannot sell our homes. No one wants to come in and pay a starting fee of \$860 to be -- or we have a 35 dollar, I think it is, sewer and water fee, so some of us add it in and some of us don't. We feel that's a fair price that we're paying. But if someone were to buy our houses tomorrow, they would have to pay, say, \$860 to be increased four-and-a-half percent each and every year thereafter.

These are not brand new houses. My house was built, I'm going to guess, in 1985, somewhere around there. We used to be the race track, you know. I know I'm dating myself, because in high school we used to go out to the race track. It's a great idea, but when we get priced out and we have houses on my block, there are six houses laying vacant, one of the houses being vacant for two years because it can't be sold. We don't know what's going to happen to our investment, because if people are not going to be able to sell because of the increased maintenance, what happens to the houses that are left? What happens to the rest of them? The more vacant houses in the community, the more it's going to adversely affect the marketability of our house. So that is what we're asking you people to look into, is to help us maintain the investment in our homes that we, too, when it comes time, can sell the house.

What's happening now, my neighbor next door died in January, the girls have now walked away from the house. They are no longer paying what they felt was high at \$500 a month, because no one wants to buy the house at \$860 a month maintenance, not talking about the cost of the house.

So that's where we stand. It's a very unfortunate situation. I'm a mortgage underwriter and my attorney strongly advised me not to move into this community. He read it to me line and verse, all the things that were wrong with it. He says, "I don't know why you want to come in here." At the time I did it. My husband had just had a heart attack, we had all the kids living on the Island. I said I can sell my house, buy this house, I don't have a mortgage, and live on Long Island for under a thousand dollars a month. I'm good with that. What was not written into the lease, what I didn't see that was blindsided is that if I sell my house tomorrow, which some -- the people were talking about the women who live here who can't afford to live here. Unfortunately, they always said, "Well, I always have my house. I can sell my house and move in with my kids." They can't sell their houses, and that's the sad part. So that's where I was blindsided, because I didn't realize nowhere is it written in the lease that they could arbitrarily raise that payment from the -- I think I came in at 500 to 860 in less than a three-year period. So we don't know what's going to happen from there. If they can -- listen, this is a mega-billion-dollar corporation. You are not going to be able to limit them

in making money. But the trickle-down effect is they should at least make the people who are living there happy with what we have and we're not. We're becoming a community of discontent.

P.O. LINDSAY:

Thank you.

MS. CLEARY:

Okay.

(Applause)

P.O. LINDSAY:

Anybody have any questions? I don't see. I think all the questions were answered by the previous speakers.

MS. CLEARY:

Okay.

P.O. LINDSAY:

Thank you very much.

MS. CLEARY:

Thank you.

P.O. LINDSAY:

Anne Burke. Anne Burke. After Anne is Dorothy Files.

MS. BURKE:

Good afternoon. My name is Anne Burke. I've been a resident in Greenwood Village for under two years. They want us to maintain our contract. I want them to maintain their contract. Their contract calls for safe conditions in our streets, good lighting. A clubhouse that only holds 284 people is not sufficient for 526 families. That means that every other house can send one person.

As far as handicapped accessibilities, is nonexistent. The Town of Brookhaven cannot even give us a permit to build a ramp for a handicapped person, because that handicapped person does not own the land, and the landowner will not put in the ramp.

I moved in two years ago. When I purchased the house, my husband was sick. I knew he was terminal. I was told that my maintenance would be \$600, plus \$25 sewerage. I get into closing in a room. My husband died a week later, by the way, after I bought the house. He never saw it, thank God. Now, I go into lawyer's offices, title people there, there's people from other insurance, the lawyers, the buyers, the owner's representative, and the seller, who is a sickly woman and had an assistant, and I look at this piece of paper and it says \$750, plus \$25. I didn't know what to do. I was a newly -- I'm looking around, there's nobody there to help me. I signed the paper. In the Year 2010, that \$750 is going to be \$964, and the Year 2011, if I'm fortunate enough to live another four years, I will be paying over a thousand dollars. By that time, I'm in that place seven years, my whole social security check will be eaten up. I will become a ward of the Town of Brookhaven, Suffolk County, and New York State. How many people are on Meals on Wheels? Look up your Social Services records. Look up Greenwood Village, Chapman Boulevard, Manorville, see how many people Manufactured Homes is costing you money in social services. I don't want to say anything else, because anything else I had to say has already been said. Thank you for listening.

(Applause)

P.O. LINDSAY:

Thank you, Miss Burke. Dorothy Files. Dorothy Files.

MS. FILES:

Thank you, Council, for allowing us to come and speak today. I moved to Greenwood Village in 1990, and almost immediately became president of the Homeowners Association, deeply involved, deeply involved until the early 2000's, when I turned it over to Mary Cleary. Before I did turn that over, I had cartons in my dining room of everyone's contract. They trusted me. And I read them and my secretary read them with me. We were looking for anything that might help us, any little clause. And let me tell you, gentlemen and ladies, MHC, our owners, have covered their hindside so tightly. They have an extensive legal department, and those contracts are so tight, you'd be interested to read them yourself. I finally, you know, gave them back to everybody before I left office.

My question here is really directed to Mr. Romaine, my -- one of my many heroes. Mr. Romaine used to come to our homeowners meetings regularly during the early '90's, and this was -- this was the discussion always, assigned contracts, but nothing ever could come of it. We had four members of my board who used to make regular trips to Albany for sit-downs with the Attorney General and his staff. After about six or seven years, that sort of stopped, because we were getting nowhere, not even with the State. So my question to Mr. Romaine and the Counsel is, can Suffolk County actually uphold an enactment of a bill that Mr. Romaine is presenting? It's a good bill. But if this is voted on affirmatively, our favor, can Suffolk County actually force the Chicago-based owner to live up to this when the State couldn't, when Brookhaven couldn't? Because I spent an awful lot of times in the offices of Brookhaven. Can you do this? Have you got the power in the County to tell these owners what they must do? That's what I came here to ask.

P.O. LINDSAY:

Miss Files, just the process here is, again, this is the first time we've seen this bill. The purpose of the public hearing is to hear from the public as to what the problem is and how they feel about a particular bill. We're certainly gauging the spirit of the audience of how they feel about this bill. And from there, it goes into committee. It's -- some of the issues that you've just raised are very, very vital issues to the -- to this bill. I don't think anybody at this horseshoe feels like passing feel-good legislation, we want something that will work. So in the coming weeks, we will examine the bill. We'll get more legal opinions on it and be able to answer the questions you just asked. I don't think we're at all prepared to answer at this point.

MS. FILES:

No. I think this has come as quite a shock to you. Oh, I think so. Even the Legal Department I think is rather stymied by all this, and I wish you all great luck with it.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. Legislator D'Amaro has another question.

LEG. D'AMARO:

Thank you. Very briefly. Since you're familiar, more familiar, let's say, with the leases, having reviewed them, I just have a question. If you default in making the monthly payments under your lease, does the lease provide what we call a security interest in the home? In other words, securing your payment every month. Do you give a lien on your house?

MS. FILES:

I can tell you exactly what will happen. If I don't make my payment, I'll never hear about it. They're not going to put me out. They're not going to charge me, you know, a fee, but it will go on my record with the company and some day -- and also, interest will be added.

LEG. D'AMARO:

Right.

MS. FILES:

And some day, when I go and my children go to sell that house, all of that will be deducted first. It will go to the owners.

LEG. D'AMARO:

Okay. So they have -- in effect, they have a private lien.

MS. FILES:

They're not going to lose out a cent.

LEG. D'AMARO:

No, I understand that. I was just curious if you actually -- if you knew if the lease actually granted what we call a security interest in the property.

MS. FILES:

There wouldn't be any -- as far as I understand, there wouldn't be any action taken against us at the present time. They very quietly would put it on our record, they would add interest every month, and they would get their money.

LEG. D'AMARO:

What would happen if the amount that you owed, if you didn't pay, exceeded the value of your home?

MS. FILES:

Well, I imagine at some time that they could just take the house. They would own it in that case, I would guess, right?

LEG. D'AMARO:

Well, that's what I'm asking. Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. Very quickly. Do you receive notification if a payment's been missed?

MS. FILES:

No. If I go to the office, though, the help there is friendly and they might remind me. It happened to me once. I just forgot my check, it wasn't delivered, and so she reminded, "Dot, you forgot your check. Do you want to bring it?" I went right home, got my check and brought it up. But I don't think -- I think they would have -- I mean, knowing me this well, I think they would have waited, I don't think they would have -- they wouldn't have put any kind of penalty on it. I'm saying that, but I don't know. They're pretty hard people. They're tight-fisted people. I mean, as far as I remember, they paid, what, 350 million dollars? So they really want their money back. I guess you or I would, too. But the way they're going about it is really, really cold.

LEG. SCHNEIDERMAN:

Thank you.

MS. FILES:

And I will say one other thing. One of you brought up that you've never heard these problems, you have no real rules to go by, something to that effect. I've mostly dealt with Brookhaven Township

and I was even given a pile of the rules and regulations of such housing for seniors, and there are some very strict rules in our favor. For example, once, several years ago, the management wanted to come into our clubhouse and take over part of it and make it their office and make a little money on their -- on the house they had their office in by selling it as a house, but we stopped them, because I had these rules from the Town of Brookhaven. They could not -- they could not have an office, they could not build anything for management within so many hundred feet of any of the buildings that were ours, so it stopped them cold. But there are such rules and regulations in Brookhaven. They're very good.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Just quickly. I'm going to say, as Presiding Officer Lindsay said, this is the first we're hearing about this. Certainly, we're going to be looking and evaluating and talking to Counsel. But I just want to say one other thing in the interim. I think that what's being done to all of you is criminal. And maybe if you don't have any legal recourse, there's a show on T.V. called "Shame On You". Get it out there in the media and put them to the public.

(Applause)

MS. FILES:
But I'm still -- I'm still waiting for one simple answer to a question here. Do you think, off the top of your heads, that Suffolk County has the clout to make our owners come around to be a little decent?

P.O. LINDSAY:
I think I already answered that. We'll find that out --

MS. FILES:
You're going to look into it.

P.O. LINDSAY:
Yeah. We'll find out in the coming weeks. That's how the process of legislation works.

MS. FILES:
And you would call another one of these meetings?

P.O. LINDSAY:
No. From here, if this bill is closed, it will be assigned to a committee. That committee will examine the whole concept of the bill. And if it's passed out of committee, it will come back before this general body to be voted on. There's a public session before -- that starts every one of our meetings, that we would be open to public comments again before we vote on it.

MS. FILES:
I see. Thank you, sir.

P.O. LINDSAY:
And there's public session at the committee, too. There's ample opportunity for you folks to come back and tell us how you feel about it.

MS. FILES:
I see. I will tell you one thing, I think I'm finished here. This cane I'm using is thanks to Greenwood Village, because I tripped on the road, where there was something elevated up that I didn't see, and I now have a knee replacement from that.

P.O. LINDSAY:

It sounds to me that a law firm could make a lot of money off of you folks, because the abuses there are --

MS. FILES:

And the other thing is I tripped in my backyard over a little pipe that was sticking out of the ground near my garden. I was going to weed my garden, and I got -- I went into the house and I called the office and I said, "I just tripped over a pipe, I'm bleeding from my forehead." And she sent up one of the workers, and he was told to dig in that pipe and cover it with grass, so that -- I said, "You mean, you're getting rid of the evidence?" He said, "I'm doing what I was told."

P.O. LINDSAY:

Thank you, Miss Files.

MS. FILES:

That's all. Thank you very much.

P.O. LINDSAY:

The last card on this subject is John May. John May.

MR. MAY:

Good afternoon, Ladies and Gentlemen. My name is John May. I'm a resident at Greenwood Village. Unfortunately, I should have been the first speaker, but I wasn't aware of the order of numbers. It would have solved a lot of your problems and our problems.

What we're looking for is help. There is no one out there to help us. And I'm going to quote from the bill. The residents of these retirement communities, and we are a PRC, are not afforded the kinds of protection that are extended to mobile homeowners or multiple dwelling tenants. That's what we're looking for, we're looking for help.

We know exactly who owns us. I have traveled the country looking at some of their places; all right? They have over a hundred of these communities nationwide. When I spoke to people in California, they told me their problems. And they said, "Well, what kind of place do you have?" I said, "Well, we have a stick house." He said, "Oh, my God, you can't move it. We can move our places." So, that was one issue.

But the point here is, and I look at the bill, is that we want -- we want the right to transfer, all right, the right to assign. When I bought my house four years ago, I knew exactly what I was getting into. My monthly was \$500, with an increase of four-and-a-half percent. Four-and-a-half percent is only the annual increase. There is no five-and-a-half, no six. Some people got a little confused up at the mike before. When I went to my contract, I found that people around the corner from me paid 395 in the Year 2000. It went up in 2000, later on 2000 to 460, and then in 2002, when I moved in, it was \$500, which is fine. I can understand those increases. What I don't understand is -- and I use the word predatory, because I think it was invented for this organization. To tell you the truth, we heard so much about predatory, it's predatory rental increases. What I was aware of was I could not transfer or assign my lease agreement to a purchaser, okay, okay it had to be a new one. Fine. I expected, and we all did, that the transference of my lease to a purchaser would be in this ballpark for \$500 rent.

In the Year 2003, out came new monthly fees. The new monthly fee maintenance was effective August 4th. It applies only to new resale. So when they talk about these figures, these figures don't affect us in the audience, it affects those people that buy our house. That's where the trouble is. They also said that if you are living on a corner plot, you're now -- the new purchaser will pay 670; all right? It went from 650 up to 750 in the Year 2003. We weren't aware of this, they just mandated this. All right? There's nobody out there to help us, nobody out to control us. We knew

exactly what we were getting into, four-and-a-half percent every year. My rent is now up to \$605. I knew where I was going, all right, but I didn't expect another increase, nor did the community, in the Year 2006 on March 21st, when they put in bold print, "These increases do not affect your current maintenance fees." Big deal. They're now from 740 to, and then you throw in \$25 for your monthlies, which would be sewer and for the water; all right? But the problem is that there are a number of people who have lost a spouse, who have been invited by their families to come live with them, okay, or just want to move out. Well, they can't sell their house, because the new purchaser does not get the assignment of the old lease, but it gets a new lease from management, and that new lease is approximately \$850 a year -- excuse me, \$850 a month, plus your maintenance of water and sewer, 25, all right, and a four-and-a-half percent increase every year, plus your real estate taxes, which can vary, depending upon your status with regard to the STAR Program. So you can see where the problem is, where we need help. These people cannot sell their house.

By management keeping these prices here, we have approximately 45 homes for sale, we have 15 to 20, give or take, that are vacant. What's going to happen is rentals will come into the situation, and you know what rentals can do. Fairfield Properties is suggesting -- is trying to build a complex over in Mastic of rental apartments for seniors at around sixteen hundred to eighteen hundred dollars a month. The Mastic residents protested last week, saying suppose they can't rent these to seniors at this price. Will it be open to the public? Will it be like a Section 8, as it's referred to? Is that what's going to happen? And these are people in Mastic complaining about situations. Well, when you look at this situation right here, this has got to be something that is arbitrary and capricious beyond comprehension. These particular increases are abnormal, and that's what it is. We know what we got into. We weren't blind, okay, though you might have gotten those impressions today. We know exactly what we got into, but we never expected these increases that would dictate whether or not these people could sell their home, and that's what it comes down to. It's the people down the road, it's not us right now. Thank you, Ladies and Gentleman.

P.O. LINDSAY:

Mr. May, just one question I have for clarity is you say that you pay the real estate taxes. Is that on the building and the property, or just --

MR. MAY:

No, just on the building.

P.O. LINDSAY:

On the building.

MR. MAY:

We have no idea as to the property taxes.

P.O. LINDSAY:

The property taxes are incorporated into your monthly rent or lease, or whatever?

[NEGATIVE RESPONSE FROM THE AUDIENCE]

P.O. LINDSAY:

No?

MR. MAY:

No, no, no. We --

P.O. LINDSAY:

No. But, I mean, the land -- the owner of the property pays the real estate taxes on the property.

MR. MAY:

Exactly, which we found out two years ago they were in a arrears, so that's another situation.

P.O. LINDSAY:

Which --

MR. MAY:

But, no. We only pay property on our stick home or our --

P.O. LINDSAY:

Okay. Thank you.

MR. MAY:

They're our homes, they're manufactured homes.

P.O. LINDSAY:

Thank you. How much -- just give me an idea. What do you pay in real estate taxes?

MR. MAY:

Well, it varies, because it goes by your income.

P.O. LINDSAY:

No.

MR. MAY:

My house goes for thirty-six hundred dollars.

P.O. LINDSAY:

No, no, real estate taxes.

MR. MAY:

Yeah, real estate, that's what I'm talking about.

P.O. LINDSAY:

It doesn't go by your income, it goes by the property, the house.

D.P.O. VILORIA-FISHER:

Well, STAR and --

P.O. LINDSAY:

STAR.

MR. MAY:

Well, our STAR Programs, there are enhancement things that --

P.O. LINDSAY:

Oh, I see, Enhanced STAR, okay, okay.

MR. MAY:

-- whether you be veterans, what have you.

P.O. LINDSAY:

Okay.

MR. MAY:

But it can go anywhere -- I would say the maximum is about thirty-seven, thirty-eight hundred dollars a year.

P.O. LINDSAY:

Okay.

MR. MAY:

Now, in my case I have a STAR of a thousand, so I'm paying -- I grieved my house three years ago to find out exactly what, and to tell you the truth, the attorney said they're right on the ball.

P.O. LINDSAY:

Okay.

MR. MAY:

They're right on the head.

P.O. LINDSAY:

Okay. Thank you, very much.

LEG. ROMAINE:

Mr. Chairman.

P.O. LINDSAY:

Mr. Romaine.

LEG. ROMAINE:

Very quickly.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I just want to thank, and this is a question, form of a question, by way of thanks to Legislator Stern, who is the Chairman of the Senior and Vets Committee. This bill has already been in front of this committee, but it was tabled for public hearing today. He has joined me as a cosponsor of this bill and I want to thank him for that.

I also want to thank every resident for Greenwood Village, because I know you're as mad as hell and you're not going to take this anymore. And by showing up today and letting the public know, we will attempt to address this. I know that we've had the Attorney General down to several meetings, the Supervisor of the Town, the Assemblymen, and, hopefully, this bill will be found to be sufficient and legally enforceable. And we will review that, and if it is, I can guarantee you, if we enact this bill, I will insist that the County enforce this bill to protect your rights. Thank you again. Thank you for all the work you've done.

(Applause)

P.O. LINDSAY:

Wait. Wait a minute, wait a minute. I don't have any other cards. Is there anyone else in the audience that would like to address this subject? Yes, please come forward.

MS. DINNIGAN:

I just have one comment, okay, that no one's mentioned.

P.O. LINDSAY:

Please give your name for the Clerk.

MS. DINNIGAN:

I'm sorry. My name is Carol Dinnigan.

MR. LAUBE:

Speak into the microphone.

P.O. LINDSAY:

Pull the mike. There you go.

MS. DINNIGAN:

I'm a little short. My name is Carol Dinnigan. The one comment that nobody mentioned was this maintenance fee includes the lease payment for ninety-nine years. And you are right, they pay their land taxes out of our lease payments, because that's what they do. But if you're going to go into a complex and you're coming into our complex to buy our home, and the maintenance fee, including the lease payment, which they won't distinguish what portion is lease, what portion is maintenance, and the 4.5 -- when you sign a lease, the lease portion gets an increase of 4.5, too, not only the maintenance, it's combined. There's no distinguished factors, it's all one thing. But you walk in and they want to charge you \$862. Now, that would be fine if you were living in Rock Hill or -- I'm using that, because that complex is very well developed and very beautiful. If you're going to walk in and charge someone \$800 and have broken roads, a falling down clubhouse, this conjoins with that, that comes in contact with that. If you're not going to maintain the property, they should have no right to increase the maintenance fee to \$800, do nothing, and become a tenement area, because everything is so run down that all the savings that we saved our life and bought into this community to retire, and we're not -- I'm not talking about the 4.5, I'm not talking about the original agreements, I'm not talking about that, I'm talking about common sense. You pay your maintenance fee, you give them their money, and they are to maintain our property. If they have a beautiful -- they don't even put a flower up, the gates are always broken, the wood is falling down. Who is going to pay \$862 maintenance to come into a dump? Okay? So, if you're going to allow them to charge us that money, then they have the right -- we have the right that they maintain that property in order to get that.

