SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

NOVEMBER 21, 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 9:32 A.M.]

P.O. LINDSAY:
Okay, Mr. Clerk. Would you call the roll?

MR. LAUBE:
Good morning, Mr. Presiding Officer.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
(Not Present)

LEG. BROWNING:
Here.

LEG. CARACAPPA:
(Not Present)

LEG. LOSQUADRO:
(Present)

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
(Not Present)

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Mr. Clerk, present.

MR. LAUBE:
Thirteen. (Not Present at Roll Call - Legs. Schneiderman, Caracappa, Kennedy, Mystal and Viloria-Fisher)

P.O. LINDSAY:
Could we all rise for a salute to the flag, please, led by Legislator Cooper.

(Salutation)

I would like Legislator Wayne Horsley to come to the center of the horseshoe to introduce Monsignor Christopher {Heller}, our visiting Clergy.

LEG. HORSLEY:
Thank you very much, Presiding Officer. Let me just first state that when I spoke to Monsignor this morning, that I informed him that this was a special needs day for this Legislature, as we are going to be addressing the budget. And so we're so pleased that you are here today.

Monsignor is a native Long Islander. He graduated from Immaculate Conception Seminary in Huntington and was ordained in 1979. His first parish assignment was at Saint Lawrence Church in Sayville, and in 1984, appointed to the Liturgical Coordinator of the Diocese of Rockville Centre. In 1990, he was Paster and Saint Gerard's Parish in Terryville, 2004, assigned to Church of Saint Joseph's in Babylon. December, 2004, he was appointed as Monsignor at Saint Joseph's, which is in the great Village of Babylon. And I am told that Monsignor {Heller} is also an author of Liturgical readings and music, and he also received his Doctorate. I'm very, very pleased to have the Monsignor here today to join us in prayer on this special needs day of this Legislature.

MONSIGNOR {HELLER}:
Thank you, Mr. Horsley, and good morning, Ladies and Gentlemen. We're very much aware that there are some people among our citizenry who are keenly aware of their representatives and Legislators around election time as election times come and go. But there are also many of us who are aware that this body labors in season and out of season and day after day, and are called to the betterment of all. In that spirit then, that spirit of understanding and knowledge, I thank Mr. Horsley for the opportunity to pray with you this morning, and invite us to bow our head for a moment of prayer as we begin.

God of everlasting love, we thank you and bless you for gathering us together this day and in this week of our national Thanksgiving Holiday. With your breath of life, we have the power to serve, and with your help, we can and do make sacrifices for those beyond our circle of friends and family. With your encouragement, Mighty God, we show in the most practical ways your presence in our midst, the presence of good. We thank you for the skills you place in the men and women of the Suffolk County Legislature. We thank you for their dedication, their perseverance, and courage as advocates for the poor and for those without voices of their own. For where would we be, oh, God, without faithful women and men who are dedicated to the Constitution and who have sworn to uphold the laws of our land, invoking the public's trust? We ask you, oh, God, to help us all to work

for peace and justice. Help us in our communities and towns and neighborhoods to build groups who are strong in virtue and character, citizens who will put the common good before their own self interest. Most of all, God of all knowing, give our Legislators a share in your wisdom as they make decisions that will affect us and those who follow in our footsteps, especially with today's budget meeting. As their policies and programs come to birth in this wonderful land, give them the satisfaction of their work. We thank you, Oh, God, to whom we dedicate this prayer and through whom we honor your divine spirit, the spirit of all faiths and religions in this world, both now and forever and ever. Amen.

P.O. LINDSAY:
Okay. Everybody have -- wait a minute. No, excuse me. Will you remain standing? And I'd like a moment of silence for all of our men and women that are in harm's way overseas, that in this Thanksgiving week we remember them and we pray for them, that they come back to us safe and sound.

(Moment of Silence)

Okay. You can be seated. I'd like to call Legislator Cameron Alden to the podium for the purposes of a presentation.

LEG. ALDEN:
I'd like a very special young lady come up and join me, Cassie {Hoff}, and her mom and dad. And we're also joined by the Presiding Officer and Legislator Losquadro.

Today it's truly our honor to have Cassie with us. Cassie is a young lady that found out that there was a little bit of a problem in her family. A family member had autism, suffered from a disease. And instead of doing what so many of us all do and that's ignoring it, or just walking away with it, or saying -- throwing up your hands and say, "What can I do about it", Cassie actually took action. She participated in an event that actually raised over a million dollars to fight the disease, to find a cure, and to make those that suffer with the disease a lot more comfortable.

So I'm going to ask the Presiding Officer to say a few words, because during our budget process, the Presiding Officer was very clear about what a problem that autism has become and how it's a growing concern, rather than a shrinking concern.

P.O. LINDSAY:
Why don't you join us? Come on up. Cassie, I personally want to thank you for what you've done to raise not only money, but awareness in our community of this horrible, horrible disease that traps a brilliant mind in a body that can't focus and can't articulate what's on their mind. Autism, for those of you in the audience that might not know, is at an epidemic stage in our country. Right now, one in every 166 births is diagnosed with autism, and, unfortunately, we don't know why, and we have to find out why.

One of the things that Legislator Alden eluded to is there is a strong suspicion that autism is not a birth defect, but it's something that's caused in the early development ages, and there's a strong suspicion that the introduction of mercury preservatives in vaccines that our children get is a cause of this. What this Legislature has done, Legislator Stern sponsored a resolution earlier this year saying that any vaccines that the County gives out in our health centers to children will not have mercury in them. And in the budget that we're about to address today, in terms of the County Executive vetoes, there is one in there that appropriated money to buy the mercury-free vaccines, and to arrange to fulfill the policy that Legislator Stern passed into law, and this is all important stuff. But I want to thank you for your effort to raise the money, and I want to thank your mom and dad for their efforts. And I, too, know an awful lot about autism, because I have a five year old grandson that has autism. Okay? All right? Thank you.

(Applause)

LEG. LOSQUADRO:
Thank you. Thank you for all of your hard work. And this is something, as the Presiding Officer has mentioned, something that touches all of us. I think we all know someone at this point, whether it's within our families, or a close friend, or another relative, someone that has autism. And when we get to this point in our society where everyone is touched by something like this, it's very nice to see that individuals are doing things, that it's not just big organizations or philanthropists. And I know that's a big word. That just means it's somebody with a lot of money who gives a lot of money to charity and --

LEG. ALDEN:
She probably could spell it.

LEG. LOSQUADRO:
She probably could. It's good to see that people like yourself, young people, are getting involved in trying to increase this awareness. It's very important. And I don't know if you've ever heard the expression, "A little bit by a lot of people equals a whole lot." And you did more than a little bit. But we want you to keep encouraging people to do their part. And when it all adds up, we have a whole lot of people working to try to solve a problem that I know we're going to find an answer to.

So it's a pleasure for me to represent you in the Sixth Legislative District, and it's a real pleasure for Legislator Alden and for the Presiding Officer to be part of this. They've been very strong advocates in the area of autism awareness. So, again, thank you for your hard work, and I look forward to seeing you in the future. We expect good things from you.

LEG. ALDEN:
Cassie, on behalf of the 1.4 million people in Suffolk County and the Suffolk County Legislature, which represents all those people, we want to take this moment to recognize your dedication and hard work. You stepped up to the plate and you made this world a better place. God bless you and congratulations.

(Applause)

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Okay. We're going to go right into the public portion. We have a lot of business before us today, so I would appreciate your promptness to the podium and keeping within the three-minute time frame. First speaker is Kevin McDonald. Behind Kevin is John Kennedy.

MR. MC DONALD:
Good morning --

P.O. LINDSAY:
Good morning.

MR. MC DONALD:
-- Mr. Presiding Officer and Members of the Legislature. I'm Kevin McDonald. I serve as the Director of Public Lands for the Nature Conservancy. And I'm pleased to appear before you today to urge your consideration of Carrie Meek Gallagher for the position of Commissioner of Energy and the Environment.

I've had the occasion to know Carrie for about a dozen years in a number of her capacities. In each of them, most involved in the nonprofit sector, she has exhibited outstanding character, wonderful disposition for complex issues. She's got the book smarts and the disposition for the position as far

as we're concerned in her capacity at the Planning Director's -- the Planning Department's Office. We've had some significant policy discussions with her about how to manage smart growth better in the County and how to encourage innovative ideas, and she's well adept and capable of, we think, delivering on most of those initiatives. So, in short, in the interest of time, we'd encourage your consideration of that and act on that in the most expeditious way possible. And have a nice holiday.

D.P.O. VILORIA-FISHER:
Thank you, Kevin.

P.O. LINDSAY:
John Kennedy, and John Cushman's on deck.

MR. KENNEDY:
Presiding Officer Lindsay, Members of the Legislature, can you hear me?

D.P.O. VILORIA-FISHER:
Yes.

MR. KENNEDY:
Good. I've got some sinus problems and I can't hear, but I could speak.

D.P.O. VILORIA-FISHER:
We can hear you.

MR. KENNEDY:
Excuse me?

D.P.O. VILORIA-FISHER:
We can hear you.

MR. KENNEDY:
Good. I'll be here to talk about Item Number 2199. It has to do with the Southwest Sewer District at the Tanger Mall. That represents -- that project there represents 200 million dollars worth of construction work for the Nassau Suffolk Building Trades.

You've heard me appear different times over the last year and the building trades is going through a struggle in the last year like we've never seen before with unemployment. I mean, constantly I hear of guys that are out of work for over a year, a year-and-a-half. I just spoke to a gentleman here this morning, six months. I can't imagine in today's economy trying to struggle to raise a family, meet the mortgage and all of that to not have the opportunity to work. This presents an awful lot of employment for us and I would hope that you would act and vote in favor of doing that hookup. It would help us tremendously.

They already -- they started demolition already in good faith. The contractor or the owner signed the project labor agreement that we negotiated at 4 o'clock yesterday afternoon, and that was a big hurdle, and I want to thank them. So this is a committed total union job and I ask you to please help us. Thank you.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Thank you, John.

(Applause)

John Cushman, and Deborah Felber, it looks like Felber, is on deck.

MR. CUSHMAN:
Thank you, Ladies and Gentlemen. Good morning. My name is John Cushman. I'm President of Sportsmen's Association for Firearms Education, SAFE. I'm here to talk in reference to Resolution 2123. I'm here to let you know that we are opposed to that legislation as written. We are in favor of the concept. We have no objections to looking or creating a committee, if necessary, to go look at property that would be suitable as an alternative site for the range, the Trap and Skeet Range. I do have a problem with the fact that for five years the Legislature, any member of the Legislature, including the Committee itself, had the opportunity to simply write a letter to, I believe it's the Treasurer, to get an inventory of all land available in the County. Once you have that inventory, you'd know what pieces of property are suitable by size and location, and all of this could have been looked at already. However, seeing as how that wasn't done and you needed to have a committee, the objection that we have to this particular piece of legislation is Item Number 5 under Resolved Second, wherein it says one member from the community adjacent to the Trap and Skeet Range should be appointed by the Legislator representing the Third Legislative District. We don't think that's necessary. As a matter of fact, we believe it's counterproductive to a committee doing and performing the job which they should be doing and that is fact-finding, not having a committee full of people with opinions, but fact-finding, finding out if you actually have a piece of property of sufficient size and shape and location, that it wouldn't create a problem somewhere else.

We're opposed to the legislation as written. We ask that you reject the legislation as written. If you, in your wisdom, see to it, and I would like to see you do that, remove that particular portion, we would have no objections to this legislation. Thank you for the opportunity.

D.P.O. VILORIA-FISHER:
Thank you.

(Applause)

P.O. LINDSAY:
Deborah Felber and Mark, it looks like Wroobel, is on deck.

MR. FELBER:
Hi. Good morning. I'm here today to speak of Kate Browning's bill, I.R. 2094. My name is Deborah Felber. I am Assistant Director for Parents for Megan's Law. Our Executive Director, Laura Ahearn, is not able to be here today, so I'm speaking on our behalf.

Parents for Megan's Law fully supports the I.R. 2094, establishing a policy to restrict placement of sex offenders, sponsored by Legislators Browning, Cooper, Caracappa, and Fisher.

Megan's Law has offered parents, community members an opportunity to take necessary precautions to protect themselves and their children from those who know -- are known to pose a risk to public safety. One of the unintended effects of the law is that it is offering community members and lawmakers the opportunity to be made aware of the unequal distribution of registrants throughout the County, State and nation. Communities offering more affordable rents have been -- excuse me, rents have been opportunities for certain landlords looking to profit from these populations, with exorbitantly no investments in quality of life or safety for children where they are renting.

We commend Suffolk County Legislators Browning, Cooper, Caracappa and Fisher, and all of you today, for the proactive initiatives you are undertaking to erase decades of poor planning that have been given certain landlords the opportunity to exploit unsuspecting communities. I.R. 2094 will prevent our County Government, specifically the Department of Social Services, or any contract agency of the County from contributing to the ongoing exploitation certain landlords have enjoyed in having multiple sexual offenders in residential neighborhoods.

I thank you for giving me the opportunity today to speak on behalf of Parents for Megan's Law, and I thank you for taking this initiative.

D.P.O. VILORIA-FISHER:
Thank you, Debbie.

P.O. LINDSAY:
Thank you very much, Debbie. Mark Wroobel, and Sarah Lansdale is on deck.

MR. WROOBEL:
Good morning. My name is Mark Wroobel, Mr. Lindsay.

P.O. LINDSAY:
I'm sorry.

MR. WROOBEL:
I am the vendor for Suffolk County Trap and Skeet. First, I'd like to say thank you to the members of the Legislature, because things are going incredibly well there. Attendance is growing every day, and it's really a part of the 1.4 million Suffolk County residents that are really showing up.

I am opposed to I.R. 2123, Resolved Number 2, Number 5 in the Second Resolved. I don't see any reason why they would have a member of the community adjacent to the property to be on a committee to look for an alternate location. I am not opposed to looking for an alternate location, if that's what the Legislature sees fit, but again, would like to bring up the millions of dollars it would cost Suffolk County residents to possibly move this facility.

I'd also like to know, aside from the County, the next most vested interest in this property would be myself, and why I was not included to be a member of this committee right off the bat, when they would look instead to put a member of the community that lives there, that really would offer no detail to running or looking for a range like we have here.

So, again, I'm opposed to the legislation as it's written. If the Legislature would like to take out Number 5, I am not opposed. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Mark. Sarah Lansdale, and Carrie Meek Gallagher is on deck.

MS. LANSDALE:
Good morning, Presiding Officer and Members of the Legislature. I'm Sarah Lansdale, the Executive Director of Sustainable Long Island, as well as a member of the Suffolk County Planning Commission. I'm here today to show my support of Carrie Meek Gallagher's nomination to be the Commissioner for Energy and the Environment. I've had the pleasure of working with Carrie both in my capacity as Executive Director of Sustainable Long Island, as well as being a member of the Suffolk County Planning Commission. And she is a tremendous asset for this County, and I think that she would be a tremendous asset for Suffolk County. Thank you.

P.O. LINDSAY:
Thank you, Sarah. Carrie Meek Gallagher, and Adrienne Esposito is on deck.

MS. MEEK GALLAGHER:
Good morning, and I'm here before you today because you are considering Resolution 2341, to confirm my appointment as the next Commissioner of the Department of Environment and Energy.

And currently, I serve as the Deputy Director of Planning. In that capacity over the past nearly seven months, I've had the opportunity to work with many of you on one project or another, and it's truly an honor to be nominated for this position. It's one of the areas, because of the nature of the work that the department oversees, it's one of the areas where the County really has an opportunity to make long-lasting positive change, whether it be through protecting our remaining farmland and open spaces, remediating brownfields, promoting clean energy technologies, developing new programs to maximize recycling, investigating linkages between the environment and cancer, and, of course, protecting and restoring the quality of our groundwater, waterways, and bays, and estuaries.

I look forward to working with all of you in my new capacity to help Suffolk County remain one of the most desirable places to live, work and visit for generations to come. And I'm available to answer any questions you may have. Thank you.

P.O. LINDSAY:
Thank you.

LEG. ALDEN:
Point of order.

P.O. LINDSAY:
Yeah.

LEG. ALDEN:
Did this candidate appear before the committee? And --

D.P.O. VILORIA-FISHER:
Yes, she did, she appeared before my Environment Committee.

LEG. ALDEN:
So you'll be able to, like later on, if we have questions, you'll be able to answer them?

D.P.O. VILORIA-FISHER:
Yes.

LEG. ALDEN:
Good.

P.O. LINDSAY:
Yeah. Ms. Gallagher, under the public portion, we don't -- under our rules, don't have the liberty of asking questions, and I don't think it would be necessary.

MS. MEEK GALLAGHER:
Okay.

P.O. LINDSAY:
But we will get to your resolution probably sometime this afternoon. And you're just across the street, so we'll give you a heads-up if somebody has some specific questions when your resolution comes up.

MR. MEEK GALLAGHER:
Okay. Thank you.

P.O. LINDSAY:
You're welcome.

P.O. LINDSAY:
Hi, Adrienne Esposito. And James {Avana}, it looks like, I probably messed up the name, is on deck, but go ahead, Adrienne.

MS. ESPOSITO:
Good morning, Legislators. My name is Adrienne Esposito. I'm the Executive Director of Citizens Campaign for the Environment. We also are here this morning to support the appointment of Carrie Meek Gallagher to the -- as the Commissioner of the Environment and Energy Department. We believe that Carrie's background in science, community involvement and planning is the exact right background to take the helm of this new department. And, as many of you know, these issues of the environment and energy are very diverse issues, they're very complicated issues. Also, many times, unfortunately, they conflict, and we need someone with a cool head and a steady hand to really lead us through the next several years, so we're asking you to please vote yes on Ms. Gallagher's nomination. Thank you.

P.O. LINDSAY:
Thank you, Adrienne. James. It's James, and the last name, it looks like P-I-V-E-N-A, Dix Hills, Shoreham Drive. Sorry, I couldn't make out your handwriting. And Bill, maybe {Reaz} is on deck. Go ahead.

MR. PTUCHA:
Okay. I apologize. It's Ptucha. It's P-T-U-C-H-A, and so I wasn't prepared. But thank you, Presiding Officer, Members of the Suffolk County Legislature and staff. I appreciate your time. I'm here today to talk about Resolution I.R. 2199. That, of course, is the Tanger permit for the Southwest Sewer District hookup.

Basically, I'm not here to actually outright protest Tanger being built. I'm not suggesting it's a forgone conclusion. However, I would like to see, if we're going to proceed with this mall, we do proceed so carefully. I did give a couple of handouts and I humbly request that you please quickly look at them. On the front page is actually a graph showing taxes that the Tanger property is now paying. I asked for an easel and I apologize. I was told one was coming, but it's not here. But, basically, I just want to quickly show everybody, in bold print and also in front of you, Newsday reports that this is a cash cow, not only for Suffolk County, but the Town of Deer Park, and that's not true. In essence, if you see right now, what we have is the Tanger property is paying about 1.4 million dollars in property taxes to the Deer Park School District. Newsday reports it's going to be a cash cow of 20 million dollars. That I dispute specifically, because not only did Tanger, but the owner prior to them, AIL Corp., they filed for a tax rebate. Oh, look at this. It's missing a leg? They filed a -- I have others. Oh, thank you. They actually filed for a tax rebate of 90%. Now, do we actually expect them to get that? No. But we do realize that a compromise is in order, especially since they've been granted IDA status by the Town of Babylon IDA. So, if anything, I can show you that taxes are going down on that property, they are not going up.

The other assertion that, well, okay, we can get sales tax revenue out of this mall, all we see is cannibalization of the other existing malls throughout the region, and I do not see people spending more money that they do not have.

A couple of other things. I don't want to make this a union thing. I have no problems with unions. I think if Tanger Mall gets built, it should be done by union people. But what I'm asking is before the union people build the mall, they build the roadways and the infrastructure to get to the mall. That's the most important thing. How can we build this mall before people can get there? It does not make sense by the Traffic Engineer's own, quote, unquote, suppressed traffic projections. They're saying 2,811 cars per hour, per peak hour coming to this mall. That's by and large down a single lane road of the Commack Road in each direction, which is three miles, three miles south of the Long Island Expressway.

P.O. LINDSAY:

James, could you wrap up? You're out of time.

MR. PTUCHA:
Okay. Well, then I ask, as long as the Tanger folks, they have equal amount of time, can I just quickly --

P.O. LINDSAY:
Everybody has three minutes.

MR. PTUCHA:
Okay. I just ask that you please table this issue, or please reconsider addressing it in six months, when all of our traffic studies are done, which is my second handout that you'll see. We're spending almost a million dollars in traffic studies. Let's see the results of these traffic studies before we grant Tanger the last and final permit. Thank you for your time.

P.O. LINDSAY:
Bill, I think it's Raab. Raab?

MR. RAAB:
That's me.

P.O. LINDSAY:
Okay. And James Kelly is on deck.

MR. RAAB:
Good morning, Mr. Lindsay. Good morning, Members of the Legislature. I'm here on a few issues.

On 2123, I second Mr. Cushman's concerns and Mr. Wroobel's concerns about the committee to find a suitable location. I also kind of -- I'm not really happy with spending taxpayer dollars to move something that is working okay where it is and clean up the one that's there, because once it's no longer used, we have to pay to remediate it. As it is now, it's okay as it stands. I just don't see where someone from the neighborhood will bring any expertise. Mr. Wroobel was not included and he has probably the most vested interest, besides the County, in the location. That would seem to me to be a glaring omission. I just don't see where that really comes out to be a positive for that committee.

Again, after five years of not having asked for a list of properties that are suitable, or so that can be determined which ones are suitable, a committee now, well, if you really need one and you really feel this needs to move ahead, okay, but I want to see a little bit more balanced and a little bit better input. I think it would be much more productive if you make the changes we've discussed today.

Okay. I'm also here as far as the Boy Scouts. There's a -- there was an item in the budget as far as money for the Boy Scouts of America. They had a problem with their dining home. We had arranged for funding to renovate it. And right about the time we finished ripping up the old dining hall, all of a sudden the funding seemed to not be there, so that seems to put us in a really big spot. Now, as Scouters, were self-reliant. We've done as much as we can and we're still doing. We've even kicked in. We all put up money to make patches and we're selling them to try to raise the money and do as much as we can to help ourselves to get this done, but it's put us in a real spot and we really need to get this done. And we support lots of other youth organizations and youth groups. What we do for the community and what we do for the young men is immeasurable, so I would really like to see -- to see that come through. I would appreciate it.

The building trades people have done a tremendous job in donating labor. They are out there all the time working for free just to try and make it all happen, but it does take some money to get it done.

There was some discussion on another issue. As far as I know, it's not on the agenda today. Having fundraisers, political fundraisers on County facilities, there was a bill to restrict it. I think that would be a very bad idea. It would bring all of your vendors back to the table to renegotiate their contracts, because they will be losing a significant portion of their customer base. As a taxpayer, I don't really want to see their contracts go down, because that means my taxes go up, and I'm not really happy about that. Thank you very much.

P.O. LINDSAY:
Okay, Bill. James Kelly. And Bill had another card, but you already spoke about that, yet another card.

MR. RAAB:
I wrapped it up.

MR. KELLY:
Good morning, Ladies and Gentlemen. I'm here to speak on 2123, the resolution for the Search Committee to find a new Trap and Skeet Range. I'm opposed to this bill. And I'd like to echo Mr. Cushman's comments about Resolved 2, Number 5, about having a local person from the community on the board. My objection is what kind of expertise does this person bring to the table? What do they know, and do they have a personal agenda before they get on the committee? If it's a fact-finding committee, it's a fact-finding committee.

Also, my -- I have another objection to this bill. I don't believe it's really necessary. And the reason for that is we know the Trap and Skeet Range presently is 57 acres. If we wanted to make really sure we had no problem, we have to look for a property of about 100 acres. And I'm sure that we -- you know, this could be done by a few phone calls and we could find out whether we have the property. I don't see the need for a search committee, because all of this information is publicly available and it can be -- I don't know who would have the information, but whoever has it can certainly give it, and then, at that point, you can make a decision as to what to do. But as it stands right now, I don't believe this bill is necessary and I just believe it's a waste of money.

Also, as far as the bill on banning the use of political fundraisers on County property, I'm dead set against it. Everybody has used it, both parties, and, you know, the minor parties have used it. And since it's been done in the past, I see no problem why it shouldn't continue. I don't think it's really necessary. Thank you for your time.

P.O. LINDSAY:
James Kelly, and Sandy Sullivan is on deck. James Kelly?

MR. KELLY:
I just spoke.

P.O. LINDSAY:
Oh, I'm sorry, I'm sorry. Sandy Sullivan, and Jim McDonald is on deck. I lost my place. Sandy, I knew you weren't Jim.

MS. SULLIVAN:
Good morning, Legislators.

P.O. LINDSAY:
Welcome back.

MS. SULLIVAN:
My name is Sandy Sullivan. I'm the Legislative Director for the Association of Municipal Employees. I am speaking on I.R. 2413, which is being laid on the table today, and that resolution is creating a program for public financing of County campaigns and the banning of certain donations to curb

potential conflicts of interest. AME is against this process. We feel that we pride ourselves in our comprehensive analysis of resolutions, whether it's introduced by the County Executive or the Legislators. We think that I.R. 2413 is counterintuitive to the process of open government, and that we will be analyzing this legislation and reporting back to you at the committee level and at the Public Hearing on December 5th. Thank you.

P.O. LINDSAY:
Thank you, Sandy. Jim McDonald, and behind Jim is Laura Mansi.

MR. MC DONALD:
Members of the Legislature, Presiding Officer, I'm here to speak against the Resolution 2199, to authorize the execution of an agreement by the Administrative Head of Suffolk County Sewer District Number 3, to hook up to the Southwest Sewer District.

I live in Deer Park and, at the present time, on any given day, the traffic in rush hour and eve in the morning makes Deer Park Avenue virtually impassable. This is also true of Commack Road. And if this place is built at this time under the current conditions without making any provisions for traffic relief, either by some more study on the road system or an additional road, you're going to have gridlock in Deer Park around the clock, seven days a week. So I oppose this thing at this point until all of the traffic studies have been completed. The Suffolk County Planning Board also opposes this for the same reason, traffic. Thank you very much.

D.P.O. VILORIA-FISHER:
Thank you, Jim.

(Applause)

P.O. LINDSAY:
Thank you, Mr. McDonald. Laura Mansi, and behind Laura is Nelson Klein.

MS. MANSI:
Good morning. Before I begin, I think you should have a fuller statement in front of you, being we're limited in time in speaking.

My name is Laura Mansi and I am President of the Four Towns Civic Association. We are here today to urge you not to vote for Resolution 2199. We urge you to wait until there is a traffic plan and the funding to execute it in place for the Commack Road/Sagtikos corridor.

An in-house County study has just been released and time is needed to digest and critique it. In addition, some $900,000 has been allocated, some $400,000 from the Federal Government, and the rest from {NIMTECH}, which will be used to develop the plans to alleviate traffic. Even more important and critical for you to understand in making your decision today is the fact that serious and comprehensive traffic mitigation measures and where the money will come from is being actively discussed on a bipartisan basis by all of the jurisdictional elected officials at every level of government. There is no disagreement between the parties involved. It is going to cost millions upon millions of dollars to provide the roads needed as a result of the development you have heard or read about in this narrow corridor. Don't you think it is only right that the builders who were treated so magnanimously by town governments have an obligation to contribute a fair share? I emphasize the word "fair", because in putting a bond up without any amount is beyond ridiculous. Last week was the first time that we heard a dollar figure from Mr. Blumenfeld, or anyone else for that matter, for remediation. I will tell you that it is a drop in the bucket compared to the dollars required to remediate this situation.

In addition to the aforementioned, there's another reason why you should seriously consider withholding your support for this resolution. While the Suffolk County Sewer Agency feels compelled to grant preliminary approvals for large projects that will eat up the remaining capacity at Bergen

Point because the capacity exists, we cannot understand how a Suffolk County Legislature can apply the same reasoning. It would be a dereliction of your duty to ignore the fact by approving these huge projects you are excluding and delaying smaller businesses, workforce housing projects, and those who live within the district and are not yet hooked up. It is your responsibility to look at the big picture and use sound planning as your foundation.

Mr. Blumen -- I'm skipping so much here. Mr. Blumenfeld has said or will say that he will save 2.6 million dollars if you do not approve of this hookup, because he can install cesspools on site instead. He said that this will not cause him any difficulty. He indicated that he asked for additional capacity in Bergen Point in case they want to reconfigure the space that the Town of Babylon has so generously given him. If all of what Mr. Blumenfeld and his consultants have said is true, ask yourself this question. Why did Mr. Blumenfield -- Blumenfield, excuse me, feel the need to spend so much of his valuable time at a committee meeting last Tuesday, and then again today, pay his distinguished consultants twice, and bring union representatives to help him if this is the better course of action financially and will cause him no problem?

P.O. LINDSAY:
Miss Mansi, you're out of time.

MS. MANSI:
Why is he here?

P.O. LINDSAY:
Please, wrap up.

MS. MANSI:
All right. I have one more sentence. I say, if the Suffolk County Health Department permits cesspools for a project of this size and impact, then something is, as the expression goes, rotten in Denmark, or should I say in Suffolk County? Thank you, and happy Thanksgiving to all.

(Applause)

P.O. LINDSAY:
Nelson Klein, and Don Fiore is on deck.

MR. KLEIN:
Hello. My name is Nelson Klein, I'm a resident of Manorville and a member of SAFE, and I am speaking in opposition to I.R. 2123-2206. All the reasons for my opposition have been stated already. I don't think it's necessary. And if you are -- if there is to be a committee, I think it should be of impartial people not connected to either side. That's it. Thank you.

D.P.O. VILORIA-FISHER:
Thank you, sir.

P.O. LINDSAY:
Don Fiori, and Robert Angelo is on deck.

MR. FIORE:
Good morning, Presiding Officer Lindsay, distinguished members of the Legislature. My name is Donald Fiore and I live at 31 Jenny Lane in Holtsville, and I have for the last 38 years. I'm the Business Manager of Local Union Number 25, the IBEW, and I represent twenty-four hundred members. I would like to speak on 2199.

We are currently experiencing 25% unemployment, that's long-term unemployment, and some of our members have been unemployed for the last 16 months or more. The unemployed members of our union represent a portion of taxes that this County would have used for the betterment of

Suffolk County.

The job is moving along, the demolition stage, and we would like to see that job move forward as soon as possible. The Tanger Mall project should be hooked up to the sewer district, and this project would benefit the County, school districts, the fire districts, the libraries. I ask you to support 2199 and help us put our members back to work. And thank you for your consideration, and have a happy Thanksgiving.

One other thing, Presiding Officer Lindsay. I sit on the Suffolk County Planning Commission. I don't recall that being turned down by the Suffolk County Planning Commission. Thank you.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Thank you.

(Applause)

Robert Angelo, and it's followed by Gene Parrington.

MR. ANGELO:
Good morning, Legislators. Robert Angelo, Laborers of Local 66, District Council of New York. I'm here to speak in favor of Intro. 2199. Far too often we call your offices, come to your offices, complain about a local construction project that's employing unsafe working conditions, paying workers off the books, or otherwise exploiting workers and the taxpayers in that area. I and the two thousand plus members of Laborers in Suffolk County greatly appreciate the many proactive and ground-breaking steps this body has taken to combat these problems of unscrupulous contractors throughout Suffolk County. But, in addition to fighting dangerous projects, you must promote the ones like the Tanger Mall that has a commitment to the community here to promote local hiring, apprenticeship training programs, and only the safest working conditions. The development of a qualified workforce is an important secondary benefit of the direct economic impact of this mall.

With me today is Frank {Chemento}, our Funds Manager, who is every day fighting against contractors who don't pay benefits, fighting against contractors who are exploiting their workers throughout this County. I have Lou {Messillo} here, who's our Hiring Hall Director, who sends guys out to work every day, men and women, to earn a good wage and good benefits and take care of their family. Also here is Jimmy {Eagen}, our Training Fund Director, who trains hundreds of workers every year to come into the workforce and to keep ones that are already here educated about current safety and OSHA violations and rules. I also have two members, {Al Covado} and Charlie Messina, who weren't able to be here today, because they drive by way too many projects that have County funding, IDA money, or tax abatements, or whatever, they're employing guys off the books in unsafe conditions. So, when you have the chance to use County resources to promote a project that doesn't do these things, I think we should take that chance. And I appreciate all your help with this project. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Robert. Gene Parrington, and followed by Angie Carpenter.

MR. PARRINGTON:
Good morning, Presiding Officer Lindsay, Suffolk Legislature, my name is Gene Parrington. I represent Local 25 IBEW. I am here to support 2199.

As I see it, this project is going to move forward anyway, one way or another. They've gotten the

green light from all the different agencies that they had to go through, and either by hooking up to the sewer system or leach fields on the property. Environmentally, the hookup would be the best way to go. Leach lines and pools are less costly to the builder, so I applaud the developer to spend the extra two-and-a-half million to hook up to the system. But my main concern is to get our guys back to work as soon as possible. And hooking up to the system would cut three months of waiting time for this project. So, please, put our guys back to work. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Thank you, Gene.

P.O. LINDSAY:
Yeah. I've just been told that Ms. Carpenter chooses not to speak. Bill Hillman, and followed by Dr. Dillon.

D.P.O. VILORIA-FISHER:
We need that easel again.

MR. HILLMAN:
Good morning. My name is Bill Hillman. I'm the Chief Engineer of Suffolk County DPW. I'm here to speak in favor of Introductory Resolution 2274. This resolution will provide for $200,000 worth of planning monies for the design of storm water treatment systems on County Road 36 in the Bellport area. Essentially, you're getting a handout right now that will show the treatment -- the typical treatment systems that would be installed. The one on the upper left is what's called the bay saver. It has three separate chambers. The water flows through the weir system that essentially traps the sediment and trash. Ninety percent of all pollutants adhere themselves to the sediment and trash. Therefore, by removing that, you ultimately remove the majority of the pollutants. The structure on the right-hand -- top right-hand side is very similar. It uses a vortex in a separate chamber that essentially does the same thing, settles out the sediment and trash. These two structures are very maintenance friendly. They can hold large amounts of trash. Usually require maintenance about once a year.

The third method is using a series of leaching basins, and that's an old technology, but when used in series, it's very effective in performing the same functions, and that's used more when you have more expansive properties.

So these three methods will be used along County Road to mitigate storm water runoff for eight discharges to Bellport Bay. And if you have any questions, I'd be more than happy to answer them.

LEG. ALDEN:
Point of order.

D.P.O. VILORIA-FISHER:
We can't ask you questions.

P.O. LINDSAY:
Yes, Legislator Alden.

LEG. ALDEN:
With all due respect, this presentation should have been made either at a later time, when we could ask questions, or it should have been made under the County Executive's time that he can address the Legislature, so that we can have some dialog and some questions after it. You're not a member of the public, you're a member of the Executive Branch of government.

P.O. LINDSAY:

What I was going to suggest is that Mr. Hillman come back to the Public Works Committee and go through this again, if you don't mind, when we can question it, because I think this all goes back to the 477 money that was appropriated like three years ago to put in some filtration systems into our storm water basins.

MR. HILLMAN:
Well, this is -- this is separate from that resolution. This project was approved by the Water Quality Committee separately from that project.

D.P.O. VILORIA-FISHER:
It's not before us right now, though. It's not before us today.

MR. HILLMAN:
I.R. 2274?

D.P.O. VILORIA-FISHER:
In Public Works? I don't see it before us today. It's not on my agenda.

MR. HILLMAN:
Oh. I was told it was on the agenda and asked to speak on it. Okay.

P.O. LINDSAY:
Dr. Dillon, followed by John Coughlin.

DR. DILLON:
Hello. I'm Dr. Dillon with Public Health. I just wanted to express that we have some concerns about Resolution 2052, funding for the four-poster system for Shelter Island, as this funding at this time would be premature, as the Federal Fish and Wildlife and the State DEC have defined several concerns that must be addressed before such a system could be entertained in a case control study anywhere in New York. Only 10% of the tick population is ever on a deer heard or on a deer at any given time. Ninety percent of the tick population is actually on the rodent population and in the grass. And the manufacturers of the four-poster system themselves, along with their scientists, are hoping that if the system succeeds, it would only obtain the efficacy as would be obtained if we were to fence off the deer heard. And to conduct such an experimental trial to meet the concerns of the State and the Federal agencies, it would cost close to 2 million dollars. So, at this time, I believe that entertaining this resolution might be a bit premature. Thank you.

P.O. LINDSAY:
John Coughlin, followed by John McHugh.

MR. COUGHLIN:
Yes. My name is John Coughlin. I give you a letter that I have written to the -- {Bob Strickoff}, and I'll just address that letter, I won't read it entirely.

I've been a resident of Deer Park for 40 years. I'm a former President of Deer Park Board of Education. And with all due respect to the union people here, I've been a member of the PBA, SBA, DEA and retired from the New York City Police Department. My son is an SBA Delegate with the union in New York City. But as far as the Tanger Mall is concerned, the traffic is the most important issue I have here.

Last Thursday, and this a personal experience of my own, last Thursday, I was taking my grandchildren, she goes to high school, I was driving here from the high school to her friend's house on the other side of Long Island Avenue. I came down Nicolls Road, made a right-hand turn on Nicolls Road two blocks north of the railroad. Made a left -- made a right-hand turn and it was bumper to bumper traffic. This is just last week. It took me about 15 minutes to go four blocks, until I got to Grand Boulevard, which is two blocks south of it. Then the trucks were making

left-hand turns, all trucks in there, even now. Now it took -- then, I could finally get through to go to my granddaughter's girlfriend's house.

Around eight months ago or nine months ago on Carll's Path also, because the trucks are now coming off Deer Park Avenue, making a left-hand turn on Long Island Avenue, making a right-hand turn on Carll's, eight to nine months ago, the same thing happened, but this time, the unfortunate person was a truck driver, a van. He was going over the track, but he got stuck. Truck stopped in front of him, a car behind him, and lo and behold, the Long Island Railroad train was coming down, a train wreck in the making. He could not move the truck. He got out and that car was smashed, that truck was smashed. That's only eight, nine months ago.

P.O. LINDSAY:
John, could you wrap up? You're out of time.

MR. COUGHLIN:
Wait. You gave this many fifteen minutes last week, I'll finish in just one more minute.

P.O. LINDSAY:
No, no, no, no. Everybody gets three months.

MR. COUGHLIN:
All right. Well, let me just finish --

P.O. LINDSAY:
Everybody gets three minutes.

MR. COUGHLIN:
Let me finish up with this one here, because I was cut off last week.

P.O. LINDSAY:
I said finish up your thought, but your three minutes is up.

MR. COUGHLIN:
I'll finish it up. I'll finish it up with another accident. On Commack Road, this is around three months ago, we had a woman who was behind a truck on Commack Road, again, crossing the Long Island Railroad. This woman was -- a car. I don't know the woman, but I know there were a couple of people, caught behind a truck. Another truck came and smashed that car, it was demolished. She was killed. Now, that's why you're looking here if you approve this thing and don't put it off until at lease could be -- get that road build. Don't put it off until that road is built. Thank you.

P.O. LINDSAY:
Thank you. John McHugh, followed by Michael White.

MR. McHUGH:
Good morning. My name is John McHugh, I live in Deer Park. I've been a resident there for 43 years. We have a lot of commercial industry in Deer Park and they've always told us it would help our taxes; this has never happened. Now, Mr. Blumenfeld is going ahead with his mall. It's already being built, you union fellas, don't worry about it, he's going forward whether he has a sewer connection or not. He could put in cesspools, there was a sewage treatment plant on the property.

I see there's some Legislators that weren't here last week and there's others that are here today that were here. We have three Legislators from the Town of Babylon here. The Town of Babylon Democratic Committee received over $20,000 in 2003 and 2004 for Mr. Blumenfeld and his association; this is why this project has gone forward. Mr. Horsley here was the head of the IDA at the time, he was part of the architect of this plan. Mr. D'Amaro, of course he's not here right now -- I think it's D'Amaro -- he's received over probably $10,000 this year alone from developers in the

Town of Babylon, the Town of Islip. Why are they giving him all this money? Because he's on the Legislature and he's going to okay a sewer connection.

This should not go forward. You should turn down his sewer. He will build his plant, he would have to either build a sewer treatment plant or cesspools. What they do in the {Unicore} across the road, the same -- some of the same engineers are here today. {Unicore} is putting in -- oh, he's here now, I'm sorry. You received thousands of dollars from builders and even Gerald {Walkoff}, I see in your latest filing, has given you $2,000 this year, that's the Heartland; that's a 15 year project that's going to go forward, the union, here again, hopefully will get all that work. I'm all for American workers doing American work.

I thank you. And please turn this down, it's been a scam from the start but we're stuck with it, we will live with it we will tolerate it we will try to get more State Aid for our schools because we get the least amount in the Town of Babylon. Thank you.

P.O. LINDSAY:
Thank you. Michael E. White followed by Karen Joy Miller. Hello, Michael.

MR. WHITE:
Good morning. My name is Michael White. I'm here on behalf of the New York League of Conservation Voters, and we urge your unanimous support to adopt Resolution 2342, confirming the appointment of Carrie Meek Gallagher as Commissioner of Energy and the Environment. Carry Meek Gallagher is a qualified environmental professional, has the right experience to be the Commissioner. We look forward to working with her on the County's continued programs in open space preservation, energy planning, recycling, smart growth, and sustainability. Again, we urge adoption of 2342 and appoint Ms. Gallagher. Thank you.

P.O. LINDSAY:
Thank you, Michael. Karen Joy Miller, and followed by Laura Bellitte. Forgive me if I messed up.

MS. MILLER:
Good morning, everybody. I'm here representing Huntington Breast Cancer Action Coalition and Prevention is the Cure, and we are supporting the confirmation of Carrie Meek Gallagher. I've worked with her over the years. I'm a Board Member of Neighborhood Network, and I met her under that Board membership. And I'm really pleased for two reasons. Number one, that we have a Department of Energy and Environment. We saw it as women who were affected with breast cancer and other anti disease groups in Suffolk County, the need to have a Department of Environment working with the Department of Health. We know most definitely that there are triggers in our land that we live in that exacerbate, mutate the genes, and cause disease. I know that Carrie Meek Gallagher bringing -- will bring a -- sorry for the sexist point of view -- a woman's point of view. Women tend to be environmentalists. And I'm looking forward to working with her and working with all of you.

Again, to all of you, a healthy, healthy, happy Thanksgiving, and to everybody here today. Thank you very much.

P.O. LINDSAY:
Thank you very much. We have Laurie --

MS. BELLITTE:
Bellitte.

P.O. LINDSAY:
Bellitte. I'm sorry about the --

MS. BELLITTE:

Good morning. That's okay. Thank you very much for letting me --

P.O. LINDSAY:
And Neal Lewis is to follow. And your time didn't start yet, Laurie. Go ahead.

MS. BELLITTE:
Okay. Thank you very much for letting me address the Legislature this morning. First and foremost, I'm a mom. I stay at home and my husband and I made that choice for our children, because we felt it's very important, and I'm very community oriented. Therefore, when I heard about all the development that's happening in my area, I felt that I had to get involved and speak up on behalf of many of the other people who don't have the courage to come out and speak to you today.

Deer Park is bordering Huntington, and all of the officials made the decisions in the Deer Park area, but what about the residents who live along the corridor on Commack Road that are Huntington residents? And what about our schools? Carll's straight path is a road that directly leads down to the Long Island Avenue and I'm very concerned that traffic -- people like myself, mothers who are running off to the mall are going to be running down these side streets, and the children in the school buses are my, you know, utmost concern.

So I think what we're all saying is 2199 needs to be delayed. We're not asking to put union workers out of work. I'd love to see the union workers get these jobs. That is what, you know, America is all about, union workers. But what we're asking is for the safety of our community and the taxpayers' best interest to say, "Whoa, there's a lot of development happening in this area and are we doing it responsibly?" Thank you.

(Applause)

P.O. LINDSAY:
Thank you very much, Laurie. Neal Lewis, and John Sicignano is on deck.

LEG. BROWNING:
Sicignano.

P.O. LINDSAY:
Okay.

LEG. BROWNING:
Sicignano.

P.O. LINDSAY:
Thank you.

MR. LEWIS:
Good morning, Legislators. My name is Neal Lewis, Executive Director of the Neighborhood Network. I'm here today to speak in favor of the appointment, confirming the appointment of Carrie Gallagher to the position of Commissioner of the Department of Environment and Energy.

I want to start by acknowledging the leadership of this Legislature on the issues that we heard at the beginning of our meeting today. There is a direct application to the concept of the cautionary principle to the leadership that you're showing on autism and the need to acknowledge hazards in our environment and let's take the precautionary approach of embracing alternatives that reduce those risks. So I want to start by acknowledging that.

I've been working with Carrie on a number of issues over the years, and the Neighborhood Network

is particularly interested in energy issues right now, and we think it's very important that a person who's professional and has strong leadership skills be appointed to this commissionership. So we're here today to echo some of the comments that you've heard from some of my colleagues and be supportive of this appointment.

I'd also like to point out that we've already reached out to Carrie and working on our next meeting of the Clean Energy Leadership Task Force, which is scheduled for December 8th, and I will make sure this Legislature receives some information on that. We do invite members of this Legislature, particularly some of the members that are involved in the Energy and Environment Committees, to participate in some of those meetings. So I'll give that as a heads-up to you to keep an eye out for the invite for that meeting on December 8th. Otherwise, I wish you all a happy holiday. Thank you.

P.O. LINDSAY:
Thank you very much, Neal. John, I'm sorry about messing up your name.

MR. SICIGNANO:
It's a tough name. I've had to live with that for years.

