

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SECOND DAY

JANUARY 17, 2006

**MEETING HELD AT THE WILLIAM H. ROGERS
LEGISLATURE**

**BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE
AUDITORIUM**

**725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW
YORK**

MINUTES TAKEN BY

LUCIA BRAATEN, COURT STENOGRAPHER

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

LEG. LINDSAY:

Okay. Good morning, everyone. I call this meeting of the Suffolk County Legislature to order. Clerk, please read the roll.

MR. LAUBE:

Good morning, Chairman.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

Yep.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Present.

LEG. ALDEN:

(Not present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Yes.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA • FISHER:

Present.

P.O. LINDSAY:

Here.

LEG. ROMAINE:

Tim I am here.

MR. LAUBE:

Thirteen, 13. Excuse me.

P.O. LINDSAY:

Okay. Could we all rise for the Pledge?

MR. LAUBE:

Fifteen. That was 15. (Not Present at Roll Call: Legs. Caracappa, Alden and Kennedy)

P.O. LINDSAY:

Can I ask Legislator Lynne Nowick to lead us in the Pledge?

(Salutation)

Would Legislator Vivian Viloría•Fisher, please, introduce our visiting Clergy this morning?

D.P.O. VILORIA•FISHER:

Thank you, Mr. Presiding Officer. Today our Clergy is the Reverend Kate Lehman, who happens to be my Minister at the Unitarian Universalist Fellowship in Stony Brook.

There are sometimes Ministers who speak to one's heart, and from the very first time that I heard •• I heard Reverend Lehman speak, I felt that she was speaking to my needs, to what I was thinking, to what was •• what were the values that were important to me and the people of my community. She is someone who has served the community of Stony Brook and Suffolk County very well. She has been active in many interfaith

groups throughout the County, and has taken a very strong leadership role in our community. Kate is retiring this year, and I, certainly, for one am going to miss her very much, as will our entire community. The Reverend Kate Lehman.

REVEREND LEHMAN:

Thank you. And Presiding Officer Lindsay, and all Legislators, Vivian, it's wonderful to be here. Let us join together in a moment of prayer.

On this day after the celebration of the life and legacy of the Reverend Dr. Martin Luther King, Jr., we are reminded once again of the value of working toward a nation that is indivisible with liberty, justice in all. And I urge us to bring to mind the words of another famous person who lived long before King, but whose message was important to King, that of John Donne. To paraphrase, let us not forget that no one is an island, that we are each connected to each other.

We live in times that are too busy, and many people claim they don't have the time or the energy to give to the greater good, to work toward greater justice, liberty and equity for all people. We give thanks for those people who, such as you, who inspire others to put the greater good at the forefront, to make it a priority. And we hope •• I hope and pray that people will learn from your examples of the value of making different choices, so that they can keep in mind ways which •• in which they can affect the greater good.

We live in a time when many are disillusioned by politics and politicians. And we give thanks, dear God, for those who have

the wisdom to vote so wisely, and to elect officials who will live up to the highest standards of our nation, of our constitution. We pray, dear God, that this Legislature, that members of this Legislature will continue to work together, to go beyond personal agendas, to go beyond party politics, to work for the greater good of all of the people of Suffolk County. We pray that the members of this Legislature will continue to be shown wisdom, and will continue to have the courage to work towards that wisdom.

Together, the people of this great county, and the great Legislators of this county, can work together to create a world in which all realize the undeniable truth that all •• that we are created by God, with undeniable inherent worth and dignity, and that as we recognize that we are equal citizens of the interdependent web of all existence, as we realize that we are created as brothers and sisters by God, then we truly work to create a world in which the worth and dignity of all people is not only recognized but made real. Amen.

P.O. LINDSAY:

Before we take our seats, I'm going to ask for a moment of silence. I was saddened this morning to hear that a longtime employee of this Legislature, Barbara Warsaw, passed away yesterday. So, if •• in respect to Barbara, if we could just bow our heads.

(Moment of Silence)

There is a service for Barbara at one o'clock today. I know many of my colleagues are going to attend with myself, and I invite anybody else to pay their respects to this very wonderful

woman. Thank you.

We'll go right into the public portion. We only have one card this morning, Bill Berrien. Please, come forward, Bill. You could •• yep. You have three minute, Bill, whenever you're ready.

MR. BERRIEN:

Yes, good morning. My name is Bill Berrien. I'm on the Board of the Quogue Association, and also representing Coalition Against Airport Pollution, and I want to speak briefly on the Resolution 2022•05, SEQRA determination in connection with the proposed France S. Gabreski Airport redevelopment of Long Island Jet Center East. I'd like to read a brief comment to get it in the public record and leave hard copy with the members.

It appears to us that the Council on Environmental Quality may have overlooked the relevant information when it recommended a negative declaration on Long Island Jet application to substantially expand its operations at Gabreski. All of Gabreski Airport is in the Pine Barrens and is designated a critical environmental area. It is our understanding that, as such, a positive declaration is required.

Number two, Long Island Jets plans have additional implications under the governing Pine Barrens legislation. Possibly, CEQ was unaware that this application should, as we understand it, have been reviewed by the Pine Barrens people prior to any recommendation by the CEQ.

Number three, possibly CEQ was not fully aware of the scope of this planned expansion and the risks to our sole source aquifer posed by increased fuel storage, de-icing chemicals, hazardous substances employed by •• in aircraft maintenance, etcetera. Gabreski already has at least two Superfund sites and a number of other contaminated sites that are threatening our drinking water supply.

We also note that several months before this resolution was introduced, the County Executive established a Gabreski Airport Community Advisory Board to enhance communication between the airport and surrounding communities. To date the Advisory Board members have not been made aware of this resolution, nor of the CEQ opinion rendered five months ago.

Our organization is bringing these facts to your attention to ensure that we have exhausted administrative remedies on this matter. Thank you very much.

D.P.O. VILORIA • FISHER:

Thank you.

P.O. LINDSAY:

Is there anyone else from the public that would like to address us?

LEG. CARACAPPA:

Motion to close public portion.

P.O. LINDSAY:

Thank you. Legislator Caracappa makes a motion to close the public portion.

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina • Fisher.

LEG. CARACAPPA:

You may break my record, Billy.

D.P.O. VILORIA • FISHER:

Working on it.

P.O. LINDSAY:

Okay. Next order of business, could I have a motion to adopt the Consent Calendar?

D.P.O. VILORIA • FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Fisher. So I have a second? Legislator Losquadro seconds the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

18. Excuse me, 16. (Not Present: Legs. Alden and Kennedy)

P.O. LINDSAY:

Okay. I'm going to recognize Legislator Horsley for the purpose of a motion. Legislator Horsley, do you have a motion for us?

LEG. HORSLEY:

Yes.

P.O. LINDSAY:

I'm told that you want to take the overriding of a veto out of order.

