

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**EIGHTEENTH DAY**

**DECEMBER 19, 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 9:30 A.M.]*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Good morning, Mr. Presiding Officer.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here, present.

**LEG. BROWNING:**

Here.

**LEG. CARACAPPA:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Present.

**LEG. MONTANO:**

Present.

**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:**

Present.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

16. (Not Present at Roll Call: Legislators Kennedy and Mystal)

**P.O. LINDSAY:**

Could we all rise for the Pledge, Salute to the Flag, led by Legislator D'Amaro?

***(Salutation)***

**P.O. LINDSAY:**

I'd like to introduce Legislator John Cooper for the purpose of introducing our guest clergy, the Reverend Mark Bigelow.

**LEG. COOPER:**

Good morning. I am pleased to introduce the Reverend Mark Bigelow, who has kindly offered to provide the invocation for today's meeting of the Suffolk County Legislature. Reverend Bigelow is Pastor of the Congregational Church of Huntington, which was founded in 1955 by a group of Congregationalists who saw a need for a progressive Protestant Church in the Township of Huntington. They selected a quiet wooded site in the community of Centerport. Reverend Bigelow has served as their Pastor for the past 16 years. Among his many volunteer activities, Reverend Bigelow was a founding member of the Long Island Multi-Faith Forum, sits on the National Clergy Advisory Board for the Planned Parenthood Foundation of America, and serves as Chaplain for the Visiting Nurse Service of Suffolk County. Reverend Bigelow.

**REVEREND BIGELOW:**

Let us be in a spirit of prayer. Oh, one whom which we turn to as Divine, it is no coincidence that in the darkest of the winter, your people light candles and illuminate brightly colored lights to drive away the darkness. It is, though, an easy measure to drive away the darkness of the night compared to the work of pulling away the darkness that resides in our souls or communities, for we know at this time of celebration and joy that many of us are feeling the despair of illness, or the loss of a loved one, or unemployment, or put down by discrimination. This is why, oh, God, we gather together in churches and synagogues, mosques, all religious organizations, in civic bodies, including this Legislature, to be able to provide the opportunities that all of our brothers and sisters may be able to drive away that despair. We thank you, oh, God, today for all the public servants of Suffolk County, for those who come to make our lives better. Oh, God, may you bless the work of this body, so that they may provide the bedrock of support, the opportunity for freedom, and the possibilities for all of our citizens to achieve your potential in their lives. And may they do even more, for may they stand and provide and become, as the lighthouses which light our shores, a beacon which may show forth for all of your peoples. Amen.

**P.O. LINDSAY:**

Thank you very much. Before we all sit down, I'd like a moment of silence for our young men and young women that have given their lives for their country this year, and also to remember the ones that are still in harm's way, and ask that they be brought back to us safe and sound.

*(Moment of Silence)*

**P.O. LINDSAY:**

Be seated. The first order of business this morning, I'd like to call on Legislator Cameron Alden for the purposes of a proclamation.

**LEG. ALDEN:**

Actually, Mr. Presiding Officer, I have two proclamations I'm giving out. The first one is to Robert Kuri. I'd like to call Mr. Kuri up. Mr. Curie's given over 20 years of service to this County and to the Town of Islip to provide affordable housing for people. He serves on numerous Federal, State, and local boards, including the Suffolk County, our Housing Board. And I think it's befitting at the end of 2006 -- how many years has it been that you've been at this?

**MR. KURI:**

Twenty-seven years.

**LEG. ALDEN:**

Twenty-seven years Bobby's put into affordable housing. How many thousands of people have gotten housing -- houses because of his efforts? So I just want to take this moment in this holiday season and recognize all the hard work that you've done and great things you've done for the people of Suffolk County.

**MR. KURI:**

Thank you very much.

**LEG. ALDEN:**

Bobby, thank you very much.

*(APPLAUSE)*

And thanks for coming down. I have Probation Officer Denise -- and I'm not going to even try to pronounce your last name. But as you're coming up, just I'll give you a little background.

Some officers would have quit on this case, but it was a 15 year old girl that actually was missing and abducted. And Denise just wouldn't quit on this, and actually, technically, she probably could have at a whole bunch of different times. I'd like Legislator Eddington to join us, too, on this presentation.

And again, at this time of the year, to just take and recognize some of the great things. Our Police Officers do some very, very fine things, Suffolk County Sheriff's Office, very fine things, but I don't think Probation really gets all the recognition. They actually put their lives on the line and in the carrying out of their normal duties. And once again, a 15 year old girl was returned to her parents who had been abducted by her, quote-unquote, boyfriend and taken even out of state. So, Denise, for your tenacity, really, and just staying with this. And you did put your life on the line to go after this guy, because he's dangerous. Thank you very much and God bless you.

**MS. GIACOPPO:**

Thank you. Thank you very much.

*(APPLAUSE)*

**LEG. EDDINGTON:**

Thank you very much.

**LEG. ALDEN:**

Thank you.

**MS. GIACOPPO:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. We have two presentations this morning. The first one is by Dr. Ben Luft, who is a member of our Board of Health. And Dr. Luft is also a tenured Professor at Stony Brook, and is a specialist in infectious diseases, and is currently the Principal Investigator for the World Trade Center Recovery Workers, that program that is servicing the needs of those people that gave it all up and went down to that site and spent days, and weeks, and months down there trying to help find people and survivors, and as a result of it, a lot of them are getting very sick. So I know Dr. Luft wants to talk to us this morning about the resent report that was issued by the State on the state of our hospitals in this area. And with that, I'll turn it over to you. The mike is in front of you. The mike is in front of you. You're going to have to pull it all the way up to you. And the switch is on the top.

**DR. LUFT:**

Thank you, Legislator Lindsay. This report was put together by myself and David Parkinson, who's unable to be here today, but is also a member of the Board of Health. And we thought that this was a very important area to discuss, because the Berger Commission Report will probably have the most far-reaching effect on health care and public health on Long Island for the last perhaps quarter of a century, as well as probably into the future. Its impact will go on for decades. And as a result of that, what we had thought, since this is a very important moment that a lot of very important decisions are going to be made at the level of the State in terms of allocation of resources, that it's very -- that it's important for the Legislature to know this in order to be able to direct these things appropriately.

Although Bill had asked me to give a very brief presentation, I will try to do that. He asked me to just take 15 minutes. But that is not -- that I don't think reflects the amount of time that we'll need to spend in the future dealing with the implications of this report.

So the Berger Commission, you could see there's two -- my secretary spelled it -- it's not B-U-R-G-E-R, it's B-E-R-G-E-R, which is -- I guess she was hungry and was thinking of burgers. So the Berger Commission was a commission on health care in the 21st Century. And what they did was they put together this report, because they felt that the health care system was in crisis; that the health care providers, mainly the hospitals, were in a weak financial position, that their margins were very low, a lot of them were in debt, and that there were -- and as a result of that, there was not enough money to reinvest in their systems to obtain the latest technologies to access capital and upgrade their physical plants. And I think we all recognize that this is an important problem for our hospitals in Suffolk County, in particular, on the east end of Suffolk County. So the causes for the crisis was that there was excess capacity that weakens our system. And this is the first important point I think that is important to be made that I will try to emphasize as we go forward. There's.

A fundamental driver of the crisis in the health care system is excess capacity. However, in Suffolk County, I believe it not to be necessarily as much excess capacity as much as it is a misalignment between need and capacity. So that the total number of beds may not be in excess, but actually, that they're misaligned, that they're not placed in the appropriate place to be able to give appropriate access to health care, which is very important, especially as we start to understand the contemporary technologies that are out there.

The quality of care is jeopardized, and this is because there's a direct relationship between volume and quality of care. So that if in hospitals that do not have the appropriate volume, you don't have the appropriate number of cases that are coming through, and, therefore, the quality of the care in

those hospitals may not be as good as places where see -- where they see many cases. Where there is excess capacity, there's underutilization -- there's unnecessary utilization, and this, what they're saying here is that when a place of business is not doing as much as it has, it has excess capacity, it begins to do unnecessary procedures in order to be able to increase their margins and their revenue streams, and the duplication fuels a medical arms race; that if you have different facilities that have duplication of resources, that there's this one-upsmanship that begins to develop, and this produces more -- that places have to get more sophisticated technologies, and, therefore, to outdo one another. Where there's unmet need, patients do not have access to health care with negative public health consequences.

So there's one thing about reduplication where there are two facilities that are next to one another and they have exactly the same technology, but it's another thing when you begin to think about facilities that are separated in time and space that are very far from one another and they have the same type of technology. In those situations, there's not really reduplication, but there's increased access to health care. And in certain types of conditions, that access to health care is paramount. It's very important for patients to be able to get to certain facilities in a timely way in order to be able to get optimal therapy.

So, for instance, in cardiac disease, in patients who have cardiac infarctions, they have to be able to -- be able to get to a facility and be treated in a very sophisticated manner within 90 minutes. And we know where we live, if you live on the eastern end of Long Island, to get to one of those facilities, as I'll show you, is almost impossible, and so we'll talk about that.

So the Berger Commission's recommendations per its statutory obligation, the Commission makes the following recommendations:

To right-size and reconfigure health care facilities in the region of the state. And so, by and large, the Berger Commission dealt with retrenchment, shrinking of hospital beds, taking away, closing facilities. But I think the important point for us on Long Island, or in Suffolk County in particular, is that we're not dealing as much with retrenchment in order to optimize our care, we're dealing with realignment, access to care, having facilities available where it's easy to get to.

So what were the recommendations for Suffolk County? At Eastern Long Island Hospital, Southampton Hospital, Peconic Medical Center should be joined in a single unified governing structure. The new entity should develop an affiliation with the University Hospital at Stony Brook. Brookhaven Hospital should continue joint planning with these hospitals and explore the new entity. All of these hospitals should implement the bed reconfiguration scheme described in the complete recommendation. And I think tremendous progress is already being made in this area. There is a lot of discussion between the eastern end hospitals and Brookhaven Hospital toward being able to develop a common governance board, and being able to develop a regional strategy for the delivery of health care. But that -- being able to implement that will actually -- will cost a good deal of money. And I think that this is the last aspect of the -- of this presentation, is I want to emphasize what money is going to be made available. It's an unprecedented amount of dollars that the State is making available to be able to implement this, and this is something that we really need to focus in on.

Now, the one aspect of this proposal was that the new entity should develop an affiliation with the University Hospital at Stony Brook. And I think that that aspect is really kind of, and to a certain extent, predicated on the second two recommendations about the University Hospital being given operational freedom, that there should be some discussion regarding privatization. Those are important issues in order for the University Hospital to be able to meet with these other hospitals and negotiate a way of being able to develop a plan for the delivery of health care. So it's really -- one is really predicated on the other.

But one thing that I think, from my own point of view, that's very important is that we should allow the market economy to work, and we should allow entities that think that they are able to help out

these eastern end hospitals, the capacity to be able to provide the resources that is necessary.

The other aspect of the proposal, which I think is -- was -- is somewhat disturbing is in regard to Saint Charles Hospital, which they said that they would like -- they ask that it should be down-sized by 77 med-surg beds and convert the remaining 37 med-surg beds to psychiatric and alcoholic detoxification beds, and discontinue its emergency department. And I think, from our point of view, and I think probably the point of view of those at Saint Charles, that this is paramount to closing Saint Charles, because this puts Saint Charles in a financially unfeasible condition.

And I just -- this is a semi-layman, I'm not a financial expert, but I could tell you that the margins, you know, where the profitability is in any health care system are in those med-surg beds, and the psychiatric and alcohol detoxification beds are places where there's a very low margin or no margin at all, and those are also the areas that are under continuous government pressure to decrease its cost. So this is kind of like the double whammy, you're taking away its area where there's some margin where you can basically float the institution, and, at the same time, you're asking them to take on responsibility for areas that are -- that have low margins and are under increased pressure as the government is trying to make its ends meet.

J.T. Mather Memorial Hospital should convert all 37 of its psychiatric and alcohol detoxification beds to med-surg beds. And I think that, again, this is a very costly thing, and I think that it's something that we have to recognize, that when we make these types of changes, that the resources that are available have to be put forward. And there are provisions within this proposal for those resources to be available, but it's not -- it cannot just occur, you know, because someone wishes it. A lot of these hospitals do not have the capacity. You know, the basic premise of the report was that these hospitals are overburdened financially and they don't have the capacity to raise new capital to be able to capitalize this. So in order to be able to effective it, we have to consider that. So the critical issue for Suffolk County, and in particular the east end, is to realign resources and improve the access to health care.

Now, I want to give you this quick comparison of Suffolk to Nassau County, and I think this is extremely important, because it really tells us the -- what our problem is here. In Suffolk County, we have eleven hundred fewer hospital beds than Nassau County, and that does not include Long Island Jewish Hospital, which straddles the Nassau-Suffolk border. We have eleven hundred fewer hospital beds. We have 200,000 more people in Suffolk, and Suffolk is growing faster than Nassau County. We have triple the land mass of Nassau County. And when you look at regional centers that are necessary for delivery of care where time is of the essence, so you look at something like a regional trauma center, in Nassau County, you have Nassau University Medical Center, you have North Shore and Winthrop as regional trauma centers. In Suffolk County, we have Stony Brook. For neonatal ICU, we have Winthrop, Nassau County, South Nassau, North Shore in Nassau County. In Suffolk County, we have Stony Brook. We have triple the land mass, we have one tertiary hospital. Doesn't make a lot of sense. So we have fewer beds, we have fewer essential high tech services, we have longer travel time, and when time matters, our population is at increased risk. And I recently moved to Riverhead and it became acutely aware to me that if anything was to happen to me, since I'm at that vulnerable age, that it was going to take me 45 to 50 minutes to get to Stony Brook to have something done in an acute way, and that's not really acceptable, at least not to me.

The other aspect of this is this, is that unless we have these high quality, and I'm not saying -- high quality in terms of being able to provide the appropriate technology, it's difficult to recruit high quality physicians. Physicians who have technical expertise want to be in areas where they can practice their technical expertise. And so when you look at the map of where we have regional or physician shortages, it reflects also where there aren't facilities to support those physicians. And so it's really important for us to be able to upgrade our facilities in order to be able to attract the appropriate physicians in order to be able to alleviate our physician shortages that parts of Long -- parts of Suffolk County is truly experiencing.

Now what is the economic impact? This is I think an important thing for you guys. The out-migration of cases, the number of cases that leave Suffolk County to go to Nassau County and New York City are 36,000 admissions a year. That's the total number of admissions that Stony Brook gets. This translates to five to six thousand jobs. The direct revenue that's lost from Suffolk County by these people leaving is 600 to 800 million dollars per year. The direct physician revenue is 150 to 200 million dollars. The economic impact on Suffolk County is between one-and-a-half to two billion dollars per year. And, of course, there's the important aspect of the quality of life, a public health aspect, and the fact is, is that if you want to have economic development in various parts of Long Island, one thing that everyone is going to look at, any industrial partner, is what is the health care there? Are we going to provide excellent health care for our people when we bring -- when we set up our industry in various parts of Suffolk County? So this is all very important to consider.

Now this is an important aspect that I wanted to go into is the financing, the Berger Commission recommendations. There are two ways that these recommendations are being financed. One is called the Health Care Efficiency and Affordability Law for New York, it's HEAL money, and this is going to be one billion dollars over the next four years. And HEAL money was supposed to improve the quality, stability and efficiency of health care delivery, providing capital grants to cover expenses associated with physical reconfiguration, conversion, downsizing or closure of hospitals and nursing homes. Last year, although the HEAL money was not directly related to the Berger Commission recommendations, since the Berger Commission recommendations were not in place, Long Island received 38 million dollars. Close to 80% of that 38 million dollars went to Nassau County; okay? So it's something -- you know, this is a very important thing for us to consider and for us to be able to make sure that we get our fair share as this money becomes available.

The other money that will be available is the Federal-State Health Reform Partnership, and this is called F-SHRP money. Now this is -- was made to -- the Federal Government was going to -- has committed themselves to 1 1/2 billion dollars to be able to put into effect this report, the Berger Commission Report. But it was also predicated on the State finding 350 million dollars worth of Medicaid fraud in order to be able to -- which they -- which they feel is out there. But this is an additional 1 1/2 billion dollars over the next five years. So the point that I'm trying to make is that, in total, there's 2 1/2 billion dollars that will be distributed over the next five years to be able to upgrade and improve our health care system. And so I think it's important for us to be aware of it. It's important for us to be able to focus in on that, because this is going to make the difference as what's going to be done. And from my point of view and from my perspective, I believe that a lot of these programs will be initiated within the near future, and this is the way that the money will be distributed then over the next five years. So if we -- we have to be able to do this in the short run, you know, to get our act together.

So what could be done? I'm almost finished, Bill. Significant discretion in this Berger Commission accrues to the Commissioner of Health for implementation. So the Commissioner of Health, who will be appointed, I would assume, by our new Governor, will have a tremendous amount of latitude as to how the monies will be available and how they'll implement this program, so there is some discretion there. We need to monitor the way the capital is allocated. We have to focus our lobbying effort for capital allocations specific to Suffolk County needs to the delivery of health care, to having appropriate access to health care. This is very different than just retrenchment and closing 37 beds. We have to develop additional centers for a physician recruitment into our underserved areas. We have to develop innovative proposals with the County in its role as a provider of health care services, consistent with the Berger Commission recommendations. And very importantly, and I think we've made a first step in this little ad hoc committee, is to developing a monitoring system to ensure that changes made is associated with approved access to care and a high level of patient safety.

**P.O. LINDSAY:**

Ben, there's a couple of questions, Dr. Luft. Legislator Stern.

**LEG. STERN:**

Thank you, and good morning.

**DR. LUFT:**

Good morning.

**LEG. STERN:**

Thanks so much for being with us. Just a very quick question. You touched on Saint Charles and Mather, and, of course, up in the area, not just the area, but the region is also served by Stony Brook Hospital. And I've gone through some elements of the Berger Report and, of course, talking about, and I think you would use the term as well, this medical arms race. And one of the suggestions is to have Mather take a look at the services they provide, Saint Charles, and maybe change the services that they deliver dramatically. And the thought, or at least what I had gleaned from the report, was that many of those services could be provided by Stony Brook, and, in fact, many of those services are already being provided by Stony Brook. I guess my question for you is have you or anybody else familiar with the report given any thought to the current issues, the current problems that Stony Brook is facing and how that might play into going forward with an implementation of this plan, particularly when it calls for either Mather or Saint Charles, or many other facilities in the area, becoming more closely affiliated with Stony Brook; is that a direction that we would want to go in?

**DR. LUFT:**

Well, let me just say, first of all, my personal disposition is that I think that the market really directs how things are -- things develop, and that the one aspect of the report is that it does -- there is a lot of discussion there about the ability of -- you know, of directing, you know, how affiliation should develop, or whatever, and I think that's an area that really requires what different groups really bring to the table, and I think that that's an important part of it. But what the report does -- there are two parts to the report. One is the parts that actually have to be effected, and the other part which has to do with retrenchment and reconfiguration. The other aspect of the report has to do with what their suggestions are. And as I said before, my reading of the report is that in order to be able to develop those affiliations is predicated on certain things happening within the University Hospital that allows it to be able to be a partner, and that's what was discussed in the Regional Advisory Committee, they discussed that particular issue. So, in some ways, that's kind of a little bit more nebulous.

I do think that the eastern end hospitals of -- Eastern Long Island hospital, Peconic, Southampton and Brookhaven are making tremendous strides in order to be able to develop a reason regional plan as to how they are going to realign their beds and be able to provide services to develop a common governance. I think that there's a lot of -- there seems to be a lot of enthusiasm there, and I think that that's something that is very important. But, at the end of the day, I think that it's going to be that what different people bring to the table, and also that the -- and that people feel a comfort level of who they work with, and that's what I meant by the market directing a lot of that.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Good morning, Dr. Luft. Thank you for being here. And I'm sorry that I lost you as a constituent.

**DR. LUFT:**

But not a supporter.

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

I have a couple of questions, because, upon first reading of the report, it was clear that -- well, it was stated in several newspapers that with this report, it was all or nothing. It was either going to be acted upon or -- by the State Legislature or not. And, at this point, since the State Legislature hasn't acted upon this, then the Berger Report will -- is being --

**DR. LUFT:**

In effect.

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

-- tantamount to accepted --

**DR. LUFT:**

Right.

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

-- wholesale. The whole kit and caboodle is accepted, and, yet, you said that there was discretion on the part of the Health Commissioner, but that's only in the allocation of monies, or is it in the report and recommendations itself?

**DR. LUFT:**

Well, there are certain aspects to the report that are more vital than others, and a lot of that has to do with -- so the recommendations as to reconfiguration of beds and things of that sort, hospital closures, that was accepted. But the implementation of how those things will occur, you know, is up to the discretion. And when you start talking about issues such as relationships, and associations, and affiliations, and things of that sort, those, when you look at those definitions, those definitions become a lot more --

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

They're a little more vague, yeah.

**DR. LUFT:**

-- flexible. They're vaguer. And so there's a -- when you really look at all of the definitions, you find that the Health Commissioner has a lot of discretion and has a lot of flexibility. And then when you put on top of it that they have a 2 1/2 million budget, that gives them even more flexibility.

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

I have a very deep concern regarding the recommendations, vis-a-vis Saint Charles and Mather, because I have seen Saint Charles and Mather really develop a relationship with one another that is much more sophisticated than any that they've had in the past --

**DR. LUFT:**

Yeah.

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

-- where they have tried to provide complimentary services. And this report doesn't really reflect the work that Saint Charles and Mather Hospital have been doing in the past few years. Had the findings begun before Saint Charles and Mather developed the relationship that they now have currently? Why have they -- it seems to be a very blunt instrument. And, you know, Mather hospital had the Juvenile Psychiatric Center on which they spent quite a bit of money developing that and is a center that's supported. Do you have an inkling as to why they would go in -- really, it seems almost Draconian.

**DR. LUFT:**

Yeah, I agree, and it's an area of concern. I think that these -- both those hospitals offer some very unique services, and they have been a source of a great deal of health care that is needed in that

area, as well as in the County. I'm not privy to the workings of a committee. I'm trying -- I was just trying to be as factual --

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

Yes.

**DR. LUFT:**

-- as possible, but try to put some things into some context. But I wasn't -- I was not a member of the Commission.

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

So you don't their thought process --

**DR. LUFT:**

No.

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

-- and how they arrived at that. Because although geographically all three hospitals are in my district, so they have that -- geographically, they're close to one another, their purposes are rather different. Stony Brook Hospital is a large tertiary care hospital, almost a de facto County Hospital, because this is where our emergency services bring severe trauma victims to the University Hospital. Mather and Saint Charles serve a different community purpose and very unique, as you say. So I am very concerned about Saint Charles Hospital particularly in this case, so we'll be looking at that.

With regards to the University Hospital, now, I'm a little bit confused about that, because I read earlier this week or last week Senator LaValle saying that he was moving away from the position that he had previously held regarding I guess what some people would have called the privatization of the hospital and its separation from the university system, and, yet, I was reading in the paper a few days ago that he's moved away from that position, and that the Hospital will still be working with the University, the other side of the campus, but that there would be an Advisory Board. Now, is that able to be done under the Berger Commission, or does the Berger Commission require it to be broken away? Or, again, is there flexibility and discretion regarding that issue?

**DR. LUFT:**

Well, I think there's a couple of real issues and it really -- this goes back to the issue that was raised by Legislator Stern as well. There's one issue that has -- deals with the quality issues at Stony Brook that have been raised. And I think that that's where -- although Senator LaValle, at least in the Newsday reports that I was reading, initially offered his legislation almost concomitantly with this Berger Commission Report to be able to do these things from the point of view of health care. Then there's the health care delivery section of it. But the discussion that I read subsequently was that they want to put a Quality Council and Board, and I think that deals mostly with the quality issues at Stony Brook, and it's not going to be able to deal with the issues in regard to Stony Brook being necessarily an effective partner dealing with these hospitals, what these hospitals need in order to be able to develop a regional, you know, affiliation, you know, for delivery of health services, whether, you know, either providing capital, providing services, etcetera, etcetera. These are -- it's a very complex set of issues that you need to be able to do to do that latter aspect. And so there's confusion, I think, that between these two issues that are going on at the same time. On the one hand, you know, you have to deal with the quality issues at Stony Brook and -- you know, and how Senator LaValle is trying to deal with that, but then there's the Berger Commission, which is completely different, and it brings up a whole different set of issues as to how the University will be able to deal with those issues and that hasn't been clarified. So I think that that's the --

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

So there's good reason for my confusion. Okay.

**DR. LUFT:**

Yeah. I think that it's not a proposal that really deals with both issues, it deals with one issue at a time.

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

Thank you, Dr. Luft.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Thank you very much for your presentation. I just wanted to clarify a few things, so it's -- and I could be incorrect on this, but it's my understanding that as far as the basic recommendations of the Berger Commission, they're going into effect. I mean, the only one who -- the only entity who had an opportunity to make any changes or modification would have been the State Legislature, and they chose not to take it up last week. And, frankly, I can understand why, because you would have, if there is recommendations to close ten hospitals, you would have the representatives in Assembly and the Senate for those respective areas where those hospitals are located coming in and making the case as to why their individual hospitals should remain open.

So, when it comes to the closings, and when it comes to Saint Charles and Mather with reference to the reduction of surgical beds, that's going to go into effect, because my impression is, if they didn't act by the end of the year, as of the beginning of the year, the Berger Commission recommendations takes hold; that is true?

**DR. LUFT:**

I think that unless something else happens, that's true. I mean, that's what the -- these recommendations that both the -- from my understanding is that the State Senate and the Assembly did not act, and, therefore, if becomes law. And so the most important aspect that you -- what we have is really on the implement aspect.

**LEG. BARRAGA:**

Okay. So that's where the flexibility exists; all right?

**DR. LUFT:**

And that's where the flexibility is.

**LEG. BARRAGA:**

And does that lie with the Commissioner of Health in the State of New York, or what is --

**DR. LUFT:**

That will reside within -- yeah, the Commissioner of Health is given a tremendous amount -- I'd say a significant amount of latitude in the implementation of these -- this report. And what I -- the thing that I wanted to emphasize is that Suffolk County and Suffern County, the two "S" counties in New York State, have a different situation than a lot of other counties in New York State. We have -- it's not an issue for us as much the numbers of beds as it is to access to health -- to care. You know, there's a lot more reduplication when -- that's why I was trying to give you those statistics in Nassau County, what they have in Nassau County compared to what we have in Suffolk County. And so it really requires us to be able to focus in and hone that in, because it's not one solution that's going to affect everyone, especially us. We have to be able to support our hospitals to be able to reconfigure appropriately to be able to improve our access to care and upgrade our facilities and provide us with the appropriate capital to be able to capitalize these facilities.

**LEG. BARRAGA:**

Okay. And I understand that.

**DR. LUFT:**

That's what my -- that's the only -- but you're absolutely correct.

**LEG. BARRAGA:**

And I just wanted to make sure it's clear that, for example, when you're talking about Saint Charles and a major reduction in medical/surgical beds, that's going to happen.

**DR. LUFT:**

Yeah.

**LEG. BARRAGA:**

That, you know, there's no flexibility there. There may be flexibility in the future in terms of affiliations between one hospital --

**DR. LUFT:**

Right.

**LEG. BARRAGA:**

-- and the University, or something along those lines, where the Commissioner of Health would have some input, but the reality is those specific recommendations as they affect Long Island in a negative way, they're going to go through, unless the Legislature were to meet between now and the end of the year and choose to take that issue up, long with a lot of others.

**DR. LUFT:**

Right.

**LEG. BARRAGA:**

Thank you very much.

**P.O. LINDSAY:**

I thank -- thank you, Dr. Luft, for taking the time to come down and brief us on this very important report, and I thank you for your work on the Board of Health.

**DR. LUFT:**

Thank you.

**P.O. LINDSAY:**

Next in our agenda, we were -- it says a presentation by James Morgo, Commissioner of Economic Development and Workforce Housing regarding the Long Island Convention and Visitors Bureau and Sports Commission Report. Commissioner Morgo could not be with us today. We have Michelle Isabell Stark from the Department of Economic Development is going to give Mr. Morgo's report, and Moke McGowan, who is the President of the Long Island Convention and Visitors Bureau.

**MS. STARK:**

Hi, good morning. Just to give you some background on why we're here, Resolution 1238-2004 directs the Commissioner of Economic Development to appear and give a report to the Legislature with respect to the agency's success in increasing sales tax revenues in tourism using verifiable statistics. And each one of you have been given the mid-year report that was prepared by the Long Island Convention and Visitors Bureau, and you will find statistics in there regarding sales tax revenue and other information about the progress of the Bureau.

Just to give you some primary points about the report, during the first half of this year, the LICVB continued to demonstrate a marked improvement in its overall operation and programs. The

Bureau has firmly reestablished its financial integrity, it has responsibly addressed its Suffolk County contractual obligations, and focused its programs and activities on driving overnight visitation. For instance, the Bureau's 2006 marketing plan outlined benchmarks and targets for success for its marketing and sales efforts, including inquiries from advertising, website traffic, and sales lead generation.

Additionally, the Bureau's plan outlined activities to be performed during the course of the year that ultimately would stimulate visitation, visitor expenditures, and sales tax generation. These activities included new website enhancement, such as interactive and static maps for attractions, vineyards, and produce stands along the North Fork, increased public relations activity to generate positive editorial treatment of Long Island as a travel destination.

This report covers January through June of this year, a time period in which the Bureau did not have a consummated contract with either Suffolk or Nassau Counties. The work undertaken and the results these efforts generated were accomplished at the time without funding from either county, which is a testament to the Bureau's financial management.

Also they've undertaken new programs in cultural and heritage tourism. So, in addressing new contractual obligations, the Bureau has been working with the County to ensure a successful Winter Fest Program. As part of the program, the Bureau assumed the cost of printing Winter Fest maps, and will begin placing advertisements in key off-Island media in January and February to help generate awareness of the program.

And I would like to point out that this Winter Fest Program was originally funded two years ago through a grant that was awarded to them by the Arts and Business Council and the New York State Council on the Arts. They're only one of a handful of organizations in New York State that got that funding, and, of course, the only one on Long Island, so we're very proud of that, and that program continues to grow in the five East End towns.

The Visitor Information Center Rail Car. At the close of the 2005 summer season, the LICVB voiced concerns within its board about the physical condition of the Rail Car Information Center at Exit 53 of the L.I.E. In February, the Department of Transportation declared the Rail Car unsuitable for visitor operations and must be removed. Because the Bureau could not operate the center and, therefore, would not incur budget costs for its operation, the LICVB significantly increased its advertising for Suffolk County to meet its obligations toward the Suffolk Specialty Tourism Marketing Program.

And just to finish up, I sit on a number of committees and the Board of the LICVB representing Suffolk County's interests, and I have to say that they've done an outstanding job this year, given the fact that they were operating without contracts from either county for a great part of the year, and they continue to provide services. And I think it does speak to their financial abilities at this point that they had enough cash to operate without those contracts. And Moke is here to answer any further questions you may have.

**P.O. LINDSAY:**

Mr. McGowan, do you want to say something first, or you just want to take questions?

**MR. MC GOWAN:**

I'm not sure that this is on.

**MS. STARK:**

Is that on?

**P.O. LINDSAY:**

It's on top.

**MR. MC GOWAN:**

I'd be more than happy to take any questions. We are very pleased with the progress that we have made during the past year and a number of the programs and initiatives that we are moving forward with as we look to 2007.

I think that what Michelle said with regards to not just our financial management, but the overall attitude of the Bureau, its Board, its Executive Committee to meeting its obligations. We moved forward throughout the bulk of 2006 as if we had a contract. We knew we were heavily involved in the bid process. We knew that we were a single bidder on this contract. And our decision was not to hold up any vital programs, or projects, or activities that would have or make a difference in our tourism industry. And it was a decision that I think was well founded and a decision that has proven to be a prudent one.

So we're -- we're definitely, as I said, looking forward to 2007. And we did, I might also add, finally consummate a contract with Nassau County the 1st of November, so it --

**MS. STARK:**

For 2006.

**MR. MC GOWAN:**

For 2006, and will go before the Nassau County Legislature in January for an extension of that contract. So with that, I'll be more than happy to take any questions.

**P.O. LINDSAY:**

There are some questions, but before I recognize some of my fellow Legislators, I just want to recognize in the audience is Lisa Lovelock, who is the Coordinator for Life's WORC, and her students. Thank you for joining us today, and I hope you get something from these proceedings. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Good morning.

**MR. MC GOWAN:**

Good morning.

**LEG. SCHNEIDERMAN:**

As we talk about LICVB and its success, it would be hard to actually determine the level of success without looking at the tourism industry, which you created to promote. And so I'd like to know if you know some of the numbers from 2006 as compared to 2005 for the tourism industry, particularly the indicator would be through the hotel tax itself. Have you looked at the 2006 figures versus the 2005 figures?

**MR. MC GOWAN:**

When we look at the hotel taxes generated, what we're seeing is an increase in Suffolk County hotel tax generation. As I look at the 2006 occupancy rates and the average daily rates, what we're finding there is a softening, if you will, in 2006 of occupancies, but an increase in rates. And that to me is a strong indicator, one, that there is demand, but because of the overextension of the inventory of hotel rooms, that has depressed occupancies.

**LEG. SCHNEIDERMAN:**

Okay. The total amount spent on tourism in '06 versus '05, do you have a sense of that number, whether that's increased or decreased?

**MR. MC GOWAN:**

I believe it's up, but quite honestly, Legislator Schneiderman, we rely on the information that comes back from the State's Department of Taxation Revenue to give us the breakout of expenditures, tourism expenditures in a number of different segments, from transportation to lodging to meals, entertainment, attractions, etcetera. We won't receive that for awhile. 2005, however --

**LEG. SCHNEIDERMAN:**

Okay. Well, you know, I've been looking at some numbers provided by the Suffolk County Treasurer's Office and they do have the hotel tax revenues by zip code. Unfortunately, it's not the end of '06, so I don't have the December figures, so it's hard to compare all of '06. I could prepare -- I can compare portions of '06, and it does appear that there is some softening in sales tax revenues or hotel tax revenues in certain areas. And, you know, one thing, obviously, that I'm interested in is the leisure market, which is one of the main components of the economy out on the East End. And are you seeing or hearing any softening in the leisure market, particularly on the East End?