P.O. LINDSAY:
No, it's my fault. Chris --

MR. SICIGNANO:
Sicignano.

P.O. LINDSAY:
Okay. Chris --

MR. SICIGNANO:
And my grandmother would say that's not the right way to pronounce it.

P.O. LINDSAY:
Chris Robinson's on deck.

MR. SICIGNANO:
Sicignano, or whatever. My name is John Sicignano. Thank you, Mr. Lindsay and the rest of the Legislators. I'm first and foremost a father also. As a woman said, she's first and foremost a mother, I'm a father, and I care about my kids, as every father and mother cares about their kids.

I'm here to speak out in support of Legislator Browning's bill for restricting placement of sex offenders, 2094, 2094. We've had some problems in the Mastic area, as you probably read in the paper, and there's problems in many areas, not just there. A lot of times these people are sent into areas where we have unscrupulous landlords that want to make a lot of money, and we know that DSS on a County level pays $110 more to house a sex offender than they do to house a regular person on DSS. So, for someone that's an absentee landlord or just looking to make a buck, they would like to shove as many as they could in one house, that's another problem, but also, as many as they could in one area where they own these houses.

So I'm in support of 2094, establishing that, and I'm also in support of Lindsay's bill 2216, which I see is notification policy when sex offenders violate the term of probation. I would think if they violate probation, I would think their probation officer would be aware of that and things would happen as far as some problems for that person that violates it.

So, again, I'm here in support of Kate Browning's bill and also Lindsay's bill, and we hope that this will help all of Suffolk County, not just my area, but I'm here in support of that. I'm also Vice President, First Vice President of {ABCO}. Thank you.

P.O. LINDSAY:
Chris Robinson, and we have David Blumenfeld on deck.

MR. ROBINSON:
Good morning. Chris Robinson from RMS Engineering, doing business at 355 New York Avenue in Huntington. I'm here in favor of 2199, the authorization for the Sewer Agency to enter into contract with Deer Park Enterprises for the proposed Tanger Mall project.

As I testified last week in front of the Public Works and Transportation Committee, the project's in full compliance with Health Department Article 6 regulations. We are proposing to connect the sewage flow to the Southwest Sewer District by means of a pump station and force main. That's what the authorization will allow us to do, to pay the County 1.2 million dollars as a connection fee and to allow that sewage to go into the district. In the alternative, if it's not approved, we'll simply put in septic tank and leaching pool systems, as many of us have in our yards, in full compliance with Suffolk County Article 6.

P.O. LINDSAY:
David Blumenfeld, followed by Richard Snizer, Snizek?

MR. BLUMENFELD:
Hi. My name is David Blumenfeld. I'm the developer of the Tanger Mall, Resolution 2199. Thank you all for having me here.

The question was asked today why am I here, why was I here on Thursday. The reason I'm here is because we're discussing a resolution that authorizes the County Executive to sign a contract to allow us to hook up to the sewer district. We're not here discussing traffic, we're not here discussing taxes, we're not here discussing the environment. All those issues have been reviewed and resolved with the Town of Babylon. So I am here to stand up for what the resolution is and to point out the facts that we're strictly here discussing whether we're going to hook up to a sewer or we're not going to hook up to the sewer. Why is it so wrong to do something good? I mean, we're here, we're willing to spend an extra 2 1/2 to 3 million dollars to connect to the sewer district, we're willing to help the environment.

Just today, an editorial came out in Newsday where -- commenting on our decision to go with a green builder. We're building smart development here. We're looking to continue to build smart development. We've worked with the Town of Babylon to accomplish this. We believe we've come up with a project that fits within the community, that fits within the zoning district. People have commented on -- and I will comment on the things that have been raised in opposition to the project, IDA and taxes. The reason we went to the IDA, the reason why we came up with this program is just the opposite of what the gentleman up here has said. The school board gets 1.4 million dollars a year in taxes today. We have guaranteed through demolition that that number would stay current. Most developers, when the building gets knocked down get a reduction in taxes. There will be no reduction in taxes during the construction period. That was the purposes of the IDA and that was what we thought was a benefit to the community.

We've brought in a rail spur, a freight rail spur onto the site. We've demanded that our demolition contractor remove all the debris by rail. We're encouraging the contractors to bring in all their supplies by rail to keep the truck traffic off the streets. We've agreed to spend over 10 million dollars in road improvements, or about 10 million dollars in road improvements in and about the site. Imagine if we kept this building industrial? Imagine if Southern Container, which is a neighbor to the east, expanded their operation and put another thousand trucks on this site? We wouldn't be in front of any board, we wouldn't have gone to the Town of Babylon, we wouldn't have come here. You would have added thousands and thousands of truck traffic trips a year to the site without any board approval, without any road improvements. We believe what we've done is correct and we're really here just to connect to the sewer. We ask you that you approve this resolution and we -- allow us to connect to the sewer and do what's right by the environment and do what's right by the

Town. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Mr. Blumenfeld. Richard Snizek, and followed by Jimmy Rogers.

MR. SNIZEK:
Good morning, all. My name is Richard Snizek. I'm a Nassau County resident, not a Suffolk County, but I've spoken before on the range issue and I'm here to speak about 2123 today. I guess it pays to come in a little bit late, because everybody's already pretty much said everything about the creation of the committee. I'd just like to add that not only don't I think it's necessary, there were professional studies done all through this process, reopening the range, including environmental and as far as closing it and moving it. So it's kind of a waste of time to have a committee now do the same thing.

I'd also -- I don't know if you're aware of it, but Town of Huntington is about to close their range along the 110 border, because they've lost the lease there, so we're kind of losing everything here, and the sportsmen will have no place to go. Nassau County no long has any trap and skeet ranges. This is why this has become a big business and a money-maker for Suffolk County, because everyone is now flocking to this range.

That's it. I wish everybody a happy and healthy Thanksgiving, and thank you for the time.

P.O. LINDSAY:
Thank you, Richard.

(Applause)

We have Jimmy Rogers, and Michael Seilback is on deck.

MR. ROGERS:
Good morning, members of the Legislature. My name is Jimmy Rogers. I'm a representative of District Council Number 9, Painters and Allied Trades. And I'm here to ask that you approve I.R. 2199, authorizing the connection of 455 Commack Road to Suffolk County Sewer District Number 3, Southwest. The connection will be financial beneficial to the District and environmentally beneficial to the County. Tanger Outlet Centers and Blumenfeld Development Group have gone out of their way to make sure that the positives for the community far outweigh the negatives. The traffic concerns that have been raised have not gone unheard. The project has been downsized by over 100,000 square feet, and millions of dollars will be spent on improving surrounding roads.
It's in the best interest of Blumenfeld and Tanger to have a free flow of traffic to and from the mall to make it successful.

Other positives this project will bring to the community and the local economy are 20 million dollars over 10 years for the school district, over 25 million dollars in sales tax. Half of that goes to Suffolk County. Sixteen hundred permanent jobs and 2000 construction jobs, with 97 million dollars in wages and benefits. Having dealt with Blumenfeld and Tanger in the past, we have learned what professionals both organizations are, and how they pay very close attention to every detail in both their operations. In doing so, they keep one of the best reputations in the industry, they know the importance of using only responsible contractors for their construction and renovation work. This not only ensures that local workers get area standard wages, health benefits and retirement plans, but it guarantees that the project will be built using the best trades people, so the end result will be a safe, well built, state of the art shopping center that will last for years to come.

I also was at the Public Works and Transportation Committee meeting on Tuesday. I heard Mr. Blumenfeld do his presentation. His engineer got up and talked about the sewer hookup. There was

debate back and forth. Ben Wright, the Chief Engineer for Suffolk County, got up and pretty much corroborated everything that Blumenfeld and his engineer said, so I don't see any reason why the full body here shouldn't pass this just like the committee did six to nothing. So, if you could, please, approve I.R. 2199. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Jimmy. Michael Seilback, followed by Cesar Malaga.

MR. SEILBACK:
Good morning. My name is Mike Seilback, Senior Director of Coalitions and Policy for the American Lung Association of New York State. I'm also speaking today on behalf of the American Heart Association and the American Cancer Society. I'm here to ask you to override the County Executive's veto regarding the Suffolk County Tobacco Cessation Program. This isn't a political issue, it's not a partisan issue, it's a public health issue.

As you know, I've spoken to you before about the benefits of this Tobacco Cessation Program. Hundreds of residents in Suffolk have used this program to break their addiction to tobacco use. We believe that the outlay of a fee by County residents for cessation services will serve as a major deterrent for those seeking a method to quit. And furthermore, it's unnecessary, given the success rate of participants in this program. In fact, approximately two-thirds of the program participants have successfully quit when followed up one year after completing the program. While we certainly understand the County's desire to balance their budget, the County Executive was misguided in placing an economic burden on the backs of those residents who are looking to quit a lethal addiction.

The overwhelming majority of smokers in Suffolk are from some of the lowest socioeconomic groups within the County. Fifty-seven percent of the participants of this program have a household income less than $60,000. It's unreasonable to assume that these constituents will be willing or able to quit if they can't afford this program.

All of Suffolk County's residents benefit when smoking rates are reduced. In fact, for every dollar spent in prevention and cessation, three dollars is saved in reduced health care costs. If this fee collection program remains intact, it's certain that enrollment in this program will plummet, therefore causing even greater long-term health costs for the County. Nicotine is the addictive substance in tobacco. Asking participants to refrain from smoking while also paying money for these classes is simply ignoring nicotine's highly addictive qualities.

Please override the County Executive's veto regarding the Tobacco Cessation Program. The health of Suffolk County's residents depend on it. Thank you.

P.O. LINDSAY:
Cesar.

MR. MALAGA:
Good morning. My name is Cesar Malaga. I'm the President for the Hispanic-American Association. I'm here to speak against the I.R. 2199.

The Tanger Outlet should not be connected to the Southwest Sewer District, because the developer indicated that the four standing room hearings that they will build septic tanks on the site. The site previously had its own waste treatment plant. It should be noted that the Vice Chair of Public Works and Transportation Committee is the former member of the Babylon Town Board that approved this Tanger Outlet, even though the residents of the Town of Babylon objected. The developers of this site donated money to the Democratic Party and the Campaign of the Board Members. It is a direct conflict approving this outlet, which, in my opinion, is a payoff for the money contributed that they

received.

The Southwest Sewer District was designed to care for the homes in that area. Many homes are not connected to the sewer district. An entire hamlet is not connected, which is Wyandanch. The Southwest Sewer District was not designed to connect shopping centers such as this Tanger Outlet. Years ago, there was a request to connect the shopping centers in Huntington to Southwest Sewer District. This Legislature denied the connection to that request. This Tanger Outlet is not needed in the area. We have shopping malls nearby serving the people in the area, shopping malls such as the one in Commack, Bay Shore Mall, Sunrise Mall, and various small shopping centers to serve the residents. This Tanger Outlet will destroy the many stores that serve the area for many years.

They say they will create 1,600 jobs, but they do not mention that existing stores in the area will be closed and many people will be unemployed. They say they will pay about 20 million dollars in taxes. It is known that many of the shopping centers did not pay the estimated amount in taxes. They put numbers to convince people to approve the project.

There is no plan to care for traffic for this Tanger Outlet. The Supervisor of the Town of Babylon, Huntington, Islip asked the New York State Department of Transportation to build that roadway from Long Island Expressway to the outlet. There is no money allocated for this road, nor was it presented to the people in the area about the proposed roadway that's not going to be built. This Tanger Outlet should not be built, nor should be connected to the Southwest Sewer District, and there's no plans to care for the traffic to this outlet that's indicated at all.

We ask the Suffolk County Legislators, all of you, to deny the request of Tanger Outlet's connection to the Southwest Sewer District. Thank you very much.

D.P.O. VILORIA-FISHER:
Thank you, Cesar.

P.O. LINDSAY:
Thank you. I have no other cards. Is there anyone else in the audience that wishes to speak under the public portion? Please come forward. Mario, when you're done speaking, if you'd fill out a card just for our records, I'd appreciate it.

MR. MATTERA:
Okay. Good morning, Presiding Officer Lindsay and all Legislators. I just want to commend all of you for a great job you guys are doing in Suffolk County.

P.O. LINDSAY:
Introduce yourself, Mario.

MR. MATTERA:
Oh, I am. It's actually in my speech.

P.O. LINDSAY:
Okay, I'm sorry.

MR. MATTERA:
I just want to commend all the Suffolk County Legislators for doing a great job for the residents of Suffolk County.

My name is Mario Mattera, I'm the Business Agent with Plumbers Local 200. I represent approximately twelve hundred members and 80% live in Suffolk County. I commend the Blumenfeld Group for the Tanger Project. It's a very important project, especially for the Babylon area. I feel that, in other words, the people in the area are going to shop there. So everybody's talking about traffic. The traffic's going to go to the malls and they're going to stay in the area. And

people in Huntington are going to go to Walt Whitman, people in Smithtown in that area is going to be going to Smithaven, so it really helps out a lot, I feel, with traffic.

This project is called progress. It creates jobs not for construction workers, but it creates jobs for the store when it opens up. It is a win/win situation, and I just say please support 2199, and we need this work. Thank you very much.

(Applause)

P.O. LINDSAY:
Is there anyone else in the audience that would like to address us? Seeing none, I'll make a motion to close the public portion.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
16. (Not Present: Legs. Caracappa and Mystal)

P.O. LINDSAY:
At this point in time, I'm going to call a very short recess, 20 minutes. We'll be back here quarter after and we'll address the vetoes in the County Executive's budget.

[THE MEETING WAS RECESSED AT 10:53 A.M. AND RESUMED AT 11:48 A.M.]

P.O. LINDSAY:
Mr. Clerk, start calling the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
(Not Present)

LEG. BROWNING:
Here.

LEG. CARACAPPA:
(Not Present)

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Present.

LEG. MONTANO:
Yes, present.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:
(Not Present)

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
(Not Present)

LEG. HORSLEY:
Here.

LEG. MYSTAL:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

MR. LAUBE:
12.

P.O. LINDSAY:
Although we have a quorum and we're back in session, there's still a few people in a caucus room that's trying to resolve some issues, and I'm not going to call another recess, because I don't want everybody to leave the horseshoe. I want to hold everybody that's here and the other people will be joining us shortly. Okay. Mr. Clerk, would you call the roll, please?

MR. LAUBE:
You want another roll? We called the roll.

P.O. LINDSAY:
We called it already, okay. We're going to go into the budget and we're going to try and get through as much as we can before we break at 12:30. Just to prevent any confusion, what the Executive sent over was 32 documents. I'm going to stick with that, rather than the analysis of Budget Review, because the Budget Review got confusing. Okay. Document Number 1, am I correct, Counsel, is no action, it was approved?

MR. NOLAN:
Right. We discussed this one with Budget Review Office. We agree, no action is necessary, there's no vote here.

P.O. LINDSAY:

Okay. Document Number 2.

LEG. LOSQUADRO:
Presiding Officer?

P.O. LINDSAY:
Yes, sir.

LEG. LOSQUADRO:
Was the vote taken on that?

P.O. LINDSAY:
No, there's no action needed.

LEG. LOSQUADRO:
Okay.

P.O. LINDSAY:
Document Number 2, the same thing; am I correct, Mr. Counsel, no --

MR. NOLAN:
There's no veto here, so no action is required.

P.O. LINDSAY:
Okay. Document Number 3 is a veto, providing a -- it's the items listed within that document message. I'll make a motion to override the veto.

D.P.O. VILORIA-FISHER:
Second.

LEG. COOPER:
Second.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. ALDEN:
We had a total of how many documents that we're looking at?

D.P.O. VILORIA-FISHER:
Thirty-two.

P.O. LINDSAY:
Thirty-two.

LEG. ALDEN:
Out of 32, we've just eliminated Document Number 1 and Document Number 2, they don't really require any --

P.O. LINDSAY:
Correct.

LEG. ALDEN:

-- any action.

P.O. LINDSAY:
Correct.

LEG. ALDEN:
Are there any other ones in here that don't require any action?

P.O. LINDSAY:
I don't know, but just --

LEG. ALDEN:
Because I'm going to make a motion to take all --

P.O. LINDSAY:
Just so I don't make a mistake, I wanted to take them one at a time, because some of them are mixed in there. Legislator Caracappa.

LEG. CARACAPPA:
Thank you. Document Number 3, obviously, is the -- is our omnibus, discretionary side, Budget Review?

D.P.O. VILORIA-FISHER:
Mandated. Mandated.

LEG. CARACAPPA:
All right. We're still on mandated. Okay.

MS. VIZZINI:
Yeah. No, these references are to the documentation by the Executive.

LEG. CARACAPPA:
Thank you, Mr. Chairman.

P.O. LINDSAY:
Any other questions? I've made a motion to override.

LEG. ALDEN:
Well, on the motion.

D.P.O. VILORIA-FISHER:
Second it.

P.O. LINDSAY:
And we have a second from Legislator Viloria-Fisher. On the motion.

LEG. ALDEN:
I'll just renew my request again. And if we went through a fairly exhaustive budget process where there was a lot of give and take on what should be included in the budget, what shouldn't be included in the budget, I think at this point in time, that if we're going to go back and reexamine everything that we did, it's, number one, counterproductive, number two, it could indicate that some people that had indicated their support of a budget have changed their mind, or have just outright lied and have withdrawn their support. So I don't understand why we would take anything separately that's been budgeted -- that's been vetoed, why we wouldn't just take everything as a whole. If we were satisfied with what we passed, I believe 18 nothing, maybe the Clerk's Office

could correct me, the omnibus passed what, 18 nothing.

MR. LAUBE:
Correct.

LEG. ALDEN:
Okay. And there was no questions or concerns raised at that point in time as to the priorities or anything else that was included in that omnibus. Why do we have to take individual items?

D.P.O. VILORIA-FISHER:
We have a motion and a second.

LEG. LOSQUADRO:
Mr. Chairman, on the motion.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
I will reiterate the request made by Legislator Alden, that we take all of these items as we have in the past as one motion. We put -- you and I have had this discussion many times, we've put many man-hours into this process. The majority in this Legislature also held the majority on that working group, and we, as a collective working group and as a collective body, agreed that the budget that we passed would be the budget that this Legislature stood by.

I am very disappointed to hear that we're going to be taking these items individually and perhaps looking to single out certain individuals or certain initiatives, as we made the very clear point in the working group. We said that no initiative in one district was less important than another. And I caution anyone, if they think that they can be above that standard, that they can decide what constituents in what district deserve less services than the individuals in their district, because that's very high-handed and that is something that this Legislature has never stood for, is partisanship that has never existed in this Legislature to that level, and it's something that I am absolutely disgusted in and something that I want no part of. So I reiterate Legislator Alden's request to take these all as one motion.

P.O. LINDSAY:
Well, rather than a reiteration, why don't you make a motion to --

LEG. LOSQUADRO:
I thought Legislator Alden did.

P.O. LINDSAY:
Well, I didn't -- I didn't get the motion. You're making a motion to treat --

LEG. ALDEN:
I'll take everything, number --

P.O. LINDSAY:
-- treat all the vetoes as one?

LEG. ALDEN:
Document 3 through whatever the last document number is, 32, as one and a motion to override.

LEG. ROMAINE:
Second.

LEG. LOSQUADRO:
And a second to that motion for myself, Mr. Chairman.

P.O. LINDSAY:
First, the motion before us is to treat all of the documents in the packet that have -- that pertain to vetoes as one motion, and we have a second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ALDEN:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
No.

LEG. CARACAPPA:
Yes.

LEG. EDDINGTON:
No.

MR. MONTANO:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. MYSTAL:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

LEG. ALDEN:
There's a clear indication that people are going back on words --

MR. LAUBE:
Eight.

LEG. CARACAPPA:
On the motion.

LEG. ALDEN:
-- that they gave.

LEG. ALDEN:
I'm going to ask for a couple of minute recess to caucus.

LEG. CARACAPPA:
Mr. Chairman, on the motion.

P.O. LINDSAY:
I haven't granted a recess yet.

LEG. ALDEN:
I'm requesting.

P.O. LINDSAY:
Legislator Caracappa.

LEG. CARACAPPA:
I guess, why don't you deal with Legislator Alden's request first and see how it turns out and I'll ask my question after you deal with that, Mr. Chairman.

P.O. LINDSAY:
Okay. The only thing that I ask is that if it's going to be short, you know, we'll wait. If it's going to be a long recess, then we might as well adjourn for lunch.

D.P.O. VILORIA-FISHER:
What about the tax levy?

P.O. LINDSAY:
The tax levy, we're going to have to deal with the tax levy as we deal with the tax levy.

LEG. CARACAPPA:
If we're going to do that --

P.O. LINDSAY:
Do you want --

LEG. CARACAPPA:

-- potentially we may run into lunch, Mr. Chairman. So let me ask a quick question to Budget Review, if you wouldn't mind.

P.O. LINDSAY:
Go right ahead.

LEG. CARACAPPA:
Budget Review, if the veto is sustained on the mandated side of the budget, tell us what the impact would be. Let me rephrase that question. If we sustain the mandated side of the -- of Budget Document Number 3 and go ahead and override the discretionary end of the budget without those singled out vetoed items, what effect does it have on our Budget for '07?

MR. LIPP:
The Executive's analysis shows that the mandated property tax would go down by 11.8 million dollars, if it is sustained, and the discretionary would increase by 11.8 million dollars, if it's sustained.

LEG. CARACAPPA:
I'm talking structurally speaking.

MR. LIPP:
Structurally speaking.

LEG. CARACAPPA:
We do -- we sustain -- right, yeah.

MR. LIPP:
Okay. If you sustain the mandated and knock the discretionary, then the mandated would go down by 11.8 million dollars, but the discretionary would not change if you overrode it, so it wouldn't go up by 11.8 million dollars. Therefore, property taxes would go down by 11.8 million.

LEG. ROMAINE:
Okay, sounds good.

P.O. LINDSAY:
Is there any other questions?

LEG. CARACAPPA:
I'll save them for later, Mr. Chairman.

P.O. LINDSAY:
Okay.

LEG. LOSQUADRO:
Can we get a real two minutes?

P.O. LINDSAY:
Do you want two minutes, or you want to reconvene at 2:30?

LEG. LOSQUADRO:
Two minutes. I'll set my watch.

P.O. LINDSAY:
Okay.

[THE MEETING WAS RECESSED AT 12:07 P.M. AND RESUMED AT 12:15 P.M.]

P.O. LINDSAY:
Okay. Mr. Clerk, call the roll, please.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. CARACAPPA:
Here.

LEG. LOSQUADRO:
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.

D.P.O. VILORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

P.O. LINDSAY:
Okay.

MR. LAUBE:
18.

P.O. LINDSAY:
We're back to Document Number 3, as I recall, Mr. Clerk. There's a motion to override the veto and a --

MR. LAUBE:
You have a motion and a second.

P.O. LINDSAY:
And a second. Anybody else on the issue? Roll call.

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. SCHNEIDERMAN:
Can I get some more detail from Budget Review Office as to the impact if this -- if the mandated portion is sustained, the overall structure of the County budget, in terms of how it will affect it? I think your comments earlier were less than clear.

MR. LIPP:
Taxes would go down by 11.8 million dollars if the mandated resolution was sustained. If the discretionary portion was also sustained, then it would go back up by about 11.8 million dollars. It would be a wash, there would be no change. So, if you -- if you sustain the mandated, but not the discretionary, there would be a reduction of 11.8 million dollars in taxes. So, in terms of structurally, the resolutions are -- you know, the offsets and everything are tied together, so there is a structural problem, because they are supposed to in a perfect world be companions, but they are voted on separately. And to make up for the loss of revenue, if the Discretionary Omni was overridden, then by default, the way the budget works, taxes would adjust through that.

LEG. SCHNEIDERMAN:
Which will be a tax decrease.

MR. LIPP:
Decrease. Mandate, sustained. In other words, the County Executive gets his.

LEG. SCHNEIDERMAN:
Mandated sustained, and the discretionary, overridden.

MR. LIPP:
Correct.

LEG. SCHNEIDERMAN:
There'll be an 11 million dollar tax cut.

MR. LIPP:
11.8.

LEG. SCHNEIDERMAN:
Any other consequences, structurally, structurally.

MR. LIPP:
Other than the structural imbalance, in terms of the items were planned to be sort of complementary.

LEG. ALDEN:
Decreases for taxes for the people.

P.O. LINDSAY:
Any other questions? Okay. We have a motion and a second. Counsel, how many votes do we need on this?

MR. NOLAN:
This is a 12-vote resolution.

P.O. LINDSAY:
Okay.

MR. NOLAN:
And, by the way, this budget, this one relates to the various clauses that were included by the -- in the budget by the County Executive. They're expunged in the Omnibus resolution.

P.O. LINDSAY:
Okay. Roll call.

MR. LAUBE:
Legislator Lindsay.

P.O. LINDSAY:
Wait a minute.

LEG. KENNEDY:
Wait a minute. On the motion.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Back to Counsel. Can you add some explanation to that? I thought that Item 1 dealt with the expunged clauses?

MS. VIZZINI:
Legislator Kennedy, you're looking at the guide that Budget Review prepared. The consensus was to allow the County Executive's documentation to drive the process, so we're voting on Document Number 3.

P.O. LINDSAY:
John, in this packet, in this packet.

LEG. KENNEDY:

Yeah. No, I have Item 3, Mr. Presiding Officer, but I thought we were voting on the resolution that deals with the mandated, whether or not to override the veto or to sustain it.

D.P.O. VILORIA-FISHER:
We are.

LEG. KENNEDY:
I don't see any references to clauses, though.

LEG. CARACAPPA:
Tax Stabilization Fund, Pension Reserve Fund, Debt Service Reserve Fund.

P.O. LINDSAY:
George, do you want to explain that?

MR. NOLAN:
Yeah. Document Number 3 vetoes the Twelfth Resolved Clause of the mandated omnibus.

LEG. KENNEDY:
And what is that clause?

MR. NOLAN:
I'm sorry?

LEG. KENNEDY:
What is that clause? What is that clause --

MR. NOLAN:
That is the one where the various resolved clauses that were included in the County Executive's proposed budget, over 30 clauses were expunged. That's what the omnibus did. So, if this is not overridden, then those various resolved clauses are restored. Traditionally, they've been expunged.

LEG. KENNEDY:
What is the impact of restoration of those resolved clauses? Have we ever had those before?

MR. NOLAN:
What is the monetary impact? I'll defer to Budget Review.

LEG. KENNEDY:
Well, either that or the operational impact, the restoration of those resolves.

MR. NOLAN:
There's over 30 resolved clauses and a lot of them are policy type resolved clauses.

LEG. KENNEDY:
So, in essence, in one resolution, we're going head and addressing 30 items that have policy impact in this budget, but, yet, we can't do an omnibus override in a single vote?

MR. NOLAN:
This is the way it has always been done. When it came to the resolved clauses that were included in the proposed budget, they were always expunged in a single resolved clause. This is way it's been done in all the years past. Since we started getting -- they weren't -- resolved clauses were not always included in the proposed budget, it's a relatively new practice, but the Legislature has in the last few years expunged them.

LEG. KENNEDY:
I find that I would like to have some indication beyond what we've discussed at this point as to what some of the effect of some of those resolved clauses would be, since we're entertaining a resolution that's going to eliminate 30 action or policy items in one fell swoop. But, yet, we're not willing to go ahead and do it with the fiscal impact associated with the budget amendments that were negotiated with the working group. So I find that, once again, we've got a disjoint or a disconnect with what this body is willing to do.

LEG. ALDEN:
Mr. Presiding Officer.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I think to be fair, and in the spirit of what it seems like the Democratic Caucus has come up with, let's do these one line at a time then, one -- let's just do the whole thing, each individual resolved clause that came from the County Executive that was in his budget, let's just do it both one at a time on them, because that's what we're going to do on the rest of the omnibus. Let's just stay in the same spirit.

LEG. COOPER:
Is that a motion?

LEG. ALDEN:
I'll make a motion.

MR. NOLAN:
You can't -- I don't think --

LEG. KENNEDY:
I'll second that motion.

LEG. ALDEN:
Why.

MR. NOLAN:
No. The omnibus is not --

LEG. ALDEN:
These are just documents. Then I'll phrase it as a question to Legislative Counsel or to Budget Review. The way the budget was crafted, every -- there's 30 of these line items, so to speak, or 30 of these resolved clauses are included in one document; is that not correct?

MR. NOLAN:
Are you asking?

LEG. ALDEN:
I'll ask you or them.

MR. NOLAN:
You can't, in my opinion, pull out individual items that were included in the proposed Operating Budget, because when we prepared the omnibus resolution, they were all expunged in a single resolved clause. That is what was vetoed and that's what you need to take the vote on.

LEG. ALDEN:

But the original document included them on an individual basis.

MR. NOLAN:
That's correct, but the omnibus resolution expunged them in a single resolved, and that is what was vetoed and that's what you now have to vote to override or not to override.

LEG. ALDEN:
So that's your legal opinion, that it has to be all or nothing? Because we're not doing that with the rest of the Omnibus, we're actually doing, you know, line by line and we're going to go back on, you know, where words were actually indicating support for a certain concept that went through the Omnibus. But now we're to do it all in one just for this?

LEG. CARACAPPA:
Mr. Chairman?

P.O. LINDSAY:
Legislator Caracappa.

LEG. CARACAPPA:
Just to try and clarify, the County Executive has the power of the line item veto, we don't have the power of the line item override. As they -- though they may be separate items, we handle them in one budgetary document. The County Executive has that ability to single those out and send them over as packages or single line items, as he's did -- as he's done in the discretionary side of it. That's why we can't, on this mandated vote we're about to take, can't -- or extract Whereas Clauses or single items out of the document as it's been vetoed.

LEG. ALDEN:
I'd just like to hear a -- I'd like hear those 30 items that are included in this one, because there's some of them that I would agree to override, some of them I might not agree to override. So I'd like to hear those 30 that we're going to be voting on in this document, because nowhere on this page does it say which ones those are. So I'd just like to see that or hear it.

P.O. LINDSAY:
Gail, can you go through the 30 items?

MS. VIZZINI:
As you know, the County Executive has in the past two years included certain Resolved Clauses in each of the recommended budgets, whether they be the College or the Operating or the Capital, and we have consistently expunged them. In some cases, we actually do include some of them in our omnibus. They are basically reauthorizing the Tax Stabilization Reserve Fund, the Retirement Reserve Fund, the Bonded Indebtedness Fund, the Capital Reserve Fund, the Employee Medical Charge-back, based on the number of enrollees, certain requirements for the Long Island Regional Planning Council, that Nassau County pay its fair share before any funding from Suffolk County dollars, certain revisions regarding bio-terrorism, the three new titles accepted to the Classification and Salary Plan, that there's a stipulation that there be a sum certain of 72 million dollars allocated to the Police District. It establishes a Veterans Service Fund. The revenue is to get military pay for our soldiers serving -- defending our country in -- based on collective bargaining agreements. Reauthorizes certain contingency funds that are in the budget. Establishes the gasoline rebate fund, which we left in the budget, and the typical severability in terms of the applicability of these paragraphs.

LEG. ALDEN:
Can I just stop you for one second?

MS. VIZZINI:
And that's it.

LEG. ALDEN:
All Gasoline Rebate Fund, you mean, where the settlement that comes in on a lawsuit that the Legislature started goes back to individuals on a gas card type of rebate?

MS. VIZZINI:
It authorizes the fund. And all of these which I mentioned are expunged and we have used only ones that were consistent with the Legislature's policies included in the omnibus.

LEG. ALDEN:
Okay. So I'm going to repeat then what Jay Schneiderman asked before. Document Number 3, what's the budget affect on that? Does it decrease tax, does it increase tax, does it stay neutral.

MS. VIZZINI:
It's neutral, there's no dollar impact.

LEG. ALDEN:
There's nothing on Document 3.

MS. VIZZINI:
Correct. It's just --

LEG. ALDEN:
Okay. So a bigger picture, the mandated side, if that's overridden, that will stay status quo, if it's not overridden, then that will result in about 11 million dollar tax decrease?

MS. VIZZINI:
According to the County Executive's own Fiscal Impact Statement, they haven't validated that. That would be the cumulative impact of --

LEG. ALDEN:
Document 4, 5 and 6.

MS. VIZZINI:
Correct, all the mandated.

LEG. ALDEN:
Not Number 3, though.

MS. VIZZINI:
No, Number 3 has no fiscal impact.

LEG. ALDEN:
Okay, thanks.

P.O. LINDSAY:
Okay. We have a motion to override and a second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
Yes to override.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes to override.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes to override.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Fourteen.

LEG. ROMAINE:
Mr. Clerk, could you change mine to a no?

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
Call the vote?

MR. LAUBE:
I did, 13.

P.O. LINDSAY:
Thirteen. With that, I'm going to call the lunch recess. We'll resume at 2:30 and --

LEG. NOWICK:
Two o'clock. Why don't we do it at two?

P.O. LINDSAY:
If anybody wants to go home and get their jammies, you better do that, because it's going to be a late night.

LEG. NOWICK:
Can we take a vote? Bill.

LEG. MYSTAL:
Bill, Bill.

LEG. NOWICK:
Can we make it two?

P.O. LINDSAY:
Two?

LEG. NOWICK:
Yeah. I mean, what are we --

P.O. LINDSAY:
Oh, I'm sorry, it's 2 o'clock, not 2:30. Wait a minute, wait a minute. Before everybody leaves the auditorium, we're supposed -- we have Public Hearings at 2:30.

D.P.O. VILORIA-FISHER:
2:30, yes.

MR. NOLAN:
2:30 it's Public Hearings.

P.O. LINDSAY:
Is it the wish of the body to come back at 2 o'clock --

LEG. NOWICK:
Yes, yes.

P.O. LINDSAY:
To get back into the budget.

LEG. ALDEN:
No.

P.O. LINDSAY:
No?

LEG. ALDEN:
Let's not break tradition.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
We did it all as one budget thing.

LEG. NOWICK:
Wait. That's one person. Take a vote.

P.O. LINDSAY:
Okay.

LEG. NOWICK:
Take a vote.

P.O. LINDSAY:
Legislator Nowick, are you making a motion to --

D.P.O. VILORIA-FISHER:
And I'll second it.

P.O. LINDSAY:
-- resume at 2 o'clock?

LEG. NOWICK:
Yeah. I'm making a motion to come back at two.

P.O. LINDSAY:
Okay.

LEG. NOWICK:
We have a lot of work to do. I don't --

LEG. ALDEN:
Point of order.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
We have a second.

LEG. ALDEN:
Point of order. You're violating the rules that would publish the fact, and I think it's got to be 24 hours in advance, what your meeting times are, and you can't right now change when your meeting is. That's deceptive to the public. They expect us to follow our schedule, as was outlined to them and was advertised in the paper. To violate that, I think you're violating the public trust. But whatever way you want to vote.

D.P.O. VILORIA-FISHER:
I think that's only for the Public Hearings. Counsel?

LEG. ALDEN:
No. We're going to be deliberating stuff. They don't know we're even going to be here.

D.P.O. VILORIA-FISHER:
No. We've had times where we've extended our meeting past 12 o'clock.

P.O. LINDSAY:
All right. Counsel, would you weigh in on that?

MR. NOLAN:
If the Legislature wishes to come back at 2 o'clock to continue the budget overrides, they may.

D.P.O. VILORIA-FISHER:
Okay. So I'm seconding the motion.

P.O. LINDSAY:
We have a motion and a second. All in favor? Opposed?

LEG. ROMAINE:
Opposed.

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

LEG. KENNEDY:
Opposed.

P.O. LINDSAY:
Okay. It's carried. We'll come back at 2 o'clock.

MR. LAUBE:
That's 13.

LEG. ALDEN:
Even though the rest of the public will be here at 2:30 to hear the deliberations, but that's okay, if that's the way you want to do it.

[THE MEETING WAS RECESSED AT 12:30 A.M. AND RESUMED AT 2:06 P.M.]

P.O. LINDSAY:
Okay. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
(Not Present)

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Not Present)

LEG. CARACAPPA:
(Not Present)

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
(Not Present)

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
Here.

P.O. LINDSAY:
(Present)

[Legislator Alden Entered the Auditorium]

MR. LAUBE:
14.

[***Legislator Browning Entered the Auditorium]***

MR. LAUBE:
15.

LEG. ALDEN:

16.

MR. LAUBE:
I got you already.

LEG. ALDEN:
Oh. I wasn't here.

MR. LAUBE:
I saw you.

LEG. ALDEN:
Thanks for telling me.

P.O. LINDSAY:
Okay, we're back. We have 20 minutes before the Public Hearings start. We're at ***Document Number 4***, the County Executive has vetoed. Mr. Counsel, Counsel, what -- how many votes do we need on this one?

MR. NOLAN:
This is another 12-vote resolution.

P.O. LINDSAY:
I'll make a motion to override the veto.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Anyone on the question? Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
(Not Present)

LEG. SCHNEIDERMAN:
Yes to override.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
(Not Present)

LEG. LOSQUADRO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
Pass.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. LOSQUADRO:
I'm sorry. I thought you were going to go back to the front.

MR. LAUBE:
Oh, I didn't see him over there. Legislator Romaine.

LEG. ROMAINE:
No.

LEG. LOSQUADRO:
No.

MR. LAUBE:
Nowick. Legislator Nowick.

LEG. NOWICK:
Yeah, yeah, yeah, I know, I know. I just started to read it.

MR. LAUBE:
I'm sorry.

LEG. NOWICK:

No.

MR. LAUBE:
11. (Not Present: Legs. Romaine, Caracappa and Kennedy)

P.O. LINDSAY:
That was the additional correction officers that failed. ***Document Number 5*** was vetoed. Again, 12 votes, Counsel?

MR. NOLAN:
Twelve votes.

P.O. LINDSAY:
Twelve votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Budget Review, would you please explain what the vote is on this one?

MS. VIZZINI:
Document 5 pertains to three items in the mandated omnibus. The first is based on Budget Review recommendations and the payment schedule prepared by the outside consultants. We are recommending an additional hundred-and-thirty-thousand-nine-eighty-eight for our serial bond payments. The other item is based on projections year to date. We have reduced institutional foster care by one million dollars. There has been a decreasing trend since August. And the other item that Document 5 pertains to is the change in presentation, where we allow the 11.6 million dollars in Medicaid recoveries to flow first through the General Fund and then be deposited in the Debt Stabilization Reserve, as was originally recommended by the County Executive.

P.O. LINDSAY:
Any questions?

D.P.O. VILORIA-FISHER:
Yeah, I just -- so what you're saying, the 11.6 in Medicaid recovery, okay, you had mentioned before that the foster care. How much of an impact would it have on that?

MS. VIZZINI:
We're reducing the 2007 institutional foster care by a million dollars. There's been a decreasing trend since the latter half of this year. It's a net decrease of $660,000, because it is aided.

D.P.O. VILORIA-FISHER:
That's what the veto was calling, the veto --

MS. VIZZINI:
This is what we did in the omnibus.

D.P.O. VILORIA-FISHER:
That's what we did in the omnibus. If --

MS. VIZZINI:
This would add the million dollars back in, the net 660.

D.P.O. VILORIA-FISHER:
Thank you.

LEG. ALDEN:
Bill.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Just to clarify. If you vote yes to override, you're adding a million dollars -- no, you're subtracting a million dollars in foster care. If you vote no, you're leaving the million dollars in for foster care?

MS. VIZZINI:
Yes, you would leave the expense in.

LEG. ALDEN:
Okay. It's confusing.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
I was going to -- I apologize, Mr. Chair, that I got back on 4, and I know that we've already had the vote. I was just going to ask if the majority could go ahead and add me on the no side, but I got delayed in traffic. But, nevertheless, I wanted to ask that before we move to the vote.

LEG. ALDEN:
I don't think you can. I think you'd have to do a revote.

LEG. KENNEDY:
Do we have to do it? Well, then, if --

LEG. ALDEN:
Reconsideration.

LEG. KENNEDY:
All right. If that's the case --

D.P.O. VILORIA-FISHER:
It would have to be reconsidered by somebody on the prevailing side.

MS. ORTIZ:
It failed.

D.P.O. VILORIA-FISHER:
It failed.

LEG. KENNEDY:
It did fail, okay. Then I'll certainly not delay time. All right.

P.O. LINDSAY:
Okay. We're on 5. Is there any other questions? And basically, we've -- what this was is to reclaim revenue or expenses that we thought were overestimated and to bring it back, so I think everybody understands that. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Pass.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. CARACAPPA:

Nope.

LEG. LOSQUADRO:
No.

LEG. NOWICK:
No.

MR. LAUBE:
11.

LEG. ALDEN:
A million dollars in pork anyway.

P.O. LINDSAY:
Okay. That failed. ***Document Number 6,*** it was vetoed. And, again, it's 12 votes?

MR. NOLAN:
Twelve votes.

P.O. LINDSAY:
All right. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Could you give us an explanation on this one, Ms. Vizzini?

MS. VIZZINI:
Document 6 pertains to increases in the 2006 Police District revenue for payments in lieu of taxes. It's an increase in the Police District of revenue of $35,000. This, once again, was based on year-to-date estimates. We had a little bit more current information than when the budget was recommended.

P.O. LINDSAY:
Any questions? Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:

Nope.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yep.

MR. LAUBE:
Ten -- 11. Sorry.

P.O. LINDSAY:
It failed. ***Document 7***, there is no action taken, it was approved by the County Executive. **Number 8.**

MR. NOLAN:
Yeah, same thing.

P.O. LINDSAY:
Again, there was no action on our part, because it was approved. ***Nine*** was vetoed. And I believe this is 14 votes?

MR. NOLAN:
That's correct, 14 votes. This is the -- similar to the one in the mandated budget, where we expunged the various resolved clauses that were included in the Operating Budget by the County Executive.

LEG. CARACAPPA:
On the motion, Mr. Chairman.

P.O. LINDSAY:
Let me just get a motion first. I'm going to make a motion to override the veto.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Seconded by Viloria-Fisher. Legislator Caracappa.

LEG. CARACAPPA:
If Counsel could explain to me, maybe my memory is wrong, but the 14 votes were required on the action itself when we voted on the budget. This is a veto override. We're not -- we're voting on a veto of the actions of the County Executive, the override of the County Executive's actions. This is -- we're not voting on the budget document itself. Why is it -- which the veto override is 12 votes. Why are we -- why are we instituting 14 votes on a veto override, which are 12? Regardless of what the budget document is and the piercing of the cap, and things of that nature, which we need 14, this is a veto override, we need 12.

MR. NOLAN:
The Charter -- I'd love to say it's 12, but the Charter states very clearly that if the underlying budget amendment required 14 votes, the override must also receive 14 votes.

LEG. CARACAPPA:
Could you circulate that, if the members -- at least to me, if --

MR. NOLAN:
Sure, okay.

LEG. CARACAPPA:
And any of my other colleagues would like to see it. I certainly would.

MR. NOLAN:
Certainly.

P.O. LINDSAY:
Do you want to see that, Legislator Caracappa, before we vote?

LEG. CARACAPPA:
Well, I don't think -- I don't think my question or my wanting to see the language is going to change anything here, so you can proceed,
Mr. Chairman. But I'd just like to see it for my own edification, if you will.

P.O. LINDSAY:
Okay. We have a motion to override and a second. Is there any other questions on Document Number 9?

LEG. CARACAPPA:
Yes.

P.O. LINDSAY:
Go ahead, Legislator Caracappa, and then Alden.

LEG. CARACAPPA:
Budget Review, just give us a -- now that we're getting into the discretionary part vetoes, if you could just give us an overrun of exactly what Document Number 9 consists of.

MS. VIZZINI:
Document Number 9 is confined to vetoing the 27th Resolved Clause, which in the discretionary omnibus expunged the County Executive's resolved clauses that are embedded in the recommended budget. Seven of the referenced resolved clauses are made reference to in that -- in Document Number 9 pertaining to similar things, as I had reiterated when we first started voting on the mandated.

LEG. CARACAPPA:
Thank you.

P.O. LINDSAY:
Legislator Alden?

LEG. ALDEN:
There's only a couple of them here, but -- so I think, with -- or through the Chair, Tax Stabilization Reserve Fund, this states that it was vetoed because it eliminates the Tax Stabilization Reserve Fund? But that's impossible to do.

MS. VIZZINI:
I'm going to defer to Counsel on that.

MR. NOLAN:
The Tax Stabilization Reserve Fund has been properly established by Legislative resolution, which was subject to -- by permissive referendum years ago. Not withstanding that, there had been a habit that's developed that we've included in the omnibus resolution, a reauthorization of the Tax Stabilization Reserve Fund, although it's completely unnecessary. So this year we took it out, because we don't need to reauthorize tax stabilization each year through the omnibus resolution, and that's the same thing for the other reserve funds. So the reserve fund is there, it's been established, and we don't have to include resolved clauses in the Operating Budget or in our omnibus to make that so, it already exists.

LEG. ALDEN:
The rest of them are -- I remember going over them in the omnibus process.

LEG. KENNEDY:
Mr. Chair.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
I just have a follow-up question to Budget Review, because -- I guess just because I'm having some difficulty following where we're going with this. Does this budget -- does this Document 9 have a fiscal impact? Does it involve increase or decrease of funding, or is it only language that points to policy items associated with the budget?

MS. VIZZINI:
There are no line item dollar increases or decreases associated with this. This is directed purely regarding the resolved clauses, making policy statements.

LEG. KENNEDY:
So then -- and I'll speak specifically about Items, I guess, 5 and 7. Five talks about a cap

associated with Long Island Regional Council funding, and seven speaks about an East End Veterans Clinic. In both those cases, this is just language embracing concepts, but does not have impact for dollars and cents with either of those initiatives?