You're telling us that they're a private community, so they have the right to go up to \$3,000 a month. But then take care of your seniors and tell us, well, if we're going to pay this, we are entitled to have the amenities, that when we sign the contract were promised to us as part of our maintenance agreement, to maintain the land, the common areas, the snow, the grass, and everything that it includes. And that's what -- that's what nobody has mentioned, that the \$800 includes the maintenance, and if they're not going to pay -- maintain it, why are we forced to pay that money and live in a dump? We're your seniors, and some day, maybe not all of you, maybe you are wealthy or maybe you have money, I don't know, but the majority of seniors worked their whole life to be able to retire and live with their pensions in a nice community. And if we're paying that maintenance, we damn well have a right to have that maintenance taken care of.

(Applause)

P.O. LINDSAY:

Legislator D'Amaro. One minute. One minute, Miss.

LEG. D'AMARO:

Ma'am.

P.O. LINDSAY:

Come on back.

LEG. D'AMARO:

Just very quickly. I agree with you. Over here, Ma'am. Hi. I agree with you. If the -- if your landlord is not living up to the terms of your lease and you're paying that monthly fee and all of the residents are paying that monthly fee, has anyone thought about commencing an action to declare the landlord in default under your leases? Has that been considered?

MS. DINNIGAN:

We have spoken to many people and have Congressmen come to our complex. We have spoken to attorneys. We have spoken to Elliot Spitzer's office, and we keep getting told -- you got to realize, we're not -- we have a lot of people in that community who are 80 and 90. They're afraid. They're afraid that if they go against this conglomerate, they're going to be in trouble. So it's like pulling teeth to get people to want to do something. It's the new generation coming into the complex that want to fight for a better place to live.

We were told that if we hold back our maintenance fee and put it in an account, because I had read there somewhere about that, put it in an account, we're not saying we're going to spend it or just not pay it, we're going to put it aside until they handle this. We have no legal rights. All we get being thrown in our face is we signed the lease, we signed the lease.

LEG. D'AMARO:

Well, you have to -- you may have a continuing obligation to make the payments even during the course of any kind of litigation, but I think the answer to my question, then, is no.

MS. DINNIGAN:

No, we haven't -- we haven't had -- you know, it's very difficult. You're not dealing with people 55 and 60 who are the minority at this point in that development. You're talking about the people who have lived there 25 years ago and are paying \$250 after 25 years and are petrified to stand up to this company. But, in all fairness to us, you signed the lease, like John May said, we knew what we were getting into, but you have seniors there that can get hurt. They're not -- you're not dealing with people who have 50 years left to live, where we can fight this for 30 years. You're talking about people who can't walk now, and by the time you settle it, they'll be dead. So, I mean, that doesn't help us.

P.O. LINDSAY:

Okay. I think -- I think you've answered the question. We have another question from Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. As I'm hearing the conversation and the questions, I think part of the problem here is that we're talking about a planned retirement community, but there's really no definition of what a planned retirement community is. And I think that this legislation, at least in part, goes to -- goes to an attempt at least of making a definition. And as our population ages and as this becomes more than just an isolated incident here with this one community, there's going to be a greater need on Long Island for these types of communities. Continuing care retirement communities are relatively new, and we've just undergone a whole process of defining what those mean. Assisted living facilities have been with us now for quite sometime, and only recently did New York State come up with regulations.

My question to you is, has a meeting with your representatives and meeting with attorneys, has anybody ever brought up the issue of compliance with the ADA, the Americans with Disabilities Act, or any other regulation that would require some type of accommodation to those who need that kind of assistance living within the community?

MS. DINNIGAN:

Okay. We meet with the Congressmen, we meet with -- we made a package, you have no idea what we've done in the four years we've lived there, to Elliot Spitzer's Office, to Tim Bishop's Office, to many Congressmen. What can we do, because we're lay people. We're not lawyers, we're not in government, we are lay people, teachers, businessmen, whatever, that retire and we don't have the knowledge of what to do, so we lean on people like you to tell us what to do, so that we can help ourselves. And you know what we get? We send letters to Mr. Spitzer, they're in his can. We call up, "Oh, no, we don't know what you're talking about." Letters that were signed for by his office and dumped. We're the little people people like him talk about on the T.V., but he doesn't help us. This is what we get, not only from him, but from all the people that we go to. Like you're telling me why don't we do that. Who do you do it with? Because you call up these companies as lone people or small groups of people in a community, and we are only 500 people. We're not big enough for anybody to do it for us or to sit down with us and help us. If you know someone I can call that would take the five minutes to sit with me and hear my complaint, I would be glad to do it. We get hung up on, we get letters that they'll let us know in the future or they'll talk about it. We get nothing.

P.O. LINDSAY:

Okay. Okay.

MS. DINNIGAN:

That's what we get.

P.O. LINDSAY:

Did you get your question answered, Legislator Stern? Did you get your question answered? Come on.

LEG. STERN:

I think so, yes. Thank you, Mr. Chair.

P.O. LINDSAY:

Thank you. Thank you very much.

(Applause)

Legislator Romaine, would you like to close this?

LEG. ROMAINE:

Yes, I'd like to make a motion.

P.O. LINDSAY:

Motion to close.

LEG. ROMAINE:

Motion to close the hearing.

P.O. LINDSAY:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

Thank you.

MR. LAUBE:

15. (Not Present: Legs. Caracappa, Alden and Mystal)

P.O. LINDSAY:

I.R. 2115 - A Local Law to extend protections to -- oh, we did that. We just closed that.

D.P.O. VILORIA-FISHER:

That one was closed.

P.O. LINDSAY:

Don't want to open that again.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

2117 - A Local Law to ensure contractor compliance with anti-discrimination requirements.

You folks exiting, if you could do it quietly, I would appreciate it, because we still have a lot of business. I have no cards for 2117. Could -- is there anyone in the auditorium that would like to speak on I.R. 2117? Seeing none, Legislator Vioria-Fisher, what would your pleasure be? You'd like to close this?

D.P.O. VILORIA-FISHER:

Recess.

P.O. LINDSAY:

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

MR. LAUBE:

I have 14. (Not Present: Legs. Romaine, Montano, Alden and Mystal)

P.O. LINDSAY:

Okay. I.R. 2117 is closed. I.R. 2171 - A Local Law to establish a Safe and Sustainable Procurement --

D.P.O. VILORIA-FISHER:

2117 was recessed.

P.O. LINDSAY:

Recessed, excuse me. 2117 was recessed. ***I.R. 2171 - A Local Law to establish a Safe and Sustainable Procurement Policy.*** I have two cards. Gil Anderson. Mr. Anderson, if you'd please come forward.

MR. ANDERSON:

Ladies and Gentlemen, thank you, and good afternoon.

P.O. LINDSAY:

Take the conversations outside.

MR. ANDERSON:

Thank you for this opportunity to speak. Briefly, the Department of Public Works wanted to express concerns regarding this resolution. The resolution's intent is to ensure purchase of safe products in a variety of commodities and services. However, the commodities listed in the resolution are covered in already existing County laws and policies.

The purchase of cleaning products and services is covered by Local Law 5-2004. The purchase of pesticides and groundskeeping material are covered by Local Law 34-99, the Pesticide Phaseout Law. The vehicles and vehicle maintenance products are addressed in recent policies for requirements to purchase hybrids and bio-diesel fuel. The County contract for fine paper recycling contains recycled paper as per the Suffolk County Charter. Energy efficiency is covered under the Energy Star Program, Local Law 16-2003. Most building materials are also covered under the reference laws or governed by Federal and State regulations. And, additionally, purchases for all hazardous chemicals for the Health Department include hazardous material fees for safe delivery and Material Safety Data Sheets, MSDS, for safe use.

Our concern is that, although well intentioned, this law could have detrimental impacts and unnecessary delays in purchasing. There are concerns with definitions provided in the legislation that I believe the Health Department will speak of, and I will let them address it as well.

P.O. LINDSAY:

I just have one question of you, Mr. Anderson. And you agreed to go to work for Public Works, did you know that Purchasing was under your realm or responsibility?

MR. ANDERSON:

No.

P.O. LINDSAY:

I didn't think so. Does anyone else have any questions? Thank you Mr. Anderson.

MR. ANDERSON:

Thank you.

P.O. LINDSAY:

Vito Minei.

MR. MINEI:

Thank you. Good evening. I'm Vito Minei, Director of Environmental Quality for the Department of Health Services. I don't want to repeat what my colleague, Gil Anderson from DPW, just highlighted. We in the Health Department also have concerns with regard to this resolution. When you send it back to committee, we hope to have an opportunity to work with the sponsor.

One of the concerns, again, is with some of the vagueness of the definitions in the proposed law. And, as Mr. Anderson, highlighted, we also believe that it's redundant with some laws that are already, and controls on purchasing that are already on the books. So in summary, if this does, indeed, go back to committee, we hope to work with the sponsor, mainly because, as Gil mentioned, we're very concerned with the delays in purchasing of necessary equipment in our environmental laboratory and other health functions. Thank you.

P.O. LINDSAY:

Thank you, Mr. Minei. Okay. I don't have any other cards on this subject. Is there anyone in the audience who would like to speak on it? Seeing none, Legislator Romaine, what's your pleasure?

LEG. ROMAINE:

Close the hearing.

P.O. LINDSAY:

Motion to close, second by Legislator Caracappa. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Alden)

P.O. LINDSAY:

Okay. *I.R. 2173 - A Local Law establishing crime prevention requirements for scrap metal dealers.* I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'm going make a motion to close.

LEG. D'AMARO:

Second.

LEG. LOSQUADRO:

Mr. Chairman.

P.O. LINDSAY:

Yes. Just so -- rather than recess it --

LEG. LOSQUADRO:

I just wanted to --

P.O. LINDSAY:

I'm just saying I know that there's been much talk going on. I'd like to get it into committee, so that the discussions could go further.

LEG. LOSQUADRO:

I apologize, Mr. Chairman.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

The Chief of Detectives actually, in the discussion that we had, made the request that we recess this, so that --

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

-- if there was an opportunity for them to make another presentation in a public portion, that they could.

P.O. LINDSAY:

Okay, okay. That happened after I --

LEG. LOSQUADRO:

So I will make the motion to recess.

P.O. LINDSAY:

I had to leave, because I was radioactive.

LEG. LOSQUADRO:

I had discussed that with your Chief of Staff.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

I thought that was brought to your attention.

P.O. LINDSAY:

No. Okay. We have a motion to recess. I'll withdraw my motion to close. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Alden)

P.O. LINDSAY:

2177 - A Local Law to prohibit skateboarding at County owned or operated facilities.

Anybody want to speak on this matter? I don't have any cards. Seeing none, I'll make a motion to close.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Alden)

P.O. LINDSAY:

2185 - A Local Law to integrate County Department of Environment and Energy into full implementation of County Pest Control Policy. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion to close.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher to close, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? I'm going to --

MR. LAUBE:

17. (Not Present: Leg. Alden)

P.O. LINDSAY:

Okay. I'm going to ask the indulgence of my colleagues. There was a speaker that showed up earlier to speak on the Operating Budget. She was given the wrong information at the front desk that there wasn't a hearing on this. So I know we've closed it already, but with your indulgence, I'd like to call her forward and let her make a presentation. Nancy Mariano.

MS. MARIANO:

Hi. I appreciate it. It's important enough that --

LEG. LOSQUADRO:

Your mike's not on.

MR. LAUBE:

It's not on. The mike's not on.

MS. MARIANO:

I appreciate your taking the time. And what I have to say is important enough that I did a round-trip when I left and came back. And I know many of you have met with me and I met with some of you at the special committee on Health and Human Services, but I'm very concerned with the numbers that are in the budget this year. And every single day -- what's listed in the budget doesn't change the fact that every day our social workers in our office get a call from another family who has a child that has a life-threatening illness, or a child that is dying and may be dying by themselves, because they don't even have a parent, and they need our social workers there to help them. We buried 62 children last year, and Friends of Karen, there is no other organization that does what we do. And we don't just rely on this money.

I've been doing fund-raising for many, many, many years, and I know how important it is to have many resources. And we collaborate with many different people, with Tom Coughlin, the New York Giant Coach, and the Jay Foundation. He gives us money to do the services we do; and the Brain Tumor Foundation and Make A Wish and Ronald McDonald House. We collaborate with many, many people, so that the family can stay stable while they're going through the worst thing a family can go through. And we pay their bills, whether it's bills for hospital, co-payments, whether it's child care, transportation. Many of our families are single moms. Most of our families are low income. Without this kind of support, it's going to hurt us, and I don't know what would happen to these families.

We keep the families out of foster care, because many times when our children are being treated in a hospital, especially if it's for cancer, and they're coming home with compromised immune system, many times the home that they're going to is not proper. And if it wasn't for Friends of Karen putting in air filtration, bedding, and all different things, these children would not be able to be released from the hospital. Last year we had two homeless cases that children had cancer. They shouldn't be homeless, that's another problem, and they would -- they didn't go home. You know, we had to find them housing. So the services we have are so important.

Our social workers are amazing. And I know many of you know me. I apologize to any of you that I haven't met face to face with. And I really, really hope that you can do something to make sure we're in the budget this year. And I thank you so much for the previous support that all of you have given us. And thank you for interrupting this session to let me speak. Does anyone have any --

P.O. LINDSAY:

Thank you.

MS. MARIANO:

Okay. Thank you.

LEG. ALDEN:

We apologize to you for you getting the wrong information.

MS. MARIANO:

That's okay.

P.O. LINDSAY:

Legislator Romaine, do you have a question?

LEG. ROMAINE:

Yes, a quick question. Do you know how much money you received in the Omnibus last year for 2006, Friends of --

MS. MARIANO:

One-hundred-and-eleven-seven-fifty thousand.

LEG. ROMAINE:

And do you know how much money the County Executive is proposing in the Omnibus for this year in his proposed budget?

MS. MARIANO:

Zero.

LEG. ROMAINE:

Okay. Thank you.

MS. MARIANO:

Thank you.

LEG. COOPER:

Excuse me, one more question. And, Nancy, do you get any State funding?

MS. MARIANO:

Yes.

LEG. COOPER:

And what is the '07 funding level from the State compared to '06?

MS. MARIANO:

This year, we're probably -- it's still coming in. I got from Assemblyman Thiele out east today, actually. It's about 47,000, around there.

LEG. COOPER:

That's for '07.

MS. MARIANO:

For '07.

LEG. COOPER:

And for '06, what was it?

MS. MARIANO:

A little bit less, about 30.

LEG. COOPER:

Okay. Thanks.

MS. MARIANO:

Thank you. Thank you.

LEG. LOSQUADRO:

Thanks, Nancy.

P.O. LINDSAY:

Okay. That concludes the public hearings. I want to set the date of Tuesday, November 21st, at 2:30 P.M., at the General Meeting of the Legislature, the Rose Caracappa Auditorium in Hauppauge, New York, for the following public hearings: I.R. 2242 - A Local Law to enact Campaign Finance Reform Act to limit campaign contributions from County contractors; I.R. 2264 - A Local Law prohibiting Level 3 sex offenders from loitering on or about the grounds of playgrounds and day-care centers; I.R. 2268 - A Local Law to strengthen ATV seizure and forfeiture provisions. And that's it.

D.P.O. VILORIA-FISHER:

A motion.

P.O. LINDSAY:

I need a motion to set that. Motion by Legislator Viloría-Fisher.

LEG. ALDEN:

I'll make the motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Back to the agenda. We left off under Tabled Resolutions, Page 6 of the agenda. We were still on 2044. Since before lunch, we've gotten some additional information concerning the bond. Counsel, if you could give us that information.

MR. NOLAN:

I spoke to Bond Counsel during lunch and he did, in fact, rescind the bond resolution he had issued earlier. And the -- just so everyone knows, the reason is because the County is using bond proceeds to improve these roads with the intention of transferring them almost immediately to the Town. That raises a red flag with Bond Counsel.

P.O. LINDSAY:

Okay. And, Mr. Clerk, I know we're going back a ways, but we had a motion to approve on this?

MR. LAUBE:

Yes, you had a motion, Legislator Romaine, and a second with Legislator Schneiderman.

P.O. LINDSAY:

Okay. Any other discussion?

LEG. ROMAINE:

I think it's appropriate at this time, Mr. Chairman, and I'd like to make a short statement. But before I do so, I'll put a motion on the table to table this particular resolution.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Yeah, second.

P.O. LINDSAY:

A tabling motion by Legislator Schneiderman, and the floor is yours.

LEG. ROMAINE:

I simply will consider, with the -- consulting with my colleagues to determine whether I should state that the County will hold this property for -- in excess of a year before they even consider turning it over to the Town, or I will consider other opportunities. But now, with it tabled, it clearly is in the ballpark of the Executive to live up to the words that Mr. Zwirn spoke today, which were different than the words he spoke last month, where he says now the Executive is prepared to negotiate. We'll see how effective that negotiation is in resolving this problem. But I can guarantee you, I will find a way with this resolution by stating that we will hold the property for longer, that we will not turn it over, or another resolution that this issue, guaranteed, is not going to go away, and this will be left in the hands of the Executive to fulfill the commitment that his representative has now made, a different commitment than he made last month. So, hopefully, it will be fulfilled, and if it's not, you can expect another resolution being laid on the table. Thank you.

P.O. LINDSAY:

In terms of -- I've recognized myself. Mr. Zwirn, would you like to comment?

MR. ZWIRN:

Yeah. I'll be --

P.O. LINDSAY:

Okay.

MR. ZWIRN:

If you're going to turn it over to the County Exec's Office, let him have the tools to negotiate this. There have been other suggestions made. Vote this up or down and take it off the table, because once this is on the table, it will be very difficult to have any worthwhile negotiations.

P.O. LINDSAY:

Okay. We have a tabling motion before us. I'm going to call a roll on the table.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

You can't vote it up or down, because it's an improper vote because of the Bond Counsel's opinion. So there's -- what other things are left to us? We can either recommit it, or it can be withdrawn, or it could be tabled here. So it really can't be an up or down motion on the merits.

MR. NOLAN:

Well --

LEG. ALDEN:

I don't think you can.

MR. NOLAN:

The bond resolution is not in order, but the underlying resolution is in order, the one that's amending the Capital Budget. You could vote on it, theoretically.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:

This is an appeal to my colleague, Legislator Romaine. Obviously, this bill is not going to get passed, or if you table it, it's going to be around. Why don't we give the County Executive a chance? Why don't you withdraw the bill, and you can always put it back in and let them do -- and if they don't do anything about it, and then you can come to us and say, "I gave them the chance, they didn't do anything," you -- I think you would find more votes, you know, around the horseshoe if you said, "Okay, I've already given the County Executive the leeway and what he asked for to solve this problem." If it's not solved, then I think you will find us much amiable to your wishes, you know, in terms of, you know, doing something about that rode. But the way we're going, if we're going to go at it, you know, we're you're to leave it on the table, they're saying, if it's on the table, they cannot negotiate from a strong point. Give them what they want, take them at -- you know, at face value. If they don't do what they have to do, then you can -- you're going to find much more vote around the horseshoe.