LEG. HORSLEY:

Yes. I'm sorry. I thought that we were going to be taking that up at another point. Thank you very much, Mr. Presiding Officer. Yes, I would like to take up a move to override a County Executive veto on Resolution 1284•2005. What this is is a piece of •• it's a piece of property that was to be purchased out of the quarter cent drinking water for Babylon that was allocated for Babylon Township. The •• when the property came for sale, the Village of Lindenhurst and the County obligated

itself, saying, "Yes, we will pay for this piece of property, but we have to go through our processes," in which the County did. The property was for sale, the Village of Lindenhurst stepped in, purchased the property, knowing that the County was going to be supportive and pay for the property out of the quarter cent drinking water. On this resolution, that occurred in 2005. The Village of Lindenhurst purchased the property, and then the County •• then the County voted on the properties, and the Legislature was unanimous in support of this legislation. And in •• at the end of the day, at the end of the year, the County Executive vetoed the property, saying that it was in •• it was in public hands. And so I am making a motion to move to override the veto. I think it was an act of •• an understanding with the County that they would be paying for this, and it's an obligation that we are •• we should be paying for.

LEG. CARACAPPA:

Second. Second.

P.O. LINDSAY:

Seconded by Legislator Caracappa.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

I recognize Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I just want to say there's already been some precedence there, one I'm familiar with. I know Ben Zwirn is familiar with, because it's in his neighborhood. But the Town of East Hampton has bought a large property on Three Mile Harbor called the Duke Property, and the County was not able to close in time, and so the Town had to step in and buy the property entirely. And when I was Supervisor, I came before this Legislature several times asking for the County to fulfill its commitment, and, in fact, the County did. So we have done this before. This is actually a much smaller number •• must be.

LEG. HORSLEY:

Yes, it is.

LEG. SCHNEIDERMAN:

Rather than a 6 million dollar price tag for the County, we're talking about 200,000.

LEG. HORSLEY:

And the rate, 200,000.

P.O. LINDSAY:

The veto message is in the packet, if ••

LEG. HORSLEY:

It's listed as 2093.

P.O. LINDSAY:

Anybody else on this subject?

LEG. MONTANO:

Technical question

P.O. LINDSAY:

Yes, Legislator Montano.

MR. MONTANO:

Maybe to Counsel. Is there anything in the Drinking Water Protection Program that would prevent us from buying this property in terms of exclusive language, because, as I'm reading the veto message, it says that the •• since it's already in public ownership •• let me see the resolution. Not to provide a source of financial relief to other, municipalities. But there's no prohibition against buying properties such as this in the Drinking Water Program, is there?

MR. NOLAN:

There's no legal impediment that I'm aware of.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Anyone else on the issue? Legislator Schneiderman again.

LEG. SCHNEIDERMAN:

I would like to add there was also property out near Greenport in the Town of Southold where the Village owned the property and the County moved to buy it from the Village. The Village is going to sell it privately, and we did in that case also. I don't know if it's closed yet, but we were buying property from the Village.

LEG. ALDEN:

Mr. Chairman.

LEG. LOSQUADRO:

Bill, just one quick point.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just of the moving Legislator. Mr. Horsley, why doesn't Lindenhurst want this piece of property?

LEG. HORSLEY:

Oh, they do. This is now active parkland. It's already •• it was purchased •• it was purchased by the Village, knowing that the County would be •• would be coming up with the dollars after the fact. The Village is going to be rebuilding the park. They're •• it's injunction to Shore Road Park, which is a soccer field, it's an active park. And when this came up, and this had •• this was to be purchased, the Village jumped in to assist the County in purchasing the property.

LEG. ALDEN:

Because then that just leads to a couple of little questions, as far as this is the old quarter cent Drinking Water Protection Act, right? And that mainly was just to protect property from development, not to have active parkland on it.

LEG. HORSLEY:

Well, it would have been bought by •• it would have been bought by another developer or whatever. This was something that came up. And it's as a matter of urgency because the property was for sale. And it adjoins a property that is already an existing park.

LEG. ALDEN:

And my question might •• next one might be to Counsel. If we take this in the quarter cent drinking water protection and there's already active •• you know, an active playground or fields, and things like that, are we still going to have to pay taxes then to the local governments, or can we exempt it somehow?

LEG. ROMAINE:

It's exempt.

MR. NOLAN:

It's exempt.

LEG. ALDEN:

It's exempt now?

MR. NOLAN:

If it's public, if it's owned by a government entity, it will be exempt from taxes, even if the County takes •• if the County takes ownership of it, there will not be taxes paid on it.

LEG. ALDEN:

Okay. Because most of the property that we own, as far as the open space, we pay all the local taxes still, so that, you know, like there's really literally thousands of acres that we haven't put into, you know, whatever category that is that makes it and takes it off the •• or takes that responsibility. But when we •• even when we take property for ••

LEG. HORSLEY:

There's no provision for payment of taxes. Are you talking about a PILOT program?

LEG. ALDEN:

No, no, no. Some •• and I'm going to say I don't know if it's all or most, but a lot of the property that Suffolk County owns, we are still paying the local taxes on it. We still pay the school tax, we still pay the town tax, and, in this case, it would be a village tax also.

LEG. HORSLEY:

Yeah. That would be not •• that would not be ••

P.O. LINDSAY:

Legislator Horsley, through the Chair.

LEG. HORSLEY:

I'm sorry.

D.P.O. VILORIA • FISHER:

Legislator Losquadro is next.

P.O. LINDSAY:

Are you done? Legislator Alden, you want to ••

LEG. ALDEN:

I guess the question then, and if you just answered that George, this is already tax exempt?

MR. NOLAN:

As far as I understand, it would be, yeah.

LEG. ALDEN:

All right. Because just by the process of us buying it doesn't make any property tax exempt, we still pay the tax on it. And now the Village isn't going to come back to us, or maybe to the sponsor or whatever, but the Village isn't coming back to us to rebuild fields and that sort of thing?

LEG. HORSLEY:

No.

LEG. ALDEN:

They have the money to go into that end of it?

LEG. HORSLEY:

They're presently doing that right now.

LEG. ALDEN:

Okay. Is it going to be more than our purchase price?

LEG. HORSLEY:

No.

LEG. ALDEN:

The money that they're going to put back into it is going to be less?

LEG. HORSLEY:

I don't know. I don't have that figure in front of me, Cameron.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Not to belabor the point. This issue was debated at length in the Environment Committee last year prior to the veto. All the members of that committee were very comfortable with that acquisition. Representatives from Lindenhurst laid the case out very clearly. This is, as Legislator Schneiderman said, this is something that's not unprecedented and is clearly in the best interest of both levels of government to best leverage our assets that we have to be able to come up with the best possible acquisition models.

LEG. HORSLEY:

Thank you, Legislator.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Just to clarify the point, many times a village or a town will jump in and buy a piece of property with the expectation and with the understanding, tacit approval more or less of the County, saying, "I will make you whole." In other words, you lay the money out, you buy the property, the County will come back and then make the village or the town whole, because they don't have the kind of money to buy this property. This is what happened with this piece of land in Lindenhurst. You know, if anybody's been hearing me talking, I'm not trying to buy every piece of land that's around the County, but this one is an exception whereby, you know, the County agreed tacitly behind the scenes with the village, saying, "Buy it and then I will make you whole later on." And now the village went in, bought the land, they have a hole in their budget unless we come around and say, "Okay, we're going to buy the land back from you and reimburse you the money," and that's what they're looking for, they're looking for reimbursement of the money. It's not really a big sale, it's just, "Reimburse me the money. You told me to buy it, I bought it, now give my money back, pay it."

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. One point I want to make based on Legislator Alden's remarks as it relates to back•taxes owed or taxes owed to municipalities as it relates to county•owned land. I think that only pertains to delinquencies and properties that are currently being held by the County by way of delinquencies. And then, before they are auctioned off, we need to make those parcels whole with the other taxing jurisdictions, not open space preservation or active parkland, or anything under that program.