MS. VIZZINI:
Correct. Just like the Tax Stabilization Reserve Fund, it's still intact, it's in the budget, so is the East End Veterans Clinic monies in a separate fund.

LEG. KENNEDY:
The appropriation's there, but the language embracing that action then will be struck; is that it?

P.O. LINDSAY:
We'll let Counsel explain it further.

LEG. KENNEDY:
I'm all ears.

MR. NOLAN:
As I mentioned earlier, this is a relatively new practice that evolved in the last couple of years, where in the County Executive's proposed budget, he added resolved clauses in a section of the budget, and the Legislature has taken position traditionally that is unnecessary and improper and we have expunged those type of clauses from the budget, and that's what we're doing here. These are basically policy statements that don't affect the funding that's included in the budget.

LEG. KENNEDY:
Okay. Thank you.

P.O. LINDSAY:
Okay. Is there any other questions on this? There's a motion to override and a second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. ***Document Number 10***, I am going to make a motion to override.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. And, again, this is 14 votes, Counsel?

MR. NOLAN:
That's correct.

P.O. LINDSAY:
Okay. Would -- Gail, would you, please, explain this one?

MS. VIZZINI:
This pertains to a line item reduction of two hundred and -- totaling $250,000. It was a one-time settlement that seems to be carried from one budget to another, and that expense, we deleted it.

P.O. LINDSAY:
Is there any questions on this? Legislator Alden.

LEG. ALDEN:
Was this the one that goes back a number of years?

MR. REINHEIMER:
Yes.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
We have a motion and a second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. ***Document Number 11*** is a veto. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explanation, Gail.

MS. VIZZINI:
This vetoes the Eighth Resolved Clause, which authorizes the Legislature to assume responsibility for the administration of contract agencies that you refer to as member items and that the Presiding Officer is authorized to sign the contracts.

P.O. LINDSAY:
Any questions?

LEG. ALDEN:
Just a statement.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I'm going to support this, even though I'm probably not going to have any member items.

LEG. ROMAINE:
Me, too, and poor --

LEG. KENNEDY:
Ditto.

LEG. ROMAINE:
-- John Kennedy. We must have done something to Steve.

MS. VIZZINI:
Mr. Presiding, if I might clarify, all the members are intact, the $630,000.

LEG. ALDEN:
That remains to be seen, doesn't it?

P.O. LINDSAY:
Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. Document Number 12 was vetoed. I make a motion to override the veto.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explanation, Gail.

MS. VIZZINI:
Document 12 refers to vetoing of specific contract agencies that are identified in an accompanying list.

P.O. LINDSAY:
Are these -- is this -- you know, there's a couple of different lists, but --

MS. VIZZINI:
The theme of Document 12 is noncompliance, and I believe that the intention --

P.O. LINDSAY:
This the County Comptroller's list for noncompliance --

MS. VIZZINI:
I believe that's the intention.

P.O. LINDSAY:
-- which we already took care of in the budget document, because I believe there's a proviso in the budget document stating that if a contract agency does not fill out the paperwork from the Comptroller, they can't get paid; am I correct?

MS. VIZZINI:
That's correct, and that will go into effect December -- January in 2007.

P.O. LINDSAY:
Okay. Any questions?

LEG. NOWICK:
I have a question. This portion is Omnicode 42 and 43. We've had so many lists. Could you just tell us what we're overriding here?

P.O. LINDSAY:
Maybe --

LEG. NOWICK:
This is the contract agency veto list, noncompliant.

P.O. LINDSAY:

Yes.

LEG. NOWICK:
And the other one is the contract agency veto list, both of them or --

MS. VIZZINI:
Well, that's not in this.

LEG. NOWICK:
That's not in that.

P.O. LINDSAY:
That's not in this.

LEG. NOWICK:
This one, okay.

MS. VIZZINI:
I would actually --

LEG. NOWICK:
Thank you.

P.O. LINDSAY:
And just an explanation, is that from what we can tell on the list that the County Executive made up, it was noncompliance, that was at the time that the Comptroller did the audit or required the paperwork to come back.

LEG. NOWICK:
It's almost like a --

P.O. LINDSAY:
Since then, a lot of them have complied.

LEG. NOWICK:
Absolutely.

P.O. LINDSAY:
All right? So the list isn't -- isn't up to date. And second of all, we honestly believe that we took care of this item. We all want the Comptroller's requests from contract agencies to be fulfilled, every "I" dotted and every "T" crossed. If we do not override this veto, these contract agencies, some of them that are in compliance now, some of them that aren't, would be stricken from the budget. If we proceed the way we want to proceed in that nobody gets any money from the County unless their paperwork is in, they still stay in the budget, so they'll have an opportunity to comply. And a lot of them are agencies that we've dealt with a long time --

LEG. NOWICK:
It just was a matter of the paperwork.

P.O. LINDSAY:
-- that provide vital services to our County.

LEG. NOWICK:
I understand.

P.O. LINDSAY:

And I don't know why, you know, some of the compliance wasn't there. I think it's probably a potpourri of different excuses, but --

LEG. NOWICK:
Well, also --

P.O. LINDSAY:
But they have to straighten it out or they can't get their funding.

LEG. NOWICK:
Also, Mr. Presiding Officer, I know a lot of them just didn't get the paperwork, like you say, in and they have until a certain day, and I think you're probably right about that. Thank you.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Even though I suspected something else might happen later on, but I plan on supporting this, because it was part of the omnibus package. And even though none of these things are in my district, they're in everybody else's district, but I would suspect that this one's going to get passed, and in that spirit of upholding all the work that we did in the omnibus, I plan on supporting this. Just watch and see what happens later, though.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. As I look over the noncompliant list, not one of these agencies are in the First Legislative District. However --

P.O. LINDSAY:
Some of them are County-wide agencies, though.

LEG. ROMAINE:
Right. However, however, I accept the --

LEG. EDDINGTON:
Turn on your mike.

LEG. ROMAINE:
What? Oh. I accept the explanation of our Presiding Officer, who, through his years of wisdom in this body, has come to recognize the value of contract agencies that serve a purpose in providing services. And I would hope that the Presiding Officer would ensure that when you get to those agencies that are compliant, that certain districts in this body are not affected, and that he, who offered an up or down vote originally on this, on the omnibus, we were all in and we were all in for the overrides; that when we get to the other compliant agencies, that certain districts don't take a hit, that this body not turn partisan and turn against members because they have been outspoken, because they have asked questions, because they have done nothing more than ask questions. I know for one, as a Legislator sitting around this horseshoe, if you look at my voting record, I voted with the County Executive for his appointments 100% of the time. If you look at his resolutions, I voted with them 95% of the time. But I am almost getting a message from those in the minority that 95% of the time is not good enough, and that they will target contract agencies in districts that are not targeted, similar agencies in other districts that will not be targeted. That's wrong. I intend

to vote for this, because it is the right thing to do, even though I have no noncompliant agencies in my district. Thank you.

LEG. KENNEDY:
Mr. Chair.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Again, just so that I can understand some of the items that are on this list, and similar to some of the other comments that have just been made, I equally am concerned that meaningful dialogue on issues may somehow come back to be punitive, as far as each of us in our particular districts. I am holding the list that's titled on the top, I imagine this was prepared by BRO, it says, "Contract Agency Veto List." Is that a two-page list?

MS. VIZZINI:
No. Even though they look like something we would do, these were attachments to the veto messages.

LEG. KENNEDY:
So this is the County Executive's document.

MS. VIZZINI:
If it says, "Contract Agency Veto List", paren "noncompliant"?

LEG. KENNEDY:
Yes.

MS. VIZZINI:
That was prepared by the County Executive's Office.

LEG. KENNEDY:
All of these items, then, are inclusive in this budget document that we're voting on now, and to override this, then we'll do restoration of funding for these agencies?

MS. VIZZINI:
If there's --

LEG. KENNEDY:
Oh, I'm sorry, not restoration, but ensure that they, then, are included in the '07 Operating; is that correct?

MS. VIZZINI:
Yes. And if there's any change from what you just said, I wish the County Executive's representative would step forward and clarify that.

LEG. KENNEDY:
Do we have anybody here from the County Executive's Office? Because, obviously, that's something that may be relevant to this process as well.

P.O. LINDSAY:
Well, I don't know whether we need anybody, but it simply says, if you don't override this veto, these budgets lines are stricken from the budget. And if you do override the veto, it doesn't assure that these people will get their money, because of the clause that was put in the omnibus by

ourselves that said that if you don't fill out all the paperwork that the Comptroller wants you to fill out, you can't get funded, even if you are in the budget.

LEG. KENNEDY:
Well, my concern, Mr. Chair is that, you know, obviously, we want to make sure that funding goes to agencies and that agencies are compliant with our requirements, absolutely. But I also go to whether or not the agencies have received this material in the first instance, and whether there's any opportunity for them to go ahead and get the assistance or understanding, if they have questions or haven't gotten the material in the first instance.

P.O. LINDSAY:
Oh, the contract agencies?

LEG. KENNEDY:
Yes.

P.O. LINDSAY:
Yeah. All they have to do is comply with the Comptroller's request and paperwork. And, again, if this item -- document is overridden, they're still in the budget, but they still have to comply with the Comptroller's request. Legislator Caracappa, do you want to say something?

LEG. CARACAPPA:
Yes. I think we all know, those who have been around awhile, and even the new Legislators who had member items in the budget in this current fiscal year, we know that compliance is an absolute moving target when it comes to our agencies trying to comply. The rules seem to change week after week for our contract agencies. They follow the letter of the law, so to speak, and then they submit all their paperwork, which is arduous at the very least when it comes to just a $10,000 grant to help community initiatives, and it always seems to change. So, to say that this is vetoed based on not complying, I want to know exactly, at least from my point of view --

P.O. LINDSAY:
But this isn't -- this isn't by the Executive.

LEG. CARACAPPA:
I know.

P.O. LINDSAY:
This is by the Comptroller. The Comptroller sent out a form asking for you to fill out --

LEG. CARACAPPA:
But still --

P.O. LINDSAY:
-- the officers, who gets paid, how much they get paid, the demographics of the contract agency as --

LEG. CARACAPPA:
I know all about the list.

P.O. LINDSAY:
Okay.

LEG. CARACAPPA:
It was Legislator Carpenter's initiative --

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:
-- a couple of years ago. But the point is, I want to know exactly what compliance is, because it's, again, always a moving target. And there's a civic on this list in my district who said it's not in compliance. And I'd like to hear from the County Executive's representatives, either Mr. Zwirn, Mr. Sabatino, Mr. Beedenbender, specifically what that noncompliance is.

P.O. LINDSAY:
But again, I don't -- this is -- we're looking for compliance to the Comptroller's edicts, not the Executive.

LEG. CARACAPPA:
And if -- I'm asking. I don't think anyone from the Comptroller's Office is here. Just I have a simple question I'd like answered.

P.O. LINDSAY:
Okay.

LEG. CARACAPPA:
What about this organization, why are they not in compliance? Anyone?

P.O. LINDSAY:
We're going to have to -- I have to go to Public Hearings.

LEG. CARACAPPA:
All right, Mr. Chairman.

P.O. LINDSAY:
So we're going to have to come back to that, if you want.

LEG. CARACAPPA:
Before we do that, can I make a motion to reconsider one of the vetoes that happened when -- or nonveto that happened while I was returning to the Legislature and I missed? That was -- that had failed. It was Document -- I'll make a motion to reconsider Budget Document or veto on Document Number 4.

P.O. LINDSAY:
Well, before we do that, I mean, we really should go to Public Hearing, because we past the time.

LEG. CARACAPPA:
Okay.

P.O. LINDSAY:
All right?

LEG. CARACAPPA:
You're the Chairman.

P.O. LINDSAY:
I just want to stay in compliance with what we published. All right?

LEG. ALDEN:
And I salute you for that, Mr. Presiding Officer.

P.O. LINDSAY:

Okay. And, Mr. Sabatino, if you don't mind --

LEG. ALDEN:
Throw him out.

P.O. LINDSAY:
-- could we delay the answer until we go back to the budget?

LEG. CARACAPPA:
No problem, Paul. Thank you.

P.O. LINDSAY:
All right?

LEG. CARACAPPA:
Appreciate it, Paul.

P.O. LINDSAY:
Thank you.

LEG. CARACAPPA:
Thank you.

P.O. LINDSAY:
Okay. Public Hearings. Okay. Mr. Clerk, we have several Public Hearings. Were they properly advertised?

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
Okay. First one is ***I.R. 1791 - A Local Law to require gasoline service stations to install emergency generators for fuel pumps.*** Do we have any cards on this particular Public Hearing? I don't have any cards here at all.

MR. LAUBE:
No. Then there's none.

P.O. LINDSAY:
Okay. So we don't have any cards. Is there anyone in the audience that would like to speak on I.R. 1791? Seeing none, I'll entertain a motion.

LEG. ALDEN:
Motion to recess.

P.O. LINDSAY:
Motion to recess.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second? All in favor? Opposed? Abstentions?

MR. LAUBE:
Thirteen. (Not Present: Legs. Browning, Caracappa, Eddington, Kennedy and D'Amaro)

D.P.O. VILORIA-FISHER:
Second public hearing is on ***I.R. 1792 - A Charter Law to ensure a nonpartisan, fair and object process by which Legislative Districts are reapportioned.*** There are no cards before me on this public hearing. Is there anyone in the auditorium who wishes to speak on 1792? There being none, is there a motion?

LEG. LOSQUADRO:
Motion to recess.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Motion to recess by Legislator Losquadro, seconded by Legislator Cooper. All in favor? Opposed? Public hearing is recessed.

MR. LAUBE:
11. (Not Present: Legs. Browning, Caracappa, Eddington, Montano, Alden, Kennedy and Lindsay)

D.P.O. VILORIA-FISHER:
All right. ***I.R. 1854 - A Local Law to increase connection fees for sewer district contractees located outside the geographical boundary of a sewer district.***

LEG. MYSTAL:
Motion to recess.

D.P.O. VILORIA-FISHER:
There is a card. Eugene Wishod.

MR. WISHOD:
Can you hear me?

LEG. LOSQUADRO:
Yeah.

MR. WISHOD:
Yeah. At its August 8th meeting in the Public Works Committee, particularly Chairman Schneiderman asked then Commissioner Bartha to have his staff prepare a report and recommendation on this proposed Local Law. I had appeared several times pointing out what I perceived to be some serious flaws, but I'm not here to repeat those. I've been given to understand that the staff has prepared such a report and made such a recommendation. I don't know if it's been presented yet to Public Works or to the full Legislature. My only question is, is the public going to have an opportunity to get a copy of that report and respond thereto before this Legislature votes on the Local Law?

D.P.O. VILORIA-FISHER:
Okay. I will ask that question to someone from the County Executive's Office and we will try to get back to -- do you know if we --

LEG. HORSLEY:
I'm sorry.

D.P.O. VILORIA-FISHER:
There's a question about a report that was promised --

LEG. HORSLEY:
Yes.

D.P.O. VILORIA-FISHER:
Based on the --

LEG. HORSLEY:
They haven't given it to Public Works as yet, to the committee itself.

D.P.O. VILORIA-FISHER:
Okay. Can you talk into the record, please.

MR. GREENE:
I'm not aware of that.

D.P.O. VILORIA-FISHER:
We're trying to answer the gentleman's question. Okay. Legislator Horsley might have some information on that.

LEG. HORSLEY:
And it's very minimal at best. I was just whispered that the Public Works Committee has not received that report as yet, so it must have just came out, hot off the presses, so we haven't seen it either. Whether or not it could be released after that, certainly, it will be open -- seems to me it's open government.

MR. WISHOD:
Well, this matter will go back to Public Works.

LEG. HORSLEY:
It will have to go back to Public Works, absolutely.

MR. WISHOD:
Right, okay. Thank you.

LEG. HORSLEY:
There'll be room to talk.

MR. WISHOD:
Thanks.

D.P.O. VILORIA-FISHER:
Thank you, sir. There are no other cards on 1854.

LEG. SCHNEIDERMAN:
I'm going to make a motion that we recess this until after we have had that report and make it part of the record.

D.P.O. VILORIA-FISHER:
Motion by Legislator Schneiderman, seconded by Legislator Losquadro. All in favor? Opposed? I.R. 1854 is recessed.

I.R. 1952 - A Local Law to require proper supervision at hotel and motel swimming pools.
There are no cards in front of me. Is there anyone --

MR. LAUBE:

Fifteen, 15 on that last vote. (Not Present: Legs. Alden, Stern and P.O. Lindsay)

D.P.O. VILORIA-FISHER:
-- in the auditorium who wishes to speak to this Local Law? Legislator Cooper?

LEG. COOPER:
Motion to close, please.

D.P.O. VILORIA-FISHER:
Motion to close by Legislator Cooper.

LEG. EDDINGTON:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Eddington.

LEG. SCHNEIDERMAN:
Madam Vice Chair.

D.P.O. VILORIA-FISHER:
On the motion.

LEG. SCHNEIDERMAN:
Just on the record. Even though the bill has been modified and waived, it doesn't affect me financially. Having an interest in the hotel industry, I'm going to continue to recuse myself from the bill.

D.P.O. VILORIA-FISHER:
I just want to make sure we have a quorum.

LEG. SCHNEIDERMAN:
So I won't be -- I'm not going to vote on whether to open or close or recess the hearing.

D.P.O. VILORIA-FISHER:
Okay.

LEG. SCHNEIDERMAN:
Okay?

D.P.O. VILORIA-FISHER:
Thank you, Legislator Schneiderman. Okay. That being duly recorded, all in favor? Opposed? I.R. 18 -- go ahead.

MR. LAUBE:
15. (Not Present: Legs. Alden, Stern and P.O. Lindsay)

LEG. CARACAPPA:
I'm here.

MR. LAUBE:
Gotcha.

D.P.O. VILORIA-FISHER:
I.R. 1952 is closed. ***I.R. 1973 - Authorization of rates for Fire Island Ferries, Incorporated.***

I have no card on 1973. Is there anyone in the auditorium who wishes to speak on I.R. 1973? If not, is there a motion?

LEG. COOPER:
Motion to recess.

D.P.O. VILORIA-FISHER:
Motion to recess by Legislator Cooper.

LEG. D'AMARO:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? I.R. 1973 is recessed.

MR. LAUBE:
16. (Not Present: Leg. Alden and P.O. Lindsay)

D.P.O. VILORIA-FISHER:
I.R. 2045 - A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues. There are no cards on this issue. Legislator Romaine?

LEG. ROMAINE:
Yes. In light of the growing disparity of the sharing of the sales tax for public safety purposes, I'm going to ask that this be recessed.

D.P.O. VILORIA-FISHER:
Okay. Motion to recess by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Schneiderman. All in favor? Opposed?

MR. LAUBE:
16. (Not Present: Leg. Alden and P.O. Lindsay)

P.O. LINDSAY:

D.P.O. VILORIA-FISHER:
2045 is recessed. I.R. 2117 - A Local Law to ensure contractor compliance with anti-discrimination requirements. I'm going to make a motion to recess.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Cooper. All in favor? Opposed? 27 --

MR. LAUBE:
16. (Not Present: Leg. Alden and P.O. Lindsay)

D.P.O. VILORIA-FISHER:

2117 is recessed. ***I.R. 2173 - A Local Law establishing crime prevention requirements for scrap metal dealers.*** There are no cards on this legislation.

LEG. LOSQUADRO:
Motion to recess.

D.P.O. VILORIA-FISHER:
Motion to recess by Legislator Losquadro.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Cooper. All in favor? Opposed?

MR. LAUBE:
17.

D.P.O. VILORIA-FISHER:
I.R. 2173 is -- it was recessed, right?

MR. LAUBE:
Recessed.

MS. ORTIZ:
Recessed.

D.P.O. VILORIA-FISHER:
That was the motion? Was that recessed, Tim?

MR. LAUBE:
Recessed, correct.

D.P.O. VILORIA-FISHER:
I'll give you a minute to get settled. ***I.R. 2242 - A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors.*** There are no cards before me on this legislation. Is there anyone in the auditorium who wishes to speak on this matter? Okay. Is there a motion?

LEG. SCHNEIDERMAN:
Motion to close.

D.P.O. VILORIA-FISHER:
Motion to close by -- I couldn't hear who said that.

LEG. BROWNING:
Jay.

LEG. SCHNEIDERMAN:
Motion to close.

D.P.O. VILORIA-FISHER:
Legislator Schneiderman, seconded by myself. All in favor? Opposed?

MR. LAUBE:

17. (Not Present: Leg. Alden)

D.P.O. VILORIA-FISHER:
Thank you, Tim. I.R. 2242 is closed. 2264. I'll read it for you, Bill --

P.O. LINDSAY:
Okay, go ahead.

D.P.O. VILORIA-FISHER:
-- while you find your paper. The next one is -- public hearing is on I.R. 2264 - A local law prohibiting sex offenders from loitering on or about the grounds of playgrounds, daycare centers and other locations where minors gather. I do believe we have a card on this one, Mr. Chair.
May I?

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Debbie Felber. You have five minutes.

MS. FELBER:
Thank you. Hi. Thank you. I'm here for I.R. 2264. My name is Deborah Felber. I am the Assistant Director for Parents for Megan's Law. Our Executive Director, Laurie Ahearn, is not here today. I'm here to speak for our organization.

Parents for Megan's Law supports passage of Legislator Cooper's resolution, I.R. 2264, a Local Law prohibiting sex offenders from loitering on or about grounds of -- excuse me, grounds of playgrounds, day-care centers, and other locations where minors gather.

Suffolk County is home to over 800 sex offenders. Statistics demonstrate that sex offenders have the highest rates of recidivism compared to any other violent offender released into the community. The U.S. Supreme Court has upheld that our government has a right and responsibility to protect our most vulnerable from those known to pose a high risk to public safety. Convicted sex offenders on probation or parole have standard restrictions placed upon them that serve to protect the community from victimization. One of those conditions is that they are not permitted to have unsupervised contact with minors. Yet, after the complete probation and parole, they are free to loiter in any environment, free to groom unsuspecting potential victims.

There are no statutory restrictions that prevent convicted sex offenders from loitering in places where vulnerable populations congregate, such as playgrounds, day-care centers, public swimming pools, video arcades and youth centers. These locations are magnets for sexual predators seeking our -- excuse me. Seeking to establish relationships with children and teens, ultimately to sexually victimize them. This law will give police the authority to stop sexual predators who is violating and loitering about places where children congregate, attempting to establish relationships with unsuspecting teens and children.

Parents for Megan's Law fully supports I.R. 2264, and suggests that the restrictions not be limited to just Level 2's and 3 offenders, but should include all registered offenders. And Parents for Megan's Law would like to commend Legislator Cooper for his dedication and commitment to protecting our most vulnerable, our children population. And I want to thank you for giving me the opportunity to again speak. Thank you.

LEG. COOPER:
Thank you.

P.O. LINDSAY:

I do not have any other cards on this subject. Is there anyone in the audience that would like to speak on 2264? Seeing none, I'll entertain a motion.

LEG. COOPER:
Motion to close, please.

P.O. LINDSAY:
Motion to close.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
17. (Not Present: Leg. Alden)

P.O. LINDSAY:
2268 - A Local Law to strengthen ATV seizure and forfeiture provisions. And I have a couple of cards. Thomas Riker.

MR. RIKER:
Good afternoon, everybody. My name is Thomas Riker. I've been here many times before. I'm thirty -- I'm freight years old. I've been riding off-road vehicles -- I wish I was 38 years old. I've been riding off-road vehicles about 38 years of my life. I'm on the Board of the Long Island Off-Road Vehicle Association. I'm a member of the American Motorcycle Association, and I also was appointed by Steve Levy to be on the Suffolk County ATV Task Force. I served on that Task Force for over a year.

I don't know how many of you have seen this, but we produced this document. It took thirteen of us almost a year of our lives to put this together. Basically, the document was to address three pieces of information. The first one was is there a need on Long Island for an ATV facility. The second was the feasibility of it on Long Island. The third would be enforcement. Basically, the conclusion on all three of these, the first conclusion on need was yes. They identified there was definitely a need. There were thirteen members to the Task Force. It was unanimous that Long Island needs a facility for people to exercise and use this form of recreation.

The second section, which was feasibility, was identified, and it was unanimous that even though Long Island is a pricey area, that it is still feasible. There are parcels that are still available that could be acquired, and it is feasible that we could find parcels and move in that direction.

As far as enforcement, basically, we addressed what would be done if a park was opened, how we would try to prevent further illegal use of ATV's, and things of that sort.

In this report, basically, the recommendation was the County of Suffolk County encourages the establishment of one or more adequately sized ATV parks within the County to accomplish the following, and, obviously, it goes through the list of things that it wants to accomplish, which is to reduce illegal riding, and so on and so forth. But one of the issues that's further down in the event that a park would open would be that we would modify the existing fines and seizure provisions of County Law 469. That's kind of what this item that we're talking about today is. We're trying to modify a bill that it seems to me like it's all stick and no carrot. Again, the ATV community is getting no place, they're getting nothing to use, but, yet, we're going to try to increase the fines and try to increase the penalties, or try to increase the seizure laws. I don't see where we seem to be moving in the right direction.

I'd like to also point out the State of Maine, which is in this report, this is part of this document, the State of Maine did a Task Force way before we even started it, so they basically were the pioneers on it. In the State of Maine report, they've clearly proven that they've reduced illegal riding in the State of Maine by 91% without any enforcement, without any law enforcement, by 91% by giving the people a place to go. And also, an interesting fact is that they also increased revenue to the State of Maine by over 200 million dollars, 200 million, it went back to the state. Now what's happening here is we're buying vehicles here, we're leaving the state, we're going into other places. It's almost like we should buy our vehicles out of state, register our vehicles out of state, and buy all of our materials out of state for our sport, and basically just leave the state, because we're not getting -- we're not getting anything from the County. We're spending money here to the tune of a lot of money and we're not getting anything back.

There's also an NSRE report, which is the National Survey of Recreation and Environment. Thirteen percent, over 13% of New York residents enjoy some form of OHV recreation, 13%, and 5% of the United States population enjoy OHV recreation, so this is not something that is a small percentage of people. The numbers are growing. We're the third largest in sales. Suffolk County is the third largest in sales of all 52 counties in the State of New York, we're the third largest in sales of OHV vehicles and equipment. We're not going away, that's basically the point. The numbers are getting bigger.

I'd also like to point out, we have a report here from the Mount Blue ATV Trail Impact Study, which is pretty important, because what happens is it seems like there's a lot of environmental information that's being circulated. None of it has any documentation behind it. This is -- this is a report that was put together by some PhD's from Unity College. It was a three-year report that was put together. And the report, it states a number of interesting facts. One is where ATV's are allowed complete freedom of movement, the impact on soil erosion is minimal. While it's evident that ATV use does have an --

P.O. LINDSAY:
Mr. Riker, could you wrap up? You're out of time. Do you have much more?

MR. RIKER:
No, I'm just about done.

P.O. LINDSAY:
Okay.

MR. RIKER:
Okay?

P.O. LINDSAY:
Do you want to --

MR. RIKER:
The point I'm getting at is that we're continuing to try to increase fines and we're continuing to try to police our way out of it, and I don't see that as working.

P.O. LINDSAY:
Okay.

MR. RIKER:
Okay? Long Island has a lot of ATV users.

P.O. LINDSAY:
Don't leave yet. I believe Legislator Losquadro has a question.

LEG. LOSQUADRO:
Yeah. Thank you Mr. Chairman, and thank you, Tom, for coming down. I want to take time again to thank you and everyone else who participated in the ATV Task Force that myself and former Legislator Crecca had put together. And for those on this body who haven't had an opportunity to review the findings of that Task Force, I suggest that you do, because there were members, very diverse membership, individuals from the Greenbelt Trails Conference and people who you would at first blush think would be very opposed to the idea of public access for recreational purposes, motorized recreational purposes. And these individuals all came together, examined the information, and determined that there was an absolute need, and that the enforcement that we have been undertaking for the past 30 years has gotten us where we are.

And while Legislator Lindsay and I had discussed this bill on the seizure and forfeiture provisions, I do have some questions for Counsel -- oh, he was just here, he stepped out -- that I didn't -- I did not feel were answered adequately regarding the constitutionality of seizure without prior incident. And I was just wondering if Counsel -- would you like me to repeat that question or did you hear it?

MR. NOLAN:
I heard it.

LEG. LOSQUADRO:
If you could just comment on that, because I -- that's something that I think, in the early discussions of this bill, was never really adequately explained. And I know that above all else, property rights are the most fundamental of all rights guaranteed to American citizens and that comes back also to personal property.

MR. NOLAN:
Well, I think, in this particular case, the constitutionality of this law will turn on whether a court determines that the penalty is excessive in relationship to the underlying crime or violation. There is -- I tried to find a case or an opinion that is close to on point with this situation, I could not. But the fact that we have changed a law to make -- to allow seizure and forfeiture after a first violation, you know, could be an issue down the road, a court would look at it and they would have to determined is this disproportionate, and I think that depends on the Judge hearing it and the person looking at it, whether they think it is disproportionate to the underlying violation. So I can't give you a definitive answer. You know, all these laws that we pass, there's a presumption of regularity, which the court will give us, but, at the end of the day, I don't know what a court would do with this, on that particular question. But that will be the issue, is it disproportionate.

LEG. LOSQUADRO:
Thank you, Counsel. This, as part of the working group and as part of the Task Force, I have been out spoken in saying that I would be in favor of, as part of the process as it evolved, increasing the penalties. I was never quite certain as to whether or not we had the right to do something of this nature, and Counsel has indicated that we're not certain of that either, that it would most likely fall to a decision of the courts. But I would certainly like to get some more information regarding this. Mr. Presiding Officer, I know you're the prime sponsor of this. I would like to have the opportunity to confer with Counsel with this at greater length. I would like to recess this.

P.O. LINDSAY:
Okay. But you're making a motion to recess, but there's still speakers. Would you like to hear from the rest of the speakers.

LEG. LOSQUADRO:
Oh, I thought Mr. Riker was the only speaker.

P.O. LINDSAY:
No. I have more speakers and cards and --

LEG. LOSQUADRO:
I apologize.

P.O. LINDSAY:
And Legislator Romaine would like to say something as well.

LEG. ROMAINE:
Yes, just a quick question. First of all, sir, thank you for your service to Suffolk County and thank you for serving on that Task Force. That Task Force reported directly to the County Executive?

MR. RIKER:
Yeah, and it was supposed to be distributed also to all the Legislators.

LEG. ROMAINE:
And did the Task Force members meet with the County Executive as a follow-up to their report?

MR. RIKER:
No, we haven't, no.

LEG. ROMAINE:
Has the County Executive expressed any interest in implementing any of the recommendations of the Task Force?

MR. RIKER:
No, he hasn't

LEG. ROMAINE:
Okay. So he has had no dialogue about whether he has an interest --

MR. RIKER:
No. We completed the report and there has never been a formal sit-down with the report to take it to the next level. As far as we were concerned, we completed the report. We were under the assumption that he would next move it to the next level.

LEG. ROMAINE:
And so far he hasn't?

MR. RIKER:
Not as far as I know, nothing's been done with it.

LEG. ROMAINE:
Okay. Thank you, sir.

MR. RIKER:
Okay?

LEG. ROMAINE:
Thank you very much.

P.O. LINDSAY:
Okay Joseph Scotto.

MR. SCOTTO:
Hi. My name is Joe Scotto. We're giving ages? I'm 50, been riding off-road since 1970.

D.P.O. VILORIA-FISHER:
You don't have to.

MR. SCOTTO:
I'm sorry?

D.P.O. VILORIA-FISHER:
You don't have to give your age.

LEG. COOPER:
You don't have to.

MR. SCOTTO:
We don't have to give our age, okay. Well, I wish I was 48 again, too. I'm going to touch on something a little different than Mr. Riker did, but I will give him kudos for the report that came out. If none of you have had a chance to look at it, I think it was the first time we had off-road enthusiasts, the Long Island Greenbelt Trail Conference, the Nature Conservancy, the Nassau-Suffolk Horsemen's Association, and the Long Island Greenbelt Trails Conference part as friends at the end of a nine-month process. I would suggest you take a look at the report. It may surprise you to -- as to who came over to whose side.

Mr. Losquadro, I'm going to start with you, please, because, basically, I'm going to touch on something a little different. I'm going to touch on the idea of seizure and the danger that it would entail. I went through the minutes on one of our minutes at the Task Force and, basically, Mr. Losquadro stated, as you said, it's been a problem 30 years brewing. Individuals who would never think of running from a law enforcement officer, when the lights go on in their review mirror, might now jump on the throttle and it's off to the races, and it's a very dangerous situation for everybody. It's a dangerous situation for the rider, not only for the person who's running from the police, but also for the law enforcement officer who's giving chase.

You have a situation here where if a youngster is riding an off-road vehicle where he knows he does not belong, and in worse case scenario, maybe it gets impounded, maybe he has to pay to get it back, maybe mom and dad have to pay to get it back. If he's about to lose a six, seven eight thousand, nine thousand dollar machine, there is a very, very good chance that he is going to run, and he's going to run hard and he's going to run fast, putting himself in danger and putting the officers that are in pursuit in danger.

Lieutenant John McGann, who was the Suffolk County Sheriff's Department representative on the ATV Force said the Suffolk Police have a "no pursuit" policy. It's a danger to officers and riders. He also added that last year, Law Enforcement Council seized more than 400 ATV's. I will lay you odds that at least a quarter of those people that were seized would make a run for it. They're going to run and they're going to chase, and there's going to be a police officer chasing.

Mr. Jeffreys, Attorney Jeffries, who was also part of the ATV Task Force, was very adamant on the fact that Suffolk County is self-insured with regard to accidents. And one of the problems with an ATV facility was how to overcome the insurance aspect or the liability aspect of it. I would wonder if anybody has recognized what the liability would be if a youngster being chased hit a tree, hit a wire, did whatever, and was damaged, paralyzed, whatever, what the County would be facing with regard to that. I can understand the fact that there has to be punishment, but seizure on the first offense, it just boggles my mind. Nobody's seizing horses when they're not supposed to be where they are, nobody's seizing bicycles where they're not supposed to be where they are, nobody's seizing skateboards.

LEG. ALDEN:
Yes, they are.

D.P.O. VILORIA-FISHER:
I think they are.

MR. SCOTTO:
Skateboard, fine. For a skateboard --

LEG. ALDEN:
Bicycles, too.

MR. SCOTTO:
Bicycles, too. Is that in front of the Legislature now? Is this something -- is this the most important thing on the agenda right now is taking bicycles, and taking skateboards, and taking ATV vehicles? It's a situation where this -- I question the constitutionality of it. I'm not an attorney, but something does not sound right when they can seize on an event for trespassing. This is not a situation where it's a DWI where you can seize a vehicle. I question the punitive -- the punitive, the actual egregious punishment that you guys are talking about for trespassing. You're seizing someone's property for trespassing. I question that.

The other thing is, is on top of the other scenario as far as lawsuits, as far as people being injured, do you want to defend these suits as far as -- as far as constitutionality as well? Does the Suffolk County have enough money to sit and fight lawsuits when the attorneys come forward and say, "We question the constitutionality of this seizure. Looking at it from a strictly monetary point of view, I believe you may be putting yourself in more harms way than you realize.

So, effectively, what I'm saying is, is we know that the police have a no-chase policy. Why? Because it can hurt the kids and it can hurt the police officers. By having a situation where you're going to seize a vehicle, a youngster who may not be where he belongs is going to run. The majority of the kids that run are 18 years and under. I'm out of time. Be happy to answer any questions anybody may have.

P.O. LINDSAY:
Mr. Scotto, before you leave, I'd just like to explain a couple of things to you. And I see that you're a Nassau County resident.

MR. SCOTTO:
Soon to be -- hopefully, soon to be Suffolk.

P.O. LINDSAY:
But this County, over the last 20 years, has spent almost a billion dollars in preserving open space to protect our groundwater.

MR. SCOTTO:
I am well aware of it.

P.O. LINDSAY:
ATV riding causes damage to a lot of our parkland. The request for seizure came from the Police Department. This wasn't an idea that came about in this institution, it came about as a request from our Police Department, because, right now, people don't obey the lights. If they see the lights come on, they run away anyway.

MR. SCOTTO:
Correct.

P.O. LINDSAY:
And what the police is saying, simply this, that if we have to go through all this to catch somebody and the fine is minor, you know, and they're back riding again the following week, it's like thumbing

their nose at us.

MR. SCOTTO:
I understand that.

P.O. LINDSAY:
And they asked for the increased enforcement. And when our Police Department asks us for a tool to help in law enforcement, we usually listen.

MR. SCOTTO:
Seizure, according to the existing law, happens on the third time; is that correct?

P.O. LINDSAY:
Right.

MR. SCOTTO:
Happens at a third tie. Can you think of any other situation where seizure of person property takes place on the first offense? I don't care if the Police Department asked for it. They may not be within their Constitutional rights to put this law on the books. The police can ask for a lot of things, but they're our rights, and these -- and we people have rights.

Trespass? I understand water damage, I mean, the protection of the aquifer. I understand that. Sir, I've done a lot of studying and a lot of research and I'm not an ignorant person. I can show you chapter and verse and reports. If you'd like, I can put your desk four feet high. The fact that we have a golf course going on top of Bridgehampton, on top of the largest aquifer on Long Island, dumping pollutants in the form of fertilizers into the ground, you know, I mean, let's be real. ATV's do disturb the soil, there is no doubt about that, but they do not cause irreparable damage. And there is no proof that ATV's cause problems with the aquifer, none. I ask you to -- I challenge you to show me documented proof that ATV's -- we can show you proof where it doesn't. We can show you -- we can show you --

P.O. LINDSAY:
Mr. Scotto.

MR. SCOTTO:
-- studies.

P.O. LINDSAY:
Okay. Unless someone else has a question, your time's up.

MR. SCOTTO:
I'm out of here.

[COURT STENOGRAPHER - ALISON MAHONEY]

P.O. LINDSAY:
Robert Ott.

MR. OTT:
Good afternoon. I'm Robert Ott from Middle Island, New York, 52 years old, a little older than the other guys. I'm a member of Long Island Off-Road Vehicle Association and the American Motorcycle Association's
Representative for Suffolk County.

A few months ago I accompanied someone out to Suffolk County Courts and I was quite surprised to see the number of DWI cases before the Judge. What I was appalled to see was the sentences

handed out; it was pay a fine, take a class and you're on your way. I'm sure you know the DWI statistics here in Suffolk County, roughly 48, 50 people a year die, one every year, and Suffolk County seems to have an extremely lenient stance on first-time DWI people; I don't understand it. But yet a kid rides a dirt bike through the woods, we're talking about a big fine, seizure of the vehicle. It's hard to understand the logic behind this and view this fine as not being excessive.

The other -- Joe Scotto, he spoke a few minutes ago about the non-pursued law -- not the non-pursued law but the policy against pursuit. A couple of years ago I was in Southaven Park down by the Parks Department building there and one of the Suffolk County Parks Department Police made a comment, he said, "We hope you guys never stop riding." I looked at him because I couldn't believe what I heard and he says, "Yeah, we haven't had so much fun in years." This was a few years ago, but just thinking a little bit more about what he said, they're out in the woods enjoying nature, it's like cops and robbers without guns, just fun. Right now there's helicopters chasing ATV riders, so you know there's a certain amount of pursuit going on, no matter what you try to do to stop it on the part of the Police.

My point is is that if you pass this seizure law, a lot of these people getting impounded are young kids, they are going to run and they are going to flee and they are going to ride for all they are worth not to get caught. And the idea of having these kids ride between the trees really fast on ATV's a problematic situation and some kid is going to wind up a quadriplegic and he's going to get an attorney and they're going to have Suffolk County in court defending themselves. I just think that this -- the fines are incredibly excessive and it's just hard -- they're very hard to justify, and the lawsuits will come, they will definitely come.

New York State, this was in the paper a few months ago, $14.8 million they're paying out. Suffolk County ATV, I think this was a police officer of some type, somehow he was riding and injured himself somehow. You put chases and pursuits into this, these kids are going to run and there will be lawsuits. Thank you.

P.O. LINDSAY:
Joe -- Jose Hoffin, is that it?

MR. HOFER:
Hofer, Hofer.

P.O. LINDSAY:
Hofer.

LEG. ALDEN:
It's good to know that without the Police chasing them they drive very slowly and safely, it's nice.

MR. HOFER:
Hi. I'm Jose Hofer, I'm the youngest of the group, I'm 42. Okay? I would like to thank Joe and the rest of the gang for coming up here, but the thing that I want to know is after these ATV's are seized, what's going to happen to them; are they going to be crushed or are they going to be auctioned off so the County makes more money off of us? You weren't paying attention?

P.O. LINDSAY:
I'm paying attention --

MR. HOFER:
Okay.

P.O. LINDSAY:
-- but you have five minutes to talk; are you done?

MR. HOFER:
I asked a question. I said what's going to happen --

P.O. LINDSAY:
I heard the question, I don't know whether anybody wants to answer it; you want to answer it, Dan?

LEG. LOSQUADRO:
I'm not that conversive, maybe Counsel can comment on it.

P.O. LINDSAY:
Okay. The purpose of this is a public hearing on a proposed bill.

MR. HOFER:
I asked a question.

P.O. LINDSAY:
And the public has the right to say whatever they want in five minutes --

MR. HOFER:
I understand.

P.O. LINDSAY:
-- and the Legislature has a right to ask a question.

MR. HOFER:
Excuse me, I'm asking a question.

P.O. LINDSAY:
No, don't excuse me, I'll tell you. Then it goes back to committee and it's debated in committee and then it comes before the whole floor if it passes committee. At this stage, it's just an idea where we're seeking public comment.

MR. HOFER:
Okay. What I would like to know is once an ATV is seized, what is going to happen to the vehicle; is it going to be crushed or is it going to be put up for auction for the County to collect more money on?

As far as the ATV's, we've been the cash cow for pretty much the whole state. Every time we register our vehicles it goes into a fund; it doesn't go into a trail fund that we get a trail system out here on Long Island or anything. I just register my ATV every year, what do I get for that license plate? Just something to look at, that's it. What happens to it? It goes to a General Fund; when they decide to cut taxes somewhere, they dip into that General Fund and take more money away from us. Okay?

Same thing with the ATV's. You guys go out, it seems like you guys want this to go through so the County makes more money off of us. Every time an ATV gets seized -- they don't go out and just chase one ATV out there or two, they wait till you've got a group of six or eight ATV's out there. So now you can pay your overtime for your officers, you can pay your fees, everything comes in, you've got to pay $500 to get the bike out plus whatever other fees there are. I mean, are we really a cash cow for you guys, is that what it is? You guys -- since 1986 when the first ATV's came out, okay -- I think it was '86, I might be wrong, it might have been a little bit earlier -- there hasn't been any laws passed that favor us at all. Everything has been negative, more punishment, more punishment, more punishment, more punishment. For once, after attending the ATV Task Force, I was here for every meeting, I thought maybe you guys were going to do something for us; obviously it's falling on deaf ears. It just doesn't seem like -- nobody cares about us, we're just a

minority out there, forget them. Undocumented workers have more rights than we do. That's all I have to say.

P.O. LINDSAY:
Thank you.

MR. HOFER:
Thank you.

P.O. LINDSAY:
Trevor -- we're trying to make out the last name.

MR. HUBBARD:
Sorry, Hubbard. Good afternoon. My name is Trevor Hubbard. Thanks for taking the time to listen to what I have to say.

Briefly, I'm here to oppose any further legal action against the ATV community and off-road motorcycling communities until something is done with the ATV Task Force that a lot of people, both in the Legislature and in the public, put a lot of hard time into, spent hours doing this report. And as Jose said, it seems to have fallen on deaf ears. Whether it gets shredded, thrown in the garbage or pushed to the next level, hopefully by a concerned community or a Legislator that is concerned for not necessarily the rights of the paying public but for the innocent kids out there. You know, we're a very affluent community, there's no two ways about it, and the people that are paying for all of these things are the Moms and Dads. You cannot put the price on a child, and that's what it's going to boil down to. We all have kids. I have kids, I get very upset when I think about anything happening to my kids and they get upset thinking about stuff that could happen to me. But the reality is nothing seems to get done until somebody is either dead or paralyzed, and that's what it's going to come down to; it's a shame.

All I have to say is that if you guys decide to push this to the next limit now, there's nothing that I can do with that, but an ATV Task Force sat in this room and we butted heads and we talked and environmentalists and environmental conservationists, we're now shaking hands and talking sensible with people that they considered the enemy for 20 years. We made history in this room all last year and other rooms on Long Island for nothing, it seems like.

So before this goes to the next level, I think that somebody should at least hold that piece of paper up, everybody. I know it's a new group of folks, some are here from last time and some aren't and there's nothing you can do with that, time rolls on and people change seats, but there's no reason for this to get thrown to the wayside. There's other maybe more important issues at hand, I agree, but this is not something that's going to go away with enforcement. Lieutenant John McGann sat here and he told the ATV Task Force exactly that, "We cannot police this problem away."

Five to $7,000 is the average price just for the ATV, then another thousand dollars in gear, then another thousand for a trailer. I myself have given up on a lot of things on Long Island and I now take my money elsewhere, and more people are following suit. You can pave huge acreage to put up houses, 400 units on 12 acres, 200 units on 11 acres. You want to talk about damaging the aquifer, there you have it. All we're doing is riding motorcycles through the woods, we're not spilling, dumping gas or chemicals or fertilizer, we're riding ATV's and motorcycles through the woods. And we would love to see any kind of paperwork or proof, because we've done our homework, we've dotted our I's and we've crossed our T's and we've come in here and been applauded for the work that we've done, a small group of 21 people at one time. Hundreds of people belong to off-road groups on Long Island. We have voices and we've got the documentation to prove it and we brought it all to the table and now it just seems to have slipped through the cracks and it's a shame.