**MR. MC GOWAN:**

As it relates to the East End, it seems to be an amalgam. In talking to some individuals as Paul Monte and Ken Walls, and a few of the others of the larger properties, have seemed to do fairly well this past year. Somewhat limited with weather restrictions at the beginning of the year and Memorial Day weekend, and things of this nature, but seem to be doing well. Very concerned about the fisheries part of the business, tourism business out there.

**LEG. SCHNEIDERMAN:**

What about some of the smaller places?

**MR. MC GOWAN:**

But the smaller properties, there is some softening.

**LEG. SCHNEIDERMAN:**

Okay. Have you given any thought to how to help that sector of the tourism economy?

**MR. MC GOWAN:**

We have for the last two years made available funds through a grant program that we set up as part of our Suffolk -- formerly known as the Suffolk Leisure marketing effort, now the Suffolk County Specialty Tourism marketing effort. A grant that we made available to destination marketing organizations throughout the County, the North Fork Promotion Council, the Hamptons Visitors Council, the Montauk Chamber of Commerce. And for the past two years, the Montauk Chamber of Commerce has not taken advantage of those grant dollars. So we're responsible, of course, twofold. One is to create a regional marketing program, and the second is a Suffolk focused, Suffolk centric program. It's very difficult, quite honestly, to really focus on any one particular segment to try to boost that particular segment at any given time.

**LEG. SCHNEIDERMAN:**

I would disagree with that. I understand the desire to promote Suffolk County or Long Island as a whole, but you have fundamentally different markets, and the person who may be coming to, you know, Hauppauge for a business conference may be different for somebody going out to the North Fork to the wineries. And how you reach those people, it's going to be in different types of publications and different types of media. So I think that you're wasting a certain amount of advertising dollars when you're only advertising to one group of people and grouping everything together. And I think a certain amount of your funds ought to go into that destination type of marketing. It might be just a difference of opinion. Can I ask you, Mr. McGowan, how much hotel tax revenue you received in '06, approximately?

**MR. MC GOWAN:**

Well, we haven't finished '06, of course, as yet.

**LEG. SCHNEIDERMAN:**

Well, in a typical year, let's say in '05.

**MR. MC GOWAN:**

We're projecting for '06 about 1.2 million dollars from Suffolk County.

**LEG. SCHNEIDERMAN:**

Okay. And Nassau County?

**MR. MC GOWAN:**

Nassau County, we originally projected \$703,000.

**LEG. SCHNEIDERMAN:**

Okay. So you have roughly 1.9, close to 2 million dollars in money to spend on promoting tourism. Can I ask how much of that money is spent on advertising?

**MR. MC GOWAN:**

Yes. Well, originally, we had projected to spend -- and I'm going to go to my notes here very quickly. In Suffolk County alone, we had originally projected about \$187,000 in media buys alone. We increased that to \$242,000

**LEG. SCHNEIDERMAN:**

So about between 10 and 15% of the total hotel tax revenue is going into advertising.

**MR. MC GOWAN:**

For Suffolk County.

**LEG. SCHNEIDERMAN:**

For Suffolk County. Okay. How much is going in --

**MS. STARK:**

For Suffolk County specifically.

**LEG. SCHNEIDERMAN:**

So you know how much is going into motor coach business?

**MR. MC GOWAN:**

We had a change of direction, if you will, as we looked at the 2007 year. Throughout 2006, we had a number of discussions with the Board of Direction -- Board of Directors on this, and originally, about \$58,000 had been planned, and that did include -- had been planned for domestic motor coach activity. And that was cut in half for 2006. That will be further reduced by another \$10,000 in 2007, and we will be focussing those dollars on international tourism development.

**LEG. SCHNEIDERMAN:**

Oh, good. Let me speak to both of those. One, do you understand my concern about large investments into the motor coach end of tourism, why I might be concerned about that?

**MR. MC GOWAN:**

I shared those concerns, because I share those concerns and shared them with our Board, because, quite honestly, the numbers did not point out that there was a return on that investment.

**LEG. SCHNEIDERMAN:**

Right. Well, the real problem I had with the motor coach investments is that those motor coaches were going to specific locations to specific hotels, and not promoting tourism on the whole. And so

that there were places that were benefitting, I believe, disproportionately from that motor coach, certain places with conference centers, certain places that were in a better position to compete, and it wasn't necessarily supporting the industry as a whole. And that may be why you see some of those larger places doing very well, because they are participating in that motor coach program.

You had mentioned international travel, which I think is a good place for LICVB to focus at least some attention. The Euro is very strong, as well as other foreign currencies against the U.S. dollar, creating opportunities for Europeans who tend to have more leisure time than we seem to have to come here. A lot of that -- a lot of those Europeans are heading for New York City. And if we could capture some of that while they're in New York City to come out to Long Island, be it Nassau or Suffolk County, to see some of our wonderful museums and other cultural activities, and maybe vacation in some of our beautiful beach destinations, I think that be would money well spent. And maybe that's through the internet, maybe that's through advertising in some of the journals that appear in the airplanes as people come over from London or Paris. I think those -- that's a good area for LICVB to be looking at in terms of future growth.

**MR. MC GOWAN:**

Allow me to address that briefly. And, again, this is looking ahead to 2007, but if you will, the Travel Industry Association of America, which represents the collective interests of the U.S. tourism industry as a whole, really only projects leisure travel growth for 2007 as about 1.7%. It's very minimal compared to the way it has been. The true area of potential growth is in the international market area. I got together with the New York City and Company folks to sit down and discuss if there was ways that we might be able to partner with them in laying a foundation in 2007 to start really attracting international visitation, because it takes about two to three years to really get entrenched in that market. The statistics, the information that they shared with me were just mind-boggling. International visitation to New York City represents 15% of all of their visitation, but it represents almost 47% that the visitors spend. So the dollars that you speak about, the Euro, I mean, it is phenomenal. We have the two primary points of entry in our own backyard at JFK and Newark, and for us not to be taking advantage of that is really a sin.

**LEG. SCHNEIDERMAN:**

Just lastly, I'll return to my first comment in that the way I will judge LICVB's performance, your performance in particular, will be by looking at the tourism industry as a whole and whether it is contracting, or growing, or staying the same. And as kind of the CEO of that corporation, I certainly hope that we're able to see that industry growing. And I say that largely because Suffolk County's sales tax revenues have been somewhat sluggish coming in between two and three percent, right around the rate of inflation. And we depend on sales tax revenues to fund the kind of quality programming that we all want to see in Suffolk County, whether it's through the colleges, or taking care of our infrastructure, or taking care of those in need, it's very important that we see that. And the tourism industry is a large component of our sales tax revenue, so if it can grow, we all will have the revenues we need to continue with the programs we believe in.

**MR. MC GOWAN:**

Fully understood.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yes. Good morning.

**MR. MC GOWAN:**

Good morning.

**LEG. EDDINGTON:**

My area is in Central Suffolk around Exit 63, 64. And as I've talked to hotel owners or managers there, they've given me a phenomenon and I wanted to ask you about it. They say that all through the summer they're sold out. And what they're finding out is people are taking, I don't know if it's called coach visits or they -- they go into the middle of Suffolk, they spend a night or two in Manhattan, they come back to the hotel, they go out to the wineries for a day or so, they come back to the hotel, they go out to the Hamptons for a day or two. And I'm wondering, do you have any information on that and is that something that you might be focusing on, because it seems to be a hub in this area.

**MR. MC GOWAN:**

Well, you're right. I mean, a great deal of the properties in the Central Suffolk area are {hub and spoke} oriented, but that's the way leisure travelers really explore. They -- for most, unless it's a resort, a hotel room is merely that central point of getting cleaned up and returning to in the evening to rest up, and from there, they explore and expand their activities from that arena. The central and western properties -- the central is probably more leisure oriented, because it does give them that central access to all of the diverse activities we have and products that we have really on throughout Suffolk County. Western Suffolk County, throughout the mid-week through Friday, they're business oriented, and then leisure traffic on the weekends. A great deal of time in the past, and I can't say that that's taking place right now, but a great deal of times in the past, as -- the East End was sold out or priced out. And I have to say that during the summer months, the cost of leisure travel to the East End is expensive; opt for a less expensive lodging in the central part of Suffolk County, but still take the amenities of the East End.

**LEG. EDDINGTON:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. Thank you, Bill. Hi, Moke. How are you?

**MR. MC GOWAN:**

Legislator Kennedy, good to see you, sir.

**LEG. KENNEDY:**

Nice to see you. Again, as a matter of fact, you guys did a great event for your annual meeting last month over in Stony Brook.

**MR. MC GOWAN:**

We appreciated your taking the time out of your busy schedule to attend.

**LEG. KENNEDY:**

We had a brief conversation there, and, as a matter of fact, I appreciate your E-mail back to me. But I guess I'm going to ask you to speak just a little bit more, if you might, about the concept of capacity and the hotel bed existing capacity in the industry now, and some of the, you know, initiatives that we hear, you know, being promoted within our particular towns and where that resonates with an overall occupancy -- occupancy rate.

**MR. MC GOWAN:**

We're faced with a very interesting challenge, and that is we do have an overexpansion of hotel rooms in Suffolk County, and it's to be taking place a little bit in Nassau County as well, without any new major product to drive the demand. And when I speak in terms of major product, I'm really speaking about a convention center, something that extends our business activities into the shoulder and off-seasons more than we currently enjoy. Most of our product earned is leisure oriented. And

without that type of major product there to help truly drive demand, any growth in hotel rooms right now is only taking advantage of existing market segments. And for a property currently, if they came on line today, is only going to be able to generate business by cannibalizing existing business, taking business away from another property, and that's why you see is the depressed occupancy rates that we have. The demand is increasing year to year approximately 2%, as Legislator Schneiderman pointed out, roughly the cost of living increase. But beyond that, what we're going to continue to see is depressed occupancy rates on a continuum, and especially as new properties continue to come in.

**LEG. KENNEDY:**

All right. Two other questions that I guess -- I mean, just ballpark, when you contemplate this time of the year, I guess, off-season, what is the -- what is the vacancy rate, I guess, or the occupancy rate, whichever side of the equation that you look at? And then secondly, what would -- what would be the minimum size associated with a visitor or conventions trade center that would be something that would kind of host that diversity that you're talking about?

**MR. MC GOWAN:**

Our occupancy data comes from an organization called Smith Travel Research, and they basically survey branded properties throughout the U.S. It's proprietary, obviously proprietary information, so it doesn't take into consideration the independent and the mom and pops. But typically, this time of the year, occupancies will dip down into 60 to 55%. That's November through February and then it will start back up. Really, what you're looking at probably for a facility of about 100,000 square feet, I would say 75,000 square feet of exhibit space, and an additional 50,000 square feet in ballroom and meeting room space, and theoretically connected to a headquarter hotel. But we do have another slight challenge with that and that this would be the ideal circumstance.

But one of the -- I think, as you have traveled to conventions, meetings, trade shows, and things of that nature throughout your careers, you've traveled to a city that has a convention center, that has a headquarter hotel, a number of hotels, that has retail and restaurants and activities for delegates to partake in that are right there. And we don't have that critical mass here on the Island. We can find space probably to put a quality convention center, but it may very well lack all of the other amenities that meeting planners truly look at in decision where -- deciding where their meeting or convention will be held. Most of our critical, or most of those activities take place away from the meeting spot, so that would be a consideration and a challenge.

**LEG. KENNEDY:**

Okay. Thank you very much, Moke. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Thank you, Mr. McGowan.

**MR. MC GOWAN:**

Chairman Lindsay, thank you.

**P.O. LINDSAY:**

Happy Holidays.

**MR. MC GOWAN:**

Happy Holidays to all of you.

**P.O. LINDSAY:**

Thank you. Okay. We're going to go into the public portion. The first card is James -- Joseph Gamper, and right behind him is Peter Quinn. Mr. Gamper if you want to stand or sit, wherever you're more comfortable, you have three minutes.

**MR. GAMPER:**

Hi. My name is Joe Gamper. I live at the old Robinson Duck Farm, and I rent a home from the Department of Parks, and I've been there for 17 years now. And we received a notice that legislation was passed, the resolution was 1250, to bring the rentals up to the open market. I see no problem with a rent increase, but I was notified that my rent was going up over 100%. It was going up \$965 more than I've been paying. I can see the increase, but I cannot see the increase all at one shot.

Now, before, I don't know, there was mismanagement of the Friends for Long Island Heritage that didn't keep up with the pace of living. I had two rent increases of 4%, and I would come up with this one over 100%. I just -- I see no fairness in it. I can see them implementing it over the period of time, but not once. I'm on social security, my wife's on social security, and the woman who lives with us is on social security. I mean, we have a limited income right now, and to have this all hit at one time, just it's out of our budget. As a matter of fact, I don't know what we will do if it's implemented for that kind of money. You know, I say I just cannot see it all at once. Thank you for your time.

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

Thank you, sir.

**P.O. LINDSAY:**

Peter Quinn. Behind Peter is Robert French.

**MR. QUINN:**

Good morning, members of the Legislature. First, let me comment about Canon. The Gerald Monter buys property, 52 acres in Melville from Mr. Tilles, and at 70 million dollars, to build residential homes. He flips the property, sells it to Canon for 102 million. Tilles goes ballistic. There's much political to do about keeping or creating jobs in Melville. And there is an agreement made and everybody's ecstatic, except that nobody wants to talk about the -- there are 1,080 jobs created in Melville from Lake Success. Nobody talks about the loss of 1,080 jobs in Lake Success. There are 1,000 jobs additional, but -- for research and development. Nobody talks about the fact that Canon will create those jobs from their global enterprise. And we'll call it "creating jobs", so that the IDA can qualify to give Canon a bundle of money. Nobody knows that, the amount, because that's going to be a secret part of the deal for six months, and everybody will be asleep by then.

Then we've got the U.S. Web. They're outside the Empire Zone. Members of the Economic Development Committee agreed to ask a whole bunch of questions, which Jim Morgo deflected very nicely. But are they really truly a regionally significant company to qualify five, nine, or nineteen percent under Empire Zone arrangements or not for a paper company? Come on.

And then there's Tanger. They're outside the Sewer District Zone. There were three public hearings -- three public meetings and a public hearing by Babylon Town. They gave them all kinds of benefits, and the County said, "Well, they're outside the Sewer District, but let's do it anyway. We'll include them in, we'll change the provisions under the Sewer District laws, and accommodate them." And our generosity as a County is extraordinary. Maybe it's the holiday season. Maybe I'm playing Grinch at this time of year, but I would hope that your charity and your concern about those less able. You can be sure Half Hollow Hills School District will benefit tremendously from the Melville property expansion. How will Wyandanch, its next door neighbor, benefit as we observe their children dropping out of school and not making the grade educationally? There has to be some adjustments.

I hope that in your good conscience for next year, you see a greater effort to accommodate those concerns. Thank you very much. Have a nice holiday.

**P.O. LINDSAY:**

Thank you, Peter.

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

Thank you, Peter.

**P.O. LINDSAY:**

Robert French, and behind Robert is Steven Gittelman.

**MR. FRENCH:**

Good morning. My name is Robert French. I am a Counsel Representative for the Empire State Regional Council of Carpenters. I am currently and have been for the last six months engaged in a labor dispute with the Bank of Smithtown. This dispute concerns the Bank of Smithtown's noncommitment to pay Long Island Carpenters and other tradesmen the area standard wages and benefits established by the New York State Department of Labor. It is the belief of myself and the organization that I represent that this practice is socially irresponsible, because it not only denies our local tradesmen employment opportunities, but it also undermines the financial health and welfare of our working families in the community.

The Bank of Smithtown has recently stated it increased its assets to nearly a billion dollars. I certainly think that they can afford to have their contractors pay the area standard wages and benefits, as do other more socially responsible banks, banks such as First Trade Union Bank, Bank of New York, Chase, North Fork Bank, Commerce Bank, Bank of America, Teachers Federal Credit Union, and Suffolk Federal Credit Union.

The Legislature leads by example by supporting area standard wages and benefits on all public work projects. They should also lead by example by awarding their business to one of these socially responsible banks that also offer competitive rates, rather than rewarding a bank that continually undermines our community by not respecting the area standards. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. French. Steve Gittelman, and behind Steve is Bob DeLuca.

**MR. GITTELMAN:**

Good morning, everybody. I want to wish you a happy holiday. I want to tell you that perhaps one of the biggest challenges I've ever had is only having three minutes to thank this Legislature for all that it's done for Suffolk County Vanderbilt Museum.

I also want to mention that you just had a presentation on tourism, and that the museum is the only starred attraction in the AAA guide, don't forget.

This morning, I want to draw your attention to our capital projects, particularly the waterfront project. About ten years ago, the museum put together a master plan, which we have adhered to almost religiously, and the idea behind it was that we would use our entire facilities. We would use our waterfront, everything that we could. And one of the most important considerations was to bridge the gap between the financial institution and preserving the endowment.

In 2000, William and Molly Rogers made a 1 million dollar contribution to the museum with the anticipation that the waterfront would be constructed within three years. At that time, Mr. Rogers was 80 years old. Well, he has kept his end of the deal. He has given the museum some \$250,000, of which he has allowed the museum to use some of it to actually bridge our cash flow shortfalls. His hope was that the waterfront would open and provide the museum with a cash flow that would help it be independent from the endowment. Well, now it's 2006. Construction on the

waterfront has yet to begin. The three-year concept is gone. Well, we can put that behind us. I spoke to Mr. Rogers last night and he is totally committed to the project. He just dreams that he will see it in his lifetime. We at the Board urge you, we plead with you, help us to become independent from our endowment. Help us to provide the tourist attraction, the star that your looking for. Help us to use all of our resources. Help us to put the waterfront accessible to the public, so that there is another reason to go to the museum, so that we can have changing exhibits, and so a beautiful resource is available to everyone. I want to wish you a happy holiday. I thank you for everything you've ever done.

**P.O. LINDSAY:**

Thank you, MR. Gittelman. Bob DeLuca, and then Judy Barnes.

**MR. DE LUCA:**

Good morning, Presiding Officer Lindsay. My name is -- and members of the Legislature. My name is Bob DeLuca and I serve as President of Group for the South Fork. We represent the conservation and community planning interests of some twenty-five hundred member households on the South Fork of Eastern Long Island. I'm here today to speak in support of Resolution 1522, a planning steps resolution for the acquisition of land under the Drinking Water Protection Program, the Peters Property in the Town of East Hampton.

Just briefly, I just wanted to share with you, about 20 years ago, staff from my office worked with the Town of East Hampton and other community organizations to help define the boundaries of what's known as the Stony Hill Woods Aquifer. That aquifer designation was subsequently added to the Special Groundwater Protection Area Designation, and since that time, we've been working through conservation efforts, acquisition efforts, and planning efforts to secure as much of this area for preservation as possible.

One of the things that's important, and you may recall I was a here a little while ago talking about the value of the Suffolk County Open Space Program, which I want to thank you all for helping to keep robust, this is one of those acquisitions where Suffolk County's partnership I think is very important to the future here. Unlike many other areas out east, the Stony Hill Aquifer area is largely comprised of smaller lots than you might expect. These are lots of two acres or three acres or so, and many of those lots are subject to significant development pressure. However, this area has also seen a tremendous amount of conservation from private individuals and families who have helped make a complex of preservation in this area that's suitable for long-term groundwater protection. This is an area where the Suffolk County Water Authority has well fields and seeks future supply for the Town of East Hampton, and basically a partnership on these Peters Properties would be a very good way of adding to that complex for preservation.

Again, I just want to point out that although these couple of parcels may seem small to you in the County's context, they are part of a much larger regional conservation complex that includes public land and private land, and collectively, this is the best tool that we have for protecting the future of that aquifer resource for the people of the Town of East Hampton.

So that being said, I just want to encourage you again to authorize this resolution and to continue forward in your consideration of this acquisition, and wish you all a very happy holiday.

**P.O. LINDSAY:**

Thank you, Mr. DeLuca. Judy Barnes, followed by Fred Barnes.

**MS. BARNES:**

I'm Judy Barnes, one of Alexander Peters' neighbors. And I have a letter here from another neighbor who was unable to come today, Richard {Smulian}.

"To the Suffolk County Director of Planning and Legislators, I am a neighboring landowner to property currently owned by Alexander Peters that is being considered for environmental preservation by Suffolk County. This letter is to evidence my concern and support for such preservation by Suffolk and the Town of East Hampton. This property, consisting of two three-acre parcels that are generally in an easterly direction off Stony Hill Road, is known as Stony Hill woods. It is full of endangered species, such as the New York State protected plant species, the spotted wintergreen, the New York State protected box turtle. Preserving these parcels connects two large lot easements, namely the Stone and Peters easements, and helps to preserve a large swath of contiguous forest land that not only filters our groundwater, but also protects many important local species. These species include Great Horned Owls, fox, deer, falcons, wild turkeys, red tail hawks, ospreys, and many different song birds. Keeping the Stony Hill Woods intact preserves the main source of the water, the Stony Hill aquifer for the benefit of eastern East Hampton. Every private well in Springs, Amagansett and Northern East Hampton depends upon this aquifer, and the public water for Springs, Napeague, and Montauk is largely drawn from this aquifer as well.

I strongly urge the preservation of this vital piece of property. Sincerely, Richard J. {Smulian}.

**P.O. LINDSAY:**

Before Mr. Barnes speaks, I'd like to make a motion to extend the public portion. Do I have a second?

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second. All in favor? Opposed? Abstention? The public portion is extended. Mr. Barnes.

**MR. LAUBE:**

Eighteen. (Vote Amended to 16 - Not Present: Legs. Caracappa and Alden)

**MR. BARNES:**

Good morning. I'm Fred Barnes. I just want to first thank Bob DeLuca for the elegant presentation that he made, I believe covering most of the essential elements of the proposal in the resolution. I'd just like to try to make a couple of additional points in support of the resolution.

My parents purchased the adjacent property to the west in 1939. I have been on this property essentially since that time, and am very familiar with the area. The house that my parents built was, in fact, the first house on Stony Hill Road. At the time that the property was acquired and I was a very young person, the trees in this area were already fairly large. At that time, the value of property was basically the value of the wood that could be harvested from that property. I believe that no logging has been -- has taken place or any significant development has taken place on this property since at least the 1800's, so I believe that you have virgin forest here that is at least 100 years old and probably more. There have -- it always amazed us the things that you could find in the woods back in those days, the artifacts that obviously extended from early European explorers, and also from the native Indian population.

I'd like to move now to another point. On Page 36 of the proposal is an aerial photograph that shows the area and shows the property line superimposed on it. If you look at this proposal, you would see the adjacent five-acre property which my wife, Judy, and I currently own. That property contains the common boundary between the {Sass Peters} property and ours that goes from Stony Hill Road back to the 200-acre preserve that's owned by the Peconic Land Trust. If you look closely at that map, you'll see where our driveway is across that five-acre property, and you'll see the significant amount of property between our driveway and the properties in question and covered by the resolution. There has been no development on that fairly large piece of property which we own, and I don't expect that there ever will be because of the topography. This -- while the two

three-acre parcels in question here are not technically contiguous to the 200-acre parcel. Okay. As a practical matter, as far as wildlife is concerned --

**P.O. LINDSAY:**

Could you wrap up, Mr. Barnes?

**MR. BARNES:**

Yes.

**P.O. LINDSAY:**

You're out of time.

**MR. BARNES:**

They are -- there is a virtual contiguation to the 200-acre property, providing a free flow of traffic for the wildlife habitat. Okay. Well, I'd like to heartily endorse the proposal and strongly encourage your adaptation of the resolution. Thank you very much.

**P.O. LINDSAY:**

Thank you. William Hillman, and followed by Lance Mallamo.

**MR. HILLMAN:**

Good morning. I'd like to first wish everyone and their families a healthy and happy holiday season. Secondly, I'd like to send the regrets of Chief Deputy Anderson who couldn't be here today. He's at a Regional Planning Board meeting, so I'm here in his stead.

Finally, I'd like to just identify four resolutions that, when they come up on the agenda, I'll be here to speak on and discuss.

These resolutions were advanced from various Legislators, and the department has some reasonings why the resolutions did not move forward, and we'd like to express those. And we'd also like to express the concern of the County Executive, that he would request that if a Legislator would like to advance a particular piece of legislation, he would request that they open up a dialogue and conservation with DPW, and that can be brought to Chief Deputy Anderson. And there are many reasons why certain legislation does and does not move forward, but we are always here to discuss those particular -- the particulars of any project with you. And we would just extend the invitation to open up a dialogue with DPW prior to moving legislation forward. And as the resolutions come up, I will address them.

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

Thank you, Bill.

**P.O. LINDSAY:**

Lance Mallamo.

**MR. MALLAMO:**

Good morning, Ladies and Gentlemen. Lance Mallamo, Executive Director of the Suffolk County Vanderbilt Museum. I'm here today to enlist your support for a number of resolutions on the agenda concerning the Vanderbilt Museum, including four capital project resolutions. These are the only capital projects the museum has requested for 2006. They're quite important to us. And I consider all of them very truly an emergency in nature. I.R. 2495 provides funding to rehabilitate the Planetarium lobby, which is suffering from water infiltration coming from under the floor. In periods of heavy rain, we have to -- we can get up to two inches of water in the lobby, and we either have to pump it out or vacuum it, and there is a rug there that has a terrible odor to it, so we'd like to clean up that problem.

I.R. 2496 would address the sod restoration. If you've been to the museum recently, you'll notice that the bell tower entrance, which is the primary entrance to the mansion, is sheathed in netting and scaffolding to prevent falling concrete from hitting visitors to the museum, and we'd like to get that problem addressed to maintain our revenue from site use and museum admissions.

Project 2522 addresses improvements to the Normandy Manor facility. These would be to provide electrical and plumbing improvements, as well as ADA accessibility issues, and replace a heating system, which we're under orders by the New York State Boiler Inspector to do, and it would also enable us to provide public assembly to that facility for the first time once this work is done.

Dr. Gittelman spoke to you about I.R. 2521, the waterfront project, which the American Association of Museums, in granting the museum accreditation last year, noted it was a very significant project for the museum for the next century, and has a potential to have the same impact that the construction of the Planetarium did on our revenues in the 1970's.

Finally, Resolution 2480 concerns the maintenance of our endowment income for the coming year. I understand there was a technical issue with that resolution today and it has to be modified, and we hope to have a CN provided to allow you to vote on that. That is very important. That will provide the income to the museum on a monthly basis, and particularly to make payroll in February. So we would appreciate your support on that. If I can answer any questions, otherwise, have a wonderful holiday.

**P.O. LINDSAY:**

Thank you.

**MR. MALLAMO:**

Yes. Thank you.

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

Thank you, Lance.

**P.O. LINDSAY:**

Cheryl Felice, followed by Andrew Manitt.

**MS. FELICE:**

Good morning. Is it still morning?

**P.O. LINDSAY:**

Still morning.

**MS. FELICE:**

Good morning, Presiding Officer Lindsay and to the rest of the Legislator -- Legislature. On behalf of the Suffolk County Association of Municipal Employees, I regret being unable to speak with you at the public portion for Resolution 2413, and merely wanted to express to this esteemed body, our opposition to 2413 is our opposition to being silenced from the process of political action. And campaign finance reform is a commendable subject and one that we support, but not in which our voices are silenced in the process.

We have often maintained that our members who provide the essential services here in Suffolk County need more input into the process of improving delivery of services. We believe that our members are assets in this County and assets which need to be developed and not costs to be cut. And having said that, I would also like to thank this esteemed body for the support they've given our membership over the past year, and especially to the support that's being waged right now with reference to the E-coli situation. Our Food Service Unit is a unit that is second to none, and I think it would be a fitting tribute to that unit if this body would recognize them once this crisis is over.

But also would like to thank you for your continued support of the John J. Foley Nursing Home, and also for keeping County workers at the facilities, such as Bergen Point. You've done a tremendous job all year and we look forward to 2007, working with you once again.

**P.O. LINDSAY:**

Thank you, Cheryl, and have a very Merry Christmas, Happy New Year to you.

**MS. FELICE:**

Thank you. And Happy Holidays to all of you.

**P.O. LINDSAY:**

Andrew Manitt, and it's followed by Steve Englebright.

**MR. MANITT:**

Good morning, Presiding Officer and Legislators. My name is Andrew Manitt. I am the Research Director of the Neighborhood Network, an Island-wide environmental organization with thousands of members throughout Long Island. I'm here to speak in favor of planning steps Resolution 1522. Neighborhood Network has reviewed a number of documents concerning the Peters Property and we have concluded that it's a very worthwhile candidate for acquisition and preservation. The site is located within a special groundwater protection area, and the vacant sites in that area have been recommended for preservation by the East Hampton Comprehensive Plan. Preserving this land will help to ensure the quality of drinking water -- the drinking water aquifer as the population of East Hampton increases in the future.

In addition, this land provides important habitat for wildlife, including a number of protected species, such as the Eastern Box Turtle and the Spotted Wintergreen.

As noted in the report by Mr. Englebright, who I'm sure can go into much more detail about the geological features on the site, there are many interesting geological features, and the beach forest ecosystem there is a remnant of some of the first forests rests that covered Long Island at the end of the last ice age.

In sum, this land should be preserved to help protect the East End's future drinking water, and to ensure appropriate public access for education, passive recreation, and scientific and historic study. Thank you.

**P.O. LINDSAY:**

Steve Englebright, followed by Bill Raab. Former colleague, welcome.

**ASSEMBLYMAN ENGLEBRIGHT:**

Thank you very much, Mr. Presiding Officer. It's wonderful to be back. It's a little spooky to be back, actually.

**LEG. ROMAINE:**

Some of us are still here, Steve.

**ASSEMBLYMAN ENGLEBRIGHT:**

I see that. Rumor has it that you have never left that seat that you --

**LEG. BARRAGA:**

It's a little spooky for me to see you.

**ASSEMBLYMAN ENGLEBRIGHT:**

Yes, it is, Tom.

**LEG. SCHNEIDERMAN:**

It's like the Ghost of Christmas Past.

**ASSEMBLYMAN ENGLEBRIGHT:**

Thank you for your -- providing me with the opportunity to speak. And I see Mr. Nolan is here, who I had privilege to serve with as well.

Let me just speak to the issue here regarding the Peters Property. I have a very strong opinion that this is worthy of being included in the Suffolk County Park System. The ranking on this is 36. I don't know if you've all received the most recent ranking, but a 36, that would make this, from a natural features summation, one of the higher ranking properties ever to come before the Legislature for authorization for planning study and planning steps.

I'm not going to glaze your eyes over with telling you all of the details. You've heard some of those. There's some very, very interesting and ancient forest fragments and segments here, including a fossil forest that is unique, as far as I can tell, on Long Island. But let me just speak to the practical part of this. Elie, I know that you're always looking for the bottom line. The bottom line here is that this is part of an absolutely vital aquifer recharge system that even currently is being tapped for supplemental water usage on the Montauk peninsula. Going forward, as the Montauk peninsula is fully built out, this aquifer segment, the Stony Hill aquifer segment is absolutely critical to the water supply needs of the Montauk peninsula, which otherwise is completely insufficient in terms of its aquifer resources. The net result, then, of preserving this is a benefit, not only to the natural history heritage of our County, but certainly to help prevent what will in the future be a potential catastrophic financial impact to clean up this water, because it will have to be provided to Montauk going forward. And the best way to enable that is to make sure that it doesn't get contaminated in the first place. And preserving these parcels as part of an assemblage that will be hundreds of acres when finished, is already over 200 acres that the Peconic Land Trust has preserved here, I think is very good economics. So I'd like to associate myself with the comments made by Bob DeLuca and others, and urge passage of this planning steps resolution. And I'd be happy to answer any questions.

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

We can't ask you questions.

**P.O. LINDSAY:**

Under our rules, we're not allowed to ask questions --

**ASSEMBLYMAN ENGLEBRIGHT:**

All right.

**P.O. LINDSAY:**

-- in the public portion.

**ASSEMBLYMAN ENGLEBRIGHT:**

If I could, I'd just like to make one more comment before I leave. And I'd just like to associate myself with the concerns raised by Vivian Viloria-Fisher regarding the Berger Commission Report. Thank you for your very insightful questions.

**P.O. LINDSAY:**

Thank you.

**ASSEMBLYMAN ENGLEBRIGHT:**

Thank you all very much. Have a good holiday.

**P.O. LINDSAY:**

Thank you. Bill Raab, followed by Laretta Fischer.

**MR. RAAB:**

Good morning, Mr. Presiding Officer, members of the Legislature. I'd like to wish you all a healthy and happy Holiday Season.

I'd like to speak today about 2482, reappointment for Marjorie Fuhrman to the Vanderbilt. She's a very good worker. She's very diligent. I work with her in different capacities in the Boy Scouts, and she'd be a definite asset to the Vanderbilt. She has been and she will continue to be.

In general, the resolutions that are here, as far as the Vanderbilt, most of them are just spending money to keep from having to spend more money later. Whenever you put off maintenance and, you know, small repairs, they invariably become very large ones and very costly. And the only other one that I see here really is to help them become more financially independent, which is always a good thing. Then they would stop asking you for money for these type of things and that would be very wonderful.

The only other thing that I have here is 2542, appropriating funds in connection with improvements at Gardiner County Park, Sagtikos Manor. We've done lots of projects there with the Boy Scouts where we supply the labor, and sometimes we need a little bit of material on that, and it's -- when we can get it, it makes the projects go that much smoother. They're both great venues. My son and other boys have been to both of them and they're wonderful, and we'd like to keep them. So thank you very much. And, once again, a very happy new year to all of you.

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

Thank you.

**P.O. LINDSAY:**

Thank you. Laretta Fischer, followed by Maggie Peters.

**MS. FISCHER:**

Good morning, Legislators. I am here representing the Planning Department on behalf of Tom Isles. I'm here to give you an update of our review of the Peters Property for your information.

We handed out a packet today updating you on the scoring of the property, and also included a map indicating the properties for acquisition, as well as other parcels in the area and their status.