P.O. LINDSAY:

So, just to continue that dialogue, so anything that's in the park inventory is not on the tax rolls.

LEG. CARACAPPA:

Correct.

LEG. HORSLEY:

That's correct.

P.O. LINDSAY:

Anyone else on the issue? Okay. I'm going call a roll call on this, please. Mr. Clerk.

MR. LAUBE:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17. (Not Present: Leg. Kennedy)

LEG. HORSLEY:

On behalf of the Village of Lindenhurst, thank you.

RESOLUTIONS TABLED TO JANUARY 17, 2006

P.O. LINDSAY:

Okay. Going to tabled resolution. ***2022 (Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton).***

LEG. SCHNEIDERMAN:

Presiding Officer, I'd like to make a motion to recommit this to, I guess, Economic Development or Environment. I'm not sure what it would be. Did it come out of Environment?

D.P.O. VILORIA • FISHER:

Its' out of Environment.

LEG. SCHNEIDERMAN:

2022. This is that Long Island Jet Center East, which has been the subject of litigation. I think it needs a pretty good careful review.

D.P.O. VILORIA • FISHER:

It's hard to hear you.

LEG. SCHNEIDERMAN:

I think the mike is on.

D.P.O. VILORIA • FISHER:

Maybe it's me. Maybe I have •• it's my cold, maybe.

P.O. LINDSAY:

I think ••

LEG. SCHNEIDERMAN:

Again, I'd like to make a motion to recommit ••

D.P.O. VILORIA • FISHER:

That's better.

LEG. SCHNEIDERMAN:

•• 2022 to the Environment Committee to have more time to make a complete SEQRA determination recommendation on this. It was the subject of litigation. It is a substantial project, and I think it warrants that careful review before we act on it.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. On the motion, Legislator Caracappa.

LEG. CARACAPPA:

What did CEQ do with this, Legislator Schneiderman? They've passed it along to us at this point in time, they've done their review? So you want to send it back to committee to review it internally here in the Legislature, or send it back to CEQ for an additional review? Because they've done their work ••

LEG. SCHNEIDERMAN:

Right. I think ••

P.O. CARACAPPA:

•• obviously.

LEG. SCHNEIDERMAN:

The CEQ, I think, made a negative dec. on this. I can't remember if they've classified it as an unlisted or a Type II.

LEG. CARACAPPA:

Regardless of what their action was, they did send it to the Legislature. Are you saying you're not happy with that •• with that?

LEG. SCHNEIDERMAN:

I think that they did not fully discuss all the details of this. There was a sense originally when it was •• when it left that committee that there was a time constraint here, and that I think it was discharged without recommendation from that committee. And I think now it needs to go back, that we have the time, and it needs to be looked at carefully before it moves forward.

P.O. CARACAPPA:

Okay. My main question was, though, are you going to ask for a new review from SEQRA?

LEG. SCHNEIDERMAN:

By the committee, not by CEQ.

P.O. CARACAPPA:

Okay. You're going to keep it internally. Thank you.

P.O. LINDSAY:

Anyone else on the resolution? We have ••

D.P.O. VILORIA • FISHER:

Actually on the motion.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA • FISHER:

I don't see a need to recommit it to committee. We could have that discussion here on the floor. It has been tabled. And any concerns that you have, perhaps we could address here as a body. And at our next meeting of the Legislature, we could bring the information that we have from CEQ, look at their determination, and, as a body, decide whether or not we want to pass this.

LEG. SCHNEIDERMAN:

Again, I would ask for a vote on the motion to recommit. If that fails, then I'll make a motion to just simply table it at the full Legislature. But I personally think it should go back to committee.

P.O. LINDSAY:

I think the confusion, Legislator Schneiderman, is what do you hope to accomplish in committee? I mean, you know ••

LEG. SCHNEIDERMAN:

Let me speak to that.

P.O. LINDSAY:

•• it's a resolution from CEQ. We usually almost adopt them as a pro forma type of resolution.

LEG. SCHNEIDERMAN:

Right. This ••

P.O. LINDSAY:

Are we going to redo the work that CEQ has done?

LEG. SCHNEIDERMAN:

Well, I'm not sure that CEQ has properly reviewed this. This is an airport project. There is FAA involvement. There are noise concerns that have been brought up. We •• the FAA says, in reviewing new airport applications, we should be looking at noise factors and that environmental review. So I think that things were left out here. It warrants being sent back to committee for more careful review, maybe even going back to CEQ. But I think at this point, if it just simply goes back to the Environment Committee to take a careful look at it before we discuss it at this Legislature.

P.O. LINDSAY:

Legislator Montano.

MR. MONTANO:

Actually, I'll pass.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA • FISHER:

Just on the CEQ resolution, these •• it was considered an unlisted action.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I have a question of Counsel. Even if this passes, it would still require another resolution to approve this lease, right, or it would have to go through the Lease Screening Committee, Airport Lease Screening Committee?

MR. NOLAN:

Yeah. Any lease at the airport I think still has to go through that Screening Committee, and then any lease would have to come back here and be approved by the Legislature, except with the •
• at the airport, actually presently, the leases only come here if the Screening Committee's recommendation is not unanimous.

LEG. ALDEN:

There's a resolution that would propose changing that process and abolishing the Airport Lease Screening Committee and make all of them come to us?

MR. NOLAN:

That is my understanding.

LEG. ALDEN:

Okay. So what we're really voting on here is just a SEQRA determination, and it would take further action to actually end up with a •• doing anything for the Long Island Jet Center.

LEG. SCHNEIDERMAN:

I don't believe, just for the record, that this goes back to the Airport Lease Screening Committee. And maybe we could hear from somebody in the County Attorney's Office, but this was a subject of litigation and a Judge's decision. So I don't know if it goes back to Airport Lease Screening.

P.O. LINDSAY:

Do we have someone from the County Attorney's Office? We've been asked for an opinion.

MR. ZWIRN:

Mr. Presiding Officer, I'll go back and check. He might be in the conference room. And I'll ••

P.O. LINDSAY:

What if, while we're getting the County Attorney, what if we pass over this for the time being until we can get her back in the room?

LEG. SCHNEIDERMAN:

That would be fine.

P.O. LINDSAY:

Okay. ***Resolution 2384 • Authorizing the conveyance of a parcel to the Town of Islip for the purposes of constructing an Emergency facility (Section 72•h, General Municipal Law).*** What's your pleasure, Legislator Kennedy?

LEG. KENNEDY:

Mr. Chair, we had had to make an amendment on this resolution. It has been amended, so that the concerns of the County Attorney's Office regarding the conveyance under 72•h have been addressed. This would be for the purposes of allowing the Hauppauge•Central Islip Volunteer Ambulance Corps to construct a satellite barn for two of its ambulances.

I have worked with the Department of Public Works and there is sufficient property near the back of the Dennison Building that would allow them to go ahead and utilize a small parcel, small area. It would substantially improve their response time, particularly into the industrial park. And I believe that all the concerns have been addressed, and it would be a good way for us to go forward to protect health and safety. It's cosponsored by my colleague, Legislator Montano.

MR. MONTANO:

Mr. Speaker, if I may.

LEG. KENNEDY:

I'd like to make a motion to approve.