So before anybody votes on taking this to the next level where you're going to impound and take

away people's property on a first offense, I think maybe we ought to find out what happened to all that hard work that got done in these rooms. Thank you. Any questions?

P.O. LINDSAY:
No.

D.P.O. VILORIA-FISHER:
Yes. Actually --
P.O. LINDSAY:
I'm sorry.

D.P.O. VILORIA-FISHER:
-- I had asked to be recognized.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you for coming down, Mr. Hubbard, and thanks to the other people who spent their time serving on the task force. I remember when that task force was put together and putting it together took a while, there was a lot of back and forth on who would be on the task force. And so I really -- I want to thank you for your public service and the other people who spent their time here.

I hear your frustration. Someone earlier asked about what the next step is, why isn't it being taken to the next step. And you might have been here earlier when people spoke about another task force that's going to be looking for a place for a trap and skeet facility. We on Long Island are facing a problem with finding space for all of our different activities. Is that supposed to have been the next step for your task force, to look for space for the facility?

MR. HUBBARD:
Well, the next -- as far as I know -- not being on the task force, simply being a member of the public -- what I was under the impression was that from the Legislature it gets dropped off into the hands of the County Executive and then from there I guess it just gets put on his list of things to do.

D.P.O. VILORIA-FISHER:
So it would be up to the County Executive's Office to find, is that what your understanding was?

MR. HUBBARD:
That would be my understanding, but I don't know how accurate that is.

D.P.O. VILORIA-FISHER:
Okay.

MR. HUBBARD:
I'm just -- I wasn't on the task force.

D.P.O. VILORIA-FISHER:
Legislator Losquadro is saying no, it's not. But I do have another comment about what the first speaker said, he said that in Maine they used more of a carrot approach than a stick approach -- stick approach, and I believe when we put together this task force we were looking for a combination of a carrot and a stick approach. But I will defer to Legislator Losquadro because I think he said that that wasn't where the task force was supposed to be going with this, that it wasn't supposed to just go to the County Exec, so I'll defer.

LEG. LOSQUADRO:

Yeah. Thank you. Mr. Chairman, if I may. There's a little bit of truth in several parts of that. This piece of legislation was put forward by this body; we approved it, the County Executive then signed it, which is his right to do, but then this Legislature put together that group. The County Executive did have an appointment to that task force, we came up with our findings. The County Executive is then free to try to solve this problem, as are the rest of us and as I have been for some time, conferring with other municipalities and private individuals who are landholders, trying to find a suitable parcel.

As Legislator Viloria-Fisher alluded to, the price of land on Long Island is the real hurdle that we have not been able to get over here and trying to find an already disturbed parcel of land, hopefully one that could be donated to us by private individual or work with another municipality, perhaps one of the eastern townships that has holdings of land that could be used for this purpose; that's the direction we've been moving towards. And I don't want yourself -- I know I've spoken to Mr. Riker and other individuals about this, I don't want anyone to think that we haven't been working towards this end. Just unfortunately with the land-grab that's going on across Long Island right now, developers trying to buy up stock of land so, you know, they'll be able to continue their business into the future, it's a very difficult situation that we're in right now. And I don't want -- again, I don't want yourself or any of the other individuals in this user group, of which I used to be a member, to think that myself and others have not been working on this; I know that I have and I'm hopeful that some of my colleagues who are new to this process that we have been discussing here will help to pick up the ball on this and help us run with it and come to a conclusion where we actually establish public riding areas because it's always been my contention that that's the solution to this problem.

MR. HUBBARD:
I thank you for the update and the information, that helps me go to -- to leave here with a little bit better frame of mind.

All of that being said, then I don't see it being a problem to dash this thing on the rocks until everybody gets a chance to read that ATV Task Force. And like I said, nothing has to come of it, but everybody in the new body should at least get a turn to read it and have an opinion on it and then with a clear conscience be able to vote on a proposition such as this where they're looking to take away people's property. And then all of the other stuff that goes along with it such as the auctioning off and the funds and all of that stuff is secondary and subsequent and not even really a major problem.

LEG. LOSQUADRO:
I don't want to belabor this point, but the Presiding Officer is correct in terms of trying to explain that procedure to you, that this is merely an opportunity for public comment.

MR. HUBBARD:
Right.

LEG. LOSQUADRO:
But my feeling is even listening to the additional speakers -- in fact, it's only reaffirmed my belief -- that the public may have additional input. I've been informed that there is, in fact, a case pending which could provide some case law by which we could use as a precedent for this. So I do think this public hearing should be held open and given the -- giving the public an additional opportunity to comment on it in the future. Mr. Presiding Officer, is this the last card?

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Then I will reaffirm my motion to recess.

P.O. LINDSAY:
Motion to recess. Is there a second?

LEG. ALDEN:
Second.

MR. HUBBARD:
Thank you.

P.O. LINDSAY:
Second. All in favor? Opposed? Abstentions?

MR. LAUBE:
15 (Not Present: Legislators Caracappa, Kennedy & Cooper).

P.O. LINDSAY:
Public Hearing/2285-06 - A Charter Law transferring certain selected functions of the Department of Human Resources, Personnel and Civil Service, Division of Human Resources to the Department of Law
(County Executive). I have no cards on this issue. Is there anyone in the audience who would like to speak on it? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:
I'll second that.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. ROMAINE:
Motion to recess.

P.O. LINDSAY:
Motion to recess.

LEG. ALDEN:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second on the recessing by Legislator Losquadro. Okay, recess takes precedent. All in favor of recessing? Opposed? It's recessed.

MR. LAUBE:
16 (Not Present: Legislators Cooper & Caracappa).

P.O. LINDSAY:
Okay, ***Public Hearing/2286-06 - A Local Law expanding income eligibility limits for real property tax exemption for seniors***
(County Executive). I don't have any cards on this. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. All in -- I just got a card. Oh no, it's the next one, I'm sorry. Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:
16 (Not Present: Legislators Caracappa & Cooper).

P.O. LINDSAY:
Okay, it's closed.

Public Hearing/2287-06 - A Local Law expanding income eligibility limits for real property tax exemption for people with disabilities (County Executive). I have no cards on this subject. Anyone in the audience want to speak about it?

D.P.O. VILORIA-FISHER:
I thought you said you just got a card.

P.O. LINDSAY:
No, it's on a different subject. Seeing none, I'll entertain a motion.

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern to close; is that correct, Legislator Stern, close?

LEG. STERN:
Yes.

D.P.O. VILORIA-FISHER:
I'll second that.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
16 (Not Present: Legislators Caracappa & Cooper).

P.O. LINDSAY:
Public Hearing/2288-06 - A Local Law expanding tax exemption granted to veterans (County Executive). I have no cards on this subject. Anybody want to -- anybody in the audience want to speak on this?
I'll entertain a motion.

LEG. STERN:
Motion to close.

P.O. LINDSAY:
Motion to close.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
16 (Not Present: Legislators Caracappa & Cooper).

P.O. LINDSAY:
Public Hearing/2289-06 - A Local Law expanding real property tax exemptions for un-remarried spouses of deceased members of the volunteer firefighters and volunteer ambulance workers (County Executive). Who's left to pay taxes?

D.P.O. VILORIA-FISHER:
ATV owners. I'll make a motion to close.

P.O. LINDSAY:
I don't have any cards. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll entertain a motion to close by Legislator Viloria-Fisher, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
16 (Not Present: Legislators Caracappa & Cooper).

P.O. LINDSAY:
Okay, ***Public Hearing/IR 2290-06 - A Local Law to require landlords to register with the Department of Probation prior to renting to sex offenders (Browning).*** And I have several cards. Deborah Felber?

MS. FELBER:
Hello again.

P.O. LINDSAY:
Deborah, when you got this assignment, did you think you would have to speak this much today?

MS. FELBER:
I actually did know that. Lovely to see you again. I am here to speak for IR 2290. My name is Deborah Felber, I am the Assistant Director for Parents for Megan's Law. I'm here for our Executive Director, Laura Ahearn, who could not be here today, and it's certainly my pleasure to be here to represent Parents for Megan's Law again.

Legislator Browning's resolution, IR 2290, will affect every category of registrant; those on Probation/Parole, those on Social Services, those being placed in Emergency Housing, and those that are simply registered. This Local Law will target certain landlords that exploit communities with affordable rents by requiring them to be somewhat responsible and accountable for a population they are profiting from, convicted sex offenders. We fully support any measures designed to promote public safety and recommended the following amendments.

This resolution called for a training program to be completed by a landlord or persons managing the housing accommodations. Refer to Section IV, Registration Requirements; A, Section 1, second sentence, "This training shall be completed by a landlord or by person who shall actually manage or operate the housing accommodations on behalf of the landlord." I would strongly recommend that this language be changed to replace the word "or" to "and persons operating the house". If we want to ensure the community some additional measurements of protection, the persons managing the house must take the course as well.

Also, I would strongly suggest that the training program be presented publicly before the Public Safety Committee and constructed input be sought for improvement before the program is approved

and provided to the landlords and those managing houses. Also, the registration fees should be given to Probation to offset costs such as laborers and materials.

I thank you again for letting me speak and giving me the opportunity to speak for our organization, Parents for Megan's Law and for our Executive Director who is not available. Are there any questions or anything?

P.O. LINDSAY:
Thank you, Deborah.

MS. FELBER:
Okay, thank you. Have a nice day.

P.O. LINDSAY:
Maxine Wilson?

MS. WILSON:
Good afternoon. I'm Maxine Wilson, today I am here as the President of the Greater Gordon Heights Civic Association, a community of 1.7 square miles, an African-American population of 62%, an Hispanic population of 17% and we are dubbed the sex offender capital of the -- of New York State. It is no honor to us to be called the sex offender capital. We are a community of hard working people and we deserve a whole lot better than that.

Today we're here to support Legislator Kate Browning's bill requiring landlords to register with Probation prior to renting to sex offenders and we support it wholeheartedly. We thank Legislator Browning for having the courage to deal with the gray elephant in the room, an issue that has been passed off with many excuses over the years. It is a step in the right direction. And today I know -- if not here, somewhere else -- you will hear about all the reasons why this bill should be opposed and all the reasons why things should stay the way it is. Some will talk about NIMBYism. No, it's not about not in our backyard, it's about the fact that 65 sex offenders in a 1.7 square mile radius in a community is way too much, it is oppressive.

You will hear about the fact that people's civil liberties will be violated and that we have to worry about protecting those we were put to serve. I challenge you today that we have civil liberties too and that those of us who did not violate the law or who did not commit any of these crimes have the right to have our civil liberties protected too. And I will challenge you today that there has to be a balance between what your obligations are to those sex offenders and what your obligations are to us as voters and as taxpayers who have stayed within and abided by the laws.

You will also hear how much they need a place to live; true. And we're not saying that we want zero sex offenders within our 1.7 square mile community, we're realists, we know that's never going to happen. But we're saying 65 sex offenders within a 1.7 square mile radius in any one community is oppressive, it is too much. And those who will dare to tell you how they need a place to live and who will challenge any bill put here because they have a right to live somewhere are those people who live in communities with influence and affluence who have the great big number of zero sex offenders within their communities, but they feel obliged to speak on behalf of those of us who have to live in the middle of sex offender haven.

I don't speak just as the President of an association, I speak as a resident who invested my money, bought a home looking for a little bit of a quality of life and found myself in the middle of a sex offender cluster with Homestead Drive to the back of me and North Fleet Lane next to me, so I speak from experience. I'm not speaking from a political agenda, nor am I speaking on a campaign platform, I am speaking because it affects me and the residents like me who live in that community.

It was ironic that this week in Long Island Business News, last week in Long Island Business News, a coalition of landlords came forward to complain against the bill; ironic because for the first time we

have heard from them because now they have to cut a little bit from their profit margin to put up some money to register for something, but all this time the community has been exploited and they've been made rich, nobody heard from them.

What are the impacts of having this many sex offenders in any one community? There's a health and safety issue. We know that people say it's a mental health disease and they cannot be cured; they're monitored and medicated to control them. So what happens when you unleash 65 of them in a community of 1.7 square miles? The rest of us are at risk. And what happens to our property values? Does it justify that because we're a minority community, and as some reporters and writers and other people will justify, a poor minority community or a low income community, we have a right to have our property values reduced by 65 sex offenders in a 1.7 square mile radius and the abuse of resources? Since January '06, 157 calls to seven houses on North Fleet Lane, Police and 911 calls, that's 157 calls since January of '06 to seven houses and 65 calls to four houses.

P.O. LINDSAY:
Ms. Wilson, you're out of time. Could you wrap up, please?

MS. WILSON:
Sure. And 50% of any ambulance call in that one weekend is the same thing, it's an abuse of the resources in our community.

And in conclusion, the game of passing the buck is no longer an option. It has been clearly documented as to the roll each entity plays and its contribution to the over saturation. Each municipality and/or government agency must take responsibilities. Legislators must act to pass legislation ensuring that communities are not held hostage and that the rights and freedoms guaranteed by the Constitution is extended to all, not just preserved for a special population; our children are worth it.

The issue is of great importance and should be resolved with great urgency. And again, Legislator Browning, we thank you.

P.O. LINDSAY:
Thank you, Ms. Wilson. Tawaun Whitty?

MS. WHITTY:
Good afternoon, everyone. I'm not a fan of microphones, I think my voice will carry. I'm here today also as a member of the residents of Gordon Heights. I am chair of the Gordon Heights Visioning Steering Committee which is an economic revitalization group.

Here today we do represent our community and in our community there are over 65 sex offenders in 1.7 square miles, 40 of which of them are Level III. And I don't know, for those of you who have children, if you understand the seriousness of a Level III; that means they have violently committed an act towards a child or a female in that situation. In our neighborhood there are only 800 homes and so, therefore, almost 5% of these homes house sex offenders. Now, that might not sound like a lot to you, but in a 1.7 square mile there are a lot of children that are affected by these sex offenders.

With that being said, let me be realistic. We do understand that they have to go somewhere, but to me I think somewhere is not the answer, everywhere is more of the answer. We have already taken on our fair share. There needs to be another way in dealing with the sex offenders and a way of monitoring them. Many will give you excuses as to the fact that they're home and they're in before their curfew and others excuses about their whereabouts; however, my question is who is monitoring them and who is taking care of their concerns when the children are getting on and off the bus?
As someone who lives alone, who is monitoring them in the early evening times when the children

are out to play or people are coming home like myself who lives alone? As a productive citizen, who is monitoring their behavior and interaction with our community? Because we're not benefitting at all from their presence, it is only the landlords in our community that benefit. As an elder sister of two five year-old twins who lives at the corner of where there are 16 sex offenders, it concerns me that there's more liability and responsibility for pet owners than there is for the landlords. For example, if someone wanted to adopt a pet, they would be required to give references and to provide papers of existing pets in their home, yet sex offender landlords have no liability or accountability to the community as to the whereabouts or how many are even in the home.

Now that we -- now that we established that, I know that they're not animals. However, they say that you can comparatively argue the damage from a dog bite to be minuscule compared to the damage of a child who is a victim of these sex offenders. Who is going to be responsible to them? Who is going to be accountable to them? I'll be sure that upon their release that they are completely rehabilitated. Are you willing to tell my community by not passing this bill that you are well assured of the risk that they are not a risk to our community?

There are some needs for monitoring and the accountability of the landlords to the community by way of this bill for their own safety of the landlords of these households. We have heard stories before of how they've said that they help rehabilitate these sex offenders by allowing them to play with their own children; is anyone monitoring this? They need to be required, by this bill, to register with Probation, and by registering and having some type of accountability, they may lessen their liberal ways as to allowing to warm our community.

For the parents -- excuse me. There are for parents a way of cutting down and having the freedom to allow our children to play freely and not to be imprisoned in their own homes. Are you willing to not -- by not passing this bill, say to the children of my community that they must stay in fear of their own free time and presence to play outside? Are you willing to tell the parents in my community that you do not think these sex offenders are a risk to the safety of their children, or will you do the right thing and pass this bill?

To Legislator Kate Browning, we thank you for bringing attention to this matter. This is something that's been in our community for over ten years and we have faith that this legislation will be passed. And that Kate Browning, we thank you again and we thank you for your efforts.

P.O. LINDSAY:
Thank you, Ms. Whitty. And the last card on this subject is Uzo Akujuo? Forgive me if I mispronounce your name.

MR. AKUJUO:
I don't know how to pronounce my name either, so that's fine.

P.O. LINDSAY:
That makes me feel better.

MR. AKUJUO:
Yes, I am Uzo Akujuo, I'm here on behalf of the Coalition of Landlords, Homeowners and Merchants. I'm one of the people who was interviewed in the Long Island Business News. Sex crimes are the most -- they're among the most deplorable acts that can be committed by man. They naturally create very intense emotions, especially when we hear about the ones committed against children. Understandably, caring about sex crimes creates feelings of disgust, fear and anger about the acts and about -- against the actors. I hope it's obvious that I share these feelings. I would never want any of my loved ones to become victims of sex crimes.

Times of anger and fear, however, require leadership; and sadly, on this issue there has been an almost absolute dearth of leadership among those who are supposed to be our leaders. Rather than attempting to inject reason into an emotional atmosphere, politicians have chosen to either further

stoke those emotions or say or do whatever they feel would most satisfy them. Firstly, you politicians have created all kinds of restrictions and laws forcing these people into these clusters. Yes, 65 sex offenders in a 1.7 square mile area sounds scary; well, how did this happen? This happened because of laws passed by the government. Instead of leadership, they've created all kinds of things so that, big surprise, they end up in these neighborhoods, in poor neighborhoods, minority neighborhoods.

Now, the lady said that we have not been heard from before because we were waiting -- it's when our pockets are hurt, the landlord's pockets are hurt that we show up. But we're not the coalition of landlords, we're the Coalition of Landlords, Homeowners and Merchants; people like you are members of our organization. And we don't want them having to live in these clusters. Why are we speaking now; why do you hear from us now? Because the Long Island Business News called us and asked us for comment; nobody asked us for comment before, that's why you're hearing from us now. But we are -- we share your concerns. However, direct your anger toward those who created this problem of the clusters. It's not the landlords, they didn't create this problem, it's the politicians who made these rules.

First of all, the government lets these people out of jail, not landlords. The government sends them to these areas, not landlords. Landlords simply provide a place for them to live and they're talked about like they're some evil villains. Everybody is always demonizing landlords. What's wrong with renting property; how does that make you a bad person? Get on the -- you're not a sex offender or part of the crime simply because you rent out to people who must live somewhere. These people are not going to disintegrate, they have to be somewhere.

You know, this issue bears a striking resemblance to the illegal immigration issue. Just as the government has let illegal immigrants into the country and wants to hold employers and landlords responsible for policing them, the government has let these people out of jail and wants to hold landlords responsible for policing them.

Now, it should be noted that while it has been repeatedly stated that sex offenders have a high recidivism rate, this rate is heavily bloated by the fact that of the 49% that return to jail, only 6% are returned because of other sex crimes. But it should be no surprise that the media or politicians would deceive the people to garner attention. Again, it's not the landlords letting these people out of jail, it's not the landlords sending them into clusters, it's the government on both counts. A landlord's job is to provide shelter and amenities to his tenants, not to monitor or police them; that is the job of the government. Stop pushing your responsibilities unto others and start exercising some leadership. Thank you.

P.O. LINDSAY:
Thank you. Is there anyone else in the audience that would like to speak on this subject? Seeing none --

LEG. BROWNING:
I would like to make a motion to recess.

P.O. LINDSAY:
Okay, there's a motion to recess.

D.P.O. VILORIA-FISHER:
Second.

LEG. MYSTAL:
Second.

P.O. LINDSAY:

There's a second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:
17 (Amended Vote: 16/Not Present: Legislator D'Amaro & Kennedy).

P.O. LINDSAY:
Public Hearing/IR 2291-06 - A Local Law to permit polygraph examinations of civilian applicants to the Suffolk County Police Department, Sheriff's Department and District Attorney's Office (Losquadro). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:
Motion to close.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion to close. Second the motion by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:
16 (Not Present: Legislators Kennedy & D'Amaro).

P.O. LINDSAY:
Okay, that concludes the Public Hearings that's scheduled for today. And I'd like to set the date for the following Public Hearings for Tuesday, December 5th, 2006, 2:30 PM at the General Meeting of the Legislature in the Maxine Postal Auditorium, Riverhead, New York:
IR 2298, a Local Law to exempt certain positions from residency restrictions; IR 2299, a Local Law strengthening the policy for connections by premises outside of the Sewer District; 2336, a Local Law to ensure posting of video game ratings at retail establishments; 2349, a Local Law amending the Domestic Partner Registry Law; 2413, a Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest; 2414, a Charter Law requiring Legislator line item budget amendments identification; 2415, a Charter Law to expand sex offender notification requirements. I'll make a motion to set those hearing dates; do I have a second?

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
16 (Not Present: Legislators Kennedy & D'Amaro).

P.O. LINDSAY:
Okay, moving right along. We're back to the budget and as I recall --

D.P.O. VILORIA-FISHER:
We're on No. 9, I believe.

P.O. LINDSAY:
No, we're on 12.

D.P.O. VILORIA-FISHER:

Twelve, okay.

P.O. LINDSAY:
We're on 12. No, we didn't get a vote on it but Legislator Caracappa had a question; who had the question?

LEG. CARACAPPA:
I did, Mr. Chairman. I handled that question and the answer outside of the chambers with Mr. Sabatino, so I thank him for that, but I did want to revisit --

P.O. LINDSAY:
Four, but let me --

LEG. CARACAPPA:
-- No. 4.

P.O. LINDSAY:
Could I finish 12 and then we'll do 4?

LEG. CARACAPPA:
Absolutely, Mr. Chairman.

P.O. LINDSAY:
Do we have a motion and a second on 12?

MR. LAUBE:
Yes, we do.

P.O. LINDSAY:
Okay. Do we have -- maybe, Ms. Vizzini, you could give us an explanation again, because it was a while ago. I think you explained it once already, but if you could just refresh everybody's memory, it would be refreshing.

MS. VIZZINI:
Sure. Document 4 vetoes the addition of eight --

P.O. LINDSAY:
Not 4, 12; 12.

MS. VIZZINI:
I'm sorry.

LEG. ALDEN:
That wasn't too refreshing.

MS. VIZZINI:
Document 12 vetoes $238,000 in contracted agencies that are enumerated on the listing entitled "Contract Agency Veto List/Non-Compliance".

P.O. LINDSAY:
Okay, okay. We have a motion and a second. Legislator Kennedy?

LEG. KENNEDY:
Yeah. Again, I have a follow-up question for Gail. We had a conversation before, Gail, about some of the agencies that were on that list. I'm going to ask you to speak to -- you just said that in total

it would veto 238,000, but am I wrong that there is Clubhouse of Suffolk that was included on there that was for 670,000, or am I on the wrong sheet again?

P.O. LINDSAY:
No, the difference is $6,000 in the Clubhouse for Suffolk, Legislator Kennedy.

LEG. KENNEDY:
That was the only amount that was vetoed.

P.O. LINDSAY:
Yeah.

MS. VIZZINI:
Yeah.

LEG. KENNEDY:
Okay. And I understand that they have contacted the Comptroller's Office and were in compliance, as a matter of fact, several weeks ago. Why they're included on the list I don't know, but that may be the case I guess for several agencies; I tried to make contact during this past time as well. All right, thank you, Mr. Chair.

P.O. LINDSAY:
But again, you know, the list that the vetoes were based on was from the Comptroller's report that it was several weeks, if not months old. And since then, some of these agencies have come into compliance, and even if they aren't at this point, they have to comply or else they're not going to be funded.

LEG. KENNEDY:
Understood, Mr. Chairman.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
As a matter of fact, that's sound. Thank you.

P.O. LINDSAY:
Okay. Okay, we have a motion and a second. Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay, thank you. Legislator Caracappa, we're going to go back to four. And from what I --

LEG. CARACAPPA:
We'll have to waive the rules, Mr. Chairman.

P.O. LINDSAY:
Yes, we have to make a motion to waive our rules for consideration.

LEG. CARACAPPA:
My motion would be to waive -- which rule is that, Counsel.

MR. NOLAN:
7C.

LEG. CARACAPPA:
Waive Rule 7C and reconsider document No. 4.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstention?

MR. LAUBE:
18.

P.O. LINDSAY:
Okay, the rules have been waived so now it's back before us.

LEG. CARACAPPA:
Motion to override, Mr. Chairman.

P.O. LINDSAY:
Motion to override, I'll second that motion.

MR. NOLAN:
Wait, we need a motion -- we made a motion to waive the rules, we need a motion to reconsider now separately.

LEG. CARACAPPA:
Oh, right. Motion to reconsider.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Okay, motion to reconsider.

MR. LAUBE:
Hold on.

LEG. CARACAPPA:
Well, actually that was in -- it had to be separate? We couldn't do -- because I had included it in my motion to reconsider.

MR. NOLAN:
I would do it separately than the same.

LEG. CARACAPPA:
Okay; motion to reconsider.

P.O. LINDSAY:
Can we do same motion, same second, same vote; okay, it works for everybody?

LEG. CARACAPPA:
Yeah.

P.O. LINDSAY:
I'll entertain your motion to override the veto.

LEG. CARACAPPA:
This is reconsider.

LEG. LOSQUADRO:
No, he --

LEG. CARACAPPA:
Oh, you did that. Motion to override.
P.O. LINDSAY:
And I'm seconding the override motion. Anybody else? Okay, roll call.

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

LEG. CARACAPPA:
Yes.

P.O. LINDSAY:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

MR. LAUBE:
18.

LEG. CARACAPPA:
Thank you.

P.O. LINDSAY:
Okay, we're up to document 13. I will make a motion -- it was vetoed and again it's a 14 vote; am I correct, Counsel?

MR. NOLAN:
You are correct.

P.O. LINDSAY:
I will make a motion to override and it's seconded by Legislator Viloria-Fisher. Ms. Vizzini, if you could give us an explanation.

MS. VIZZINI:
Document 13 pertains to three distinct contract agencies. The Omnibus had added 72,520 for the Historical Society, that is vetoed; we also added $42,000 for the Boy Scouts of America for renovations at Baiting Hollow, that's vetoed; and $50,000 for transitional services, vocational services for the mentally ill, that is vetoed.

P.O. LINDSAY:
Ms. Vizzini, I didn't mean to put the timer on you. Okay, is there any questions on this resolution? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
Pass.
LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Pass.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Pass.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ALDEN:
Yes.

LEG. KENNEDY:
Yes.

MR. LAUBE:
17.

P.O. LINDSAY:
Okay, 14. The resolution was vetoed, it's discretionary again so we need 14 votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explanation, please, Gail?

MS. VIZZINI:
Document 14 vetoes one line in this, the 24th RESOLVED clause.
The 24 RESOLVED clause adds three new titles for positions created in the recommended budget. There is an error in the bargaining unit for this particular line item, Assistant Commissioner of Health Services, therefore it's vetoed.

P.O. LINDSAY:
Is there any questions on this?

D.P.O. VILORIA-FISHER:
I don't understand.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. It was vetoed because there was a position included called the Assistant Commissioner of Health; is that correct?

MS. VIZZINI:
There are three new titles.

LEG. ROMAINE:
Right.

MS. VIZZINI:
Yes, Assistant Commissioner of Health Services, Grade 31.

LEG. ROMAINE:
And that's for public -- what is that for, what does that Commissioner do? I think the --

MS. VIZZINI:
I'm sorry, Grade 33; that's the one for the Public Affairs function.

LEG. ROMAINE:
Okay, and he's vetoing this?

MS. VIZZINI:
He's vetoing this line.

LEG. ROMAINE:
Can I ask a question? Did the County Executive put this in his budget to begin with?

MS. VIZZINI:
The position and the title are in, there is an error in the RESOLVED clause.

LEG. ROMAINE:
Let me get this straight so I understand this. One, the County Executive puts in this position, a Deputy Commissioner of Health for Public Relations. Two, it stays in the budget when we adopt the Omnibus. Three, he now decides to veto his own inclusion in the budget. Is there a reason or logic that you can discern from that, because it's kind of missing me at this point. I didn't mean to ask a difficult question; I'm sorry, I asked for logic.

MS. VIZZINI:
I can tell you that there is a separate resolution that's laid on the table to correct the bargaining unit and amend the budget and the Classification Plan to address this. So by lining this out, it's being addressed in a separate resolution.

LEG. ROMAINE:
Why put it in to begin with if you don't do it right the first time? Maybe I should direct my question to the Chief Deputy County Executive.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Just to clarify the record, the error was in -- the error was in the RESOLVED clause in the Omnibus Resolution. What was submitted in the budget accurately represented what the Director of Civil Service recommended for that particular position. So this veto is not correcting the County Executive's submission, it's correcting -- I think it was probably a typographical error when the RESOLVED clause was adopted in the Omnibus resolution, it didn't copy it word for word what was submitted in the budget.

LEG. ROMAINE:
Thank you for restoring my faith.

P.O. LINDSAY:
Legislator Viloria-Fisher and then Alden.

D.P.O. VILORIA-FISHER:
So Paul, are you saying that in the County Executive's recommended budget there were not three positions or were there three positions with different titles?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
There were three positions, three titles, all were signed off on by Civil Service; the wording, the bargaining unit, the status, the title were all from Civil Service. When the Legislature repealed the 30 RESOLVED clauses you mentioned before, it incorporated one of the 30 in the Omnibus resolution. In the course of incorporating that one RESOLVED clause, which in this case was the 13th, a mistake, an error was made in copying or in transposing.

D.P.O. VILORIA-FISHER:
And what precisely was that mistake? I think that's what we're trying to establish.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
The mistake is that the bargaining unit is exempt, not Bargaining Unit II. So as a result, Civil Service will not be able to, what do you call it, get the position through the State Civil Service System based on Bargaining Unit II, it was set up as a confidential position. So the error -- the error is being corrected by the veto.

D.P.O. VILORIA-FISHER:
So it's just in the bargaining unit part of the title.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Right.

D.P.O. VILORIA-FISHER:
It shouldn't be in a bargaining unit, it should be exempt because of NEPA laws.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Exactly, right.

D.P.O. VILORIA-FISHER:
Or HIPA laws, rather. Are there any other questions? Legislator Alden and then Legislator Kennedy.

LEG. ALDEN:
I'm not sure if I heard this right, but originally the budget created a position for public relations in the Health Department? Because that's a sorely needed job with what happened with the last Commissioner there, you definitely need somebody to work on public relations. Is that what --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
There were three positions, this was one of the three titles that was submitted in the budget, it's in the recommended budget. And also, when you add a position, you have to conform the Classification and Salary Plan. One of the 30 RESOLVED clauses that was submitted with the budget, which you repealed in the course of adopting your Omnibus, did not properly incorporate the technical language and wording to make that happen.

LEG. ALDEN:
So those three are Civil Service positions or one's an exempt and two Civil Service? The public relations would be exempt, right?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
The Assistant to the Commissioner is an exempt position.

LEG. ALDEN:
Exempt position, okay.

D.P.O. VILORIA-FISHER:
Legislator Kennedy.

LEG. KENNEDY:
Thank you. Paul, I just wanted to clarify. And also, I guess I wanted to ask a little bit about the wisdom of logic. I don't recall this coming up during the budget hearings, but I know that the budget, the '07 budget did take a Senior Financial Analyst out of the Health Department and move them over to Parks, Parks had some needs; I believe that was a Grade 36, Senior Financial Analyst. Perhaps some of the thinking was that there was adequate upper-tier staff in the Health Department that would allow for some movement to other departments that may not have had that level of experience and expertise. Now we're hearing, though, that there's this need to have a public relations person be added over there? Because that's a --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
No. What happened there was a financial person who is currently working at the nursing home is being transferred to Parks because there's a concern and need for managing and monitoring the various agreements, the licenses, the concessionaire agreements in the Parks Department --

LEG. KENNEDY:
Absolutely.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- some of the backlogs that have been causing a concern with respect to contracts in general. The feeling was that with the assignment of Margaret Bermel, who is a career Civil Servant, into a Deputy position or an Assistant Deputy position in the Health Department just eight or nine weeks ago to take over the financial work on a department wide basis is now going to centralize and unify those financial issues in the Health Department; ergo, that freed up the ability to move the other individual to the Parks Department, so we're solving two problems with that transfer. This is separate and apart from that particular transfer.

LEG. KENNEDY:
And the roll of this individual is going to be able to go ahead and communicate and there's a need to have an individual at that level, a Grade 33?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
That was in the budget, the position was in the budget and it was a recommendation, you know, from the County Executive, from the Health Department and -- yes, sir.

LEG. KENNEDY:
Okay. I don't recall that in the budget hearings, but all right, fine.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, you voted to -- you voted in the Omnibus to move that title over, you know, several --

LEG. KENNEDY:
We voted to do a lot of things in the Omnibus which seem to have, you know, come undone, but thank you.

P.O. LINDSAY:
Okay. Are there any other questions? In light of that explanation, I'm going to withdraw my motion to override. Any other motions?

LEG. ROMAINE:
Yes, motion.

P.O. LINDSAY:
Huh?

LEG. ROMAINE:
Motion to override.

P.O. LINDSAY:
Okay, there is a motion to override. Does your second still stand, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
She withdraws it.

LEG. ALDEN:
Second for purposes of a vote; what the heck.

P.O. LINDSAY:
Okay, we have a motion to override and a second. Roll call.

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

LEG. ROMAINE:
Yes.

LEG. ALDEN:
No.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
No.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
No.
LEG. MYSTAL:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

LEG. ALDEN:

Come on, Ed, make it unanimous.

MR. LAUBE:
One.

LEG. ALDEN:
No, don't announce it.

P.O. LINDSAY:
Okay. Document 15 is being vetoed, it's discretionary, 14 votes.
I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Again, I was just going to ask Budget Review to give us a brief explanation on this one.

P.O. LINDSAY:
Thank you, I forgot. Thank you.

LEG. KENNEDY:
Not a problem, Mr. Chair. Thank you.

LEG. ALDEN:
That's what we're here for.

P.O. LINDSAY:
You guys are so helpful.

MS. VIZZINI:
Document 15 vetoes the 13th RESOLVED clause which is rescinding the authorization to charge for participation in the Tobacco Cessation Program. And the Omnibus adjusted the anticipated revenue of $40,000, we reduced it, this would put it back and put back the authorization.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
Mr. Chair, I don't -- BRO is being very specific, unfortunately, I guess, I'm just having a hard time with following a few of these.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
This resolution, if it gets approved, would do what with the smoking cessation funds?

MS. VIZZINI:
It would include $40,000 in anticipated revenue and allow the authorization to charge for participants which was part of another resolution, Resolution 386.

LEG. KENNEDY:

I'm going to yield to the Chair because I guess I'm not even asking the question properly, I'm still struggling to understand.

P.O. LINDSAY:
Now you've got me confused.

LEG. KENNEDY:
Well, that's, you know, two of us then.

P.O. LINDSAY:
Ms. Vizzini, from my understanding, the working group removed all the charges for the Smoking Cessation Program. In the County Executive's budget that he sent to us, he portrayed that it was $40,000 in revenue from charging people to take the Smoking Cessation Plan; we undid that.

MS. VIZZINI:
Correct.

P.O. LINDSAY:
So we reduced the revenue estimate from $40,000 to zero in this line.

MS. VIZZINI:
Yes.

P.O. LINDSAY:
And again, it's part of a program that's offered free-of-charge to the citizens of the County which is paid for by the tobacco settlement money; am I correct?

MS. VIZZINI:
Yes, you are.

P.O. LINDSAY:
Okay, now I understand.

D.P.O. VILORIA-FISHER:
Okay, I have a question.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Ms. Vizzini, it's my understanding that with the Omnibus Resolution, if we override this veto, that we won't be able to capture insurance company reimbursement either and that was of concern. In the previous legislation, I think that legislation that Legislator Eddington had introduced, we weren't charging everyone for the Tobacco Cessation Program but we were still able to have -- to capture the insurance monies on visits to the program. And my understanding is that with our Omnibus Resolution that we wouldn't be able to capture those funds.

MS. VIZZINI:
Well, the Omnibus repeals Resolution 386 of '06 which I believe --

D.P.O. VILORIA-FISHER:
Is that the Jack Eddington bill?

MS. VIZZINI:
Actually, that's the --

D.P.O. VILORIA-FISHER:
That's Levy, that was the County Executive's?

MS. VIZZINI:
There was the combined County Executive/Legislative/budget shortfall mitigating legislation that authorized a fee structure.

D.P.O. VILORIA-FISHER:
Okay.

MS. VIZZINI:
So consistent with the direction of the Omnibus working group, the authorization to charge is rescinded and the revenues are reduced.
In terms of your question regarding, you know, how to revisit that issue, it can be done in the beginning of the year or it could be done by sustaining the veto.

D.P.O. VILORIA-FISHER:
Okay.

MR. NOLAN:
Could I just --

D.P.O. VILORIA-FISHER:
Say that again, Gail. You mean getting the insurance monies or --
I didn't quite understand what you just said.

MS. VIZZINI:
Directing the department to go after third party insurance recoveries. First of all, I would defer to Counsel, but I would think that that's a procedure that the department could implement; if another resolution was required to just do that, that could be done.

The working group took a direction that they did not want to charge participants and that's what this does, it rescinds the authorization to do that.

P.O. LINDSAY:
Thank you. If I might, could we have Counsel add and then we'll ask Sabatino and then I'll get to you, Legislator Alden.

MR. NOLAN:
In the County Executive's budget mitigation plan last year, that was the -- there was a RESOLVED clause which authorized the charge for participation in this program, and kind of enmeshed in that language was this thing about trying to recover money from insurance companies.
So it was very difficult to pull that piece out, so we just repealed it in its entirety. If the administration says that they need authorization in order to try to recover that money and it's the will of the Legislature that we go after insurance companies, we can always enact another resolution before the end of the year to do so.

P.O. LINDSAY:
Mr. Sabatino?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Just to clarify. And again, this is policy, I just wanted to be certain that everybody understood what had happened.

Earlier in the year we had worked out a compromise where we were going to have the sliding scale fee for people without insurance and we were going to have a fee imposed for people who do, in fact, have insurance. Legislator Eddington then came forward with a second compromise which we just signed off on about two meetings ago which was going to change the sliding scale fee even further for those people who don't have insurance; we all signed off on that, again, two meetings ago no problem.

This legislation, just so you understand, vetoes -- I'm sorry, repealed, it took away the ability to collect from the third party insurance companies by eliminating the fee. Now, you legally can do that but that was not the compromise that we had agreed to in September, so now you cannot recover from insurance companies which is why we vetoed this particular resolution, this particular component of the Omnibus. We felt that the compromise we had worked out in September was fair and equitable, you would still be able to recover from insurance companies. If you wanted to go forward and eliminate the fee for people without insurance, that would have been a step beyond the compromise, but it's just more than what we had agreed to.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
However well intentioned it was, it was a step in the right direction, I said that at the time, I supported Legislator Eddington's. But my ultimate goal was to eliminate any charge, I didn't want any obstacle for anybody to go forward with a cessation program because it's that important, I think. So what you're saying is -- and I'd like to work with you or if you want to propose something, just legislation that would allow us to go after insurance that somebody might have but no charge to anyone that participates in the program. So if we can work out a compromise and do something like that, I would say that's a good way to go because I have no problem going after somebody's insurance but I do have a problem making anybody come out of their pocket with money because then it's going to act as a disincentive to go into the program.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Okay. Then what you have to do, if you decide to override this veto, is you have to go back one bridge and reinstate the paragraph from the original resolution which imposed a fee on people with insurance, that would have been paragraph, I think, A of that particular resolution.

LEG. ALDEN:
Okay.

LEG. MYSTAL:
We can do that.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
I'm sorry, Mr. Sabatino. Just in hearing this discussion renewed, is part of the reason we didn't have the ability to recover these monies from insurance companies in the past, was part of that reason that there would be a double standard? Could insurance companies argue that if we're not charging certain individuals, that just because they have insurance that it would be unfair to then seek recovery of that funding from an insurance company?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Some people had raised that as a philosophical, you know, argument early on. I mean, there are different and competing philosophies.

LEG. LOSQUADRO:

I'm not talking philosophically. I'm talking legally; do you think there might be any impediment to that or is that something we need to explore?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
No, the belief was not founded on legalities, it was founded on different people had different views of what was fair and equitable to the various parties.

LEG. LOSQUADRO:
No, I'm not saying that we shouldn't recovery of those monies -- in fact, I think we should where we can -- but I was just wondering as to the legality if there were a double standard in place.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
No, we believe that we should recover and that's the reason we vetoed this, because we felt this particular clause went a bridge further than what we had all agreed to.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
I just want to support Legislator Alden and this is something that I feel strongly about. The Tobacco Cessation Program should not charge because people that have a smoking addiction, threatening their health and running -- will run long-term health care bills that we may as a County be somewhat responsible for. This is a way to break that addiction, I think it's critically important that we not charge. However, and I want to say this publicly, if we can recover insurance and no more than what insurance will pay, I will be happy to join with the Executive in voting for it, cosponsoring a resolution that will do that. But I intend to override this today to encourage the County Executive to come forward with that resolution which I will support and a lot of people will support, but I want to override this today so there are no fees and then if you want fees for those where we collect only the insurance, I will support that type of resolution. Thank you.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
I hear what you're saying. Just --

P.O. LINDSAY:
The spirit of the cooperation, you can just feel the love around here, you know?

LEG. ROMAINE:
No, I'm giving him my word, and believe it or not I actually keep my word.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, with all due respect, it's been a shifting target. We've had two compromises and both compromises have now been removed by the action that was taken. So the good faith has been here, we fulfilled and kept faith with the two compromise agreements that we worked out.

P.O. LINDSAY:
Keep the faith. Legislator Kennedy, did you want to add something to this discussion?

LEG. KENNEDY:
I was going to ask another question to Mr. Sabatino --

P.O. LINDSAY:
But he left.

LEG. KENNEDY:
-- but I think I'll leave this for -- yeah, he left and, you know, c'est la vie. I'll yield.

LEG. ALDEN:
Hey, he's back.

P.O. LINDSAY:
Okay, any other comments?

D.P.O. VILORIA-FISHER:
We're getting punchy.

P.O. LINDSAY:
Okay, roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
It's not total love, no.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.
LEG. HORSLEY:

Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yep.

MR. LAUBE:
16 (Opposed: Legislators Caracappa & Barraga).

P.O. LINDSAY:
Document No. 16, I will make a motion to override again. This is vetoed and it needs 14 votes.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. Ms. Vizzini, would you please give us a brief explanation.

MS. VIZZINI:
The Omnibus added 25 additional Police Officers, this vetoes that action.

P.O. LINDSAY:
Is there any comments? That was very short and distinct, I appreciate that.

D.P.O. VILORIA-FISHER:
And it had the longest backup.

P.O. LINDSAY:
Okay, roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.
LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Oh, yes, absolutely.

LEG. LOSQUADRO:
Yes to override.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes to override.

LEG. D'AMARO:
Yes to override.

LEG. COOPER:
Resounding yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. Document 17, again, this is a discretionary issue and it needs 14 votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. Explanation, Ms. Vizzini?

MS. VIZZINI:
Document 17 vetoes the cap on the number of positions funded with the Water Quality funds and in the Omnibus we reversed the transfer of seven positions to Water Quality.

P.O. LINDSAY:

Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
I'm sorry, you're up to me? Yes to override.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Pass.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Yes.

LEG. CARACAPPA:
Yes.

LEG. KENNEDY:
Yep.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay, document 18. I'm going to make a motion to override this veto.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. Again, it's a discretionary issue, we need 14 votes. Ms. Vizzini, if you'd give us an explanation, please?

MS. VIZZINI:
Omnibus transferred the Insurance & Risk function with its accompanying 24 positions to Audit & Control, it was vetoed. If this is sustained, the function would transfer to the County Attorney's Office.

P.O. LINDSAY:
No, no. If --

LEG. ALDEN:
If it's sustained it goes to the County Attorney.

LEG. VILORIA-FISHER:
Sustained, she's right.

LEG. ALDEN:
If it's overridden it goes to --

P.O. LINDSAY:
I thought it would go back to Civil Service.

MR. NOLAN:
No, because the original budget doesn't add more.

P.O. LINDSAY:
I see. Okay, you're right.

MS. VIZZINI:
No, we're changing the recommended.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you. Gail, does this just physically -- is it just a movement of the individuals, the employees from one area to another without any kind of fiscal impact up or down; bodies just in one?

MS. VIZZINI:
Yeah, basically it's a plus here and -- I mean a minus there and a plus here, the exact same numbers.

LEG. KENNEDY:
So the fiscal is a complete wash.

MS. VIZZINI:
Yes, it's all in General.

P.O. LINDSAY:
Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. KENNEDY:
Mr. Clerk, move my vote to a yes.

MR. LAUBE:
16 (Opposed: Legislators Caracappa & Barraga).

P.O. LINDSAY:
Okay, document No. 19. Again, it's a veto and it's discretionary, we need 14 votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Ms. Vizzini, if you would give us an explanation.

MS. VIZZINI:
Document 19 pertains to three positions. The recommended budget transferred three positions from the Treasurer to Energy & Environment, the Omnibus reversed that, that they stay in the Treasurer's Office.

P.O. LINDSAY:
Okay. Anybody on this issue? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
20. Again, it's discretionary, it needs 14 votes. I'll make a motion to override, seconded by Legislator Viloria-Fisher. Ms. Vizzini, explanation, please.

MS. VIZZINI:
Document 20 pertains to the transfer in the Omnibus of one Chief Environmental Analyst from Environment & Energy, it's transferred to Soil & Water.

P.O. LINDSAY:
Okay. Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.
LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
I said yes.