LEG. ROMAINE:

Through the Chair, if I may. First of all, thank you, Legislator Mystal. You always have very good advice and I appreciate it. However, this is something that I'm considering, amending this resolution. I do want to give the Executive an opportunity. But understand my skepticism when last month in Riverhead, the Executive's representative made a definitive statement, which the verbatim transcripts will bear out. One, "I will not negotiate," "The County Executive will not negotiate on this matter", and two, "The County Executive will not spend any money on this matter". And because of this resolution and support from the community, hopefully, what I was hearing today is that the County Executive has changed his viewpoint. I'm happy to see that. I'm hopeful that negotiations will take place. But call me a little bit skeptical by allowing me to table this.

I will not move on this issue at our next session if, in fact, I am assured by the Town Board members, and the community, and the Executive that progress is being made. I have no intention of belaboring this resolution with my colleagues, but I would ask the courtesy to allow it to be tabled, because there's other ways that I can amend this resolution to make it legally sufficient. I'm not asking you to vote for this. In your decisions, you may want to vote against it. That's fine. All I can do is do my best to convince you and allow the vote total where they may. But because it's not sufficient to be voted on today, I've asked for it to be tabled.

I am more than willing to give the Executive, now that he has expressed for the first time, at least to my earshot, because he hasn't communicated with me at all regarding this matter, I am more than willing to give him every opportunity to resolve this. I am also willing to offer my good offices to work with the Executive and the Town Board, the Town Supervisor, and the residents. If it would help, I'll stay out of it, if it will help, as they see fit, and turn it over to them. But I would ask that this will be tabled, because there are ways that I can perfect this resolution and make it legally sufficient, should negotiations not eventually be successful. Thank you.

P.O. LINDSAY:

Mr. Zwirn, did you want to comment? I see you standing there.

MR. ZWIRN:

A little while ago Legislator Romaine wanted this approved, now he wants to amend it. If he wants to put a new bill in at some point, we're asking -- if you're asking the County Executive to try to resolve a matter that's been ongoing apparently for 20 years, give us the tools to do it. You know, we were ready to withdraw the bill that would turn the property back over to the community in a show of good faith. We put that bill in as a show of good faith to try to work with the Town, as opposed to just filing a Certificate of Abandonment. The County Executive met with some of the people from the community on a trip out to the East End, and, you know, he gave us a little more latitude to talk with

the Town of Southold. Legislator Barraga has indicated a compromise solution, which may ultimately wind up before this Legislature to be looked at. We would just like, if you're going to ask us to do it and we're prepared to look at it, is to give us the tools and the negotiating room to do it the right way.

You're always free to reintroduce legislation at some time, if the County Executive, you know, can't come to a resolution of this. But to ask the County Executive to negotiate with \$150,000 sitting on the table, what's the incentive for the Town of Southold Town Board saying, "Look, you know, maybe we'll just outlast you, and maybe the political will of the Legislature will be swayed, and we'll get that \$150,000. Before that, why should we even talk to you?" I mean, just from a, you know, common sense approach.

LEG. ROMAINE:

Have you no faith in your majority?

P.O. LINDSAY:

Okay. Anybody else?

LEG. MYSTAL:

No.

P.O. LINDSAY:

Okay. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes to table.

LEG. SCHNEIDERMAN:

Table, yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I'll pass.

P.O. LINDSAY:

Pass.

LEG. HORSLEY:

No.

LEG. NOWICK:

(Not Present)

LEG. KENNEDY:

Yes to table.

LEG. BARRAGA:

A reluctant yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

A reluctant no.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. CARACAPPA:

Sure, why not? Yes.

LEG. BROWNING:

No.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

No.

LEG. MYSTAL:

Yes.

MR. LAUBE:

Eight. (Not Present: Legs. Nowick and Viloría-Fisher)

P.O. LINDSAY:

Okay. The tabling motion fails. The motion to -- do we have a motion to approve?

MR. LAUBE:

That was the motion to table.

P.O. LINDSAY:

I know.

MR. LAUBE:

You did not have a motion to approve.

P.O. LINDSAY:

But we do not have a motion approved.

LEG. HORSLEY:

So there was no other motion.

MR. LAUBE:

Well, you did, and then it was changed to table.

P.O. LINDSAY:

Okay. With no on other motion on the floor --

LEG. COOPER:

I'll make a motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper to approve. I mean, it could just -- it would just die without a motion; no?

LEG. SCHNEIDERMAN:

On the motion.

LEG. ROMAINE:

Can I make a motion?

P.O. LINDSAY:

Okay. We have a motion and a second. And on the motion is Legislator Romaine and Schneiderman.

LEG. ROMAINE:

I'll make a motion to table subject to call.

P.O. LINDSAY:

Do you second that, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I was going to make a different motion.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

But I --

P.O. LINDSAY:

First of all, on the motion --

LEG. ALDEN:

I'll second the subject to call.

P.O. LINDSAY:

Okay. We have a second on table subject to call. And what kind of motion would you like to make, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, I was going to actually ask Counsel if we could make a separate motion to table it to, not the next meeting, but to -- if the County Executive needed a few more months, then we could table it, say, to the first meeting in January.

P.O. LINDSAY:

We've already -- we've already defeated the tabling motion.

LEG. SCHNEIDERMAN:

It would be a slightly different tabling motion.

LEG. HORSLEY:

This is a new table.

LEG. LOSQUADRO:

To a date specific.

LEG. D'AMARO:

And so they won't talk for two months.

LEG. SCHNEIDERMAN:

Tabling to a date specific.

MR. NOLAN:

You can, but the other motion takes precedence, subject to call.

P.O. LINDSAY:

Okay. So we're going to -- so you're going to make a --

LEG. SCHNEIDERMAN:

I'll second the table subject to call.

P.O. LINDSAY:

We already got a second. Do you still want to make a motion to table subject to a time specific?

LEG. SCHNEIDERMAN:

No, not at this point.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Let's have a vote on this one.

P.O. LINDSAY:

Okay. Motion to table subject to call. Okay. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

P.O. LINDSAY:

What do you want to do --

LEG. MYSTAL:

No.

P.O. LINDSAY:

No?

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

No.

MR. LAUBE:

Eight. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. So -- and then we still have a motion to approve, which is, if you're going to make -- you made a motion to approve and a second.

LEG. COOPER:

Well, I have a question for Counsel. If I withdraw the motion to approve and there are no further votes, what happens to the resolution?

LEG. MYSTAL:

It dies.

MR. NOLAN:

If it doesn't get a motion and a second, then it will die.

LEG. COOPER:

I'm sorry, Legislator Alden, do you have a comment?

LEG. ALDEN:

Well, I think what happens to it is similar to what happens to a piece of legislation in committee and it just goes into Never Never Land. It's not dead, unless it's killed by this Legislative body. So it would be more similar to table subject to call. It wouldn't appear on the agenda, but I think it's still a live, valid piece of legislation, because it hasn't been defeated and it hasn't been withdrawn.

MR. NOLAN:

If you don't have a motion and a second to approve it, and there's no other vote --

LEG. ALDEN:

Right.

MR. NOLAN:

-- then I believe that bill is dead.

LEG. ALDEN:

That didn't happen in committee on a couple of pieces of legislation, but all right. You know, I got to go with your --

LEG. COOPER:

Based on that ruling from Counsel, I'll withdraw my motion to approve.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

Next.

P.O. LINDSAY:

Okay. To the agenda.

INTRODUCTORY RESOLUTIONS
BUDGET AND FINANCE

Budget and Finance. I.R. 2089 - Amending the 2006 Adopted Operating Budget and transferring funds for the John T. Mather Memorial Hospital. I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. On the question?

LEG. ALDEN:

No. I remember it now.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. 17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

I.R. 2092 - Amending the 2006 Operating Budget and transferring funds for the Suffolk Coalition to Prevent Alcohol and Drug Dependencies. Legislator Fisher, do you want to make a motion? It's your bill.

D.P.O. VILORIA-FISHER:

I'm sorry.

P.O. LINDSAY:

2092.

LEG. BARRAGA:

2092.

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

We have a motion by Legislator Viloría-Fisher to approve. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

2101 - Amending the 2006 Operating Budget and transferring funds for certain contracted agencies (Family Service League and Mastic Shirley Youth). Legislator Eddington, what's your pleasure?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? I.R. 20 --

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

2119 - Amending the 2006 Operating Budget to strike excess appropriations within the Department of Health Services to offset the loss of anticipated revenue related to fees for Tobacco Cessation Program. Legislator Eddington?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm going to support this today, but by no means does that mean that I agree with the idea of charging people that want to take advantage of our Smoking Cessation Program. Since it doesn't take effect until January, I think we have ample enough time to actually fix a big problem, because you can't charge people to go into this program. This is a great step in the right direction, but it still imposes a fee on people and that's unacceptable. So I commend Legislator Eddington for taking this step, but by no means does that mean I support the concept of charging anybody to take advantage of that program.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

2163 - Amending the 2006 Operating Budget and transferring funds to various agencies. Legislator Stern?

LEG. STERN:

I'm going to make a motion to approve. Just to let everybody know, this has come over by CN.

LEG. MYSTAL:

Well, we have to take it up on CN?

MR. NOLAN:

We should pick it up as a CN.

LEG. MYSTAL:

We have to pass that over.

P.O. LINDSAY:

Okay. Then I'm going to pass over this if the CN's coming over addressing this.

2164 - Transferring contingent funding for various contract agencies, (Phase III). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

CONSUMER PROTECTION

P.O. LINDSAY:

1951 - A Local Law to protect consumers from predatory towing practices. Legislator Cooper.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. LOSQUADRO:

Can I just get an explanation?

P.O. LINDSAY:

Yeah. Let me get a second and then I'll recognize you.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Legislator Losquadro, you have the floor.

LEG. LOSQUADRO:

Explanation, please.

MR. NOLAN:

This Local Law would amend the existing law related to towing practices and makes two specific changes. One, it provides that the owner -- rather, that the tow companies have to provide the owner of a towed vehicle with a receipt that reflects the payments that were made to get the vehicle back. Further, the law would prohibit fee splitting arrangements between parking lot owners and towing companies.

LEG. ALDEN:

Just in furtherance of that, Charlie Gardiner from Consumer Affairs was originally opposed to it. Some provisions that would put an onerous burden on his department have been deleted, and he came to the Consumer Protection meeting in support of the bill.

LEG. LOSQUADRO:

Okay, very good. Thank you.

P.O. LINDSAY:

Okay. We have a motion and second. And I thank Legislator Alden for that clarification. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

I.R. 2150 - Approving the reappointment of Salvatore Escaldi as a member of the Suffolk County Plumbing Licensing Board. Do I have a motion?

LEG. ALDEN:

I'll make a motion to approve.

P.O. LINDSAY:

Motion by Legislator Alden.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Mr. Chairman, just so everybody knows --

MR. LAUBE:

17. (Not Present: Leg. Montano)

LEG. ALDEN:

-- Charlie Gardiner came down again, informed the Committee that all these people have put in ample amount of times, they attend the meetings, and they have been very valuable assets to Suffolk County.

P.O. LINDSAY:

I.R. 2151 - Approving the reappointment of Richard M. Leo as a member of the Suffolk County Plumbing Licensing Board. Can I do same motion, same second, same vote?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

All right with everybody?

LEG. MYSTAL:

Yes, you can.

P.O. LINDSAY:

Okay. You got it, Mr. Clerk? All right.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

I.R. 2152 - Approving the reappointment of Linda Perlow as a member of the Suffolk County Home Improvement Contractors Licensing Board. Same motion, same second, same vote.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

I.R. 2161 - Approving the reappointment of Douglas S. Callahan as a member of the Suffolk County Home Improvement Repair -- Appliance Repair Licensing Board. Same motion, same second, same vote.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

And ***2162 - Approving the reappointment of Donald W. Scott as a member of the Suffolk County Plumbing Licensing Board.*** Same motion, same second, same vote.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Caught up, Mr. Clerk? You're all set?

MR. LAUBE:

Yes, sir.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. LINDSAY:

Okay. Economic Development, Higher Education and Energy. ***2167 - Establishing a Permanent Downtown Revitalization Citizens Advisory Panel.***

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Any questions on that subject matter? Legislator Kennedy.

LEG. KENNEDY:

Just a quick question, I guess, for the sponsor or for Legislative Counsel, since I'm not on this committee. How does this comport with the existing committee that's in place now?

LEG. HORSLEY:

It reinstates it.

P.O. LINDSAY:

If I could, the Committee expired every so often and it would sunset and we'd reappoint -- we'd reauthorize the committee. This makes it a permanent -- a permanent group.

LEG. HORSLEY:

Right.

LEG. KENNEDY:

So the appointees we have actually have gone beyond --

P.O. LINDSAY:

Well, the appointees, each Legislative District has an appointee.

LEG. KENNEDY:

And this will make it permanent.

LEG. HORSLEY:

Makes it permanent.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Okay, fine.

LEG. HORSLEY:

That's it.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

I have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2180 - Authorizing the County Executive to execute an agreement with the Guild of Administrative Officers, Suffolk County Community College, covering the terms and conditions of employment for employees covered under the Bargaining Unit No. 4 for the period September 1, 2005 through August 31, 2011.

LEG. NOWICK:

Motion.

LEG. COOPER:

Motion.

LEG. LOSQUADRO:

Motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Losquadro.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington. I see Tom in the back row. I thought you'd be here.

LEG. MYSTAL:

He's been here all morning.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Good job, Tom.

MR. LAUBE:

18.

MR. BREEDEN:

Thank you very much.

LEG. MYSTAL:

Go home, Tom.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. LINDSAY:

Environment, Planning and Agriculture. *I.R. 2080 - Authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund Open Space component for the O'Hara, Dalton, estate of Friedman and Green property - Hashamomuck Pond (Town of Southold).* Do I have a motion?

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

D.P.O. VILORIA-FISHER:

I think you are already.

LEG. ROMAINE:

But you never know in this body.

P.O. LINDSAY:

J.R. 2081 - Authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund Open Space component for the O'Doherty property, Hashamomuck Pond (Town of Southold).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

I'll second. Let the --

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

LEG. COOPER:

You are listed, Ed.

P.O. LINDSAY:

J.R. 2082 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the New Allied Realty Corp. Property - Santapogue Creek.

D.P.O. VILORIA-FISHER:

Santapogue.

LEG. HORSLEY:

Santapogue.

P.O. LINDSAY:

Santapogue Creek, Town of Babylon.

LEG. HORSLEY:

Motion.

LEG. MYSTAL:

Motion, second.

P.O. LINDSAY:

Motion by Legislator -- that died in the green, environmentalist, Legislator Mystal.

LEG. MYSTAL:

Yeah, that's right.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. MYSTAL:

Let's pave them and build them.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2102 - Making a recommendation concerning the review and comments on the proposed Vector Control and Wetlands Management Long Term Plan Draft Generic Environmental Impact Statement and requiring the preparation of a Final Generic Environmental Impact Statement.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, I'll second the motion. On the question? Seeing none, all in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

P.O. LINDSAY:

One abstention.

MR. LAUBE:

17.

P.O. LINDSAY:

2118 - Authorizing planning steps for the acquisition of Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund (Union Cemetery Property) Town of Islip. I will make the motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. *I.R. 2129A - Pending Bond Resolution - Amending the 2006 Capital Budget and Program by accepting and appropriating up to 75% grant funds in the amount of \$1,000,000 from the New York State Department of Agriculture and Markets to the Suffolk County Farmland Preservation Program for the acquisition of Agricultural Development Rights.*

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 2129 --

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

I.R. 2129, same motion, same second, same vote. ***I.R. 2136 - Accepting a donation of Real Property for Open Space purposes -***

D.P.O. VILORIA-FISHER:

Suffolk County Department of Health Services.

P.O. LINDSAY:

Suffolk County Department of Health Services Board of Review Transfer of Development Rights.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by --

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. D'AMARO:

Mr. Presiding Officer, I'd like to offer a motion to table this particular bill.

P.O. LINDSAY:

Okay. We have a motion to table by Legislator D'Amaro. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. On the question?

LEG. VILORIA-FISHER:

On the motion.

P.O. LINDSAY:

On the motion.

D.P.O. VILORIA-FISHER:

These several resolutions that we see before us regarding transfer of development rights, Legislator D'Amaro in particular had a number of questions, and the committee -- I believe that Mr. Vito Minei is here to provide some of the information that he -- that was sought at the Environment Committee. Mr. Minei, you're looking puzzled. Do you, indeed, have that information?

MR. MINEI:

Yes. Hello again. Vito Minei, Health Department, I think still. As you returned from your lunch break, I distributed a package of information. As Legislator Vilorio-Fisher indicated, there were several questions, most notably from Legislator D'Amaro at the Environment Committee. The package before you was meant to be a background and briefing with regard to transfer of development rights as it's administered in the Department of Health Services with regard to our Variance Board, referred to as the Board of Review. And the discussion before you, in six resolutions, three consecutively hear and three consecutively on the next page, is for simply, and in a straightforward manner, to accepting the donation of property of developers to comply with requirements set forth by that Board of Review.

LEG. D'AMARO:

On the motion, Mr. Chairman, if you don't mind.

P.O. LINDSAY:

Go ahead, you have the floor.

LEG. D'AMARO:

The issue before us today is whether or not we're going to accept a donation of property, and then you have to -- it begs the question, what is the result of accepting the donation of that property. And, you know, I don't want to spend a lot of time here today looking at the backup. I've spent some of the time in my office, Mr. Minei has been kind enough to meet with me, but there are many, many unanswered questions on this particular donation, as well as the other five that are pending.

Specifically, just on this one very quickly, just to give you an example, and to give everyone here an example of what I'm talking about, this particular proposal, as I read it, and, Mr. Minei, you can correct me if I'm wrong, seeks the transfer or it seeks to transfer development rights from four parcels that are not buildable.

MR. MINEI:

Currently not buildable.

LEG. D'AMARO:

And to take a 40,000 square foot lot that is buildable and meets the Sanitary Code and divvy it up into three smaller lots.

MR. MINEI:

In the determination, the fact that was given was as-of-right, the developer had by the tax maps of 1981, which is the effective date of Article 6 of the Sanitary Code, he had as-of-right two lots, he was asking for a third.

LEG. D'AMARO:

According to the Board of Review --

MR. MINEI:

So, as-of-right, he was entitled to those, even by Article 6 of the Sanitary Code.

LEG. D'AMARO:

All right. And you're creating a third.

MR. MINEI:

Creating a third.

LEG. D'AMARO:

Right. According to the Board of Review notes, the parcel is just over 43,000 square feet. Okay. That parcel meets the Sanitary Code.

MR. MINEI:

And two of the three lots meet the Sanitary Code as-of-right, because he had two lots existing in the 1981 tax map. That's the number one fact.

LEG. D'AMARO:

That parcel meets the present Sanitary Code. Now the developer is coming and saying, "I would like three lots" --

MR. MINEI:

Yes, and he's got two, two by right.

LEG. D'AMARO:

-- on lot sizes that are 36% of the size required. So we're taking a lot that meets the desired Sanitary Code for the protection of our groundwater and we're saying, "Yes, go ahead and divvy it into three lots." Now --

MR. MINEI:

Again, by Sanitary Code --

LEG. D'AMARO:

Let me finish, sir. Just let me finish, let me finish. The way you achieve something like that is you then say, "Okay, if you want to have three lots instead of one, at least give us an equal or

corresponding give-back on the lots you're going to sanitize. But the four lots that you're proposing to sanitize are not buildable. There would never be a septic system on those lots anyway.

MR. MINEI:

That may or may not be true.

LEG. D'AMARO:

Well, it is true. It's not may or may not, it is true.

MR. MINEI:

No. One of those lots was 6,000 square feet.

LEG. D'AMARO:

What do you mean no? They're substandard lots. They'll never be built on.