P.O. LINDSAY:

Okay. The one question I have, will that response time include this building?

MR. MONTANO:

No, we're not in •• yeah, it might be.

LEG. KENNEDY:

Actually, yeah. I don't think we're serviced by Hauppauge•C.I. •

MR. MONTANO:

It will be around the corner.

LEG. KENNEDY:

•• but then again, you know, it depends on the nature of the

call.

LEG. ROMAINE:

The Dennison building, providing he doesn't veto it.

LEG. MONTANO:

I would like to second the motion.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I would like to second the motion, and also just state that the Hauppauge•C.I. is one of the busiest, if not the busiest, right?

LEG. KENNEDY:

Yeah.

LEG. MONTANO:

And this is space very much needed. And there were some technical issues as to whether or not we could pass this to the town, but that, as Legislator Kennedy said, he's worked very hard on this, those issues have been resolved. I'd ask that we move it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

So, through the Chair, the sponsor's changed this, this is now going to go to the Town of Islip? Did they •• and if so, did they pass a Town Board resolution accepting the property?

LEG. KENNEDY:

I've spoken with the Town Attorney's Office. I believe that we'll be able to go ahead and have a resolution on their agenda for the January 31st meeting, at which time I anticipate that they would go ahead and do the resolution for acceptance.

LEG. ALDEN:

Then I'll ask either Legislative Counsel or the Presiding Officer, isn't it usually the opposite way, that we have to get the resolution from the town first before we go and pass this, because doesn't that usually end up as an exhibit?

P.O. LINDSAY:

Counsel.

MR. NOLAN:

I don't know what the standard practice is in terms of who does what first, but with a 72•h transfer, I think you can proceed with this resolution without the Town Board resolution being enacted yet. This authorizes the transfer. I assume at some point the Town of Islip will pass a resolution at their level saying they want to accept the property, we'll move ahead with it.

D.P.O. VILORIA • FISHER:

Mr. Chair.

P.O. LINDSAY:

Legislator Fisher.

LEG. ALDEN:

Okay. Just in the past, I know that we've done resolutions at the Town accepting property, and mainly it's for affordable housing, but there has been some construction type of projects. But, you know, having done it from both ends, that's more •• and I don't mean to rain on anybody's parade, but, you know, that's normally the way we do it, but ••

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA • FISHER:

Legislator Alden, in terms of needing the Town resolution first, when we have acquisitions that we're looking at, we can't •• we don't pass our partnership •• partnering acquisition resolution here until we have the resolution passed in the Town. But, with regard to 72•h's, I don't know if that requirement is there. I don't believe it is. I haven't seen that in the past as a requirement.

P.O. LINDSAY:

Legislator Montano, did you want ••

D.P.O. VILORIA • FISHER:

I'm just working from memory, but according to our Counsel, it doesn't seem to be required.

MR. MONTANO:

Yeah, I tend to agree. I'm not going to say with certainty, but I tend to agree that we have passed 72•h's in the past directly to the Town, and there have been some cases where, if the Town doesn't use the property, it would come to •• if they don't use it for the intended purpose, it would come back to us. But I see no problem in passing this and letting the Town resolve it on the 28th. If there's an issue of reverter, we can deal with that later. But, you know, these issues have already been discussed. It was just delayed. This is going to the Town, but for the purposes of building the ambulance •• the bays. I would not want to delay it for some technicality that probably doesn't exist, unless we had a clear ruling.

LEG. KENNEDY:

Mr. Chair I just also add that the language ••

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

•• in this resolution is very specific as far as purpose and time frame in which the Town will be able to effectuate use of the real

property. So we do have that protection there for whatever reason, you know, the Town was disinclined or they had thoughts of utilizing it otherwise. It's very specific that it's for the purpose of construction of the satellite facility.

P.O. LINDSAY:

Anyone else on the issue? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

18. Okay. To the •• we still haven't found the County Attorney yet, Ben?

MR. ZWIRN:

They're on their way.

INTRODUCTORY RESOLUTIONS FOR THE JANUARY
17, 2006
MEETING OF THE SUFFOLK COUNTY LEGISLATURE
ECONOMIC DEVELOPMENT, HIGHER EDUCATION
AND ENERGY

P.O. LINDSAY:

Okay. ***Resolution 1029, Economic Development •***

Appointing Kathleen Giamo as a member of the Suffolk County Industrial Development Agency. I'll make the motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by •• I'm sorry. Legislator Cooper. Anybody on the issue? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Resolution 1056 • Appointing Peter E. Zarcone as a member of the Suffolk County Industrial Development Agency. Again, I'll take liberty of making that motion.

LEG. HORSLEY:

Second.

LEG. LOSQUADRO:

Second that, Mr. Chairman.

P.O. LINDSAY:

Second by Legislator Losquadro. Any discussion? None? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. MYSTAL:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Mystal.

LEG. MYSTAL:

Since we are doing appointments, there's one more appointment on the calendar, which is Ways and Means, the appointment of Mr. Patrick E. Byrne, Jr. to the a Off•Track Betting Corporation. So we might as well do that. Do we have appointments, other appointments? Oh, Jesus, I forgot Public Safety. Forget it.

P.O. LINDSAY:

Why don't we ••

LEG. MYSTAL:

Forget it. Never mind.

P.O. LINDSAY:

Why don't we let it flow in the natural •• the agenda's so short •

LEG. MYSTAL:

Never mind.

P.O. LINDSAY:

•• we're probably going to have a chance to play cards before the 12:30 adjournment. Okay.

ENVIRONMENT, PLANNING AND AGRICULTURE

Environment, Planning and Agriculture. ***Resolution 1046 • Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (open space component • Fabrizio property • Town of Brookhaven).***

Do I have a motion?

D.P.O. VILORIA • FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Resolution 1047 • Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program in the Town of Brookhaven, Lydel Holding Corp. property. Do I have a motion?

LEG. LOSQUADRO:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

D.P.O. VILORIA • FISHER:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Any discussion? In favor? Opposed? Abstentions?

MR. MONTANO:

This is less than half an acre?

P.O. LINDSAY:

Did you have a question before we call the vote?

LEG. MONTANO:

Yes, I'm sorry. No. I'm looking at the resolution. I think it's point one. 41 acres? Counsel, is that what we're talking about.

MR. NOLAN:

Yes.

LEG. MONTANO:

Okay

D.P.O. VILORIA • FISHER:

Mr. Chair.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA • FISHER:

Yes. It's a very small piece, but it's part of a larger area which is being preserved. It's in a flood •• a flood prone area, and it's part of a program to protect that entire area.

LEG. MONTANO:

So this is being •• this becoming part of the bigger?

D.P.O. VILORIA • FISHER:

Yes.

MR. MONTANO:

Okay, thank you.

P.O. LINDSAY:

Call the vote, Mr. Clerk.

MR. LAUBE:

18.

P.O. LINDSAY:

Resolution 1061 • Approving the Master List III and authorizing planning steps for acquisition of these lands under the Suffolk County Multifaceted Land Preservation Program. Legislator Romaine, you make a motion?

LEG. ROMAINE:

No.

P.O. LINDSAY:

All right. I need a motion first and a second.

D.P.O. VILORIA • FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. I recognize Legislator Romaine.