MR. LAUBE:
Oh, I thought you said pass, I'm sorry. 18.

P.O. LINDSAY:
Okay, document 21 is vetoed again, discretionary, 14 votes.
I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explanation, Ms. Vizzini.

MS. VIZZINI:
Document 21 pertains to two items. The Omnibus takes one Grade 26 position and lowers it to an entry-level Grade 17 position for the Labor Department. And the second item is the Omnibus provided $29,500 in the Labor Department for Catholic Charities to administer a Welfare-to-Work Mentoring Education Program.

P.O. LINDSAY:
Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Pass.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. CARACAPPA:
No.
LEG. KENNEDY:
Yes.

LEG. NOWICK:
I did, I already said yes.

MR. LAUBE:
I'm sorry, 16.

P.O. LINDSAY:
Document No. 22; again, it's a 14 voter. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Ms. Vizzini?

MS. VIZZINI:
Document 22 pertains first to $107,500 in contracted services which Probation requested and it was included in the Omnibus, it's for record keeping, data conversion for caseload information and $50,000 for educational advocacy for the juvenile delinquents. The second item that document 22 pertains to is Probation requested eleven new positions in various sections, the Omnibus added eleven, the County Executive vetoed eight of those eleven positions.

P.O. LINDSAY:
Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.
LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
23. I'll make a motion to overturn the County Executive's veto.

LEG. CARACAPPA:
Second.

P.O. LINDSAY:
Seconded by Legislator Caracappa. Ms. Vizzini, if you would explain, please.

MS. VIZZINI:
Okay, item -- where are we, 23, document 23?

P.O. LINDSAY:
Yes.

MS. VIZZINI:
Okay. In this, the Omnibus added five Deputy Sheriff Investigator positions and offset the cost by abolishing six vacant Deputy Sheriff I's. The veto is for one of those -- is only on one of those new positions that were added, so it would be four added six abolished.

P.O. LINDSAY:
Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay, document No. 24; again, discretionary, 14 votes.
I make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explain.

MS. VIZZINI:
Document 24 provides the discretionary fringe benefits for the eight Correction Officers that you restored in the mandated Omnibus and you should be consistent; you overrode that, you should be consistent.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Yeah, I was just going to ask, so in other words the action we took in document No. 4, the eight positions that were -- we just overrode, this is --

MS. VIZZINI:
It's their health insurance.

LEG. KENNEDY:
-- the {bennies and the softs} that go along with it?

D.P.O. VILORIA-FISHER:
Uh-huh.

MS. VIZZINI:
Yes.

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. Document No. 25; again, it's a discretionary veto, 14 votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. LOSQUADRO:
Explanation.

P.O. LINDSAY:
Explanation?

MS. VIZZINI:
This is for 13 replacement vehicles for the Department of Probation.

P.O. LINDSAY:
Okay. Any questions? Legislator Kennedy.

LEG. KENNEDY:
So there's no net gain for the department? This would just take 13 vehicles out of service and give them 13 new ones; replace 13 vehicles that are being retired?

MS. VIZZINI:
That's correct.

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
So this isn't the addition of net vehicles, it's the same amount of vehicles?

LEG. LOSQUADRO:
Didn't we move some others from another area?

MS. VIZZINI:
It replaces the high mileage vehicles. The working group did not authorize new vehicles which would be more than.

P.O. LINDSAY:
See, my understanding was that we added vehicles to Probation. Legislator Romaine?

LEG. ROMAINE:
Yes, my question is to Budget Review. By high mileage vehicles, could you give me an indication, a range or some type of indication of what you meant by high mileage vehicles, roughly speaking, very approximately?

MS. VIZZINI:
The County standard for replacement is 110,000 miles.

LEG. ROMAINE:
So these are vehicles that would have that. By the time that we purchase new vehicles, these vehicle would have somewhere approaching about 110,000 miles.

MS. VIZZINI:
That's correct.

LEG. ROMAINE:
And the County Executive vetoed this.

MS. VIZZINI:
Yes.

LEG. ROMAINE:
Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Gail, if these vehicles go beyond 110,000, I mean, is that mandatory? In other words, if we don't take this action then this department sustains a loss? How many vehicles do they have in the department at this point? I mean, is this 50% of their fleet, is it 10%; what would the impact to the department be if we do not do this override?

MS. VIZZINI:
I have to check a few things.

LEG. LOSQUADRO:
If I may?

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
I would just say, through the Chair, with DPW's fleet garage already having some difficulties keeping up with the repair backlog, as we keep vehicles longer than the 110,000 miles it would stand to reason that they would require more maintenance and therefore have more downtime; I think that's the reason that we wanted to replace some of these vehicles. Although it was my understanding that we -- perhaps Budget Review, if you could see if my memory is still working correctly, that we removed some vehicles from some other areas to try to make this a zero sum game that we were replacing these; does my memory serve me correctly there?

MS. VIZZINI:
No, we didn't do those types of manipulations, I think you're thinking of other exercises that we've done in previous years. It's a cost, it's a cost of $273,000, but we offset that in reductions elsewhere in our Omnibus.

LEG. LOSQUADRO:
That's what I was -- that's what I was referring to.

MS. VIZZINI:
Yes.
LEG. LOSQUADRO:
We did offset that with other reductions, as I remember?

MS. VIZZINI:
Yeah. As you recall, the Omnibus as a whole is neutral. Once we're finished with our {longbellian} approach, we'll then see where we are.

P.O. LINDSAY:
Okay? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.
LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
17 (Opposed: Legislator Barraga).

P.O. LINDSAY:
Okay, Document No. 26; again, it's a discretionary veto, 14 votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explanation, Ms. Vizzini?

MS. VIZZINI:
Document 26 pertains to a reduction of $98,700 in 2006, these are monies that are identified for advertising expenses in Public Works but as of this morning there is less than $1,500 expended.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:
These are '96 funds -- '06 funds, not '96.

MS. VIZZINI:
'06, correct.

LEG. ALDEN:
So these are '06 funds, there was a total budget of close to $100,000, fifteen hundred dollars has been expended up until this point. In your estimation, from now till the end of the year, how much -- is that traditionally a big expense?

MS. VIZZINI:
Last year they only spent about twenty-five hundred.

LEG. ALDEN:
Out of a hundred thousand again, okay.

MS. VIZZINI:
So, yeah, they carry a $100,000 funding level, but --

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Okay, roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay, 27; discretionary, 14 votes. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Explanation.

MS. VIZZINI:
The Omnibus provided 356,000 for Legal Aid Society, this is their regular program, it was vetoed.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Gail, this veto message says that the Legal Aid Society was funded at party with the DA's Office and that the salary increases were distributed in a different manner; do you have any idea what that means, what is the Exec referring to or referencing?

LEG. ROMAINE:
Double dipping.

MS. VIZZINI:
I really can't clarify the Executive's intent in the message. I know most of you received correspondence from Legal Aid addressing their request for the monies. It was basically a situation of whether there was sufficient monies for contractual salary increases versus increasing benefits; I got the impression from the correspondence it was one or the other. That's really all I know about it.

LEG. KENNEDY:
Well, I know Mr. Mitchell is here in the audience and he testified at length during our budget hearings. I'm just -- I'm mystified. His testimony was very clear as to the difficulty that the agency had in being able to recruit and retain attorneys and the higher salary scales. So I'm going to vote to override but I'm just -- the message here from the Exec is cryptic at best and deceptive.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Thank you, Mr. Chair. I just wanted to be clear, Gail, this is a separate item than the Senior Citizens Division through Legal Aid, that area -- that item was not vetoed by the County Executive?

MS. VIZZINI:
That's correct, Legislator Stern.

LEG. STERN:
Thank you.

P.O. LINDSAY:
Just to add to the discussion, in the working group this came out that there was a feeling that the 18-B funding was -- I shouldn't use the word over funded, but that was amply funded and the Legal Aid part was underfunded. So what we -- this is really a no-cost item because the addition that we made to Legal Aid we deducted from the 18-B.

LEG. KENNEDY:
And again, this makes reference to that additional million, Mr. Chair, that the Exec was seeking to include for this change in the statute about Family Court, or was this just from existing responsibilities?

P.O. LINDSAY:
I don't think this plays into that --

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
-- but maybe Mr. Sabatino could add something.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Just real briefly, the last two years -- and I just verified it for the fifth time with Fred Pollert. The last two years the County of Suffolk has provided the same funding for parody for the Legal Aid Society as was provided to the District Attorney. If the Legal Aid Society chose to distribute that money in a manner different than providing parody -- parody, again, meaning trying to get people at comparable levels of the organizational chart to comparable levels that the District Attorneys got -- chose to do something different by perhaps providing money for people at a higher level, that's not the fault of the Legislature, it's not the fault of the County Executive.

This is similar to the Community College situation from two years ago where it's double dipping. They got the basic standard increase that we provided in the AME contract and then they were given a second bite at the apple. So parody was provided. If they chose to distribute it in a way that wasn't parody, we can't be held responsible for that, that's why we vetoed the bill.

P.O. LINDSAY:
Mr. Mitchel, would you like an opportunity to respond?

MR. MITCHELL:
Yes. Thank you for the opportunity. I've been in charge of the Legal Aid Society --

LEG. LOSQUADRO:
Your mike is not on.

P.O. LINDSAY:
You're not on. It's at the top there; Timmy, would you help him, please? Thank you.

MR. MITCHELL:
Thank you for the opportunity. I've been the attorney in charge of the Legal Aid Society for 13 years. During the 13 years we've asked for parody with the DA and the County Attorney; at no time did we ever receive parody. Two years ago, three years ago, Executive Gaffney said we should have got parody and he gave us some extra money, but nowhere near what the DA got or the County Attorney. I call upon the Legislative review, their books and records are there, we never had any parody.

P.O. LINDSAY:
Could I ask, what about the issue that the money, the additional funding that was added last year was used for a different purpose than to make your attorneys more whole or more competitive with that? Was it distributed to the as accused, the higher levels within your agency?

MR. MITCHELL:
Absolutely not. As I said before and every time I make my presentation, it's very difficult to keep young people in the job and it's also very difficult to keep older people in the job, the people who are trying the heavy felonies in Riverhead. I can't put a guy in Riverhead, pay him $60,000 trying a heavy burglary or an attempted murder case, I've got to give that gentleman some extra money.

P.O. LINDSAY:
Did your folks get a raise last year?

MR. MITCHELL:
Yes, we did get a raise last year, nowhere near the AME contract, nowhere near the AME contract; we don't have steps and grades.

P.O. LINDSAY:
And what was added in the County Executive's budget this year, would there have been enough money to give your people a raise this year?

MR. MITCHELL:
No, absolutely not. We had no money, we had cost-to-continue.

P.O. LINDSAY:
Okay, because of benefit increases, you would have had enough money to pay the benefit increase but nothing --

MR. MITCHELL:
That's about it.

P.O. LINDSAY:
Nothing in salary, okay.

MR. MITCHELL:
We would pay the pension and the medical, but that's it.

P.O. LINDSAY:
Okay. Any other questions? Thank you. There's a motion to override and a second. Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes, it seems like someone's pants are on fire.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes to override.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes to fair representation.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.
LEG. COOPER:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. 28; discretionary, 14 votes. I make a motion to override.
Do I have a second?

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Ms. Vizzini, please explain.

MS. VIZZINI:
Document 28 impacts about ten items. The first one, the Omnibus reversed the creation of the Farmlands Administrator, this is a position that although it's in the Charter has never been filled, so we abolished it in the Omnibus; the second item, the Omnibus created an Auditor in Audit & Control for the financial system, this was vetoed; the Omnibus created one new Emergency Medical Services Officer for training, that was vetoed. Document 28 also vetoes the creation of one Biologist, actually the Biologist was abolished but the Omnibus put it back in, that's vetoed.

Document 28 also addresses -- based on year-to-date projections, the Omnibus reduced some 2006 salaries in the Sheriff's Office based on the year-to-date projections. The Omnibus -- that's vetoed. The Omnibus created an Assistant Chief of Toxicology and offset it by abolishing an Assistant Toxicologist; if you recall, that was to make the lab commensurate organizationally with the other lab. Document 28 also pertains to -- the Omnibus reduced $100,000 in actuarial benefits, that's vetoed. The Omnibus created two Accountant Trainees in the Parks Department for enhanced fiscal accountability, that was vetoed. And it also -- the Omnibus created, or rather reinstated an Account Clerk in DSS that was abolished.

The last item I want to underscore for your attention is that this is the discretionary portion of the $11.6 million in Medicaid recoveries. You sustained the mandated portion of this, so you should be consistent.

LEG. ALDEN:
What do you mean, as Legislators we should be consistent?

D.P.O. VILORIA-FISHER:
I have a question for Gail.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

Gail, I'm looking at the list on the second page of this document and I'm looking at the reasons. For example, the list beginning with West Nile Virus research, that list, it says underneath it, "The department declined to fill this position."

MS. VIZZINI:
Legislator Fisher, are you looking at document 28?

D.P.O. VILORIA-FISHER:
I thought I was, yes.

MS. VIZZINI:
What are you reading from?

D.P.O. VILORIA-FISHER:
On the second page of document 28 where we look at DO, 30 --

MS. VIZZINI:
Right.

LEG. VILORIA-FISHER:
-- West Nile Virus research, permanent salaries. Okay, the Omnibus put that position back in and what the County Executive is saying is that that was vetoed because the department did not want to fill that position; is that how we interpret that particular section of this?

MS. VIZZINI:
Yes, that pertains to the Biologist position which -- that was one of the two positions that the Council on Environmental Quality had concerns about, the two Biologists being abolished.

D.P.O. VILORIA-FISHER:
But it would seem that right now we're looking at the long-term plan and the 2007 plan that we would certainly need that. Okay, I was just curious as to whether or not I was reading that correctly, where the reason pertains to the ones right above it; right, is that --

MS. VIZZINI:
Yes.

D.P.O. VILORIA-FISHER:
Okay. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Yeah, I'm going to take another attempt at trying to follow some of this from action to action. Your last statement to us before was that this was the other side of the 11.6 million with characterization of the 621 money?

MS. VIZZINI:
Yes. I'm going to ask Mr. Lipp to explain the interrelationship between the mandated and discretionated. And I would defer to Legislative Counsel, if you had wanted to take any of these items individually.

MR. LIPP:
You have already sustained MO 58; what MO58 did by sustaining it is you keep the Medicaid recovery revenue in the Debt Service Reserve Fund. What the intent of the Legislature was before it was sustained was to have that money recognized in the General Fund as revenue, $11.6 million,

and then -- here's the discretionary side here, DO 58 -- you would transfer the money as an expenditure back to Fund 425, Debt Service Preserve Fund, the General Fund. If you override this one particular line item, this portion of this document, 28, then what you would be doing is, yes, you would be increasing by an additional $11.6 million the transfer to Debt Service Reserve and in turn increasing property taxes by the same amount.

So your choices are to do that, to sustain the whole portion that is the entire Executive Document No. 28, or if, deferring to Counsel, you could do this one particular line item separately. So to be consistent with MO 58, you probably would want to sustain this particular line item.

LEG. KENNEDY:
Well, thank you for that segue. And as a matter of fact, I had spoken just before, now I'm going to pose it to Counsel. I find that with this document, the Exec has elected to go ahead and veto, I think, eight or nine positions and also characterize a significant amount of revenue that's in the '07 Operating, and I question whether or not there's the ability to even take those multiple acts in one vote. Actually, we should be looking at each of the items that he elected to go ahead and veto here which will allow us to go ahead and act independently on each and every -- on each one of those acts. The fact that he's attempted to constrain us to go ahead and now either do an up and down on not only budget -- I'm sorry, position abolishment, but also characterization of 11 million of State restoration basically goes against our ability to independently cast a vote. So I'm going to ask whether or not we've got that ability.

P.O. LINDSAY:
Well, before I turn it over to Counsel to give you that ability, in light of what Ms. Vizzini just said, I'm going to withdraw my motion to override this veto and it's back on the floor.

LEG. KENNEDY:
Well, I appreciate that withdrawal, Mr. Chair.

P.O. LINDSAY:
So Counsel will now answer your question.

LEG. KENNEDY:
Thank you.

MR. NOLAN:
I believe that I stated earlier that it is my belief that we cannot -- notwithstanding what the County Executive may have done here in lumping things together, I think it's dangerous territory to try to start picking out particular parts I'm going to override and not override in one resolution. I would be -- I don't think we can do that.

LEG. KENNEDY:
Well, Counsel --

MR. NOLAN:
I think it's an up or down vote --

LEG. KENNEDY:
Well, with all due respect --

MR. NOLAN:
-- on the budget amendment.

LEG. KENNEDY:
As a matter of fact, we've had a laundry list of items that were selectively vetoed by the Exec in the

first instance. So how it is that we're now constrained to go ahead and act upon how he chose to compartmentalize escapes me. I really think that it's an attempt to --

LEG. NOWICK:
But he can.

LEG. KENNEDY:
Well, no, I disagree, I don't think he can.

LEG. NOWICK:
Why not?

LEG. KENNEDY:
My question goes back to --

P.O. LINDSAY:
Okay. I know what your question is, Legislator Kennedy, and what I am going to call is a five minute recess to research that to see if we can do that. I gather what you're proposing is to take the positions out of this document and try to override that but to keep the revenue -- leave the revenue alone the way it was sent over; is that what you want to do?

LEG. KENNEDY:
Well, that may ultimately be what the wish of this body is or not,
Mr. Chair, but I guess what I'm asking is --

P.O. LINDSAY:
The question is can we separate them?

LEG. KENNEDY:
Right.

P.O. LINDSAY:
And that's why I want a few minute recess to research this.

LEG. KENNEDY:
Thank you, Mr. Chairman.

P.O. LINDSAY:
And then come back with an answer, okay?
LEG. KENNEDY:
Thank you.

(*Brief Recess Taken: 4:53 PM - 5:03 PM*)

P.O. LINDSAY:
Okay. Could all Legislators come back to the horseshoe?
Okay, Mr. Clerk, would you try calling the roll, please?

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. CARACAPPA:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
Here.

LEG. STERN:
(Not Present).

LEG. D'AMARO:
Yes, here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:
17 (Not Present: Legislator Stern).

P.O. LINDSAY:
Okay. When we recessed we asked for a few minutes so Counsel could research Legislator Kennedy's question about whether the positions could be separated from the revenue portion of this

item, No. 28.
And I don't mean to put words in the Counsel's mouth, but it isn't clear that we can do this. So I have withdrawn my override motion and the floor is clear for anybody to make any motion that they want.

LEG. KENNEDY:
Well, thank you, Mr. Chair. And I appreciate you going ahead and asking Counsel to go ahead and research, but I guess I'm -- so let me ask specifically then, just so we have very clear language, and then perhaps maybe I will make a motion. It is unclear whether we can do this or we can't?

P.O. LINDSAY:
We don't have a definitive answer that we can do that and there is a fear of passing one of these documents that could be challenged and holding up the whole process including the Tax Warrant, and that's something we just can't do. And what I would prefer to do is to sustain this or, you know, just not override it which means it would be sustained and the positions would be lost and we'll have to figure out a new strategy to restore the positions during the course of our operation here.

D.P.O. VILORIA-FISHER:
Mr. Chair?

P.O. LINDSAY:
Yes, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
The alternative to that would be to revisit document No. 5 because --

LEG. MONTANO:
Five or four?

LEG. ALDEN:
After we're done maybe we'll do that, we'll see how everything goes.

LEG. ROMAINE:
Yep, absolutely.

D.P.O. VILORIA-FISHER:
Well, if we were to revisit document No. 5, then it would put the money back in, but you have to do -- you need one for the other; correct?

LEG. ALDEN:
Not really.

LEG. LOSQUADRO:
Maybe we can talk about it.

D.P.O. VILORIA-FISHER:
I mean you should have one for the other.

LEG. CARACAPPA:
If we do all the contract agencies in one vote.

LEG. SCHNEIDERMAN:
Maybe we should pass over this.

P.O. LINDSAY:
Okay. Anybody else have any other questions?

LEG. SCHNEIDERMAN:
Why don't we pass over it?

P.O. LINDSAY:
Okay. There is no motion on this veto at the moment.

LEG. ALDEN:
Motion to override.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Motion to override by Legislator Alden, second by Legislator Romaine. Roll call.

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

LEG. ALDEN:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
No.

LEG. CARACAPPA:
Yeah.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
No.

LEG. HORSLEY:

No.

LEG. MYSTAL:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

LEG. SCHNEIDERMAN:
No.

MR. LAUBE:
Five.
P.O. LINDSAY:
Okay. 29, again, it's discretionary, it is a vet. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Ms. Vizzini, if you could explain, please.

MS. VIZZINI:
Document 29 vetoes the Omnibus which recognized grant funding, Federal grant funding in the amount of $133,089 in 2006.

P.O. LINDSAY:
Okay. Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. CARACAPPA:
Yes.

MR. LAUBE:
17 (Opposed: Legislator Kennedy).

P.O. LINDSAY:
Okay. Document 30, again, it's a discretionary item, 14 votes. It's been vetoed. I'll make a motion to override.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:

Second by Legislator Viloria-Fisher. On the question. Explanation, Ms. Vizzini, please.

MS. VIZZINI:
Document 30 pertains to $48,000 for contracted drug and alcohol treatment in Probation as they requested; it's vetoed.

P.O. LINDSAY:
Any questions? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.
LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes to override.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
17 (Opposed: Legislator Barraga).

P.O. LINDSAY:
Okay. Document No. 31 is discretionary, it needs 14 votes.
Do I have a motion?

LEG. NOWICK:
Motion to override.

D.P.O. VILORIA-FISHER:
Motion to override.

LEG. ALDEN:
Second.

D.P.O. VILORIA-FISHER:
No, I'm sorry.

LEG. ALDEN:
This is not the one -- this is the one that punishes a couple of people?

D.P.O. VILORIA-FISHER:
I was looking at 32. Withdraw the motion.

LEG. SCHNEIDERMAN:
Motion to override.

LEG. ALDEN:
I'll second.

P.O. LINDSAY:
Okay, we have a motion --

LEG. VILORIA-FISHER:
I withdrew my motion.

P.O. LINDSAY:
Who made the motion?

LEG. MYSTAL:
Nowick did.

LEG. ALDEN:
Lynn did.

P.O. LINDSAY:
Lynn made the motion to override. A second?

LEG. ALDEN:
I'll make the second.

P.O. LINDSAY:
Okay.

LEG. CARACAPPA:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. CARACAPPA:
Mr. Chairman, I don't know if you can answer this question or Budget Review. This is the one that basically is political punishment for some members of this body as it relates to member item funding for their districts?

P.O. LINDSAY:
I guess I should have asked Ms. Vizzini for an explanation.

MS. VIZZINI:
I can't respond to your question, Legislator Caracappa, but what --

LEG. CARACAPPA:
These were contract agencies that were within Omnibus and for some reason called out separately?

MS. VIZZINI:
Yes, it's $211,000 for 45 agencies that are enumerated on an attachment called "Contract Agency Veto List".

LEG. CARACAPPA:
Thank you. You know, I've been through a lot of budgets through the years and as partisan as it may get during deliberations, I've never seen partisanship to this level during a budget process. It's really the lowest form of politics when you take a budget document that you've worked on as a bipartisan group and then, because you're a little aggravated that you were asked to take maybe some tough votes, that you separate out contract -- innocent contract agencies in districts where they do a hell of a lot of good for a lot of people and you punish them because you want to be political. It's almost as bad as when you -- when we use politics on land preservation, this is right up there with the taboos of things you don't do.

And for those who are supporting this and who want to flex majority muscle, so to speak, you'll look back as your careers progress and you'll probably say to yourself, "That was one of the lowest points in my career, when I was that partisan where I hurt innocent contract agencies throughout this County that do a lot of good because I just wanted to show off as a majority." It's wrong, we've never done it, we've always worked in a bipartisan effort on the budget here.

And to the County Executive, hey, he's doing his thing. He gets to veto, he gets our Omnibus and our changes to his budget and he flies back with vetos, that's the process, that's the dance. But when it comes back here and a budget document that we all agreed upon just two weeks ago, you separate out and punish because you, God forbid, had to take some tough votes for the people of Suffolk County, that's just -- it's despicable and the worst type of politics.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
My comments earlier today, this evening, I'm not quite sure when they were, echoed what Legislator Caracappa has just said. This is something that even during my short time in this body over the past three years, two of which I was in the majority and this past year where I have not been in the majority, have never seen the like of this. It is something that I never thought I would see. This body has a very long and proud tradition of their autonomy and it is extremely disappointing to me and more disappointing, I'm sure, to the residents of the individual districts. Remember, you're not punishing a particular individual. The individuals around this body, all of the members of the majority and minority included, have each been elected individually by the representatives, by the constituents in their district to represent them in government, not vice versa. This person isn't here to represent government to them, we are all here to represent our constituents to government. So you may think you're punishing an individual but you're not, you're punishing innocent people who are going to rely on these services who are now not going to get them. And we have seen time and again and have had this discussion that contract agencies provide services at a much lower cost than government could provide if government could even provide those services to begin with, and in many cases we simply cannot.

So I say that this is truly despicable and shame on any individuals in this body who will stand to single out individual agencies within only a few Legislative Districts for some sort of perceived punishment for an individual. Really this is going after the residents of Suffolk County.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Through the Chair; Budget Review, the items that are on this list as far as the ones that have been targeted or whatever you want to call it, vetoed, do they involve services for senior citizens, after school programs, some Chamber of Commerces, some athletic leagues for children; is that the type of things that were vetoed here?

MS. VIZZINI:
Well, yes on the Chambers of Commerce, there are several Chambers of Commerce.

LEG. ALDEN:
And is it not also correct that in the budget, the exact same type of funding appears in other districts; and I can give you examples if you need them, but is that not the case?

MS. VIZZINI:
Generally speaking, there are other chambers that are funded.

LEG. ALDEN:
So now I'm going to -- the rest of my comments are predicated on a threat that was made at another meeting and that was -- and this is -- you guys can snicker all you want, but you have the power to do whatever you want because you are in the majority; bipartisan but you're in the majority. But the threat was if you put in stand-alones or if you leave your stand-alones in there, we're going to hurt you and we're going to make sure that in your districts the kids, the senior citizens, the people that can least protect themselves, we're going to make sure that they get hurt, but in our districts we're going to rack up the pie and we're going to make sure that those same programs, exactly same programs are funded for all of our districts. That's a pretty morally-bankrupt route to take, and it's predicated upon the threat that that's when you're going to do it. Because I don't know the outcome of this vote until it's announced by the Clerk's Office, but according to the threat that was made, I could predict a little bit of the outcome of this vote, and

also from some prior actions when we tried to take everything one-shot; no, no, no. But it seems like everything has almost been unanimous and we could have saved another five or six hours of everybody's time, but we couldn't even be honest, couldn't even be honest.

And during the process, and I sat there for many, many hours and I took the hits from you guys all through that process, but we worked on a budget, an Omnibus that would benefit everybody in the County of Suffolk and be fair to every Legislator. But no, at this point in time it can't be fair to every Legislator, it can't be fair to every person in the County of Suffolk. We're going to, because we're the majority -- and I speak of some of the people that are snickering and things like that -- because we've got the power to do it, we're going to hurt innocent people because they happen to be in a district where we don't like the other Legislator.

So I hope that I'm wrong on the outcome of this vote. I would hope that you would go and override the veto on this vote as you have done on every other program and as I have done on the programs that helped all of you in your district. But if you want to be petty and sit there and snicker, that's fine too, but that reflects on your personalities and it also reflects on your feelings for the people in Suffolk County which you despise and you can show that in the vote. Thank you.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes, thank you. Republicans have held the majority in the County Legislature with two exceptions, 1976 and '77, the Democrats were in the majority; in 1988 and 1989 there was a tie Legislature of which I was a member. At no time did we single out any Legislative District for this type of cuts at the expense of that Legislator to send political messages. You have the majority now, you are setting the rules and the standards. No majority lasts forever. You are giving us a bad example of what we should do to you should we or my party ever come into the majority in this Legislative body; and considering the history of Suffolk, highly likely that in the next few years that is a possibility.

Don't do this. This is bad government, this is bad politics. If you do this, you lose the moral ability to lead. You came in as ten Legislators -- two Working Family members, eight Democrats -- and formed a coalition and talked about reform. I've supported many of your resolutions. When I've disagreed honestly I've disagreed, but I've never been disagreeable and I've never tried to argue or pick a fight with any of the Legislators here. Today when you cast this vote, should you not vote to override, I mean, my district will survive, I got elected without member item monies, I don't need it, it's a shame for the organizations that will suffer, all of which will be notified. The Executive will do what he will do, but you are my colleagues. Don't lose the moral ability to lead, because when you cast this vote, should you cast this vote not to override, everyone will know and hopefully the newspapers will report, that in that vote you've lost your ability to lead. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. As I sit around this horseshoe and I've had the opportunity to look at some of the actions of the County Executive associated with the vetoes that he's taken, I started the day with the distinction of being the Legislator who had the most amount taken out of the items that I had put in to a bipartisan working group, Omnibus resolution. There have been some actions by my colleagues to do which I'm appreciative of which have restored some groups that are groups that go towards the things that my colleagues have spoken of; little League, youth singing groups, groups that promote community, groups that promote all the things that we all know where we live and what brought us to be here to serve.

The one element that's not here as we engage in this dialogue is the County Executive who wielded

his selective veto pen that put us in this position where we sit. Yes, we are Republicans and we are Democrats, but we are all Legislators. And for the time that I've been here, I've tried to embrace the philosophy of collegiality and of looking beyond some of the partisan labels to find common good to go ahead and solve problems across the board. And I applaud my colleague's support with the initiatives I've brought forth that have merit, just as I've attempted to work with my colleague on their initiatives.

I would go to echo what my colleagues have said here on the Republican side and I would appeal to the Democratic side to say to each and every one of you as we contemplate this vote, look to what you are, to what you were elected to be; to be Legislators, to have some ability to be a coequal branch of government that chooses to be able to go ahead and operate on broad-scale initiatives as well as to identify initiatives in your districts. I would ask each and every one of you to join with an override on this veto that the Exec has chosen to introduce here, specifically to pick each and every one of us against one another. Thank you.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
With power comes responsibility. You can use power to do good things, you can use power to do bad things; certainly taking funding away from a lot of civic organizations is not a good thing.

We all know how we got here, some Legislators didn't pull stand-alone amendments, budget amendments, others did, and those who didn't are being punished now. I have been through -- this is my third budget. I was in the majority for two years and during those two years we voted on every Democratic stand-alone. We never asked the Democrats to not voice their free speech amendments, to say, you know -- it was one thing to not pass your amendment, but to say we don't even want it discussed, that's a pretty far stretch.

Now, some of us said okay, this year, okay, we won't discuss it, even though we may have thought they were good initiatives. Others felt really strongly in their right as a separately elected Legislator to put forth what they believed in and have it discussed by this body. And now to punish them, we punish civic groups and their organizations? Now, nobody has done that yet and I'm hopeful that that doesn't happen, that when we look inside ourselves we will vote to override this veto and not punish all these good organizations. So we'll see, I'll be watching.

P.O. LINDSAY:
Thank you. Roll call.

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

LEG. NOWICK:
Yes to override.

LEG. ALDEN:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes to override.

LEG. BROWNING:
Pass.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes to override.

LEG. EDDINGTON:
Pass.

LEG. MONTANO:
Pass.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. HORSLEY:
Pass.

LEG. MYSTAL:
No.

LEG. STERN:
I'll pass too.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

LEG. BROWNING:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. ALDEN:

People of honor.

MR. LAUBE:
Eight.

LEG. ALDEN:
And it's interesting to look and see that none of the heads are up either.

P.O. LINDSAY:
Legislator Alden, you don't have the floor.

LEG. COOPER:
My head is high up.

LEG. ALDEN:
Oh, I don't? Okay, sorry.

P.O. LINDSAY:
If you'd like to be recognized, I'd be happy to recognize you.

LEG. ALDEN:
No, that's okay, I just got recognized.

P.O. LINDSAY:
Document No. 32, discretionary; again, it's 14 votes. I'll make a motion to override.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Please explain, Ms. Vizzini.

MS. VIZZINI:
This actually vetoes the fourth RESOLVED clause pertaining to achieving full compliance with the caps that the vote required was 14 votes. It's referenced in document 32 but it's not --

P.O. LINDSAY:
I know it's referenced, but I just don't understand it. He's vetoing the cap laws?

MS. VIZZINI:
No, he's vetoing the RESOLVED clause which references that to be in full compliance the resolution required 14 votes for approval.

P.O. LINDSAY:
Okay. Any comments? Roll call.

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

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes to override.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Pass.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
No.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. ALDEN:
No.

MR. LAUBE:
12.

MS. VIZZINI:
Mr. Presiding Officer?

P.O. LINDSAY:
Yes?

MS. VIZZINI:
Did you call the vote?

P.O. LINDSAY:
Yes, Ms. Vizzini.

MS. VIZZINI:
There is one dangling item. There was one line item in the Police District that is marked as vetoed on the attachments but was not addressed in any of the documents; it is the discretionary component of an increase in revenue in 2006. You sustained the veto on the mandated component which was document six, for consistency -- it was vetoed on the attachments, although moot in terms of the documents. I would ask that you would give me some indication if we're going to be consistent on this and the discretionary component is also sustained.

D.P.O. VILORIA-FISHER:
What number?

P.O. LINDSAY:
There isn't a number, it's just out there dangling, we never got the --

MS. VIZZINI:
It's discretionary code D-48.

LEG. LOSQUADRO:
So if there was no document is it officially --

LEG. ROMAINE:
If there's no document there's no veto.

D.P.O. VILORIA-FISHER:
Right, if there's no document there's no veto.

MS. VIZZINI:
Well, it's identified in the schedule.

LEG. ROMAINE:
But not no document.

MS. VIZZINI:
Correct.

LEG. ROMAINE:
We're using the document --

LEG. CARACAPPA:
There's no veto message either.

LEG. LOSQUADRO:
Counsel?

P.O. LINDSAY:
But it makes it easier, you can't override something you don't have. So it would stand --

LEG. ROMAINE:
He tried.

LEG. CARACAPPA:
Yeah, but will they enact it?

LEG. LOSQUADRO:
Through the chair?

D.P.O. VILORIA-FISHER:
It would be sustained.

P.O. LINDSAY:
Yeah, but you sustain the mandatory and there's no action, it's sustained.

D.P.O. VILORIA-FISHER:
Right, if there's no action it's sustained, isn't it?

LEG. ALDEN:
There's still no action, so we're sustaining the veto.

P.O. LINDSAY:
Right.

MR. NOLAN:
But you can't -- it's not like it didn't happen.

P.O. LINDSAY:
We're not saying that, but we didn't take any action on it so he vetoed it and it's sustained.

D.P.O. VILORIA-FISHER:
Right.

LEG. ALDEN:
It's vetoed.

MR. NOLAN:
Is that okay if it's vetoed?

MS. VIZZINI:
Yes, so we'll take it at face validity that it's vetoed on the discretionary schedule?

MR. NOLAN:
That's the outcome we want, right?

MS. VIZZINI:

Yes.

P.O. LINDSAY:
Okay, we'll go to the agenda. Are we complete now? Page four, the Consent Calendar.

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

LEG. LOSQUADRO:
Was that the Consent Calendar?

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Could -- that was a rather -- if I may, that was a bit of an arguous process. Could I request a short break just to stretch our legs and get up for a moment?

P.O. LINDSAY:
Absolutely, but just keep in mind we've still got the whole agenda.

LEG. LOSQUADRO:
I understand.

P.O. LINDSAY:
All right, so we'll make it short.

(*Brief Recess: 5:31 PM - 5:37 PM*)

P.O. LINDSAY:
Okay, Mr. Clerk, would you take the roll, please.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. ROMAINE:
(Not Present).

LEG. SCHNEIDERMAN:
(Not present).

LEG. BROWNING:

Here.

LEG. CARACAPPA:
I'm here.

LEG. LOSQUADRO:
Here.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.
LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present).

LEG. NOWICK:
Here.

LEG. HORSLEY:
(Not Present).

LEG. MYSTAL:
(Not Present).

LEG. STERN:
Here.

LEG. D'AMARO:
Yes, here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
Here.

P.O. LINDSAY:
Here.

LEG. ROMAINE:
I'm here.

LEG. SCHNEIDERMAN:
Here.

LEG. ALDEN:
Mr. Presiding Officer?

MS. ORTIZ:

15 (Not Present: Legislators Kennedy, Horsley & Mystal).

P.O. LINDSAY:
Yes.

LEG. ALDEN:
I have about 20 questions of law for our Legislative Counsel; no.

P.O. LINDSAY:
Okay, ***Resolutions Tabled to November 21st:***

2022-05 - Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton (Presiding Officer Lindsay). Do I have a motion? I'll make a motion to --

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
-- to table, I'll second it. All in favor? Opposed? Abstentions?

LEG. MYSTAL:
I'm here.

MS. ORTIZ:
18.

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

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Table, I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
1414-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to the HYO Suffolk County Complex Field (CP 6503)(Kennedy). Legislator Kennedy?

LEG. KENNEDY:
Well, gee, Mr. Chair, it seems that I just keep trying to go ahead and get this thing done one way or the other but, you know, we wind up with a lot of issues and a lot of problems. There's no point in trying to put it out there because it will go down again. I'll table it subject to call.

P.O. LINDSAY:
Thank you. Do we have a second to that?

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second. All in favor? Opposed? Abstentions? Tabled subject to call.

MS. ORTIZ:
18.

P.O. LINDSAY:
1525-06 - Adopting Local Law No. 2006,a Local Law to establish responsible euthanasia standards at animal shelters (Alden). Legislator Alden?

LEG. HORSLEY:
I think we tabled it and this one was subject to call, 1414.

LEG. ALDEN:
I have to table it, I'm making changes to it, I didn't get it in time.

P.O. LINDSAY:
Okay, I'll second the tabling. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
1586-06 - 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:
This is one actually, Mr. Chair, that I've gotten some commitment on the part of Brookhaven Town through the Community Development. I do not have the letter of support yet, I expect that I'm going to have it within the next cycle and hopefully we'll be able to move it then.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
So I'll table.

P.O. LINDSAY:
I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
1880-06 - To require the percentage of recycled paper used to be indicated on all publications of the County of Suffolk (Losquadro). Legislator Losquadro?

LEG. LOSQUADRO:
Motion to table, still working on it.

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

MS. ORTIZ:
18.

P.O. LINDSAY:
1885-06 - Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Day Holiday and Labor Day Holiday (Presiding Officer). I'll make a motion to table.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1894-06 - Electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel in lieu of the percentage rate of such taxes pursuant to the authority of Article 29 of the Tax Law of the State of New York in a fiscally responsible and prudent manner (County Executive). I'll make a motion to table.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2008-06 - Appropriating funds in connection with the modifications to warehouse at Board of Elections (CP 1461)(County Executive).

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper. I'll second that motion, but I think we're going to have to go forward with this very shortly. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2052-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of 4-poster machines for Tick Eradication Pilot Program on Shelter Island
(CP 4085)(Romaine). Legislator Romaine?

LEG. ROMAINE:
I'm in the minority, I'll table this.

P.O. LINDSAY:
Table, I'll second that. All in favor? Opposed? Abstentions?

2188-06 - Authorizing --

MS. ORTIZ:
18.

P.O. LINDSAY:
I'm sorry, Renee, I'm cutting you short.

MS. ORTIZ:
That's okay.

P.O. LINDSAY:
2188-06 - Authorizing conveyance of parcel bearing Suffolk County Tax Map No. 1000-015.00-05.00-025.003 to the Town of Southold pursuant to Section 72-h of the General Municipal Law (County Executive).

LEG. COOPER:
Motion to recommit to committee.

P.O. LINDSAY:
Recommit, I'll second that motion. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Abstain.

MS. ORTIZ:
17 (Abstention: Legislator Romaine).

P.O. LINDSAY:
Budget & Finance:

2100-06 - Amending the 2006 Capital Budget and Program, amending the 2006 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds in connection with improvements to Sewer District No. 7 - Medford (CP 8150)(Alden). Legislator Alden is the sponsor.

LEG. ALDEN:
This is the one that I got punished in committee but then everybody reconsidered, so whatever everybody wants to do with this. And it's in Jack Eddington's district, by the way.

P.O. LINDSAY:
Okay.

LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
Why were you the sponsor? I don't -- did I miss something?

LEG. ALDEN:
This is a resolution that people in committee needed to be convinced, but we were going to fund this last year -- not we, the County Executive came over with borrowing outside money to fund this sewer project. Then we decided in the capital deliberations for the Capital Budget Program that we

really wanted to just keep the sewer district projects within the Sewer Stabilization Fund and use the money for it. So we put a resolution out to the people of Suffolk County, they said yeah, they agree with that, and then this resolution would be a companion to that just to stay in, you know, I guess in sinc with what -- we've established a policy. But, you know, if you want to punish me on it defeat it, I don't really care.

P.O. LINDSAY:
It doesn't go into effect till January 1, but --

LEG. ALDEN:
Yeah, whatever.

P.O. LINDSAY:
Do you -- we don't have a motion. Legislator Eddington, you want to make a motion to approve?

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
And may I just say on the motion?

P.O. LINDSAY:
I recognize Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Actually, Legislator Alden, you invited us to punish you in committee, too. And when I asked Budget Review to explain to us, I wasn't certain of the Stabilization Fund, that it was actually the Sewer District Tax Stabilization Fund and that it was an appropriate use of it. This was actually voted out of committee 7-0, it was a unanimous approval. And so our only question was why Legislator Eddington hadn't been a part of the process because it was his district, but then you explained, having served on a work group and that it was something that seemed like a good idea, it would be saving the County money and we were very pleased to vote it out of committee unanimously.

LEG. ALDEN:
May I respond?

P.O. LINDSAY:
Go right ahead.

LEG. ALDEN:
Because actually at first, because it had Alden's name on it, it got tabled with pretty much no deliberation and when you did ask me about it I said exactly what I said just now, that this was something that we had talked about in the Capital Program. But then in the committee you voted to table it anyway, then you, Deputy Presiding Officer, went and made an inquiry and found out that what I had said I guess was the truth, that it was in conformity with what we had put out there to the taxpayers, then you made a motion to reconsider. But at first it was let's punish Legislator Alden because his name is on it, which personally I said at the committee, all it is is good fiscal policy and that's the only reason why I put it forward. But if you guys want to act that way and do those kind of things, then fine.

P.O. LINDSAY:
I have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

LEG. EDDINGTON:
Put me down as a cosponsor.
P.O. LINDSAY:
Economic Development, Higher Education & Energy:

2253-06 - Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for an Educational Opportunity Program 75% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. LOSQUADRO:
Motion.

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, seconded by Losquadro.
All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2277, it's a pending Bond Resolution, amending the 2006 Capital Budget and Program and appropriating funds for aviation utility infrastructure at Francis S. Gabreski Airport (CP5734).

LEG. COOPER:
Motion to approve.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Cooper and seconded by Legislator Horsley. Roll call.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. ALDEN:
And I don't know if the Chairman of this committee can -- because I don't sit on this committee. How much is a backup on approved Capital Projects? And is there any chance -- or was the question even asked, is there any chance that we're going to get to this year or within the foreseeable future?

LEG. HORSLEY:
No, I think that it was anticipated to get into '07. Ms. Vizzini, do you have a recollection on this?

LEG. ALDEN:
Your microphone's off, Wayne.

LEG. HORSLEY:
Oh, is it?

LEG. ALDEN:
Or you're not talking in it.

LEG. HORSLEY:
Yeah, maybe not.

MS. VIZZINI:
This appropriates planning money so we can begin the -- I guess the design work or the --

LEG. ALDEN:
Just maybe you can, you know, further my inquiry then. The last time I had inquired of DPW, there was a couple of hundred million dollars worth of approved projects that weren't going forward; that's the last time I looked and asked that. Maybe somebody could -- or did we -- you know, did we pursue that in committee?

LEG. HORSLEY:
Not specifically, to my recollection, but --

LEG. ALDEN:
I would challenge --

LEG. HORSLEY:
-- there was an authorization to move it, and certainly we've come to some agreements on Gabreski in particular. Is that --

LEG. ALDEN:
No, but I would just challenge the whole concept of why are we approving Capital Projects if they're just being added to a list of hundreds of millions of dollars of things that we're -- and I'll give you a for instance. Last year there was a rush right before the Christmas -- our last -- I forget what date it was, 22nd, we had a Christmas meeting.

LEG. HORSLEY:
Right, I remember.

LEG. ALDEN:
There was a rush to approve some funding for the Jail. Now, the argument was made that people were out of work and they needed the work and things like that, but we approved that over my objection and here we are a year later and not one -- not one thing has been done for that funding that we rushed last year before Christmas time to approve.

So I just really -- what is the -- what is the prudence to go forward with this? Because eventually we're going to come to a point where our bond rating is going to deteriorate because of this. We have outstanding authorized unissued debt of hundreds of millions of dollars for projects just like this. So what are we doing?

LEG. HORSLEY:
Okay. Well, let me -- I'm not going to answer the macro issue, I'll let the County Executive answer that. But concerning Gabreski, I will get back to you on the time line on when some of the projects for Gabreski, because I want them to move myself. I did a tour of it recently and I know that --

LEG. ALDEN:
I think when --

LEG. HORSLEY:
-- there are projects backed up there, so --

LEG. ALDEN:
When we approve things, I think we all want them to move, but not --

LEG. HORSLEY:
Absolutely.

LEG. ALDEN:
-- sit there for like 10 or 15 years as authorized but unissued debt. It's kind of crazy.