MR. MINEI:

But there is still a Zoning Board of Appeals in Town of Brookhaven and they never enacted --

LEG. D'AMARO:

Your standard is buildable or not buildable, and these are not buildable as a matter of right. As a matter of fact, I can quote from the decision right here. The proposed sending lots are too small to be considered buildable.

MR. MINEI:

That's correct.

LEG. D'AMARO:

Or compensate for the shortage in required land area.

MR. MINEI:

Right.

LEG. D'AMARO:

So they're not even compensating for the shortage on the receiving lot.

MR. MINEI:

But you're lifting that out of context. That determination goes on.

LEG. D'AMARO:

I'm not --

MR. MINEI:

No. The determination goes on.

P.O. LINDSAY:

Legislator D'Amaro, you ask a question, let him answer it, and then respond. Go ahead.

MR. MINEI:

The determination goes on. Again, think of this in terms he's asking for a variance, he's outside. And I disagree with the major fact. It's the number one fact in the determination is that as-of-right, by the 1981 tax maps, he was entitled to two lots. He was asking for a third. So there is something that overarches the Article 6 --

LEG. D'AMARO:

Mr. Minei, you're talking zoning. I'm talking groundwater protection, sir.

MR. MINEI:

I think I know a little bit about groundwater protection, too.

LEG. D'AMARO:

Okay. And if we're going to talk about protecting our groundwater, and our Sanitary Code requires 40,000 square feet and you're going to then take that lot that meets the Sanitary Code, divide it into three lots, give us three sanitary systems without canceling out any other sanitary systems on the lots that are being sterilized, what's the impact to our groundwater; do we even know?

MR. MINEI:

Yes, we do and --

LEG. D'AMARO:

How do we know?

MR. MINEI:

Well, because, number one, all of Article 6 is rooted in studies done in 1976 and I was a major participant in that, and about 30 years of groundwater monitoring and planning, and we're currently in an update. But you're saying I'm taking this and dividing it into three. I am not doing that, the Health Department's not doing that. An applicant is coming with a piece of property with as-of-right an ability to develop two pieces of property. It's on the 1981 tax map and consistent with Article 6, intended to protect groundwater.

What he's asking for is to develop a third lot, and he came to the Board of Review on -- with Zoning Board of Appeals. And I agree with you, ZBA and zoning alone don't protect us. What that determination said was what he offered as an offset was not acceptable at the time of the Board of Review determination. But the determination goes on to say, if he brings more properties to it, the Board of Review will consider it. And he, indeed, went back and brought two more parcels, a 6,000 square foot parcel and a 4,000 square foot parcel. And in aggregate, the Board of Review then accepted it, and we feel strongly it protects groundwater, because, indeed, it's an offset. Number two, it ends up with a net of, at least on the receiving parcel, 13,000 square foot lots, far in excess of what's going on in that immediate area, and far in excess of what's been going on for decades and for --

LEG. D'AMARO:

Those are zoning again.

MR. MINEI:

No, it's not. It's protection of groundwater.

LEG. D'AMARO:

You know, you can't have it both ways, sir.

MR. MINEI:

It's protection of groundwater.

LEG. D'AMARO:

You can't tell me in committee that these are not zoning determinations and we don't act as a super zoning board in the County. And then you're sitting here quoting to me how it comports with the character of the neighborhood, which is a zoning consideration.

MR. MINEI:

Yeah, but what --

LEG. D'AMARO:

Let me make another point. When you talk about -- this is originally a denial. This is a denial --

MR. MINEI:

Yes.

LEG. D'AMARO:

-- by the Board of Review.

MR. MINEI:

That's correct.

LEG. D'AMARO:

And then the Board of Review went on to say, "However," and you said correctly, "if you donate two smaller lots," which also are not buildable lots --

MR. MINEI:

Currently.

LEG. D'AMARO:

-- this would be an approval.

MR. MINEI:

Currently, yes.

LEG. D'AMARO:

Right; is that correct?

MR. MINEI:

Yes. But then --

LEG. D'AMARO:

But the problem is that you --

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

You ask a question, let the man answer the question before you cut him off. Come on, be fair to him.

LEG. D'AMARO:

Well, I am letting him answer the question.

P.O. LINDSAY:

No, you're not. No, you're not.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Let him answer and then you can comment back.

LEG. D'AMARO:

All right, sure, go ahead.

P.O. LINDSAY:

You have a question. Would you answer the question?

MR. MINEI:

Again, the background package you have not only gives you Article 6 of the Sanitary Code, which is the basis of the whole discussion of variance with regard to subdivisions in Suffolk County, you also have in that package the transfer of development right standards that we utilize, and those standards allow for people to utilize it. In fact, it's been a very powerful tool and very useful for Pine Barren credits and other means of making more consistent. But here's the point. What the Board of Review finally decided, and the determination says it, with those additional two pieces of property, that it is in harmony with Article 6 of the Sanitary Code, and thereby protects the groundwater of Suffolk County. And what that has is you have to look at, again, the arcane science of groundwater standards. By allowing this third piece of property and allowing offsets by currently unbuildable lots, we agree with it, it's said in the Board of Determination, we're saying that the result on the receiving piece and also in the region that these properties would be developed, you would not exceed groundwater standards. And that really is the basis, and we stand by it, and we stand by the fact that this and the other ones are in harmony.

LEG. D'AMARO:

The perception being held out to the public by the Board of Review is that they are protecting our groundwater by taking offsets that are commensurate with a deficiency on the receiving lot and they are not. They are not. They are not.

MR. MINEI:

That's your opinion. We disagree.

LEG. D'AMARO:

But that's -- but that's what we're here for.

MR. MINEI:

Okay.

LEG. D'AMARO:

Okay. The Board of Review is giving away the store on all five of these proposals, sir.

MR. MINEI:

We strongly disagree with that --

LEG. D'AMARO:

Okay. Well, then let me ask --

MR. MINEI:

-- on the basis of 10 years of experience with the standards and 25 years of experience --

LEG. D'AMARO:

And that's -- okay, okay.

MR. MINEI:

-- with Article 6.

LEG. D'AMARO:

Right. And through your experience and all your oversight, okay, you're telling me you've never done a study, you don't even know the impact on the groundwater.

MR. MINEI:

That's simply not true.

LEG. D'AMARO:

Okay.

MR. MINEI:

That's simply not true.

LEG. D'AMARO:

Cite one to me.

MR. MINEI:

Okay. Starting in 1976, the 208 study, I worked on it.

LEG. D'AMARO:

Right.

MR. MINEI:

For 25 years subsequent to that, I was on groundwater investigations. The 1987 Comprehensive Water Resources Plan done by the Health Department that I worked on underscores housing density with regard to groundwater quality. All the work we've done in a unique sense with probably the best environmental lab in the country underscores that. And you have to put this in the context of the area.

Article 6 said, from the early '80's moving forward, these are a way to protect groundwater and certainly not exacerbate it. We started with a given in the Mastic/Shirley area of hundreds, literally thousands of tiny lots. The groundwater is impacted. What we're doing now is not exacerbating the situation with regard to Article 6 in the Board of Review determination. I stand by the staff's determination, that it is in harmony with Article 6 and protects the groundwater.

LEG. D'AMARO:

Well, in harmony sounds nice and peachy, but the fact of the matter is what's happening here is you're taking a lot that meets the Sanitary Code requirement, you're dividing into three lots, and then the offset is not enough to compensate for the subdivision. Let me give you another piece of this.

MR. MINEI:

If I could interrupt for one second.

LEG. D'AMARO:

Sure.

MR. MINEI:

By law, he had as-of-right two lots. We're really discussing the third lot, and we're discussing the net effect of the transfer of development rights. The transfer of development rights basically says, "Yes, we're obviously giving you a variance from the strict letter of Article 6," but one of the guidance criteria given the transfer of development rights says the net effect will not be to have more than double the standard density, which in this case is 40,000 square feet. By taking those four additional lots and adding it to the third lot, we now had a 43,000 square foot lot, add on 20,000, he's got 63,000 square feet. If we were to follow the letter of Article 6 and said three lots at 40,000 square feet, it would have been 120,000 square feet. So he complies with that, he complies with his as-of-right to get two lots before he came to the Health Department.

LEG. D'AMARO:

Or, if I could just interrupt you --

MR. MINEI:

The only discuss is the third lot.

LEG. D'AMARO:

No. But --

MR. MINEI:

And then the discussion of the net overall effect with regard to groundwater.

LEG. D'AMARO:

The total square footage of the transferring lots is 16,000 square feet, and whether it's 16 or 20. I think it's 16, though.

MR. MINEI:

I think it's two --

LEG. D'AMARO:

The bottom line is you're going to wind up with three septic systems on 59,000 square feet where the code requires 120,000 square feet. How is that protecting our groundwater?

MR. MINEI:

Because it's complying with the transfer of --

LEG. D'AMARO:

Half the required square footage.

MR. MINEI:

It's in compliance with our standards based on, again, nearly decades of groundwater investigations that said at 10,000 square feet, you will not exceed the groundwater standard. What Article 6 has is a considerable measure, a safety factor with regard to housing density. Therefore, after having it in effect for over 10 years, we were asked to find a means to accommodate development consistent with zoning and consistent with the character. I admit zoning and character enter into it, but the bottom line for us is these decisions you have before us we believe very strongly will maintain a protection of groundwater quality.

LEG. D'AMARO:

Thank you. And my point is that the lots that we're considering in this resolution, the donated lots, are not sufficient to compensate for the impact on our groundwater on the lots that are receiving the development rights. Now, again, if you came here and said, you know, we're going three septic systems and going on, but we're removing three from the same groundwater management zone, that's an offset. If you came here and said we needed 120,000, we only had 60, but we're giving up 60,000, that's an offset, but you're not doing that. What you're doing is you're increasing the density in this groundwater protection zone. All right? That's number one.

Second, as to the lot that's being donated, as to the lot that's being donated, the Board of Review said the proposal to donate the parcels has not been confirmed as desirable by the County. So not only are the lots being donated, these four lots, not buildable, not compensating or making up for the impact on our groundwater, but in addition that, this parcel is not even desirable by the County in its own right for environmental protection. So, you know, if you read these decisions, instead of talking about words like harmony, this is in harmony with the protection of the groundwater, let's talk about

what's really going on here. Now, what I'd really like to know is how many times a year does this happen?

MR. MINEI:

Probably happens, I would say, between 50 and 100 times a year.

LEG. D'AMARO:

Okay.

MR. MINEI:

But you're taking things out of context when you say undesirable.

LEG. D'AMARO:

I don't think I am.

MR. MINEI:

It was at the time that that was written. You have to take the rest of the background package. We turned over the proposed donated parcels to the Planning Department. And you'll see in this case and every one in the package that there's a very strong letter of support to the environmental merits of combining those. So that's one factor, that you have a Planning Department letter that says these are very desirable parcels. They're either adding to parkland, or they're along the shoreline, or whatever reason.

LEG. D'AMARO:

No argument with that.

MR. MINEI:

That was an independent evaluation. So you have that factor. You have another factor that, again, this is consistent with the guidance in the transfer of development rights standard that we have. Those standards are not like you said, not sort of whimsically derived, they're based on literally decades of investigation, and we continue that investigation. We're doing an update of our study using very sophisticated tools. So I'm not saying we're resting on 25 years, we've moved the science forward.

So, again, I think you have to read the entire determination, you have to read what happened subsequently to the first denial of the variance hearing, and you have to take that into consideration of the overall area that those parcels would be developed.

LEG. D'AMARO:

Okay. And that's very nice and that sounds good, but the fact still remains that when you look at the specifics of these individual transactions, the fact of the matter is, if we approve this bill, we are going to detrimentally impact the groundwater in this groundwater protection zone by increasing density, because the lots that are giving up density are not sufficient to compensate -- the donated lot is not sufficient to compensate for the lots that are being developed.

A lot, by the way, just to add insult to injury, that under the Sanitary Code meets the 40,000 square foot requirement. So why are we even subdividing it into three separate lots and then having a negative impact on the groundwater? To me, I question what this Board of Review is doing.

MR. MINEI:

Well, again, we've made several offers to make presentations, either at the Environment Committee or others, and we can discuss this at length. But the only issue before you, at least under regulatory authority, is whether or not to accept these donated properties and let this application go forward. If you deny it, the applicant will go and find someone else to donate the parcels to, even though your

own Planning Department says they're very desirable parcels and we really, really want them. It's a curious position.

LEG. D'AMARO:

Look, if we deny this today, it's the Health Department standard that's not being met.

MR. MINEI:

That's not true, not true.

LEG. D'AMARO:

Excuse me?

MR. MINEI:

That's not true.

LEG. D'AMARO:

The Sanitary Code? Isn't that what we're talking about?

MR. MINEI:

No. We're talking about the standards under which the variance hearing was approved. I've readily admitted at the outset that he was going for a variance because he didn't meet the letter of the Sanitary Code. That's a given. You're going to an Appeals Board for a variance, and what we're saying is the determination of that Appeals Board says it is in harmony, it is consistent, and it will protect groundwater. That is the bottom line. All you're being asked is to accept the donation. You can take or you can leave it, but the fact is that applicant, I suspect, will go somewhere else and get someone else to accept it, and, therefore, his application will be approved.

[COURT STENOGRAPHER - ALISON MAHONEY]

LEG. D'AMARO:

I agree with you to the extent that the Board of Review should never have granted this in the first place and the applicant would have nowhere to go. But now I'm asked here today to determine -- look, Mr. Minei, if he didn't get the variance from the Board of Review, it's done.

MR. MINEI:

No, the variance said, "You're denied with what you've submitted, but if you come back and give us additional parcels" --

LEG. D'AMARO:

You're not listening to me, sir. I said --

MR. MINEI:

Please read the rest of the determination, it says exactly that.

LEG. D'AMARO:

-- if the Board of Review had denied this fully --

MR. MINEI:

It says exactly what I just said.

LEG. D'AMARO:

If the Board of Review -- I'm sorry if you're upset about this, sir, but you know what?

MR. MINEI:

I'm not upset, I'm just curious.

LEG. D'AMARO:

I have to tell you something. How you can sit there and justify taking a 43,000 square foot parcel and defending a Board of Review decision to divvy it up into 13,000 square foot parcels and not give up the same square footage in order to get there is a complete misrepresentation, I think, of how these are presented to this committee and to this Legislature.

MR. MINEI:

And I disagree. I'm not upset, I'm just a little frustrated.

P.O. LINDSAY:

Okay. I'm going to cut it off there. Legislator Alden, you had a question.

LEG. ALDEN:

Yeah, just a quick question. The parcel that's going to be developed, that's three residences?

P.O. LINDSAY:

Yes.

MR. MINEI:

Yes.

P.O. LINDSAY:

Which one? There is six of them.

LEG. ALDEN:

No, they're being donated. Those are sterilized, right?

MR. MINEI:

We're talking about one resolution, 2136.

P.O. LINDSAY:

Right.

LEG. ALDEN:

Right.

MR. MINEI:

He came before the Health Department with a 43,000 square foot lot that as of right he was entitled to two.

P.O. LINDSAY:

Two houses.

MR. MINEI:

Twenty-one thousand. Then he asked for a third. He went back to the Town of Brookhaven, got a ZBA approval for his third lot. No TDR's involved. So, yes, it will turn out to be three residences on that piece of property.

LEG. ALDEN:

He's going to sterilize other property?

MR. MINEI:

Four properties.

LEG. ALDEN:

Right. Okay. So these are for three residences.

MR. MINEI:

Three residences.

LEG. ALDEN:

His other alternative wasn't to hook-up to the Southwest Sewer District, right? Where is it?

MR. MINEI:

Not from Mastic/Shirley.

LEG. ALDEN:

From Mastic/Shirley that's a long pipe. Okay, thank you.

P.O. LINDSAY:

Legislator Kennedy, did you want to say something?

LEG. KENNEDY:

I just -- I wanted to try to understand a little bit. You know, Legislator D'Amaro, I guess, has questioned you at length, Vito. Maybe -- I wanted to clarify the record a little bit, though, and just one piece, I think, that Legislator D'Amaro might have referenced. The relief here is to gain approval for the third lot. Correct?

MR. MINEI:

That's correct.

LEG. KENNEDY:

From the Health Department side.

MR. MINEI:

That's correct.

LEG. D'AMARO:

Under zoning, not the Sanitary Code.

LEG. KENNEDY:

I understand. I'm talking septic only. Septic only, the developer would have the ability to construct two residences on this land that's being considered.

MR. MINEI:

That's correct.

LEG. KENNEDY:

The four lots that are being offered, are they contiguous?

MR. MINEI:

No, they're not, but they're in the same groundwater management zone. And as Legislator D'Amaro said, currently at least three of them, I don't know about the fourth one, I thought the fourth one was 6,000 square feet, would be considered unbuildable, but that doesn't mean in perpetuity, that means currently. So we were going to accept four pieces of property. Now you have to do the math of adding up the aggregate square footage as it relates to our transfer of development right standards.

LEG. KENNEDY:

Well, it's 18,000 square feet. You said three four's and a six, right?

MR. MINEI:

I think so, yeah, 18,000.

LEG. KENNEDY:

And standards aren't going to get less stringent. They are only going to get more stringent. So you are never going to be able to build on a 4,000 square foot lot or a 6,000.

MR. MINEI:

There are single and separate and it's a matter before the Town of Brookhaven.

LEG. KENNEDY:

But are they? But do we know that, Vito?

MR. MINEI:

No, we don't. No, we don't. And it says that in the Board of Review, that they're currently unbuildable. But what they did was they aggregated that parcel, those four parcels, added it to the third parcel, then also added it to the other two and came up with a subdivision that was approximately or very close to being half or double the density, which standards allow because even at that density you will not exceed groundwater standards with septic tanks.

And, you would be far better in terms of the impact on groundwater than the remaining thousands of septic systems in the Mastic/Shirley area because of the size of the lots. And also, I believe you are not setting a precedent that many other parcels could be subdivided. That's another issue that the Board looks at, are we putting into motion a huge precedent where other developers will come into that area looking for that size lots.

LEG. KENNEDY:

This is in a developed area and what's the average size of the lots that surround it?

MR. MINEI:

They're much smaller. I believe they are 10,000 square feet or less. Many of them are 5,000 -- I think some of them were 4,000 square feet that are now considered unbuildable.

LEG. D'AMARO:

Through the Chair, can I just comment on that? I don't --

P.O. LINDSAY:

No, no. Through the Chair. Come on. Otherwise we're never going to get out of here. I have to keep some decorum.

LEG. D'AMARO:

You know what, Mr. Lindsay? I feel this is a very important issue for protection of groundwater.

P.O. LINDSAY:

I will put your name down and call on you. I'll be happy to as soon as Legislator Kennedy yields.

LEG. D'AMARO:

Okay.

LEG. KENNEDY:

I'll yield. That's okay, Mr. Chairman.

LEG. D'AMARO:

I thought he said he had. I apologize.

LEG. KENNEDY:

I'll yield.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I don't take issue with looking at the character of the neighborhood. I understand that. What I take issue with here is in order to get to the subdivided lots what is the applicant giving up and how does that impact protection of the groundwater. If you are giving up lots that are buildable or have a similar square footage then you are not increasing density of septic systems or in square footage terms.

In this particular case the donated lots are not giving up, either enough by way of septic systems or square footage, to compensate for the deficiency on the proposed three lots to be developed. So it's not a zero sum is what I'm saying. That's where I take issue with if a developer wants to come in and subdivide because it conforms under zoning with the character of the neighborhood to go to \$13,000 square feet, I can live with that. But when you talk about groundwater protection, if you are not going to give up as much as your deficiency is on the lots you want to develop, you are going to negatively impact the groundwater. You do that a hundred times a year and do you it a hundred times over five or 10 years, now you have a problem. That's my point.

P.O. LINDSAY:

Are you done, Legislator Kennedy?