The total acreage of the proposed acquisition is 5.8 acres, consisting of two parcels of land. They are located, as you have been aware with the previous speakers, it's located in the South Fork special groundwater protection area, and exhibits a mature forest dominated by large sand of American Beech, which is not typical forest habitat on Long Island. So there is that rarity on this property. The topography of this morainal area is known as a kettle/kame topography of rolling hills and kettle holes, which is indicated on the map that you have in your packet of the topography of the area.

Our initial concerns with the site initially, when we had rated it 14 points, it is now rated 36 points, our first point was, unfortunately, the two parcels are not located adjacent to any other existing County-owned land, generally, a small piece of property in this size range. We're hoping to amass some kind of consortium of pieces of property that the County owns for continuity. However, it is located near to a proposed acquisition that you may be well aware of, the LeRoy properties, which are highlighted in orange on the map. We are contacting the owner, but, at this point, we are not in negotiations at this time.

The proposed acquisition before you today is outlined in the red outline of the properties. This leads

us to one of our other concerns, is that the access to the site will be from a flag lot on the west side of the property, as you can see, back behind and not directly on Stony Hill Road. And our third concern is that the Town of East Hampton, according to a letter dated July 24th of this year, was only interested, and we're hopeful that they are continuing to be interested, in maintaining the property, but not partnering with the County on the cost of the acquisition. So we will -- although they are not interested at this time, we're hoping to get their interest in the future, and we will continue to try to partner with them on this property.

So we're presenting to you an update of the rating sheet to 36 points, two -- this was based on information that was presented on two reports that were completed, one by Biologist, Michael Scheibel, in your packet, and the other Geologist, Steven Englebright, Assemblyman, who just spoke. The new score rating is 36, and I am bringing you up to date. And thank you very much and have a happy holiday.

**P.O. LINDSAY:**

Maggie Peters. Maggie Peters. I'm sorry.

**MS. PETERS:**

Members of the Legislature, I just wanted to clarify in reference to planning steps Resolution 1522, the purchase of the Peters Property for land conservation. I wanted to add one important piece of information to what's already been said, which is that it's my explicit understanding, from speaking directly with the East Hampton Town Supervisor and Scott Wilson, the Land Acquisition Manager, that were Suffolk County to participate in the purchase of this land, East Hampton would make conserving this land their top priority before all other land acquisitions. And also, just to clarify one other thing that was just said, the property we're speaking about is accessible from Stony Hill Road. Thank you.

**P.O. LINDSAY:**

Thank you, Miss Peters. I do not have any other cards. Is there anyone else in the audience that would like to address the Legislature under the public portion? Seeing none, I'll take a motion to close the public hearing.

**LEG. BROWNING:**

I'll make a motion.

**P.O. LINDSAY:**

Public portion. I have a motion.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second. All in favor? Opposed? Abstentions?

**LEG. BROWNING:**

Presiding Officer, I would like to make a motion to --

**MR. LAUBE:**

14. (Vote Amended to 15 - Not Present: Legs. Caracappa, Alden and Viloría-Fisher)

**LEG. BROWNING:**

-- discharge I.R. 2184. This is the one that's naming the park area in the Southaven Park after Thomas Wilwerth.

**LEG. LOSQUADRO:**

Was it distributed?

**LEG. BROWNING:**

No. We have an hour, right?

**LEG. LOSQUADRO:**

It's got to be distributed, right?

**LEG. BROWNING:**

Yeah, it has to be distributed.

**P.O. LINDSAY:**

Okay.

**LEG. ROMAINE:**

For the purposes of discussion, I'll second that motion.

**P.O. LINDSAY:**

Okay. You know, I'll recognize the motion and the second, and we'll take a vote on it as soon as the legislation is distributed. Okay?

**LEG. BROWNING:**

Thank you.

**P.O. LINDSAY:**

You're welcome.

**LEG. BROWNING:**

Going to the Consent Calendar. I'll take a motion from Legislator Caracappa to approve the Consent Calendar. Do I have a second?

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

17. (Not Present: Leg. Vilorio-Fisher) (Vote Amended to 18)

### **TABLED RESOLUTIONS**

**P.O. LINDSAY:**

And if you're following the paper, okay, we're on Page 8, Resolutions tabled to December 19th, 2006. First one is ***I.R. 2022 - Making a SEORA determination in connection with a proposed Francis S. Gabreski Airport redevelopment of the Long Island Jet Center East, Incorporated.*** I don't believe that's --

**LEG. SCHNEIDERMAN:**

I'll make a motion to table.

**P.O. LINDSAY:**

Okay. I'll second the motion. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

16. (Not Present: Legs. Alden and Vilorina-Fisher)

**P.O. LINDSAY:**

*1073B - A bond resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 in bonds to finance the cost of a sound wall study by -- at County Road 97, Nicoll's Road, between Montauk Highway and Furrows Road.* I'll make a motion to approve.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. On the question?

**LEG. LOSQUADRO:**

Motion to table.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

We have a motion to table and a second. On the motion. This particular resolution was passed by this Legislature earlier in the year. At the time, I was under the understanding that we would have this study done by Public Works without any necessity of a bond or an outside consultant. The study has not been done as yet. And I would like to move this. That's the purpose of the motion.

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

Well, I'm glad there was a question. There were a lot of questions.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. Presiding Officer, if the Legislature has adopted a resolution, and that resolution has directed Public Works to do this study, and the Executive did not veto that resolution, and this resolution, therefore, has the force of law, can you provide a credible explanation why Public Works would choose to ignore the directive of this Legislature?

**P.O. LINDSAY:**

That isn't the case. It wasn't in the resolution that Public Works would do the study. To be very honest about it, when we passed the initial legislation, it was inadvertently a mistake that the bonding resolution wasn't passed simultaneously. After that, I had a conversation with the Executive Branch and I believe there was an agreement to go forward with the sound study; it was never done. But it was not in the resolution.

**LEG. ROMAINE:**

Okay. I'm just curious, because sound studies seem to go unheard, forgive the pun, because I know there was a sound study in Legislator Kennedy's district, there was one proposed for Legislator Caracappa's district, and it seems that there is a tone deafness in the other branch of government when it comes to sound studies.

**LEG. KENNEDY:**

Mr. Chair, I'll make it brief, but you --

**P.O. LINDSAY:**  
Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. When this body approved 144,000 to authorize and fund the sound study for County Road 67, Motor Parkway, I was both verbally advised and then given in writing by the Chief Deputy County Executive that there was some 388 million dollars worth of capital projects that preceded my \$144,000 sound study. Subsequently, the office elected to go ahead and retrieve in-house sound monitoring that was had, and then subsequently elected to go and negotiate directly with the homeowner's association that was advocating for this, and ultimately, we approved a 2 million dollar project. So I admire your effort to put this matter forward, but I question the validity or the impact of it whatsoever based on my personal experience.

**P.O. LINDSAY:**

What I'm asking for, Legislator Kennedy, to get at least as far as yours did. You had the bond approved. I'm trying to get the bond approved to get on the list; okay? And you did get some results. I'd be very happy with some sort of remediation in my district, I'm getting nothing.

**LEG. KENNEDY:**

The results that I got, Mr. Chair, and I admire your effort to move forward, and I'll commit to vote for you, but the results I personally got were that my effort was ignored by the administration, and then subsequently taken up at their behest only. So I'll support you, but, once again, I'll advise you that either you'll be ignored like I was, or maybe you will be embraced. I don't know.

**P.O. LINDSAY:**

I don't know. Go ahead, Legislator Viloría-Fisher.

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

Mr. Chair, this is not actually on this motion. I was out of the room doing a presentation to that class during the Consent Calendar, and I'd like to be listed with the majority and with the majority on the previous tabled resolution.

**P.O. LINDSAY:**

Okay.

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

Thank you.

**LEG. ALDEN:**

If your going to do that, can I do that, too?

**P.O. LINDSAY:**

We only had one resolution was tabled. That was the only vote we took.

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

Okay. It was just that I was doing a presentation to the group that was speaking here at the request of the Presiding Officer, and I missed that vote because I was doing that presentation, Cameron.

**P.O. LINDSAY:**

You have to make a motion to reconsider if you want to do that. As soon as -- let's finish this vote and I'll --

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

Okay.

**P.O. LINDSAY:**

-- recognize you for a motion to reconsider. Legislator Caracappa.

**LEG. CARACAPPA:**

Thank you, Mr. Chairman. I certainly appreciate what you're trying to accomplish here. I've been as frustrated as you and Legislator Kennedy have, my sound wall study, going back to doing it with a bond exactly three years ago this month, this meeting, the last meeting of the year, before the Gaffney Administration left. We did it with pay-as-you-go funding. And we went out and did an outside consultant to do the sound study, and they're just wrapping up. In fact, they're just getting around to doing that now. We had a discussion about that, and that was on County Road over at Farmingville Hills near the monument.

**P.O. LINDSAY:**

If I could stop you.

**LEG. CARACAPPA:**

Yeah.

**P.O. LINDSAY:**

Legislator Caracappa, this is the one where we appropriated the money for the construction, or that's a different one?

**LEG. CARACAPPA:**

No. We appropriated the money for the sound -- for the study. We debated whether to put the money back in the 2007 operate -- Capital Budget, which we did, and it will be up to this Legislature to appropriate those funds come the beginning of the year, which I'll ask Counsel to prepare, I guess, now that bill to appropriate the '07 spending.

**P.O. LINDSAY:**

Then I'm confused. Didn't we appropriate money for the construction of a sound wall somewhere in your district?

**LEG. CARACAPPA:**

Originally we did. It was pulled -- it was taken out of the Capital Budget by the County Executive. The Legislature, in its wisdom, put the money back in, but for '07.

**P.O. LINDSAY:**

Okay.

**LEG. CARACAPPA:**

That was something we --

**P.O. LINDSAY:**

So it's in the '07 budget, the construction money.

**LEG. CARACAPPA:**

We compromised in the working group last year and we put the sound wall money back, as a planning tool, back into '07 plan. '07 is now upon us and I will be trying to appropriate that money as soon as we get into the '07 fiscal year. So, you know, I want to support you on this, you know, I do support the project, but I'm hoping that you and your colleagues will be able to, come January, support the money that I'll be putting forward for the sound wall, which will be in its final phase, actual construction dollars along County Road 83.

**P.O. LINDSAY:**

But again, my confusion is we did support that effort in the Capital Program, in the '07 Capital Program.

**LEG. CARACAPPA:**

Well, let's not get confused here. You've supported to put it in --

**P.O. LINDSAY:**

Right.

**LEG. CARACAPPA:**

-- as a planning tool.

**P.O. LINDSAY:**

Right.

**LEG. CARACAPPA:**

You didn't appropriate it.

**P.O. LINDSAY:**

No, we didn't appropriate it, because it isn't '07 yet.

**LEG. CARACAPPA:**

Right. I'm just --

**P.O. LINDSAY:**

Okay.

**LEG. CARACAPPA:**

I'm asking now, I'd love to support you hear, I'm asking if you'd support the other appropriating resolution next month.

**P.O. LINDSAY:**

I don't think we'd put it in the planning document if we didn't intend to support it. Legislator Romaine.

**LEG. ROMAINE:**

I simply would add to my previous comments that this Legislature has to step up to the plate in terms of taking a look of how capital projects are scheduled and when they're done. If we vote money and if we vote approvals of projects, to allow them to fall to the vagaries of the Executive Branch, to allow the Executive Branch to say, "Well, you know what, I like this project, let's jump that over 200 other projects and move that forward, and let's take that project I don't like, because it's in Legislator X, Y or Z's district and put that at the bottom of the pile and ignore it, and ignore the dictates of this Legislature," as long as we allow that, we will see this happening time and time and time again. The most effective way for this Legislature is to have a process in which they control the flow of events in terms of the scheduling of capital projects.

**P.O. LINDSAY:**

I'll tell you what I'm going to do. I'm going to go along with the tabling, because it's the last meeting of the year and I don't want to belabor this thing.

**LEG. CARACAPPA:**

On that motion Mr. Chairman.

**P.O. LINDSAY:**

If you want to do that, I'll remove my motion to approve.

**LEG. CARACAPPA:**

Just to be clear, this money is '06 money, right, and would you be losing it, you'd have to refile? Again, we want to do this for you, Mr. Chairman. We just want to make sure that, you know --

**P.O. LINDSAY:**

If you wanted to do it, why did you just make a tabling motion?

**LEG. CARACAPPA:**

No. We want to do this, it's obvious.

**P.O. LINDSAY:**

No, no.

**LEG. CARACAPPA:**

The County Executive, we know, and I don't -- I don't primarily -- go ahead.

**P.O. LINDSAY:**

The thing is we approved the resolution, we didn't approve the bond, so Counsel is telling me it doesn't die.

**LEG. CARACAPPA:**

Okay, good.

**P.O. LINDSAY:**

All right?

**LEG. CARACAPPA:**

Well, again, we approved the concept of the wall in my -- in my district, but we didn't approve the bonding yet either.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Mr. Chairman.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

I'd like to be recognized to make a motion to **discharge** and allow to age for one hour **Resolution Number 1854**. And that's a Local Law to increase connection fees for sewer district contractees located outside the geographic boundary of a sewer district. I had changed this and, basically, the \$15 to \$30 would exempt anybody that has conceptual or actual approval. So this would apply to new applications coming in in the future, not to anybody that's in the pipe work right now.

**P.O. LINDSAY:**

Okay. Why don't -- you made a motion. I need a second to yours.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. But I want to go back to Legislator Browning's first, because we now have her resolution before us on a similar resolution. Okay.

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

Don't we have to vote on this? Is this a motion?

**P.O. LINDSAY:**

We have 2184 in front of us and it was a discharge resolution for the naming of this park. So the motion is to waive the rules and to discharge this resolution to bring it before us.

**LEG. BROWNING:**

Yes, it is.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

Does this have to age for an hour?

**MR. NOLAN:**

Yes.

**P.O. LINDSAY:**

Yeah, this has to age for an hour as well.

**LEG. ALDEN:**

Same thing.

**LEG. BROWNING:**

Yeah.

**P.O. LINDSAY:**

So let's take the first vote on Legislator Browning's motion. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. 2184 has been discharged and it will age an hour and we'll get back to it later on.

Now, Legislator Alden has a motion and a second on discharging **1854**. Any discussion? Motion and a second to discharge. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

And that has to age an hour.

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

Mr. Chair, I'd like to make a motion to take the Consent Calendar -- to reconsider the Consent Calendar so that I could vote on it.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Vilorio-Fisher.

**LEG. ALDEN:**

Second.

**MR. NOLAN:**

She was absent, she can --

**D.P.O. VILORIO-FISHER:**

Oh.

**MR. NOLAN:**

She can do it. She can do it.

**LEG. CARACAPPA:**

I'd make the motion for you, if you want.

**LEG. ALDEN:**

Second.

**D.P.O. VILORIO-FISHER:**

Thank you.

**P.O. LINDSAY:**

Okay. And Legislator Caracappa makes the motion, I'll second it. All in favor? Opposed? Abstentions? It's to reconsider --

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

-- the Consent Calendar. Okay the Consent Calendar is back before us. I'll make a motion to approve.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Okay. *I.R. 1522 - Authorizing planning steps for the acquisition of the land under the New Suffolk County Drinking Water Protection Program, Peters Property, Town of East Hampton. Legislator Schneiderman.*

**LEG. SCHNEIDERMAN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve. Do I have a second?

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

Second.

**P.O. LINDSAY:**

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

**LEG. MONTANO:**

I have a question on that.

**P.O. LINDSAY:**

Okay, question.

**MR. MONTANO:**

Yeah. I just wanted to know what the Town's position was with respect to this property. My understanding was that they were going to partner with or not partner with the County.

**P.O. LINDSAY:**

One of the public statements made indicated that they are interested in partnering, but no firm commitment, but it's only planning steps. But maybe Mr. Zwirn could shed some light on that.

**LEG. SCHNEIDERMAN:**

Mr. Presiding Officer, can I ask Legal Counsel on that issue, does the resolution as written precluding a future partnership with the Town when it comes to the authorization?

**P.O. LINDSAY:**

Well, okay. I'm going to recognize that, because it's pertinent to the whole thing, and then I'll get to Legislator Montano's questions to Mr. Zwirn. Go ahead.

**MR. NOLAN:**

The planning steps resolution does not preclude a partnership with the Town.

**P.O. LINDSAY:**

Okay. Mr. Zwirn, if you could enlighten us on where the --

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. At the current time, the Town has looked at this property for years and they have not -- they decided for various reasons not to pursue it. And at the present time, my understanding, from talking to the Supervisor's Office, that's still the current case, that they're not interested in partnering with the -- with the County.

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

Can I ask him a question?

**P.O. LINDSAY:**

Go ahead, Legislator Viloría-Fisher.

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

Mr. Zwirn, there is, however, some interest in stewardship of the property on the Town's behalf?

**MR. ZWIRN:**

That's not my understanding as well, but if they just said they would maintain it by leaving it fallow, you know, I don't what that -- there would be no maintenance of the property, because it would be just open space.

**LEG. SCHNEIDERMAN:**

That's not --

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

Okay. I thought that there was some kind of stewardship.

**LEG. SCHNEIDERMAN:**

There is a letter. There is a letter in the file that -- on this matter where the Town is agreeing to maintain the property should the County acquire it. And the town has acquired other properties in this district -- in this area.

**P.O. LINDSAY:**

But, again, to the sponsor, do you concur with what Mr. Zwirn just said, that there is no interest by the Town at all in partnering with us on this?

**LEG. SCHNEIDERMAN:**

You know, this area has been identified in Town planning documents as an important groundwater aquifer water protection area, so the Town, obviously, would have some interest in seeing it preserved. Whether they want to put their financial resources into this parcel or other parcels, I don't know. Certainly, it's something worth pursuing. Should the planning steps move forward, I will reach out to the Town and try to bring the Town on board with the partnership.

**P.O. LINDSAY:**

Well, I realize that the Town has substantial resources in terms of land preservation money, and I would certainly look at it seriously if we had a partner there, and I'm willing to let it move forward through planning to see if that partner can be acquired. Did you have a comment, Legislator Cooper?

**LEG. COOPER:**

I just wanted to reiterate what Legislator Lindsay just said. I'm going to vote for this planning steps resolution in the hope that it will provide an incentive to the Town to step up to the plate. And the fact that I am voting to approve the planning steps in no way commits me to vote to approve the ultimate acquisition resolution. I'd be much more likely to do so if the Town of the East Hampton values this property as much as the sponsor does. Thank you.

**P.O. LINDSAY:**

Okay. No one, other comments? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Negative.

**P.O. LINDSAY:**

We have one negative.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. *I.R. 1525 - A Local Law to establish responsible euthanasia standards at animal shelters.*

**LEG. ALDEN:**

I'm making a motion to approve. This has been amended. And I circulated to Huntington, Babylon, and Brookhaven, Islip. They all expressed their thanks in my listening to their comments. And I modeled it on Islip's new standards to try to prevent the tragedy that happened earlier this year.

**LEG. COOPER:**

Well, I make a motion to table, simply because I haven't received any confirmation from the Towns that they're now supportive. So I make a motion to table.

**P.O. LINDSAY:**

Okay.

**LEG. COOPER:**

But I'm willing to reconsider.

**P.O. LINDSAY:**

Okay. Well, first of all, we have a motion to approve and we have a motion to table. We don't have a second to either one and we should get them for the purposes of discussion.

**LEG. NOWICK:**

Bill.

**P.O. LINDSAY:**

Yes. Do we -- I'm looking for a second to the motion to table or the motion to approve, or both.

**LEG. CARACAPPA:**

Second the motion to approve.

**P.O. LINDSAY:**

Second the motion to approve by Legislator Caracappa. Do I have a second to the motion to table?

**LEG. MYSTAL:**

Well, then make a motion to table, then.

**LEG. COOPER:**

I did. I need a second.

**LEG. MYSTAL:**

Second.

**LEG. COOPER:**

Thank you. We have a second.

**P.O. LINDSAY:**

Legislator Mystal seconded? Okay. Legislator Nowick.

**LEG. NOWICK:**

On the motion. I just wanted to ask Legislator Alden, I have not heard from the Town of Smithtown and I know they were very much opposed to this at one point. Had you reached out to them and spoken to the Supervisor or --

**LEG. ALDEN:**

I didn't speak to the Supervisor, but we did send the revised edition over to the Director and they're pretty happy with it, so is Babylon, who was an outspoken critic of the first draft of this, now they're very happy with it.

**LEG. NOWICK:**

Does it still require a veterinarian on duty for all euthanasia.

**LEG. ALDEN:**

No. And that never was a requirement.

**LEG. NOWICK:**

Okay. How did you change -- how was it changed?

**LEG. ALDEN:**

I just never had that in as a requirement.

**P.O. LINDSAY:**

You know what I was going to ask, maybe you could review the changes, because I haven't seen a copy of the corrected one either.

**LEG. ALDEN:**

Okay. I'd defer to --

**P.O. LINDSAY:**

And it's probably my fault as much as --

**LEG. ALDEN:**

I'll defer to Legislative Counsel, if he --

**MR. NOLAN:**

Well, maybe it would just be easier to summarize the main provisions of the law, what it says now, which is basically four parts, that euthanasia will be performed in accordance with Section 374 of the State's Agriculture and Markets Law, which lays out various ways that an animal can be euthanized humanely.

The law has been changed to reflect that no animal can be euthanized for 72 hours of the animal being taken. I believe in an earlier version, it was a longer period of time that the animal shelter had to hold the animal before euthanizing an animal.

Thirdly, a recent change is that animal surrendered for euthanasia can only be accepted from the owner of the animal, so that's a recent change.

Lastly, there is a provision that an animal can be euthanized within 72 hours if delaying euthanasia would constitute cruel and inhumane treatment due to terminal illness or injury to the animal, and that's what the law says now.

**LEG. NOWICK:**

Oh, thank you, because, I'm sorry, Legislator Alden, I was under the opinion -- my Supervisor had mentioned that a veterinarian had to be on duty, but that's not a fact.

**LEG. ALDEN:**

That was a misconception right from the start.

**LEG. NOWICK:**

Okay. Thank you.

**LEG. ALDEN:**

We never had that requirement in there.

**LEG. NOWICK:**

Okay.

**P.O. LINDSAY:**

Just a question, and I know you just read it, George, but -- so if I have a sick animal and that's in pain, they don't hold it for 72 hours, then can --

**MR. NOLAN:**

That's an exception to the holding requirement.

**P.O. LINDSAY:**

-- can put it out of its misery.

**MR. NOLAN:**

Correct.

**P.O. LINDSAY:**

Okay. Legislator Cooper, did you have a question?

**LEG. COOPER:**

It's just that, you know, this is all news to me and --

**LEG. ALDEN:**

Well, actually, it was faxed to your office about two weeks ago.

**LEG. COOPER:**

No. But I'm talking about you're saying that the towns are supportive of the revised resolution. And all I know is that, in the past, they reached out to my office. They came to the Legislature to express vociferous opposition, so --

**LEG. ALDEN:**

Well, actually, they weren't, Jon. If you remember what they said at the testimony, and that was at Riverhead and I think once over here. They just would like the -- they said seven days would be onerous for them. They suggested more like a three-day period, somewhere in that neighborhood. And the main opposition was the requirement that they thought they would have to have licensed veterinarian provide all the euthanasian drugs. So, basically, the only two things that they were really against and had voiced any opposition to was the extended holding period, and the idea that it was going to be a veterinarian, a licensed veterinarian, because they said it was financially onerous. That's why I changed those two.

**LEG. COOPER:**

Well, I would just ask the sponsor if we can table this for one cycle, so I can reach out to my town, because they had contacted me personally. Otherwise, I'm fully supportive, if the towns --

**LEG. ALDEN:**

Actually, what that leads to is a little bit bigger of a debate, because all of us get these -- you know, like these faxes from the Clerk's Office informing us of every change, and if we're not actually looking at those things, then maybe we should stop wasting the paper and the time to send those

things out there, because I took the time to actually fax it to every one of the people that came and testified, and I got a response back that was very favorable from all of them. So whatever you want to do, Jon. You know what, you've got the majority. You do it, whether it's take money away from kids or --

**P.O. LINDSAY:**  
Legislator Nowick.

**LEG. MYSTAL:**  
Come on.

**LEG. COOPER:**  
Please.

**LEG. NOWICK:**  
I don't know if --

**LEG. COOPER:**  
I'm asking to table it for one cycle to work with you in good faith. Please, don't go down that road, Cameron.

**P.O. LINDSAY:**  
Enough, enough. Legislator Nowick.

**LEG. NOWICK:**  
I would support the tabling, but I would also support if we wanted to skip over this, because I do like the concept of the bill, and I do like the idea of only the owner can bring an animal in for euthanasia. But if I could just get some time to call over to my town, that would be -- I would be very willing to skip over it and then support an approving motion, but unless you want to table it.

**LEG. ALDEN:**  
Support the tabling motion.

**LEG. CARACAPPA:**  
In other words, don't kill it.

**LEG. NOWICK:**  
Okay.

**P.O. LINDSAY:**  
Okay. We have two motions before us, one to approve, one to table. And we have a suggestion by Legislator Nowick to skip over it and to give -- huh? Legislator Mystal.

**LEG. MYSTAL:**  
The reason why I wanted to table it for one cycle is because, A, my Supervisor is out of town --

**LEG. NOWICK:**  
Okay.

**LEG. MYSTAL:**  
-- and I would like to talk to him and ask him, because he was the one who called me and objected to it in my office. And I would like to, you know, at least contact him and ask is this bill okay, which I don't have any problem with the bill, because I don't have anything to do with animals. Well, let me take that back. I work with you guys. You know, I would like to with my Supervisor, because I

know he's out of the town and he's not -- you know, he's not going to be back until, you know, after the holidays. You know, I don't have any problem with the resolution whatsoever, but I would like to talk to my supervisor.

**P.O. LINDSAY:**

Okay. Anybody else? Tabling takes first. Roll call.

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

**LEG. COOPER:**

Yes to table.

**LEG. MYSTAL:**

Yes to table.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. BROWNING:**

I'll pass.

**LEG. CARACAPPA:**

No.

**LEG. LOSQUADRO:**

Pass.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yeah, I'll table it.

**LEG. ALDEN:**

Yes to table.

**LEG. BARRAGA:**

No to table.

**LEG. KENNEDY:**

No to table.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes to table.

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

Yes to table.

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. LOSQUADRO:**

No to table.

**LEG. EDDINGTON:**

Yes.

**LEG. SCHNEIDERMAN:**

Mr. Laube, can you change my vote to a no to table?

**MR. LAUBE:**

Yes, sir. Twelve.

**LEG. MYSTAL:**

Mr. Presiding Officer, can we have a five-minute recess?

**P.O. LINDSAY:**

I'd really rather not. I'm trying to get through the agenda so we can could go into the Public Hearings at 2:30. I mean, do you really want a recess? I'll be --

**LEG. LOSQUADRO:**

No, no.

**LEG. MYSTAL:**

There you go, we'll muddle through it. What's the vote? What was the vote. Tim, what was the vote?

**MR. LAUBE:**

Twelve.

**P.O. LINDSAY:**

All right. I've been requested for a five-minute recess and I'll hold it to five minutes.

**LEG. MYSTAL:**

No, I withdrew it.

**P.O. LINDSAY:**

You withdrew it?

**LEG. MYSTAL:**

Yeah, I withdrew it.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

I make a motion to table.

**LEG. CARACAPPA:**

Second.

**P.O. LINDSAY:**

And the accompanying bonding resolution is tabled as well. 1880, to require the percentage of --

**LEG. LOSQUADRO:**

Did you call the vote?

**MR. LAUBE:**

No, you didn't call the vote.

**P.O. LINDSAY:**

Oh, I'm sorry. We have a motion to table and --

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

-- I'll second.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

No. That was a motion to approve, I thought.

**LEG. KENNEDY:**

Table.

**P.O. LINDSAY:**

To table.

**MR. LAUBE:**

No? Motion to table, sorry. Okay. Fire away.

**LEG. SCHNEIDERMAN:**

John, was your motion to table or to approve?

**LEG. KENNEDY:**

Table.

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

It was to table.

**P.O. LINDSAY:**

Table.

**MR. LAUBE:**

All I heard was, "I'll make a motion."

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

No, he made a motion to table.

**LEG. KENNEDY:**

Mr. Clerk.

**MR. LAUBE:**

Yes, sir.

**LEG. KENNEDY:**

Lest I be ambiguous, I'd like to make a motion to table.

**MR. LAUBE:**

Thank you.

**LEG. CARACAPPA:**

And I'd like to withdraw my second.

**P.O. LINDSAY:**

I second it. Okay. I.R. 18 --

**MR. LAUBE:**

Nope, call the vote.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

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

**LEG. LOSQUADRO:**

Motion to table.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1885 - 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.* I'll make a motion to table.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1894 - Electing a cents per gallon rate of sales and compensating use tax 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 State Law -- of Tax Law of the State of New York in a fiscally responsible and prudent manner.* I'll make a motion to table.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*J.R. 1952 - A Local Law to require proper supervision at hotel and motel swimming pools.*

**LEG. COOPER:**

A motion to table.

**P.O. LINDSAY:**

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

**LEG. SCHNEIDERMAN:**

For the record, I'm not voting even on a tabling motion on this.

**MR. LAUBE:**

Seventeen.

**LEG. SCHNEIDERMAN:**

I'm recusing myself.

**P.O. LINDSAY:**

*J.R. 2008 - Appropriating funds in connection with the modification to warehouse at Board of Elections.*

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

The accompanying bond resolution is also tabled. *2052 - 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.*

**LEG. ROMAINE:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Romaine.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2076 - Directing the Department of Public Works to study the feasibility of providing a temporary lane along County Road 39 on Friday evenings from Memorial Day through Labor Day of 2007.*

**LEG. SCHNEIDERMAN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve. Do I have a second?

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Romaine.

**LEG. COOPER:**

Motion to table.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley.

**LEG. SCHNEIDERMAN:**

On the motion.

**P.O. LINDSAY:**

On the question.

**LEG. SCHNEIDERMAN:**

This bill has been amended. All the bill does is ask the Department of Public Works to look into the feasibility of providing Friday night additional temporary lane like we do in the mornings. We're scheduled for 100-plus mornings next year. I'm trying to add I think 12 Friday evenings during the height of the summer season, if it's possible. So DPW would look into the feasibility of the cost, whether the other involved agencies were on board, whether the financing was in place, what equipment and staff resources would be needed. This does not authorize the lane, but only allows DPW to look at the lane.

I have the support of the Acting Commissioner, Deputy Commissioner of Public Works to do this.

There's no problem with conducting this study. And I would hope that I would have your support, so that DPW could begin looking at it. If it gets delayed, they'll run out of time and won't have the adequate amount of time to study it.

**P.O. LINDSAY:**

I see Mr. Hillman in the audience. I hate to put you on the spot. But to the sponsor, my understanding is that we're still looking for some sign from the Town that they would help with the public safety portion of this.

**LEG. SCHNEIDERMAN:**

Well, they have been helping with the morning program.

**P.O. LINDSAY:**

Yeah, but the question, are they going to help with the evening program?

**LEG. SCHNEIDERMAN:**

This just does the -- it looks at the feasibility. There are some concerns with the Friday night operation in terms of illumination, in terms of some of the businesses along the highway. So this allows DPW to look at the issue to see what the hurdles are, to see if they can overcome them, or whether they're insurmountable. I don't believe it's going to take a lot of DPW's time to look at this. They have some very --

**P.O. LINDSAY:**

Mr. Hillman.

**LEG. SCHNEIDERMAN:**

-- talented and qualified engineers there, and this would be an in-house examination of their ability.

**P.O. LINDSAY:**

Do you want to weigh in on this, Mr. Hillman?

**MR. HILLMAN:**

We'd be more than happy to open up discussions with the Legislator in regards to the program. We do have some concerns. I believe the legislation indicated that it would start around 6 and end at 9. Typically, it's very congested at 6 o'clock, so setting the cones up will be very difficult. Typically, when we set them up now, it's almost an empty road and we almost shut the road down. So I don't see shutting the road down at 6 o'clock at night. That will only increase delays. So there are a lot of operational issues.

**LEG. SCHNEIDERMAN:**

Bill, just for the record, it is from 7 to 10 in the legislation, but it allows DPW to look at other hours that might be more suitable, if it's -- if those hours are a problem. So it doesn't -- it's not written in stone, those hours.

**MR. HILLMAN:**

Okay, but we'd be more than happy to take a look at it. You know, I don't know if we need legislation to do that. We'll be more than happy to do that, sit down with the Legislator. If you want to pass the legislation, as long as it doesn't direct us to perform that, we would definitely have concerns over doing that, but however you see fit.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

This is to the sponsor. In my reading of the bill, it seems that it does more than ask DPW to look at

something. It's requesting that DPW issue an RFP so that there can be a feasibility study, or has that been changed?

**LEG. SCHNEIDERMAN:**

That's been changed. That's an earlier version of the bill.

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

Okay.

**LEG. SCHNEIDERMAN:**

They can under this bill.

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

Then why do we need a resolution for DPW to do it.

**LEG. SCHNEIDERMAN:**

Well, they can. If they need to do an RFP to get additional information, they can. This gives them that ability.

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

Okay. Because I'm looking at the updated resolution, I'm looking at December 7th copy.

**LEG. SCHNEIDERMAN:**

Counsel?

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

And I believe that that's the updated version, and it does refer to an RFP. But as you're saying, it does say, "May issue a Request for Proposal.

**MR. NOLAN:**

Right.

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

So it goes further.

**MR. NOLAN:**

The original version directed them to issue an RFP. This one gives DPW the option of issuing an RFP, if they need it.

**P.O. LINDSAY:**

I see Mr. Zwirn is itching to comment.

**MR. ZWIRN:**

Just two quick things. One, I don't know if the sponsor has spoken with Supervisory Heaney, because the Town, in order for this to work and the daytime program, we need an awful lot of cooperation from a lot of different law enforcement agencies, and it costs a lot of money on the part of the Town of Southampton, which has budgeted money for next year after going to the State and Federal Government to get as much funding as they could for additional security, because what happens is is that they need pace cars and extra police protection on this road, because, you now have a -- there are no lane markings on some of these things, you're just dealing with cones. So, we would -- one of the things is that we almost got ahead last year of the Town of Southampton being able to cooperate and get this thing done. I would hate to see that happen again. Now, as Bill Hillman just mentioned, he said that, generally, they don't let out RFP's on projects where they don't have funding to follow through if the project is going to be approved.