LEG. HORSLEY:
Duly noted.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
I would just add to some of the comments that Legislator Alden has just made. For the better part of last year, I tried to get a $144,000 sound study approved, and I was repeatedly told by the County Exec, by and through the Chief Deputy County Executive, that there was $388 million worth of Capital Projects in the pipeline that preceded my $144,000 study, and that was the rationale for the Executive's Office not to execute a contract with a vendor that an RFP had been let for and selected. And so I would equally question prudence of approving anything at this point on the Capital Budget based on several hundreds of millions of dollars that precede the project.

P.O. LINDSAY:
Okay. Roll call.

LEG. SCHNEIDERMAN:
Okay. On the --

MS. ORTIZ:
Legislator --

P.O. LINDSAY:
Oh, I'm sorry.

MS. ORTIZ:
I'm sorry.

P.O. LINDSAY:
Legislator Schneiderman, I didn't see your --

LEG. SCHNEIDERMAN:
I'm just trying to -- on this particular resolution, I'm just trying to figure out exactly what the aviation utility infrastructure at Gabreski that we're planning for is.

P.O. LINDSAY:
Do you have the backup on your computer?

LEG. SCHNEIDERMAN:
I do, though it's not clear on that.

P.O. LINDSAY:
Okay. Ms. Vizzini, do you have that?

LEG. SCHNEIDERMAN:
You know, there is a Master Plan being developed. I don't believe that this is --

MS. VIZZINI:
I don't have that information with me.

LEG. HORSLEY:
I don't either.

P.O. LINDSAY:
Okay. Do you want to table it for a cycle?

LEG. SCHNEIDERMAN:
Sure.

P.O. LINDSAY:
We have a motion to table. Do you know, Legislator Horsley, the specific project?

LEG. HORSLEY:
The absolute specificity on this?

P.O. LINDSAY:
Okay.

LEG. HORSLEY:
No, I can't.

D.P.O. VILORIA-FISHER:
I'll second the motion.

LEG. HORSLEY:
I'd have to take a look myself.

P.O. LINDSAY:
Okay. Motion to table and second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Who's the second?

D.P.O. VILORIA-FISHER:
Second.

MS. ORTIZ:
18.

P.O. LINDSAY:

2281-06- Allocating Downtown Revitalization Funds (Phase IV) and appropriating the 2006 Downtown Revitalization Funds in connection with the Suffolk County Downtown Revitalization Program (CP 6412)
(County Executive).

LEG. COOPER:
Motion to approve.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Cooper. Who was the second?

LEG. MONTANO:
I'll second it.

P.O. LINDSAY:
Legislator Montano.

LEG. KENNEDY:
On the motion, Mr. Chair?

P.O. LINDSAY:
On the motion.

LEG. KENNEDY:
If I can just get an explanation as to who the groups are that are being funded with this? I looked on the T drive there, I don't see a backup on here. Does Counsel have it?

LEG. ALDEN:
Uh-oh.

LEG. HORSLEY:
No, it's listed. Where is that?

LEG. ALDEN:
As soon as they find out who's on this list, John.

LEG. HORSLEY:
We had it for the committee meeting.

LEG. KENNEDY:
Unfortunately I don't sit on that committee, Legislator Horsley, so this is the first time I'm having the opportunity to have some dialogue.

P.O. LINDSAY:
It was attached to the paper work.

LEG. HORSLEY:
Yeah, it was.

LEG. ALDEN:
I think Budget Review bailed out on us.

LEG. HORSLEY:

They're not here, huh?

LEG. ALDEN:
This is a shame that all these questions have to be answered here and not in committee.

LEG. HORSLEY:
These were answered in committee. These were answered in committee, we had the full list.

LEG. ALDEN:
Oh, okay. I'm just wondering.

LEG. HORSLEY:
Up the middle.

P.O. LINDSAY:
Go ahead, read off the list, Counsel.

MR. BARRY:
I have Exhibit A, it's a long list. It's the Brentwood Chamber of Commerce, Port Jefferson BID, East Islip Main Street Restoration Project, Southampton Chamber of Commerce, Town of Huntington Economic Development Corporation, Greater Smithtown Chamber of Commerce, Greater Patchogue Chamber of Commerce, East Northport Chamber of Commerce, Greater Sayville Chamber of Commerce, Mt. Sinai Heritage, Great River Community Association, Chamber of Commerce of Greater Bay Shore, William Floyd Community Summit Beautification Committee, Cold Spring Harbor Main Street Association Incorporated, Huntington Village BID and Hampton Bays Beautification Association; a total of $530,000.

LEG. ALDEN:
Hey, here's your opportunity; do it line by line, go for your opportunity, guys.

LEG. HORSLEY:
We recognize that East Islip restoration.

P.O. LINDSAY:
Okay, please, through the floor, we've got a lot of business to attend. Does that answer your question, Legislator Kennedy?

LEG. KENNEDY:
Yes, thank you, Mr. Chair. I appreciate the explanation. It seems that Chambers of Commerce are entities that we want to support with one hand, but on another hand we do not.

P.O. LINDSAY:
Just to clarify something.

LEG. KENNEDY:
Yes, sir.

P.O. LINDSAY:
This was a competitive thing, we had nothing to do with that.

LEG. KENNEDY:
I recall.

P.O. LINDSAY:
If you want to vote it down, vote it down.

LEG. KENNEDY:
Mr. Chair, my rationale for inquiring as to who's involved doesn't portend where my vote will or will not go.

P.O. LINDSAY:
That's good.

LEG. KENNEDY:
As a matter of fact, I'm pleased to hear that the Town of Smithtown Chamber of Commerce is in there because that is in my district.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
I merely point out an act that we talked about ten minutes ago, it singled another Chamber of Commerce in my home town, that's all.
Thank you.

P.O. LINDSAY:
Roll call. No, we don't need a roll call on this. All right, all in favor? Opposed? Abstentions?

LEG. CARACAPPA:
Opposed.

P.O. LINDSAY:
One opposed.

MS. ORTIZ:
17 (Opposed: Legislator Caracappa).

LEG. CARACAPPA:
I don't have anything in my district, why am I going to vote for this?
P.O. LINDSAY:
1522 -- I don't have anything in my district either, Joe.

D.P.O. VILORIA-FISHER:
Motion to table.

LEG. ALDEN:
Yeah, you did, Sayville.

P.O. LINDSAY:
Oh, I did, okay.

Environment, Planning & Agriculture:

1522-06 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Peter's Property - Town of East Hampton) (Schneiderman).

D.P.O. VILORIA-FISHER:
Motion to table.

LEG. SCHNEIDERMAN:
Motion to approve.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion to approve and you're making a motion to table.

LEG. COOPER:
I'll make a motion to table subject to call.

LEG. ALDEN:
Yeah, kill it, because you speak before.

P.O. LINDSAY:
Did you want to talk?

LEG. SCHNEIDERMAN:
Why; I don't understand. Can I speak?

LEG. LOSQUADRO:
There's no second on the motion to approve.

LEG. CARACAPPA:
It's preservation politics again.

MS. ORTIZ:
Do we have any seconds?

P.O. LINDSAY:
Okay, let's just get a handle.

LEG. VILORIA-FISHER:
Mr. Chairman?
P.O. LINDSAY:
There was a motion to approve, there was a second to your motion.

LEG. ROMAINE:
Yes.

LEG. LOSQUADRO:
Yes, I seconded the motion.

P.O. LINDSAY:
Okay. And there was a motion to table subject to call and who was the second to Legislator Cooper's?

D.P.O. VILORIA-FISHER:
Nobody.

LEG. BARRAGA:
No one.

D.P.O. VILORIA-FISHER:
No one.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:
Second.

LEG. VILORIA-FISHER:
I made a motion to table.

P.O. LINDSAY:
Legislator D'Amaro is the second.

D.P.O. VILORIA-FISHER:
On the motion?

LEG. COOPER:
I'll withdraw my motion to table subject to call.

P.O. LINDSAY:
Okay, withdraw that.

LEG. COOPER:
I'll second the tabling motion.

D.P.O. VILORIA-FISHER:
Okay, he's seconding my motion to table.

P.O. LINDSAY:
Legislator Viloria-Fisher makes a motion to table and Legislator Cooper seconds that. On the motion, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
On the motion, this particular piece of property has come before the Environment Committee. It hasn't received a high rating, it has gone back to be re-evaluated several times. The Town of East Hampton, which is usually a very willing partner and very prone to supporting properties in the Town of East Hampton, has been unwilling to partner on this one; I'm concerned about that.

I'm concerned about the eagerness on the part of the property owner to convince us to acquire these properties and it would be almost as if the County were building an exten -- we're paying for an extension on his property and paying for a vista and an estate for this property owner, and I'm concerned about it. If I see more evidence that is convincing and compelling that this is a good piece of property for the people of Suffolk County to acquire I would be happy to support it, but I have thus far not seen that kind of evidence and I'm not willing to use County taxpayer dollars to create an estate for an individual.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
What a difference a week makes. The speaker who has just spoken voted for this in committee last week.

LEG. SCHNEIDERMAN:
No, it's discharged without recommendation.

P.O. LINDSAY:
It was discharged without recommendation.

LEG. ROMAINE:
Right, without recommendation, and now we're looking to send it back to committee.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No, to table it.

D.P.O. VILORIA-FISHER:
To table.

LEG. ALDEN:
Or kill it, you know.

LEG. SCHNEIDERMAN:
Can I speak?

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Look, I know that there are certain people in my community who feel very strongly about this and wanted to be here tonight and could not be here tonight. I was only making a motion to approve it believing that it would pass. If there is some concerns, I'd rather just go with the tabling so that people can come here at the public portion of the next meeting and make their case. So we can cut the discussion, it's late enough.

P.O. LINDSAY:
We have a motion to table and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2172-06 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Lorenzen Property - Town of Brookhaven) (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion to approve.

D.P.O. VILORIA-FISHER:
Second.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:

2201-06 - Making a SEQRA determination in connection with the proposed Timber Point Police Marina existing bulkhead refacing (CP 5377, Town of Islip)(Presiding Officer Lindsay).

LEG. LOSQUADRO:
Motion.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro?

LEG. LOSQUADRO:
Yes.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2202 --

LEG. MYSTAL:
Can we do same motion, same second for the next few?

P.O. LINDSAY:
That's what I'm going to do.

2202-06 - Making a SEQRA determination in connection with the proposed reconstruction of spillways at Brookside County Park (CP 7099, Sayville, Town of Islip)(Presiding Officer Lindsay). Same motion, same second, same vote.

2203-06 - Making a SEQRA determination in connection with the proposed improvements to CR 39, North Road from SR 27, Sunrise Highway to CR 38, North Sea Road, Town of Southampton (Presiding Officer Lindsay).
Same motion, same second, same vote.

2204-06 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Forge River Watershed Addition - the Estate of Derenzis Property, Town of Brookhaven)(Presiding Officer Lindsay). Same motion, same second, same vote.

2205-06 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the San Remo Floodplain-Kings Park Boat Club, Inc. Property, Town of Smithtown)(Presiding Officer Lindsay). Same motion, same second, same vote.

2206-06 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Santapogue Creek Addition - New Allied Realty Corp Property, Town of Babylon (Presiding Officer Lindsay). Same motion, same second, same vote.

2207-06 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Fresh Pond Addition - Carich Property, Town of Huntington (Presiding Officer Lindsay). Same motion, same second, same vote.

2208-06 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic-Shirley Conversation Area Addition - the Estate of Plummer Property, Town of Brookhaven (Presiding Officer Lindsay). Same motion, same second, same vote.

2209-06 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hashamomuck Pond Addition - Cardinale Property, Town of Southold (Presiding Officer Lindsay). Same motion, same second, same vote.

You want to take over for me, 2210?

D.P.O. VILORIA-FISHER:
Sure.

[COURT STENOGRAPHER - LUCIA BRAATEN]

2210 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hashamomuck Pond addition - Cardinale property, Town of Southold. Same motion, same second, same vote. ***(Vote: 18)***.

2211 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hashamomuck Pond addition - O'Hara, Dalton, Estate of Friedman and Green Property, Town of Southold. Same motion, same second, same vote.
(Vote: 18)

2212 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Emerald Estates - Kummer property, Town of Huntington. Same motion, same second, same vote. ***(Vote: 18)***

2213 **- Making a SEQRA determination in connection with the proposed installation of sidewalks on County Road 35, Park Avenue, from Lebkamp Avenue to CR 86, Broadway-Greenlawn, Town of Huntington.** Same motion, same second, same vote. ***(Vote: 18)***

2214 - Making a SEQRA determination in connection with the proposed acquisition of land for Hamlet Park purposes known as the Lake Ronkonkoma County Park addition - Commerdinger property, Town of Smithtown. Same motion, same second, same vote. ***(Vote: 18)***

2246, oh, this is a different one, but do you want me to read it?

P.O. LINDSAY:
I got it. ***2246 - Authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program for Parkland purposes - for the Thomas and Sweeney property (Town of Smithtown).***

LEG. KENNEDY:
I'll make a motion, Mr. Chair.

P.O. LINDSAY:
Motion by Legislator Kennedy, seconded by Legislator Nowick.

LEG. KENNEDY:
On the motion, Mr. Chairman.

P.O. LINDSAY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
This is to acquire a portion of the trailer park adjacent to the Lake Ronkonkoma County Park and has been an initiative that has been underway for probably 20 years. It precedes me by four or five Legislators. And I commend the County Executive's Office with Division of Real Estate for the excellent work they did in bringing this to fruition.

LEG. LOSQUADRO:
Are you a cosponsor?

P.O. LINDSAY:
All in favor.

LEG. KENNEDY:
And a cosponsor.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:
He's listed, Dan, as a cosponsor.

MS. ORTIZ:
18.

LEG. LOSQUADRO:
I just wanted to make sure.

P.O. LINDSAY:
You got it, Renee?

MS. ORTIZ:
18.

P.O. LINDSAY:
2247 - Authorizing acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the Popp property - Whispering Meadows Farm - Town of Riverhead.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

LEG. ROMAINE:
Would the Clerk please list me as a cosponsor?

P.O. LINDSAY:
2248 - Authorizing acquisition of land under the Suffolk County Save Open Space SOS Farmland Preservation and Hamlet Parks Fund - Hamlet Parks component for the Commerdinger property - Town of Smithtown.

LEG. KENNEDY:
I'll make a motion, Mr. Chair.

LEG. NOWICK:
I'll second, Mr. Chair.

P.O. LINDSAY:
Motion by Legislator Kennedy, second by Legislator Nowick.

LEG. KENNEDY:
Again, on the motion, Mr. Chair. This is --

P.O. LINDSAY:
On the motion.

LEG. KENNEDY:
This is five-and-a-half acres that's adjacent to the {Bully} Pond Preserve, and a property that at this point is over 200 years old. And, again, I commend the County Executive's Office by and through Division of Real Estate --

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
-- for the excellent work they did in bringing this about.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2249 - Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open space Preservation Program - for the Mauro property - Emerald Estates - Town of Huntington.

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by --

LEG. STERN:
Second.

P.O. LINDSAY:
-- by Legislator Cooper and seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? And Legislator Stern wanted to be listed as a cosponsor?

LEG. STERN:
Please.

P.O. LINDSAY:
Is that what you were saying?

MS. ORTIZ:
18.

P.O. LINDSAY:
Okay. ***2250 - Authorizing acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund and a conservation easement under the Multifaceted Land Preservation Program - Land Preservation Partnership - Open Space for the Westmoreland property - Town of Shelter Island.*** Legislator Romaine, do you want to make this motion?

LEG. ROMAINE:
Yes, motion, please.

P.O. LINDSAY:
Motion by Legislator Romaine. Do I have a second? Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

LEG. ROMAINE:
Clerk, please list me as a cosponsor.

P.O. LINDSAY:
2251 - Authorizing acquisition of Farmland Development Rights under the Suffolk County Community Greenways Fund, Farmland Component - for the PMM Leuthardt, LLC property - Town of Brookhaven.

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, seconded by Legislator Eddington. All in favor? Opposed? Abstention?

MS. ORTIZ:
18.

P.O. LINDSAY:
2266 - Authorizing planning steps for the acquisition under Suffolk County Multifaceted Land Preservation Program (Bay Avenue property) Town of Brookhaven. Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2272 - To appoint member of the County Planning Commission (Barbara Bagden Roberts).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper. Do I have a second?

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Second by Legislator --

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
-- Viloria-Fisher. On the motion, Legislator Alden.

LEG. ALDEN:
I'm not on this committee, but were all the proper steps taken?

D.P.O. VILORIA-FISHER:
Yes, she did appear before the committee.

LEG. ALDEN:
Because this is an initial appointment, and the qualifications are --

D.P.O. VILORIA-FISHER:
Yes. Everyone we approved appeared before the committee, unless they were a reappointment, but --

LEG. ALDEN:
And the qualifications were established as what?

D.P.O. VILORIA-FISHER:
Yes, there was a resume, yes.

LEG. ALDEN:
I don't have it in front of me, but --

D.P.O. VILORIA-FISHER:
Well, I don't -- I don't have her resume in front of me, but all of the questions were asked, we interviewed the candidates, they appeared before us, and we approved them because of their qualifications.

LEG. ALDEN:
She has the time and everything else to devote to it? Because this is unpaid, right?

D.P.O. VILORIA-FISHER:
This is unpaid.

LEG. ALDEN:
Unpaid, so it's voluntary. All right.

D.P.O. VILORIA-FISHER:
I think it's unpaid, the --

P.O. LINDSAY:
Yes. Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
I.R. 2274 - Amending the Adopted 2006 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to Patchogue Bay @ CR 36, South County Road, Town of Brookhaven (CP 8240.113). Legislator Eddington, you want to make a motion?

LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
Okay. Second by Legislator --

LEG. BROWNING:
Second.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
-- by Legislator Browning. On the motion, Legislator Alden.

LEG. ALDEN:
Just again, to the Committee Chair, through the Chair of this body, this is a bricks and mortar project?

D.P.O. VILORIA-FISHER:
This is the presentation that you were looking at earlier this morning regarding the storm water remediation.

LEG. ALDEN:

Is he still here, because I did have a couple of -- I did have a couple of questions as to what technology they're using in there.

P.O. LINDSAY:
Is Mr. Hillman in the building?

LEG. ALDEN:
And here's the reason why. A couple of years ago --

D.P.O. VILORIA-FISHER:
Would you like to pass over it --

LEG. ALDEN:
No, no, no. You know what, we'll pass it --

D.P.O. VILORIA-FISHER:
-- because he said he would be available, if we can get him back.

LEG. ALDEN:
We'll pass it, and then, if we have to amend it or something, because --

P.O. LINDSAY:
There is -- there is the handout that showed the technology they were using. Here it is.

LEG. ALDEN:
Yeah, because there's been a couple of years where we haven't done -- no, I got this before.

D.P.O. VILORIA-FISHER:
Well, actually, this is good news, because we have been waiting to do this for a couple of years. They said that they have been exploring the different technologies, that some of the technologies that came before them didn't really measure up to everything that the -- that the providers or the manufacturer had said.

LEG. ALDEN:
Well, there's a problem with that, too, because some of the providers said that every time they went for the testing, then the bar was --

D.P.O. VILORIA-FISHER:
They raised the standards.

LEG. ALDEN:
The bar was moved, that they weren't -- you know, it wasn't apples to apples. So I'm glad to see that we're doing something, because, really, what we've been doing in the past with the 477 money is just spending it on their salaries. And today, I think we took some positive steps and moved some of those people back out of the 477, put them where they belong. This is good news, then. So, I --

D.P.O. VILORIA-FISHER:
And this is actually putting the filters or the measures in.

LEG. ALDEN:
I'll be happy to actually vote for this.

P.O. LINDSAY:
Okay. We have a motion and a second. Do you have that, Madam Clerk?

MS. ORTIZ:
Yes, I do.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
Okay. ***2279 - Authorizing the acquisition of land pursuant to consent judgment and under the New Suffolk County Drinking Water Protection Program - Open Space component for the Dosiak property - Pine Barrens Core Area, Town of Brookhaven.***

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Would the Clerk please list me as a cosponsor?

MS. ORTIZ:
18.

P.O. LINDSAY:
2342 - Confirming the appointment of County Commissioner of Environment and Energy (Carrie Meek Gallagher). And a motion by Legislator Viloria-Fisher.

LEG. COOPER:
Second.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by --

D.P.O. VILORIA-FISHER:
She's John's what-do-you-call-it?

LEG. COOPER:
Oh, that's fine.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:

Legislator Kennedy. On the motion, Legislator Alden.

LEG. ALDEN:
Once again, I'm not on this committee, and one of the last Commissioners I voted for, I asked the question of whether they lived in Suffolk County and found out that they didn't live in Suffolk County, so I hope somebody would have asked that question at least.

D.P.O. VILORIA-FISHER:
Yes. In fact, she lives in Legislator Kennedy's district.

LEG. ALDEN:
Good. She's well qualified?

D.P.O. VILORIA-FISHER:
And she was born and raised in my district. She is someone who has a great deal of experience. She interviewed very well in our committee, and her resume was very, very impressive.

LEG. ALDEN:
So that if I vote for this, I'm not going to get embarrassed like with that other Commissioner? Okay.

D.P.O. VILORIA-FISHER:
The committee was very -- before we leave the Environment Committee, I would just like to make one more comment. I would like everyone to look at the acquisitions and see that the West End of Suffolk is certainly very well represented, that the acquisitions are throughout Suffolk County and not just the East End.

P.O. LINDSAY:
We have a motion and a second on the appointment --

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
-- of County Commissioner, Carrie Meek Gallagher.

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I remember when we formed the Department of Energy and Environment, and there was some debate, I think, that I had initiated over the qualifications for what the Commissioner would be. And I just want to make sure, though I don't think I got everything I wanted in terms of background, I want to make sure that the background that we did accept, that this person was checked to make sure, and I'm sure she is, but just for the record, maybe Counsel can say that -- now, this is like ten years of past experience, plus a Masters Degree and --

D.P.O. VILORIA-FISHER:
She has a Masters Degree. I think it's --

LEG. SCHNEIDERMAN:
Well, I'd like Counsel to answer that.

D.P.O. VILORIA-FISHER:

Oh, I'm sorry. Okay.

LEG. SCHNEIDERMAN:
Sorry. I have nothing against the candidate. I think she'll be a fine Commissioner. I just want to make sure that we are -- we've met the standards that we put into the language in the Charter in terms of the Commissioner.

LEG. ALDEN:
The majority doesn't care, they just want to pass it. They don't care about qualifications.

P.O. LINDSAY:
Legislator Alden, you don't have the floor.

LEG. ALDEN:
I'm just filling in the --

MR. BARRY:
The qualifications, that the Commissioner shall have at least either a four-year college diploma, or five years of experiencing -- five years of experience managing a function or area of activity that falls within the jurisdiction of the department, so I believe she falls within that.

LEG. HORSLEY:
She does.

LEG. SCHNEIDERMAN:
So, yes, she meets --

MR. BARRY:
She meets that criteria.

LEG. SCHNEIDERMAN:
It's or? A four-year college degree or?

MR. BARRY:
Either a four-year college diploma, or five years of experience managing a function that would fall under the department. She has at least a four-year college diploma.

LEG. SCHNEIDERMAN:
Yeah. I certainly hope she goes far beyond that. And it was those criteria, if you recall, that I felt were not sufficient alone, that somebody with a four-year degree of philosophy -- in philosophy or political science, or whatever it might be, could manage a department of this size and manage people who had civil service requirements that were far in excess of that. However, I'm sure that this individual is eminently qualified for the position.

P.O. LINDSAY:
The chairman of the EPA Committee would like to respond, because they did interview her. Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
I would just like to say that as far as educational competence, she certainly is beyond a Masters Degree. She also has more than five years experience in related fields. As you recall, she was also a member of the Rausch Foundation, worked on the index for a number of years. She has -- was a member of the Planning Commission. She has been working in the Planning Department, but that's only seven months. So we were very pleased with the resume that came before us in the Environment Committee, and certainly exceeds any criteria that had been set before us for this position.

LEG. SCHNEIDERMAN:
Okay, thank you, because I was not at that committee. I just really wanted to make sure that we were following the statute, which we are.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
I just wanted to add that I believe she did her Masters thesis on the Pine Barrens.

D.P.O. VILORIA-FISHER:
Yes, her Masters thesis was on the Pine Barrens.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:
2113 - Adopting a Local Law to regulate the use of outdoor wood burning devices in Suffolk County. Motion to approve by Legislator Eddington. Is there a second?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper.

LEG. LOSQUADRO:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Losquadro.

LEG. CARACAPPA:
Second.

P.O. LINDSAY:
Second by Legislator Caracappa.

LEG. LOSQUADRO:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. LOSQUADRO:
In light of some of the information that has come out in the media recently, I feel that this legislation may be a bit far-reaching, and we may want to take another look at this to make sure that we're not discouraging the use of -- I know what the intention of this legislation is, but I'm concerned that it may be a bit far-reaching in discouraging individuals who may legitimately want to use alternative fuels, other than natural gas and fuel oil, and may prohibit them unnecessarily from

being able to operate wood burning stoves for their homes.

P.O. LINDSAY:
Legislator Eddington, you want to reply?

LEG. EDDINGTON:
Yeah. I was -- tried to be as specific as possible. This has nothing to do with wood burning stoves in the home or fireplaces. It respond -- I responded to a couple of constituents who have neighbors that have literally burning devices that are six-foot-by-six-foot-by-six-foot outside in the backyard attached to their indoor heating system and they burn old furniture, Christmas trees. They actually go around the community, picking up anything. And it looks -- I visited two sites like this in my area and it looks like a cloud covering the whole block. And I talked to the environmentalists, they said it is very toxic and that it should be taken away.

P.O. LINDSAY:
Legislator Alden, you want to comment?

LEG. ALDEN:
Well, actually just in light of what Legislator Eddington just said, these people sound like they're trying to heat their house or provide hot water for bathing, and now we're going to take and put our nose in their business and tell them, "No, we're not going to do that." I mean, how absurd are we going to get? Are we going to tell people like how many times they can start up their lawn mowers, because we don't like the fumes? We're going to tell people, "We don't want you making a fire in the backyard so you can heat your house"? I mean, that's getting a little bit like way over the edge.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. This is a question for Counsel. Under the current proposed resolution, would {chimarias} be banned?

LEG. ALDEN:
Sure, if it's wood burning.

LEG. EDDINGTON:
No, no.

LEG. ROMAINE:
Chimineas.

D.P.O. VILORIA-FISHER:
No.

MR. BARRY:
No. Actually, the definition of "outdoor wood burning device" specifically excludes fire pits, outdoor fireplaces and wood fired barbecues.

LEG. ROMAINE:
Okay.

MR. BARRY:
So a chiminea would be excluded.

LEG. ROMAINE:
I just want to know I can still barbecue my steaks in Suffolk.

P.O. LINDSAY:
We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

LEG. LOSQUADRO:
We had a motion to table.

LEG. ROMAINE:
Table, motion to table.

D.P.O. VILORIA-FISHER:
Oh, wait. To which motion are you referring to?

MS. ORTIZ:
Is this the tabling motion?

LEG. SCHNEIDERMAN:
Motion to table.

P.O. LINDSAY:
Oh, I'm sorry, it was a tabling motion.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Forgive me, I'm sorry. This is a motion on the tabling. All in favor? Opposed?

LEG. COOPER:
Opposed.

D.P.O. VILORIA-FISHER:
Opposed.

P.O. LINDSAY:
Opposed.

MS. ORTIZ:
Six.

D.P.O. VILORIA-FISHER:
And there's a motion to approve.

MS. ORTIZ:
There was another motion.

P.O. LINDSAY:
Yes. But the tabling motion failed?

MS. ORTIZ:
Yes.

P.O. LINDSAY:

Okay. Motion to approve. All in favor?

LEG. D'AMARO:
Mr. Chairman, just on the motion very quickly. Just for the information of my colleagues on the Legislature, I, just by coincidence, had been looking at similar legislation based on a constituent working with me in my district to regulate the use of wood burning outdoor stoves, and I've read a lot of the literature concerning this type of wood burning, and it, in fact, based on what I've read and what I've been told, and I've looked at some of the expert reports, it, in fact, is more carcinogenic than secondhand smoke, and it is -- I think, you now, we are well within our rights to regulate this type of activity and come down on the side of the public safety and health and welfare, so I intend to support the motion to approve.

LEG. LOSQUADRO:
On the motion.

P.O. LINDSAY:
Go ahead, Legislator Losquadro.

LEG. LOSQUADRO:
I certainly think that there are portions of this bill that would merit consideration, such as limiting the type of fuel that can be burned in them to exclude painted, stained, chemically treated, laminated or glued, those types of items which do give off noxious, and carcinogenic, and potentially dangerous chemicals into the air. But some of the other components of this bill, I think that they should not be installed or operated within 1,000 feet of a residential building not served by an outdoor wood burning device. I think that if there are individuals who want to comply with restrictions that we put on them to burn clean wood in them, then we should not prohibit other individuals from installing them and operating them in a clean manner, as Legislator Alden pointed out, you know. And I can speak from experience, I know when I took down some trees in my front yard, the tree company asked if I wanted to take them away. I said no. I stacked them all out front. Within two days, folks who operate their own wood stoves, and, for all I know, it could have been an outdoor wood burning device, came and took all the wood, because they're always on the lookout for free fire wood to provide heat for their homes.

LEG. D'AMARO:
If I could respond very briefly. I appreciate those comments, and that was my concern also, can you burn clean wood, for lack of a better term. And the studies that I'm referring to and the expert's reports that I'm referring to were about clean wood. What people don't realize, when you choose to have a fireplace in your home, it is very risky and, in fact, very dangerous. It's like living in a cloud of secondhand smoke. And that's the reports and the studies that I've looked at.

LEG. LOSQUADRO:
So, through the Chair, if I may respond just very briefly before we get to Legislator Eddington. I really have to go back to Legislator Alden now, because I don't think we're within our right to be -- because it sounds like the next step is tell people they can't have fireplaces, so I'm definitely opposed to this now.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Actually --

LEG. D'AMARO:
Well, if I could --

LEG. EDDINGTON:

Yes. And, actually, the wood that Legislator Losquadro mentioned is not seasoned wood and is, in fact, one of the worst things to burn. It has to be seasoned wood. But the studies that Legislator D'Amaro is speaking about also talks about wood. This is a chimney that is approximately seven feet in height, and it's not even over the second story of the neighbor's house, which is 20 feet away. I'm talking about clouds of smoke that look like the whole block is in a cloud. You only have to visit it and I did. So there's no way I would withdraw this, and I'd like it to be approved.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. One other question I guess comes to mind, as far as the debate on this, and I don't recall it coming up in committee. But to the sponsor, have you had any inquiry with the Health Department to determine about the Suffolk County Department of Health, the New York State Department of Environmental Conservation's regulation of ambient smoke conditions, which right now, under the Sanitary Code and Public Health Law, the Health Department is charged with enforcing. I've had occasion where there have been restaurants and other entities in my district that have given off noxious odors. And, clearly, under the statutes, that's where responsibility lies for enforcement at this point.

LEG. EDDINGTON:
The Health Department supports this. And, actually, I'd have to ask Counsel. There a New York State proposal also, and I believe Islip has passed it and Brookhaven Town also has also passed regulation.

LEG. KENNEDY:
Well, then I go to Counsel about preemption.

MR. BARRY:
As yet, there is no State Law governing this issue, per se, but this -- well, this resolution includes a clause that says that any moral restrictive town legislation will govern.

LEG. KENNEDY:
I'll yield, okay.

LEG. D'AMARO:
And, Mr. Chair, if I could just respond very briefly also.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. I don't want to ban fireplaces, that is not my logical conclusion of this bill. I always try to analyze legislation from a perspective of how would I feel. And, you know, if I lived next door to a home with a fireplace, you know, it's there, you know it's burning, it's not too bad, but, you know, the fact of the matter is, when you live next to one of these wood burning stoves, you are inhaling clouds of smoke on a regular basis, and to me, there's a distinction there. So, you know, again, I'm not -- I'm not advocating for banning fireplaces in people's homes, but I think, you know, we can address one major problem of outdoor wood burning stoves while not addressing a lesser problem of people making a choice in their own homes.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Well, I have two points to make. One, I'm glad to hear the way you analyze legislation, because,

obviously, you used that same feeling on Document Number 31 when you cast your vote in a negative fashion that, oh, yeah, let's just hurt senior citizens and chambers of commerces and after school programs. So I'm glad you use that kind of reasoning.

But getting back to this, who enforces this law when -- if and when we pass this, which it looks like the majority's going to do something here. But if we pass this, who enforces this? Because now just a little thing popped into my head, the smoke police driving around, not doing inspections on eating establishments from the Health Department, but, you know, looking for smoke. So Smokey the Bear would be a -- maybe we could get a group of bears or something to go out and find the smoke.

P.O. LINDSAY:
Legislator Schneiderman has been waiting.

LEG. ALDEN:
No. I had a question, though. Who enforces this?

P.O. LINDSAY:
Well, obviously, the Health Department enforces it.

LEG. ALDEN:
Yeah, but how? Are they going to take Sanitarians away from their duties of going out and inspecting food establishments and now they're going to drive around and try to find smoke; is that the way we're doing this?

LEG. MYSTAL:
Somebody reports it.

LEG. ALDEN:
This is brilliant.

D.P.O. VILORIA-FISHER:
Probably reports or complaints.

P.O. LINDSAY:
The Health Department will enforce it. Legislator Schneiderman.

D.P.O. VILORIA-FISHER:
Complaints and reports.

LEG. SCHNEIDERMAN:
This piece of legislation does need more work, and let me explain why. We all know about the high cost of heat, and some people are in a very difficult -- having a very difficult time meeting the cost of living here, deciding whether to heat their homes or feed their families. We certainly don't want to do anything to make their burden more difficult. And we know that some people are going to turn to whatever's the least expensive form, and that may be wood heat. And let's assume that somebody complies with most of this bill, which is to say they're only going to burn clean wood, they're going to install a 20 foot chimney, there's still a problem, and the problem lies in the -- what is it? One of the provisions. I think it's the -- number two that says they have to be a thousand feet away from any other residents. And, frankly, the people who are most likely to need this are going to live in neighborhoods that are more densely -- more densely populated. It's going to be impossible, basically, to find somebody who's a thousand feet away. I'm certainly not a thousand feet away from my nearest resident. So this will effectively prohibit them all. And, you know, I could see trying to go after people who are burning materials that are more polluting, and all glued woods and things like that, but this thousand-foot provision makes it impossible, and that's really going to hurt the little guy. And I don't think we should be doing that. I just think that Mr.

Eddington ought to accept the tabling and work on it, come up with a more reasonable distance of separation, and then I think he could have my support at least.

P.O. LINDSAY:
I've got Legislator Alden and then Caracappa.

LEG. ALDEN:
Yeah. I asked before, and whether Budget Review can answer this or Legislative Counsel or the Committee Chairman, because, obviously, the Health Department came before you and supported this, who is going to -- the Health Department is going to enforce this. Who in the Health Department is going to go and enforce this, and how is it going to be enforced? Is it on a call-in basis, that, "Oh, I smell smoke," or "I see smoke", or is it just people riding around to try to prevent people from having to breathe in this smoke? How is this going to be enforced? And then the question is, are we taking away from other valuable department functions? Because last time I talked to the Health Department, well, the Commissioner wasn't very helpful, but some of the people that are under the Commissioner said that they were basically, in certain areas, they didn't have enough people to enforce the laws as they exist now. So I'd just like to find out how we're not overburdening the Health Department, because this sounds really like some well -- not well thought out legislation. If somebody could answer that question, I'd like an answer.

P.O. LINDSAY:
Would the Chair of the Health Committee like to answer that?

LEG. MYSTAL:
I've been trying to stay quiet all day long.

LEG. CARACAPPA:
Keep trying.

LEG. MYSTAL:
The Health Department will enforce, exactly enforce the law. The law most likely, as we pass many laws around here, really are going to be enforced by other people who report a condition, which will then be followed up by the Health Department. No, we're not going to have policemen or sanitarians going out to -- as smoke detectors, the same way we don't have too many people in the Health Department enforcing a smoking ban in bars and restaurants. Usually, they are reported to the Health Department by other -- by other customers, you know. And number two thing, there aren't -- contrary to what anybody is saying around here, there aren't too many people with outdoor devices burning wood to heat up their home. You know, there are very, very few. Those who are there are nuisance to everybody else. I can understand a family trying to heat their home, you know, there are very, very few. Those who are there are a nuisance to everybody else. And I can understand a family trying to heat their home, but why do I want a family to heat their home because they want to save some money, but, at the same time, intoxicating and bothering the neighbors around them and distributing toxic fumes? So, no, we're not going to have a smoke police, Legislator Alden, it will be reported by neighbors.

LEG. ALDEN:
And, through the Chair, when somebody came from the Health Department, so I realize we're just targeting one person, basically, but when somebody came from the Health Department, who would be sent on that complaint basis, would it be a sanitarian, would it be management, or who's going to be sent out?

LEG. MYSTAL:
Legislator Alden, no, I do not know what the Commissioner or the Acting Commissioner of the Health Department will send out. I'm not in the business of micromanaging their department. They will send the appropriate person as they determine who it will be.

LEG. ALDEN:
But these are the questions that should be developed --

LEG. MYSTAL:
I don't know --

LEG. ALDEN:
-- in committee, because, if it's going to take away from other duties that are important, those are things we should know. We've got to do a lot more homework in committee.

LEG. MYSTAL:
If they're going to do -- if they're going to do more, more work, they're going to take more -- if they're going to take a person away from one duty, then it will be their -- it will be their responsibility to come to us and say, "I need more people to do the job." But I don't think we are going to have 50, or a 100, or 200 complaints of people burning -- with a wood burning device in their home in the whole County of Suffolk.

P.O. LINDSAY:
Okay. Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Mr. Chairman. To the sponsor or to Counsel, is there a provision that allows for, in case of emergency, a major power outage, natural catastrophe of some sort, where these people who might have these units, that they would be able to fire them up in case that did happen?

LEG. ALDEN:
To heat their home?

LEG. CARACAPPA:
To heat their home, a winter storm, blizzard. I think that's important --

LEG. ALDEN:
Joe, it's only for this one guy.

LEG. CARACAPPA:
Yeah, I know, it seems that way. But if it is regulating it, I think a fair whereas clause, or something of that nature, put into the bill, where it allows them, in case of a natural disaster or of an emergency, a power outage, to heat their home on an emergency basis. Does that exist?

MR. BARRY:
In this resolution, no there is no provision for that.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
I have one constituent, I believe, in East Northport that's come to me with this exact problem for about three years now, and my recollection is an elderly couple. I believe the wife has emphysema, and their next door neighbor has an outdoor wood burning stove. The smoke is so bad that they have to keep every window at their house shut. And this has been going on for three years, and they've turned in desperation to the County in the past. The County has sent inspectors out to the house, they have measured the smoke levels. They've admitted there's a health problem, but their hands were tied, there were no laws on the books. So I think that this is welcome legislation. I think it's a real public safety health issue, and I would hope that we can move forward.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I wanted to clarify, it's actually Requirement Number 3, not Requirement Number 2 that requires a thousand foot separation to the nearest house, which effectively bans these devices anywhere in Suffolk County, with the exception of a few very large lots out in the woods somewhere. I don't think that that's the right direction to go. And, you know, what it basically says is I can go into my fireplace and put in clean wood and burn it in a 20-foot chimney, but I can't outside in the exact same condition, because I'm closer 1,000 feet to the next house. There's something wrong with that, and just there's got to be a more reasonable separation, and I'd like to see it amended so that I could support it.

P.O. LINDSAY:
If you want to talk, Legislator Eddington. Okay, Legislator Barraga.

LEG. BARRAGA:
I just wanted to ask the sponsor a question. Is your legislation prospective? I mean, if it's passed and it takes effect, is it only prospective in terms of the future, or does it affect everybody who currently has one of these outdoor wood burning stoves.

LEG. EDDINGTON:
No. It's -- it would, in fact, affect everybody that has it. And this is not -- I wish this was proactive in my response, but it's reactive, because I've been called to a couple of homes. And just like I wouldn't say on a rainy day you can go inside and smoke, I just can't -- I can't change what I saw, and these were -- these were homes where the women and the men and the children had to stay indoors from September until like April. And they showed me videos. I wish I had brought the video, because if you had saw the video of these three or four houses on this block that were engulfed in this cloud, I don't think there'd be any resistance. And since I've seen it, I have to go with what I saw.

LEG. BARRAGA:
You know, I think there would be greater acceptance of the bill, though, if it was prospective, this way it wouldn't have any effect whatsoever on anybody who currently has one of these outdoor wood burning stoves, and, you know, because, obviously, there's an economic reason associated with this. I understand the carcinogenic effects, that's a major problem, but in terms of getting support for the bill, sometimes it's better just to make something prospective, so, in the future, no one can do this. If you have it now, you continue to have it, but if you sell the home or you move, that's the end of it.

LEG. EDDINGTON:
Just to respond through the Chair. I hear what you're saying, and if it wasn't that it's there now, I would say in the future, but I can't not offer the help to the families on that block that have to deal with it. I can't guarantee this man that's running this is going to move. And the only other option, then, is for the whole block to move, and that's what they've told me they've considered. And I'm sorry, but I just have to go with what I saw.

LEG. SCHNEIDERMAN:
Bill, I'm sorry, one -- very quick.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I'm just concerned that there's going to be certain individuals, if this bill passes, that suddenly, possibly their only source of heat will be illegal this winter. And, you know, there's no way that they're more than a thousand feet from the nearest house, so they suddenly become illegal.

They've spent money on this system, it's their only form of heat. We've got to fix it.

P.O. LINDSAY:
Last word?

LEG. EDDINGTON:
Could I have Counsel just respond to the effective date?

MR. BARRY:
The law, if passed and signed by the County Executive, will take effect 90 days after filing with the Secretary of State. At that date, it will apply to all newly installed outdoor wood burning devices. However, there will be 180 days from that date for current outdoor wood burning devices to come into compliance with the law. So it's a period of time that's indeterminate based on when it's filed in the Office of the Secretary of State.

P.O. LINDSAY:
Anybody else? Everybody all talked out? All in favor? Opposed? Abstentions?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. ROMAINE:
Roll call.

MS. ORTIZ:
Roll call?

P.O. LINDSAY:
Okay, roll call.

LEG. ROMAINE:
Is this on the tabling motion?

LEG. SCHNEIDERMAN:
Oh, wait. Is this on the tabling? Because I made a motion to table.

LEG. ALDEN:
No, this is on the approval.

LEG. SCHNEIDERMAN:
We haven't voted on the tabling.

LEG. ALDEN:
The tabling failed.

LEG. SCHNEIDERMAN:
The tabling failed? Okay.

LEG. ALDEN:
I think.

LEG. ROMAINE:
Okay.

LEG. MYSTAL:
Tabling failed already.

MS. ORTIZ:
Tabling? Tabling failed.

LEG. ALDEN:
Tabling failed. This is on approval.

MS. ORTIZ:
Okay. Roll call?

P.O. LINDSAY:
Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MS. ORTIZ:
10.

P.O. LINDSAY:
2185 - Adopting a Local Law to integrate County Department of Environment and Energy into full implementation of the County Pest Control Policy. Do I have a motion?

LEG. MYSTAL:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Mystal. Do I have a second?

D.P.O. VILORIA-FISHER:
Yes, second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. ALDEN:
On the motion. What is it, and how much will it cost? Maybe the Chair could --

MS. VIZZINI:
Basically, this resolution incorporates the Commissioner of Environment and Energy into the Task Force or Commission that discusses the pesticide policies. There really is no fiscal impact.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
17 -- oh, I'm sorry, 18.

P.O. LINDSAY:
2262 - Approving the appointment of James T. Sorrentino to the Suffolk County Disabilities Advisory Board - Group D.

LEG. MYSTAL:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Mystal. Do I have a second? I'll second it.

LEG. ALDEN:

Through the Chair.

P.O. LINDSAY:
Through the Chair, Legislator Alden.

LEG. ALDEN:
If the Chair of the committee can answer it, did James T. Sorrentino come before the committee? Is he qualified? Does he have the time to serve on here? I believe that this is an unpaid voluntary basis.

LEG. MYSTAL:
Yes, he came to the committee. He's qualified. He sits in a wheelchair. And the members of the Committee didn't ask him any questions. He's been volunteering on the Advisory Board for a long time. He's been around disability. He's a disabled person himself.

LEG. ALDEN:
Okay. But now we're going to actually appoint him to the committee.

LEG. MYSTAL:
Yes, he is going to be.

LEG. ALDEN:
Good. Good work, Elie.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
Okay. ***2275 is a bonding resolution, amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of equipment for health centers.*** And I'm being told by Counsel that this is a three-quarter vote. I'll make a motion.

D.P.O. VILORIA-FISHER:
I second it.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
Budget Review, how much is this for? Because we're bonding this.

MS. VIZZINI:
The serial bonds would be $241,085.

LEG. ALDEN:
And then to the Chair of the Committee, did they say they can get this done pretty fast, they could purchase this equipment pretty fast or -- because remember what happened when we approved the

digital mammography unit? It was over a year before we even started to renovate, so we could put it in the health center. So, again, I don't want to buy something, then two years from now, you know, find out that, oh, we didn't bother buying it, we didn't bother putting it in, but maybe you can answer that.

LEG. MYSTAL:
They are asking for the money, so they can start the process of bonding, because they can't -- you can't just walk into a department store and buy it, you have to start the process. So the money, if appropriated, would be -- it will start the process of buying the different equipment.

LEG. ALDEN:
And when it says amending the Capital Budget, what project are they kicking out to put this one in?

LEG. MYSTAL:
We'll refer to Gail for that, I don't know.