LEG. KENNEDY:

I have one more that I pose back to Mr. Minei then, I guess, in light of what Legislator D'Amaro has shared. And Vito, I, you know, respect your many years in managing the groundwater system. But is it a subjective process when you identify these donated lots? What's -- there's got to be some objective criteria that will suffice for a donated lot.

MR. MINEI:

There are two issues. It would have certainly been more compelling and more straightforward, as Legislator D'Amaro had said, is if indeed each lot that was being offered was buildable. Then it would be literally in our parlance a septic tank for a septic tank. That didn't happen in this case, although I still contend that he still has the future right to go back and ask about it.

What you also have to take into consideration are the TDR standards, and the TDR standards say that if we are going to accommodate these receiving properties, then we, the Health Department, will accept a double density in that area. And by doing that, again, it's based on many, many years of groundwater investigations, we're saying that it still is protective of the groundwater because you are starting at a very high level of safety factor from Article Six and you are coming to a point to accommodate development but still protect groundwater.

That's what the last few lines of that determination say, that it's in harmony with Article Six and protective of the groundwater, and on that basis the Board of Review approved all of those lots put together. You have to take all of the material, in essence, in the background package I gave you and then we can discuss it over time.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Yeah. I just want to know exactly where are these homes going to be built? Obviously it's Mastic/Shirley. Do you have streets? Exact locations?

MR. MINEI:
Yeah, there's tax maps parcels in that -- I don't have them before me and quite honestly I generally try to keep some distance between me and the variance hearings. But they're all within groundwater management zone six which is a large area. These, I believe, were in relatively close proximity in the Mastic/Shirley area, but Kate, I can't give you the exact location.

P.O. LINDSAY:
It says {Tine} Road -- in the backup -- {Tine} Road and {Hounclo} Road in Shirley.

LEG. BROWNING:
Thank you. I know where that is. And then the properties that we're going to preserve, where are they? Are they in the Mastic/Shirley area?

D.P.O. VILORIA-FISHER:
Yes.

MR. MINEI:
Yes, they are.

LEG. BROWNING:
Do you have any idea where it is?

MR. MINEI:
Again, I don't think I have -- I don't have actual locations of them. Again, keep in mind that it isn't that critical to the Board of Review in their context in that they're looking at groundwater management zone and the subregional affect on groundwater. So if it's exactly this street or that street it isn't critical, although proximity of sending to receiving is, again, makes it more straightforward, more persuasive. But, Kate, I'm sorry. I don't have the exact locations.

P.O. LINDSAY:
Kate, It just has tax maps.

MR. MINEI:
I do know that they are separate and not contiguous.

LEG. BROWNING:
Okay. I know where that is and, yeah, it's a residential area. I don't foresee that should be a problem.

LEG. COOPER:
Bill?

D.P.O. VILORIA-FISHER:
Kate, we had seen those maps.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Vito, just one question. What is the likelihood that these lots that are currently non-buildable will ever become buildable?

MR. MINEI:

Well, some of them, again, are consistent with the character of many of the lots in that area. I think one of the lots is 6,000 out of the four. That one probably has a reasonably high potential for -- the 4,000 is in current discussions an unbuildable lot, but I don't believe that Brookhaven has an unbuildable lot ordinance. They discussed it but I don't think they enacted it. But I would suggest to you that certainly the 6,000 square foot lot has a high potential to be developed.

P.O. LINDSAY:

Okay. Mr. Clerk, refresh my memory. What motion -- there's a motion before us to table?

MR. LAUBE:

Yes.

LEG. STERN:

On the motion.

P.O. LINDSAY:

Okay. And a second. On the motion, Legislator Stern.

LEG. D'AMARO:

Excuse me, Mr. Chair. If I could be recognized.

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

Just in response to Legislator Browning. I understand the analysis you are going through and it's the proper analysis. Sure, you may want to preserve the four lots in that area. Nothing wrong with that. What I'm saying to you, however, is that preserving them in this way you're not preserving enough. I'm not saying we shouldn't preserve those lots, but it's not enough to compensate for what's happening on the lots that are going to develop.

So, it's very easy to, I think, confuse my opposition to this with not wanting to preserve those donated lots. Sure, I'd love to get those lots and keep them vacant forever. No problem with that. But there's a two part transaction here and the second part of that transaction is saying when we preserve those lots it's enough to compensate for groundwater protection on three lots we're going to develop, and that's where my disagreement is. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Vito, what is the aggregate of those four lots that we are preserving?

MR. MINEI:

I think someone did the math for me. I think it's 18,000 square feet added to the 13,000 square feet, and then for the entire subdivision you have to add it to the other two lots that the applicant is given by right. I was told 16.

D.P.O. VILORIA-FISHER:

Okay. That wasn't my question. I was just asking the lots that we're preserving, it's 18,000 square feet.

MR. MINEI:

Yes. Three four's and one six.

D.P.O. VILORIA-FISHER:

Okay. And the size of one of the lots that is being added -- that is being built on, that total was 40,000 square feet. He was able to build --

MR. MINEI:

Two.

D.P.O. VILORIA-FISHER:

Two lots. He's building another lot. So it's -- actually it's a net plus because we're sterilizing 18,000 and he's building a third house. So we're not saying 18,000 and then allowing three houses. We're saying 18,000 square feet to allow the third house. So we can't -- Kate, it's 18,000 square feet that's being preserved and it's allowing one additional house of 13,000 square feet.

MR. MINEI:

And also he's armed with a ZBA approval for that third lot.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

I'm sorry, Legislator Stern. I thought you had yielded to Legislator D'Amaro.

LEG. STERN:

Thank you, Mr. Chair. You know, Legislator Browning asks the right question. What are we giving up and what are we getting in return. And I think the way that TDR's have been done in the past, we as a body have really only been getting, you know, half of the story. And I appreciate Legislator D'Amaro and his questions here that he's raised, but it goes even further than just the particular lots that we're talking about here. It's really the entire system and we as a body are asked to vote up or down on these transfers with literally only one half of the story.

I've actually been working with Counsel to draft legislation that would require that we would actually get the full story here and get the documentation, the background documentation, the Board of Review documentation that Legislator D'Amaro sites. I would like to see a process where we're as fully briefed as a body as we are when we consider open space purchases and to date I just have not seen that.

I'm going to support this tabling motion because this is an awful lot of documentation that was just thrown on our desks just a, you know, it seems like a few moments ago. We're asked to devour all of this in one sitting and asked to vote on these proposed transfers and I'm just not prepared to do that and I hope we have a better system going forward.

LEG. ALDEN:

I just would like to make a comment.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

I find it real interesting that, you know, we would be willing to table something like this, but then when we're discussing something that is pretty much related to this, like the hook-up out of system for the Third Sewer District, that we pass every one that comes before us with no debate. And when I bring up what I think are valid points, as far as the County not being reimbursed in a proper manner, that is just pooh-poohed.

And we got Legislator Horsley down there that has asked to have more and more capacity flowing through his district because he, unfortunately for him, I guess, or whatever, fortunately for us, that's where the Bergen Point Plant is located. It's not located in my district, it's located in Horsley's district. But yet on those hook-ups we hook-up sand mining operations, we hook-up people in Nassau County, we hook-up restaurants that are already operating with no net gain to Suffolk County, yet we are just banging them out here, go ahead, let's hook them all up.

And yet on this, because it's maybe a little bit of a pile of documentation, we're willing to put this off. Look at this, we're getting three houses that somebody will be able to sell to people and we're getting some sterilized property. It looks like a net win to us. Plus, when you boil it all down, all we have is the ability to vote on whether we accept these properties or don't accept these properties, and then it's all going to go on anyway without us. So, you know, that's really what it boils down to. Do you want to take the sterilized properties and let this go forward, or do you not want to take the sterilized properties and let it go forward anyway.

MR. MINEI:

If I could just quickly respond to Legislator Stern. We would agree with you. It's a lot of material put before you, but the offer is still out there that we'll gladly give a presentation on the entire process and we've already agreed at the Environment Committee that as part of the backup we will give the Board of Review determination as well. For years -- maybe we got a little settled in our ways. The letter from Laretta Fischer on her evaluation was persuasive to accept the donation. But I understand, especially for the newer Legislators, this is pretty startling stuff.

P.O. LINDSAY:

I appreciate that, Mr. Minei. When you make that arrangement with Legislator Vilorio-Fisher, who Chairs the Environment Committee, if one of you would let my office know I'll make sure that all 18 Legislators are apprised of that presentation that have an interest in attending and listening to it.

MR. MINEI:

At your pleasure.

P.O. LINDSAY:

Okay. Back to the motion before us. We have a motion to table and a second.

LEG. COOPER:

Mr. Chair, I would like to make a motion to recommit to committee.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

We have a motion to recommit to committee and a second. I believe the tabling --

MR. NOLAN:

Recommit.

P.O. LINDSAY:

Recommit goes --

D.P.O. VILORIA-FISHER:

On the motion.

P.O. LINDSAY:

On the motion.

D.P.O. VILORIA-FISHER:

We had in committee about an hour-and-a-half of discussion on this. We have information here before all of the Legislators that was provided by the Health Department. I strongly -- I strongly disagree with the recommit motion.

LEG. ALDEN:

Roll call.

P.O. LINDSAY:

We have a motion and we have a second on recommitting. Legislator D'Amaro seconded the recommit. We also --

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

-- have a tabling motion as well.

MS. ORTIZ:

And approve.

LEG. D'AMARO:

Just on the recommit. You know, I respect Legislator Viloría-Fisher. She gave me ample time in committee to ask a lot of questions about this. The reason why I would support the motion to commit is only because rather than take everyone's time here, frankly, there are five other bills in this similar situation. I think that it would just give us an opportunity to bring it back for a cycle, ask all of our questions and then see if we can come to a consensus and bring it back here.

You know, it's just -- it's either that or if they get, you know, of course they could be approved today, but if they were tabled here today, it's going to raise the debate back here to the Legislature. I just think it's more prudent to get it back in committee so we can digest the information. That's all.

P.O. LINDSAY:

Wasn't all the questions asked already?

LEG. D'AMARO:

Not even close, in my opinion. I'm sorry, but, you know, I just got handed this information on Friday at five o'clock and I did what analysis I could, and now the rest of us got it today and there's questions.

P.O. LINDSAY:

Okay. We have a motion to recommit and a second. Roll call.

(Roll called by Mr. Laube, Clerk)

LEG. ALDEN:

Motion to recommit.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

LEG. MYSTAL:

So much for the Babylon/Huntington group.

P.O. LINDSAY:

Okay. We have a motion to table and a second. Roll call.

(Roll called by Mr. Laube, Clerk)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. MYSTAL:

That's to table? Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. CARACAPPA:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay. Now, is someone going to make --

MR. LAUBE:

You have a motion to approve with Viloria-Fisher and a second with Legislator Cooper.

P.O. LINDSAY:

Roll call.

(Roll called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Abstain.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

Abstain.

LEG. HORSLEY:

Abstain.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes to approve.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Yes.

MR. LAUBE:

12.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

Next one. Same debate, same motion, same vote.

MR. MINEI:

My new best friend, Legislator Mystal.

LEG. MYSTAL:

You know me, I want to pave the whole thing.

P.O. LINDSAY:

IR 2137 (Accepting a donation of Real Property for Open Space purposes -- A SCDHS Board of Review Transfer of Development Rights (File No. S02-05-0027). Mr. Minei, is this the industrial parcel or is this more residences?

MR. MINEI:

Gee, I only had five hours to prepare. I'm thinking this is residential as well.

LEG. D'AMARO:

It's an office building.

MR. MINEI:

It's office? Legislator D'Amaro informs me it's an office park.

P.O. LINDSAY:
Office park. Okay.

LEG. ALDEN:
I'm going to make a motion to recommit, table and approve.

D.P.O. VILORIA-FISHER:
I'll second that.

P.O. LINDSAY:
All right. Seriously, I need a motion that's acceptable.

LEG. D'AMARO:
I'll offer a motion to table.

P.O. LINDSAY:
Motion to table.

MR. LAUBE:
Who made the motion?

P.O. LINDSAY:
Legislator D'Amaro.

MR. LAUBE:
Thank you.

LEG. COOPER:
I'll second.

D.P.O. VILORIA-FISHER:
Motion to approve.

P.O. LINDSAY:
Motion is seconded by Legislator Cooper. A motion to approve by Viloría-Fisher.

LEG. LOSQUADRO:
Second to the motion to approve.

P.O. LINDSAY:
Second to the motion to approve by --

LEG. D'AMARO:
And on the motion, Mr. Presiding Officer.

P.O. LINDSAY:
Okay.

LEG. D'AMARO:
Just very briefly on this, Mr. Minei. The backup I received does not tell me whether or not the property to be sterilized is giving up sufficient gallons per day to compensate for the deficiency in the receiving property. Do you know the answer to that? I just don't have that number. I couldn't extrapolate it from the data that you gave me.

MR. MINEI:

Well, all I can do, Legislator D'Amaro, is refer to determination where it indicates that the applicant will make appropriate arrangements to transfer the County at no cost and that it was acceptable to the -- I don't have the specific answer.

LEG. D'AMARO:

Right. When I read the Board of Review decision on this, there seems to be a glaring omission, in fact, because it says that the proposed design flow exceeds the previously approved flow by 154.3 gallons per day. And you would think that the next couple of paragraphs would explain that the lot that's being sanitized is going to make up for that, but it never gets into that and I don't understand why. I mean, is the lot being sanitized giving us one gallon per day, 150, or 300? I don't know the answer to that.

MR. MINEI:

It's a valid question. I don't have an answer to that other than what's implied in the determine, but I don't have the specific answer to that.

LEG. D'AMARO:

I'm sorry. I didn't hear you.

MR. MINEI:

I'm sorry. I'm only referring to what I'm implying from the determination that it's satisfactory, but I'm agreeing with you that it doesn't say it explicitly.

LEG. D'AMARO:

Okay. So again, you know, just for my own evaluation on how this impacts our groundwater, if at all, you know, I think that's a vital piece of information we need, especially going forward. That's why I'd ask for this resolution to be tabled today, so we would have sufficient time to at least consider that. Thank you.

P.O. LINDSAY:

Okay. We have a motion to table and a second, and at the request of Legislator D'Amaro for additional information which Mr. Minei doesn't seem to have. Anybody else want to speak on this? Legislator Browning, did you want to add something to this discussion?

LEG. BROWNING:

Well, basically from reading what this is, this is the property that we're going to preserve is Forge River property. And as you know, we have been buying a lot of property by the Forge River, how polluted it is. We supported putting signs up because it's so polluted. So I'm going to support it if we're going to save the Forge River.

MR. MINEI:

Again, if I could just re-explain my answer, Mr. Chairman. It says equivalent parcels will be sterilized so therefore the implication that it does compensate for the extra gallonage, but it doesn't say it explicitly.

P.O. LINDSAY:

Okay. You don't have the exact amount of flow.

MINEI:

I don't have the exact number other than what the determination is.

LEG. STERN:

Mr. Chair.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Again, it's just a perfect example of -- of only getting half of the story and the need to change procedure certainly going forward and I appreciate the comments of my colleague and Mr. Minei, but this has to do with procedure and the information that we need as a body to make the best decisions.

So, again, I support the tabling motion here and I would go to Mr. Minei's comments, you know, just because this is the way it was done in the past and just because this Legislature relied on some piece of documentation from the department doesn't make it right and doesn't mean that we don't need to improve upon the procedure going forward.

P.O. LINDSAY:

And just a comment. I never remember this kind of discussion on the acceptance of property donated, never, and we've always relied on the Department of Health and the bureaucracy that we have around us, which we rely on for a whole host of things, you know. But, I mean, it is certainly within your guys rights to question this. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair. I guess -- Vito, with this one, the donating parcel, if I am reading the decision properly, had a letter of support that came from the County Planning Department from February 7th and is located in a nature preserve. Is that correct?

D.P.O. VILORIA-FISHER:

They're calling it Forge River Park but it's not in a nature preserve. If I may, Mr. Chair? Vito, from my reading it looks like they're calling it the Forge River Park because there are a number of parcels that have been acquired in that area and I don't think that -- Jack, I don't believe that that's really in a nature preserve yet. They're calling it that but it's in that Forge River Park area. We've been buying a number of parcels around that area, small parcels, in order to protect it. Am I speaking out of turn? I think that's what it refers to, Vito.

MR. MINEI:

I agree with your recollection of what we've been buying, but I generally don't challenge Laretta Fischer when she uses terminology about parkland.

LEG. KENNEDY:

Which I appreciate, however, if we're looking at -- part of this may be the difficulty is just trying to translate between the data that we have and the caption. But this makes reference to a donating parcel in the Miller Place/Yaphank Road Nature Preserve area. I'm in favor of acquiring property in the Nature Preserve.

D.P.O. VILORIA-FISHER:

Right, absolutely.

LEG. KENNEDY:

You know, and in this case I think we do have -- got to -- we have to rely on the recommendations from the experts in the departments. In this one it seems to be on more solid ground than the prior one.

P.O. LINDSAY:

Okay. Any other comments? We have a tabling motion. Roll call.

D.P.O. VILORIA-FISHER:

Wait a minute. On which question?

P.O. LINDSAY:

On the tabling.

(Roll called by Mr. Laube, Clerk)

LEG. D'AMARO:

Yes to table.

LEG. COOPER:

Yes to table.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No to table.

LEG. CARACAPPA:

Nope.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Four.

P.O. LINDSAY:

Okay. Tabling fails. Do we have a motion to approve?

MR. LAUBE:

Yes, you did. Legislator Viloría-Fisher with the motion, and Losquadro I believe was the second.

D.P.O. VILORIA-FISHER:

Yes. Oh, were you calling my -- I'm sorry.

MR. LAUBE:

No. I was just repeating the motion and the second.

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

A very quick suggestion to those who would raise questions about this. A suggestion to the Presiding Officer that perhaps he could appoint a special select committee to take a look at the program as opposed to the individual resolutions and make recommendations back to this body in the next month or two or three I think would be helpful. I don't disagree with some of the points that are being made, but the individual resolutions are not the place to make this objection. I think a review of the program would be a better place and perhaps a select committee with Mr. Stern and D'Amaro and --

P.O. LINDSAY:

But, Legislator Romaine, if you supported it, why didn't you just vote for the tabling, then? I mean, then it would be referred back to committee which is supposed --

LEG. ROMAINE:

We went through this at committee which our Chairlady can tell us, we had extensive questioning for over an hour-and-a-half on four resolutions. And what we have to do is as long as this concept is the concept by which we govern, that we try to offset parcels in terms of sanitary flow, as long as that's the policy of this County and it has been then, then it's proper that the Board of Health and it's review committee make these recommendation as these resolutions come forward.

I think what Mr. D'Amaro is arguing is that this policy needs to be reexamined. I don't disagree with that re-examination, but I think it's the policy that needs to be re-examined, not the individual resolutions.

P.O. LINDSAY:

Okay. What I would suggest is I'm going to move forward with our agenda today and we'll exercise the will of this body. When Mr. Minei appears before the Environmental Committee and goes through

the process of how this whole thing works, if the committee has, you know, wants me to set up a special task force to look at this I will be happy to do that.

D.P.O. VILORIA-FISHER:

Mr. Chair, if I may.

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Actually, Mr. Minei and Mr. Isles held a half-day, shall I call it a workshop or seminar, two years ago in the media room across the street which I attended because I was interested in learning more about transfer of development rights and how it worked and what the benefit was to our groundwater. It's an important tool in smart growth, it's an important tool of planning. And if I recall, Legislator Schneiderman, didn't you attend that workshop or at least part of the time. I thought you were the other Legislator that I saw there. I don't remember who it was. There was one other Legislator that attended.

But I think if we're going to get to an in-depth, it might be too broad for the purview of one committee and perhaps -- we'll talk, Vito, and see if perhaps another workshop of that sort where the towns were also included, because the towns weigh in on this.