**P.O. LINDSAY:**

Okay. But, from my understanding, and by virtue of the sponsor, this is to -- for DPW to look into the feasibility of issuing an RFP and to work out the stuff with the Town, and times. And, I mean, it's actually a resolution to direct the Department of Public Works to look into this to see if it's feasible. Where's the sponsor? I looked, I thought he fell under the chair.

**LEG. SCHNEIDERMAN:**

I got caught up in traffic.

**MR. HILLMAN:**

Legislator Lindsay, I'd like to just add one more thing. We anticipate having the Saint Andrew's Bridge reconstruction ongoing at -- during this time period, which will make the cone program extremely difficult, so that needs to be taken into account also.

**P.O. LINDSAY:**

But again, wouldn't that all be part of this feasibility, whether it's feasible to do it or not? I think that's what the sponsor's looking for.

**MR. HILLMAN:**

That's correct, and I'm just laying out the facts of the hurdles.

**P.O. LINDSAY:**

And I'm still interested, is, you know -- I mean, would you guys take this on to do this feasibility study without a resolution?

**MR. HILLMAN:**

Certainly.

**LEG. SCHNEIDERMAN:**

It doesn't hurt to have the resolution, plus it also does allow -- if they need to do an RFP, it would authorize that as well, so I think there's a purpose for it.

**P.O. LINDSAY:**

It preauthorizes the RFP, if the feasibility study says it's a good thing to do.

**LEG. SCHNEIDERMAN:**

Well, they might, in the context of doing a feasibility study, need to find out certain costs. If they need to procure equipment that they don't have, illumination equipment, etcetera, they could -- they could solicit those prices.

**P.O. LINDSAY:**

Legislator Horsley.

**LEG. HORSLEY:**

Mr. Schneiderman, just I want you to hear this.

**P.O. LINDSAY:**

I don't think you're on.

**LEG. SCHNEIDERMAN:**

Is your mike on, Wayne? I'm sorry.

**LEG. HORSLEY:**

Okay, there we go. As long as in the RFP or not in -- in this discussion, that you do speak to the

Supervisor of Southampton, because he grabbed me the other night and he had some really strong feelings about this issue, just so you know that, about budgets and all sorts of things. He went on 20 minutes and it was unsolicited.

**LEG. SCHNEIDERMAN:**

Well, certainly, we won't be able to actually add Friday nights unless we have the Town's support, because --

**LEG. HORSLEY:**

Okay. I just wanted to let you know about that.

**LEG. SCHNEIDERMAN:**

They're going to need to police it. Again, this would be adding roughly 12 evenings to a program that's going to be well over 100 days. And the Friday night operation, there's an awful lot of people, probably people who live in your district, vote in your district, who are on that road, as well as all of your districts. And my region is very dependent, in terms of its economy, on those second homeowners and that tourism economy, which we talked earlier, as well as Suffolk County. We talked about that earlier when LICVB was presenting. So I think it's important. We want to make sure that the tourism and the second homeowner economy continues to grow, and this is one way to possibly stimulate it. However, we don't know if we can do it. And before we get the Town of Southampton to commit to it, we have to find out whether it's even feasible, and that's all this would do is determine if it's feasible. If it's feasible, I will make the pitch to Southampton, as well as others, I'm sure.

**LEG. HORSLEY:**

Please.

**LEG. SCHNEIDERMAN:**

Okay? Thank you.

**LEG. COOPER:**

Mr. Chair, based on that assurance and in deference to my two constituents that use this road, I withdraw my tabling motion.

**LEG. SCHNEIDERMAN:**

I think it's a few more than that, Jon.

**P.O. LINDSAY:**

Okay. So the tabling motion's been withdrawn. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

**LEG. SCHNEIDERMAN:**

Thank you.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

2308 - *To readjust, compromise and grant refunds and charge --*

**MR. NOLAN:**

2306.

**P.O. LINDSAY:**

Oh, 2306. Okay. *Charge-backs on real property correction of errors by: Suffolk -- County*

**Legislature.** I'm being told that this one or the next one needs to be tabled, so I'll make a motion to table.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. **2317** - To readjust, compromise and --

**MR. NOLAN:**

You've got to take a vote.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Oh, I'm sorry.

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

He's in a hurry.

**P.O. LINDSAY:**

*To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature.* I'll make a motion to table.

**MR. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

*2346 - To authorize the flying of the Merchant Marine Flag at Armed Services Plaza at the H. Lee Dennison Building, Hauppauge.*

**LEG. COOPER:**

Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

*2383 - Appropriating funds in connection with the County share for participation in engineering for the reconstruction of County Road 67, Motor Parkway, Town of Islip.*

**LEG. KENNEDY:**

I'll make a motion to approve, Mr. Chair.

**MR. MONTANO:**

Second.

**P.O. LINDSAY:**

Legislator Kennedy makes a motion to approve, it's seconded by Legislator Montano.

**MR. NOLAN:**

This is a ten-vote resolution.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

The accompanying bond, 2383, same motion, same second.

**MR. NOLAN:**

You've got to take a roll call.

**P.O. LINDSAY:**

I am.

**MR. NOLAN:**

I'm sorry.

**P.O. LINDSAY:**

Roll call.

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

**LEG. KENNEDY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

*2384A - This is the bond resolution authorizing the issuance of \$250,000 in bonds to finance a part of the cost of the acquisition of land in connection with the improvements to County Road 80, Montauk Highway, between New York State 112 and County Road 101, Sills Road, Town of Brookhaven.* And I guess the accompanying resolution has already been approved. This is the bond. Do I have a motion?

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper, seconded --

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

-- by Legislator Eddington.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Maybe we could do this one time and then I don't have to do it through the -- all the rest of the resolutions that are going to come up. But through the Chair, Budget Review, where do we stand, and how much money is there that's been, I guess, approved bonding, but hasn't been -- it actually hasn't been bonded yet? Approved, unissued, I guess you'd call it.

**MS. VIZZINI:**

Authorized -- authorized unissued debt is approximately 446 million. We are currently in the same position we were when we did the Capital Review in that we had about 445 million. We have since authorized almost a good portion of the 160 million that is budgeted in the Capital Program for 2006, but we also borrowed about 160 million. So when all is said and done, we're about 446 million.

**LEG. ALDEN:**

I think it's a little bit important to look at that. But the other part of it is, and I'm not on Public Works, but I would hope that the Chairman and the Public Works Committee actually get some testimony as far as where these projects are on the list of what's going to be done, because we have probably a finite amount of work that we can do, and it's almost like, you know, we're bordering on infinite. If you're up in the four hundred and sixty-something million dollars worth of approved funding, then where does this fit in? Are we going to do it, or is this just an effort in futility today to approve this, or does something else get knocked out that was already approved in the past? And the reason why I bring that up is because I think it was the last meeting or the meeting before that, we took projects that this Legislative body had approved and thought were very important, and we actually took the money from them and transferred it to a purchase of a piece of property. So I just want to find out if anybody can answer that question for me, where we are with this one, and is this going to be done, and is something else going to be pushed aside to do this project? Because this probably involves some land acquisitions that were done through eminent domain, and that's not a real fast process.

**P.O. LINDSAY:**

I would like a follow-up question. Ms. Vizzini, the number you quoted, isn't about a quarter of that money that's been appropriated for the Jail that will probably go forward with construction this year, I hope?

**MS. VIZZINI:**

Yes. As we indicated in our Capital Review, a significant portion of this money has to do with our successful and aggressive Land Acquisition Program, and probably about 146 million is related to Phase I of the Jail, which is probably compared to the Southwest Sewer District, one of our largest capital projects.

**P.O. LINDSAY:**

Any other questions?

**LEG. MONTANO:**

Yeah, I had a question.

**P.O. LINDSAY:**

Go ahead, Legislator Montano.

**LEG. MONTANO:**

Gail, this authorized but unissued debt, my understanding, if we don't expend the funds for the project that it's appropriated for, after a five year period, the project essentially dies or is wiped out, is that accurate?

**MS. VIZZINI:**

The monies are closed, yes.

**LEG. MONTANO:**

The monies are closed. Do you know how much of this is in later years? I don't need an answer now, but if you know off the top of your head, how much is this going towards the four, five-year period versus the new amount? And I guess the point I'm getting at is are we -- you know, do we continue to increase it, or are we losing some projects and basically holding our own without considering the Jail? You know, because that seems to be a, you know, special case, if you know. If you don't know, you know, we can talk about it later.

**MS. VIZZINI:**

I can certainly get you more specific information. But, generally speaking, there is not a lot of money that closes. There is usually some movement, some expenditure, some progress, even though it may not be as quick as we would like to be in terms of these projects.

**MR. MONTANO:**

So I'm not sure I understood the answer. We're not wiping out some of that category, we're adding to it or we're balancing out?

**MS. VIZZINI:**

The projects that end up being closed out usually total only a couple of million, and very often perhaps we had appropriated more than we actually needed, or we didn't progress, so --

**LEG. MONTANO:**

When you say "closed out", what does that --

**MS. VIZZINI:**

Hit that five-year --

**LEG. MONTANO:**

Okay. So those are the ones that are knocked off because they've been inactive for five years?

**MS. VIZZINI:**

Yeah.

**MR. MONTANO:**

Okay.

**MS. VIZZINI:**

It's usually more of an exception.

**MR. MONTANO:**

All right. Thanks a lot.

**LEG. CARACAPPA:**

Mr. Chairman.

**P.O. LINDSAY:**  
Legislator Caracappa.

**LEG. CARACAPPA:**

Just to shed light on it. I don't know if this happening. Back in 2003, when the whole authorized, unissued debt thing broke and we realized how much was there, I was Public Works Chairman at the time. And what had come out of that was Public Works was giving a monthly report, you know, the basic overview of each project that was currently going on. What came out of the discussion with trying to fix the unauthorized -- issued, unauthorized debt is that they're -- they came up with this wonderful document, we went and got software for it, which gives a very detailed progress report of all the current projects in Suffolk County, more than just, you know, a note saying it's ongoing or where it is. It gave you where you were by way of planning, where you were by way of design, where you were by way of cash letting, where you were by way of letting the project altogether, where you were by way of construction, right on down the line, and it was supposed to come out quarterly for Legislators, or at least the Public Works Committee. I believe that has stopped.

And I think it's very important that the Legislature, the entire Legislature, especially the Presiding Officer, the Budget Review Office and the Chairman of the Committee start getting those reports again, because they came in very, very handy when we hit this wall with all the unauthorized, unissued debt, and I believe the software's still in place and the report should be brought back.

**P.O. LINDSAY:**  
Legislator Romaine.

**LEG. ROMAINE:**

Very quickly. If Legislator Caracappa wants to convert that into a motion to direct Public Works to provide quarterly copies to the Legislature, I certainly would cosponsor that. I know --

**LEG. CARACAPPA:**

I personally don't believe I have to make that motion and force the hand. You know, it's there --

**LEG. ROMAINE:**

Okay.

**LEG. CARACAPPA:**

-- and the software is there. They hear us loud and clear here today and it's just a request. And if they don't listen to the request, then we could do something along the lines by way of an official resolution.

**LEG. ROMAINE:**

Okay, because, as a member of that committee, I've never received any such reports. I also would say I have concern about unexpended debt. I also have concern about authorizing debt for projects that never seem to happen. We authorize a great number of projects, yet we never have a say in actually whether these projects happen or not. You think, when you vote for something, it's going to happen; it isn't. I know this Legislature very diligently concerned about health care issues -- issued bond to buy a digital mammography for the East End Health Center in Riverhead. That was over two years ago. It has not happened. And all types of variety of reasons are given because we ask questions. But the ones we don't even ask questions about, it's okay, just put it off, and someone else is making the decisions, which debt that we've authorized to spend and actually initiate projects. I will say this again, this Legislature needs to take this project back by the reigns. This Legislature needs to get deeply involved in its oversight responsibilities in determining how capital projects are scheduled, and which ones go forward and which ones don't and why, because if the process is anything but fair, we have an obligation to speak against those who would use other than fair methods for judging which projects move forward and which ones don't. Thank

you, Mr. Chairman.

**P.O. LINDSAY:**  
Legislator Montano.

**LEG. MONTANO:**  
That's all right, I'll pass.

**P.O. LINDSAY:**  
Okay. Legislator Kennedy.

**LEG. KENNEDY:**  
Thank you, Mr. Chair. Through the Chair, I think I would just like to pick up with one of the specifics that Legislator Alden raised, particularly about the eminent domain aspect with this. And I do see that Mr. Hillman did enter the audience. Through the Chair, if Mr. Hillman could speak to this particular --

**P.O. LINDSAY:**  
Go ahead, go ahead.

**LEG. KENNEDY:**  
I would appreciate it.

**MR. HILLMAN:**  
I'm sorry, I was out of the room attending other business.

**LEG. KENNEDY:**  
We are speaking about Introductory Resolution 2384, and it's Capital Project 5534, and it involves 250,000 in bonding to finance acquisition between -- along County Road 80, Montauk Highway.

**MR. HILLMAN:**  
Okay, yes.

**LEG. KENNEDY:**  
And Legislator Alden had a question. We've been discussing overall the almost half billion dollar overhang we have and the irony when we sit here and talk about approval of some of these projects, and the quandary we're in as to whether or not -- are you at the point where you're actually doing acquisition now? How far has the eminent domain gone forward?

**MR. HILLMAN:**  
Yes, we have begun the acquisition process. We are working with Legislator Eddington and the County Executive to resolve a few issues, but the project is real, it is fully designed. One option is to do it in -- the project in phases. And I know this \$250,000, if I recall correctly, it was allocated for another project, which was not ready to acquire -- not at the stage where property acquisition could begin. So rather than let that -- those funds expire, we had moved them over to a project that needed additional funds.

**LEG. KENNEDY:**  
I appreciate your response. Mr. Chair, I think now I'm going to have to turn back to you, but I would say it almost goes to what Legislator Romaine has raised. Here we're asked to go ahead and act on appropriating for obviously a project that either, for whatever reason, just through inability to attend to or address to, may be now falling by the wayside, where previously we had acted.

**P.O. LINDSAY:**  
Well, first of all, you know, you addressed the Chair. You know, I know at times we're all frustrated

with certain capital programs moving forward, especially in our district, and I think Legislator Caracappa's suggestion, that the Public Works Committee get a handle on where all this debt is. I identified over 100 million dollars worth of it's tied up in the Jail. I know we have money appropriated already for the County Center. I know that we have money appropriated for land acquisitions all over the place, through my district, your district, Legislator Caracappa's district is the Portion Road Corridor Project, which is in the midst of land acquisition now. So, I'm -- you know, I'm not pointing a suspicious finger, but I think Legislator Caracappa's suggestion, that we get going into the new year, that we have a firm resolve to try and get a handle on where all this money is laying that we have --

**LEG. KENNEDY:**

It would have been helpful in Public Works this year, yes, Mr. Chair.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Through the Chair. You said before that it's ready to go. Are we going to pay this money into court? Because that's pretty much what it does under eminent domain, you can pay it up front to the people that we're condemning their property. Are we ready to make those payments now, or is this something that would happen in the future?

**MR. HILLMAN:**

There are several issues that are outstanding, but we hope to resolve them early in 2007, which would allow us to then make offers to property owners, and, yes, the funds would be expended in -- well --

**LEG. ALDEN:**

Maybe.

**MR. HILLMAN:**

Could be, if they accept the offer, they would be expended in 2007. If they reject the offer, it then goes to litigation, and when the litigation is concluded, I believe that's when the money would be spent. But before we can actually make a vesting offer, we need to have the money in the bank. We will not make -- we can't make an offer on something that we don't have.

**LEG. ALDEN:**

Actually, not really, because if you filed the papers, then you've already made the offer. So if you filed the condemnation notice, then it's too late at that point. You don't need the money in the bank. You better have had it in the bank somewhere before that.

**MR. HILLMAN:**

Correct.

**LEG. ALDEN:**

So you filed the condemnation papers already?

**MR. HILLMAN:**

No.

**LEG. ALDEN:**

You didn't file.

**MR. HILLMAN:**

When you say "file the condemnation papers" --

**LEG. ALDEN:**

Yeah, it's a Supreme Court action.

**MR. MONTANO:**

No. First they do it by letter.

**LEG. ALDEN:**

No, you have to file, a court file.

**MR. HILLMAN:**

I'm not as up on condemnation processes as I should be.

**LEG. ALDEN:**

Well, you file the maps, the acquisition maps.

**P.O. LINDSAY:**

Don't we try and negotiate first.

**MR. HILLMAN:**

We held a public hearing.

**P.O. LINDSAY:**

Don't we try and negotiate with the owner first before we go into condemnation?

**LEG. ALDEN:**

I don't think they do in this instance, I think they condemn.

**P.O. LINDSAY:**

The question is, Mr. Hillman, is don't we try and enter into a willing agreement with the owner of the property first before we go the route of condemnation?

**MR. HILLMAN:**

That's correct. We make a vesting offer, and if that offer is refused, it then goes into a condemnation process. The majority of the property owners do refuse the offers, though, so that's why we mostly go into the condemnation process.

**LEG. ALDEN:**

So we don't file the acquisition maps until after we make an offer? That's a little bit backwards. The acquisition maps should be filed first, basically.

**MR. HILLMAN:**

When you say "filed", filed with the Legislature?

**LEG. ALDEN:**

No, with the Suffolk County Supreme Court. It's a Supreme Court Action.

**MR. BROWN:**

You're talking about an action, Mr. Alden. What I will do is I will go back to the Law -- to the County Attorney's Office, I will find out if any actions have been commenced in connection with any -- with the County Road 80 Project.

**LEG. ALDEN:**

Okay, thanks.

**MR. BROWN:**

I don't know the answer now.

**LEG. ALDEN:**

Thanks. Because I'm just getting a little bit confused by, you know, like the steps that we're taking and when we're taking those steps to expend this money. You know, there should be a logical order to it, not just, you know, let's go do a bond resolution and then we'll go fool around with the rest of it later on.

**MR. HILLMAN:**

Because I can't completely explain the process doesn't mean that we haven't followed that, I believe we have.

**P.O. LINDSAY:**

You want to say something, Legislator Montano, no?

**LEG. MONTANO:**

No. Well, yes. I just wasn't clear. My understanding, and this is to Counsel, I'm not sure we got an answer to Legislator Alden's question, but my understanding, correct me if I'm wrong, is that you send out the letter first, and then if you get a rejection, or if you get a rejection, then you would file an action in court.

**MS. ZIELENSKI:**

I can address the process, if it's helpful.

**LEG. MONTANO:**

That's what we're asking, what is the process?

**MS. ZIELENSKI:**

After a determination has been made as to what the projects is, each owner is approached individually with an offer. If the offer is accepted, it's completed. If the offer is rejected, you pay that offer money anyway. It's known as an advanced payment. It's done by law. It's paid up front.

**LEG. MONTANO:**

Where is it paid to?

**MS. ZIELENSKI:**

Paid to the owner of the property.

**LEG. ALDEN:**

Through the court.

**LEG. MONTANO:**

No, not through the court. Directly from the County?

**MS. ZIELENSKI:**

An advanced payment is made.

**LEG. MONTANO:**

So a check is tendered to him --

**MS. ZIELENSKI:**

An advanced --

**MR. MONTANO:**

-- or her, and then they have the option to cash it or not cash it; is that what you're saying?

**MS. ZIELENSKI:**

Advanced payment is paid prior to litigation. In the event that they have rejected the offer, then it goes to an action and --

**LEG. MONTANO:**

Right. But let me ask you, if I may interrupt. If you send the owner a check, does the cashing of the check constitute an acceptance?

**MS. ZIELENSKI:**

Not at all.

**LEG. MONTANO:**

All right. So they could take the check and say, "We're still not happy with this, we want more," and then you go into court?

**MS. ZIELENSKI:**

That's exactly right.

**MR. MONTANO:**

Okay. And the question that Legislator Alden had, I believe, is that must you file maps prior to sending the check with -- and I can't imagine you would file that with the court. Is that your question?

**MS. ZIELENSKI:**

Well, the advance payment is done concurrently with filing for an eminent domain action.

**LEG. MONTANO:**

Okay, so it's done simultaneously. All right.

**MS. ZIELENSKI:**

But it's always done up -- the advanced payment is always done prior to the litigation.

**MR. MONTANO:**

Well, wait. If you're filing the litigation --

**MS. ZIELENSKI:**

Prior to court.

**MR. MONTANO:**

Are you doing it simultaneously, or are you making the payment first and then -- I'm not sure I understand that. I thought you said it was simultaneous.

**MS. ZIELENSKI:**

Well, it's done at the same time that someone rejects an offer and it --

**LEG. MONTANO:**

You file the papers in court, okay.

**MS. ZIELENSKI:**

You file the papers in court and present them with an advanced payment. If they then choose to litigate that for value, which is the only thing they could litigate, then it's done and often protracted

in time, but the -- and it may involve more money, but the advanced payment is paid up front --

**MR. MONTANO:**

Do you --

**MS. ZIELENSKI:**

-- as if it were an acceptable payment.

**LEG. MONTANO:**

So you commence the -- you commence the project upon the payment, or at least the offer by the County. You can then begin the process, and your only issue with the court is whether or not you paid just compensation; is that what you're saying?

**MS. ZIELENSKI:**

Well, the advanced payment is considered just compensation as it's paid. If it's then litigated for an additional settlement, that's another issue.

**MR. MONTANO:**

Well, if it's --

**MS. ZIELENSKI:**

And different funding.

**LEG. MONTANO:**

All right.

**P.O. LINDSAY:**

Did you have a question, Legislator Kennedy?

**LEG. KENNEDY:**

Without going more into detail on this, this initial payment, Ms. Zielenski, two things, one, just tell me in general the initial payment that I guess is based on the appraised value that's been determined by Division of Real Estate.

**MS. ZIELENSKI:**

That's correct.

**LEG. KENNEDY:**

And do you have any familiarity in particular with this particular project? Do you know, is this the process that we're undergoing right now?

**MS. ZIELENSKI:**

I don't know where they are in this project. The Condemnation Unit is located in DPW in Yaphank.

**LEG. KENNEDY:**

Okay. All right, I'll yield.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Now, you have lawyers out in DPW on the Condemnation Unit, right?

**LEG. KENNEDY:**

Yes.

**MR. HILLMAN:**

I don't believe we do, no.

**LEG. ALDEN:**

Well, I would -- then I would really -- Eminent Domain Procedure Law is a very, very technical point of law, so I really would like somebody to give me a call from out there and just tell me, you know, like what procedure, because of a couple of things that were said here. The condemnee can always challenge the public purpose. They -- it's not just the amount of value that they have for the property, they can always challenge the public purpose. And a lot of times the entity that's doing the condemnation has to go to court and prove to a judge whether it's valid public purpose. And there's Constitutional Law that just came down that it's going to swing that one way or the other. For instance, you can't take it from one person and give it to another person, a private entity. So would somebody please give me a call from out there, and I want to -- I want to hear the --

**MR. HILLMAN:**

Sure.

**LEG. ALDEN:**

-- the process that you're using.

**MR. HILLMAN:**

We'll do that definitely. But I'd like to just clarify that we did hold the public hearing on this public hearing, not a public meeting, official public hearing on this project, and that's the opportunity that the public has.

**LEG. ALDEN:**

Right. But when did you file -- when did you file with the Supreme Court on this particular project?

**MR. BROWN:**

To the extent that there is any action pending --

**LEG. ALDEN:**

It should have been a long time ago.

**MR. BROWN:**

To the extent that there's any action pending, we -- I will contact you personally and let you know the status of any legal actions.

**LEG. ALDEN:**

Thank you.

**MR. BROWN:**

Okay.

**LEG. ALDEN:**

And just the process that they're using.

**MR. BROWN:**

I will.

**LEG. ALDEN:**

Thanks.

**MR. BROWN:**

I'll look in -- I'll look into the status exactly for you.

**LEG. ALDEN:**

Thanks.

**P.O. LINDSAY:**

That's it? Mr. Clerk, refresh my memory. We have a motion to approve and a second?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

Okay. Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Pass.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not Present)

**LEG. LOSQUADRO:**

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.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. CARACAPPA:**

Yes.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

Okay. *2387 - Appropriating funds in connection with the reconstruction of County Road 58, Old Country Road at Pulaski Street, Phase II.* One of you East End guys want to make a motion on this?

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Do I have a second? Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

One opposition.

**MR. LAUBE:**

Who was that, Legislator Barraga?

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**2387A**, the appropriating bond resolution, same motion, same second. Roll call.

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

**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.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

*2392A, a bond resolution authorizing the issuance of \$124,000 in bonds to finance the cost of the planning for renovations of the Surrogates Court.*

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Stern to approve.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Eddington. Roll call.

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

**LEG. STERN:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**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.

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

**P.O. LINDSAY:**  
Yes.

**MR. LAUBE:**  
16.

*(\*COURT STENOGRAPHER - ALISON MAHONEY\*)*

**P.O. LINDSAY:**  
*IR 2404-06, 2404A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the acquisition of a Cluster Replacement (CP 1789) (County Executive).*

**MR. NOLAN:**  
You need 14 votes.

**P.O. LINDSAY:**  
This is a 14 voter. Motion by Legislator Mystal.

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

**LEG. COOPER:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Losquadro. Legislator Romaine.

**LEG. ROMAINE:**  
My question is to Budget Review. Could you tell me the amount of money that we're amending the Capital Budget and Program for, and was this originally pay-as-you-go and are we now converting this to bonding?

**MS. VIZZINI:**

The amount of money for the County Cluster replacement is an appropriation of \$95,000. As you know, in 2006 we took an aggressive posture regarding pay-as-you-go money, so it's originally in the Capital Program adopted as General Fund monies, this resolution changes it to bonds.

**LEG. ROMAINE:**

I thank you for that, because while I'm very supportive of this resolution, I am not supportive of paying for it through bonding.

This was a pay-as-you-go situation, it's \$95,000; clearly in a County that has a \$133 million surplus, we should be able to pay this as pay-as-you-go and not continue to run up the debt of the County. It's just one of those things that I support the program, I just don't support the method of financing. Thank you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Gail -- and I agree that I don't want to bond where it's not necessary -- but in the past, hasn't 5-25-5 been the guideline as far as pay-as-you-go and this is 95,000, so it's over the amount that we would use as our threshold?

**MS. VIZZINI:**

Actually, what we did for 2006 and 2007 was to wave the pay-as-you-go law so that we do not adhere to it, so this resolution would be more consistent with that. This is equipment and with a probable useful life of probably five or less years.

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

So this would be in the category of that five, that particular --

**MS. VIZZINI:**

Yes.

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

-- part of the 5-25-5.

**MS. VIZZINI:**

Yes.

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

But as you had said, we had agreed to suspend the pay-as-you-go, however I was trying to look at the numbers, you know, \$25,000 being the threshold. And computer equipment in the past, even though it didn't reach the five year threshold, we did bond some of it because the costs were so high.

**MS. VIZZINI:**

Yes. If the total project is a larger number, we view it as the total project and we have bonded some major computer systems and what have you.

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

Yes, I've seen that.

**LEG. ROMAINE:**

A quick question for --

**P.O. LINDSAY:**

Wait, I have a list. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Can you speak to us just briefly about the nature of the equipment? This is cluster or server replacement, is that it?

**COMMISSIONER CATES-WILLIAMS:**

Yes, it's server replacement for our Yaphank Campus, the e-mail servers.

**LEG. KENNEDY:**

Okay.

**COMMISSIONER CATES-WILLIAMS:**

That supports DPW, the Police Department, Probation and the Department of FRES.

**LEG. KENNEDY:**

And e-mail servers are typically what type of equipment, Dell, HP?

**COMMISSIONER CATES-WILLIAMS:**

These are Dells, Dell Server.

**LEG. KENNEDY:**

These are Dells?

**COMMISSIONER CATES-WILLIAMS:**

Yes.

**LEG. KENNEDY:**

Okay.

**COMMISSIONER CATES-WILLIAMS:**

The current equipment -- do you want me to go further?

**LEG. KENNEDY:**

Well, I think the point that I guess I'd like to hear from you is we're contemplating taking -- and I was going to ask this of Counsel, I guess, or BRO. What would be the life of the bond that would be left for acquisition on this? Is this a 36 month, a 60 month; what is useful life on computer equipment?

**LEG. ROMAINE:**

And what's the life of the bond?

**LEG. KENNEDY:**

Anybody, help me out; throw me a line, anybody.

**MS. VIZZINI:**

In terms of the equipment, it would probably be five years.

**COMMISSIONER CATES-WILLIAMS:**

Yes.

**LEG. KENNEDY:**

So 60 months we would basically purchase and pay for this over a 60 month time period?

**MS. VIZZINI:**

Yes.

**LEG. KENNEDY:**

Okay. Ms. Williams?

**COMMISSIONER CATES-WILLIAMS:**

I'm sorry.

**LEG. KENNEDY:**

My question to you is it seems to me that computers, generally these days, have a useful life that goes about 90 days before the next version comes out; is that something that occurs with servers?

**COMMISSIONER CATES-WILLIAMS:**

No, not at all.

**LEG. MYSTAL:**

No.

**LEG. KENNEDY:**

It's not.

**COMMISSIONER CATES-WILLIAMS:**

Not 90 days.

**LEG. KENNEDY:**

We're not going to see something radically different than another 18 to 24 months associated with capability of servers and the ability to host or serve this function?

**COMMISSIONER CATES-WILLIAMS:**

No, not with these e-mail servers. No, these servers are going on the latest version. The current e-mail servers are utilizing Microsoft Exchange 5.5, that is no longer supported by Microsoft, so they have to move --

**LEG. KENNEDY:**

Again, we're speaking hardware, though, not software at this point; correct?

**COMMISSIONER CATES-WILLIAMS:**

Yes, it's both, it's both.

**LEG. KENNEDY:**

Well, then I'm really confused. So we're buying --

**COMMISSIONER CATES-WILLIAMS:**

Well, no, this is for the servers, okay. I already have the software through a consolidation, consolidating other servers, I have software that I'm going to use to put on these servers.

**LEG. KENNEDY:**

But you can't run it on what we own now.

**COMMISSIONER CATES-WILLIAMS:**

No, I can't.

**LEG. KENNEDY:**

How ironic. I'm going to --

**COMMISSIONER CATES-WILLIAMS:**

Well, it's not scaleable. And you're talking 2,464 mailboxes, this is your public safety departments.

**LEG. KENNEDY:**

And I embrace the opportunity to give our public safety the most current equipment. I do not embrace spending \$95,000 over six months for something that in three years we'll probably hear we need to replace. I yield, sir.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Legislator Kennedy made all the points I was going to make. We're about to undertake -- we can't do it for more than five years because Municipal Law prevents us from bonding out something more than the useful life; and according to Ms. Williams, it's no more than five years. I mean, we've got to think about this, we're bonding something for five years that may not actually have a useful life of five years. I mean, I'm very supportive, and don't get me wrong, of this project and I want to vote for this. I don't feel that bonding is the way to go on this project.

I did not support abandoning the pay-as-you-go earlier this year when there was doom and gloom scenarios that we were going to have a deficit at the end of the year and, in fact, we wound up with a \$133 million surplus, so I did not support abandoning pay-as-you-go. And you know, I'm now in a position of do I vote against a project that I support simply because of the method of financing; a difficult decision.

Thank you.

**COMMISSIONER CATES-WILLIAMS:**

There was actually one other point that I wanted to point out, that the current equipment is well beyond its five year life cycle; at the end of 2004, that equipment should have been replaced. So we're now at the end of 2006. We had an incident this Saturday and we got called in to come and fix equipment that we really can't fix.

**P.O. LINDSAY:**

Commissioner Williams, how old is the current equipment that we're replacing now?

**COMMISSIONER CATES-WILLIAMS:**

Its useful life ended in 2004, so it's about seven years old.

**P.O. LINDSAY:**

Seven years old.

**COMMISSIONER CATES-WILLIAMS:**

Yes.

**P.O. LINDSAY:**

That's all I wanted to know. Any other questions?

**LEG. MYSTAL:**

A quick question.

**P.O. LINDSAY:**

Legislator Mystal.

**LEG. MYSTAL:**

I just wanted to point out to Legislator Romaine that Commissioner Williams did not choose the method of payment; I just wanted to point that out, it wasn't her purview.

**LEG. ROMAINE:**

No, I know that.

**P.O. LINDSAY:**

Okay, we have a motion and a second. Being that we need 14 votes, I guess I'll call a roll on both this and the bond; the first one is not the bond, it's just the resolution. Roll call.

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

**LEG. MYSTAL:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Reluctantly yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Pass.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

In the name of public safety, yes.

**LEG. NOWICK:**

In the name of public safety, yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

In the name of William Lindsay, yes.

**LEG. CARACAPPA:**

In the name of public financing, no.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Alden, Barraga & Caracappa).

**COMMISSIONER CATES-WILLIAMS:**

Thank you.

**P.O. LINDSAY:**

Okay; you're not out of the woods yet, now we've got to vote on the bond.

**LEG. HORSLEY:**

We've got the bond part, Sharon; she doesn't know that.

**P.O. LINDSAY:**

Okay, this is only 12. If it's all right with the sponsor and the second, I'll use same motion, same second; roll call.

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

**LEG. MYSTAL:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**  
(Not Present).

**LEG. ALDEN:**  
No.

**LEG. BARRAGA:**  
No.

**LEG. KENNEDY:**  
Yes.

**LEG. NOWICK:**  
Yes.

**LEG. HORSLEY:**  
Yes.

**LEG. STERN:**  
Yes.

**LEG. D'AMARO:**  
Yes.

**LEG. COOPER:**  
Yes.

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

**P.O. LINDSAY:**  
Yes, but I'm just waiting to see if Legislator Montano comes back in the room. Well, let him register his vote.

**D.P.O. VILORIA-FISHER:**  
Just say yes.

**LEG. MONTANO:**  
Yes.

**P.O. LINDSAY:**  
Yes.

**MR. LAUBE:**  
Fifteen (Opposed: Legislators Caracappa, Alden & Barraga).

**P.O. LINDSAY:**  
Okay, *IR 2436-06, 2436A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the Optical Disk Imaging System (CP 1751)(County Executive)*. Do I have a motion?