LEG. ROMAINE:

I would like to point out a number of things about this resolution. First of all, this is Master List III. Master List I had acquisitions totaling in excess of thirty•eight hundred acres on Master List I. Master List II had acquisitions totaling over thirty•two hundred acres. Master List III has less than 200 acres. Doesn't sound like a Master List to me, but a way to put another name on this resolution.

In this resolution there are three acquisitions, one in Montauk for.

.36 acres, one in East Hampton for 26.7 acres, and interestingly enough, Acquisition Number 3, the North Fork Preserve, has 172.7 acres. The North Fork Preserve, let us call you back to last year. I believe it was a resolution last year that was proposed by Legislator Caracappa to purchase this land. That resolution ••

LEG. LOSQUADRO:

Caracciolo.

D.P.O. VILORIA•FISHER:

It was Caracciolo.

LEG. ROMAINE:

Caracciolo, excuse me. That resolution passed this Legislature and then was vetoed by the County Executive, who said this

land was not worthy of acquisition. That resolution was overridden, and there are planning steps in place to acquire this land.

I will now ask Counsel whether that resolution from 2005 is in any way different than the Number 3 parcel of property that is proposed on this resolution that now passed the County Executive's name that he subsequently, last year, had vetoed?

MR. NOLAN:

The only difference is the resolution from last year said the planning steps would be for •• lead to farmland use, and this resolution says parkland. That is the difference between the two resolutions.

LEG. ROMAINE:

Are they paid from the same fund?

MR. NOLAN:

They're both from Multi•faceted.

LEG. ROMAINE:

So they're both paid from the same fund. So, in essence, adding this is only adding a resolution that now has the County Executive's name that he last year vetoed and said wasn't worth acquisition.

MR. NOLAN:

I won't characterize it that way, I'll just •• that difference between the two resolutions, you probably don't need another planning steps resolution for this particular parcel. In committee we had a long discussion about this. I said there's nothing legally flawed with this particular resolution. Basically, the planning steps for the North Fork Preserve. It's superfluous, but there's no harm in proceeding with this resolution.

LEG. ROMAINE:

Thank you, Counsel.

P.O. LINDSAY:

Legislator Fisher.

LEG. LOSQUADRO:

Mr. Chairman.

D.P.O. VILORIA • FISHER:

We had a very lengthy discussion in the Committee of Environment, Planning and Agriculture last week regarding this particular resolution and this parcel within the resolution, and it was very clear that the planning steps that we had approved had been commenced by the Department of Real Estate •• Division of Real Estate, and as they moved forward, there was an unwillingness on the part of the owner to enter into any kind of a sale to •• sale to the County. That's number one. And so, once the •• there was evidence that there was an unwilling seller, the planning steps were dropped, because this is a voluntary program.

Number two, the planning steps, when an acquisition program is moving forward for farmland use, is •• are different from those •
• the kind of appraisal that you need for an outright acquisition. And so it seems to me very appropriate to have a new resolution which indicates that the purpose of the acquisition is for parkland. The Master List here indicates that it's for parkland purposes rather than farmland, and so the resolution passed out of the Environment Committee with four votes in the affirmative, including that of Legislator Romaine, because this is an important piece of property that should be acquired, and I urge everyone to support it.

LEG. LOSQUADRO:

Legislator Lindsay.

D.P.O. VILORIA • FISHER:

I think Mr. Zwirn looks like he wanted to respond to my comments.

LEG. LOSQUADRO:

May the lone dissenting vote speak first?

P.O. LINDSAY:

Well, I have a list and Legislator Montano was before you, so I'll get to you. I was going to recognize Legislator Zwirn ••

LEG. ROMAINE:

Legislator Zwirn. Uh•oh, uh•oh.

LEG. MYSTAL:

Whoa. Whoa, you've been demoted.

P.O. LINDSAY:

He was jumping around ••

LEG. MYSTAL:

You have been demoted.

P.O. LINDSAY:

•• so much, I think he might want to use the men's room, but ••

MR. ZWIRN:

I took a cut in pay and everything, but I got a title.

LEG. HORSLEY:

Oh, please.

MR. ZWIRN:

If I might.

P.O. LINDSAY:

Mr. Zwirn.

MR. ZWIRN:

Because I might be able to shed some light and, unfortunately, probably encourage the debate. But there is a difference between the bills, Legislator Romaine, and the big difference was Legislator Caracciolo had this under the farmland component of Multi-faceted, the County Executive has it under parkland. Under the rules of the County, the Farmland Advisory Committee would have to make a recommendation before the Legislature could act on purchasing property for farmland preservation. They did not recommend that this parcel be purchased that way. It does •• it is an advisory capacity only, except it is a condition precedent before this Legislature can act on purchasing farmland acquisition property. If they do it •• if they do make that recommendation, the Legislature does not have to act in a positive way, but if they do not make the recommendation, then they cannot act to purchasing purchase this farmland, and that was the reason for the veto. It wasn't because the property wasn't worthwhile to save, as Legislator Romaine has suggested. That's why the County Executive has reintroduced this the proper way as an acquisition under parkland, so that the property can be preserved. Otherwise, the County Legislature could not act according to its own rules.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Through the Chair, I just have a question. I'm not on this committee, so I'm a little lost in the debate. Legislator

Romaine, are you a sponsor or cosponsor of this resolution?

LEG. ROMAINE:

No, I'm not a cosponsor, because I believe, as Counsel has said before, that this is superfluous. The Agriculture Select Committee is not a prerequisite, their recommendation is not a prerequisite. There is already an existing resolution for planning steps. And I will •• I have sent a letter to Madam Chairman of the Environment Committee to ask to have Real Estate come back, because, originally, Real Estate said they approached the people for farmland acquisition, when, in fact, the resolution that was passed last year was for fee title acquisition, not for farmland development right acquisition.

MR. MONTANO:

Well, just ••

MR. ZWIRN:

If you read the bill, you'll see in the title of the bill itself.

LEG. MONTANO:

Just wait. Hold on, hold on.

P.O. LINDSAY:

Hold on.

MR. MONTANO:

Hold on.

P.O. LINDSAY:

Through the Chair, please, through the Chair.

LEG. ROMAINE:

So, while I will be happy to vote for this, because, like chicken soup, I guess it can't hurt to have a little bit more. But, essentially, what my point was ••

LEG. MONTANO:

Wait. Hold on, Legislator Romaine, if I may.

LEG. ROMAINE:

•• is that we already have a resolution in place that we're ignoring.

P.O. LINDSAY:

Let Legislator ••

LEG. MONTANO:

Romaine.

P.O. LINDSAY:

•• Romaine.

MR. MONTANO:

I just want to be clear on ••

P.O. LINDSAY:

He just asked you if you were seconding it, that's all.

LEG. MONTANO:

We're on 1061, are we not?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Correct.

LEG. MONTANO:

All right. Legislator Romaine, I'm looking at the caption and it says, "Introduced by the Presiding Officer at the request of the County Executive and Legislator Romaine." You seem to be speaking against it, so I want to be clear whether or not you're sponsoring the bill or you're not.

LEG. ROMAINE:

Well, first of all, I would hope the Clerk would take my name off

that.

LEG. MONTANO:

So you're not.

LEG. ROMAINE:

Secondly, I am going to be voting for this because I do support acquisition. My issue was ••

MR. MONTANO:

But are you a sponsor is what I'm asking.

LEG. ROMAINE:

No, I am not.