MS. VIZZINI:
The amending part is changing the funding from General Fund. It was equipment, so it was originally included in the '06 adopted as General Fund transfers. This breaks it out into 241,000 for serial bonds and allows $47,000 in cash.

LEG. ALDEN:
One final question. If this had been -- or if we had been doing, 5-25-5, would this have qualified or not qualified for Capital, for the Capital Budget?

MS. VIZZINI:
Well, this is -- this is actually being purchased through the Capital Budget.

LEG. ALDEN:
Right, because we waived the requirements of 5-25-5. If we still had the requirements of the 5-25-5 and we're strictly adhering to it, which is a good fiscal policy for the people of Suffolk County, would this have qualified, or this just --

MS. VIZZINI:
Yes. We originally adopted General Fund transfers for this project.

LEG. ALDEN:
So this should have been paid cash.

MS. VIZZINI:
It certainly could have qualified for General Fund transfers.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Again, Legislator Alden's questions bring up other questions that I have, and I'll go to Gail with this one. Generally, my experience in the past, when I was in a prior life here in the County, is that most acquisitions existed or purchasing functioned only up and through the latter part of October. Any departmental requests that went beyond that time were put over to the next year. They just did not do or had -- did not have the ability to go ahead and do the vouchering and the purchasing processes in the end of the year. That being the case, today being November 21st, even if we act on this, what's the likelihood that there's going to be any kind of acquisition on this

before December 31st?

MS. VIZZINI:
Legislator Kennedy, you are thinking in terms of the Operating Budget and departments' ability to purchase in the Operating Budget. The beauty of using either serial bonds through the Capital or transferring General Fund monies to the Capital is you have time. This would be purchased from the serial bonds and it goes through a different, somewhat different process.

LEG. KENNEDY:
So the actions today are not going to be impacted by the calendar in December 31st?

MS. VIZZINI:
No. The close-outs pertain to Operating Budget expenditures.

LEG. KENNEDY:
Okay. Thank you.

P.O. LINDSAY:
Okay. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Abstain.

MS. ORTIZ:
11.

P.O. LINDSAY:
The resolution fails, and the accompanying 2275 becomes moot.

PARKS AND RECREATION

Parks and Recreation. Creating a Trap and Skeet Search Committee. Legislator Browning.

LEG. BROWNING:
Motion to approve.

P.O. LINDSAY:
Motion to approve. Do I have a second?

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
We listened to testimony this morning and I think it was fairly convincing. This is a piece of legislation that was designed to have an outcome right from the very beginning, which is basically against the Trap and Skeet Range being where it is right now. So, for that reason, I'm not going to

support this, because it's really -- it's basically a lie to the people. We're not going to do real work here, we're just going to -- we have a forgone or predetermined solution, so why go through this? I can't support it.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Mr. Chairman, if I'm not mistaken, we already have a vendor for our Skeet and Trap Range, and yet, the vendor, who has the most knowledge of the conditions that would be required for an alternative site, was excluded from this committee, and a person that's living next to the current site is supposed to be selected. It's very clear that this resolution, as my colleagues say, seems to have a design preconclusion, which is not really what a search committee should do. It should come a priori without any preconceived notions and take a look at our inventory, which is out there. I think the point that was made by
Mr. Cushman from SAFE was a very good point. And, certainly, if the sponsor wants to amend her resolution, we certainly could offer support. But the way it's currently designed, it doesn't seem to be a fair and impartial approach to a search committee. Thank you.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
I have a question, I guess, for Legislator Alden, but I asked the same question of John Cushman. I really didn't get a satisfactory answer. I honestly don't understand. I think his concern was by having a local resident on the search committee, that somehow it would lead to a predetermined outcome, or I think you had mentioned a preconclusion. I don't understand the logic of that. I mean, what is that preconclusion, if I could -- for my own edification.

LEG. ALDEN:
Should I answer that or --

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
Jon, I'm not really -- I don't owe you an explanation, just like you don't owe me an explanation why you voted against senior citizens getting funded, you voted against --

P.O. LINDSAY:
So, if you don't want to answer it, don't answer it; okay?

LEG. ALDEN:
I'm answering it.

P.O. LINDSAY:
No, you're not answering it. You're saying you're refusing to answer it.

LEG. ALDEN:
That's an answer.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. ALDEN:
Maybe you don't like the answer and maybe Legislator Cooper doesn't like the answer, but he put

me on the spot. I have the right as a Legislator to answer. You can rule against me.

P.O. LINDSAY:
And you're saying you're not answering it.

LEG. ALDEN:
I'm in the Minority. You can -- you could silence me.

P.O. LINDSAY:
That's fine, you're not answering.

LEG. ALDEN:
That's it, fine. Let tyranny --

P.O. LINDSAY:
No, it's over. Legislator Fisher.

LEG. ALDEN:
Let tyranny rule the day.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. ALDEN:
Nice way to run a meeting.

P.O. LINDSAY:
I will call a recess if this continues.

LEG. ALDEN:
Do what you got to do.

P.O. LINDSAY:
All right?

LEG. ALDEN:
Do what you got to do.

P.O. LINDSAY:
But you are not going to disrupt this meeting any further.

LEG. ALDEN:
Oh, how about when I'm challenged by another Legislator?

P.O. LINDSAY:
You are not going to disrupt this meeting any further.

LEG. ALDEN:
Oh, that's right, he's in the Majority.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. ALDEN:
Good way to run it.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. As a member of the Parks Committee, I have heard the testimony regarding this particular legislation, and I would just like to respond to a couple of the issues.

Regarding the vendor being part of the committee, I don't know if ethically that would be a wise thing to do, because he has a vested and monetary interest in it, and so it probably wouldn't be good judgment to include him, although he certainly has a great deal of experience.

Legislator Browning had talked to us about her reasons for having somebody from the community on the committee, people who have a sense of what it's like to live near a Trap and Skeet Range.

And with regards to what Legislator Romaine said, which is this committee having an a priori statement before they begin the process, and saying that it would negate the use of the current Trap and Skeet, they're looking for another location. They're not, I don't believe, passing judgment on whether or not we should continue on this location, unless I'm misreading the legislation. Therefore, I think it would be to the benefit of the current Trap and Skeet location to have someone in that area they wouldn't want it to come back there, so they would be looking for another location.

The third is that regarding what Mr. Cushman said, again, that was about the member being from that district, and the response that appeared in the Parks Committee was that there are -- there's certainly ample opportunity for people from other Legislative Districts to also be members of the committee, because the appointments could make -- could be made from different areas of Suffolk County.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I just want to way in on that as the Chairwoman of this committee. I, too, was opposed to this, because of -- I couldn't understand putting somebody in from the Third Legislative District. But Legislator Browning did explain something to me that did make sense. What she was trying to say was the reason someone else -- someone from the Third Legislative District is there is not justifying someplace else to put the Trap and Skeet, it was that they could speak from authority on the subject, this is what you can expect, this is why it's good, this is why it's not good. And, according to the resolution, there are members from other Legislative Districts. So it seems to be kind of a rounded committee. And let's give them a shot, maybe they'll come up with something good.

P.O. LINDSAY:
Okay. Yes, Legislator Browning.

LEG. BROWNING:
Okay. My initial bill was to close the Trap and Skeet Range and to look for a committee. That bill failed. And we had many hours of testimony from the gun supporters that they opposed the range being closed down, but they weren't opposed to the committee. Now I have a bill for the committee and now they oppose it. They talk about impartial people should be on this committee. Then should I pull the two representatives from the sporting committee -- from the sporting community to be on that? I shouldn't allow them to be on it, because they're going to be partial? So no matter which way you go, it's going to be partial.

As far as my local resident, like Lynne said, that's exactly it. And also, in the event that I can't find -- we can't find another location, then she's going to be able to be back, or he, to say, "You know what, we tried, we couldn't find one," and that they know that we were being open and that nothing was done behind them.

And as far as representation from various districts, I was very -- I spoke with John Cushman, and I

said I'd be more than happy to have him be on that committee. He comes from Jack Eddington's district.

So I can see, with all of the people that are going to be on this committee will most likely be from more than just my district. It will only be from -- one from the Third District, and the rest of them will be from elsewhere. And I can tell you one thing, is that, currently, the Town has issued 15 violations, and that was based on expert noise consultant, and that's something else that we have to look at. We have 15 violations, noise violations, and they have to answer to that.

So my bill is not changing, it stays as is. I think no matter which we way we go, you're always going to find somebody who's going to be not -- be partial.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Very quickly, Mr. Chairman. Where are we going to move the Skeet and Trap? Every member of the Minority should live in fear for the tyranny of the Majority. Thank you.

P.O. LINDSAY:
Anybody else? Okay.

LEG. SCHNEIDERMAN:
I might as well, since we really not ready to vote.

P.O. LINDSAY:
You want to say something, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I just would point out that there is a Trap and Skeet facility already in my district. I don't see any members of my district on this committee. So I understand the argument that somebody who lives near the Trap and Skeet should be on, but, if that argument is extended, then I also ought to be able to make an appointment to this committee.

LEG. BROWNING:
You have a Trap and Skeet?

LEG. SCHNEIDERMAN:
We do.

P.O. LINDSAY:
Okay. Anybody else? That's it? All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. ROMAINE:
Roll call.

LEG. MYSTAL:
Roll call.

MS. ORTIZ:
Roll call?

P.O. LINDSAY:

Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
No.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

MR. BARTON:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:
11.

P.O. LINDSAY:
2195 - Approving -- excuse me. ***2195 - Approving the reappointment of John Fritz as a member of the Suffolk County Board of Trustees of Parks and Recreation --***

LEG. NOWICK:
Motion.

P.O. LINDSAY:
And Conservation. Motion by Legislator Nowick.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

(*COURT STENOGRAPHER - ALISON MAHONEY*)

P.O. LINDSAY:
2220-06 - Approving license agreement for Tom Smith to reside at Schmidth House, Unit 144 at Arthur Kunz County Park, Kings Park
(County Executive).

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Motion by Legislator Nowick, second by Legislator Viloria-Fisher.
All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2221-06 - Approving license agreement for Randy Bond to reside at Foreman's Cottage, Unit 139 at Cedar Point County Park, East Hampton.
(County Executive).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman. Do I have a second?

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:

Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2260-06 - Approving the reappointment of Raymond P. Corwin as a member of the Board of Trustees of the Suffolk County Parks, Recreation & Conservation (County Executive).
Motion by Legislator Viloria-Fisher. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2269-06 - Reappointing Richard F. White Jr. As a member of the Suffolk County Board of Trustees of Parks, Recreation & Conservation (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:
I'll second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:
Cosponsor, please.

MS. ORTIZ:
18.

P.O. LINDSAY:
Public Safety & Public Information:

2094-06 - Establishing a policy to restrict placement of sex offenders (Browning).
Legislator Browning?

LEG. BROWNING:
Motion to approve.

P.O. LINDSAY:
Motion to approve.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro.

LEG. ALDEN:
Explanation.
P.O. LINDSAY:

Explanation, Counsel.

MR. BARRY:
Yes, this resolution would establish a policy that the County of Suffolk will not place or facilitate the placement of more than one registered sex offender at the same residence in an area which is zoned for residential use.

LEG. HORSLEY:
I don't have a good feeling about this.

LEG. ALDEN:
On the motion still, I have a question.

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
We place sex offenders?

LEG. MYSTAL:
We do.

MR. BARRY:
We do.

LEG. ALDEN:
How many -- what's the percentage of the sex offenders that we actually place?

MR. BARRY:
I can't answer that.

LEG. ALDEN:
Okay. But this just affects the County's actions as far as if they come to us and they're locking for houses then we're going to regulate how many be put in a certain area.

MR. BARRY:
To the extent that the County of Suffolk does place --

LEG. ALDEN:
Right.

MR. BARRY:
-- or facilitate the placement of?

LEG. ALDEN:
Okay.

MR. BARRY:
This would prohibit.

LEG. ALDEN:
Good. All right.
P.O. LINDSAY:
Okay, all in favor? Opposed? Abstentions?

MS. ORTIZ:

18.

P.O. LINDSAY:
2177-06 - adopting Local Law No. 2006, a Local Law to prohibit skateboarding at County-owned or operated facilities (Presiding Officer Lindsay). I'll make a motion.

LEG. CARACAPPA:
Second.

P.O. LINDSAY:
Second by Legislator Caracappa.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. ALDEN:
Was this worked out as far as -- do we have a hearing process, was that worked out?

P.O. LINDSAY:
No; no, it wasn't worked out.

LEG. ALDEN:
So we'll have to do that subsequent to passing this?

LEG. CARACAPPA:
No.

P.O. LINDSAY:
Well, there's a difference of opinion between our Counsel and the County Executive's Counsel on whether a hearing is needed.

LEG. ALDEN:
Okay, thanks.

P.O. LINDSAY:
Did you want to address this, Ms. Bizzarro?

MS. BIZZARRO:
Yes. I believe we had addressed it in an e-mail to you, Chairman -- Presiding Officer Lindsay. Just basically that we do have -- the bill may be subject to some constitutional challenges based on the fact that there is no hearing process in the bill. It probably could be remedied fairly readily. I know Mr. Nolan has taken the position that due to the value of the skateboard that it doesn't need that hearing process, but basically the courts do not look at the value of property, they just made a determin -- they basically just state that individuals must receive notice and a hearing before the government deprives them of any property, not look into the value of it.

So as I said, it would be relatively simple. The case, there was a Court of Appeals case not long ago, the Nassau County case v. {Canavan}, that resulted in the County modifying its DWI Seizure Law and we really look to that case on all of these seizure bills that we do. So it would be my recommendation to everyone that the bill be amended to include the hearing process.

LEG. KENNEDY:
Mr. Chair?

LEG. CARACAPPA:
Mr. Chairman?

P.O. LINDSAY:
I think, Counsel, did you want to reply to that?

MR. BARRY:
Well, our office has a different opinion on that; we just kindly disagree. This deals with seizure of property, not forfeiture of property. The owner of the property can get it back once they pay a fine. There's nothing in this bill about forfeiture which is depravation of ownership, this is seizure which is just depravation of possession.

MS. BIZZARRO:
If I may, after 90 days the bill states that then if there's no claim made within that time than we keep it, so it actually is a permanent forfeiture, yes.

MR. BARRY:
But my point being that there's no -- this bill doesn't provide for a forfeiture action and seizure, it's just -- the bill provides for seizure of property, and as you say, after a period of time the property will vest --

MS. BIZZARRO:
Then there's a forfeiture. Yes, that's the problem, and that's where the hearing process is necessary,

MR. BARRY:
And as I said, our office kindly disagrees.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Originally this bill came out of a request that came from a County park that is actually in my Legislative District and I was originally in support of it. But seeing some of the issues that have been raised, unless we could go ahead and have the hearing process worked out, I'm going to have to ask the Clerk to go ahead and remove me as a sponsor and I'm not going to be able to support it.

P.O. LINDSAY:
That's fine. But as you said, it's in your district, it isn't in my district.

LEG. KENNEDY:
Absolutely, Mr. Chair.

P.O. LINDSAY:
We just spent $2.3 million renovating that park --

LEG. KENNEDY:
I understand, Mr. Chair.

P.O. LINDSAY:
-- and the kids are destroying it.

LEG. KENNEDY:
I've seen it, Mr. Chair.

P.O. LINDSAY:
All right?

LEG. KENNEDY:
As a matter of fact, I was there --

LEG. ALDEN:
I'm on as a cosponsor, right?

MS. ORTIZ:
I'm sorry?

LEG. ALDEN:
I'm on as a cosponsor? If I'm not, just add me as a cosponsor.

P.O. LINDSAY:
Okay. Anybody else? Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I have two concerns. One is signage because, you know, a lot of kids do -- obviously it's a popular support, skateboarding, we have an awful lot of County parks.

P.O. LINDSAY:
I talked to the Commissioner and I asked him to put out signage,
"No skateboarding," he said they steal the signs every night.

LEG. SCHNEIDERMAN:
Because I think the kids are going to be caught off guard at some of these places. Also, the definition --

P.O. LINDSAY:
No, because they got the signs home in their bedroom.

LEG. SCHNEIDERMAN:
If I might, my other concern was the definition of skateboard. It seems that even -- you're targeting maybe roller blades and targeting scooters and all kinds of wheeled devices, "Two or more small wheels mounted on a platform," so maybe the intention is to ban all those devices.

P.O. LINDSAY:
Well, right now we've built a beautiful stage over there for the veterans to use primarily for Veterans Day ceremonies and for the local constituents to use for local concerts and the kids are riding the rails, they bent the rail already, they're jumping off the stage. We have pavers in a beautiful plaza that probably a hundred or more are broken already and the park just opened last -- this year.

LEG. SCHNEIDERMAN:
I'm just thinking of some of the parking areas and some of beach front parks out in my district that, you know, it really isn't a problem if kids ride their skateboards around and now they won't be allowed to.

P.O. LINDSAY:
Okay.

LEG. SCHNEIDERMAN:

You know, so there might be parks where it make sense and parks where it doesn't make sense and this is a broad prohibition.

P.O. LINDSAY:
Okay. We have a motion and a second, am I correct? All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:
Abstain.

LEG. KENNEDY:
I'll oppose.

P.O. LINDSAY:
We have one opposed, one abstention.

LEG. BARRAGA:
Two opposed.

LEG. VILORIA-FISHER:
I'll abstain.

P.O. LINDSAY:
Two opposed, two abstentions.

MS. ORTIZ:
Who's the other abstention?

D.P.O. VILORIA-FISHER:
I am.

MS. ORTIZ:
14 (Opposed: Legislators Kennedy & Barraga - Abstentions: Legislators Schneiderman & Viloria-Fisher).

P.O. LINDSAY:
2189-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of security equipment for Suffolk County Correctional Facilities (CP 3035)
(County Executive).

LEG. CARACAPPA:
Motion.

P.O. LINDSAY:
I have a motion by Legislator Caracappa, seconded by Legislator Eddington. Roll call.

LEG. ROMAINE:
Question.

P.O. LINDSAY:
Question.

LEG. ROMAINE:
Budget Review, this Capital Program, is this to install cameras in the jail? And could any of my colleagues tell me the position of the Correction Officers regarding this?

LEG. MYSTAL:
They asked for it.

LEG. ALDEN:
They're opposed to it, heavily.

LEG. ROMAINE:
Okay. And what is the offset for this?

MS. VIZZINI:
The offset is Capital Project 1751, the Optical Disk Imagining System.

LEG. ROMAINE:
Well, I'm going to oppose this because I'm opposed to the offset. That money was set aside for the County Clerk's Office for optical imaging, this is a raid at the end of the year. I have no philosophical objections to cameras in the jail, but I believe this offset is the wrong offset for this matter, particularly when there are other offsets that could have been used in this resolution.

P.O. LINDSAY:
Okay. Legislator Kennedy, did you want to talk?

LEG. KENNEDY:
I was just going to kind of concur with Legislator Romaine. Both of us wound up spending probably at least in the my case almost a decade, in Legislator Romaine's case probably 14 years, and my understanding of Capital Project 1751 is that it has been in existence as a Capital Project since I believe 1996 or 1997 and has been affirmed and supported by this body, by and through the Capital Program each and every year and has been instrumental in taking a County Clerk's Office and bringing it into the 21st Century. And like Legislator Romaine, I would agree that this really seems to be a circumstance where public safety is important but at what cost, what is being decimated or ham stringed? Okay. I'm sorry, I'll yield.

P.O. LINDSAY:
You have a question of Mr. Zwirn?

LEG. KENNEDY:
Well, no. It appears, I guess, that I'm hearing it and I'll yield. Yeah, certainly, if he has something to add to the dialogue, please.

MR. ZWIRN:
I'll be real quick, Mr. Chairman. The County Executive's Office is putting a bill on the table today to go forward with the optical project. We -- it was a question of priorities at the time, we did take money from that project to do the jail cameras, but we have a bill that will be laid on the table today as a late starter which will push that project forward taking an offset from a different project. So this project will be going through, but at the time that we did the cameras we took the offset because at that time we thought that was a more important issue. Subsequent to that, we are now going to move forward with both of them.

LEG. KENNEDY:
Ben, is that the -- I think it's a million or so -- I'm sorry, no, maybe it's 250,000? I'm trying to bring it up. How much is associated with the camera program and how much is going to be restored with optical imaging?

MR. ZWIRN:
Well, the entire optical program will be restored. If you take the money from the money that we're not going to use to buy the second helicopter this year, so there's money in that fund, so that will be completely funded. I don't have the other bill in front of me, but -- so both projects will go forward,

so that shouldn't be an issue to decide the matter.

LEG. KENNEDY:
That was my only objection.

LEG. ROMAINE:
Mine, too.

LEG. KENNEDY:
I mean, if the Exec is bringing that forward then I'll support it.

MR. ZWIRN:
Okay. It's in your packet.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
All right, thank you.

P.O. LINDSAY:
Okay, roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. CARACAPPA:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MS. ORTIZ:
17 (Abstention: Legislator Alden).

P.O. LINDSAY:
2189, the accompanying resolution; same motion, same second, same vote.

2216-06 - Establishing a notification policy when sex offenders violate the terms of their probation (Presiding Officer Lindsay). I'll make a motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

MR. BROWN:
Mr. Chair, may the County Attorney's Office be heard?

P.O. LINDSAY:
Yes.

MR. BROWN:
As you know, we spoke at -- for the record, Dennis Brown. As you know, we spoke at the committee regarding this bill and Ms. Viloria-Fisher, you had a question about orders of protection and instances of family violence.

The first aspect that we would just like to be made known is that by virtue of this bill, creating the likelihood of liability by creating a special relationship or a special duty between the victim of the sex crime and the Department of Probation in the event that there's a failure to notify the victim that the sex offender has absconded. And with respect to your question, we did do some research on that and the order of protection by itself, standing alone, does not create a special relationship or a special duty between the recipient of the order of protection and the municipality issuing the order

of protection, it's really a fact driven question.

P.O. LINDSAY:
Okay. So just for me to get that straight, there's an order of protection, if we don't notify the person that's being protected that someone has violated their probation or escaped from jail, we're not liable, so if she gets killed we're not liable.

MR. BROWN:
It would have to be evaluated on a case-by-case basis.

P.O. LINDSAY:
Yeah, I know; that doesn't make me sleep well at night.

D.P.O. VILORIA-FISHER:
Isn't there an expectation of notification when you have an order of protection? I mean, doesn't the person who has that order of protection expect to be notified, to get a warning?

MR. BROWN:
There might be the expectation but the expectation isn't the trigger, one of the elements is actual direct contact between the person who has the order of protection and the municipality. So the expectation, yes, might be there, but you have to satisfy those tests that are established by the Court of Appeals.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
We only handle a portion of the sex offenders that are released through probation, most of them are handled through parole, right?

MR. BROWN:
That question I can't answer.

LEG. ALDEN:
The question -- and if you can't answer that one, I don't know if anybody else can. But how does New York State handle it with an order of protection when they're responsible for the criminal -- not the criminal, but the sex offender on parole rather than probation?

MR. BROWN:
I'm not really sure I understand your question. But again, whether or not the order of protection, there is a duty created by the order of protection, that's a fact-based question, there are four elements involved on whether or not a special relationship and a special duty has been created. So each case has to be evaluated on its own merits.

LEG. ALDEN:
Bill, do you know how -- did it come out how New York State handles this? Because most sex offenders end up going up to New York State.

P.O. LINDSAY:
It didn't come into effect because we evidently are not -- we're only involved with probation. And probation, we had an incident where someone on probation left the area and a woman that was the, you know, the victim was never notified and it caused a great deal of upsetness within the family.

LEG. ALDEN:
I agree with this legislation. And even though it is putting a burden on Probation, you know, they've got to be on the ball with this, but if --

P.O. LINDSAY:
Well, my contention is that we might -- if we don't pass this, we might escape the legal ramifications of being responsible, but do we escape the moral?

LEG. ALDEN:
No, we'll have somebody killed. But if we pass this, if we could look at how New York State handles those on parole and maybe have a uniform-type of handling of these sex offenders in that regard. Because most of them I think are New York State prisoners.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. I support this legislation as well. As a matter of fact, going back to the time where we used to handle orders of protection out of Family Court, the Sheriff's Office would actually go out and the do the physical service and they would do repeat attempts until service was actually affected for an individual. Is this the same way that we're going to envision notification under this legislation would be affected? How is the victim actually going to be advised?

MR. BROWN:
Again, that question I can't speak to. That's to the mechanics of the application that may perhaps should be addressed to Probation.

LEG. KENNEDY:
Then in --

MR. BROWN:
The only thing I can add is that when Mr. Desmond testified at the committee, and correct me if I'm wrong, but I believe he said that now they do try to make attempt.

LEG. KENNEDY:
And there is -- the devil is in the detail. I'm going to vote in favor of this, but what I was going to point out to Mr. Chair, and I'd ask that maybe there be some dialogue at another committee meeting on this. Probation currently cannot handle the number of outstanding warrants they have now, unfortunately it's in the matter of hundreds that are out there that are unaccounted for. So while this is prudent to go ahead and enact this, put the responsibility on them, I think we need to follow-up.

P.O. LINDSAY:
Probation said that they could comply if we passed it; I mean, you're talking about a notification here.

LEG. KENNEDY:
Okay. All right. Okay.

P.O. LINDSAY:
Anybody else? All in favor? Opposed? You have a question, Legislator Browning?

LEG. BROWNING:
Yeah, I just want to say that, you know, when Commissioner was here, when John Desmond came, I know that the numbers that are on Probation, it's not that large that it's going to be so difficult for them. And there was this lady who was the victim was not -- you know, she has a disability and her

next of kin was not even notified. So we need to support this bill, it's for the safety of our community, it's for the safety of everyone. You know, it's unbelievable that, you know, someone absconds and victims are not notified, it really is amazing. So we have to support this bill.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:
You have me as a cosponsor?

MS. ORTIZ:
17 -- 18.

P.O. LINDSAY:
Okay. ***2258-06 - Accepting and appropriating a grant in the amount of $102,300 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department Bellport Task Force 2006 with 90% support (County Executive).***

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
And I had a motion from Legislator Losquadro?

LEG. LOSQUADRO:
Yep.

P.O. LINDSAY:
Okay. Do I have a second?

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Who was the second? Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2261-06 - Approving the appointment of Richard Vella as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).

LEG. HORSLEY:
Motion.

P.O. LINDSAY,
Motion by Legislator Horsley.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Where was the second? Second by Legislator Losquadro. All in favor?

LEG. ALDEN:
Just real quick on the motion. Did they come before the committee and they qualified, all that, they got the time?

LEG. HORSLEY:
He's been on the FRES Commission before. He's a Fire Chief, longstanding, he's just -- I just went to give him a proclamation the other day for being the President of the Town Chief's Association. He's got a long --

LEG. ALDEN:
But this is an appointment, Wayne, not a reappointment.

P.O. LINDSAY:
No, but he was on, he left and he's coming back on now.

LEG. HORSLEY:
He's coming back on; long history.

LEG. ALDEN:
Okay, good.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2263-06 - Approving the appointment of David Ferguson as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive). Can I use the same motion?

LEG. ALDEN:
Same, please.

P.O. LINDSAY:
Same second. And he appeared because I was in there that day, he is a new appointment but is active in the fire service.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2280-06 - Designating individual agents as Official Volunteers for Suffolk County Society for the Prevention of Cruelty to Animals for 2007 (County Executive). I'll make a motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
Public Works & Transportation:

1073B - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $100,000 bonds to finance the cost of a sound wall study at CR 97, Nicoll's Road, between Montauk highway and Furrows Road (CP 5114). I am going to table for one cycle because I have to do something with that. So I'll make a motion to table.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2199-06 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 -
Southwest with 455 Commack Road (Tanger Mall)(BA-1456)(Horsley).

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Horsley.

LEG. MYSTAL:
Second.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
Second by Legislator Mystal. On the motion, Legislator Alden.

LEG. ALDEN:
I have a question to whoever ran the Public Works and Transportation Committee. How much gallonage is this for?

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I'm not going to remember the exact volume.

MS. VIZZINI:
The fifth WHEREAS clause stipulates --

LEG. HORSLEY:
Is it 80,000?

LEG. SCHNEIDERMAN:
It was about 800,000.

LEG. NOWICK:
Eighty-two thousand, nine hundred and one gallons.

LEG. ALDEN:
Per day.

LEG. SCHNEIDERMAN:
How much?

LEG. CARACAPPA:
Eighty-two thousand.

LEG. SCHNEIDERMAN:
Eighty-two thousand a day.

LEG. ALDEN:
Eighty-two thousand per day. I have the same problem with every one of these out-of-district hook-ups. When we built the Southwest Sewer District 40 years ago, we imposed a tax on the people that were in the Southwest Sewer District. These folks have lived outside the sewer district for 40 years and not paid one nickel to the Southwest Sewer District.

Now, we heard testimony before and if it's true, we're not -- even if we don't approve this, we're not going to impede the ability of this project to go forward. And I don't believe in using this as a zoning tool because we don't have the right to zone. But I do want to point out that for every gallon that we give away, and in the past we have actually approved hook-ups of people that live in Nassau County, we've approved a hook-up for a sand mining operation, we've approved hook-ups for restaurants and these things are not creating any type of benefit to Suffolk County. There's literally 20 or 30 of these a year that come through and we're taking precious gallonage away from the ability and it's the ability that we're taking away. We can't consider hooking up people as it was planned, extend the Southwest Sewer District into Amityville and other areas of Babylon. In Islip, we can't expand it in areas of Islip where people along the coast line and there still is some problems with pollution and actually water pollution and polluting our streams and our rivers and the bay.

That was what Southwest was originally designed and there was some designs to expand it. But by us going up into the 110 corridor, we continually make the decision to taking gallonage, give it to the people up in the 110, and it's almost like, well, at the end of the day, you're not going to have any gallonage left for a good affordable housing program, you're not going to have any gallonage anything away from somebody who wants to relocate from Silicone Valley and actually create jobs here. So we are giving up the future as far as development and us dictating where the development is in Suffolk County, because the only way in the future that we're going to be able to develop Suffolk County and create jobs and create work for people to build out Suffolk County is by clustering. Because when you end up looking at the land that's available -- and I would differ with a couple of things that they said. Number one, they said that they could go and put in a septic system and I'm not so sure that the County of Suffolk Health Department would allow sewering -- not a sewering, but a septic system and discharge in to the aquifer in that area. So what are they actually left with? The other choice would be to rebuild the system, the septic system that exists on the property, because it's run down, it's probably obsolete at this point.

And then it brings me to the second point. Every time we do an outside of the sewer district hook-up, we give away to a developer a huge economic benefit that is bought and paid for by the people that live in the Southwest Sewer District. And what do I mean by that? They testified that, "Oh, we're giving you a gift of $2 million." No, don't give me a gift of $2 million, go build the system on your own which would cost you seven or $8 million. So that isn't the -- well, there was arrogance I saw on the part of somebody over there, but when they say we're giving you a gift of $2 million; no, they're not, that was bought and paid for, all those gallonage bought and paid for by people for 40 years.

And I have another little problem that I want to find out and we'll get to that in a little while, but the price is supposed to go up by about three and a half percent in the Southwest Sewer District and I believe it's been going up more and that's in violation of actually the laws that would be put in place to subsidize the sewer district.

So for those reasons, I really can't support outside hook-ups unless and until the numbers that we're charging them is more in line with what it's going to cost them to build their own septic system. And we're not giving those economic incentives to people because it's not benefitting everyone in Suffolk County, it's really hurting the people that actually paid for the Southwest Sewer District and we're not giving any relief to those people.

The other thing is, the last point that I want to make is over the course of the past nine years, this has come up time and time again. And about five years ago, we were pretty much at the limit as far as how much capacity we had at the Bergen Point. I went down there just to look and see and just for my rudimentary observations, it doesn't look like we doubled or tripled the size of the processing plant down there. But if we approve and end up going like we're doing with these guys, if we approve all the ones that are in the pipeline that have gotten preliminary approval, we are going to have to double or triple the size of the processing plant down there and that's going to be a tough decision for everybody here to make because it's going to cost a lot of money to do that. Now who do we tax? We're going to tax the people that live in the Southwest Sewer District, these people are not in the sewer district, never have paid into it.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Similar to what Legislator Alden brought up I questioned in committee and I'm not thoroughly convinced, I guess, with some of the answers that I got. I never did get to hear from any representative of ours from the Health Department. There was testimony on the part of the applicant about their ability to go ahead and site leaching rings, but proximity to the critical -- the oak brush plains critical environmental area and groundwater protection area may have some impact on what the Health Department might or might decide as far as configuration on leaching rings on this property. I think that would be important information to have in front of us.

And I also wonder how it is that we have had these varying estimates as far as capacity at the plant, I think they're important issues. I can recall sitting here and hearing over the last year or so that we were coming perilously close to max and now we heard just recently that we have a million five in capacity; I don't understand where the numbers move from.

D.P.O. VILORIA-FISHER:
Okay. Are you waiting for an answer?

LEG. KENNEDY:
Well, there's nobody here to give an answer, nobody here from the Health Department, nobody here to go head and address any of these issues.

LEG. HORSLEY:
I think that's also --

LEG. MYSTAL:
I can answer some of them.

LEG. KENNEDY:
Through the Chair, I'd be all ears.

D.P.O. VILORIA-FISHER:
Legislator Mystal, you have an answer to that?

LEG. MYSTAL:
I can try to answer some of them. Number one, the Tanger Mall, as Legislator Alden knows, you go through the process of the Sewer Agency itself and it was approved by the Sewer Agency and the gallonage was reserved for the Tanger Mall project two or three years back. Number three, to answer your question in terms of the process by which we obtained more gallonage was if you guys remember, we had approved $5 million worth of improvement and we've been doing technological improvement, not necessarily increasing the size of the sewer district but we have done technological advancement.

To go back to Legislator Alden, normally I agree with you in terms of hooking up outside entities to the sewer district because they haven't paid into it. But the one difference of what we're doing here with Tanger Mall and what we have done in the past, for one it's not in the 110 corridor, it's on Deer Park Avenue and Commack Avenue, it's in Deer Park, not on 110. Two, it would generate a tremendous amount of tax money for the County of Suffolk and us also would generate a tremendous amount of jobs. Usually we get those restaurants who come in, they don't -- they don't generate a whole lot of tax revenue or a lot of jobs, but Tanger Mall will generate a lot of tax revenues for the County and also a lot of new jobs that will go to mostly to Suffolk residents, that's one of the reasons why I'm agreeing to this. And again, the gallonage that was there had been held for Tanger Mall for the past three years.

D.P.O. VILORIA-FISHER:
Legislator Horsley.

LEG. HORSLEY:
Good. Just let me first say that conceptually, Cameron and I are on the same page as far as concerns about the Southwest Sewer District, the dollars that it's going to cost for future hook-ups and what is the fair price. What is going to happen is that we are going to get -- receive a report, which it was just announced today that we're going to receive within the next day or two, about what the sewer people in Suffolk County feel is the proper price for new hook-ups outside the Southwest Sewer District. And we're going to take a look at merit-based hook-ups, whether it be for affordable housing, whether it be for life sciences corporations, bringing good jobs to the County and the like.

That being the case, this particular issue is that this is a major boom, not only to Suffolk County and as Elie talks about the sales tax, we're talking $17.7 million worth of projected sales tax revenue to Suffolk County, New York State, etcetera. The Southwest Sewer District says that they will -- to hook-up to the Southwest Sewer District, they will pay a fee of $1,243,515, and the list goes on, 72 million in construction costs, 32 million in wages generated, I can go on forever on that issue. However, what we've got to take a look at is the last thing, which seems to have gotten short-shriffed, is that hooking up to the Southwest Sewer District by this project -- and it is going to go forward. This is our last stage of approvals and we should only be looking at the sewer hook-up issue.

The fact that is that it is an environmental problem to run cesspools or rings and the whole lot

into -- right next to the Edgewood Properties which is right off of the Pine Barren area there, the water aquifer area that is protected by the State of New York. So this is a, in my mind, a delicate answer -- area and we certainly don't want to be placing 82,000 gallons of effluent into the ground table at this point. It makes more sense environmentally, so we've got economics it makes sense, it makes sense for jobs and for the economy. And lastly, it is best for the ecology of Long Island. This is a win/win situation, I can't see where any responsible Legislator could possibly vote against this application.

LEG. ROMAINE:
Who said we're responsible?

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Thank you, Mr. Chairman. Considering myself somewhat responsible, I agree with much of the comments of my colleagues, Legislator Horsley and Legislator Alden; I think Legislator Alden is absolutely right. But I have to tell you, I'm not going to sit here and just talk about potential need to plan for the future and how we go about infrastructure hook-ups. I'm willing to do something about it and say that it's time for us to take a look at how we go about, at our level of government, dealing with the towns.

You know, the towns come forward with these projects, developers come forward to the Sewer Agency or other government agencies at our level of government, they get these theoretical approvals years in advance and now they come before us for something like a sewer hook-up literally years after the fact. And I don't think that this body should get a second bite or take on zoning or land use responsibilities that clearly are not within our purview. But this type of situation is very different, because not only is it time for us as a Legislature, the County level of government, to take a much larger picture, larger view and regional approach to planning, but we have right now about a million dollars, a million dollars that have been devoted, a combination between State and Federal government, to look at this region, the Commack Road/Sagtikos Parkway region, at how we're going to go about developing the infrastructure that it's going to take to accommodate all these tremendous projects coming in one after the other. And so I think absolutely it's time to take a much more reasonable, larger scale picture approach to planning in our area.

And look, there has to be some level of government that's going to act as some kind of a balance, a balance between economic growth for the area and preserving the quality of life for area residents. And so I'm hoping that our level of government will be much more proactive in planning for our roads, for our sewers and not to just go about approving projects because there happens to be sewer capacity; that may be true, it may be not. But I think this is a -- even beyond a philosophical issue, this is very much a question of policy and it's our responsibility to set policy for the residents of this County. We owe it to our community, really to our community, to the region, to future generations to ensure that future growth is smart growth.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I'd like to answer a couple of points that you bring up and a couple that Legislator Horsley brings up. First, I've always been uncomfortable with a sewer agency looking at projects and actually using their own criteria, that's why I actually have two bills, and I believe they're tabled in committee, that would give us the opportunity to set that policy and dictate to the sewer agencies where we want to see that capacity used in the future. And I would like to see it used more for cluster and an eye towards the long-term, future growth and economic viability of Suffolk County.

So if you guys -- and you control the committee, so if you want to add to it or tell me to modify it in

some way, shape or form, I'm very, very happy to, you know, work with you and get something out that would actually dictate something that makes sense for the future growth.

LEG. HORSLEY:
I would enjoy that.

LEG. ALDEN:
Now, something that Legislator Horsley said before I just want to address. All the economic data that I've ever reviewed, when you put in a mall similar to what Tanger is going to put in there, it cannibalizes existing stores and existing jobs. And what do I mean by that? If this was -- and I really hope that it is, if this is all new money that's going to come, a new economic activity that's going to come to Suffolk County, that's great. But the problem is when you put in a super mall or you put in a mall like what Tanger is, there's surrounding existing malls right now, they've all voiced their fears that they are going to lose business, plus there's a ton of mom and pop things. And I can go by some of the reports that came out of the Town of Islip, and this goes back 30 years ago, when downtown Bay Shore, they went to the Chamber of Commerce and they asked them, "What's your opinion on putting in the South Shore Mall," which is up on Sunrise Highway, the Chamber of Commerce said, "Oh, we don't really care." That was a bad move that they made because when they put in the South Shore Mall, every one of the mom and pop stores in Bay Shore where just about every one of them went out of business within a very short period of time. And Bay Shore ended up in a derelict situation which they've been climbing back out of for many, many years.

I really have the fear -- and it's not -- it actually might affect my district, but I have the fear that up in that Huntington and the Commack and the Babylon area that all your mom and pop stores, all the families that really rely on those type of jobs that are already there will be put out of business. Every time they open up a Home Depot or a Lowe's, they put out any number of lumber yards and people that actually make a living in a small hardware store.

So this is going to be -- you're bringing in the whole mix, I would imagine, that they have out in Riverhead, you're looking at some possible economic devastation. I'm hoping that you guys are right and that I'm wrong, but I think that it's going to cannibalize the existing sales and the existing economic existence of some of the smaller mom and pop operations and even some of the larger ones.

P.O. LINDSAY:
Legislator Stern and then D'Amaro.

LEG. STERN:
Thank you, Mr. Chair. And again, I have to agree with the comments of my colleague, Legislator Alden. But again, here we can go on and on about traffic, we can go on and on about business plans and whether they make sense or not, but the issue before us this evening is how we as a level of government are going to deal with this issue and going forward in the future what kind of role we're going to play, how we're going to set policy for our infrastructure as we grow in the future.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Yes. Thank you, Mr. Presiding Officer. I, too, agree with pretty much everything Legislator Alden is saying. I am concerned about the impact that the Tanger development is going to have in what is my home area of Deer Park. I'm concerned about what it's going to do to the local businesses that I grew up with in that area, so I share a lot of what he is -- a lot of the feelings that he's expressing, a lot of points of view that he's expressing. But I also agree with Legislator Stern that there's really a limited issue before us here today and I have to make a judgment based on that issue.

And I guess the way I spoke about this in committee was whether or not denying the sewer hook-up will stop the project. Because I do tend to agree that we have to take a regional look at what the traffic impacts are going to be, I do agree we have to maybe slow this process down a little bit. I'm not as concerned as you are, Legislator Alden, about the capacity. The testimony we heard, and Legislator Kennedy was on that committee, the testimony we heard from the Commissioner or the Acting Commissioner was that, in fact, after the Tanger hook-up and even the entire regional development of that area, including the Pilgrim State area, there was still 1.5 million gallons of capacity existing, so that was less of an issue for me particularly.

But the other issues are a legitimate concern. Many of my constituents have been raising these issues with me over the last few weeks and I've thought long and hard about it, but the problem is that if we deny the hook-up the project goes forward anyway. We are now spewing 83,000 gallons of waste into the groundwater next to the Edgewood Preserve, that's something I don't want to do, it's not environmentally friendly. And in fact, based on the testimony that I've heard, that is very doable. The Health Department has stated, at least to my office, that they do, in fact -- I confirmed what we heard in committee -- that the project would meet all Article 6 requirements, so there would be no real impediment to issuing the leaching pool system as opposed to the sewer hook-up.

So there's really -- despite the pleas of the residents, and I share their frustration, this body does not have the power, even through denying a sewer hook-up, to prevent this project from being built. And not only being built but in a way that is not environmentally friendly, and I'm not prepared to do that and I'm going to support this resolution. Thank you.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Yes, I just wanted to be clear that I don't oppose a hook-up to the sewer system, because I'm sure everybody agrees that hooking up to the Southwest Sewer District is a much, much better move environmentally. Here the issue is the pace of this project going forward, the ability to take a look at, again, over $1 million of studies between Federal and State governments that's going to lay out an overall vision for the area and how we're best going to deal with the infrastructure and preserving quality of life in the area. That's the issue before us and I urge my colleagues to consider, again, how we take into account growth in the future, that's what this issue is.

P.O. LINDSAY:
Legislator Viloria- Fisher and then Kennedy.

D.P.O. VILORIA-FISHER:
I don't agree that that's the issue before us because we're not going to stop the project by denying hook-up to the sewer system. It's really moving ahead and it's going to move ahead willy-nilly, and I think we have a choice here of making it move ahead in a more environmentally satisfactory manner or letting it move ahead in a less environmentally satisfactory manner. And so I disagree with you that that's the issue at hand. The issue at handing is not whether it's moving fast or slow but the fact that we're allowing them to hook-up or not to the sewer system.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
I understand that the matter before us is for connection to the sewer system, but we did talk about this at length in Public Works, Legislator D'Amaro made reference to some of the testimony that we had from Mr. Wright. We also tried to discuss some of the traffic impacts because vicariously it's the only way for us as a body to go ahead and hear any of those other matters. And I guess it really goes to some of what Legislator Stern spoke about as well, both he and I share a common border

that this million dollars would wind up doing extensive study on and Commack Road, which is the primary artery into this area, was referenced but our Deputy Director from DPW could not speak with specificity about the traffic mitigation that was going to be undertaken by the developer. So here we are again, you know, asked to go ahead and make a decision on this with not full information, if you will, Mr. Chair, and that's really where the quandary comes or the difficulty comes. If there was an effort to go ahead and get some additional information in the two week cycle, it might give us a better opportunity to go ahead and know what it is this impact is going to be. That's my quandary with this.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
And it's just one fine point now. I'm a little bit shocked to hear that, number one, our Health Department would consider some kind of non-environmentally sensitive type of handling of the waste, because without exception, every time somebody has come to us with an outside hook-up, especially the 110 corridor and just anything outside the geographic area of the Southwest Sewer District, they have always been informed, and they testified before us that the cost would be cheaper to hook-up to the Southwest Sewer District than to build their own septic system because that's what Suffolk County would require them to do, and it must be because of the proximity to sensitive land.

So without exception, every one of these that is hooked up to the Southwest Sewer -- that's outside the sewer district that's hooked up, the question has been getting a cheaper hook-up as opposed to putting in a system that would leach into the ground. So I'm not so sure that the Health Department would approve a leaching system in light of what they've done in the past with every other one of these hook-ups to the Southwest Sewer District. So I'm a little bit shocked that the Health Department would even consider doing something that's an environmentally -- the impact would be a negative impact.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
I agree with you again, Legislator Alden. The problem you have is that if you deny the sewer hook-up, the Health Department would not be in a position to deny the alternative since the sewer hook-up would not be an option any longer.

LEG. ALDEN:
They could rebuild the plant.