**LEG. COOPER:**  
Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, seconded by Legislator Mystal. On the question?

**LEG. ALDEN:**

Did we do 2405?

**P.O. LINDSAY:**

I didn't have 2405, I have 2436.

**LEG. ALDEN:**

I have 2405, but that's okay.

**P.O. LINDSAY:**

Was it withdrawn?

**MR. NOLAN:**

Yes.

**P.O. LINDSAY:**

It was withdrawn, Legislator Alden.

**LEG. ALDEN:**

Thank you.

**LEG. MYSTAL:**

It's going to come with a CN.

**P.O. LINDSAY:**

Did you take that out of your folder?

**LEG. ALDEN:**

No, this I brought with me.

**P.O. LINDSAY:**

Oh, okay, look in your folder I think is the updated one, I think something was withdrawn.

**LEG. ALDEN:**

I was studying this last night.

**P.O. LINDSAY:**

Geez, you better get a life.

2436-06 - Amending the 2006 Capital Budget & Program -- I already said that. We have a motion and a second?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

Okay. Any discussion? No.

**MR. NOLAN:**

Ten votes.

**P.O. LINDSAY:**

A ten voter. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

The accompanying Bond on that, 2436A; same motion, same second.  
Roll call.

**LEG. ALDEN:**

Just on the motion.

**P.O. LINDSAY:**

Okay. On the motion, on the bond.

**LEG. ALDEN:**

How much is this for?

**LEG. MYSTAL:**

Over a million dollars.

**MR. NOLAN:**

Just about a million dollars.

**LEG. ALDEN:**

The resolution says amending, so was this --

**MR. NOLAN:**

It's an offset coming from the helicopter. So it has an offset, that's why it needs ten.

**LEG. ALDEN:**

So we're not -- and just maybe through the chair; Budget Review, when were we scheduled to buy the helicopter?

**MS. VIZZINI:**

Well, this was additional monies that are not going to be moved ahead for a fourth helicopter. We did purchase one this year.

**LEG. ALDEN:**

So this is one of those things that we put in there to be used as an offset?

**MS. VIZZINI:**

No, the Legislature, when we adopted the '06 Capital Program, added money in anticipation of the need for two new helicopters. The consensus was to reevaluate towards the end of the year as to whether that purchase was necessary, so there's still -- it's my understanding that we're not moving forward with an immediate second new helicopter and there's monies available in the helicopter project.

**LEG. ALDEN:**

So we bought one.

**MS. VIZZINI:**

Yes.

**LEG. ALDEN:**

Okay. And how many do we have in the fleet now, three or four?

**MS. VIZZINI:**

We have a total of four.

**LEG. ALDEN:**

Okay, thanks.

**P.O. LINDSAY:**

This is the green one.

**LEG. ALDEN:**

With the dollar sign on it.

**P.O. LINDSAY:**

Okay, roll call.

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

**LEG. COOPER:**

Yes.

**LEG. MYSTAL:**

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. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, *Introductory Resolutions for December 19, 2006:*

*2099-06 - Amending the 2006 Operating Budget and transferring funds to the Peconic Community Council for the purchase of a van for Maureen's Haven Program (Romaine).*

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine.

**LEG. SCHNEIDERMAN:**

Second.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper?

**LEG. COOPER:**

No, no, Jay.

**P.O. LINDSAY:**

Schneiderman? Okay. I will --

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

All in favor, opposed.

**P.O. LINDSAY:**

Well, no, we have someone that wants to comment; would you like to comment?

**MR. KOVESDY:**

Good afternoon, if I may. It was asked at the Budget Committee if this resolution could be implemented with a contract done in this year; unfortunately the funds are going to Social Services which does not have a contract, so the -- this contract cannot be done this year. We would ask that if you resubmit this next year and put it in similar funds with the Peconic Council, it won't be able to get done in Social Services in one week time to fund the purchase of a car. It's not going into the main contract, it's a completely new contract which can't be done in four days.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

I'm totally going to ignore the representative of the Budget Office and the County Executive because they --

**MR. KOVESDY:**

It wouldn't be the first time, Ed.

**LEG. ROMAINE:**

Right.

**LEG. SCHNEIDERMAN:**

Did you hear something?

**LEG. ROMAINE:**

Because as you know, if we appropriate this money they have till mid February to get a contract together, not the end of the year and we all know that, so let's remind ourselves of that. And with that, I believe there's a motion to approve.

**P.O. LINDSAY:**

Legislator Mystal.

**LEG. MYSTAL:**

I would like to call the Budget Office back.

**MR. KOVESDY:**

Thanks.

**LEG. MYSTAL:**

What Legislator Romaine just said, is that true?

**MR. KOVESDY:**

We prefer 2006 purchases made in 2006, not in 2007; this purchase would be made in 2007. What Mr. Romaine was talking to were the purchases that would be made in 2006 and the paperwork would lapse into the first 45 days of 2007; in this case, the purchase wouldn't be made in 2006, therefore, the contract wouldn't be good.

**LEG. MONTANO:**

Well, I've got a question.

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

Wait a minute, I have a question, Bill.

**P.O. LINDSAY:**

Go ahead; are you done? No? Go ahead.

**LEG. MYSTAL:**

No, I'm not done because he got me confused.

**LEG. VILORIA-FISHER:**

Oh, okay.

**LEG. MYSTAL:**

I got totally confused.

**LEG. ROMAINE:**

Well, that's his purpose.

**LEG. MYSTAL:**

The question that I did ask was is Legislator Romaine correct, that we can go to the paperwork till February to purchase this van?

**MR. KOVESDY:**

If the car is purchased before December 31st, you can pay the bill within 45 days in 2007; if the car is purchased on January 2nd, the answer is no.

**LEG. MYSTAL:**

That one I got.

**P.O. LINDSAY:**

Okay, Legislator Viloría-Fisher and then Montano and then Alden.

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

Here I am.

**MR. KOVESDY:**

Okay.

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

The representative from Maureen's Haven, I believe he was a Director; Ed, was he the Director of Maureen's Haven?

**LEG. ROMAINE:**

Dennis {Yune}, yes.

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

Yes, Mr. {Yune} came before the Budget & Finance Committee and really expressed a real need for this van, and we represented to him that we were approving it out of committee. He had some -- he was working from the State list, I believe -- correct me if I'm wrong --

**LEG. ROMAINE:**

That's correct.

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

-- for the vehicle that they were looking at and we encouraged him to go out and find a dealership that had that vehicle sitting on a lot so that he would be able to make a quick purchase. But once we approve it, can't he make the purchase and then have the paperwork -- once we approve it and the County Executive signs it, he can make the purchase and submit those receipts because this has already been approved and then the paperwork can be done subsequent to that?

**MR. KOVESDY:**

We don't appreciate anybody making a purchase without a signed contract. And we would need a signed contract signed by the vendor, signed by the Commissioner of Social Services and the signed by the County Executive before December 31st, then he can go ahead and do it, but we wouldn't encourage anybody to make a purchase without a signed contract.

**P.O. LINDSAY:**

That ain't going to happen, you know it's not going to happen. Legislator Montano.

**LEG. MONTANO:**

My question has been answered, thank you.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Actually, there's no harm that would happen. Even if we do approve this and it can't go through, it still is going to end up the money is in the same place as if we didn't appropriate this, it still ends up on the bottom line as a carry-over.

**MR. KOVESDY:**

Yes.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Well, where does -- Budget Review, where does the money come from, is there an offset here?

**MS. VIZZINI:**

Yeah. This resolution was laid on the table September 19th, we changed the offset from what was Social Security to Photostat/Photograph and Blueprints. Once that was acceptable, Mr. Kovesdy, at the last Budget & Finance meeting, brought up the question that, you know, why is the agency funded in DSS. So once again, it presents another obstacle.

**P.O. LINDSAY:**

Okay? Legislator Romaine.

**LEG. ROMAINE:**

If there were more days in a year there would be more objections from the Budget Office; we all know that, it goes without saying. And we either -- if we vote for this and this doesn't get done, you know, the money isn't going to get expended and in January I'll consider my options of reintroducing this resolution and then we'll have a full year to hear and catalog the various and numerous objections of the Budget Office and the Executive Branch as to this and other resolutions. Thank you.

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

Can I just ask a question on that?

**P.O. LINDSAY:**

Legislator Vilorio-Fisher.

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

Gail, just procedurally, can this be reintroduced in January since it's an amending?

**MS. VIZZINI:**

It would be a budget amendment. So actually, I think it was at the invitation of the Chairman of Budget & Finance that in the event that this did not proceed, that the Executive Director should see the committee for, you know, a resolution in February.

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

In February, which is when we do the budget amendments.

**P.O. LINDSAY:**

He's just spinning his wheels. He's not going to get this done, you know he's not going to get it done.

**LEG. ROMAINE:**

But there is no harm doing it now, I mean, we give it the best shot.

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

No, right.

**P.O. LINDSAY:**

Why don't he just reintroduce it and we'll support it.

**LEG. MONTANO:**

If I may.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

We would only do it in February if the item wasn't contracted. If we appropriate it today, amend the budget and then it's not contracted, then it could be done in February; that was I think the comment.

**LEG. CARACAPPA:**

But with '07 monies.

**LEG. MONTANO:**

With '07 -- yeah, right, with '07 monies.

**P.O. LINDSAY:**

Well, I think you're going to have to introduce a new resolution --

**LEG. ROMAINE:**

Right.

**P.O. LINDSAY:**

-- because the resolution is faulty; it talks about '06 money, if you don't spend the money in '06 --

**LEG. MONTANO:**

Exactly. The resolution would amend the 2007 Operating Budget so there would be an offset from that budget; is that correct?

**MS. VIZZINI:**

Yeah; if we go into 2007 we're amending the '07 Budget, yes.

**LEG. MONTANO:**

Right, exactly.

**P.O. LINDSAY:**

It has to be a whole new resolution. Okay, and the sponsor wants to go through with this.

**LEG. ROMAINE:**

Absolutely.

**P.O. LINDSAY:**

It's not going to happen, you know, but whatever.

**LEG. ROMAINE:**

I trust the good will of the Executive on this Christmas Eve.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

You got your van that's not going to be purchased.

***2443-06 - Amending the 2006 Operating Budget in connection with the purchasing of vehicles (Presiding Officer Lindsay).***

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Second.

**LEG. ALDEN:**

Explanation.

**P.O. LINDSAY:**

This is to purchase six excess vehicles that were part of a lease agreement with the Labor Department. The price is good, mileage is low and it's to increase our fleet or update our fleet, to diversify it a little bit. And the intention is to look at the fleet to see how many we need and we'll probably have too many and we'll excess them to another County department.

**LEG. ALDEN:**

Can this happen by the end of the year?

**P.O. LINDSAY:**

Well, that's a good question.

**LEG. ALDEN:**

I'm voting for it whichever way, but let's go.

**P.O. LINDSAY:**

Okay. The cars are just across the street, but like Terry points out, the contractor has to go across the other street, it's a lot of streets to cross; I don't know. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***2461-06 - Apportioning Mortgage Tax by the County Treasurer (County Executive).*** I'll make a motion.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***2479-06 - Amending the 2006 Capital Budget & Program, amending the 2006 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds in connection with planning for improvements to Sewer District No. 11 - Selden (CP 8117) (Losquadro).***

**LEG. LOSQUADRO:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Losquadro to approve. Do I have a second?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Economic Development, Higher Education & Energy:***

***2492-06 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for a Retail Skills Center, 90% reimbursed by State funds at Suffolk County Community College (County Executive).***

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Vilorio-Fisher.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2497-06, 2497A - Accepting and appropriating a grant award from the New York State Department of Transportation - Aviation Bureau, amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase and installation of perimeter fencing for the Department of Economic Development & Workforce Housing, Aviation Division (CP 5721) (County Executive).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

The accompanying Bond Resolution, 2497A; same motion, same second okay there? Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. STERN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2498-06, 2498A - Accepting a grant award from the New York State Department of Transportation - Aviation Bureau, amending the 2006 Capital Budget & Program appropriating funds in connection with the tower renovations at Gabreski Airport (CP 5709)(County Executive).*

**MR. ZWIRN:**

May --

**P.O. LINDSAY:**

Let me get a motion first.

**MR. ZWIRN:**

Sure.

**P.O. LINDSAY:**

I'll make a motion.

**LEG. COOPER:**

I was going to make a --

**P.O. LINDSAY:**

Second by Legislator Cooper.

**LEG. COOPER:**

Okay.

**P.O. LINDSAY:**

Mr. Zwirn?

**MR. ZWIRN:**

With this particular bill, it's a \$33,000 project and we're going to put a CN in so this doesn't have to be bonded.

**P.O. LINDSAY:**

Okay.

**MR. ZWIRN:**

It was a \$3,000 part on the part of the County.

**P.O. LINDSAY:**

Okay. So I'm just going to make a -- I'll withdraw my motion and make a motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

And we'll vote on the bond after we get the CN -- oh, there won't be a bond, okay. So that's tabled as well.

***2502-06, 2502A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the incubators for businesses in distressed areas (CP 6413) (County Executive).***

**MR. NOLAN:**

Skip this one.

**P.O. LINDSAY:**

I'm being informed by Counsel that we have to skip this one because we haven't heard from Bond

Counsel that a Bond is availability for this one yet, so; it might be available before we adjourn.

**LEG. LOSQUADRO:**

Then again, it might not.

**P.O. LINDSAY:**

Then again, it might not.

***2509-06, 2509A - Appropriating funds in connection with the replacement/relocation of the existing maintenance facility at Gabreski Airport (CP 5733), Town of Southampton and adopting SEQRA determination (County Executive).***

**LEG. HORSLEY:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Horsley.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

On the motion.

**LEG. ALDEN:**

Just an explanation, but also why we're doing a SEQRA determination in a Bonding Resolution.

**MR. NOLAN:**

Well --

**LEG. ALDEN:**

We normally don't do that.

**MR. NOLAN:**

Well, most resolutions do have a SEQRA clause. This resolution is a little unusual because it has it in the caption, but I believe this is a straight appropriation money that's already included in the Capital Program & Budget, \$640,000; so it's a ten vote resolution for the underlying resolution.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I have a question for BRO on this. I see that it appears the total is 640,000 on this, 600,000 of which goes to the replacement of the building and there's 40,000 to equipment; do you have any indication what the equipment is?

**MS. VIZZINI:**

It's maintenance equipment to go into the building once it's completed, I believe.

**LEG. KENNEDY:**

Okay. We should assume that it's some kind of mechanical equipment associated with maintaining or operating or supporting the building; is it a boiler?

**LEG. MYSTAL:**

It's a large screen TV.

**LEG. KENNEDY:**

Excellent, that's what I like to hear. A couple of small short refrigerators maybe and a jacuzzi?

**LEG. MYSTAL:**

A plasma, surround-sound.

**LEG. ALDEN:**

This is one of those green things again to be used later.

**MS. VIZZINI:**

Don't know for sure.

**LEG. KENNEDY:**

We don't know. All right, thanks for looking. I'll yield.

**P.O. LINDSAY:**

Okay, we have a motion and a second on 2509. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Alden).

**P.O. LINDSAY:**

On the accompanying IR 2509A, the Bonding Resolution, I'm going to use the same motion and the same second if I don't hear any objections. Roll call.

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

**LEG. HORSLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yep.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Alden).

**P.O. LINDSAY:**

On the next, IR 2510, I'm being informed by Counsel we also do not have a bond in place yet on this and it's still -- we're still working on it, so I'm going to skip over that, too. At the end of the day, if we don't have the bonds available, we'll go back and take some appropriate action, whether it's a tabling resolution or whatever. Dennis, Mr. Brown.

**MR. BROWN:**

Yeah, thank you, Mr. Chair. This is anecdotal, and it's from Bond Counsel, that a bond is not necessary for this particular resolution. The second RESOLVED clause makes reference to that and that this resolution is an appropriating resolution with a bond to come in the future, and that's from Bond Counsel.

**P.O. LINDSAY:**

That is strange. I mean, we have approved the underlying resolution without the bond in the past, but usually they come together.

**MR. BROWN:**

The bond can't come until after the environmental review.

**P.O. LINDSAY:**

I see, okay. So I stand corrected about skipping over 2510, we'll vote on 2510 now, we just can't vote on the Bonding Resolution. Let me just read it off for everybody's edification and get the proper motions and then I'll give you the floor, Mister -- Legislator Alden.

***2510-06, 2510A - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the redevelopment to create a Homeland Security Technology Park at Gabreski Airport (County Executive).*** I'll make a motion to approve.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. I have -- Legislator Alden and Romaine want to speak on this issue.

**LEG. MYSTAL:**

And Kennedy.

**P.O. LINDSAY:**

And Kennedy, okay.

**LEG. ALDEN:**

The question would be we need approval of 2510 to go and do environmental review; through the chair?

**P.O. LINDSAY:**

How about if I ask Mr. Brown to answer that?

**LEG. ALDEN:**

That would be great.

**P.O. LINDSAY:**

Okay.

**MR. BROWN:**

Again, I have to defer to Bond Counsel, but yes.

**LEG. ALDEN:**

Okay.

**LEG. SCHNEIDERMAN:**

Can I just comment on that? On 25 --

**P.O. LINDSAY:**

Wait, wait, wait, I've got a list, I've got a list.  
Legislator Romaine, Kennedy and then Schneiderman.

**LEG. ROMAINE:**

Yes. To Budget Review, the question is how much money is this? What is this going to be spent

on? It's a nice sounding title, Homeland Security Technology Park; what is the money going to be used for specifically?

**MR. REINHEIMER:**

Okay, to answer the first question, it's transferring \$3 million from Capital Project 5713, Industrial Park Redevelopment, to Capital Project 5755, Redevelopment, Creation of Homeland Security Technology Park. This I believe is a County Executive initiative and I'm not sure exactly -- this is \$3 million for construction and I'm not really sure --

**LEG. ROMAINE:**

What would we be constructing for \$3 million? Are we going to be building curbing, are we going to be building sidewalks, are we going to be building parking lots; what is going to cost \$3 million? If there's someone -- I see the Executive has a representative here.

**LEG. SCHNEIDERMAN:**

I have the answer to this.

**LEG. ROMAINE:**

I rarely ask those question, but in this case I will have to rely on the Executive representative to provide answers to his initiative.

**LEG. SCHNEIDERMAN:**

Ben, I could help.

**P.O. LINDSAY:**

Mr. Zwirn, if you could please enlighten us.

**MR. ZWIRN:**

I'm flattered; usually Legislator Romaine asks me to sit down, now he's asking me to stand up. I'm going to have Jim Morgo come over and explain it to you in detail. I don't recall --

**LEG. SCHNEIDERMAN:**

I can help here.

**MR. ZWIRN:**

-- at Economic Development -- but I'd be glad to bring Jim Morgo back over.

**P.O. LINDSAY:**

Well, I think Legislator Schneiderman might have the answer, so I'm going to skip over Kennedy and see if Legislator Schneiderman can answer the questions.

**LEG. SCHNEIDERMAN:**

It is precisely for the roads and the sidewalks, for preparing the area. We're not -- you know, the private person who comes in who gets the bid, and it might be several people, will build the buildings, but we are providing the road work infrastructure to get to those buildings.

**P.O. LINDSAY:**

The infrastructure, okay, but let me ask you something. This money was allocated before to build an industrial park in the same complex, now we're changing it to a Homeland Security Park; what's the difference?

**LEG. SCHNEIDERMAN:**

The title is not that important. I believe that the people who are responding to the RFP don't have to do Homeland Security-type of businesses, it still is the title and it's kind of, I think, the County Executive's --

**P.O. LINDSAY:**

Okay, but the offset we're using is in the same facility.

**LEG. ROMAINE:**

It's the same thing, right.

**P.O. LINDSAY:**

Was that what the money was for before, to build infrastructure?

**LEG. SCHNEIDERMAN:**

I believe it was.

**LEG. ROMAINE:**

Why are we doing this?

**LEG. SCHNEIDERMAN:**

And to answer the question about the environmental review, we are not the lead agency on this project, the Town of Southampton is the lead agency on this project, they are making the SEQRA determinations.

**LEG. ROMAINE:**

Can I -- since I still have the floor --

**P.O. LINDSAY:**

I didn't know you still had the floor, but all right, go ahead.

**LEG. ROMAINE:**

Okay, just a couple of questions. Counsel, in this drafted resolution that was submitted to us, who is considered the lead agency?

**MR. NOLAN:**

It says the Town of Southampton.

**LEG. ROMAINE:**

Okay, that's fine. The next question that I have is this abandon -- this money was being transferred from one Capital Project to the other; what's the difference between the two Capital Projects? The Presiding Officer made a very good point, why are we doing this except to generate another press release using a different name? Is there some other worthy purpose in this since the original amount was the same and we're transferring money now to do the exact same work? You know, maybe I'm missing the point and I'll just need a better explanation.

**MR. NOLAN:**

I can't tell you. I can tell you it has a different project number. What the other one was going to be for, I don't know.

**P.O. LINDSAY:**

Mr. Zwirn, could you enlighten us?

**MR. ZWIRN:**

The County Executive was hoping and trying to create some very high-tech jobs here that are good paying jobs. You're going to have industrial parks, you have them all over Long Island, but this one hopefully was going to be one that would create high paying jobs and jobs that people would be able to afford to earn a decent living on.

**P.O. LINDSAY:**

But in --

**MR. ZWIRN:**

I mean, as a Homeland Security as opposed to --

**P.O. LINDSAY:**

I think that's a worthy purpose --

**MR. ZWIRN:**

Okay.

**LEG. ROMAINE:**

It's roads, sidewalks.

**P.O. LINDSAY:**

-- but the \$3 million is still for roads and curbs and sidewalks and water, no, infrastructure?

**MR. ZWIRN:**

Yes.

**LEG. SCHNEIDERMAN:**

My understanding is yes, that's what it is.

**LEG. HORSLEY:**

Yes, that's what it is.

**P.O. LINDSAY:**

Okay. Legislator Kennedy, you've been very patient.

**LEG. KENNEDY:**

Thank you, Mr. Chair. For once I think I'm going to rely most on what's said because I think, you know, your point is well taken.

It's admirable for us to go ahead and lay the groundwork to build infrastructure, I don't need -- you know, it escapes me, the rationale to have to recast it when it appears we have the ability in the first instance; this one escapes me.

**P.O. LINDSAY:**

Legislator Barraga, did you want to add into this?

**LEG. BARRAGA:**

I understand the money is going to be used the same way, even under this resolution. But the question I have, when you change the name from say basically an industrial park to something called Homeland Technology, Security Technology Park, are there certain tax incentives that wind up going to those businesses that fall into this category now versus a regular industrial park?

**P.O. LINDSAY:**

That could be a good point.

**LEG. BARRAGA:**

Is that the -- I mean, I just can't see them changing the title for the sake of changing the title. There's got to be some reason they're doing this.

**LEG. ALDEN:**

You don't know the County Executive.

**LEG. BARRAGA:**

Does anybody know whether or not there are certain tax incentives that come under Homeland Security Technology, if it's called that, versus a regular industrial park?

**P.O. LINDSAY:**

Legislator Barraga, it looks like there is no one that's ready to jump up. I'm going to refer back to the suggestion made by Mr. Zwirn before that we pass over this until the Economic Development Commissioner can come over and explain this to me. Because I didn't think of that, but your point could be very well taken, by changing the name we might qualify for some kind of Federal aid, you know. So if it's already with everybody, I'm going to skip over this and we'll come back to it. Mr. Zwirn, if you could get Mr. Morgo, Commissioner Morgo over here to answer some of the questions, I would appreciate it.

**MR. ZWIRN:**

Yeah, Carolyn Fahey is on her way over.

**P.O. LINDSAY:**

Very good, thank you.

**P.O. LINDSAY:**

Okay, *2511-06, 2511A - Accepting a grant award from the New York State Department of Transportation - Aviation Bureau, amending the 2006 Capital Budget and Program and appropriating funds in connection with aviation utility infrastructure at Gabreski Airport (CP 5734) (County Executive).*

**LEG. COOPER:**

Motion to approve.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, seconded by Legislator Horsley. On the question, Legislator Kennedy.

**LEG. KENNEDY:**

Just a technical one; through Counsel or BRO, why are we bonding an acceptance of a grant award?

**MR. NOLAN:**

That's not being -- that part of it is not being bonded. Part of this resolution is accepting a grant in the amount of \$120,000, but there's a bonding portion of about \$660,000 that has an offset from a couple of different Capital Projects and that's the part that's being bonded.

**LEG. KENNEDY:**

What are the offsets for the projects?

**MR. NOLAN:**

They are 6413 which is Incubators for Businesses in Distressed Areas and 5731, Airport Obstruction Program I believe.

**LEG. MYSTAL:**

You just woke me up.

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

That's on the agenda so it must not be tabled.

**LEG. KENNEDY:**

Didn't we just previously speak about incubators in distressed areas in a prior resolution in this committee?

**MR. NOLAN:**

I did recall that coming up. I mentioned to the Budget Review this morning, I asked if the offsets were all solid, I was told yes, so.

**LEG. KENNEDY:**

I'll yield, Mr. Chair.

**P.O. LINDSAY:**

Okay. Legislator Mystal.

**LEG. MYSTAL:**

Yes, this is a question for Budget Review. Lance, the offset for this, from the Incubators in Distressed Areas, what are we talking about?

**MR. REINHEIMER:**

This resolution moves a little bit over \$500,000 from 6413 which leaves a balance of 169,500 in that Capital Project, so it doesn't use all the funds from 6413.

**LEG. MYSTAL:**

Yeah, but 6413 refers specifically to what incubator project we were talking about.

**MR. REINHEIMER:**

Again, this is a County Executive initiative based on my recollection and he might be able to speak better to this.

**LEG. MYSTAL:**

Can we, Mr. Chair?

**P.O. LINDSAY:**

Yes.

**MR. ZWIRN:**

On the earlier bill, we appropriated I think it was \$500,000, it was originally over \$600,000 that was in there. We weren't going to be able to use all the money this year, so we used this as an offset for this project.

**LEG. MYSTAL:**

It's '06 money.

**MR. ZWIRN:**

Yes.

**LEG. MYSTAL:**

Do we have any money in '07?

**MR. ZWIRN:**

Yes.

**LEG. MYSTAL:**

Okay, thank you.

**P.O. LINDSAY:**

Okay, we have a motion and a second.

**LEG. ALDEN:**

Just on the motion.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

This project was in the budget originally for '06 or '07; and maybe Lance can speak to that. Because if it was in for '06, it should have been fully funded, we wouldn't have to use offsets.

**MR. REINHEIMER:**

No, the -- well, the current Capital Program had \$50,000 in this project.

**LEG. ALDEN:**

So this project was underfunded for '06 by almost 500 or \$600,000?

**MR. REINHEIMER:**

Generally airport projects receive funding and a lot of times we'll schedule the program in later years with the idea that if they do get State funds, matching funds or State aid that we could appropriate the funds.

**LEG. ALDEN:**

What exactly is this project?

**MR. REINHEIMER:**

This basically has to do with I think runway lighting for the airport and their lighting distribution system.

**LEG. ALDEN:**

Didn't we do that last year, too?

**MR. REINHEIMER:**

This is an ongoing project, too.

**LEG. ALDEN:**

But we appropriated funds in '05 for it.

**MR. REINHEIMER:**

I'm not sure, I'd have to check on that.

**LEG. ALDEN:**

Now, I wasn't at Public Works, but was this going to be done this year? If we're appropriating \$500,000 to do runway lighting, there's like how many days left in December?

**MR. REINHEIMER:**

Well, you're appropriating the funds in 2006, it's not necessarily going to be done, it's part of an overall project that involves planning --

**LEG. ALDEN:**

Yeah, but we're not following the plan anyway, we're not following the Capital Budget, so why would we -- why would we just mix it up even more by putting money in '06 that we're not going to spend until '07? In another couple of months we're actually going to do the '07, '08 and '09 budget, wouldn't it make more sense that a project that's not going to get done right now; why wouldn't we include that in a realistic budget for '07?

**P.O. LINDSAY:**

Because we already did '07, you would have to go into '08.

**MR. REINHEIMER:**

Right.

**LEG. ALDEN:**

No, next year we can modify it when we do the plan. We're going to be doing this '07 Capital Budget --

**P.O. LINDSAY:**

If you appropriate the money now the project can move forward in '07, if you don't appropriate now you either have to modify the Capital Budget in '07 or else you have to put it in the '08.

**LEG. ALDEN:**

We're going to do a new budget in '07.

**MR. REINHEIMER:**

No, the Capital Budget for '07 has been adopted.

**LEG. ALDEN:**

So there's no way that we could do this type of amendment in '07 when the work is actually going to get done.

**MR. REINHEIMER:**

Well, you can always amend the 2007 Capital Program at any time.

**LEG. ALDEN:**

I find -- some of these are perplexing, you know, why this project is not going to go forward.

**MR. REINHEIMER:**

Well, I think it has to do with the receiving of State aid so they wanted to advance the project, which is not necessarily a bad thing.

**LEG. ALDEN:**

No, but you can't receive the State aid until you actually do the project either, and we're not going to do this project yet. That was the testimony in the Capital Budget Hearing for last year when we put it in at only \$50,000, and that's why we only put \$50,000 in because it couldn't be done in '06 or '07. I just find this -- you know, this is manipulative. I don't understand any other reason for something like this to come over.

**P.O. LINDSAY:**

Anybody else on 2511? Okay.

**LEG. MYSTAL:**

We have somebody from Economic Development who can explain it.

**P.O. LINDSAY:**

That was on the previous resolution. As soon as I get done with this one I'll call --

**LEG. HORSLEY:**

Is there a motion on the floor?

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

Yes.

**P.O. LINDSAY:**

Yeah, we have a motion before us now on 2511 to approve and a second. Do you want to talk about that, Legislator Kennedy?

**LEG. KENNEDY:**

I'm equally confused, Mr. Chair.

**P.O. LINDSAY:**

I don't know what's so confusing. This time of the year, stuff that's in the '06 Capital Budget, if you don't appropriate it now you lose it and you have to start the process all over again in '07.

**MR. REINHEIMER:**

I'd like to correct --

**P.O. LINDSAY:**

I mean, that's the way it's always been.

**MR. REINHEIMER:**

-- the record. This is actually for redevelopment of the industrial park, it has to do with utilities for development into industrial park; I was incorrect before about airport lighting.

**P.O. LINDSAY:**

So this feeds in to the prior resolution? That was an infrastructure.

**MR. REINHEIMER:**

Right, this is for utilities.

**P.O. LINDSAY:**

Maybe I should call Ms. Fahey to the microphone, maybe you can enlighten us on both 2510 and 2511.

**MS. FAHEY:**

2510, as you said, is appropriating funds that were in the '06 budget to help with the redevelopment of the industrial park area.

**P.O. LINDSAY:**

Okay, but here's our question about it.

**MS. FAHEY:**

Okay.

**P.O. LINDSAY:**

That the offset seems to be taken from almost a similar project within the airport, and actually the resolution is just changing the name from industrial park to Homeland Security; why is that?

**MS. FAHEY:**

There were two projects created to fund the development of the industrial park. In the '06 -'08

Capital Program, the department merged them into 5735. So there was money in 5713 and there was some money in 5735, instead of having two competing projects out there funding the same program, we combined them. So this year we're moving the money over and in next year's budget you will see the combination of the two.

**P.O. LINDSAY:**

Okay. So 2510 isn't just the name change from industrial park to Homeland Security Park, it's the combination of different projects under one resolution.

**MS. FAHEY:**

Correct.

**P.O. LINDSAY:**

Okay, that makes sense to me. And 2511, does that feed in to the same process of putting in the infrastructure to develop some of our vacant land out there?

**MS. FAHEY:**

The aviation side. 2510, the first resolution talks about the industrial park, what we now call the Hampton Business Technology Park, that's for non-aviation businesses. 2511 is helping to fund the utility infrastructure to allow for the aviation development, we're separating the two because they're two distinct projects. So 5711 is going to bring electric, water and sewer up to the north side of the airport and to the western portion --

**P.O. LINDSAY:**

No, no, 2511, not 5711.

**MS. FAHEY:**

2511, yes, is going to bring utilities up to the northern side of the airport and to the western side of the airport and upgrade those utilities for aviation development.

**P.O. LINDSAY:**

When do we anticipate this job going out for bid?

**MS. FAHEY:**

The aviation utility? Right away.

**P.O. LINDSAY:**

Right away, so early '07, okay. Legislator Alden.

**LEG. ALDEN:**

Just getting back to 2510 for a minute, is there any Federal tax break that people are going to get because of the name change? Because that was one of the questions.

**MS. FAHEY:**

No, no, it's just how it was -- the funding is the same changed. It's the same land that's designated as the Empire Zone, it's the same 58 acres where the tax breaks are going to be given through the State program; there's no distinction, no.

**P.O. LINDSAY:**

But the testimony was that they combined a couple of projects into one, that was why the need for a new resolution.

**LEG. ALDEN:**

That's for 2510.

**P.O. LINDSAY:**  
Right.

**LEG. ALDEN:**  
Can I ask one more question?

**P.O. LINDSAY:**  
Go ahead.

**LEG. ALDEN:**  
2511, if this is ready to go, why wasn't it included in the Capital Budget for '06 when we did the 05-06 budget?

**P.O. LINDSAY:**  
It is in '06 budget.

**MS. FAHEY:**  
I thought it was.

**LEG. ALDEN:**  
Only for \$50,000, this is taking 500,000 from somewhere else. And I thought that's the whole process that we go through when we do the Capital Budget to make sure that we're not excluding things that are ready to go.

**MS. FAHEY:**  
The issue was we received a \$120,000 grant from the State this year that in order for DPW to go out to bid, 120 isn't going to do anything for us, we need the full million, so we offset it so that we can move forward with this project and take advantage of the State grant.

**LEG. ALDEN:**  
But six months ago or seven months ago when we were doing the budget, the Capital Budget, that wasn't told to us that way. Why wasn't it included in a narrative or why weren't we told that this could be ready to go if we got some State or Federal money?