MR. MINEI:

Sure. Again --

D.P.O. VILORIA-FISHER:

With regard sending and receiving, zoning authority and flow restrictions, Article Six and how it impacts on towns and their planning. So perhaps rather than have it almost ad hoc and coming to the committee we could set up a day where you have another workshop like that because I know it helped me to understand the process a lot better.

MR. MINEI:

Again --

P.O. LINDSAY:

Hold on. Being that we're accepting this property and it's generated this much debate, I really don't want to include the towns. I would like Mr. Minei to come in and explain it to the Environmental Committee and give proper notice to every other Legislator that they could sit in on that presentation.

MR. MINEI:

Whatever your pleasure.

P.O. LINDSAY:

And then if you want to have another seminar beyond that with the towns, that's fine.

D.P.O. VILORIA-FISHER:

Okay. But the reason I'm saying I would rather not have it part of the committee is that the Environment Committee has a very full agenda. It's usually a committee that runs about two-and-a-half hours.

P.O. LINDSAY:

We have a very full agenda here tonight and evidently this isn't going to be resolved under we get further explanation.

D.P.O. VILORIA-FISHER:

Okay. Mr. Chair, I'm not asking it to be resolved tonight. However, as the Chair of that committee I'm suggesting that whether or not it includes the town, that it be a separate informational session that the Health and Planning Department's provide for Legislators that would be separate from the regular meeting of the Environment Committee. Because in order to explain fully, and this was done when I was on the Affordable Housing Commission, this was done when I attended the media room meeting, it take about another three hours to go through all of the fine points of this system. I would rather not have it done just as a presentation in the Environment Committee. That's my suggestion.

MR. MINEI:

I think I agree with both of you, but in your instance, Mr. Presiding Officer, in the past we made presentations here to joint committees with all 18 invited. That might be the starting point you are talking about and then we can go back to this.

And I hope -- I hope I didn't imply that because this is the way we've done things in the past it was fine. What I thought I said was this was the way we've done and we were a little settled in the our ways, but we'll do whatever it takes with regard to providing you background and clarifying these issues.

P.O. LINDSAY:

Okay. I want to move this along, all right?

MR. MINEI:

Okay. I'm sorry.

P.O. LINDSAY:

We have devoted way too much time to this. What I'll suggest to the Chairman of the Environment Committee is to poll your committee. If the committee wishes to have a special session for this subject, that's fine by me.

LEG. D'AMARO:

Excuse me, Mr. Chair. Just very briefly.

P.O. LINDSAY:

Come on, Lou.

LEG. D'AMARO:

I just want to respond o this whole concept of having this informational session. There's nothing wrong with getting information and getting educated. However you want to do that I defer to the Chair and that's fine.

But I don't -- Legislator Romaine is presenting that as an end all and the point I'm making here today is that this is not an overview or a procedural matter. This is a case by case determination that we make as voting members of this body as to whether or not the acceptance of donated property is good or bad for our groundwater protection. So we can have all of these overview hearings and educational sessions, which is fine, but it's not going to stop me from making a case by case determination.

P.O. LINDSAY:

And that is your absolute right but twice now the body has not agreed with you.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Okay, and that's everybody else's right.

LEG. D'AMARO:

Well, I'm not taking issue with that.

P.O. LINDSAY:

No, I know that. I know that.

LEG. D'AMARO:

That's fine.

P.O. LINDSAY:

Where are we, Mr. Clerk?

MR. LAUBE:

You have a motion and a second to approve 2137.

P.O. LINDSAY:

Okay. Any other questions? Any other comments? I'm going to call the roll.

(Roll called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Abstain.

LEG. D'AMARO:

Abstain.

LEG. STERN:

Abstain.

LEG. MYSTAL:

Abstain.

LEG. HORSLEY:

Yes to approve.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

14.

D.P.O. VILORIA-FISHER:

2138 (Accepting a donation of Real Property for Open Space purposes -- a SCDHS Board of Review Transfer of Development Rights (File No. R02-05-0677)). Is there a motion? I will make a motion to approve.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Losquadro.

LEG. ALDEN:

Roll call.

D.P.O. VILORIA-FISHER:

We'll start the roll call.

(Roll called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

Vote slowly please. Wait for the Presiding Officer.

LEG. COOPER:

Abstain.

LEG. D'AMARO:

I received no information on this bill. I abstain.

LEG. STERN:

Abstain.

LEG. MYSTAL:

Abstain.

LEG. HORSLEY:

Approve.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

I'm not usually an advocate of job actions and slowdowns and things like that, but in this case I make might an exception for the Presiding Officer, so I'll pass.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

I agree with Legislator Alden.

LEG. ALDEN:

What's that you agree with me on, Joe?

LEG. CARACAPPA:

The bill we're voting on.

LEG. D'AMARO:

I will make a motion to table.

D.P.O. VILORIA-FISHER:

That will slow it down.

LEG. CARACAPPA:

I'll pass.

LEG. BROWNING:

Well, actually I have been known to do job actions in my time and be on strike and all those kinds of good things, but yeah.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. MYSTAL:

We don't need his vote.

P.O. LINDSAY:

Not present.

LEG. ALDEN:

Yes.

LEG. CARACAPPA:

Yes.

D.P.O. VILORIA-FISHER:

Here he is.

P.O. LINDSAY:

Yes.

MR. LAUBE:

14.

LEG. ALDEN:

You didn't miss a vote this time.

P.O. LINDSAY:

Well, you know, nature calls.

LEG. ALDEN:

You are admitting you are polluting the groundwater.

P.O. LINDSAY:

2140 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund - Open Space component - Carich property - Fresh Pond addition, Town of Huntington (SCTM No. 0400-015.00-02.00-039.000).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. LOSQUADRO:

Even though it's on the west end I guess I will second that motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2142 authorizing acquisition -- 2141 excuse me. *2141 (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Cooper property - Emerald Estates (Town of Huntington - SCTM No. 0400-168.00-02.00-114.000)).*

LEG. COOPER:

Don't even ask, Dan.

P.O. LINDSAY:

Are you making a motion, Legislator Cooper?

LEG. COOPER:

Motion to approve.

LEG. STERN:

Second.

LEG. ROMAINE:

It's the Cooper property.

LEG. COOPER:

It's not my property.

P.O. LINDSAY:

Legislator Stern seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 2142 (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Kummer property - Emerald Estates (Town of Huntington - SCTM No. 0400-168.00-02.00-083.000 p/o)).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2143 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund - Open Space component - Estate of

Plummer property - Mastic/Shirley Conservation area, Town of Brookhaven (SCTM No. 0200-980.70-06.00-038.000).

LEG. BROWNING:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Browning makes the motion, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2144 (Authorizing the acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12 -- 5(E)(1)(A)] - Kings Park Boat Club, Inc property - San Remo Floodplain - Town of Smithtown (SCTM No. 0800-019.00-02.00-016.000).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

A motion by Legislator Nowick.

LEG. COOPER:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2145 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Preservation Program, Estate of DeRenzis property, Forge River Watershed, Town of Brookhaven (SCTM No. 0200-750.00-06.00-024.000). Legislator Browning?

LEG. BROWNING:

Motion to approve.

LEG. LOSQUADRO:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2146 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund - Open Space component - Irwin property - Patchogue River Wetlands addition, Town of Brookhaven (SCTM No. 0200-865.00-03.00-054.000)). Legislator Eddington.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Okay. 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:

2147 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund - Open Space component - Cardinale property - Hashamomuck Pond, Town of Southold (SCTM No. 1000-056.00-05.00-009.000)).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Would the Clerk please list me as cosponsor.

MR. LAUBE:

18. Yes, sir.

P.O. LINDSAY:

2148 (Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program - Open Space component (Sterling Creek, Town of Southold)).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. ROMAINE:

Would the Clerk please list me as cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Here we go. *2174 (Accepting a donation of real property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. R02-03-0866 and 0867)).*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. D'AMARO:

Very quickly. Just if Mr. Minei is still here I just had a very quick question on this one as well, if he doesn't mind. I just wanted to know if the sanitized lots and the receiving lots are equivalent in square footage or in number of septic systems because I cannot get that information from the backup that was provided. And I do realize that in the Board of Review decision it says equivalent parcels will be sterilized, but there's nothing -- there's no specifics.

MR. MINEI:

Yeah. I'm just going to have to defer that language. I don't have the specifics on that. That when they say equivalent they mean just that.

LEG. D'AMARO:

Okay, and --

MR. MINEI:

And square footage or septic system has been provided.

LEG. D'AMARO:

Okay. So I don't have that specific information. And also, the lot that is being donated is going to be making up part of a golf course. Is that accurate? In the form letter that we get on every application.

D.P.O. VILORIA-FISHER:

It says proposed County golf course.

MR. MINEI:

This is -- which one? I'm sorry.

LEG. D'AMARO:

This is 2174.

MR. MINEI:

This is -- I'm still confused here. R02 or --

LEG. D'AMARO:

This is lot 1.046 -- yeah, R02-03-0866 and 0867.

MR. MINEI:

It says in the determination if included with land to be developed as a golf course must remain in the open space. So what happens is we don't give any credit to the active maintained portions of golf courses or agriculture. That's in a guidance memorandum. So basically if you want to include open space as a golf course it has to remain open and unmaintained, which means no fertilizer, pesticides. So, yes, I believe you are correct.

LEG. D'AMARO:

All right. And just very quickly. This memo, this form memo that comes out of the Department of Planning just says we support the environmental protection of this property but it's not in an environmentally sensitive area. I just wonder if the Department of Planning ever doesn't support the environmental protection of property.

In any event, I'm not going to bore the Legislature with the motion to table, but just note for the record that again I feel there's insufficient information to go forward with this today.

MR. MINEI:

Just in defense of Planning. They usually are specific that either they're strongly supportive because it adds to a holding of the County or in some instances they suggest that maybe we just combine it with adjoining properties to keep it open. Ms. Fischer is usually very specific in that regard, and quite honestly, I have never scrutinized her position with regard to the value of the property.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Mr. Minei?

MR. MINEI:

Yes.

LEG. MYSTAL:

Who owns the property?

MR. MINEI:

I'm sorry?

LEG. MYSTAL:

Who owns the property?

MR. MINEI:

Who ordered --

LEG. MYSTAL:

Who owns it.

P.O. LINDSAY:

Who owns it.

MR. MINEI:

Who holds it?

P.O. LINDSAY:

Owns it. Somebody wants to give it to us. Who's giving it to us?

MR. MINEI:

The applicant.

LEG. MYSTAL:

What is the applicant name?

MR. MINEI:

The applicant's name on behalf of Thomas Kramer --

D.P.O. VILORIA-FISHER:

Woodland Estates. Who is that?

P.O. LINDSAY:

I'd be suspicious. Somebody wants to give us something.

LEG. MYSTAL:

Is it Mr. Kramer?

D.P.O. VILORIA-FISHER:

He's not the owner, he's representing them. Vito, it's owned by Woodland Estates?

MR. MINEI:

Yes.

D.P.O. VILORIA-FISHER:

But I don't know who the principals are; Kramer is only representing them.

MR. MINEI:

Yeah, he's an expediter.

LEG. MYSTAL:

Whatever.

MR. MINEI:

Yes, I'm sorry, Legislator. I don't know the specific owner. The applicant was made on behalf of Woodland Estates.

LEG. BROWNING:

I believe the owner of the Woodland Estates is {Karachis}.

LEG. LOSQUADRO:

On 74?

LEG. BROWNING:

Lawrence hold for {Karachi} it says.

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

Does that satisfy you, Legislator Mystal?

LEG. MYSTAL:

It satisfies me.

P.O. LINDSAY:

Okay. We have a motion to approve and a second. Can we do all in favor? Opposed? Abstentions?

LEG. KENNEDY:

Abstain.

LEG. MYSTAL:

Abstain.

P.O. LINDSAY:

Do you want to ask another question? Okay. All in favor? Opposed? Abstention? Abstentions, hold up your hands if you want to abstain. One, two, three, four five. Do you got them, Mr. Clerk?

MR. LAUBE:

13. (Abstentions: Legislators Cooper, D'Amaro, Stern, Mystal, Kennedy)

P.O. LINDSAY:

2175 (Accepting a donation of real property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. S02-99-049) - A Re-Submission for Correction 8-16-2006). Legislator Losquadro, are you the sponsor of this?

LEG. LOSQUADRO:

Yes. It was given to me by Environment and Energy.

P.O. LINDSAY:

Well, would you like to make the motion to approve?

LEG. LOSQUADRO:

I will make the motion to approve.

D.P.O. VILORIA-FISHER:

I would like to make the motion to second and I would like to be co-sponsor. I think I may be already.

MR. LAUBE:

Yes, ma'am.

D.P.O. VILORIA-FISHER:

And, by the way, the receiving parcels in my district, I think the sending parcel might be -- no, I think the other way around. I think the sending is my district, the receiving is your district.

P.O. LINDSAY:

Legislator Legislator Mystal.

LEG. MYSTAL:

I would like to know who is the expediter on this one, too.

LEG. NOWICK:

The owner or the expediter?

LEG. MYSTAL:

The owner and the expediter.

MR. MINEI:

All I can say to you, Legislator, was it was address to Mr. Ted {Rosenberg}. I don't know in what capacity, as a representative or as an owner, but it's --

LEG. LOSQUADRO:

The applicant says Patrick {Chicarelli}.

D.P.O. VILORIA-FISHER:

What about {Pedalski}, is that --

P.O. LINDSAY:

{Chicarelli} and {Pedalski}. You okay?

LEG. MYSTAL:

I just want to know.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Hold your hands up for the abstentions? 13. (Abstentions: Legislators Cooper, D'Amaro, Stern, Mystal, Alden)

P.O. LINDSAY:

Okay. *2176 (Accepting a donation of real property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. S02-99-0182))*. And again it has Legislator Losquadro on there.

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

Same motion. Same second?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay. Do you want to do same vote or do we got different --

LEG. D'AMARO:

On the motion.

LEG. MYSTAL:

Same question on the motion. The owner and expediter.

P.O. LINDSAY:

Legislator Mystal.

LEG. LOSQUADRO:

I'm sorry. Mr. Chairman, this is the one that says {Rosenberg} and {Pedalski}.

LEG. MYSTAL:

What was the other one?

LEG. LOSQUADRO:

The other one was {Chicarelli}, the last one before this.

LEG. MYSTAL:

Who was the expediter?

LEG. LOSQUADRO:

It did not say.

P.O. LINDSAY:

To give someone a piece of property do you have to have an expediter? I don't think so. You don't have to.

LEG. MYSTAL:

I'm just asking.

P.O. LINDSAY:

Okay. Did you -- anybody else have a question on this? Legislator D'Amaro.

LEG. D'AMARO:

Just very briefly on the record. This proposal that went before the Board of Review was requiring 80,000 square feet. There's 50,000 and change for the property that is going to be receiving the credits. It's 29,000 and change -- 29,242 square feet deficient, but the parcel being sterilized is only 10,000 square feet that's being transferred. So again, when you talk about groundwater protection, in my opinion you are now having a negative impact on the groundwater and this is the second one today, so.

MR. MINEI:

And I think the determination says it's single and buildable as of right.

LEG. D'AMARO:

That is true. It is a buildable lot that is being sanitized, but, you know --

MR. MINEI:

We're balancing two considerations that the Board reviews.

LEG. D'AMARO:

Fair enough.

MR. MINEI:

The square footage or the straight transfer of septic system for septic system.

LEG. D'AMARO:

Right, but my only point --

MR. MINEI:

In this case it was the latter.

LEG. D'AMARO:

Right, and when you don't have the required square footage coming over to offset you do wind up with an increase in density which, again, has an impact to our groundwater.

MR. MINEI:

Again, we disagree.

P.O. LINDSAY:

Okay.

MR. MINEI:

It was septic tank for septic tank. It was a straight offset.

P.O. LINDSAY:

Okay. We've had this argument back and forth. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

Abstention.

LEG. ALDEN:

Alden, too.

MR. LAUBE:

13. (Abstentions: Legislators Alden, Mystal, Stern, D'Amaro and Cooper).

P.O. LINDSAY:

Health and Human Services. ***2052, 2052A (Amending the 2006 Capital Budget and Program and appropriating funds in connection with purchase of 4-poster machines for Tick Eradication Pilot Program on Shelter Island. (CP 4085).***

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion to approve by Legislator Romaine.

LEG. MYSTAL:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. MYSTAL:

Hi, Ed.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second to the table. Do I have a second to the approval motion?

LEG. KENNEDY:

Yeah, I'll second the approval.

P.O. LINDSAY:

Second by Legislator Kennedy. Any discussion? Legislator Romaine.

LEG. ROMAINE:

Yes, very briefly, the hour is late. The entire Health Committee, including the Chairman, Mr. Mystal, supported this resolution. As he can tell you, every member of the Shelter Island Town Board came down, every member of the Deer and Tick Committee came down, as well as a number of residents came down.

There is a tick epidemic in Shelter Island. Tick diseases run very high there. This is a County health problem. We deal with mosquitos with Vector Control but we don't have anything to deal with ticks. This is a 4-Poster System that ranked 63 on the capital projects list by the Budget Office and the Budget Review Office. It's given a high priority. It would allow a pilot study on Shelter Island that could be expanded to Fire Island, that could be expanded to other districts with tick problems.

This would allow them to buy -- this would allow the Health Department to buy for the Island 60 locations. The Island Town Board has identified these locations and has made a commitment of two staff members, this is a very little town, this is a town that has less than 4,000 people, two staff members that would monitor, collect data, make sure that the cornmeal is there, that the insecticide that is used for the deer is there to kill the ticks and would take care of everything.

What we're doing is participating in the study as a Health Department by providing this 4-Poster System, 60 of them for \$120,000, for the Island. It is a legitimate function of the Health Department. I think it is something that is worthwhile and I would urge support for it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I just have a question on, and anybody can answer it, through the Chair, on a recollection. There was a doctor that came in earlier today and spoke on or spoke to this resolution. I believe she stated, and somebody correct me if I am wrong, that even if we vote to go forward with this it's got to go up to New York State and get approved. And right now the type of, whether you want to call it pesticide or whatever, that's going to be used in this is not on the approved list. So it would actually have to have State action to go and do anything.

With that being said, I support this idea. I will vote for this, but I think that what might happen here is if New York State doesn't approve it, then we're going to have to look for a different type of solution.

Is that a correct reading of what that --

LEG. ROMAINE:

Through the Chair.

LEG. MYSTAL:

Wait, wait, wait.

P.O. LINDSAY:

I have a list.

LEG. MYSTAL:

I'm going to answer you.

LEG. ROMAINE:

Okay. I could answer that question.

P.O. LINDSAY:

Okay. I think we all heard Dr. Dillon this morning and that's what my recollection is plus that in order to install this somebody has to do a two million dollar study.

LEG. MYSTAL:

Basically -- am I next?

P.O. LINDSAY:

You're next.

LEG. MYSTAL:

Basically, Ed, you know, Mr. Romaine, you know, I feel the people came here. I listened to them, and I would love to have this program. But if we give Ben Zwirn a chance --

LEG. ROMAINE:

He'll shoot it down.

LEG. MYSTAL:

He will tell you why it's not happening is because even if we approve it we need a study for about two million dollars that will take about 18 months to do this. That's what the State said to us. I approved it in committee in the hope that we would hear from the State on this matter and we've heard from the State. So through the Chair can I ask Mr. Zwirn to --

P.O. LINDSAY:

Sure.

LEG. MYSTAL:

Mr. Zwirn.

MR. ZWIRN:

That's correct. The Health Department is in support of this. We're not against it, but you can't put the cart before the horse. We don't have State approval. There's a whole process that has to be gone through before we can even address this. We're not asking to kill it, we're just saying table it until everything else can be worked out. There's going to be a health assessment study. The

chemical that they use here has never been used in this type of study according to the State. It's a very powerful Permethrin and it can have a lot of side effects as opposed to just killing deer ticks.