LEG. MONTANO:

Okay. Thank you very much.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. As was pointed out, this issue was debated at length during the Agriculture Committee and, to my mind, was never resolved. The simple fact of the matter is planning steps

do not die. As Legislator Romaine pointed out, the overture that was made for an expression of interest to the owners was done so for farmland development rights when the resolution clearly states that it is for fee title. Regardless of whether or not it says for farmland purposes or for parkland purposes, the original resolution clearly stated for fee title.

An owner can change their mind. If the initial expression was that they were not interested, and possibly they were not interested because it was expressed as purchase of farmland development rights, the planning steps are still in place. The owner can change their mind and come back to us six months later and say, "Well, now I am interested." Planning steps are still in place, we can act on them, and we can then move ahead with the appraisal process and ultimately the acquisition of land.

As Legislator Romaine also pointed out, the Farmland Committee is merely advisory, as has been pointed out many times before the Environment Committee. The Legislature is not bound to act in accordance with the recommendations made by them, it is merely an advisory capacity. I did cast a vote against this resolution, simply •• I will •• I will just ask Counsel to repeat his comments.

I did cast a vote against this merely on principle, that there is an existing planning steps resolution for this. The first two acquisitions are •• even the third acquisition, are excellent acquisitions. This is just merely a fact of the matter that this Legislature passed a planning steps resolutions, it was vetoed, it was overridden by this body. Those planning steps are still active. Many times over the past two years that I have been a member of this body, the Department of Planning and Real Estate has changed the funding source within a planning steps

resolution after it's been passed, so the fact that one says for parkland, one says for farmland would not preclude us from using an alternate funding source within the Multifaceted Program. It was done many times during my tenure as Chairman of the Committee with •• with no indication that it was ever a problem from Planning or from Real Estate, so I can't imagine why now, at this juncture, we have determined that this is somehow inappropriate when, for the past two years, under the same administration, it was being done that way. Ultimately, if you want to look at this as a belt•and•suspenders approached, I guess you can do that. It is duplicative. Counsel agreed it was duplicative, and I will ask him to just repeat that for the record.

MR. NOLAN:

There's a planning steps resolution in place for this parcel. Tom Isles from Planning came down and said the difference was this resolution would be for parkland purposes, the old resolution was for farmland. He did indicate there was some difference in the approach he would take if this planning steps resolution had the parkland language, but the old resolution is still in effect. In my opinion, they could proceed with planning steps under the old resolution. Like I said, this is largely duplicative, that's my opinion, but there's no problem with voting for this resolution. Today there's no legal defect.

LEG. LOSQUADRO:

Absolutely, I understand that. As I said, this was simply a matter of how this Legislature •• Legislature wishes to proceed. The overture was made last year by myself, as Chairman of that Committee, that we would vote on a resolution that included the first two parcels. I don't think anyone had a problem with that. We were of the opinion last year that the third parcel had planning steps in place. I am still of that opinion. But if this Legislature does see fit to pass a duplicate planning steps resolution for the third parcel, then I guess it really can't hurt.

But I do believe we have already done this and we should not allow our authority to be overridden in that manner, and, more to the point, to be ignored.

P.O. LINDSAY:

So the subject of the debate seems to be that we all agree that we should buy this parcel.

LEG. LOSQUADRO:

Absolutely.

P.O. LINDSAY:

It's whether it's needed or it's a duplication of a similar resolution.

LEG. LOSQUADRO:

I think that point is clear, Mr. Chairman.

P.O. LINDSAY:

Okay. Legislator Mystal.

LEG. MYSTAL:

I have a question and a statement. Question number one is how much money are we talking about, please?

LEG. LOSQUADRO:

We don't •• if I may, this is for planning steps. No ••

LEG. MYSTAL:

No. Ultimately ••

LEG. LOSQUADRO:

We do not even have a firm expression of interest, nor have we ••

LEG. MYSTAL:

So we don't know how much money we ••

LEG. LOSQUADRO:

•• proceeded with even the beginning of the appraisal process.

LEG. MYSTAL:

So it's just the planning steps.

LEG. CARACAPPA:

Planning steps.

D.P.O. VILORIA • FISHER:

Correct.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

For the second time.

LEG. MYSTAL:

So what it comes down to is whether or not we're going to give credit to County Executive Levy or somebody else. It seems to me that's what the debate is all about, you know, whether Levy ..

LEG. LOSQUADRO:

Legislator Mystal, if I may remind you, you voted to override that veto last year.

LEG. MYSTAL:

Of course. I don't like buying land that I'm not going to do anything with, so that's why. But I'm just asking, this is a short meeting, can we move on?

LEG. CARACAPPA:

I love you, Elie.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, there are definitely some process questions here. I thought we were moving in the direction where the County Executive was going to work more closely with the Legislators in their district in terms of acquiring property. We've spoken a lot about a property in Legislator Romaine's district. The other two are in my district. One of them is right next to a property I spoke of before, the Duke Property. That property is located next to a summer camp for intercity kids. It's got quite a number of buildings and recreational facilities. That is the property that we're talking about buying.

I would put a planning steps resolution in myself, but the Town was in the newspaper saying they didn't •• they wanted to do this on their own, they didn't want County involvement, and so I didn't put that in. It may be logical from for the County to look at it to get access to the property we already purchased, but I would have liked at least that opportunity to do this as a planning steps resolution with my name on it.

Three properties do not make a master list. Two of them are in my district. One is a very small parcel surrounded by County parkland, absolutely logical that we pick it up. But, from a process standpoint, I would have •• I would have liked to have seen that move forward as a planning steps resolution with myself as a sponsor. Not that I'm going to object to this, but I would have liked to at least cosponsored it with the County Executive.

LEG. MYSTAL:

The process is called cosponsoring. Just say, "Cosponsor".

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. MYSTAL:

After the vote.

LEG. SCHNEIDERMAN:

Of course I will do that, but ••

P.O. LINDSAY:

Legislator Mystal, please, through the Chair.

LEG. SCHNEIDERMAN:

You understand the process, Elie.

LEG. MYSTAL:

Straight to the vote.

P.O. LINDSAY:

Legislator Schneiderman I think raises a valid point, and I'd like to hear from Ben Zwirn to see what he thinks about it. It was the Town in the process of buying this. Are we competing over the same piece of preservation? I mean, that would be very troubling to me.

MR. ZWIRN:

If I might. The answer is no, we're not competing with the Town. The Town has asked us for our participation in this. Originally, they wanted to look at it on their own. It's more than they think they can handle. They have asked the County to participate, if they would, especially in light of the fact that we own the property next door. We're not competing with the Town. Even if we had put in a planning steps resolution, it would have been to back up the Town in the event that they changed their mind, or they didn't have the funds, or they wanted participation from the County. In this instance, the Town is asking the County to participate.

P.O. LINDSAY:

Okay. Thank you.

LEG. SCHNEIDERMAN:

I haven't received any communication to that, only what was in the newspaper, is the Town did •• wanted to do it on its own without the County's involvement. So, if there's been additional communication, it hasn't been communicated to me.

MR. ZWIRN:

Well, it was communicated to me, so I •• I mean, I'm just saying, I'll ••

MR. MONTANO:

It's in your district.

LEG. SCHNEIDERMAN:

It's in my district.

P.O. LINDSAY:

Legislator Romaine.