**MS. FAHEY:**  
We -- it really was a surprise to us that we got these grants at the end of November, it really was.

**LEG. ALDEN:**  
Oh, good. Okay, so it's new information. Okay, thank you.

**MS. FAHEY:**  
We were grateful for them.

**P.O. LINDSAY:**  
Okay, so I'm going to stick on 2511 and then I'll go back to 2510.  
We have a motion and a second on 2511. All in favor? Opposed? Abstentions.

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**

Okay. And I'm going to use the same --

**MR. LAUBE:**

Oh, that was 16, sorry (Not Present: Legislators Nowick & Montano).

**P.O. LINDSAY:**

I'm going to use the same motion, the same second and a roll call on the bond, 2511A.

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

**LEG. COOPER:**

Yes.

**LEG. HORSLEY:**

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. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

All right. And I'm going to go back to 2510 which we do have a motion and a second; am I correct?

**MR. LAUBE:**

Yes, you are.

**P.O. LINDSAY:**

Okay. And we heard the explanation, we skipped over it for Ms. Fahey to get over here and give us the explanation. No other questions?

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay. And as you recall, Counsel told us that we do not have a bond on this and probably won't today, but we're advised to move forward with it without the bond. Okay? So we can't vote on 2510A as yet.

Thank you, Ms. Fahey.

**MS. FAHEY:**

You're welcome.

**P.O. LINDSAY:**

Okay, *Procedural Motion No. 10-2006 - Authorizing continued funding in connection with the opposition to the proposed Liquid Natural Gas Project in the Long Island Sound.*

**LEG. HORSLEY:**

Motion to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Horsley and seconded by Legislator Losquadro.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Again, I'm not in that committee, they came forward and they verified the amount that they've spent so far as far as time and all these dollars are accounted for?

**LEG. HORSLEY:**

Yeah, I'll defer to Counsel at this point, and then I'll come back to it.

**MR. NOLAN:**

They have -- we originally authorized \$100,000, they have gone through that. They've been paid by the Budget Review Office who reviewed the vouchers and this authorizes another 100,000 so that the Farrell Fritz Law Firm can continue representing us before the regulatory bodies in Washington and Albany in opposing Broadwater.

**LEG. ALDEN:**

Through the Chairman; were they able to give us a timeline or an approximation of how much more money they're going to need to actually continue this litigation? And do they feel that it's successful at this point or --

**LEG. HORSLEY:**

I'll speak to success but, George, why don't you tell them about the timeline.

**MR. NOLAN:**

The timeline is a little in determinant in terms of when the regulatory agencies are all going to move, I think they were talking about perhaps this summer. They believe the 100,000 is sufficient to take us through the regulatory phase. If down the road the County wants to litigate a finding of a regulatory body, that would probably be extra money but we're not there yet and that would be a separate decision by the Legislature. Right now, this money is really geared towards FERC, the proceeding before FERC and representing us before the regulatory bodies in Albany that are making decisions that affect the Broadwater Project.

**LEG. ALDEN:**

So they're confident the 200,000 will cover that?

**MR. NOLAN:**

That piece of it, yes.

**LEG. HORSLEY:**

Through the FERC yes.

**LEG. ALDEN:**

Okay, and then to the success or --

**LEG. SCHNEIDERMAN:**

Point of personal privilege, if I may? Before we get into a discussion of success, a lot of that information dealt with strategy and was in Executive Session and I would be cautious as to talking about the success in terms of anything that involves a legal strategy.

**P.O. LINDSAY:**

I don't think we're asking for strategy, we're just asking a lawyer if you think he'll be successful; have you ever heard one say no?

**LEG. BROWNING:**

No.

**LEG. ROMAINE:**

Not when they're getting paid.

**LEG. SCHNEIDERMAN:**

I think the cautionary note is important here in this discussion.

**LEG. ALDEN:**

Through the Chair, what are their estimations on success?

**LEG. HORSLEY:**

One of the approvals will be that they have to go before the Office of General Services. There appears to be some issues relating to -- and this is through public testimony, that the Coast Guard will not be able to have the wherewithal to protect incoming boats, that barges that will be bringing liquid gas to the barge and that they have to have -- literally they have to have security in the way of gun boats to protect -- to protect these incoming barges to fill the liquid gas barge, the larger barge.

**P.O. LINDSAY:**

I think we're getting into much too detail. You answered the question, you know, why don't we just let it go at that.

**LEG. ALDEN:**

Well, I just want to make sure that --

**LEG. ROMAINE:**

Vote.

**LEG. ALDEN:**

You know, this isn't a hole that we just keep pouring money into.

**P.O. LINDSAY:**

Well, I --

**MR. NOLAN:**

If you don't mind, I'll speak to that.

**P.O. LINDSAY:**

Go ahead.

**MR. NOLAN:**

I can tell you that with this particular firm, I think we're getting a good bang for our buck. They're not -- \$100,000 up to this point, with the amount of work they've done, is pretty reasonable. To represent us before all the regulatory agencies, to do it for \$200,000 I think is reasonable. I think they're doing -- they're doing a good job.

**LEG. ALDEN:**

But through the Chair, you would know this better than I would because I'm not on this committee, but didn't the Federal Government just come up with a finding that that thing floating out there in the sound is okay?

**MR. NOLAN:**

No, they're not there yet. I mean, that proceeding is still ongoing before the --

**LEG. ALDEN:**

But there was a finding by some Federal agency that it's a good project.

**MR. NOLAN:**

No, FERC has not approved this project yet. And as Legislator Horsley mentioned, there are other

approvals they may need from the State. So we're confronting them on -- in a couple of different venues and, like I said, I think another \$100,000 is not unreasonable at this time.

**LEG. ALDEN:**

Thanks.

**LEG. HORSLEY:**

And they believe they're going to be successful, yes, as you say, Bill.

**P.O. LINDSAY:**

But, you know, let me just kind of back up something that you're saying. When this original resolution came up and was sponsored by Legislator Caracciolo, I went along with the \$100,000 but I made it crystal clear that this isn't a bottomless pit. And I have a very short tolerance if somebody thinks that this litigation is going to go on for decades like the Shoreham litigation and cost us millions of dollars, I'm not willing to expend that kind of capital. So I think I'm on the same page as you are, I think that's your concern as well.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I guess what I was just going to add, I think one of the things that Legislator Alden might have been referring to is the Coast Guard's report out of New London that did give an indication that there was viability as far as transport with these vessels in and out of the sound, that was done in September. Secondly, my question with this is just a pragmatic one; maybe BRO can answer it and maybe Legislative Counsel. What is the rate per hour we're being billed by Farrell Fritz; does anybody know?

**MR. NOLAN:**

That I don't know. I'm not -- Kevin Duffy is going through these bills and what they're charging.

**LEG. KENNEDY:**

Oh, I recall an extended presentation.

**MR. NOLAN:**

And he's pretty careful.

**LEG. KENNEDY:**

Okay, I'll defer. I'm just curious as to the rate.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Just very quickly. In deference to our Legislative Counsel where he indicated that we're getting a good bang for the buck; I would certainly agree, we are getting banged.

**P.O. LINDSAY:**

Okay, anybody else? All in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**

Mr. Clerk, just please list me as a cosponsor.

**LEG. ROMAINE:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

Cosponsor.

**P.O. LINDSAY:**

Oh, wait, cosponsors. Let me get the --

**MR. LAUBE:**

Let me call the vote.

**P.O. LINDSAY:**

We have one in the negative.

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

Two in the negative.

**P.O. LINDSAY:**

Two in the negative.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Viloría-Fisher & Barraga).

**P.O. LINDSAY:**

And cosponsors?

**LEG. LOSQUADRO:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

Cosponsor.

**LEG. ROMAINE:**

Cosponsor.

**LEG. D'AMARO:**

Cosponsor.

**LEG. STERN:**

Cosponsor.

**LEG. COOPER:**

Cosponsor, too.

**LEG. NOWICK:**

Cosponsor.

**LEG. EDDINGTON:**

Cosponsor.

**LEG. BROWNING:**

Cosponsor.

**P.O. LINDSAY:**

**Environment, Planning & Agriculture:**

Okay, *2396-06 - To appoint a member of the County Planning Commission (David L. Calone) (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher and I'll second the motion.  
On the motion, Legislator Alden.

**LEG. ALDEN:**

The person came before us?

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

Yes.

**LEG. ALDEN:**

Okay, and their credentials are matching to what the -- and then the other question is --

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

Yeah. As Chair of the committee, Legislator Alden, he did come before us, he brought his resume, he was questioned by the committee.

**LEG. ALDEN:**

Is this a County Executive pick or a Legislative pick?

**MR. NOLAN:**

County Executive.

**LEG. ALDEN:**

Okay, thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***IR 2462-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Beggins Property, Terrel River, Town of Brookhaven (SCTM No. 0200-944.00-06.00-050.000) (County Executive).***

Legislator Romaine?

**LEG. SCHNEIDERMAN:**

No, it's mine I think.

**P.O. LINDSAY:**

Schneiderman and Romaine the second?

**LEG. SCHNEIDERMAN:**

Is it your side?

**LEG. ROMAINE:**

It's mine.

**P.O. LINDSAY:**

Okay, Romaine and then Schneiderman is the second, okay.  
Any questions?

**LEG. ALDEN:**

Let me ask one question.

**P.O. LINDSAY:**

One question, Legislator Alden.

**LEG. ALDEN:**

There's a number of resolutions now for authorizing the acquisition; do we have the money?  
Because last meeting we had to go and take money from a Sewer District project to actually do the acquisition. So through the Chair, Budget Review or --

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

Actually, the reason why that was done was because so many of these acquisitions were going to be coming before us and the money needed to be available, they knew that they were at the point of closing, we had reached negotiations, the end of negotiations.

**LEG. ALDEN:**

So these acquisitions we have the money for, every one of these.

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

Well, I'll let -- I'll go to Budget Review on that, but I believe we have the money for all of these.

**LEG. ALDEN:**

Then I only have to ask it once then.

**MS. VIZZINI:**

Based on the information that we've gotten from Real Estate, these acquisitions, these authorizing resolutions, there's sufficient monies in the programs that are in the acquisition resolutions.

**LEG. ALDEN:**

And these were ready to go?

**MS. VIZZINI:**

Yes.

**LEG. ALDEN:**

Good. Okay, thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor.

**MR. LAUBE:**

Yes, sir.

**P.O. LINDSAY:**

Okay, *IR 2463-06 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Farmland Component, for the Conklin Property (Breeze Hill Farm) (Town of Southampton) (SCTM No. 0900-049.00-01.00-008.007) (County Executive).* Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion to approve.

**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 Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2464-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Furniss Property, Mastic/Shirley Conservation Area II - Town of Brookhaven (SCTM No. 0200-983.40-07.00-013.007) (County Executive).*

**LEG. BROWNING:**

Motion and cosponsor.

**P.O. LINDSAY:**

Legislator Browning wants to make the motion.

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

I will second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2465-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Schneider Property, Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-03.00-047.000) (County Executive).*

**LEG. BROWNING:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. ALDEN:**

John, these are all the same?

**LEG. LOSQUADRO:**

66 you mean.

**P.O. LINDSAY:**

No, I just did 65.

**LEG. LOSQUADRO:**

All right, I'm sorry.

**P.O. LINDSAY:**

Okay? You're one ahead of me. *2466-06 - Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Open Space Component for the Angelo Accardo, Donato Accardo, L'Hommedieu and Lagrega Property, Mastic/Shirley Conservation Area, Town of Brookhaven. (SCTM No. 0200-982.10-06.00-016.000).*

**LEG. BROWNING:**

Same motion and cosponsor.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It's good that I don't stutter.

*2467-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Schaeffler Estate Property, Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.50-02.00-053.000) (County Executive).*

**LEG. BROWNING:**

Same motion, cosponsor.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2468-06 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Schaeffler Estate Property, Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-08.00-001.000).*

*(County Executive).*

**LEG. BROWNING:**

Same motion, cosponsor.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2469-06 - Authorizing the acquisition of land under the Old Suffolk County Drinking Water Protection Program - [C12-5(E)(1)(b)] for the New Age builders, Inc. Property - Pine Barrens Core, Town of Riverhead (SCTM No. 0600-141.01-03.00-014.000), Town of Southampton (SCTM No. 0900-196.00-02.00-005.000, 0900-196.00-02.00-007.000, 0900-197.00-02.00-007.000, 0900-215.01-01.00-038.000, 0900-215.02-01.00-013.000 and 0900-215.02-01.00-022.000)*

*(County Executive).* Legislator Romaine, you want to make the motion? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I'll make the motion.

**AP.O. LINDSAY:**

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

**LEG. SCHNEIDERMAN:**

Can I be listed -- I should have been down as a cosponsor, but I'm not on the bill. Actually, I brought these properties to the attention of the County Executive, the Department of Environment.

**P.O. LINDSAY:**

So we'll put you on as a cosponsor.

**LEG. SCHNEIDERMAN:**

Please.

**LEG. ROMAINE:**

He did it all, though, he did it all. I'll cosponsor that as well.

**LEG. SCHNEIDERMAN:**

You were already listed but I'm not, so.

**LEG. ROMAINE:**

Oh.

**P.O. LINDSAY:**

2506 - Authorizing -- you called the vote, right?

**MR. LAUBE:**

You didn't call for the vote.

**P.O. LINDSAY:**

Okay, I thought I did. All right, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2506-06 - Authorizing the Suffolk County Planning Federation to provide training for the County Planning Commissioners and local Planning and Zoning Officials (County Executive).*

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

I'll make a motion.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher. And the second was?

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2539-06 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Farmland Component, for the Sharkey/Molfetta Property (Town of Riverhead) (SCTM No. 0600-100.00-03.00-010.005 p/o) (County Executive).* Legislator Romaine makes the motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Could the Clerk please list me as a cosponsor?

**MR. LAUBE:**

Yes, sir.

**P.O. LINDSAY:**

*IR 2540-06 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Farmland Component, for the Jurgielewicz Duck Farm Property, Town of Brookhaven (SCTM No. 0200-788.00-01.00-001.005, 0200-788.00-01.00-001.006, 0200-751.00-02.00-005.000 and 0200-750.00-07.00-001.004) (County Executive).*

**LEG. BROWNING:**

I'll make a motion; cosponsor.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. How long did it take you to learn that name?

**LEG. BROWNING:**

It's easy, I taught them religion.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

**Health & Human Services:**

***2516-06 - Directing the Suffolk County Department of Health Services to conduct an air quality test in the area of Wards Lane, Bellport (Browning).***

**LEG. BROWNING:**

I'll make a motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning, second by Legislator Eddington.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Through the chair. If you don't mind me asking, why did you have to -- and I'll tell you why. I had a similar problem, I think it's a similar problem over in Islip and the Department of Health told me they don't come out, they don't check the air.

**LEG. BROWNING:**

Well, I checked with DEC about doing it initially and DEC said -- they said they don't do it, it's the Health Department that does it. I know, Bill, we've talked in the past about there was one done some years ago with Pavco. I already had one passed for the residents in the Manorville area because they are complaining -- these people in Bellport have the same complaints as the Manorville residents.

**LEG. ALDEN:**

Okay, and that's the composting -- because that was a compost probably, the other one.

**LEG. BROWNING:**

They're compost plants, yeah, they're compost plants.

**LEG. ALDEN:**

So they feel that it's toxic that's coming off of that.

**LEG. BROWNING:**

Having upper respiratory problems because of the compost plants.

**LEG. LOSQUADRO:**

You've got to get closer, turn it on.

**LEG. BROWNING:**

It is on.

**LEG. LOSQUADRO:**

Well, you've got to speak into it.

**LEG. BROWNING:**

Sorry. Upper respiratory problems because of the compost piles. And like I say, we've already passed one this year for the Manorville residents.

**LEG. ALDEN:**

But the Health Department told you they weren't going to go out and do this when we requested?

**LEG. BROWNING:**

No, they did not say, my bill passed and they're directed to do it.

**LEG. ALDEN:**

No, no, no, when you asked them, though, when you called and asked them, did they say they weren't going to go and do it unless you passed a resolution?

**LEG. BROWNING:**

I don't believe I asked them, I put the bill in.

**LEG. ALDEN:**

Okay. Because I actually asked them and they told me, that they weren't going to get anything done.

**LEG. BROWNING:**

Well, when I -- you know, we've had a lot of conversation with DEC and DEC said the Health Department does it, they don't.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

On this resolution, I would simply add it's very fortunate that the 18 ladies and gentlemen around this horseshoe make policy and not the Commissioner or the Department of Health.

**LEG. ALDEN:**

We have no Commissioner.

**LEG. ROMAINE:**

Or Acting Commissioner.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor?

**MR. LAUBE:**

Yes, sir.

**P.O. LINDSAY:**

**Labor, Workforce & Affordable Housing:**

**2536-06 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes (SCTM No. 0500-141.00-02.00-067.000) (County Executive).** We're in Islip.

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion. You want to second it?

**LEG. ALDEN:**

No.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**2537-06 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes (SCTM No. 0500-141.00-02.00-074.000) (County Executive).** All right, we'll do same motion, same second, same vote?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Parks & Recreation:**

**2444-06 - Authorizing management/stewardship agreement for the Commerdinger Property, Town of Smithtown (SCTM No. 0800-170.00-02.00-033.001) (Kennedy).**

**LEG. KENNEDY:**

I'll make a motion, Mr. Chair.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Second by Legislator Nowick. On the question. This is -- Parks is okay with this and everything? I mean, I have a stewardship in my district as well, but the Commissioner is on board with this group?

**LEG. KENNEDY:**

Yes.

**P.O. LINDSAY:**

I wasn't at the Parks meeting.

**LEG. KENNEDY:**

Yes, I did meet with them and, as a matter of fact, spoke with them about it. It is actually an off-shoot of the Nesconset-Sachem Civic Association which has promoted the acquisition and has worked throughout the whole process and he looked forward to the ability to have a viable group become involved.

**P.O. LINDSAY:**

Is there a building on the property?

**LEG. KENNEDY:**

Yes.

**P.O. LINDSAY:**

And they're going to maintain the building?

**LEG. KENNEDY:**

It's a 200 year-old home, a residence.

**P.O. LINDSAY:**

Which is a ton of work.

**LEG. KENNEDY:**

Yeah, absolutely. It's got locust post in the basement.

**P.O. LINDSAY:**

Legislator Nowick, did you want to say something?

**LEG. NOWICK:**

No, no. Legislator Kennedy was at the meeting and, as you know, I chaired the meeting and the Commissioner of Parks was in favor of this, there didn't seem to be any problems.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2445-06 - Naming County parkland in the community of Nesconset and Lake Ronkonkoma the "Walter S. Commerdinger, Jr. County Park" (Kennedy).*

**LEG. KENNEDY:**

I'll make a motion to approve on that as well, Mr. Chair.

**LEG. NOWICK:**

I'll second as well.

**P.O. LINDSAY:**

And second. Now, did this go through the Naming Committee or does it have to go through Naming?

**LEG. KENNEDY:**

As a matter of fact, yes, it did go through the Naming Committee, I had an opportunity to go ahead and appear there before the committee and speak on this. While the committee was still going through the formulation process, nonetheless, they were able to go ahead and consider this application and they did approve it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2480-06 - Modifying new investment policy for Suffolk County Vanderbilt Museum Trust Fund (Cooper).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper. Do we have a second?

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

I'll second it.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Through the chair. Jon, this just allows them to do what they did last year and that's invade the

principle to a sum certain?

**LEG. COOPER:**

Right, but there are a couple of other additional changes, maybe Counsel can address that.

**P.O. LINDSAY:**

Mr. Brown?

**MR. NOLAN:**

Let me just -- there is one -- this is a pretty standard resolution for the last several years, actually a continuation of the investment policy they've been using. Based on a recommendation from the Budget Review Office, we -- the third RESOLVED clause authorizes the County Attorney to formalize an agreement with the Bank of America regarding their management of the Endowment Trust Fund. The County Attorney's Office has raised some questions regarding that in terms of whether a new RFP might be required before the County Attorney can do that and that question has been not quite resolved yet. There was an attempt to get a Certificate of Necessity where that third RESOLVED clause would be -- we would drop it and deal with it the beginning of next year. However, I'm advised no CN could be obtained because the Vanderbilt needs this resolution to be approved so they can continue with their investment policy; it was decided to go ahead with this resolution and deal with that issue next year.

**LEG. ALDEN:**

In your opinion, we're on solid legal ground dealing with that next year?

**MR. NOLAN:**

Well, if the County Attorney --

**LEG. ALDEN:**

There's a severability clause in every one of our --

**MR. NOLAN:**

Well, not in a resolution, but if the County Attorney takes the position they don't believe they can do that without a new RFP, we'll revisit that issue.

The other change is because we're directing the County Attorney to take an action, we've circulated the copy of the resolution, it has a signature line for the County Executive because it's not -- that was another objection raised by the County Attorney's Office. So the resolution before us we can vote on and we're okay; the County Attorney's Office may feel differently, I don't know.

**P.O. LINDSAY:**

Mr. Brown, do you want to weigh in on this?

**MR. BROWN:**

No, he summed it up. Thanks.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Just, I guess, to Legislative Counsel, then. Is this a change in investment advisor or are we just redefining the current policy, I guess, or parameters that the investment advisor has?

**MR. NOLAN:**

My understanding is this is the same investment advisor, but the recommendation from BRO is to formalize the agreement; I don't know that that has been done and that was the recommendation.

**LEG. KENNEDY:**

Mr. Chair, then can I ask BRO to at least speak on it as far as the recommendation?

**MR. REINHEIMER:**

Sure. In 1996 we went through an RFP process and selected Fleet as the investment advisor; Fleet has been purchased by Bank of America. In 2002 we went through another RFP process and selected Fleet to continue as the investment advisor. That agreement, an RFP process, was never ratified by contract or formalized by a contract and it's been the position of Budget Review that for -- that we should have a contract from that RFP process. And now that Bank of America has purchased Fleet and the actual investment counselor/advisor has changed, we still feel that we should formalize that agreement.

**LEG. KENNEDY:**

Thank you.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen.

**LEG. BARRAGA:**

In the negative.

**MS. ORTIZ:**

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator D'Amaro).

**P.O. LINDSAY:**

*2482-06 - Reappointing Marjorie E. Fuhrmann as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 10)(Horsley).*

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

I'll make a motion to approve. And I will say that although she is a reappointment and I don't believe she had to come before the committee, she did come before the committee.

**P.O. LINDSAY:**

Okay.

**LEG. HORSLEY:**

I'll second the motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2489-06 - Authorizing an Intermunicipal License Agreement with the Town of Southampton for use of the County's waste pump-out facility at the Shinnecock County Marina (County Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Legislator Cooper seconds it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2495-06, 2495A - Appropriating funds in connection with improvements to Planetarium, Suffolk County Vanderbilt Museum (CP 7437)*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. All in favor? Opposed?

**LEG. ROMAINE:**

On the motion.

**P.O. LINDSAY:**

I'm sorry, Legislator Romaine.

**LEG. ROMAINE:**

A quick question. This is a Bonding Resolution; how much does this involve?

**MR. NOLAN:**

Fifty thousand dollars.

**LEG. ROMAINE:**

Fifty thousand dollars. To Budget Review, this is not a pay-as-you-go to a Bond, is it? No, it's a straight-out Bonding Resolution for \$50,000. What are we bonding here?

**MR. REINHEIMER:**

We're bonding improvements to the Planetarium, \$50,000. The Planetarium has a water-intrusion problem coming through the floor and this is to address problems with the lobby and water intrusion.

**LEG. ROMAINE:**

Well, I certainly want to address those problems, I don't know if spending -- going to bond for \$50,000 is, again, the right way. This sounds much more like a pay-as-you-go type project. For

\$50,000 that we have to bond, what is the interest that we'll pay on the bond and how long will the bond be?

**MR. REINHEIMER:**

This I would think would be a 20 year bond being it's buildings.

**LEG. ROMAINE:**

Twenty year bond? What is the interest that we would pay over the 20 years on this \$50,000 bond, approximately?

**MR. REINHEIMER:**

Approximately \$12,000.

**LEG. ROMAINE:**

Twelve thousand dollars on a \$50,000 bond.

**MR. REINHEIMER:**

Over 20 years.

**LEG. ROMAINE:**

For 20 years. Thank you.

**P.O. LINDSAY:**

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

**LEG. ROMAINE:**

I'm abstaining on this one.

**LEG. ALDEN:**

Abstain.

**LEG. BARRAGA:**

In the negative.

**P.O. LINDSAY:**

You've got one in the negative.

**LEG. CARACAPPA:**

I'm a no.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Barraga & Caracappa - Abstained: Legislators Romaine & Alden).

**P.O. LINDSAY:**

The accompanying Bonding Resolution, 2495A.

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

Same motion.

**P.O. LINDSAY:**

Same motion, same second. Roll call.

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

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. ROMAINE:**

Abstain.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

Yeah.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Barraga, Caracappa, Romaine & Alden).

**P.O. LINDSAY:**

*2496-06, 2496A - Amending the 2006 Capital Program & Budget and appropriating funds in connection with restoration of facades (CP 7441) (County Executive).* Do I have a motion?

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern. Can we get an explanation of where this is and how much it is?

**MR. REINHEIMER:**

This Capital -- this resolution transfers \$327,000 from another museum project modifications for compliance with ADA and transfers it to restoration facades to appropriate \$577,000. The museum has a critical problem with their bell tower which is an entrance into the courtyard at the museum where the facade, it's actually surrounded by netting to prevent anybody from being injured from falling facade. This is an ongoing problem with the museum where water gets behind the facade and breaks it apart; it's a critical project.

**P.O. LINDSAY:**

Okay Legislator Kennedy.

**LEG. KENNEDY:**

I appreciate BRO's description. And as a matter of fact, water can be very insidious, you know, as I know well in my district as far as causing facade to lift away. Nevertheless, though, I'm concerned with the offset as far as the ADA compliance aspect. What else has been done there at the museum and what winds up being foregone in order to protect the facade in a way of accessibility and making us Federally compliant?

**MR. REINHEIMER:**

Yeah, it just delays that project a little bit. The museum has done -- made improvements to be ADA compliant, but this is a project that they didn't have sufficient funding in this year and is really critical for health and safety of the general public. But I can't speak to what it is delaying, perhaps the museum might be able to address that.

**LEG. KENNEDY:**

You know, I don't want to delay, Mr. Chair, but just I'm concerned that what happens the offset is compromising.

**MR. NOLAN:**

They're not getting to spend it anyway.

**MR. MALLAMO:**

I can answer that, Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Mallamo.

**MR. MALLAMO:**

The project that was to be funded this year was -- the design, we redesigned or rethought the whole concept. That was to put an ADA visitor center on the museum and what we decided to do is instead of building a new building, we're going to put an addition on to the Gatehouse at the museum which will reduce the cost because we already have bathrooms in place. That was not ready to go through SEQRA, the preliminary design is done but it will be going through I think at the January CEQ meeting. So it does delay it a little bit, but not significantly.

**LEG. KENNEDY:**

We're not forestalling any handicapped accessibility to the museum proper or to any of those types of things?

**MR. MALLAMO:**

No, the facility that that -- the purpose of that building is being fulfilled on-site right now, it's to provide a place for people to see a video mansion tour, we have that tour in place right now. It will be a little more comfortable right off the parking lot and it won't be delayed significantly.

**LEG. KENNEDY:**

I appreciate the explanation. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

Okay. Same motion, same second. Roll call on the bond.

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

**LEG. COOPER:**

Yes.

**LEG. STERN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yep.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*2500-06, 2500A - Amending the 2006 Capital Program & Budget and appropriating funds in connection with reconstruction of bulkhead at Timber Point Marina, Town of Islip (CP 5377) (County Executive).* I'll make a motion.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern. Explanation; the cost to manure Timber Point is?

**MS. VIZZINI:**

This appropriates money that's included in the 2006 Capital Program, it's \$30,000 for planning and \$630,000 to replace the deteriorating bulkhead at the -- near the Marine Bureau on the Timber Point County Facility, Islip.

**P.O. LINDSAY:**  
Legislator Alden.

**LEG. ALDEN:**  
Does it take money from a different project?

**MR. REINHEIMER:**  
Actually, what this project is doing, it's rescheduling some of the construction money into planning. So the current Capital Program has 30,000 for planning, this revised Capital Program schedules 80,000 for planning and reduces construction from 600,000 to 550; so the total of 630 has not changed.

**P.O. LINDSAY:**  
Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
Same motion, same second. Roll call on the bond.

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

**P.O. LINDSAY:**  
Yes.

**LEG. STERN:**  
Yes.

**LEG. ROMAINE:**  
Yes.

**LEG. SCHNEIDERMAN:**  
Yes.

**LEG. BROWNING:**  
Yes.

**LEG. CARACAPPA:**  
Yes.

**LEG. LOSQUADRO:**  
Yes.

**LEG. EDDINGTON:**  
Yes.

**LEG. MONTANO:**  
Yes.

**LEG. ALDEN:**  
Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, the next bill, 2503, it was one of those we're having problems with and I'm being told that the Executive Branch wants to table this; is that correct?

**MR. ZWIRN:**

We don't have a bond on this one.

**P.O. LINDSAY:**

Okay. So do you want us to skip it, is the bond coming, or do you want to just table it for today?

**MR. ZWIRN:**

It's not coming.

**P.O. LINDSAY:**

All right. Okay, I'll make a motion to table.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***2521-06, 2521A - Making a SEQRA determination and appropriating funds in connection with revitalization of William and Mollie Rogers Waterfront (CP 7427) (Cooper).***

**LEG. COOPER:**  
Motion to approve.

**LEG. NOWICK:**  
Second.

**P.O. LINDSAY:**  
Motion to approve by Legislator Cooper. Who was the second? Legislator Nowick. On the question? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
On the accompanying bond, same motion, same second. Roll call.

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

**LEG. COOPER:**  
Yes.

**LEG. NOWICK:**  
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. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, *2522-06, 2522A - Appropriating funds in connection with improvements to Normandy Manor (CP 7430) (Cooper).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

How much is this?

**MR. NOLAN:**

Three hundred thousand.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. CARACAPPA:**

Opposed.

**P.O. LINDSAY:**

One opposition, you got it?

**MR. LAUBE:**

Yes, sir; seventeen.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Make it two. Who was the second one?

**MR. LAUBE:**

Legislator Barraga?

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

That's sixteen (Opposed: Legislators Caracappa & Barraga).

**P.O. LINDSAY:**

Same motion, same second. Roll call on the bond.

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

**LEG. COOPER:**

Yes.

**LEG. STERN:**

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:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Caracappa & Barraga).

**P.O. LINDSAY:**

*IR 2542-06, 2542A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with improvements at Gardiner County Parks/Sagtikos Manor, West Bay Shore (CP 7164) (County Executive).*

Do I have a motion?

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second. Roll call on the bond.

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

**LEG. COOPER:**

Yes.

**LEG. BARRAGA:**

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. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes, sorry.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Public Safety & Public Information:**

***2241-06 - Authorizing the County of Suffolk to enter into a contract for the provision of ambulance service to County Correctional Facilities and to compensate local ambulance districts for such services (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Motion to approve.

**LEG. BROWNING:**

And I'll second.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman to approve, second by Legislator Browning. On the question? Legislator Alden and then Romaine.

**LEG. ALDEN:**

Just real quickly and through the chair. Did they make any representations that they would pass on this cost savings to the -- because this is a taxable district, so they were taxing their residents to provide the service for us. If we're going to go into a contract with them, are they going to give a subsequent tax break to the people in the district; was that discussed?

**LEG. SCHNEIDERMAN:**

That certainly is the intention behind the bill is to provide relief to the taxpayers. It brings in a source of revenue to offset the cost of the ambulance district, so it should result in lower taxes.

**LEG. ALDEN:**

Good. Well, we have a second bite at that, then, just to make sure it does happen, because they have to execute a contract with the County of Suffolk and that should be passed along.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

To the sponsor, what's the amount -- I'm sorry, as a matter of fact, Legislator Romaine I guess was on the list.

**P.O. LINDSAY:**

I'm sorry.

**LEG. KENNEDY:**

Let me yield to him first.

**LEG. ROMAINE:**

Yes. First of all, I want to say emphatically that I support this resolution and support Legislator Schneiderman's hard work on it and I see that this was introduced by Legislator Schneiderman and Browning. However, as I'm reading this resolution, one of the last WHEREAS clauses says, "WHEREAS, this resolution is introduced with the support of County Executive Steve Levy," and that seems to contradict the caption. And I would ask this to Counsel, you know, mindful of the separation of powers, I think the County Executive has an opportunity to imprint his name on this bill, should it be passed, at the time, should he approve it, that he approves it, he can stamp "approved" and he can write "Steve Levy" on it. I have never, in my 20 years experience of

resolutions with the Legislature, ever seen a County Executive inject his name into the WHEREAS and say he introduced a bill that clearly the caption reflects two other Legislators have introduced. And I just point that out to Counsel because that seems to raise a quandary.

**LEG. CARACAPPA:**

Bill napping.

**LEG. ROMAINE:**

Bill napping; well, we've seen that before.

**MR. NOLAN:**

This was addressed in committee; no prohibition against the County Executive's name being in the resolution, as long as the sponsors were agreeable to it.

**LEG. SCHNEIDERMAN:**

Yeah, I mean, I can comment on that. The original bill was met with some opposition in terms of the mechanism, I spent a lot of time going back and forth with Mr. Zwirn and the County Executive and Mr. Sabatino trying to come up with a bill that they would find acceptable. In the last series of changes that Mr. Sabatino brought to me, one of them was this line about the County Executive. So I made a decision to allow it, to keep the language, and so we can't really say the County Executive forced it, he couldn't do that, it's my bill and I opted to put in the language that I felt the County Executive would accept. This is -- it's important to my district, important in particular to the people of Flanders to have this relief and it's --

**P.O. LINDSAY:**

Legislator Schneiderman, if you want to put the Lone Ranger in one of your resolutions, you have the right to do that.

**LEG. SCHNEIDERMAN:**

Thank you.

**LEG. ROMAINE:**

I'm going to add to many of my resolutions in the future, "And supported by the all-powerful, all-mighty, all-knowing Steve Levy."

**P.O. LINDSAY:**

Okay, we have a motion. Oh, Legislator Kennedy, I'm sorry.

**LEG. KENNEDY:**

I just wanted to find out what the amount of the arrangement is, Mr. Chair.