LEG. LOSQUADRO:

Mr. Chairman?

MR. ZWIRN:

We need the State approval on this before we can go forward. This is a DEC regulated event and the Health Department has been in favor of this. They said they would certainly not stand in its way, but they can't go forward, and this would be a feel good piece of legislation to say we're going to appropriate \$120,000, but it can't go anywhere. I mean, just until we get permission to go forward. So we're just asking for it to be tabled until the State says go ahead and then we'll proceed.

P.O. LINDSAY:

Where is the \$2 million coming from for the study?

MR. ZWIRN:

You know, it certainly wasn't in the budget, but, you know.

P.O. LINDSAY:

You don't have it in your pocket, do you?

MR. ZWIRN:

No. I have some change. But the fact is maybe we could ask the State to come up with the funding for this. I mean, it's just -- there was a meeting on Friday. When I was before the committee we asked them just to wait on this, table it in committee until we had the meeting with the State so we knew where we were going. It came out of committee, the meeting was held. I think Dr. Dillon spoke with Legislator Romaine about it and probably some of the other people who attended. I was not there, but Dr. Dillon spoke this morning and Legislator Alden's recollection is correct.

[COURT STENOGRAPHER - LUCIA BRAATEN]

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

A couple of things. Number one, at the conference Friday, Permethrin was found to be absolutely safe. Number two, on August 23rd, Mitch Freedman reported in Newsday accurately that Governor Pataki had ordered the DEC to undertake this type of study in Shelter Island, and that was reported on August 23rd. Number three, the reason I contacted Dr. Dillon on Friday is at the conference, she said the Health Department has no interest in participating in any study on ticks whatsoever, we're understaffed, we can't do it.

MR. ZWIRN:

That's correct. Don't compare that with the pilot program that you're suggesting. They're talking about --

LEG. ROMAINE:

I guess I can be interrupted.

MR. ZWIRN:

-- the assessment study, because they have no research capacity.

LEG. ROMAINE:

Ben, you haven't joined this body. You don't have the right to interrupt, unless you go through the Chair.

MR. ZWIRN:

But I'm just saying, but you're misrepresenting what she said.

P.O. LINDSAY:

Okay. Let Legislator Romaine finish.

LEG. ROMAINE:

I mean, point of order.

P.O. LINDSAY:

Yes, you have it. You have the floor, go ahead.

LEG. ROMAINE:

Thank you. Thank you. What this would do is it would give the Health Department the right to buy 60 four-poster systems and the cornmeal that goes with them. The Town of Shelter Island will take full responsibility for placing them and monitoring them. This will not be necessary to be part of a State study. This will be a study that will be generic and specific to Shelter Island. They are suffering an epidemic from ticks. There is -- and tick diseases, tick borne diseases. This is a step to try to eradicate that. And if you are quoting the conference correctly, Ben, and I would ask you to go back, because you're on record now --

MR. ZWIRN:

I will read Dr. Dillon's notes into the record, if you so like.

P.O. LINDSAY:

Hold it, hold it. Finish, Legislator Romaine, please.

LEG. ROMAINE:

If you would go back and check what came out of that conference, not Dr. Dillon and not the Health Department that doesn't want to engage in this, because they're understaffed and don't have the ability, but out of that conference came a complete understanding that Permethrin in this use was absolutely safe. That was one of the points that was made at this conference.

I do not believe that this should be tabled. This is a capital project to undertake a pilot study of which all our portion of is 120,000. Shelter Island will undertake the study on the Island. They have committed two Town employees to this.

MR. ZWIRN:

But we don't have approval for this. I mean, you're going to spend money on a program that --

P.O. LINDSAY:

Are you -- finish, finish, finish. Legislator Romaine, are you done?

LEG. ROMAINE:

I will simply say that the Governor has directed DEC to do this study. This was reported in Newsday on August 23rd, and you know what, again and again and again. I don't mind arguing about facts. I don't mind resolutions being defeated. I don't mind people having different points of view. What I mind is misinformation and disinformation. I've seen it time and time again on something that raises to the level of a public health crisis on this Island. We should not be dealing with disinformation and misinformation.

Knowing the mind of this body and the a majority, this may get tabled. But you know what, I want everyone to remember this when I come back next month and show you that the State approved this. Then what are you going to say to this man that said they haven't? Because that's what I want to find out about, because we are getting -- as Legislators, we don't have the ability to be administrators, we're getting a lot of disinformation and misinformation. I tried to point some of that out on the Orient Road situation. And I can understand people disagreeing philosophically, but misusing the facts, I don't agree with that. So I'll just end with that. If this is going to get tabled, then I'll do the homework and I'll have to bring back to this body from the State proof that this is acceptable and we can undertake this study on Shelter Island. I hope it isn't tabled, though, because it's only more of a delay.

P.O. LINDSAY:

Legislator Romaine, I mean, Dr. Dillon testified this morning that we need DEC approval in order to set these devices out. You disagree with that?

LEG. ROMAINE:

I don't disagree, but DEC is granting a special needs permit for this purpose for Shelter Island.

P.O. LINDSAY:

Why don't -- why don't we table this and get that clarified with DEC? Because you're saying -- you know, what Dr. Dillon said this morning was that this DEC permit is a process that involves a study and a couple of million dollars and --

LEG. ROMAINE:

This is an -- you know, this is an application for us to take 60 units and test it in a confined environment.

P.O. LINDSAY:

Okay. But we need approval of DEC to do that.

LEG. ROMAINE:

I will get you that information, if it's the desire of this body to table it. But then I say to you, and I ask all 18 members, disagree with it philosophically, argue against it --

MR. ZWIRN:

We don't disagree philosophically.

LEG. ROMAINE:

-- but understand that you are getting disinformation and misinformation in a deliberate attempt to defeat this.

MR. ZWIRN:

No, that's just not --

LEG. ROMAINE:

That should not be the case.

MR. ZWIRN:

It's just not true.

LEG. ROMAINE:

Vote against this for philosophical reasons, don't vote against this because someone's giving you misinformation.

MR. ZWIRN:

Dr. Dillon was here. Dr. Dillon could have answered any questions. Legislator Romaine remained silent. He could have asked her any question.

LEG. ROMAINE:

That was at the public portion.

MR. ZWIRN:

He could have asked her --

LEG. ALDEN:

Point of order. That's not fair. Point of order. That was during the public portion. We're not allowed to ask any questions.

MR. ZWIRN:

Well, it's been done, though.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

No.

MR. ZWIRN:

It has been done. You could have asked her to remain to answer questions. She would have been glad to do that.

P.O. LINDSAY:

But -- so you're going forward with your approval motion, or you want to table it and get the information from DEC?

LEG. LOSQUADRO:

On the motion.

LEG. ROMAINE:

You know, I really hate to table resolutions.

P.O. LINDSAY:

Okay, then stick with your motion. Legislator Losquadro.

LEG. LOSQUADRO:

I just want to point out, I don't know -- you know, many times we say that we're preempted by other levels of government and the State is preempted by the Federal Government. And I'm on the U.S.D.A., United States Department of Agriculture website in the Agricultural Research Service portion of the website, and the -- back January 29th, 2004, the U.S.D.A. licensed the 4-Poster System for use. So this has received U.S.D.A. approval over two years ago. So I'm not sure, you know, where that goes, where that leads -- lends itself to with the State, but I just wanted to just put it on the record, this is not -- this was actually developed by the United States Department of Agriculture, it was not something that was developed independently.

LEG. MYSTAL:

Mr. Chair.

P.O. LINDSAY:

The testimony this morning was that it was -- it needs DEC approval; okay? And I just hate to see then buy these devices and then wind up in a shed out in Westhampton. You know what I mean?

MR. ZWIRN:

If the State approves this --

LEG. MYSTAL:

Mr. Chair.

MR. ZWIRN:

-- we'll support it.

P.O. LINDSAY:

Okay, one minute. Wait a minute, I got a list. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

There's certainly no debate that Lyme Disease is a major problem on Shelter Island. And from an environmentalist perspective, it seems like a better approach to do these spot types of treatments than to blanket the Island with pesticides, so that seems logical. The testimony that Permethrin is harmless, I don't buy. There's lots of studies showing that this is -- can be harmful in marine types of environments. We use it in our Vector Control Program. Because it's a derivative of like a chrysanthemum oil, it's considered more natural, but it doesn't mean that it's harmless. So it has to be applied right. Though this type of application, where it's going directly on the deer and not being just aerosoled over the Island is maybe the best type of approach to do it. I have some very specific questions, one about SEQRA, and this may get down to -- I might need some advice from Counsel. This was put down as a Type II action?

LEG. ROMAINE:

Because it's only purchase of equipment.

MR. NOLAN:

Because it's a purchase of equipment.

LEG. SCHNEIDERMAN:

Okay. So --

MR. NOLAN:

I discussed this with Jim Bagg and he said for the purchase of equipment, it's a Type II. He did say that the State would have to complete SEQRA.

LEG. SCHNEIDERMAN:

Okay. So our -- because I was going to ask if CEQ had reviewed this properly, and you're saying yes, because it's only the purchasing of equipment. You could put other things onto this four posters besides pesticides, and, therefore, it's just the equipment.

MR. NOLAN:

Legislator Romaine raised a question with me regarding the SEQRA classification, so I checked with CEQ and Jim Bagg and he said Type II was the right classification under SEQRA for this particular resolution. But he also said SEQRA, in terms of carrying out this program, will still need to be done, and I think that's one of the things Dr. Dillon may have said this morning.

LEG. SCHNEIDERMAN:

Okay.

MR. NOLAN:

I believe.

LEG. SCHNEIDERMAN:

I mean, the State's going to find, you know, because the EPA regulates these chemicals, that we're not going to be allowed, I don't believe, to make a SEQRA declaration that they're harmful to the environment, because the Feds have already made that determination. But we can go through that process. It's probably going to be acceptable to the State, that would be my guess.

P.O. LINDSAY:

But I don't think we -- it's a matter of we can, I think we have to go through that process.

LEG. SCHNEIDERMAN:

We have to go through the process.

P.O. LINDSAY:

Right.

LEG. SCHNEIDERMAN:

But I don't think it's going to be turned down.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

But I do wonder, if we are going to table this, if there is some window of time where these pesticides can be applied in Shelter Island, and I don't want to miss that window. If it means we're going to move forward with this and then wait for the State to approve it, that might be better than having to come back here and miss a window, which means missing a whole season. So is there some information on that?

LEG. ROMAINE:

You know --

P.O. LINDSAY:

Wait, wait a minute. Legislator Mystal.

LEG. SCHNEIDERMAN:

I just need -- I need an answer on that, if somebody can provide that.

P.O. LINDSAY:

About the window?

LEG. MYSTAL:

I just want to --

LEG. SCHNEIDERMAN:

Yeah. I need to know if there's a window of time, because that may affect my vote whether to table or not.

P.O. LINDSAY:

Okay. But before you go, Legislator Mystal --

LEG. MYSTAL:

I just wanted you to --

P.O. LINDSAY:

I didn't give you the floor, yet. He still has the floor.

LEG. MYSTAL:

Oh, I'm sorry.

LEG. SCHNEIDERMAN:

Maybe the sponsor can answer that question. Is there a window of time that we'll be allowed to apply these pesticides through this poster -- four-poster system?

LEG. ROMAINE:

Yes. It's applied in either the Fall or the early Spring. So either we do this now or we table it, you know, and that's -- that was my reluctance to table it. But I understand, and I don't want to mislead anyone around this horseshoe, and I understand what Mr. Zwirn is doing, and I'm happy -- I would be willing, reluctantly, to table this to get you the information. It will mean delaying this program until early Spring, but I want you to have the facts before you. I'm not asking for your vote, you'll make those decisions yourself, but at least I want you to have the facts, because there is misinformation here.

P.O. LINDSAY:

But, Legislator Romaine, you're jumping the list. You were asked a question about the window, you answered that, and then you're going on. I have you on the list. I'm coming back to you. Legislator Mystal.

LEG. MYSTAL:

Two questions I want to answer, one for Legislator Losquadro and the other one for Legislator Schneiderman. The first question that, you know, this has been a U.S.D.A. approved, yes, these pesticides have been approved in 49 states, except one, New York. That's number one.

LEG. SCHNEIDERMAN:

It's not the pesticide you're talking about, you're talking about the four-poster system.

P.O. LINDSAY:

Wait, wait. You don't have the floor. You don't have the floor. Please, keep order.

LEG. MYSTAL:

No, no, no. I am talking about the pesticide that's going to go -- see, the four-posters, when you buy them, you have to put the pesticide on there, or, you know, it has no affect. Okay? So what we are debating is not the posters, it's the pesticide that the State say it needs to do a study that's going to cost about 2 million dollars and probably take about 18 months. That's number one.

To your question as to a window, even if we were to approve this right now, and even if we were to get the approval from the State right now, you could not push it with this program until the Spring, because you have to order the material, order the four-posters. It takes time for them to make them for you and deliver it and for you to put them there. So the earliest time you could start this program would be Spring. So the Fall, in terms of your, time -- the time element you are asking, the Fall is already gone.

LEG. SCHNEIDERMAN:

Okay, thank you.

LEG. MYSTAL:

I know, I'm just trying answer his question.

P.O. LINDSAY:

Okay. Are you done? Oh, wait a minute. Are you done?

LEG. MYSTAL:

I am done.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

I'll second Legislator Mystal's resolution to table this.

P.O. LINDSAY:

Okay. Legislator Cooper? We have a motion now. So you're withdrawing the motion to approve?

LEG. ROMAINE:

Yes, I am, and I'm seconding --

P.O. LINDSAY:

Okay. We have a motion to table. Do you want to say anything?

LEG. MYSTAL:

No.

P.O. LINDSAY:

Good.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Moving right along.

MR. LAUBE:

Wait, wait, no. 17. Barraga is not here.

P.O. LINDSAY:

2097 - Authorizing the Suffolk County Department of Health Services to promote awareness of the benefits of cord blood and encourage cord blood donations. Legislator Stern.

LEG. STERN:

Yes, motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Do I have a second? By Legislator Cooper. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstention. Okay. 2114 - To establish --

MR. LAUBE:

15. (Not Present: Legs. Barraga and Viloría-Fisher)

P.O. LINDSAY:

I'm sorry. *(2114) To establish a Tick Management Task Force in Suffolk County.* Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

LEG. MYSTAL:

And I will second.

P.O. LINDSAY:

Second.

LEG. COOPER:

On the motion.

LEG. SCHNEIDERMAN:

I got there first.

LEG. COOPER:

I'm willing to support this if the sponsor can say Tick Task Force three times fast.

P.O. LINDSAY:

We have a motion and a second.

MR. LAUBE:

Who was the second? All --

LEG. MYSTAL:

Me.

P.O. LINDSAY:

Second was --

LEG. SCHNEIDERMAN:

Myself. I got it.

LEG. MYSTAL:

Me.

LEG. SCHNEIDERMAN:

I got it.

MR. LAUBE:

Elie. Thank you.

LEG. SCHNEIDERMAN:

Legislator Schneiderman.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

List me as a cosponsor, please.

MR. LAUBE:

15. (Not Present: Leg. Montano and Viloría-Fisher)

P.O. LINDSAY:

2125 - Accepting and appropriating 75.3% additional --

MR. LAUBE:

That was 16, not 15, sorry.

P.O. LINDSAY:

-- federal grant funds passed through the New York State Department of Health Services to the Suffolk County Department of Health Services for the Community Health Workers Program. I make the motion. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Vote Amended to 16 - Not Present: Legs Barraga and Viloría -- Fisher)

P.O. LINDSAY:

2127 - Accepting and appropriating 100% funds to expand the Hospital Outreach Program at Stony Brook University Hospital and authorizing the County Executive and Commissioner of Social Services to amend the existing contract. I make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

16. (Not Present: Leg. Montano and Viloría-Fisher)

P.O. LINDSAY:

2153 - Approving the reappointment of Frank Krotschinsky to the Suffolk County Disabilities Advisory Board. Do I have a motion? Motion? Come on, folks, motion.

LEG. BARRAGA:

Motion.

LEG. COOPER:

Motion.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

16. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2154 - Approving the reappointment of Judith Record to the Suffolk County Disabilities Advisory Board - Group D. Can I do same motion, same second, same vote? All right with everybody. Thank you.

(Vote: 16 yes, 2 not present - Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2155 - Approving the reappointment of Glenn Campbell to the Suffolk County Disabilities Advisory Board.

LEG. ALDEN:

As long as we don't have to listen to him sing.

P.O. LINDSAY:

Same motion, same second, same vote.

LEG. MYSTAL:

Rhinestone Cowboy.

P.O. LINDSAY:

2168 - Directing the Suffolk County Department of Health Service to conduct an air quality test in the area of Yaphank, Manorville and Moriches. Legislator Browning.

LEG. BROWNING:

Make a motion to --

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. SCHNEIDERMAN:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second. Second by Legislator Losquadro. Okay.

LEG. LOSQUADRO:

No, it wasn't me. I thought it was --

P.O. LINDSAY:

It wasn't you.

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Oh, Legislator Schneiderman. Okay. On the question, Legislator Alden.

LEG. ALDEN:

Just two questions. Cost, and also, what are we looking for, led dust?

LEG. MYSTAL:

Foul odor.

LEG. BROWNING:

Yes, it's Yaphank, but it's not led dust this time. They currently have compost piles, there's Long Island Compost, and there has been an increased problem of asthma, respiratory infections. County Executive has also, I believe, put in about 25,000 to Stony Brook. Let me see. Where do I have that?

LEG. LOSQUADRO:

How much is this?

LEG. BROWNING:

Yeah, for medical evaluations for residents from that area.

LEG. ALDEN:

So that's what it's going to cost us, 25,000 for the --

LEG. BROWNING:

No, that's something totally separate.

LEG. ALDEN:

How much does this cost us?

LEG. BROWNING:

Sorry. Is there anyone here? I don't believe I have --

LEG. LOSQUADRO:

I'm sorry. Budget Review?

LEG. BROWNING:

Budget Review. Sorry. Thank you.

MR. ORTIZ:

This just empowers the Health Department to do the study. It should be done with in-staff costs, and shouldn't have any additional cost except for staff.

LEG. ALDEN:

Because any time I've asked the Health Department to do almost anything, they don't have the money, they don't have the manpower, they don't have anything.

MR. ORTIZ:

The Health Department's on record during the Health Committee saying that this should be done by DEC, and not -- and they shouldn't be -- have to have to accomplish this task.

LEG. ALDEN:

Oh, that's a first, this year anyway.

LEG. BROWNING:

Does that answer? Is that enough?

P.O. LINDSAY:

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

MR. LAUBE:

16. (Not Present: Legs. Montano and Viloría-Fisher)

LABOR, WORKFORCE AND AFFORDABLE HOUSING

P.O. LINDSAY:

Labor, Workforce and Affordable Housing. ***2149 - Authorizing acquisition, conveyance, development and oversight of real property under Suffolk County Affordable Housing Opportunities Program (Cottages at Mattituck - Town of Southold).*** Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

16. (Not Present: Legs. Montano and Viloría-Fisher)

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. LINDSAY:

1814 - A Local Law to enhance implementation and enforcement of "DWI Seizure Law" by towns and villages located outside the County Police District. Okay. I've been informed by Counsel to skip over that, that a CN is coming over to change that.

LEG. LOSQUADRO:

It should be in the packet.

LEG. SCHNEIDERMAN:

Should we just table it or.

LEG. LOSQUADRO:

Just skip it.

LEG. SCHNEIDERMAN:

Do you want to skip it or table it?

LEG. COOPER:

Pass over it.

MS. PASTORE:

It's in the folder.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

It's in the folder already.

P.O. LINDSAY:

Yeah, I know, but I'm going to do all the CN's at once. *2131 - Pending Bond Resolution - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of Digital Photography Equipment (CP 3504).*

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, I'll second the motion. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

16.