MR. ZWIRN:

I can't explain that.

P.O. LINDSAY:

Did you want the floor again?

LEG. ROMAINE:

No.

P.O. LINDSAY:

No? Legislator Fisher.

D.P.O. VILORIA • FISHER:

Thank you. I do want to ask a question of Counsel regarding the advisory role that's played by the Farmland Committee, because I agree with Legislator Losquadro, that it has been my understanding that this is an advisory capacity rather than the Legislator •• the Legislature being compelled to act in opposition to a resolution that is found to be reviewed negatively by the Farmland Committee.

MR. NOLAN:

Legislator, I haven't looked at that question, but I will say that Tom Isles was at the committee meeting last week and he himself said that their recommendation is advisory, Farmland Committee.

D.P.O. VILORIA • FISHER:

Yes. I did want to just put that on the record, that I had also been a previous chair of the Environment Committee and this was •• the Park Trustees, as well as the Farmland Committee, all serve in an advisory capacity.

But my second remark is that I do see a fundamental difference in the two resolutions, in as much as the purpose of the preservation of this parcel is integral. It's not just a funding question, it's the purpose and the use of the parcel, one being farmland and one being parkland. I see that as a fundamental difference.

Third point is that I would ask the County Executive, County Executive's Office to reach out to the Legislator who represents a district. I believe that all acquisitions, something which the public looks at very carefully, and something which is very

important to us as representatives of our different districts, that we be, as Legislators, the people who bring resolutions forward.

This is a short master list. I see that there is probably urgency to move these forward. One of them is a small piece within a larger parkland. But I encourage everyone to vote in the affirmative on this resolution, but I do ask The County Executive's Office to have greater communication with the Legislators in that district.

MR. ZWIRN:

I will bring that back, Legislator Vioria•Fisher. The only •• and I've never said that the Farmland Advisory Committee is not advisory, but it is a condition •• you have to have a recommendation before you can move forward to acquire something under the Farmland Program. That doesn't mean you have to, but it means that if they don't recommend it, that you can't move forward under the farmland component.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I just would hope that, as was stated by Legislator Fisher and a couple of Legislators, that we're not going to go back to what happened last year and the year before, where Legislators were putting in resolutions to purchase property, and then we'd see a counter resolution, and it was all, like Legislator Mystal stated, maybe just like a credit type of grab, and that's really not the best way to go through politics. And if you're going to put Legislator Caracciolo's resolution on double _secret_ probation, then you should have really said something in advance.

MR. ZWIRN:

I think the veto message spoke for itself, if you read it again. If you look at his resolution, it is different from the resolution of the County Exec.

LEG. ALDEN:

But it was a •• it was a resolution to authorize the purchase of the fee. So, if it needed to be modified to, you know, go into open space, I think that that probably would have been a little bit more of a smoother way to do it than, you know, to come with something that •• you know, makes it look like somebody's stealing credit, that's all.

P.O. LINDSAY:

Okay. Anyone else? We have a motion and a second. All in favor? Opposed?

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Did you get Legislator Schneiderman? He wants to cosponsor.

MR. LAUBE:

No, I didn't. 17 •• oh, cosponsor. 18.

LABOR, WORKFORCE, AND AFFORDABLE HOUSING

P.O. LINDSAY:

Okay. Resolution 1038 • Authorizing the sale of County•owned real property, pursuant to Section 72•h of the General Municipal in the Town of Babylon.

LEG. BARRAGA:

Mr. Chair.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

I support the resolution, but I ••

P.O. LINDSAY:

Are you going to make a motion on this? We need a motion and a second before we ••

LEG. BARRAGA:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Barraga. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. Legislator Barraga.

LEG. BARRAGA:

I support the resolution, but I would like to make one reference to the committee vote. I noted that two members of that committee were not present. The reality is that I can't speak for the other member, but there was an original delegation of committee assignments and then adjustments were made, and then last week I indicated, based on information that I had received, that for the first week, you would attend the original committees, which I did. This committee is a committee I am now on, but its effective time is the next time it meets. I am really •• I really wasn't assigned to this committee, and my inference here is that apparently the word didn't get down, but it

looks as if myself and one other member, and I can't speak for the other member, have been recorded as being absent and that's just not true.

P.O. LINDSAY:

I thank you for that comment. And I concur that there were some changes in the committee assignments last week, and I apologize if there was an oversight here and you were listed as being absent. Anybody else on this issue? Legislator Eddington.

LEG. EDDINGTON:

I'd just like to add that I also was on like a special assignment, I was sent to jail. And I would have been here, but I still haven't found out how to be in two places at the same time. Here would have been preferable to jail.

P.O. LINDSAY:

There was •• Legislator Eddington is the Chair of the Safety Committee and there was a tour of an Upstate facility last week, and a number of interested Legislators decided to go on a trip Upstate to see a new jail that was built up there, so ••

LEG. HORSLEY:

For the record.

P.O. LINDSAY:

For the record. Okay. Back to the issue in question. We have a motion and a second. Any other discussion? All in favor?

Opposed? Abstentions?

MR. LAUBE:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. LINDSAY:

Okay. Public Safety and Information. **1024 • To establish a "Safe Communities Initiative" Task Force to study the expanded use of security camera systems to deter crime and assist law enforcement efforts in high crime areas.**
Do I have a motion?

LEG. COOPER:

I'd like to make a motion to table this resolution for one cycle.

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Legislator Cooper tables, we have a second by Legislator Fisher. All in favor? Opposed? Abstentions? Carried.

MR. LAUBE:

18.

P.O. LINDSAY:

Resolution 1031 • Approving the reappointment of Robert Knight as a member of the Suffolk County Fire Rescue and Emergency Services Commission. I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1032 • Approving the reappointment of Joseph Birbiglia as a member of FRES, as well. Do I have a motion?

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

Motion by Losquadro •• all right. You want to do same motion, same second, same vote?

MR. LAUBE:

18.

P.O. LINDSAY:

1034 • Approving the reappointment of Frank Thornhill as a member of the Suffolk County FRES Commission. Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1035 • Approving the reappointment of David Carrigan as a member of the FRES Commission. Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1036 • Approving the reappointment of Richard McGowin as a member of FRES.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

You want to make that motion? Okay. Legislator Schneiderman will make the motion, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1044 • 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, 83% support. Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

PUBLIC WORKS AND TRANSPORTATION

P.O. LINDSAY:

Public Works. **1004 • Authorizing public hearing for the authorization of state alteration • • rate alterations for Sayville Ferry Service, Inc. For Cross Bay Service between Sayville, New York and the Fire Island communities of Fire Island Pines, Cherry Grove and Water Island.** Do I • • I'll make a motion. Do I have a second? Second by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1062 • Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New

York in connection with the acquisition of properties for the reconstruction of County Road, Bay Shore Road. Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga. Do I have a second?

MR. MONTANO:

I'll second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

On the motion, just if I ••

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Just a quick question for Counsel. I was at this meeting and I did hear Commissioner Bartha speak about the physical location, I guess, of the unit that does some of this work. But my question to Counsel is does this resolution involve any new or additional functionality, or is it merely just recognizing the geography as far as the parties that conduct the various steps in the Eminent Domain proceedings?

MR. NOLAN:

I'm not sure what your question is.