**LEG. SCHNEIDERMAN:**

The compensation is based on actual transports that occur. There are two correctional facilities, one in Yaphank and one in the Town of Southampton, but actually we think of it as Riverhead, that section. In the Riverhead facility, that's the larger facility, and based on the last auditable statements, the cost of this bill at \$300 a transport, there were roughly a hundred transports so we're looking at approximately \$30,000 in that year; the Yaphank numbers will be significantly smaller, probably about a third of that. So I would say under \$50,000 a year for this. Now, it doesn't kick in -- this is also one of the County Executive's changes. The first amount of money would not be provided until 2008 based on 2007's numbers; so in 2007 they would begin the accounting, in 2008 they would be reimbursed for 2007.

**P.O. LINDSAY:**

Mr. Zwirn, I'll ask you a question; what do you want to say?

**MR. ZWIRN:**

No, just briefly. The County Executive was involved with this, he directed me to go out to the Town of Southampton and I sat down with Legislator Browning, Supervisor Heaney, because originally it was Supervisor Heaney who brought this to everybody's attention, maybe his name should have been in the bill as well. I just have to say, it sort of -- you know, I know everybody is trying to get through the holiday season, but from a gentleman on this board who cosponsors more legislation after it passes, to criticize the County Executive's name appearing --

**P.O. LINDSAY:**

Just hold up a minute. Could you quiet down with the back talking, the stenographer is having a hard time hearing, all right? Thank you.

**MR. ZWIRN:**

I'm just saying, for a Legislator who cosponsors more legislation after it's been approved by the entire board, to criticize the County Executive's name appearing in a bill where he has been helpful and constructive in getting this resolved for this district out there, I think it's kind of petty.

**P.O. LINDSAY:**

Does that answer your question, Legislator Kennedy?  
Legislator Montano.

**LEG. MONTANO:**

Ben? If I recall, I think we had this issue last year and as a result of some bills being introduced by Legislators and then being joined as a cosponsor by the County Executive, we made a rule change. And it's not done to be -- in my opinion, it wasn't done to be petty, it was done to, you know, continue delineating between the Executive role and the Legislative role. And while this -- there is no rule on this particular aspect, I think in my opinion it violates the spirit of what we talked about last -- you know, last year when we passed the rules. And it's done -- you know, it's not really -- this is the first time I've seen a resolution this year that incorporates that, and I personally don't think that it's the appropriate thing to do. The County Executive will veto it or not veto it, and I think I made the argument if I introduce a resolution that doesn't have the support of the County Executive, should I put that in my WHEREAS clause? And I think we need to deliberate as a body. But it's not done to be petty, it's done really to delineate, you know, our role as Legislators and the County Executive's role as the Executive.

So, you know, I'm not going to make an issue of this, but I don't agree with that. I think that these kinds of WHEREAS clauses, either in the WHEREAS or in the caption, are really not appropriate, and I made that argument last year.

**MR. ZWIRN:**

I appreciate your comments, but I stand by --

**LEG. MONTANO:**

Yeah, they're only comments.

**MR. ZWIRN:**

I stand by mine.

**P.O. LINDSAY:**

Legislator Viloría-Fisher, Ben wants to --

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

No, this isn't --

**P.O. LINDSAY:**

Oh, okay, I'm sorry.

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

-- directed to Mr. Zwirn. I do have to congratulate the sponsor in reflecting the many months that he spent in trying to sit down and have cooperative discourse that resulted in a bill that's going to help his district, and he included Legislator Browning as well, Legislator Browning worked with him. We were on the same committee, we've gone through this for months and I congratulate you for not being afraid to share the sense of cooperation that went into this bill, and I think that that's the spirit in which it should be taken.

**LEG. SCHNEIDERMAN:**

Thank you.

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

Especially during this season.

**P.O. LINDSAY:**

And just the last word on this. If the County Executive wants to put his name on my sound wall bill, I would welcome it; as a matter of fact, I'll put his name on the sound wall if he wants.

**LEG. CARACAPPA:**

Mine, too.

**MR. ZWIRN:**

That will be graffiti.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**LEG. MONTANO:**

Abstention.

**MR. LAUBE:**

Who was that?

**MS. ORTIZ:**

Montano.

**MR. LAUBE:**

Seventeen (Abstention: Legislator Montano).

**P.O. LINDSAY:**

*2459-06, 2459A - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the second floor construction, Special Patrol Bureau - Police Department (CP 3139) (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, seconded by Legislator Eddington. Seeing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

The accompanying Bonding Resolution, 2459A; same motion, same second. Roll call.

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

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

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yep.

**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.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, *2460-06, 2460A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the purchase of digital photography equipment for Sheriff's Office (CP 3062) (County Executive).*

**LEG. LOSQUADRO:**

Motion.

**LEG. CARACAPPA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second. Roll call on the bond.

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

**LEG. LOSQUADRO:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

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, seven.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2488-06 - Accepting and appropriating a grant in the amount of \$84,000 from the State of New York Governor's Traffic Safety Committee, to enforce motor vehicle passenger restraint regulations with 84.5% support (County Executive).*

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Public Works & Transportation:**

*2348-06, 2348A - Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to CR 99, Woodside Avenue, Town of Brookhaven (CP 5175) (Eddington).*

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. On the question, Legislator Alden.

**LEG. ALDEN:**

How much and why is it they're amending to change the offset?

**MR. NOLAN:**

Right, it's \$100,000. The offset is for the -- from the Woodside Avenue Corridor Study and it's going to improvements.

**LEG. ALDEN:**

Okay, thanks.

**P.O. LINDSAY:**

Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second. On the bond, roll call.

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

**LEG. EDDINGTON:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

I'm going to skip over the next one because we're checking on something, we think we did that already in our different section; the Surrogates Court?

**LEG. NOWICK:**

Yeah, we did.

**MR. NOLAN:**

I think we did that already, so we'll double check that.

**P.O. LINDSAY:**

We're just going to check over that, we think that might have been listed in two places.

***IR 2456-06, 2456A - Amending the 2006 Capital Budget and Program and appropriating***

*funds in connection with Public Works Building operation and maintenance equipment (CP 1806)(County Executive).*

**LEG. LOSQUADRO:**

Motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Losquadro, seconded by Legislator Cooper. Anybody on the question? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2457-06, 2457A - Appropriating funds in connection with the weatherproofing of County buildings (CP 1762)(County Executive).*

**LEG. COOPER:**

Motion.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Opposed.

**P.O. LINDSAY:**

One opposition.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Kennedy).

**P.O. LINDSAY:**

And the accompanying Bond Resolution, same motion, same second.  
Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

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.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Kennedy).

**P.O. LINDSAY:**

Okay, *2458-06, 2458A - Appropriating funds in connection with intersection improvements on CR 100, Suffolk Avenue @ Brentwood Road/Washington Avenue, Town of Islip (CP 5065)(County Executive).*

**LEG. MONTANO:**

Motion.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Montano, seconded by Legislator Alden.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second. Roll call on the bond.

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

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

*2478-06 - Authorizing the execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 1 -*

*Port Jefferson with 125 East Oakland Avenue Building (HU-1355.1)*

*(County Executive).* Do I have a motion?

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

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

Abstention.

**MR. LAUBE:**

Seventeen, one abstention (Abstention: Legislator Viloría-Fisher).

**P.O. LINDSAY:**

*IR 2481-06, 2481A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with improvements to CR 80, Montauk Highway (CP 5534) (County Executive).*

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Eddington.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. All in favor?

**LEG. ALDEN:**

Explanation.

**P.O. LINDSAY:**

Explanation.

**LEG. ALDEN:**

Why is it amending?

**MS. VIZZINI:**

This is a \$100,000 appropriation, the offset is the Legislature's Infrastructure and Public Safety Project.

**LEG. ALDEN:**

What's the Legislature's Infrastructure and Public Safety Project.

**MS. VIZZINI:**

It's 1755, it's our --

**LEG. ALDEN:**

You mean County-wide.

**MS. VIZZINI:**

Pardon me?

**LEG. ALDEN:**

That's a County?

**MS. VIZZINI:**

Yeah, that's our Contingency Capital Project in the event that we have priority needs; it's an offset project.

**LEG. ALDEN:**

How much is left in there?

**MS. VIZZINI:**

Not much, 310,000.

**LEG. ALDEN:**

And we could use that for pay-as-you-go, right?

**MS. VIZZINI:**

No, no, because it's a Capital Project.

**LEG. ALDEN:**

Isn't it cash, there's no cash funding it?

**MS. VIZZINI:**

No.

**LEG. ALDEN:**

Oh, okay, now I get it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second on the Bonding Resolution. Roll call.

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

**LEG. ALDEN:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2483-06, 2483A - appropriating funds in connection with the construction of sidewalks on various County roads (CP 5497)  
(County Executive).*

**LEG. LOSQUADRO:**

Motion.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, second by Legislator Cooper.

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second on the bond. Roll call.

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

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

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.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*2493-06, 2493A - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the County share for participation in the Closed Loop Traffic Signal System (CP 3309) (County Executive).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper, I'll second it. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstain.

**MR. LAUBE:**

Seventeen (Abstention: Legislator Alden).

**P.O. LINDSAY:**

Same motion, same second on the bond. Roll call.

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

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes -- no, no.

**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:**

Seventeen (Opposed: Legislator Alden).

**P.O. LINDSAY:**

*2494-06, 2494A - Amending the 2006 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund and appropriating funds in connection with the improvements to the Suffolk County Sewer District No. 9 - College Park (CP 8163) (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, I'm sorry.

**LEG. ALDEN:**

Just before they call that, this is in keeping with the resolution that was passed and the referendum that was passed? This money is staying in the stabilization, right, we're not borrowing from the outside?

**MS. VIZZINI:**

Yeah, it's certainly not in conflict with the referendum. This is Sewer Reserve monies being transferred to augment \$50,000 in a \$550,000 sewer project.

**LEG. ALDEN:**

But they don't go into the General Fund, they just stay in within the Sewer Stabilization?

**MS. VIZZINI:**

Correct.

**LEG. ALDEN:**

Okay, thank you.

**P.O. LINDSAY:**

Okay, call the vote.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Same motion, same second on the accompanying Bond Resolution.  
Roll call.

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

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

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:**

Pass.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ALDEN:**

No.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Alden).

**P.O. LINDSAY:**

*2499-06 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2006 Operating Budget and appropriating additional funds for the Environmental and Feasibility Study of Grease/Scavenger Waste Treatment Facility by the private sector (CP 8179) (County Executive).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper was that?

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yeah, I'll second it. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Negative.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

Okay, what I'm going to do now is I'm going to call a recess for five minutes. We're due to start the Public Hearings at 2:30 and I have to use the restroom.

**LEG. MYSTAL:**

Too much info.

*(\*Brief Recess Taken: 2:21 PM - 2:33 PM)*

**P.O. LINDSAY:**

Okay. Mr. Clerk, call the roll.

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

**LEG. ROMAINE:**

(Not Present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Yes, here.

**LEG. CARACAPPA:**  
(Not present).

**MR. LAUBE:**  
Legislator Losquadro?

**LEG. EDDINGTON:**  
He's here, Losquadro's here. Eddington, here.

**LEG. MONTANO:**  
Yes, 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:**  
(Not Present).

**LEG. COOPER:**  
(Not Present).

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

**P.O. LINDSAY:**  
Here.

**LEG. LOSQUADRO:**  
Mr. Clerk, please mark me as present.

**MR. LAUBE:**  
Gotcha; twelve (Not Present: Legislators Romaine, Caracappa, Alden, Kennedy, D'Amaro & Cooper).

**P.O. LINDSAY:**  
Okay. Mr. Clerk, have the affidavits of publication, are they in order for the Public Hearings?

**MR. LAUBE:**

Yes, sir.

**P.O. LINDSAY:**

Yes they are, okay. The first one is *Public Hearing on IR No. 1973-06 - Authorization of rates for Fire Island Ferries, Inc. (Presiding Officer Lindsay)*. I do not -- let me see; yes, I do have a couple of cards. Joseph Loeffler followed by Kenneth Gray. Mr. Loeffler, you have five minutes.

**MR. LOEFFLER:**

Thank you, sir. My name is Joseph Loeffler, I'm the Mayor of the Incorporated Village of Ocean Beach. I'm here today to speak on behalf of the citizens of Ocean Beach who use and depend upon the services provided by the Fire Island Ferries.

The Fire Island Ferry company is the sole source of water-borne transportation to the Incorporated Village of Ocean Beach from Bay Shore. The service is regulated by a contract between the village and the ferry company dated 1/1/2001 through 12/31/2010. The contract allows for the ferry company from time to time to seek rate adjustments subject to the approval of the Suffolk County Legislature. This body has a duty to review the revenue and expenses of the ferry company and determine if a rate increase is justified. There are several factors which I would like to bring to the attention of you to assist you in reviewing the presentation of the rate structure as it is.

In 2004, the ferry company was granted an eleven and a half percent increase. If this increase is -- if the increase now of 11% is granted, the ferry company will have had an increase of 22 and a half percent in a four year period -- I'm sorry, in a three year period where the Consumer Price Index of New York for urban areas has increased only 13.7%. While we acknowledge the increased costs, we would like you to consider -- we would like you to be considerate of a phase-in of any increase that you wish to allow the ferry company to utilize.

We also feel that the revenues and expenses of the Fire Island Ferry Terminal should be considered in any rate increases. This company, while not regulated by this body, is, in essence, a subsidy of the Fire Island Ferry Company. The village contract connects these two companies in their operation. The majority of the ferry ridership must use the ferry parking facilities since there are no alternate public parking facilities available.

There has been much discussion about the provision of an existing contract with reference to the resident discount tickets. While the discount tickets makes specific reference to this -- while the contract, I'm sorry, while the contract makes specific reference to this item, it does not fully explain its origin or its existence. The offset for this -- for the rent of the ferry terminal was provided by the issuance of the bulk purchases of the discount 40 trip ferry tickets which are sold by the village to its homeowners and domiciled resident. These books -- these ferry ticket books have a 3% cost escalator that is built in to the contract and started in 2005 and proceeds through until to the contract expires.

Lastly, I wish to address -- the last item, I'm sorry, I wish to address is the true expenses of the daily ridership of the Village of Ocean Beach is enormous. We provide police, emergency medical services, sanitary facilities, as well as the requirements which are mandated by Homeland Security at our residents' expense; we are not reimbursed for any of these expenses. For village -- for a small village with a \$4 million operating budget, these unreimbursed expenditures that approximate -- that are approximately distributed to 600 taxable parcels is huge. While we acknowledge the excellent service provided by the Fire Island Ferry Company, we feel that the increases that have been requested are too high and that the built-in annual cost adjustment is excessive. We would hope that you would take these items into consideration.

I have brought with me, too, the contracts between the ferry company and with the Fire Island

Terminal which I made copies which I would like to give to the Budget Review Office to help them in addressing the review of these items.

**P.O. LINDSAY:**

Mr. Mayor, we have a question, if you don't mind. Legislator Alden.

**LEG. ALDEN:**

Hi, Mr. Loeffler. Thanks for coming down. Who owns the terminal?

**MR. LOEFFLER:**

The Incorporated Village of Ocean Beach owns the terminal that's in -- on Fire Island.

**LEG. ALDEN:**

Okay, so you guys maintain it.

**MR. LOEFFLER:**

We maintain it.

**LEG. ALDEN:**

And that's what you were referencing as far as the agreement between Fire Island Ferries and --

**MR. LOEFFLER:**

Yes, sir.

**LEG. ALDEN:**

Okay. Prior to 2004, do you know when the last increase was?

**MR. LOEFFLER:**

I don't have that information with me. There's been several increases. There's been a couple of increases since the contract started in '01 and there were increases prior to that, too? I mean, when -- I believe when the contract originally started, the ferry received I think it was \$6 a trip or something in that range, and now it's going to go up -- or the proposal is to go up to \$8 a trip for a one-way. And also, with the 11% increase, the cost of all of the freight that comes to Fire Island is also charged with an 11% increase. Now, as you know, the Fire Island National Seashore is starting to do a master plan and they are of the assistance -- insistence that more water-borne services be utilized to transport materials to and from Fire Island to lessen the vehicle traffic load that's on Fire Island. So the ferry company will be a benefit of that plan when it goes into effect as well.

**LEG. ALDEN:**

So service isn't a concern of yours, just the rate increase, the economic affect.

**MR. LOEFFLER:**

We have no -- Fire Island Ferries provides an excellent service, we have no complaints with the service, the personnel have been excellent.

**LEG. ALDEN:**

Thank you.

**P.O. LINDSAY:**

Legislator Barraga also has a question, Mr. Mayor.

**LEG. BARRAGA:**

I just wanted to ask you a question.

**MR. LOEFFLER:**

Yes, sir.

**LEG. BARRAGA:**

Since the last increase in 2004, there's been tremendous increases in the cost of fuel. Now, during that period of time, was the ferry company able to pass those increases on to the passengers or did they have to absorb those increases?

**MR. LOEFFLER:**

No, they had to absorb them. They received an 11% increase in 2004, but they have not received one --

**LEG. BARRAGA:**

Okay. So, I mean --

**MR. LOEFFLER:**

It is also our contention that they do deserve some sort of an increase along the lines of possibly maybe a fuel surcharge or some method or management that could be utilized to keep those costs in line, such as LIPA does now with our fuel surcharges.

**LEG. BARRAGA:**

But in fairness to them, you know, the cost of fuel has increased dramatically.

**MR. LOEFFLER:**

And we recognize that.

**LEG. BARRAGA:**

And there's no or recourse for them to receive compensation for what's already been expended over the last two or three years.

**MR. LOEFFLER:**

We understand that, but that's a fluctuating price, too, and the cost of fuel has come way down from compared to the summer time where it was.

**LEG. BARRAGA:**

Yeah, but there's nothing indicating, that I've read, that the cost of fuel will continue to go down; if anything, there's a really good chance it might go up again. If we're talking about, you know, 66, 68, \$70 per barrel of oil. Now, the CPI that you're talking about, they'll get 11% plus an annual CPI; is that the idea?

**MR. LOEFFLER:**

Well, that's what the ferry company wishes, yes.

**LEG. BARRAGA:**

I understand that, I understand that. So the CPI, is that -- it's the Consumer Price Index, is that whatever the rate of inflation is, whatever the CPI is on an annual basis, that's what they would receive.

**MR. LOEFFLER:**

Well, the methodology that's used --

**LEG. BARRAGA:**

What are the parameters used to determine the CPI?

**MR. LOEFFLER:**

Well, the methodology that's used by the ferry company in their petition to the Legislature refers to using -- it's a little bit of a complicated method that they use to come up with what the rates should be. But it's our feeling that the Legislature has the responsibility to make sure that on a time-for-time basis that the fares are correct and in-line with revenues and expenses and that they should not just have an automatic increase but they should have to come back to this body at certain times and have those things reviewed by the Budget Review Committee.

**LEG. BARRAGA:**

So if this would be approved, they would get another 11% and every year they would get an annual CPI.

**MR. LOEFFLER:**

Correct. Ah -- yes, there's a figure that's in to their contract or their request.

**LEG. BARRAGA:**

So they would not be coming back to us for another 11% in three years or so, they would just live with the annual CPI?

**MR. LOEFFLER:**

That's up to them, they could come back next year to and ask for a rate increase.

**LEG. BARRAGA:**

But is that the plan right now; basically get the 11% increase and then do an annual CPI so they don't have to come back to the Legislature?

**MR. LOEFFLER:**

I really can't speak for the ferry company, I can only speak for how the Village of Ocean Beach views that and we have not been allowed to increase our cost or our rentals to the ferry company because of our costs going up.

**LEG. BARRAGA:**

But if you had an increase in fuel in the village in terms of public buildings, you would probably calibrate that into your tax on your residents as you did your own annual budget, wouldn't you?

**MR. LOEFFLER:**

Absolutely.

**LEG. BARRAGA:**

But this is not the case for the ferry company, they had to eat that.

**MR. LOEFFLER:**

Well, so did the Village of Ocean Beach because we don't get any more revenue out of the ferry terminal than what our contract allows us for, even though --

**LEG. BARRAGA:**

But, I mean, somewhere you have an outlet, though, in terms of being able to turn to your own residents and taxing them for what you've laid out.

**MR. LOEFFLER:**

Absolutely; yes, sir.

**LEG. BARRAGA:**

But the ferry company doesn't have that option. I mean, they've laid -- you know, whatever the

increase in the fuel costs was for the last year or two years, they have to basically eat it.

**MR. LOEFFLER:**

Well, I believe they -- and that's why they're exercising this option to come to you for a rate increase.

**LEG. BARRAGA:**

Okay. All right, thank you very much.

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

Thank you.

**P.O. LINDSAY:**

Kenneth Gray.

**MR. GRAY:**

Good afternoon. Kenneth Gray, I'm with the Law Firm Bee, Ready, Fishbein, {Hatter} & Donovan, we act as General Village Counsel to the Village of Ocean Beach. I'm here to speak on one very small aspect that Mayor Loeffler has already spoken on and this has to do with the discounted bulk ferry tickets that are available to the village residents. This item was negotiated into the contract between Fire Island Ferries prior to Mayor Loeffler coming into office. Then Mayor Natalie Rogers was very active in the negotiations between -- with the Fire Island Ferries and this was a very strong point for her to make. The village had internally calculated what we believe the ferry contract to be worth. We then reduced our, quote/unquote, demand on the contract with the ferry company to reflect the anticipated savings to the village residents. The bulk ferry tickets are an intricate part of the contract between Fire Island Ferries and Ocean Beach and we ask that this Legislature not disturb that relationship and those ferry tickets. Thank you.

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

Thank you.

**P.O. LINDSAY:**

George Hafele.

**MR. HAFELE:**

Thank you, Mr. Chairman and Honorable members of Legislature. My name is George Hafele, I'm the President of Fire Island Ferries in Bay Shore and we have in front of the Legislature at this time a petition for a fare increase.

I planned on coming up here and quoting liberally from the Budget Review Office Report, however, it hasn't been released yet. So everything that we talk about today will be speculative in terms of the help you're going to get from the Budget Review Office in helping you make your decision as to what you're going to do with our fare increase petition. As an element of the fare increase petition has a law that was passed in 1986 which allowed ferry companies to come in front of the Legislature and for one time and one time only receive the ability to raise our fares based on the transportation component of the Consumer Price Index, and I think in 1986 it sounded like a real good idea. Today it's not so good. The cost of fuel oil has risen to be the second most costly item in Fire Island Ferries' budget. At this time, we spent almost \$900,000 in fuel, in 1986 we spent somewhere around \$150,000 in fuel oil. So in 1986, using the Consumer Price Index, it sounded like a good idea except in the transportation component of the CPI, fuel oil is not mentioned and it doesn't make a lot of sense but it's true. Gasoline is mentioned, gasoline is a big part of the CPI, but fuel oil isn't.

I think that we can probably finish off this conversation a month from now when the Budget Review Office comes through with their report and we all get a sense of where we stand with their expert opinion. So with nothing else to say, I'll take questions if anybody has them.

**P.O. LINDSAY:**  
Legislator Alden.

**LEG. ALDEN:**  
Mr. Hafele, prior to 2004, the increase, when was the last increase you got?

**MR. HAFELE:**  
I believe it was 2001.

**LEG. ALDEN:**  
Thank you.

**P.O. LINDSAY:**  
Anyone else? Okay, thank you.

**MR. HAFELE:**  
Thank you.

**P.O. LINDSAY:**  
I don't have any other cards on this public hearing. Is there anyone else in the audience that would like to address us on this subject? Seeing none, Budget Review, where are we with this, are we not ready?

**MR. DUFFY:**  
The report is probably about a week away. The reason it's taking so long is we had an amendment of the report that changed the increase from roughly 6% to 11%, that was filed towards the end of October.  
And we also just received draft financial statements from the company for the year ending September 30th, 2006. What I'm doing is I'm incorporating those two items into the report. Also, when they did the amendment back in October, they then sought the Cost of Living Increase with the CPI which is something that no ferry company has had since 1989, and I've been going back researching it and have come across some issues with that.

**P.O. LINDSAY:**  
Okay, thank you. With that in mind, I'll make a motion to recess.  
Do I have a second? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**  
***Public Hearing on IR 2045-06 - A Charter Law to provide for fair and equitable distribution of public safety Sales and Compensating Use Tax Revenues (Romaine).*** I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I recognize Legislator Romaine for the purpose of a motion?

**LEG. ROMAINE:**  
I make a motion to recess understanding full well that the recess, the time period will expire for this bill. I would ask Legislative Counsel to draft a new bill and have it ready to be laid on the table at our next meeting. Thank you.

**P.O. LINDSAY:**  
We have a motion to recess, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2173-06 - A Local Law establishing crime prevention requirements for scrap metal dealers (County Executive).***

I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Okay, seeing none, I need a motion.

**LEG. LOSQUADRO:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2268-06 - A Local Law to strengthen ATV seizure and forfeiture provisions (Presiding Officer Lindsay).*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'm still working on that so I'm going to make a motion to recess.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2290-06 - A Local Law to require landlords to register with the Department of Probation prior to renting to sex offenders (Browning).***

**LEG. BROWNING:**

I'm make a motion to recess.

**P.O. LINDSAY:**

All right, let me see if there's anyone that wants to speak in the audience. I have no cards on this subject. Anyone in the audience that would like to speak on this subject? Seeing none, Legislator Browning has made a motion to recess.

**LEG. VILORIA-FISHER:**

I'll second it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2336-06 - A Local Law to require posting of video game ratings at retail establishments (Cooper).*** I don't have any cards on this subject. Is there anyone in the audience who would like to speak? Seeing none, Legislator Cooper, what's your pleasure?

**LEG. COOPER:**

Motion to close, please.

**P.O. LINDSAY:**

Motion to close. Do I have a second?

**LEG. EDDINGTON:**

I'll second that.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2431-06 - A Local Law to reduce emission of pollutants from diesel fuel motor vehicles operated on behalf of Suffolk County (Cooper).***

**LEG. COOPER:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess by Legislator Cooper.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2441-06 - A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights (Stern).*** I don't have anybody -- any cards on this matter. Is there anyone in the audience that would like to speak? Please come forward.

**MS. JACOBS:**

Good afternoon. My name is Kasey Jacobs, I'm the Long Island Program Coordinator with Citizens Campaign for the Environment. We're supported by over 80,000 members and CCE works to

protect public health and the natural environment. Preserving open space on Long Island and throughout New York is a priority for our members. It is my pleasure to testify in support of the Suffolk County Legislature adopting Intro Resolution No. 2441 which strengthens Legislative oversight of real property donations and transfers of development rights for Suffolk County and requires County resolutions to be accompanied by the Board of Review's Report of Findings and Recommendations prior to its approval.

CCE supports this legislation for a variety of reasons. Thankfully, Suffolk County has a long and distinguished history of preserving open space for its many benefits, including protecting water quality, retaining community character, providing habitat for fish and wildlife and establishing recreational opportunities. In the past, when a parcel donation is being authorized in exchange for other property for development, the review and oversight of the to-be-developed land is not required and thus the potential for mistakenly approving development right transfers is real. IR 2441 ensures that the Legislature is fully aware of the history and characteristics of both parcels prior to making those important and long-standing decisions.

This legislation is crucial to protect not only the quantity of open space but moreover the quality, thus guaranteeing the health of Suffolk County's land and water resources for generations to come. In addition, this legislation continues to further Suffolk County's preservation ambition by aiding with comprehensive planning for the County. By having all the facts before approval will strengthen the oversight and decision making for such parcel acquisitions and development right transfers. Attempting to make an informed, thought-out decision regarding the donations without all the information has the potential to hinder the County's goal and in some cases may be counterproductive for keeping the County's resources healthy.

The old adage, "Preventing a problem is better than solving a problem," applies here. This legislation prevents a problem, requiring full disclosure of site characteristics, history and plan proposals will prevent Suffolk County from having to do clean-up work for mistakenly approving development right transfers that are not in line with the County's objectives. CCE strongly supports the adoption of Intro Resolution No. 2441 and thank you for the opportunity to comment.

**P.O. LINDSAY:**

Thank you very much for your comments. Did you have comments, Mr. Amper; did you want to talk to us as well? Please come forward.

**MR. AMPER:**

Yes, I'm Richard Amper, I'm Executive Director of the Long Island Pine Barrens Society. Usually too much interference on the part of the Legislative Branch and Executive Branch function is deleterious to efficiency, but here's a case where the Health Department, however well intentioned they may be, doesn't have the fiscal responsibility that you folks have to be sure that what's -- what these transactions are doing are actually benefitting the public. Yeah, we want to see the land preserved, but it is not always clear to you when you look at these whether or not the net benefit to the County is a positive one or a negative one. So here's a case where we're not going to delay the Health Department, we're not going to lose anything in the process and the Legislature will know better that it's doing the right thing by the environment, so we're entirely supportive of this. Any way we can be helpful, please let us know.

**P.O. LINDSAY:**

Thank you very much. Is there anyone else in the audience who wants to speak on this subject? Seeing none, Legislator Stern, what's your pleasure?

**LEG. STERN:**

Yes, I'm going to make a motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eleven (Not Present: Legislators Caracappa, Montano, Alden, Kennedy, Horsley, Mystal & Vilorio-Fisher).

**P.O. LINDSAY:**

***Public Hearing on IR 2442-06 - A Charter Law transferring certain functions to the Department of Human Resources, Personnel and Civil Service, Division of Human Resources, to the Department of Audit & Control (Presiding Officer Lindsay).*** I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eleven (Not Present: Legislators Caracappa, Montano, Alden, Kennedy, Horsley, Mystal & Vilorio-Fisher).

**P.O. LINDSAY:**

***Public Hearing on IR 2527-06 - A Local Law conforming Article II of Chapter 712 of the Suffolk County Code for implementation of Workforce Housing Projects (County Executive).*** I don't have any cards on this subject. Anyone in the audience want to address us on this subject? Seeing none, I make a motion to close.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

***Public Hearing on IR 2531-06 - Adopting an official map for Suffolk County (Presiding Officer Lindsay).*** I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

**P.O. LINDSAY:**

**Public Hearing on IR 2535-06 - A Local Law to facilitate screening of hot-line employees (D'Amaro).** I have one card, Laura Ahearn.

**MS. AHEARN:**

I'm Laura Ahearn, Executive Director of Parents for Megan's Law.

As you are all well aware, we provide services to our most vulnerable populations and it makes sense to us to be able to screen our potential employees, volunteers, interns or anybody else who is representing the agency. And we went on a quest about two years ago to screen them much more than we were. We can only do sex offender registry checks and we can only do Suffolk County PD background checks, we're not statutorily authorized at the time to do fingerprint checks through DCJS. So the first law that passed, I believe it went into -- or signed in October of '05, was the exact language that the State Division of Criminal Justice Services had asked this Legislature to use in order to authorize certain agencies who fit a certain criteria to use DCJS resources for fingerprint checks, while more recently, when we tried to implement it, they said that the language wasn't complete.

So I'm coming back again, and Legislator D'Amaro is sponsoring this, to simply amend the existing law to give us the statutory authority, and any other agency that fits the criteria, in order to fully background check, fingerprint check any potential employee, volunteer or anybody representing the agency. The criteria are that the individual would -- we would screen out those who had sex offences against or involving a minor, or sex offenses at all in our case, sale of a controlled substance to a minor and any violence against a minor. Any questions?

**P.O. LINDSAY:**

Any questions? No. Thank you very much, Laura, for coming down.

**MS. AHEARN:**

Thank you.

**P.O. LINDSAY:**

Legislator D'Amaro, would you like to make a motion on this public hearing?

**LEG. D'AMARO:**

Yes. Thank you, Mr. Presiding Officer; motion to close.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Motion to close, second by Legislator Stern. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen (Not Present: Legislators Caracappa, Montano, Kennedy & Mystal).

Okay, IR 2579, a Local Law to broaden eligibility under 72-h Transfer Program. I don't have any cards on this subject. Is there anyone in the audience --

**MR. LAUBE:**

No, no, no, no, no.

**P.O. LINDSAY:**

-- that would like to speak on this? Oh, I'm setting the dates, I'm sorry.

Okay, that concludes the public hearings for today. I'll be setting the date for the following Public Hearings to the first General Meeting in 2007 which will be determined at our Organizational Meeting

on January 2nd; and they are IR 2579, a Local Law to broaden eligibility under the 72-h Transfer Program; IR 2596, a Local Law to increase fines for violations of the Suffolk County Consumer Protection Law; IR 2597, a Local Law to strengthen and improve enforcement of occupational license laws; IR 2598, a Charter Law to amend Section C4-35 of the Suffolk County Charter; and IR 2599, a Charter Law to ensure a non-partisan, fair and objective process by which Legislative Districts are reapportioned.

Okay, back to the agenda.

**LEG. COOPER:**

Mr. Chair, I'd like to make a motion to take IR 2543 out of order.

**P.O. LINDSAY:**

Okay, it's on the next page, on page fifteen, about halfway down, IR 2543-06; we have a motion to take it out of order and the question was why.

**LEG. COOPER:**

Sharon Cates-Williams has been waiting around for the disposition on this, I'd like to get her back to work.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Okay.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

Okay, *2543 is now before us, it's an amending 2006 Capital Budget and Program and appropriating additional funds in connection with the improvements to the County Center, Riverhead, Phase I Renovations to the Data Center (CP 1643)(County Executive)*. And Miss -- Commissioner Williams, being that you're at the mike, would you like to explain the necessity of this resolution?

**COMMISSIONER CATES-WILLIAMS:**

Yes. First of all, let me say thank you very much for taking me out of order, or taking 2543 out of order I should say. If -- when I addressed the committee on this topic which has to do with the Riverhead Data County Center, the renovation for the Data Center, I made a statement that I would like to make to the general session here today, and that is if you never approve another IT project -- and by no means am I recommending that you do that -- I would like for you to approve this one today. This has to do with the renovations of the County Data Center and I have some handouts that I would like to distribute.

The Data Center or the Riverhead Center is our third data center in the County. We have a Hauppauge Data Center, we have one in Yaphank and the one out in Riverhead serves the County Clerk's Office which has over 25 million documents out there, the Treasurer's Office, as well as Real Property Services. And what I'm distributing to you today are letters of support for this from the County Treasurer as well as the Clerk, and also a letter from my Director of IT out in the Clerk's Office describing some of the problems that we have had with that data center.