LEG. MONTANO:

Yes, yes, yes, yes.

MR. LAUBE:

Oh, 17. (Not Present: D.P.O. Viloría-Fisher)

LEG. EDDINGTON:

He missed you.

P.O. LINDSAY:

Okay. He got him.

LEG. MONTANO:

No. He got me, 17.

MR. LAUBE:

Got him.

P.O. LINDSAY:

Okay. *2132 - A Pending Bond Resolution - Appropriating funds in connection with the installation of emergency systems for Major County Buildings/NYS Fire Standards (CP 1710).*

LEG. COOPER:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator Losquadro. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

2132, same motion, same second, same vote. ***I.R. 2133A - Pending Bond Resolution - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the assessment of Information System and Equipment for Public Works.***

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by --

LEG. D'AMARO:

Second.

P.O. LINDSAY:

-- Legislator Cooper, second by Legislator D'Amaro. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

I.R. 2133, same motion, same second, same vote.

WAYS AND MEANS

Ways and Means. *2122 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Flora Vogel.* Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. ALDEN:

Just on the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just what happened here, is she redeemed?

LEG. ROMAINE:

Yeah.

LEG. ALDEN:

And is it as-of-right or was it over the limit --

LEG. ROMAINE:

No, it isn't as-of-right. The woman had taken ill, had fallen behind in her back-taxes. We -- she came to our office, we referred her to Real Estate, Real Estate reviewed it and determined that it met the criteria for 215.

LEG. ALDEN:

Now that's a waiver of the penalties and interest, or she has --

LEG. ROMAINE:

No, no, no, no. Penalties and interest will be paid.

LEG. ALDEN:

Paid, okay. Thanks.

P.O. LINDSAY:

You don't want to beat up on the widow?

LEG. ALDEN:

No, no, no.

P.O. LINDSAY:

Oh, okay.

LEG. ALDEN:

I like taking care of widows.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Vilorina-Fisher)

LEG. ALDEN:

As a matter of fact, we're not doing enough for her.

P.O. LINDSAY:

2130 - Authorizing the conveyance of County-owned Real Property that are public highways known and designated as Courthouse Drive from Carlton Avenue to Belt Drive East, Town of Islip, and Belt Drive East from the vicinity of the Cohalan Court Complex to

Lowell Avenue, Town of Islip, for public highway purposes pursuant to Section 72-h of the General Municipal Law.

LEG. MONTANO:

Motion and cosponsor.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper.

LEG. ALDEN:

Just on the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm just guessing, this is to the Town of the Islip?

LEG. MONTANO:

Yes.

MR. NOLAN:

Yes.

LEG. ALDEN:

Okay. Did they give us a resolution accepting the property, the road? Does anybody know?

MR. NOLAN:

They've been maintaining the property. They want the property, in my understanding, but let me check the backup.

MR. ZWIRN:

Let me find out.

MR. NOLAN:

Here's the resolution.

LEG. ALDEN:

Yep. Thank you.

P.O. LINDSAY:

Okay. We have the resolution. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

Last page. Let's see how fast we could get through it. Authorize -- ***2176 - Authorizing waiver of interest and penalties for property tax for Robert Contento.*** Legislator Eddington, you want to make this motion?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, I'll second it --

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

-- for the purposes of discussion. Legislator Alden.

LEG. ALDEN:

Does this meet the limited criteria? Because just pointing out that we lost a court case to then Comptroller Caputo, that basically we're not allowed to waive penalties and interest on property tax on --

MR. NOLAN:

It does -- I'm sorry.

LEG. ALDEN:

Sorry, go ahead, no.

MR. NOLAN:

Under Section 30 of the Suffolk County Tax Act, I believe it does meet the criteria. The Town Assessor from Brookhaven has certified they sent the tax bill to the wrong address. That's the type of error that allows us to waive the penalties.

LEG. ALDEN:

Right.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. ***2182A - Pending Bond Resolution - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the replacement of Kodak scanners (CP 1707.510).***

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. COOPER:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Seconded by Legislator Barraga. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

2182, same motion, same second, same vote. 2183 looks like it's the same, but it really isn't, I guess. **2183A - Pending Bond Resolution - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the replacement of Kodak archive writers (CP 1689.510)**. Motion by Legislator Kennedy. Do I have a second?

LEG. ALDEN:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Alden.

LEG. ALDEN:

Kodak, the company.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

17. (Not Present: D.P.O. Viloría Fisher)

P.O. LINDSAY:

Okay. **2183**, same motion, same second, same vote. **2188 - Authorizing conveyance of parcel bearing Suffolk County Tax Map Number 1000-015.00-05.00-025.003 to the Town of Southold pursuant to Section 72-h of the General Municipal Law.**

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table? Okay. Motion to table. Oh, I see. We have a motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second, Legislator Romaine, to table?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

MEMORIALIZING RESOLUTIONS

P.O. LINDSAY:

Memorializing Resolutions. *M.069 - Memorializing Resolution in support of the Veterans Long-Term Care Security Act of 2006.* Legislator Stern?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

M.070 - Memorializing Resolution in support of the Fairness in Cooperative Home Ownership Act. Legislator Stern?

LEG. STERN:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (D.P.O. Viloría-Fisher)

P.O. LINDSAY:

M.072 - Memorializing Resolution in support of regulating the placement of sex offenders. Legislator Browning.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

LEG. EDDINGTON:

Make sure I'm a cosponsor on that, please.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

M.073 - Memorializing Resolution in support of regulating the emission of carbon dioxide by electric generating facilities. Legislator Horsley.

LEG. HORSLEY:

Yes, motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

To the sponsor, is this a State bill, a Federal bill?

LEG. HORSLEY:

I believe it was a State bill.

LEG. LOSQUADRO:

State bill?

LEG. HORSLEY:

State bill.

LEG. ALDEN:

Oh, no, we need numbers.

LEG. LOSQUADRO:

I just wanted to just make sure this wasn't something, you know, like sort of a back-door Kyoto protocol that would be very onerous for industries to comply with and drive up electric rates.

P.O. LINDSAY:

We're going to have a Japanese number that's printed backwards.

LEG. HORSLEY:

No, I don't believe it's a back-door Kyoto --

LEG. LOSQUADRO:

I'd have to read it from right to left?

LEG. HORSLEY:

It's not a back-door Kyoto bill.

LEG. LOSQUADRO:

Very good.

LEG. ALDEN:

It's just a right-in-your-face.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Abstain.

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

M.074 - Memorializing --

MR. LAUBE:

I didn't call that yet. Just a second. I've got to get -- you didn't call the vote.

P.O. LINDSAY:

Call the vote.

MR. LAUBE:

You didn't say --

LEG. HORSLEY:

All those in favor?

MR. LAUBE:

All those in favor?

P.O. LINDSAY:

I didn't? Yeah, I did.

MR. LAUBE:

No.

P.O. LINDSAY:

I did. All in favor?

MR. LAUBE:

Okay. You have the same?

P.O. LINDSAY:

I had two abstentions.

MR. LAUBE:

All right? Alden? 15. (Not Present: D.P.O. Viloría-Fisher)

LEG. ALDEN:

A little too fast for me.

P.O. LINDSAY:

The Japanese number messed him up. *M.074 - Memorializing Resolution in support of the American Horse Slaughter Prevention Act.*

LEG. NOWICK:

Are you sure this is not Cooper's?

LEG. COOPER:

On the motion.

P.O. LINDSAY:

Wait a minute, let me get a second.

LEG. BROWNING:

I'll give him a second.

P.O. LINDSAY:

Second by Legislator Browning. On the motion, Legislator Browning -- Legislator Cooper.

LEG. COOPER:

This is a question for all my colleagues. Why is it when I introduce a dog related bill, at least one or more of my colleagues will bark, but when Legislator Romaine introduces a horse related bill, there's not one nay or whinny anywhere around this horseshoe?

LEG. LOSQUADRO:

We got one over here. We got one.

LEG. COOPER:

Oh, you did?

LEG. LOSQUADRO:

We got one, yeah.

LEG. EDDINGTON:

Because it's Mr. Ed.

LEG. COOPER:

I'm sorry. Withdraw the question then, I missed it.

LEG. EDDINGTON:

It's Mr. Ed passing it.

LEG. MYSTAL:

Mr. Ed. Mr. Ed.

LEG. ALDEN:

That's good.

P.O. LINDSAY:

Mr. Ed, yeah. I got it, I got it. All right. We have a motion and a second, in favor of the Mr. Ed resolution? All in favor? Opposed? Abstention?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

LEG. ALDEN:

Congratulations, Ed.

CERTIFICATES OF NECESSITY

P.O. LINDSAY:

Go to the red folder, Certificates of Necessity. Okay. First one is ***Procedural Resolution Number 8-2006 - Amending resolution 8-2006, to add a depository.*** I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

That came as a --

MR. MONTANO:

I got it.

P.O. LINDSAY:

-- as a request from the Treasurer.

LEG. MONTANO:

Yeah, I have it here, I just didn't find it.

P.O. LINDSAY:

Resolution Number 1814 - A Local Law law to enhance the implementation enforcement of the "DWI Seizure Law" by Towns and Villages located outside of the County Police District.

This is one of the bills we passed over before because of corrections that were being made to the bill. Legislator Schneiderman, do you want to make a motion on this?

LEG. SCHNEIDERMAN:

Sure, I'll make a motion to approve.

LEG. COOPER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine? Did you -- okay. Everybody all right with it? All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

2028 - A Local Law authorizing the establishment of Suffolk County Local Development Corporation for the purpose of developing a WI-FI Network in Suffolk County. This was what we had a discussion on early this morning. And if you'll note, some changes have been made along the lines of the discussion this morning. I'm going to call on Mr. Sabatino. Would you please outline the changes for us?

MR. SABATINO:

Yes. Thank you, Mr. Presiding Officer. And I want to thank the --

LEG. MYSTAL:

Talk for five minutes. I'll be right back.

MR. SABATINO:

I'll talk slower, Elie. I want to thank the members of the Legislature that worked with us to construct the compromise piece of legislation. The three changes we made were, number one, with respect to the issue of the bonds, we've put in language that specifically states that we would be limiting the bonds only to the extent of the full faith and credit of the corporation itself. So it specifically says that it's limited to a pledge of the full faith and credit of the corporation, not the County. So I believe that deals with the issue of bonding.

With respect to the issue of oversight, which a variety of Legislators had brought up, I thought that a good compromise there that would address both sides of the equation was to put a five-year sunset provision in the Certificate of Incorporation, which means that five years from the date that the Certificate of Incorporation is filed, the authority would expire, it would take another resolution to reauthorize the corporation to file an amended Certificate of Incorporation.

And the third change was with respect to the Nassau versus Suffolk County situation. I believe we reached a Solomon-like decision there, which is that the Nassau County slot that was previously going to be an appointment of the Nassau County Legislature, will now be an appointment by the Presiding Officer of the Suffolk County Legislature in consultation with the Presiding Officer of the Nassau County Legislature.

Those are the three changes. I believe that it's a fair and reasonable compromise that deals with legitimate and important questions that were raised by the County Legislature, and I believe we can now move forward, if there's support for the bill.

P.O. LINDSAY:

Thank you, Mr. Sabatino. First, before I recognize Legislator Alden, we need a motion. I make a motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Legislator Alden.

LEG. LOSQUADRO:

On the motion, also.

LEG. ALDEN:

Paul, the appointments power and the term of office, that that would all reflect that five-year -- the five-year sunset clause?

MR. SABATINO:

We have a five-year sunset. The terms of office are three years.

LEG. ALDEN:

Okay. So in --

MR. SABATINO:

The individuals who are getting appointed are getting three-year terms of office.

LEG. ALDEN:

Okay. What happens three years from now, when they get reappointed, that would carry over after the sunset clause? It can't.

MR. SABATINO:

What will happen is they'll get reappointed for a -- you know, for a subsequent term. If, in fact, upon the sunset of the provision in the Certificate of Incorporation, there's no extension, their terms and the entire corporation will collapse, so their term will basically end on a second year.

LEG. ALDEN:

And then we had some assurance from you before that this is not looking to recreate a whole bunch of jobs, there might end up being one or two paid positions.

MR. SABATINO:

Yeah. In fact, during the recess, Commissioner Williams did an excellent job of just tracking down Philadelphia as a model. And the projection that I had made to you of three turned out to be exactly the number that the City of Philadelphia ultimately wound up doing. So I was pretty much on target with my projection.

LEG. ALDEN:

And they're around what, 250, three --

MR. SABATINO:

And, by the way, I mean --

LEG. ALDEN:

-- \$300,000 apiece a year?

MR. SABATINO:

No. The Commissioner -- no. There were two clerical, and one was an Executive Director, I believe. But also, I mean, I want to say the Commissioner still believes that we don't need to have any employees, but --

LEG. ALDEN:

Well, some of us are bumping up term limits, you know, bumping up against that, so we're all right. Thanks, Paul.

LEG. LOSQUADRO:

How do you feel about wireless, Cameron?

LEG. ALDEN:

I love it.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Paul, I appreciate the fact that the limitation got put in there, and, certainly, that answered questions that I had. But I guess I'll ask you, you'll carry that same limitation forward in the rules and regs and the operating standards that the corporation adopts when you actually go through the formalization process, when you form the corporation. We've got it here in the authorizing legislation to bring it forward, so that it's part of the rules as well, right?

MR. SABATINO:
I'm not sure --

LEG. HORSLEY:
Say yes.

MR. SABATINO:
Which part's going to be brought forward, the five-year. The five-year limit is going to be in the Certificate of Incorporation?

LEG. KENNEDY:
No, no, I'm sorry. I mean with the --

MR. SABATINO:
No. It's my fault, I'm not understanding.

LEG. KENNEDY:
And I'm not articulating it right, because I'm fumbling with the words. With the formulation of the corporation, and with its --

LEG. MYSTAL:
Talking about the bylaws.

LEG. KENNEDY:
The rules and regs. The bylaws. Thank you. You'll include in that that the corporation's capacity to issue that is limited only to the full faith and credit of the local development corps.

MR. SABATINO:
Well, it's going to be -- it's going to be in the statute itself, so --

LEG. KENNEDY:
Yes, I understand.

MR. SABATINO:
It's going to be in the statute. The statute's going to supercede whatever the --

LEG. KENNEDY:
Do you feel that's the --

MR. SABATINO:
-- organization does.

LEG. KENNEDY:
Okay.

MR. SABATINO:

I don't know for sure the bylaws are going to incorporate that. Normally, you wouldn't put that in the bylaws. But I don't think you have to worry, because this is stronger than --

LEG. KENNEDY:

Okay.

MR. SABATINO:

This is stronger than the bylaws where we're locking it out pursuant to, you know, State law, so.

LEG. KENNEDY:

Fine.

MR. SABATINO:

Okay.

LEG. KENNEDY:

All right. Thank you.

P.O. LINDSAY:

Okay? Anybody else? Legislator Losquadro.

LEG. LOSQUADRO:

No, it's all right. It was answered.

LEG. MYSTAL:

Vote.

P.O. LINDSAY:

It was answered.

LEG. LOSQUADRO:

Yeah.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

Vote.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

One opposition --

MR. LAUBE:

16.

P.O. LINDSAY:

One opposition. You got it? Tom, did you register your opposition?

LEG. BARRAGA:

Yeah.

MR. LAUBE:

15.

MR. SABATINO:

Thank you again.

LEG. HORSLEY:

Thanks, gang.

LEG. CARACAPPA:

Yes, yes.

P.O. LINDSAY:

Yeah, thank you, Mr. Sabatino --

MR. LAUBE:

Make that 16. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

For working with us to work out the -- and, Ms. Williams, Thank you. *Introductory Resolution 2163 - Amending the 2006 Operating Budget and transferring funds to various agencies.* We passed over this earlier. I guess there were some other corrections. No offset, is that what it is? Okay. Legislator Stern, do you want to make the motion here?

LEG. STERN:

Yes, motion to approve.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. ALDEN:

What's the offset?

LEG. STERN:

On the motion.

P.O. LINDSAY:

From Suffolk Community Council.

MR. MONTANO:

Transportation Advisory.

P.O. LINDSAY:

And Saint Matthews Athletic Department.

LEG. ALDEN:

Saint Matthews, okay. Okay.

P.O. LINDSAY:

Okay? All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. *2191 - Approving the purchase of one replacement vehicle in accordance with Section 186-2(B)(6) of the Suffolk County Code in accordance with Suffolk County vehicle standards.* I'll make the motion.

LEG. LOSQUADRO:

Second.

LEG. MYSTAL:

Second. Let's move it, let's move it.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

2223 - Authorizing planning steps for the implementation of Suffolk County Workforce Housing Program. This is at my request. I'll make the motion.

LEG. EDDINGTON:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: (D.P.O. Viloría-Fisher)

P.O. LINDSAY:

2257- To approve the purchase of one replacement vehicle in the Suffolk County Department of Health Services with 100% Grant Funds.

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Make the motion. Who made the motion? Mystal. Second by Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

2270 - Authorizing certain technical corrections to the 2006 adopted Operating Budget for Kevin Williams Memorial Foundation.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

We got --

LEG. MYSTAL:

Late-starters.

P.O. LINDSAY:

-- late-starters.

P.O. LINDSAY:

First is 2269 is going to Parks. 22 -- first of all, I make a motion to waive the rules and lay on the table the following late-starters:
2269. 2271 is assigned to Public Works. 2272 is assigned to EPA. 2273, to Public Works. 2274 to EPA. 2275, to Health and Human Services. 2276, to Public Works. 2277, to Economic Development. 2278, to Public Works. 2279, to EPA. 2280, to Public Safety. 2281, to Economic Development. 2282, to Ways and Means. 2285, to Ways and Means. 2286, to Vets and Seniors. 2287, to Health and Human Services. 2288, to Veterans and Seniors. 2290, to Public Safety. 2291, to Public Safety.

MR. NOLAN:

2283 goes to EPA.

P.O. LINDSAY:

I thought I got it.

MR. NOLAN:

She said you skipped it.

P.O. LINDSAY:

Wait a minute. They're telling me I --

LEG. LOSQUADRO:

There was an 89 and an 83.

P.O. LINDSAY:

They're telling me I skipped 83. I'm sorry.

LEG. LOSQUADRO:

And I also didn't -- there was an 89 also.

P.O. LINDSAY:

Just bear with me another few minutes. All right? Okay. I have 83 and I don't -- that should be EPA, right?

MS. PASTORE:

Yeah.

P.O. LINDSAY:

Yeah. 2283 is assigned to EPA. And did we do 89?

MR. LAUBE:

No.

LEG. LOSQUADRO:

I didn't hear 89 either.

MR. LAUBE:

No, you didn't.

P.O. LINDSAY:

Hold on, hold on.

MR. LAUBE:

And I need a second on the waive the rules.

P.O. LINDSAY:

Yeah, but let me finish --

MR. LAUBE:

Okay.

P.O. LINDSAY:

-- with the presentation. 2289 is Public Safety. Okay? Can I do this in one motion?

MR. NOLAN:

No, no.

P.O. LINDSAY:

Okay. Okay. I made the motion on these late-starters. I need a second to waive the rules.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. And before you leave, we have -- I'm going to set the public hearing for the following bills that were just read out as late-starters, which will be at our next regular meeting, 19th of November, here, at 2:30.

MR. NOLAN:

Twenty-first, I'm sorry.

P.O. LINDSAY:

Twenty-first, twenty-first. See, it's right here. 2285, 2280, 2287 -- oh, excuse me. 2285, 2286, 2287, 2288, 2289, 2290 and 2291. I'll need a motion on setting the public hearing for those.

LEG. BARRAGA:

Motion.

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

We have nothing else before us, except the motion to adjourn by Legislator Browning, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

We are adjourned. Go Mets.

[THE MEETING WAS ADJOURNED AT 7:07 P.M.]

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