LEG. D'AMARO:
Just hear me out. Yeah, there would be an option of either putting in the leaching pool system or the option of building an on-site treatment plant I guess they could do, but I think neither one of those makes any sense for the Deer Park community. The fact is if they weren't permitted to do the system, let's say the leaching system, which meets all Article 6 requirements, case law says you now have a taking of the property and you get into that whole scenario.

But that's not really the issue in my mind. The issue in my mind, and I think what the community is concerned about, is, you know, what are adverse impacts that this development is going to have on their neighborhood. And that is a very legitimate concern, I think we would all would agree, what are the traffic impacts, what are the environmental impacts, what are the economic impacts. I tend to agree that we should look very closely at those, although they were all vetted at the town level because that's just the way it is right now, we don't have that authority, we don't have zoning authority. And if I believed in my mind that preventing the sewer hook-up would prevent the

project or delay it long enough to look at a traffic study I'd be inclined to do it, but I don't see that happening, especially since the sewer hook-up is more expensive in this particular case, at least that's what's been representing, than building some of the alternatives.

So again, you know, you find yourself between a rock and a hard place. There are things we would like to do to mitigate impacts but we don't really have the authority to do that and I have to err then on the side of making sure that we protect the environment and we don't wind up spewing that 83,000 gallons a day into our groundwater in Deer Park.

P.O. LINDSAY:
Okay. Everybody all talked out?

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Okay, we have a motion, Ms. Clerk, and a second?

MS. ORTIZ:
Yes.

P.O. LINDSAY:
Okay. Motion to approve. All in favor?

LEG. LOSQUADRO:
Roll call.

P.O. LINDSAY:
Roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Pass.

LEG. LOSQUADRO:
Abstain.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Pass.

LEG. NOWICK:
Pass.

LEG. STERN:
No.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

LEG. SCHNEIDERMAN:
Abstain.

LEG. LOSQUADRO:
Motion to table.

LEG. STERN:
Second.

LEG. D'AMARO:
Did we call the vote?

P.O. LINDSAY:
Who was the second? Stern, okay.

LEG. STERN:
I withdraw my --

P.O. LINDSAY:
Withdraw your what?

D.P.O. VILORIA-FISHER:
His second.

LEG. STERN:
I'm going to withdraw my second.

LEG. NOWICK:
I'll second.

P.O. LINDSAY:
Second by Legislator Nowick to table.

LEG. D'AMARO:
Excuse me, just a point of order, Mr. Lindsay. The -- so in the middle of a vote you can make a motion?

P.O. LINDSAY:
Until the vote is called you can make a motion to table.

LEG. D'AMARO:
Okay, thank you.

LEG. ALDEN:
You can change your vote even after it's called; Caracciolo used to do it all the time.

P.O. LINDSAY:
Okay, we have a motion to table and a second. You want a roll call again?

LEG. SCHNEIDERMAN:
Roll call.

LEG. MONTANO:
Yes.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. LOSQUADRO:
Yes.

LEG. NOWICK:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
No.

LEG. CARACAPPA:
Yes.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. ALDEN:

No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. HORSLEY:
Pass.

LEG. MYSTAL:
No.

LEG. STERN:
Yes to table.

LEG. D'AMARO:
No.

LEG. COOPER:
No to table.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
No.

LEG. ALDEN:
Change my vote to a yes to table.

LEG. HORSLEY:
Yes; yes to table.

MS. ORTIZ:
Change your vote, Legislator Alden?

LEG. ALDEN:
Yes to table.

LEG. HORSLEY:
Two weeks.

MS. ORTIZ:
Eleven, it's tabled.

P.O. LINDSAY:
Okay, motion is tabled.

2215-06 - Appropriating funds in connection with intersection improvements on CR 100, Suffolk Avenue @ Brentwood Road/Washington Avenue, Town of Islip (CP 5065)(County Executive). This is the Bonding Resolution. I'll make a motion. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. ALDEN:
On the motion?

P.O. LINDSAY:
On the motion.

LEG. ALDEN:
I just would question -- I mean, I want to see this happen, I'm actually -- when I represented the area, I did -- I put in a whole bunch of resolutions that would benefit the roads and some of the takings and things like that that had occurred beforehand. But I would question the time frame on this because I don't think we're ready to do this. And the last time that I inquired of DPW, they were like five to ten years away, they hadn't even settled all the cases for the condemnation that they had to take to improve this intersection.
So maybe the Legislator from the district knows like a different story on that or the chair of Public Works.

LEG. MONTANO:
What is your -- would you repeat the question, Legislator Alden?

LEG. ALDEN:
When I represented the district they -- we had just put in the resolutions to do the condemnation to widen this intersection and make the improvements that we needed to do.

LEG. MONTANO:
Okay.

LEG. ALDEN:
The last time I checked, they were nowhere near settling those cases, they hadn't taken the property and this project was five to ten years down the line. So is it closer? Because appropriating money today, if they're going to start it tomorrow I'm all with it, but if they're not going to start it for another two or three years after they settle the cases and end up taking the property, then I don't understand what the rush is to appropriate the funds today.

LEG. MONTANO:
I don't have at this moment the status.

LEG. ALDEN:
This is a great project, by the way.

LEG. MONTANO:
This is a great project, we're going to appropriate the money for it. You haven't represented the area in three years, we've been doing a lot of, you know, improvements in that area. You know, I'm not going to give you, because Public Works is not here, the exact status of the property. I do know that I spoke to one of the property owners the other day, he's already received his letter from the County indicating what the amount of the offer is, I believe that we need to move forward on this. You know, it's part of that overall project. Without having DPW, I can't give you the exact time frame, but we are moving on this quickly. I would ask that we appropriate it. You know it's a good project, you worked on it before I got elected to the area and, you know, we're just going to move forward.

LEG. ALDEN:

Oh, it's a great project.

LEG. MONTANO:
It is a great project.

LEG. ALDEN:
And right down the street I funded -- last year I funded a project with you to try to clean up that whole park area and that was in relationship to this project, because I didn't want to walk away from people that I had promised that I was going to try to help.

LEG. MONTANO:
Right.

LEG. ALDEN:
And that's why I stayed with that project that you and I funded and this project which basically, you know, I was instrumental in starting this.

LEG. MONTANO:
No, you were, and I want to give you all the credit for, you know, your involvement with this project. The three years I've been there, as you said, we've appropriated money for the Ross Memorial Park, we have appropriated 146,000, 96 came from downtown redevelopment. This year we appropriated 200,000 to do paving and lighting in that area, that money has already been appropriated, the town has already begun the work. We also appropriated money through downtown redevelopment for a clog street on Washington Avenue which is part of that. We're looking at developing that Liberty Plating property so, you know, this fits in with all the improvement -- improvements that we're making in that area. And you know as well as I know that this is an area that for many years needed this type of investment and with your help in the past and what we're doing now, we're finally getting this to the point where it's done.

LEG. ALDEN:
Legislator Montano, my point is, though, if we're just approving this to approve it and then two or three years from now we're going to go and expend these funds, then that's an exercise in futility because all we're doing is adding to that 300,000 million overhang. I wish we had an answer. I mean, my heart tells me to err on the side of -- you know, let's make sure that it happens so I would approve this today, but I just feel bad about adding to that $300 million overhang. I also feel bad a little bit about -- you know, in light of the fact that we work together on a lot of stuff, that the vote you took earlier --

LEG. MONTANO:
That's to the heart of the matter and I understand that.

LEG. ALDEN:
That's over the bridge.

LEG. MONTANO:
Right.

LEG. ALDEN:
But I would rather err -- I would rather have the information so we can vote intelligently on this and get it going; if it's ready to go, I want to see it happen.

LEG. MONTANO:
It's ready to be appropriated and this is part of the Capital Project and I envision that it will go through expeditiously.

P.O. LINDSAY:
Okay. Is there anybody else that wants to speak on this subject?
Roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

P.O. LINDSAY:
Yes.

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

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
(Not Present).

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Pass.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
I abstain.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ALDEN:
I don't think it's ready to go, it breaks my heart; I'm going to abstain.

LEG. BROWNING:
Yes.

D.P.O. VILORIA-FISHER:
You didn't get me.

P.O. LINDSAY:
You didn't get Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Yes.

LEG. SCHNEIDERMAN:
You didn't get back to me.

MS. ORTIZ:
Oh, Schneiderman; I'm sorry.

LEG. SCHNEIDERMAN:
Abstain.

MS. ORTIZ:
10.

P.O. LINDSAY:
It fails. Same motion, same second, same vote.

2218-06 - Appropriating funds in connection with the weatherproofing of County Buildings (CP 1762)(County Executive). I'll make a motion.
Do I have a second? Come on, wake up.
LEG. BROWNING:
I'll second it.

D.P.O. VILORIA-FISHER:
I'll second.

P.O. LINDSAY:
Second, Viloria-Fisher. Anybody want to comment? Roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

P.O. LINDSAY:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
(Not Present).

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
They called your name, Mr. Stern.

LEG. STERN:
Yes.

LEG. SCHNEIDERMAN:
Abstain.

MS. ORTIZ:
10.

P.O. LINDSAY:
It failed; same motion, same second, same vote.

2245-06 - Directing the Department of Public Works to implement the Storm Water Pollution Remediation Program (Lindsay). I'll make a motion.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Is this directing them to comply with the law on this remediation?

P.O. LINDSAY:
This is directing them to comply with the appropriation that was approved about two years ago.

LEG. LOSQUADRO:
Bravo.

D.P.O. VILORIA-FISHER:
Light a fire.

P.O. LINDSAY:
Anybody want to talk on it? All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2271-06 - Accepting and appropriating $409,260 in 80% grant funding from the New York Metropolitan Transportation Council for a Congestion Mitigation and Planning Coordination Study of the Sagtikos Regional Development Zone (CP 5182)(County Executive). I'll make a motion.

LEG. ALDEN:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Alden.

LEG. ALDEN:
Roll call.

P.O. LINDSAY:
Yes, I know, it's a Bond; roll call.

LEG. KENNEDY:
Mr. Chair, on the motion. I was just going to ask, since we are --

P.O. LINDSAY:
You don't want the 80%?

LEG. KENNEDY:
No, no, no.

P.O. LINDSAY:
We'll give it back to them, the hell with it.

LEG. ROMAINE:
Give it back.

LEG. KENNEDY:
Yeah, you're right, what the heck. No, I just wondered why there's a Bond on this when we're accepting grant funds.

LEG. NOWICK:
Because of the rest, it's only 80%.

LEG. CARACAPPA:
We're still bonding out the rest.

LEG. ALDEN:
We've still got 20% to come up with.

P.O. LINDSAY:
Ms. Vizzini, can you answer that, why is there a bond?

LEG. KENNEDY:
You know what? Forget it, don't even need it.

LEG. MYSTAL:
We don't want the money.

P.O. LINDSAY:
No, we attempt to answer any question that's asked. Go ahead.

MS. VIZZINI:
Okay, tell me what resolution we're on.

P.O. LINDSAY:
We are on 2271, the acceptance and appropriating $409,000, 80% grant funding. Why -- the question from Legislator Kennedy is if it's a grant, why is there a bond; for the other 20%?

MS. VIZZINI:
It's a shared project, there are County funds involved and we are bonding our share.

P.O. LINDSAY:
Okay, Legislator Kennedy? Roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes and please list me as a cosponsor.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

MS. ORTIZ:
18.

LEG. D'AMARO:
Also list me as a cosponsor, please.

LEG. KENNEDY:
I'll go on as a co also.

P.O. LINDSAY:
Okay; 2273, same motion, same second, same vote. 2271, excuse me.

2273-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with refurbishing District Attorney space at Cohalan Court Complex (CP 1134)(County Executive).

MR. BARRY:
This changes the method of financing, it requires three-quarters,
14 votes.

P.O. LINDSAY:
I'll make a motion.

LEG. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. On the question? Seeing no one, roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MS. ORTIZ:
17 (Opposed: Legislator Barraga).

P.O. LINDSAY:
Okay, same motion, same second, same vote on 2273.

2276-06 - Amending Resolution No. 1401-2005 which was amended by Resolution No. 160-2006 and authorizing the purchase and installation of bicycle racks on Suffolk County Transit Buses and accepting and appropriating Federal Aid (80%) and State (10%) in connection with this purchase and installation (CP 5648.517)(County Executive). I'll make a motion.

D.P.O. VILORIA-FISHER:
Second it.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:

2278A, a Bonding Resolution, amending the 2006 Capital Budget and Program and appropriating funds in connection with the Public Works Buildings Operation and Maintenance equipment (CP 1806) (County Executive). Counsel tells me this is also, because it's a change in funding, a 14 vote resolution. I'll make a motion. Do I have a second?

LEG. MYSTAL:
Second.

P.O. LINDSAY:
Second. We're paying for 10%. Any questions? Roll call.
Oh, I'm on the wrong one, I'm sorry.

LEG. ALDEN:
We're paying all of this one.

P.O. LINDSAY:
Yes, we're paying all of this one.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

P.O. LINDSAY:
Yes.

LEG. MYSTAL:
Yes.

LEG. ROMAINE:
Abstain.
LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yep.

D.P.O. VILORIA-FISHER:
Yes.

LEG. SCHNEIDERMAN:
Abstain.

LEG. CARACAPPA:
I said no.

MS. ORTIZ:
Oh, I'm sorry, I thought you passed.

LEG. CARACAPPA:
I'm more than happy to say no twice.

MS. ORTIZ:
10.

P.O. LINDSAY:
Okay, it fails; same motion, same second and same vote on 2278.

[COURT STENOGRAPHER - LUCIA BRAATEN]

P.O. LINDSAY:
1797 - Authorizing the sale of Brownfield property tax liens at public auction. I'll make a motion, second by Legislator D'Amaro.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
Can we just hear an explanation of what this entails? Maybe the Chair of the Committee could tell us what happened. Could the Chair just tell us what -- Chair of Ways and Means.

P.O. LINDSAY:
Ways and Means Chair.

LEG. HORSLEY:

Lou. Lou, is that you?

MR. BARRY:
This would authorize the sale of brownfield tax liens throughout the County. There's a list of 12 and they're included in the resolution.

LEG. ALDEN:
Now, these are brownfields. How do we limit our liability our liability? Because we're in the chain of title, which makes us responsible for any of the cleanup. When we sell it to a subsequent purchaser and they can't clean up, then we're still responsible and we wouldn't own the property. Is that --

LEG. D'AMARO:
Am I answering this, Mr. Chairman, or is that directed to Counsel?

P.O. LINDSAY:
Well, originally, he asked the Chairman of Ways and Means and --

LEG. D'AMARO:
Oh.

P.O. LINDSAY:
-- Counsel jumped in to answer.

LEG. D'AMARO:
Oh, my apologies. I thought he was asking Counsel originally. But, Legislator Alden, do you want me to respond to that --

LEG. ALDEN:
Yeah, whichever way.

LEG. D'AMARO:
-- through the Chair? This bill lists the moratorium only to the extents of these brownfields, which is defined in the bill. The County Attorney's Office testified at the committee that those concerns were raised concerning how do we know if there's a successful bidder that they're actually going to clean the property, and they told us that that would be part of the terms of sale, the negotiated terms of sale. And, certainly, they're also having as part of the terms of sale the qualifications of the bidding companies up front to make sure that they have the wherewithal and the expertise to clean the properties as well. So that was raised at committee.

LEG. KENNEDY:
Mr. Chairman.

LEG. ALDEN:
Unfortunately, the law's pretty clear that as long as you're in the chain of title. So we're going to get an indemnification --

LEG. D'AMARO:
Let me --

LEG. ALDEN:
-- and hold harmless, but --

LEG. D'AMARO:
Let me just interrupt you, if you don't -- I apologize --

LEG. ALDEN:

No, that's all right.

LEG. D'AMARO:
-- but we're not in the chain of title. It's actually the lien that is going to be sold. The County is not taking -- has not taken title to the property.

LEG. ALDEN:
Good. Okay.

LEG. D'AMARO:
Right. So there's no liability to the County, because we're not an owner.

LEG. ALDEN:
Now, did you ask the -- and through the Chair. Did you ask the question how these will be affected by -- I know that, right now, we are under -- we really can't operate and do any auctions. Is this affected by that lawsuit that's pending against us? Well, there's a couple of lawsuits, I think.

LEG. D'AMARO:
They actually already had the first brownfields auction the other day. It had just been completed at the committee -- when we asked that question in the committee. That was pursuant to a court order, though, and that's why it was not subjected to the other lispendens properties I think you're referring to.

LEG. ALDEN:
Yeah.

LEG. D'AMARO:
If a brownfields property has a lispendens, obviously, it would be subjected to the same restraint that all the other properties are.

LEG. ALDEN:
Now, the lispendens, though, is the one brought on by -- I forget the family's name, but they basically sued and said they were excluded improperly from the auctions. Are those -- those are the lispendens, right, that would be pending?

LEG. D'AMARO:
Correct. Yeah, I believe so.

LEG. ALDEN:
So you think we can or can't auction these? The other was done by -- you said it was done by court order, but this was --

LEG. D'AMARO:
Right. I don't know the -- I don't if --

P.O. LINDSAY:
Could I interrupt here?

LEG. D'AMARO:
Well, let me --

P.O. LINDSAY:
I see Ms. Bizzarro at the --

LEG. D'AMARO:
Even better.

P.O. LINDSAY:
She might be able to answer --

LEG. D'AMARO:
Sure.

P.O. LINDSAY:
-- your question, all right?

MS. BIZZARRO:
Yes. The 12 properties that are listed on here are not subject to any lispendens and can be sold. And the -- we are anticipating that they can be sold next year. I know there was an issue that Legislator Romaine raised about when that would happen. My understanding -- I think there was a little bit of confusion at the committee as to what you were talking about, whether you were talking about the liens being sold, or, ultimately, if they're unable to be sold, whether that public auction at the end of that time would happen within the two years. I couldn't answer that question.

LEG. ROMAINE:
I'm on the list. I'll get there.

MS. BIZZARRO:
All right. But, yes, they're looking at doing this for next year.

LEG. ALDEN:
And just two more. Is Liberty Plating in Brentwood, is that on this list?

MS. BIZZARRO:
That is not on this list, nor is Mackenzie Chemical.

LEG. ALDEN:
Okay. Now are you satisfied that we can protect the taxpayers when we sell these from any liability from cleanup that would be imposed by another governmental agency?

MS. BIZZARRO:
Yes, I'm satisfied with that.

LEG. ALDEN:
And we're going to recover the money that we've laid out, because these -- we pay the property tax, so if these sat here for ten years, they didn't pay the property tax, we pay the property tax, school tax, fire district, lighting district, town taxes. So a minimum we will recover would be the tax that we've laid out over a period of years?

MS. BIZZARRO:
Yes, and is subject to the Suffolk County Tax Act. If we look at it, I believe it's Section 45 for that, and it lays out what you can recoup, and that would generally be, let me just take a look, interest and penalties, as well as the taxes, right.

LEG. ALDEN:
Good.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. You know, with all due respect to the Committee Chair, and -- I opposed this

in committee. And I'm going to ask Legislative Counsel to step to the podium again, because this bill --

P.O. LINDSAY:
Legislative Counsel is sitting next to me.

LEG. KENNEDY:
I'm sorry, not Legislative Counsel. I apologize. The hour is late. I mean, County Attorney's Office, in that this bill, if I understand it properly, goes to vending of the lien only. And in vending of the lien, all we're doing is giving a third party the right to go ahead and foreclose on the tax due.

MS. BIZZARRO:
Correct.

LEG. KENNEDY:
And interest.

MS. BIZZARRO:
Right. And these are going to be commercial --

LEG. KENNEDY:
Hold on, Counselor, just one second.

MS. BIZZARRO:
Sure.

LEG. KENNEDY:
In vending that lien, that third party is not going to assume responsibility for cleanup of fee that they have absolutely no interest in. All they acquire is the ability to foreclose and collect tax due. So you may have a property that's worth a million dollars with $50,000 worth of tax liability. They don't acquire the fee. All they acquire is the lien and the ability to go ahead and collect. We're selling it to them.

MS. BIZZARRO:
Well, what we'll do is in the contract, that's the whole point, you sell the tax lien, then you enter into a contract with the -- with the most successful bidder, and that's where you have the negotiated terms. So, yes, there will be a time period where, and I believe most of these properties, if not all, are commercial properties, so there is that one-year window for the redemption period, and we do have to wait for that. Once that period is over, then they have the opportunity to foreclose. That would all be -- all those terms and conditions would all be in the contract of sale. I know this is new, but that could all be negotiated and would be in the terms of -- in the terms of the contract.

LEG. KENNEDY:
Mr. Chair, again, I asked at the committee as to the properties that were in the Smithtown area. Counselor, rough? There's three sections and tax map parcels that are listed, and I'm trying to figure out whether they're in my district or my colleagues'.

MS. BIZZARRO:
I'm sorry. You mean these 12 that are listed, which districts they're in?

LEG. KENNEDY:
Yes. I'm looking at the resolution now.

MS. BIZZARRO:
I don't know. You're saying Smithtown. I don't know which numbers are relevant to Smithtown, and I apologize.

LEG. KENNEDY:
Well, it would be the last three -- I'm sorry.

MS. BIZZARRO:
The 0800's?

LEG. KENNEDY:
Yeah, 10, 11, 12, the 0800's.

MS. BIZZARRO:
Okay.

LEG. KENNEDY:
Are you familiar with those properties?

MS. BIZZARRO:
I am not personally, no.

LEG. KENNEDY:
Don't know where they are. Okay. But you'll agree, then, that at this auction that's contemplated, what will be auctioned is the County's right to foreclose, and that's all that can be auctioned, not ability to foreclose and requirement to clean.

MS. BIZZARRO:
That would all --

LEG. KENNEDY:
Only the ability to foreclose is what's going to be auctioned; is that correct?

MS. BIZZARRO:
The tax lien will be auctioned, and then the terms of sale will be set forth in a contract.

LEG. KENNEDY:
But, Counsel, you're contemplating terms of sale --

MS. BIZZARRO:
Correct.

LEG. KENNEDY:
-- where there may never be an actual acquisition. All that the successful bidder is going to get is the ability to collect or foreclose and stand in the shoes of the County on delinquent tax.

MS. BIZZARRO:
The acquisition is purchasing the lien from the County, that's what they're buying.

LEG. KENNEDY:
Correct.

MS. BIZZARRO:
Absolutely. And, in conjunction with that, there will be a contract between the two parties, the County and the successful bidder of the tax lien, and that is where the terms will be set forth, that there will be this year waiting period. At that point, then there will be an obligation on the buyer to foreclose on that tax lien, and ultimately, to clean up the property. Yes, that's all going to be contemplated and dealt with in the contract.

LEG. KENNEDY:
I'm going to yield. Through the Chair, I guess the hour's just too late. I'm not grasping the concept. I have a fundamental misunderstanding.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. Let's take a look at the Suffolk County Tax Act. If we do not authorize the sale of this tax lien, the County at some point will file a tax deed for these properties; is that correct?

MS. BIZZARRO:
Correct, unless it gets redeemed before then.

LEG. ROMAINE:
Right. Unless it gets redeemed, right. And the reason we don't want to do this with the brownfields is because when we file a tax lien -- I mean, a tax deed, we have liability.

MS. BIZZARRO:
Correct.

LEG. ROMAINE:
I'm glad you said that --

MS. BIZZARRO:
Well --

LEG. ROMAINE:
-- because you said just the opposite on Orient Road.

MS. BIZZARRO:
I did not.

LEG. ROMAINE:
You said we don't have liability when we take it for taxes.

MS. BIZZARRO:
Under County Law Section, I believe it's 53, if we take it by deed, and I made that clear when I was at the committee meeting, we take it by deed and we do not exercise the dominion and control and go and repair and do all of those things of that nature. If there is any type of injury suffered on that road, or some type of personal injury, that's where we do not have to worry about liability. But the question was asked of me regarding the environmental concerns and I said I'm not dealing with environmental concerns and I'm not responding on that, because I didn't know.

LEG. ROMAINE:
Now, do you know now?

MS. BIZZARRO:
Once you take title --

LEG. ROMAINE:
Once you file the tax deed to these --

MS. BIZZARRO:

Once you take the deed --

LEG. ROMAINE:
-- brownfields.

MS. BIZZARRO:
We then have the potential, I see, for environmental liability, because when I look at the Brownfield Law under the Environmental Conservation Law, I see that even if we involve ourselves with the DEC and we enter into a cleanup agreement and we do what we're supposed to do, the State won't come after us, but third parties still can. So, yes, there is potential liability there.

LEG. ROMAINE:
Well, can't third parties come after those with Orient Road?

MS. BIZZARRO:
Orient Road? Is this {Rider}? I think you're --

LEG. ROMAINE:
Yes, right, {Rider Farm}.

MS. BIZZARRO:
Right.

LEG. ROMAINE:
The Orient Roads.

MS. BIZZARRO:
As I said then, even as -- and I'll say it again, I can't say they won't come after us, but there is no liability, and we were recently successful in a case where that came out.

LEG. ROMAINE:
Well, then we should be successful with the brownfield. Let's talk about the brownfield legislation that I looked at, and I have to say is very poorly written. Is there any requirement in this legislation that these properties will -- these properties that are a scar on Suffolk County, a potential hazard on Suffolk County, will any of these properties be cleaned up under this legislation? Is there any guarantee?

MS. BIZZARRO:
There is the -- what this resolution contemplates is carving out an exception for the brownfields tax liens, allowing the County to go sell them to the most successful bidder, enter into a contract in order for them to be cleaned up. That's how I read it.

LEG. ROMAINE:
Why would I vote for this unless I can be assured that these properties will be cleaned up? And what you're telling me by your answer is there's no language in this very poorly written bill, whoever drafted it, in this very poorly written bill, that these properties will ever be cleaned up, there's no guarantee. This bill should be --

MS. BIZZARRO:
Why wouldn't you vote for it?

LEG. ROMAINE:
Well, because I want to see language that this property will be cleaned up. Let me move on. You indicate -- you indicate that --

MS. BIZZARRO:

If I could just --

LEG. ROMAINE:
As Legislator Kennedy said -- I ask the questions, with all due respect.

MS. BIZZARRO:
Right.

LEG. ROMAINE:
As Legislator Kennedy said, we're not selling the land, we're selling the tax lien. The guy that buys the tax lien is under no obligation to clean up that property or even foreclose on that property. And guess what? The owner of that property could redeem that property by paying the guy that owns the tax lien whatever money those two parties agree on without any cleanup of this property and it --

MS. BIZZARRO:
And then the property would be back on the tax rolls, and that's okay as well. Yes, there are those two scenarios. You have the potential for someone to come back, the owner to come back and redeem, yes, that's true. Will the owner clean up the property? We don't know that, but we're making an effort. And in the second scenario, yes, we're going to enter into a contract with the most successful bidder, and a term of that contract is going to be that they, he, she, company, whoever it is, cleans up the property.

LEG. ROMAINE:
My suggestion to this poorly written bill, to the author of this bill, is go back and attach the contract of sale for the tax lien to this resolution, so we can actually know what we are voting on, because what you're saying is that you're going to draft this. This contract of sale isn't going to be subject to our approval, you just want to get the approval, so you can unload the tax lien and the potential liability without any guarantee that the property --

MS. BIZZARRO:
Absolutely not.

LEG. ROMAINE:
Excuse me. Without any guarantee that the property could be cleaned up, number one, and number two, we have no idea what's in this contract of sale. Go back --

MS. BIZZARRO:
You will get that opportunity when it comes around to be sold, absolutely. And you will be --

LEG. ROMAINE:
I'm not a trusting soul after today. I am not a trusting soul.

MS. BIZZARRO:
The resolution specifically --

LEG. ROMAINE:
Thank you.

MS. BIZZARRO:
The resolution specifically states that after --

LEG. ROMAINE:
You killed it. This Administration has killed it by the way they've treated the Minority Legislature. I am not a trusting soul. I am not going to give a blank check to a poorly authored, poorly written resolution that doesn't guarantee the cleanup of these properties. Thank you.

MR. SABATINO:
Mr. Chairman, may I have a point?

P.O. LINDSAY:
Yes, Mr. Sabatino, I will recognize you.

MR. SABATINO:
Okay. If we're going to talk about properly constructing legislation, Legislator Romaine, with all due respect, earlier this year, you introduced legislation to utilize the sale of tax liens to pay for a recurring, recurring permanent cap on the sales tax on gasoline, and you put one sentence in the resolution which said you're going to utilize the sale of tax liens to pay for a permanent year-in, year-out 22 million dollar loss of revenue by paying for a cap on the sales tax. The resolution you've got in front of you right now for the sale of the brownfield lien --

LEG. LOSQUADRO:
Mr. Chairman, point of personal privilege. What does this have to do with --

P.O. LINDSAY:
Well, I think -- I think he's getting to it.

MR. SABATINO:
-- specifically lays out the process and how you do it.

LEG. LOSQUADRO:
Oh, obviously, he wasn't getting to it.

P.O. LINDSAY:
No, he did get to it, you missed it.

LEG. LOSQUADRO:
Oh, but very brief.

LEG. ALDEN:
I think we all missed it.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed?

D.P.O. VILORIA-FISHER:
Renee, I'm right behind you.

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. MYSTAL:
Roll call.

P.O. LINDSAY:
Roll call.

MS. ORTIZ:
Roll call.

LEG. SCHNEIDERMAN:
Motion to table.

MS ORTIZ:
Motion to table.

P.O. LINDSAY:
We have a motion to table by Legislator Schneiderman.

LEG. KENNEDY:
I'll second.

P.O. LINDSAY:
Seconded by who?

LEG. KENNEDY:
I'll second.

P.O. LINDSAY:
Legislator Kennedy. Okay. Roll call on the tabling motion.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. SCHNEIDERMAN:
Yes.

LEG. KENNEDY:
Yes.

LEG. ROMAINE:
Yes.

LEG. BROWNING:
No.

LEG. CARACAPPA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

MS. ORTIZ:
Eight.

P.O. LINDSAY:
Okay. We have a motion to approve and a second. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

P.O. LINDSAY:
Yes.

LEG. NOWICK:
D'Amaro.

LEG. D'AMARO:
I'm sorry, yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Abstain.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
No.

LEG. LOSQUADRO:
Abstain.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

MS. ORTIZ:
Ten.

P.O. LINDSAY:
2219 - Authorizing the transfer of certain properties to Suffolk County Department of Public Works. Make a motion?

LEG. MYSTAL:
Motion.

P.O. LINDSAY:
Second by --

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2236 - Sale of County-owned real estate pursuant to Local Law 13-1976 Vincent Schmitt and Licia Schmitt, his wife. I'll make a motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2282 - Authorizing the transfer of ten (10) surplus County computers to Family Service League.

LEG. KENNEDY:
I'll make a motion.

P.O. LINDSAY:
Motion by Legislator Kennedy, I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2343 - Authorizing the Office of the Suffolk County Executive to act as signatory on a Shared Services Agreement with the State of New York for snow removal on certain Long Island Expressway service roads.

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2344 - Reappointing Commissioner of Suffolk County Board of Elections, Anita S. Katz.

LEG. HORSLEY:
Motion to approve.

LEG. COOPER:
Motion to approve.

LEG. MYSTAL:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, seconded boy Legislator Mystal. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2345 - Appointing Commissioner of Suffolk County Board of Elections, Cathy L. Richter (Geier).

D.P.O. VILORIA-FISHER:
Geier.

P.O. LINDSAY:
Geier. I'm sorry.

D.P.O. VILORIA-FISHER:
Richter Geier.

P.O. LINDSAY:
Oh, Richter Geier. I missed the Geier part. Motion by --

LEG. MYSTAL:
Legislator Romaine, your motion.

P.O. LINDSAY:
No, no, no. I have Losquadro.

LEG. MYSTAL:
Oh, Losquadro.

P.O. LINDSAY:
And I have Caracappa as a second.

LEG. MYSTAL:
Okay.

LEG. CARACAPPA:
I didn't.

P.O. LINDSAY:
You didn't? Oh, I'm sorry, I thought you raised your hand. Okay. I have a motion by Legislator Losquadro. Is there a second?

LEG. BARRAGA:
I'll second.

P.O. LINDSAY:
Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
M.075 - Memorializing resolution in support of allowing fire district commissioners to obtain housing. I'll make the motion. Do I have a second?

LEG. STERN:

Second.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
M.076 - Memorializing resolution in support of the Screening for Health of Infants and Newborns (SHINE) Act of 2006.

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
M.077 - Memorializing resolution in support of creating the Prescription Drug Assistance Program. Legislator Stern?

LEG. STERN:
Motion to approve.

P.O. LINDSAY:
Motion to approve, second by Legislator Mystal. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
Go to the red folder that says Certificates of Necessity. And we have one, ***2439 - Accepting and Appropriating 100% grant funds from the New York State Office of Family and Children Services in the Suffolk County Department of Social Services for the registration --***

D.P.O. VILORIA-FISHER:
Motion.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
-- and inspection of child care providers. Motion by Legislator Viloria-Fisher.

LEG. MYSTAL:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
Okay. We have late-starters. 2427 has been assigned to the EPA. 2428, Public Safety. 2429, to Public Works. 2430, to Public Works. 2431, to Public Works. And to set the public hearing at the General Meeting on 12/5 at 2:30 at the Riverhead facility. 2432, Vets and Seniors. 2434, to EPA. 2435, to Public Safety. 2436, to Ways and Means. 2437, to Health and Human Services. 2438, to Public Works.

LEG. ALDEN:
You've got to waive the rules.

P.O. LINDSAY:
Oh, yes. As far as the late-starters, I make a motion to waive the rules and lay them on the table. Do I have a second?

LEG. D'AMARO:
Second.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. ALDEN:
I'm opposed. I'm opposed to waiving the rules.

MS. ORTIZ:
17.

LEG. D'AMARO:
Bill, added 2440? 2440.

D.P.O. VILORIA-FISHER:
2440?

LEG. D'AMARO:
There's one more in the packet.

LEG. MYSTAL:
Under what, in the -- yeah, in the late-starters, 2440.

D.P.O. VILORIA-FISHER:
2440?

P.O. LINDSAY:
Okay. I missed one. I'm sorry, I have to go back. 2440 is a later-starter. It's assigned to Parks. I

need a motion.

D.P.O. VILORIA-FISHER:
Motion.

LEG. MYSTAL:
Second.

P.O. LINDSAY:
I'll make -- and a second by Legislator Mystal. Motion by Legislator Viloria-Fisher, second by Legislator Mystal. All -- what?

D.P.O. VILORIA-FISHER:
You have 2434? Was 2434 missed? I know it was --

MS. ORTIZ:
No, that was on there.

D.P.O. VILORIA-FISHER:
That was on?

P.O. LINDSAY:
Was 2433?

MS. ORTIZ:
No.

P.O. LINDSAY:
Okay. I missed 2433, to EPA. I'll use the same motion and same second. We didn't take this vote yet. All in favor? Opposed? Abstentions?

LEG. ALDEN:
I'm opposed to waiving the rule.

MS. ORTIZ:
17.

LEG. MYSTAL:
We've got to do the levies.

P.O. LINDSAY:
I'm getting there.

LEG. MYSTAL:
All right, folks, let's get the levy done and get out of here.

P.O. LINDSAY:
Okay. In the manilla folder is the list of one, two, three, four, five, six, seven, eight, nine, ten, of course it would be ten, for ten resolutions as far as the levy is concerned. ***2417 (Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington, and Islip).*** I will make a motion. Do I have a second?

LEG. COOPER:
Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed?

LEG. ALDEN:
This is the tax levy?

LEG. MYSTAL:
Yeah.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ALDEN:
I'm opposed.

P.O. LINDSAY:
Okay. Abstentions?

MS. ORTIZ:
17.

LEG. MYSTAL:
Say same motion, same vote, next one.

P.O. LINDSAY:
Okay. ***2418 (Levying Unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland) and Suffolk County Sewer District No. 15 (Nob Hill) Town of Islip,*** going to use the same motion, same second, same vote.

2419 (Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 1 (Port Jefferson), Suffolk County Sewer District No. 7 (Medford), Suffolk County Sewer District No. 10 (Stony Brook), Suffolk County Sewer District No. 11 (Selden), Suffolk County Sewer District No. 14 (Birchwood/Holbrook), Suffolk County Sewer District No. 19 (Haven Hills), Suffolk County Sewer District No. 20 (William Floyd), Suffolk County Sewer District No. 23 (Coventry Manor) in the Town of Brookhaven. Same motion, same second, same vote.

LEG. ALDEN:
Sorry, I'm sorry. These are sewer rents?

P.O. LINDSAY:
Yep.

LEG. ALDEN:
I have a question.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
What's the increase on the sewer rents in the Southwest?

P.O. LINDSAY:
We're going back to 2417.

LEG. ALDEN:

Yeah, and I apologize, I missed that one. And I'll tell you why I asked. I had a couple of people come in in the last week and they showed me their tax bill, and the sewer district tax went up about thirty-something percent in -- on two of them, and it's not supposed to go up like that, it's supposed to be three-and-a-half percent, so I'm just -- there must be a problem.

And then I have another question, though. How do you set the sewer district? Because you're taxing the people in the Southwest Sewer District that own property in there. Are you taxing the people that are outside that are hooked up to the Southwest Sewer District in the same proportion?

MR. LIPP:
Answer to the sewer District No. 3 question, okay, there are two parts to the property tax items for the Southwest Sewer District. There's the per parcel benefit charge, and the property tax levy portion.

LEG. ALDEN:
And then the third part is the user fee, which comes out four times a year, but okay. So you're going to deal with the first two.

MR. LIPP:
Right, but I'm talking about what's in the actual budget document. Okay?

LEG. ALDEN:
Okay.

MR. LIPP:
The user fee is something else, yes.

LEG. ALDEN:
Separate, right.

MR. LIPP:
Good point. The per parcel benefit charge will go up from $28.17 per parcel to 29.02.

LEG. ALDEN:
That's almost 10 -- no. That's 5%? That's more than 3.5. Okay. Then what's in the other one?

MR. LIPP:
And the -- Well, the FEV tax rate is going from -- is going down, actually, but that's not a good judge, $1.40 to $1.24 per 1,000 of full equalized value of property. Overall, I guess -- okay. We could actually calculate overall. Are you with me? Overall property tax items went from forty-three-two-0-one-459, we're making the calculation, we're making the calculation as we speak, to forty-four-seven-twenty-four-0-ninety-nine, which is an increase of -- an increase of three-and-a-half percent, a little over three-and-a-half percent.

LEG. ALDEN:
Okay. Thank you. And then the other part of the question is were the people that are outside the district that are hooked up to it, was there an increase in their fees also, or are we just charging people in the Southwest Sewer District for all these outside hookups?

MR. LIPP:
I can't answer that.

LEG. ALDEN:
All right. I'll get an answer to these. Thank you.

LEG. MYSTAL:

Presiding Officer, let's go.

P.O. LINDSAY:
Okay. We're at ***2419*** - Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 1. I'll make a motion.

D.P.O. VILORIA-FISHER:
Second.

LEG. MYSTAL:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
18.

P.O. LINDSAY:
2420 (Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial),Suffolk County Sewer District No. 22 (Hauppauge Municipal), and Suffolk County Sewer District No. 28 (Fairfield at St. James) in the Town of Smithtown). Same motion, same second, same vote, okay with everybody?

MS. ORTIZ:
18.

2421 (Approving the return of the fund balance of the General Fund, Police District Fund, and District Court District Fund to the taxpayers of the Towns of Suffolk County). Same motion, same second. Any questions?

LEG. SCHNEIDERMAN:
Yeah. There's a couple here that affect equalization rates, assessment rolls and tax levies. As you know, two of the towns in my district were hit pretty hard this year, even though in earlier years they benefitted. And I'm still trying to figure out how these things are calculated. But with the high increase in taxes in one of my towns, I can't support this -- two of my towns.

P.O. LINDSAY:
Is this on 2421?

LEG. SCHNEIDERMAN:
So I'm going to -- yeah, I'm --

P.O. LINDSAY:
Is this on 2421?

LEG. SCHNEIDERMAN:
Yes. I'm going to vote no on 2421, as well as a couple of the others, because they all relate to the same --

P.O. LINDSAY:
Okay. Okay. We have a motion and a second. All in favor? Opposed? Legislator Schneiderman.

MS. ORTIZ:

I didn't have a motion.

D.P.O. VILORIA-FISHER:
Yeah, we had said same motion, same second.

MS. ORTIZ:
I'm sorry.

P.O. LINDSAY:
I made the motion, Legislator Viloria-Fisher made the second.

LEG. ALDEN:
That's 2421.

P.O. LINDSAY:
2421. Okay? So we have one opposed.

MS. ORTIZ:
17.

P.O. LINDSAY:
Okay. ***2422 (Determining equalized real property valuations for the assessment rolls of the 10 towns).*** I'll make a motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. SCHNEIDERMAN:
Mr. Clerk, record me as opposed.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
I'm opposed, too.

P.O. LINDSAY:
Okay. You've got two opposed.

MS. ORTIZ:
16.

P.O. LINDSAY:
2423 (Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns under the County Budget for fiscal year 2007). I'll make the motion.

LEG. COOPER:
Motion.

P.O. LINDSAY:
Second by Legislator Mystal.

LEG. ROMAINE:

On the motion.

P.O. LINDSAY:
On the motion, Legislator Romaine.

LEG. ROMAINE:
I am not going to be voting for this tax levy, and there's a specific reason, forgetting the Third Resolved Clause, because that wasn't there the last time, and I know why the County Executive put it in. But it still gives me an opportunity to express my concern about how unfiscally sound the County Executive is to tax people for vacant positions, to tax them for services that they are not going to be provided with, to put jobs in the budget he deliberately has no intention of filling. Again and again and again, we are taxing people for services they are not getting. There is a deliberate policy over the last three years, and certainly far beyond that, but there is a deliberate policy of leaving almost fourteen hundred jobs in this County Government vacant that most of these jobs we are taxed for, we do not get the services for. We are -- if we vote for this tax levy, we will be voting for a bloated budget and a levy that taxes for services that will not be provided. I in good conscience cannot do that. Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed?

LEG. ALDEN:
Opposed.

LEG. SCHNEIDERMAN:
Opposed.

LEG. ROMAINE:
Opposed.

LEG. MYSTAL:
Roll call.

P.O. LINDSAY:
Abstentions?

LEG. ROMAINE:
Roll call.

P.O. LINDSAY:
No roll call.

LEG. MYSTAL:
Three of them.

LEG. SCHNEIDERMAN:
Just three opposed.

P.O. LINDSAY:
Call the vote.

MS. ORTIZ:
15.

LEG. SCHNEIDERMAN:

You and I and --

P.O. LINDSAY:
Yeah, we got three opposition.

MS. ORTIZ:
15.

P.O. LINDSAY:
2424 (Approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the County Budget for fiscal year 2007). I'll make a motion.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MS. ORTIZ:
17.

P.O. LINDSAY:
2425 (Affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 - Southwest and directing the levy of assessment and charges within the Town of Babylon, Huntington, and Islip for the Southwest Sewer District in the County of Suffolk for fiscal year 2007). Make a motion.

LEG. MYSTAL:
Motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Mystal. All in favor? Opposed?

LEG. ALDEN:
Opposed.

P.O. LINDSAY:
Abstentions?

MS. ORTIZ:
17.

P.O. LINDSAY:
2426 (Extending the Time for the Annexation of the Warrant to the Tax Rolls). I'll make a motion.

LEG. MYSTAL:
Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:
Second by Legislator Cooper.

LEG. ROMAINE:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Romaine.

LEG. ROMAINE:
This is directed to Gail Vizzini. Does this -- the resolved clause says that, resolved, December 15th, being hereby fixed as the date on or before, which the Legislature shall cause to be annexed the tax and the assessment rolls of several towns, the warrants directing the collection of taxes. Now maybe I have to call on my colleague there, Lynne Nowick, who is the Receiver of Taxes, but my understanding is that tax bills usually have to be prepared on or about December 10th. Correct me if I'm wrong. You would know the best, and that's why I would rely on your information.

LEG. NOWICK:
Actually, the tax bills are probably being prepared now and with the hopes that the levy is passed. Excuse me one second. With the hopes that the levy goes through and that the tax warrant stays. Sometimes, rarely, things change and they have to -- they are ready in the position right now to print, otherwise they'd never get them done. As soon as that warrant is approved, the machines go all weekend.

LEG. ROMAINE:
The December 15th date, through the Chair to my colleague, disturbs me in this resolution, because I know that you have to have these taxes prepared on or before December 10th, if I'm not mistaken.

LEG. NOWICK:
Well, it's not the 10th. Actually, if we were really going to be in absolute --

LEG. ROMAINE:
Right.

LEG. NOWICK:
-- letter of the law --

LEG. ROMAINE:
Right.

LEG. NOWICK:
-- December 1st is the day. But since the warrant doesn't usually get approved until the 5th or 6th, or something in there, as soon as that happens, everybody starts printing. For days, they stay overnight, they keep printing. The bill must go out immediately.

LEG. ROMAINE:
Okay.

LEG. NOWICK:
Tenth, 15th, too late.

LEG. ROMAINE:
Okay. Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed?

LEG. ALDEN:
Opposed.

P.O. LINDSAY:
Opposed? Who's opposed?

LEG. ALDEN:
Me, Cameron.

P.O. LINDSAY:
You're opposed? Cameron's opposed. One opposition.

MS. ORTIZ:
17.

P.O. LINDSAY:
Okay.

LEG. MYSTAL:
Motion it to adjourn.

P.O. LINDSAY:
Do we have anything else? That's it, right? Okay.

LEG. MYSTAL:
Motion to adjourn.

P.O. LINDSAY:
Okay. Motion to adjourn. I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

MS. ORTIZ:
18.

[THE MEETING WAS ADJOURNED AT 8:36 P.M.]

{ } Indicates spelled phonetically