What I'd like to do is consolidate all of the departments that are located in that building into one data center, and this is also going to assist us in rounding out our County-wide Disaster Recovery Program. It is imperative that we do this. I've been with the County for a little over a year and when I visited that the center for the first time I was really surprised at the conditions of that center. There are three air-conditioning units out there of which only two of them work, we have had numerous floods at the data center, and luckily the floor is a little slanted, so whenever those air-conditioning units flood the water tends to run away from the servers. But if we should ever experience the water going in the opposite direction, I can only tell you it would be catastrophic the amount of data that we would lose. And just think about the data that's housed out there in Riverhead, it's historical data; it's not like data that we can just go and replace manually, it's historical data, they're actual records and we need to protect this data.

So several things need to be improved. In addition to the air-conditioning systems, we also need some improvements to our UPS system that keeps our operations running. If we ever have a power outage, this is the unit that would give us enough time to shut down those servers so that we won't experience any data loss.

So I don't want to take up too much of your time because I know you're all very busy, but I know that this issue has been before you before, the renovation of the center. And I just can't impress upon you enough how important it is to make the renovations to those centers, consolidate all of those departments into one room so that I can ensure that all of their data is backed up not only out in Riverhead but across the other two data centers that we have here in the County and it also will, as I mentioned, complete the Disaster Recovery Project. Thank you.

**P.O. LINDSAY:**

Thank you, Commissioner Williams. Does anyone have any questions about that presentation? Thank you very much. Okay.

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

Good job, Sharon.

**COMMISSIONER CATES-WILLIAMS:**

Happy holidays.

**P.O. LINDSAY:**

Thank you. We have a motion to approve on this?

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

I'll make a motion.

**LEG. COOPER:**

Motion.

**MS. ORTIZ:**

No.

**MR. LAUBE:**

No.

**P.O. LINDSAY:**

No, we don't. Okay, motion by Legislator Vilorio-Fisher, second by Legislator Cooper. Any other questions on it? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen -- Fifteen. **\*\*AMENDED VOTE: Sixteen (Not Present:**

*Legislators Caracappa & Kennedy).* \*\*

**P.O. LINDSAY:**

Okay. Same motion, same second; roll call on the bond.

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

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

Okay, back to page 14, **2501** is where we left off before the public hearings, ***appropriating funds in connection with the rehabilitation of Smith Point Bridge, Town of Brookhaven (CP 5838) (County Executive)***.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, second by Legislator Eddington. On the question, anyone? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

Same motion, same second; roll call on the bond.

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

**LEG. COOPER:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

Okay, *IR 2504-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of highway maintenance equipment (CP 5047)(County Executive)*. Do I have a motion?

**LEG. STERN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Stern. Do I have a second? Do I have a second?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. Okay, Counsel tells me this is a 14 voter. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen (Not Present: Legislators Caracappa, Kennedy & Mystal).

**P.O. LINDSAY:**

Okay, 2504A, the Bonding Resolution; same motion, same second.  
Roll call.

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

**LEG. STERN:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

(Not present).

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fourteen (Opposed: Legislator Alden - Not Present: Legislators Caracappa, Kennedy & Mystal).

***2505-06 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2006 Operating Budget and appropriating funds for a Safety and Security Improvements Program for sanitary facilities in Suffolk County Sewer Districts (CP 8103)(County Executive).***

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

Motion.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, second by Legislator Cooper.

On the question anyone; no? Okay, all in favor? Opposed? Abstentions.

**MR. LAUBE:**

Fifteen (Not Present: Legislators Caracappa, Kennedy & Mystal).

**P.O. LINDSAY:**

***2512-06 - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the purchase of highway maintenance equipment/vac-haul machines pursuant to Phase II requirements (CP 5047.524)(County Executive).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

2512, the accompanying Bonding Resolution; same motion, same second. Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not present).

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

*2520-06 - Appropriating funds in connection with the County share for the reconstruction of CR 80, Montauk Highway Shirley/Mastic, Town of Brookhaven (CP 5516) (Browning).*

**LEG. BROWNING:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. I see Mr. Hillman at the podium; would you like to comment on this, Mr. Hillman?

**MR. HILLMAN:**

Yes, thank you very much. As evidenced by the earlier conversation on condemnations, I do not claim to be a condemnations attorney. However, legislation 2541 is the findings and determinations for the public hearing that we held.

**P.O. LINDSAY:**

No, we're on 20.

**MR. HILLMAN:**

I understand, I'm just trying to identify an issue.

**P.O. LINDSAY:**

Oh, okay, I'm sorry.

**MR. HILLMAN:**

Legislation 2541 is the findings and determinations. I don't know if it's against law or not, but it's DPW common practice not to move forward with the resolution to acquire the monies until the findings and determinations has been voted on. Therefore, we know that the alternative selected would be moved forward on. So I would recommend that 2541 be voted on prior to 2520.

**P.O. LINDSAY:**

Thank you for your suggestion, Mr. Hillman. I'm going to make a motion that we take 2541, or we just skip over 2520 for now and we deal with 2541.

***IR 2541-06 is approving determinations and findings made pursuant to Section 204 of the Eminent Domain Procedure Law and directing the Commissioner of the Suffolk County Department of Public Works to prepare and file with the Clerk of the Suffolk County Legislature acquisition maps in accordance with the selected alternative for the acquisition of lands in connection with the acquisition of properties for the reconstruction of County Road 80, Montauk Highway, from William Floyd Parkway to Barnes Road, Town of Brookhaven, Suffolk County, New York (CP 5516 PIN 0756.68)(County Executive).***

**LEG. BROWNING:**

I will happily make that motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. COOPER:**

I'll happily second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

Now I'm going to go back to 2520 and we have a motion and a second. Any discussion?

**LEG. ALDEN:**

Just quickly.

**P.O. LINDSAY:**

Yes, Legislator Alden.

**LEG. ALDEN:**

So from the testimony, 2520 is money that's going to be used to pay the people's property that we're trying to acquire through condemnation?

**MR. HILLMAN:**

That is correct.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Mystal).

**P.O. LINDSAY:**

The accompanying Bond Resolution, 2520A; same motion, same second.  
Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACAPPA:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

*2548-06 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the replacement of Public Works Fleet maintenance equipment (CP 1769)(County Executive).*

**LEG. ALDEN:**

You've got to go up one.

**P.O. LINDSAY:**

2548.

**MR. NOLAN:**

I think we've got to do 2543.

**P.O. LINDSAY:**

Well, we took that out of order, we did that already.

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

That was Sharon Cates-Williams.

**MR. NOLAN:**

Oh, that's okay. The Bond is okay.

**P.O. LINDSAY:**

The Bond is all right on that one? Okay, so 25 -- there's just a bit of confusion here that we skipped one, but we had taken that one out of order prior to it.

2548, I'll make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper, and Counsel tells me we need 14 votes on this. Any comments? Okay, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

The accompanying Bonding Resolution, 2548A; same motion, same 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:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not Present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

*2549-06 - Amending the 2006 Capital Budget & Program and appropriating funds in connection with the reconstruction of drainage systems on various County (CP 5024) (Presiding Officer Lindsay).* I'll make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. Mr. Hillman, you want to comment?

**MR. HILLMAN:**

Yes.

**P.O. LINDSAY:**

Go right ahead.

**MR. HILLMAN:**

Here I am again. There was coordination between DPW and the County Executive on this, on these funds. Capital Project, 5014, as you're well aware, was approved for \$10.5 million and that's our Resurfacing and Roadway Improvement Capital Program; typically that's around four to \$5 million, so it was over double of what we normally get. That Capital Program does allow for drainage improvements, which this Capital Program also allows for. Seeing that we would most likely not be able to utilize the full \$10.5 million, the \$500,000 would not have been utilized, therefore the County Executive had proposed that as an offset.

So I'm just here trying to explain that there are issues with the communication between DPW and the Legislature when projects want -- when you'd like to advance something, please just reach out

to us again. And these monies would most likely go unutilized.

**P.O. LINDSAY:**

Okay. Could I just ask just a couple of things?

**MR. HILLMAN:**

Certainly.

**P.O. LINDSAY:**

First of all, we're at the end of the calendar year, this is the last meeting of the year.

**MR. HILLMAN:**

Yes.

**P.O. LINDSAY:**

If we don't appropriate money that's in the 2006 Capital Program, it's lost and the project would have to be reintroduced at the earliest in '08. Now, what you're saying is this was a duplication in the Capital Program, that you covered this work under the resurfacing money?

**MR. HILLMAN:**

Typically we get four to \$5 million in the Resurfacing Program, and typically we get a half of million dollars in the Drainage Program annually. However, last year we received \$10.5 million in resurfacing.

**P.O. LINDSAY:**

Did you use it all?

**MR. HILLMAN:**

We haven't. We -- that contract was not awarded, those funds were not actually appropriated until June, July. A good portion of the paving season had expired by the time we actually had the funds in hand, but what we have expended close to \$5 million already, from June until now, and luckily we have good weather. So what I'm pointing out is that typically -- these are annual programs, number one. My understanding -- I believe next year, in 2007, we will have \$500,000 for drainage work. What I'm pointing out is that in '06 the funds would have -- would most likely go under utilized.

**P.O. LINDSAY:**

First of all, the \$10 million, was something that came out of the '06 '06 working group, and at the time we were told by Public Works, because we're all disturbed by the conditions of our roadways, that you could use all the resurfacing money you could get.

**MR. HILLMAN:**

You're absolutely, right.

**P.O. LINDSAY:**

But you only expended half of the appropriation.

**MR. HILLMAN:**

Well, from -- usually from the end of March is when the paving season typically begins with the break of nice weather, so from the end of March until June we weren't able to --

**P.O. LINDSAY:**

No, the appropriating resolution didn't come over, I became aware of it and I think we did it or pushed it to get appropriated because the money is no good to you if it gets appropriated in September.

**MR. HILLMAN:**

That's correct. So next year we --

**P.O. LINDSAY:**

So you have \$5 million there that's already been appropriated.

**MR. HILLMAN:**

Correct, and we will be utilizing that for both resurfacing and some drainage improvements.

**P.O. LINDSAY:**

Okay. So you don't need this money.

**MR. HILLMAN:**

That's essentially what I'm saying.

**P.O. LINDSAY:**

Okay. If you didn't need this money, and I guess it's more to the Executive staff, we had a bill a couple of weeks ago to put together a pool of money to buy land.

**LEG. ALDEN:**

Yeah.

**P.O. LINDSAY:**

And we canceled some viable projects under the auspices that we couldn't find the money.

**MR. HILLMAN:**

I believe this was in there.

**P.O. LINDSAY:**

If this money was laying there, why didn't we use this?

**MR. HILLMAN:**

I believe this was in the original offset, and I'm a little uncertain of that, but --

**P.O. LINDSAY:**

Do you remember it being in the original offset?

**LEG. HORSLEY:**

And we took it out? I don't think so.

**P.O. LINDSAY:**

I don't think so either. Okay.

**MR. HILLMAN:**

I'm a little --

**P.O. LINDSAY:**

Yeah. No, and --

**MR. HILLMAN:**

I don't have all the information, I'm just trying to provide the information that I have.

**P.O. LINDSAY:**

No, no, no. No, you're just giving us the Public Works information. Maybe --

**MS. VIZZINI:**  
Mr. Presiding Officer?

**P.O. LINDSAY:**  
Yes.

**MS. VIZZINI:**  
If I can just ask Mr. Hillman a question. The \$500,000 in 2007, would you expect you would appropriate that and move forward with that money?

**MR. HILLMAN:**  
Yes, we would move forward with that right away in the beginning '07 in hopes to have that money available Spring/Summer '07.

**MS. VIZZINI:**  
I'd like to make a recommendation, Mr. Presiding Officer, that we move ahead and appropriate the 2006 monies and we'd have five years to expend it. As you know, because of the propositions, the 2007 Capital Budget is very tight and we will be very tight for offsets. And if we've appropriated \$500,000 for drainage, then the 500,000 in '07 could justifiably be used as an offset for some other priority.

**P.O. LINDSAY:**  
Okay. Thank you, Mr. Hillman.

**MR. HILLMAN:**  
You're welcome.

**P.O. LINDSAY:**  
Okay, where are we, Mr. Clerk? We have a motion and a second?

**MR. LAUBE:**  
Yes, you do.

**P.O. LINDSAY:**  
Okay. Any other comments? All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**  
On 2549, the accompanying Bonding Resolution; same motion, same 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:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

*2550-06 - Amending the 2006 Capital Budget & Program and appropriating funds in connection with traffic signal improvements (CP 5054) (Lindsay).* I'll make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. Mr. Hillman?

**MR. HILLMAN:**

This is my last one, I promise.

**P.O. LINDSAY:**

That's okay, we like you, Mr. Hillman. You can come talk to us any time.

**MR. HILLMAN:**

Thank you. 2550, again, it was my understanding that this was going to be used as an offset, that's why the department did not move forward with it. This is for traffic signal design for consultant services. Our in-house -- we do not expect a lot of complicated signal designs for the year of 2007, we can project that fairly well, and our in-house staff is more than capable of providing those in-house designs or the traffic signal designs. Therefore, the hundred thousand for -- again really is not necessary.

**P.O. LINDSAY:**

Okay, thank you.

**LEG. MYSTAL:**

Same argument; let's vote.

**P.O. LINDSAY:**

Offsets.

**LEG. MYSTAL:**

Same argument.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen(Not present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

On the accompanying Bonding Resolution; same motion, same 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:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

*2551-06 - Appropriating funds in connection with the construction of sidewalks on various County Roads (CP 5497) (Presiding Officer Lindsay).* I'll will make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper.

**LEG. MYSTAL:**

Mr. Hillman.

**P.O. LINDSAY:**

No, he left. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

16 (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

Accompanying Bonding Resolution 2551A; same motion, same 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:**

(Not present).

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Caracappa & Kennedy).

**P.O. LINDSAY:**

*2115-06 - Adopting Local Law No. 2006, a Local Law to extend protections to residents of planned retirement communities (Romaine).* Legislator Romaine.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion to approve.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern.

**LEG. COOPER:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Cooper.

**LEG. COOPER:**

I just had a question for Counsel. I believe that there had been some concerns raised about possible preemption issues; have those been addressed by the amendments to the resolution?

**MR. NOLAN:**

Yes, the question was concerning language regarding manufactured homes which are covered by State law. There was some language in the original version of this law which we removed at the request of the County Attorney's Office, so we believe that the problem has been addressed.

**[COURT STENOGRAPHER - LUCIA BRAATEN]**

**LEG. COOPER:**

Okay. Thank you.

**LEG. STERN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chair. I'm pleased to support Legislator Romaine on this initiative, because it goes

beyond just any kind of attempt to help this particular community and the residents therein. In many ways, for the first time, it is a definition of what a planned retirement community is, and that's important for us to do here in Suffolk County as more and more of us age and these type of communities certainly will become much more prevalent in the future. And so with this, again, this resolution goes beyond just the particular residents, but helps set a policy going forward.

**P.O. LINDSAY:**

Thank you. Anyone else? Okay. All in favor? Opposed? Abstentions?

**LEG. MYSTAL:**

Cosponsor.

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Caracappa and Kennedy)

**LEG. SCHNEIDERMAN:**

Cosponsor.

**LEG. BROWNING:**

I believe I'm a cosponsor, I think.

**LEG. SCHNEIDERMAN:**

He cosponsors all of mine, I'll take one of his.

**LEG. BROWNING:**

Yeah, I am.

**P.O. LINDSAY:**

*2513 - Creating a County-wide senior citizens Task Force.* Legislator Stern?

**LEG. STERN:**

Motion to approve.

**LEG. MYSTAL:**

Second.

**P.O. LINDSAY:**

Motion to approve, second by Legislator Mystal.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

I'm not going to vote against this, I'm going to support it, but I would hope that, and you're going to be the Chairman of it, I saw in the resolution, I would hope that you would coordinate or have plans to coordinate with the Advisory Council. And the second thing is you might want to consider some of the things that were said at the committee meeting to expand it and include some people that might be -- I think they wanted some construction people on there, some people, maybe a nutritionist, or something that deals with senior citizen problems, because those kind of make sense to me, that if you have experts on the board, rather than, you know, like -- it's almost like you have almost all insiders on it, and if you expanded it and brought a couple of other people forward that

have been working on senior citizen problems, that you might have more of a -- like a successful recommendation.

**LEG. STERN:**

May -- through the Chair.

**P.O. LINDSAY:**

Yes.

**LEG. STERN:**

And I appreciate the comments. Here, the idea was not to have, you know, one representative or specialist from affordable housing, one representative or specialist from transportation, but really to bring in three, five, ten of them, so that we can get a very broad, you know, representation and not leave it in the hands of just one or two from a selected discipline.

As far as working with the members of the Senior Citizen Advisory Board, prior to my election, I had the pleasure of serving on the Senior Citizen Advisory Board. I have very good friends and relationships there and, of course, would make them a significant part of this effort.

**LEG. ALDEN:**

That's why in my conversations with the people that came down to make the suggests, I said you were an expert on it and had that experience sitting on the board. But it did ring true some of the things they said, like, for instance, if you wanted to bring somebody in from the private sector that's been dealing with like bus transportation, that would make sense, because you can turn to that person and tell them or ask, you know, "What are the issues you're dealing on a day-to-day basis," because you have a large bus companies on -- in Suffolk County that I think that some of the input would be very, very good. Also a nutritionist or somebody -- you know, there's a couple of other specific things that are very, very much related to senior citizens and just a couple of experts, but you could also call them as witnesses, too, if you wanted to use it that way.

**P.O. LINDSAY:**

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

**LEG. COOPER:**

Cosponsor, please, Tim.

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Caracappa and Kennedy)

**LEG. D'AMARO:**

Cosponsor.

**LEG. MYSTAL:**

Co.

**LEG. STERN:**

Tim.

**LEG. MYSTAL:**

Tim, co.

**LEG. ROMAINE:**

Cosponsor, please.

**P.O. LINDSAY:**

***2376 - Authorizing the sale, pursuant to Local Law 16, of real property acquired under Section 46, Suffolk County Tax Act, Robert Toussie.***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

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

I'll second it.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher.

**LEG. ALDEN:**

Explanation. I withdraw my request.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Caracappa and Kennedy)

**P.O. LINDSAY:**

***2455 - Authorizing the sale, pursuant to Local Law 16, of real property acquired under Section 46 of the Suffolk County Tax Act, Gayle Mastromonico.***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Caracappa and Kennedy)

**P.O. LINDSAY:**

***2486 - Authorizing the sale of Brownfield property sold at the November 14th, 2006 auction pursuant to Resolution 413 of 2005.***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Caracappa and Kennedy)

**P.O. LINDSAY:**

*2507 - Authorizing the sale of County-owned real property, pursuant to Section 72-h of the General Municipal Law, to the Town of Islip.*

**MR. MONTANO:**

Motion.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Montano, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

*2538 - Sale of County-Owned real estate, pursuant to Local Law 13(1976), 122 Flanders Boulevard Corporation.* Do I have a motion by Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Yes, yes.

**P.O. LINDSAY:**

The second --

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

And I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

*2545 - Authorizing certain technical corrections to the 2006 Adopted Operating Budget for the contracted agency League of Women Voters.*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

And I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

We have to go back to --

**LEG. MYSTAL:**

Oh, yeah, we skipped a couple.

**P.O. LINDSAY:**

-- **2502**, which --

**LEG. MYSTAL:**

We skipped a couple.

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

Page 10.

**P.O. LINDSAY:**

Okay. Yeah, on Page 10, if you remember, we skipped over it because we didn't have the bond.

***It's amending the 2006 Capital Budget and Program and appropriating funds in connection with incubators for businesses in distressed areas.*** I'm being told that we do have the bond now.

**LEG. HORSLEY:**

All right.

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

Motion.

**LEG. HORSLEY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Horsley, and seconded by Legislator Viloría-Fisher. And Legislator Montano wants an explanation.

Miss Fahey, are you going to give the explanation?

**MS. FAHEY:**

I'll try.

**MR. MONTANO:**

Is that a yes?

**P.O. LINDSAY:**

Yes.

**MR. NOLAN:**

2502 is an appropriating resolution, \$140,000. It's already in the Capital Budget and Program. It's for -- to create incubators.

**P.O. LINDSAY:**

Is that what you were looking for, Legislator Montano?

**MR. MONTANO:**

No. I wanted to get --

**P.O. LINDSAY:**

Or you want more details?

**LEG. MONTANO:**

I wanted a little more detail. I actually met with some -- a group yesterday that is looking to do incubator projects in my district and I just -- I pulled out the resolution and I really couldn't explain. I looked at the Capital Project by number and it didn't give an explanation. So if you can just give me a brief explanation as to what we're doing here, I would appreciate that.

**MS. FAHEY:**

Similar to the other projects, the funds are in the '06 Capital Program. The Department's working on three particular incubators at this moment, one up in Huntington, one in Central Islip, and one down in Amityville. We're working with the not-for-profit organizations to determine how the County can assist with the construction of and the furtherance of these three incubators. This money is going to help with some of the infrastructure costs and depending upon where their need is.

**LEG. MONTANO:**

Is this machine going for construction of a property or for development?

**MS. FAHEY:**

Each projects is different.

**MR. MONTANO:**

Well, what about this -- what I'm asking is what is this going for, this money?

**MS. FAHEY:**

These three projects, one is going for infrastructure improvements, and the other two are for elevators into these buildings to assist with the creation of the incubators, which are on second and third stories.

**MR. MONTANO:**

Okay. Thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

Okay. On the accompanying bonding resolution, 2509A, same motion, same --

**MR. NOLAN:**

02.

**MR. LAUBE:**

02.

**P.O. LINDSAY:**

Oh, **2502A**, same motion, same second, roll call.

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

**LEG. HORSLEY:**

Yes.

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

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not Present)

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yep.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

Okay. And just to conclude the agenda, before we go into the CN's and on ones that the motions that we took to discharge, Counsel has one that we had skipped over that we were questioning, if he could give us an explanation.

**MR. NOLAN:**

On Page 13 of the agenda, under Public Works and Transportation, 2394B is indeed a mistake and we do not have to take any action on that.

**LEG. LOSQUADRO:**

What number was that?

**MR. NOLAN:**

2394B

**P.O. LINDSAY:**

We skipped over it because it looked familiar. It was a duplication. Okay. We had earlier today, we -- Legislator Browning made a motion to discharge 2184 - Naming Picnic Area 8 and 9 in Southaven Park in honor of Specialist Thomas J. Wilwerth, and it's appropriate now to vote on. Would you like to make a motion, Legislator Browning?

**LEG. BROWNING:**

Yes, I would like to make a motion to approve.

**P.O. LINDSAY:**

Okay. Seconded by Legislator Eddington. And again, this is -- has went through the naming group?

**LEG. BROWNING:**

Yes, it did. We had Committee, and the next day is when they met, so that's why --

**P.O. LINDSAY:**

Okay, wonderful. Thank you very much. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

And Legislator --

**LEG. ROMAINE:**

Cosponsor, Mr. Clerk.

**P.O. LINDSAY:**

Legislator Alden also made a motion to discharge ***1854 - Adopting a Local Law to increase connection fees for sewer district contractees located outside the geographic boundaries of a sewer district.*** We had some conversation on this during our break, and I asked Legislator Alden to table this for one cycle, because I had made some suggestions to the bill that I think he's going to consider, as far as modifying. And do you want to make a motion to table, Legislator

Alden, or would you like me to make a motion.

**LEG. ALDEN:**

You can make a motion, but just put what you had suggested, because I'm going to ask Legislative Counsel to incorporate that, and that's some kind of a review.

**P.O. LINDSAY:**

What I was saying is that ten years ago we -- for the first time, we started charging for hookups outside the sewer district, and we haven't adjusted the rates in ten years, and I think that this is something that's long overdue. But I would like to see some kind of automatic assessment in there like every five years, that it doesn't go a full ten years, you know, that at least every five years, someone take a look at it to see if a rate increase is -- you know, I'm not saying on an annual basis, but certainly every five years is a proper thing to do, and that's what Legislator Alden -- I asked him to take a look at in the interim between now and our next meeting. Did you want to comment on this, Legislator Kennedy?

**LEG. KENNEDY:**

No. Only that I had also, I guess, approached Legislator Alden and there's -- we heard much testimony, as you know, about the concept of conceptual approval as opposed to formal approval. And I had had some conversations. I'd like to have a follow-up conversations with him as well. My concern, as I've shared, is that we have no defined period of time that elapses between a conceptual approval and a formal approval, and that being the case, I think it's another example where we collectively as a group are called on to go ahead and take actions. And we try to marshal our resources, but we have many of these approvals hanging out there that seem somehow not to be taken account of. So I appreciate the motion to table, too.

**LEG. ALDEN:**

The dilemma --

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

The dilemma you're faced with is some people that came for the conceptual approval, they actually went and got financing for their projects and they designed them around that. So Legislators had come to me and asked if we could just include all, and that's what I felt might be in the interest of fairness, to include all, it would conceptually approve. But, you know, it was do you phase it in, or do you give all the conceptual approvals? I think you had to pick one or the other, and that's the way I chose to go with grandfathering in conceptual and actual approvals.

**P.O. LINDSAY:**

Okay. So you want to make a motion to table and I'll second or --

**LEG. ALDEN:**

That's fine.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

Go to the CN's. First one is ***2498 - Accepting a grand award from the New York State Department of Transportation - Aviation Bureau, amending the 2006 Capital Budget and***

**Program, and appropriating funds in connection with the tower renovations at Gabreski Airport.** I'll make a motion.

**LEG. COOPER:**

Second.

**LEG. HORSLEY:**

Second.

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

I'll second it.

**P.O. LINDSAY:**

Second by Legislator Cooper.

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

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Viloría-Fisher.

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

I would just like to thank the County Executive's Office for this CN. And I notice in the "whereas", you also included that you work cooperatively with us, because I was concerned that these were -- these certainly fell within the 5-25-5 limitations and so you're going to be going with pay-go on this instead of bonding it. So thank you for making that change.

**MR. SABATINO:**

And thank you for working with us and making the suggestion.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

***2553 - Accepting and appropriating grant funds in the amount of \$1,180,000 from the New York State DOT for provisions of dedicated traffic enforcement in the vicinity of certain highway construction projects with 100% support.***

**LEG. LOSQUADRO:**

Motion to approve.

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

Oh, take the money. Motion.

**P.O. LINDSAY:**

Motion to approve by Legislator Losquadro, seconded by Legislator Eddington.

**LEG. ALDEN:**

Just on the motion.

**P.O. LINDSAY:**

On the motion. Don't want the money, no, no. No, Legislator Alden, go ahead. I'm sorry.

**LEG. ALDEN:**

No, but a point has to be made. I think when it says 100% support, that means matching funds?

**MR. SABATINO:**

I'm sorry, speak up.

**P.O. LINDSAY:**

Does it mean matching funds? It doesn't mean matching --

**MR. NOLAN:**

No, it's not matching funds. The way this works is that these are expenses the police have incurred over the course of the year where they're covering high construction project areas. What happens is, at the end of the year, the State awards a certain amount of money to help offset those costs. It's not offsetting 100% of the cost, it's just helping to offset costs that the County has already incurred, but we don't have to match the money, the services have already been provided.

**LEG. ALDEN:**

So, through the Chair, the schedule that we see below that, where it says like personnel services, overtime salaries, that's where the money is going to go into, that's where you're putting the one million, one hundred --

**MR. SABATINO:**

It's offset -- what's happened is from January, the beginning of this year, right up literally to today, the Police Department, because they're obligated to do stepped-up enforcement at construction projects are incurring these expenses. Money is available later on on a retroactive basis to reimburse for those expenses. We're just getting money back. It's 100% money coming to us, but it's not going to cover 100% of the cost, but it's purely a reimbursement for expenses incurred.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

***2583 - Committing Suffolk County to implementation of New York State Department of State Shared Municipal Services Incentive Grant Program - Local Health Insurance Incentive Award.***

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. Any --

**LEG. MONTANO:**

Just a quick question.

**P.O. LINDSAY:**  
Legislator Montano.

**LEG. MONTANO:**  
Yeah. Paul, I was just wondering. I'm looking at the backup here. I was just wondering, the letter of support was on the 20th. Was there a reason for the delay or just one of those oversights?

**MR. SABATINO:**  
No. What happened was we had a meeting with the Superintendents and BOCES in the intervening period of time. The State then contacted us and said they needed this --

**MR. MONTANO:**  
Okay.

**MR. SABATINO:**  
-- in addition to the application we filed.

**MR. MONTANO:**  
No problem.

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

**LEG. MYSTAL:**  
Cosponsor.

**MR. LAUBE:**  
Seventeen. (Not Present: Leg. Caracappa)

**LEG. ROMAINE:**  
Would the Clerk, please, list me as a cosponsor?

**LEG. HORSLEY:**  
Yeah, Tim, you've got a couple more.

**P.O. LINDSAY:**  
*J.R. 2600 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program for Environmentally Sensitive Land Acquisition - for the Nature Conservancy, as contract vendee - River Club Property, Town of Riverhead.*

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Romaine. Is that who made that motion?

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

**LEG. HORSLEY:**  
Vociferously.

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

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. Now the money -- this was appropriated in that resolution.

**MR. SABATINO:**

That's correct, Mr. Presiding Officer. The next two resolutions, or two out of the next three will be dealing with what we talked about for the 23 million dollars. This one picks up roughly \$5,040,000, and the next one will pick up a substantial portion of the balance, so 17.9.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**LEG. ROMAINE:**

I'm pleased to see that I am listed as a cosponsor on this.

**P.O. LINDSAY:**

*2601 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for the AVR Ridge Estates LLC, Town of Brookhaven.*

**LEG. BROWNING:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator --

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

-- Browning.

**LEG. LOSQUADRO:**

Second.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro.

**MR. MONTANO:**

You took all the money, Kate.

**LEG. BROWNING:**

Huh?

**MR. MONTANO:**

You took all the money.

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

Kate is taking all the money.

**P.O. LINDSAY:**

Any question? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**LEG. LOSQUADRO:**

Mr. Clerk, please list me as a cosponsor on that.

**P.O. LINDSAY:**

I think we spent all our money between the First and the Third District today.

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

Right over there, right over there.

**P.O. LINDSAY:**

*2602 - Amending the Resolution No. 954-2006, to authorize the acquisition of land under the Suffolk County Community Greenways Fund - Open Space Component, and under the Multifaceted Land Preservation Program - Open Space Preservation Program for the Cooper Property - Emerald Estates, Town of Huntington.*

**LEG. STERN:**

Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Stern.

**LEG. COOPER:**

I guess I'll second. But it's not my property, but I'll second anyway.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

*2608 - Authorizing the use of the Deepwells Property by the Deepwells Farm Historic Society for the New Years Eve fundraising event.*

**LEG. NOWICK:**

Motion.

**LEG. KENNEDY:**

I'll second it.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, second by Legislator Nowick, or Nowick --

**LEG. KENNEDY:**

Nowick, second by Kennedy.

**P.O. LINDSAY:**

Okay, Nowick, and second by Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

*2610 - Appropriating funds in connection with the improvements to the Suffolk County Farm, Capital Program Number 1796.*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

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

Kate is the cosponsor.

**P.O. LINDSAY:**

And Legislator Browning is the cosponsor.

**LEG. BROWNING:**

Did I second?

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

Can you list me as a cosponsor also?

**P.O. LINDSAY:**

Any questions? No? All in --

**LEG. ROMAINE:**

Quick question.

**P.O. LINDSAY:**

Yes, Legislator Romaine, go ahead.

**LEG. ROMAINE:**

We are now paying -- this is now being converted back to pay-as-you-go for the 17,500, and it's being taken out of the Legislative Budget Review Office budget. I just want to ask Budget Review if the funding is there, and if this is what, in your view, is an appropriate offset?

**MS. VIZZINI:**

Well, although we were not consulted, there are available excess appropriations in this particular line item. This is the line item where the Legislature pays for litigation and other things that happens to be in my budget.

**LEG. ROMAINE:**

There's sufficient money. And had you been consulted, as a courtesy, would you have consented to this, as --

**MS. VIZZINI:**

I would have certainly deferred to the Presiding Officer and cooperated accordingly.

**LEG. ROMAINE:**

Thank you.

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

Good answer, Gail.

**P.O. LINDSAY:**

I guess you call that a "gotcha".

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

There goes the Kumbaya.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

Late-starters. Okay. I'm going to make a motion to waive the rules and lay on the table the following resolutions: **2603** - Approving payment to General Code Publishers for Administrative Code pages, to Ways and Means. **2604** - Reappointing member of the Suffolk County Traffic Safety Board, Robert Pearce, to Public Safety. **2605** - Reappointing member to the Suffolk County Traffic Safety Board, Karl W. Klug. **2606** - Reappointing member of the Suffolk County Traffic Safety Board, Marc H. Auerbach, to Public Safety. **2609** - Approving the appointment of Tracy A. Trypuc as a member of the Suffolk County Board of Health, to the Health and Human Services.

**MR. NOLAN:**

You skipped.

**P.O. LINDSAY:**

I skipped one?

**MS. ORTIZ:**

2605.

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

2605, you didn't say where it was going.

**LEG. HORSLEY:**

2607.

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

Probably to Public Safety.

**P.O. LINDSAY:**

Okay. **2605** was to Public Safety. And I skipped **2607**, is reappointing Aurelio A. Colina as a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation, and that's been assigned to Parks. Having --

**MR. NOLAN:**

Take a vote.

**P.O. LINDSAY:**

Okay. We -- I have a motion, I need a second.

**MR. LAUBE:**

Who was the motion?

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

Second.

**P.O. LINDSAY:**

I made the motion to waive the rules, lay on the table late-starters, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

**P.O. LINDSAY:**

Okay. And unless anybody has anything else, I'll be very happy to take a motion it adjourn.

**MR. MONTANO:**

Motion to adjourn.

**LEG. SCHNEIDERMAN:**

Motion to have a Happy Holiday.

**P.O. LINDSAY:**

Motion to adjourn by Legislator Montano, second by Legislator Romaine. We stand adjourned.

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Caracappa)

***[THE MEETING WAS ADJOURNED AT 3:54 P.M.]***

***{ } Indicates Spelled Phonetically***