LEG. KENNEDY:

All right. Do we •• in other words, are we just taking a unit that previously had been a unit that was housed out of Real Estate, and now acknowledging that they are located out in Yaphank, and, hence, they're going to continue to do the functions they had done all along under Public Works Eminent Domain proceedings, or is there any type of new powers that DPW is taking on that might have occurred elsewhere out of County Attorney's Office or anyplace else?

MR. NOLAN:

I don't think this resolution has anything to do with transferring powers from any department to another. It's a straight Eminent Domain resolution. Real Estate is directed to take the steps in this resolution, according to the resolved clause. So ••

LEG. KENNEDY:

But the hearing officer function, in other words, when I read the resolution, it did speak specifically about the hearings that would be conducted out of Public Works and the hearing officer function associated with the Eminent Domain proceedings? Maybe I'm reading it wrong.

MR. NOLAN:

I think you might be reading it wrong.

LEG. KENNEDY:

Okay.

MR. NOLAN:

It directs Real Estate to do Eminent Domain. DPW is not involved in this.

P.O. LINDSAY:

I don't think the process is changed here at all. This Eminent Domain is to widen the road ••

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

•• or to make road improvements. That initially starts, I believe, with Public Works ••

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

•• to identify what they need, and when it's determined, I think it's turned over to Real Estate to finish the acquisition, but it does start with Public Works.

LEG. KENNEDY:

The simple answer is, at the end of the day, the resolution gives no new power to any particular body, it's just, I guess, identifying the different components that perform the functions.

MR. NOLAN:

That's correct. I think there is a Local Law that's been proposed that would transfer Eminent Domain function to DPW for DPW projects, but that is not this resolution.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Any other discussion? Did you want to say something?

LEG. CARACAPPA:

No.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Counsel cleared it up.

P.O. LINDSAY:

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

MR. LAUBE:

18.

WAYS AND MEANS

P.O. LINDSAY:

Ways and Means. ***Resolution 1022 • Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act, New York State Realty Associates, Incorporated.*** Do I have a motion?

D.P.O. VILORIA • FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Fisher. Do I have a second?

LEG. D'AMARO:

Second.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

Second by Legislator D'Amaro. Any discussion? Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I just wanted to know from somebody on that committee why it was discharged without recommendation.

LEG. KENNEDY:

Mr. Chair, we •• I was on that committee, and I believe that one of the things that we looked at was whether or not there were restrictions. This was a lot •• my recollection is this was a lot that was •• third of an acre, and there was questions as to

whether or not this might be something that would be appropriate for consideration for affordable housing purposes. I know I had questions. I think Legislator Montano had a few questions.

LEG. MONTANO:

Oh, if I may.

P.O. LINDSAY:

Yeah, Legislator Montano.

LEG. MONTANO:

This •• the only question we had here was that ••

P.O. LINDSAY:

Your mike.

MR. MONTANO:

Can you hear me?

P.O. LINDSAY:

Yep.

LEG. MONTANO:

I believe that this was the parcel where •• this is a redemption.

This was the parcel where the back•taxes for 2000, for the Year 2000 were approximately 40,000, and then the following year the back•taxes owed to the County were 1,000, and, thereafter, the taxes were in the nature of 1,000. So what we questioned was why the high level of taxes in the prior year, and we didn't have enough information with respect to that issue. We assumed, and possibly incorrectly, that there may have been a structure on that property and it was reassessed. So we had asked those questions of the police •• of the Real Estate Commissioner. She didn't have them available. We asked her to bring them I think at today's meeting so we can just get an idea. Rather than delay the bill, we decided to discharge it without recommendation just for a clarification.

P.O. LINDSAY:

Legislator D'Amaro, the Chair of the ••

LEG. D'AMARO:

Yeah.

P.O. LINDSAY:

•• Ways and Means.

LEG. D'AMARO:

That's also my •• excuse me. That's also my recollection with respect to what happened in the committee. There was an inclination to go forward with the bill, but until we had that clarification, that's why it was discharged without recommendation.

P.O. LINDSAY:

Do we have anyone here that could clarify this issue or ••

MR. ZWIRN:

I'll have Ms. Zielenski come over. I think what happened was I think some of the County Executive's staff thought that the public session, which usually runs longer, was very short today, so I think they were •• they're still sitting behind their desks and I will get them over here right away.

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Is there •• is there a strict timetable on this resolution, because I'll just make a motion to table.

P.O. LINDSAY:

Again, from Mr. Zwirn, is there any •• there is any timetable on this that would preclude us from addressing this? And I think we meet again in roughly three weeks.

MR. ZWIRN:

No, just that we'll have their •• we'll be holding their money

until that time. I think it was ••

LEG. MONTANO:

But they're not losing the property.

MR. ZWIRN:

Pardon me?

MR. MONTANO:

But they're not losing the property.

MR. ZWIRN:

No.

LEG. MONTANO:

Unless they're selling the property on quick sale ••

MR. ZWIRN:

I wouldn't ••

MR. MONTANO:

•• it's really not an issue.

MR. ZWIRN:

Yeah. I don't have that information.

P.O. LINDSAY:

Do you •• Legislator Caracappa, do you want to make a motion to table?

LEG. CARACAPPA:

Yeah.

P.O. LINDSAY:

Yep. Motion to table. Do I have a second?

LEG. LOSQUADRO:

Second.

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Legislator Losquadro seconds it.

LEG. MYSTAL:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Mystal.

LEG. MYSTAL:

I don't mind a motion to table, but since the County Executive can bring people over here, we're going to have a short meeting, we have to reconvene anyway after lunch for public hearing, and maybe the County Executive people can come in after lunch and give us information that we need. I don't have any problem with the tabling motion, I'm just saying that, you know, maybe we can do that.

LEG. LOSQUADRO:

Through the Chair.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

If they are able to provide that information today, then we'll make a motion to reconsider. In the meantime, at least it's addressed.

P.O. LINDSAY:

It sounds like an acceptable course of action.

LEG. HORSLEY:

That was well put.

P.O. LINDSAY:

Okay. We have a motion to ••

LEG. MYSTAL:

No problem.

P.O. LINDSAY:

We have a motion to table and a second. But did you get the ••

MR. LAUBE:

Who was the motion and the second?

P.O. LINDSAY:

The motion was by Legislator Caracappa, the second was by Legislator Losquadro. No other discussion? The motion is to table. All in favor? Opposed? Abstentions? Motion is tabled.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. **1051 • Authorizing transfer of three surplus County computers to the Long Island Head Start.** Legislator Alden, you want to make this motion?

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Alden, second by Legislator Nowick. Any discussion? All in favor? Opposed? Second •• abstentions? Carried.

MR. LAUBE:

18.

P.O. LINDSAY:

Resolution 1054 • Appointing a member of the Suffolk County Off-Track Betting Corporation Board of Directors, Patrick E. Byrne. I will make that motion.

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Fisher. Any discussion on this? Yes, Legislator Romaine.

LEG. ROMAINE:

Please, note for the record that I will be abstaining on this, because Patrick E. Byrne is my stockbroker.

LEG. KENNEDY:

Mr. Chair.

LEG. ALDEN:

You don't want to vote against him?

LEG. ROMAINE:

He's a friend.

LEG. CARACAPPA:

I guess Ed's done well in the market.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I also will abstain on this. As a matter of fact, I had the opportunity to chat with Mr. Byrne at the committee meeting, as

I had the opportunity to chat with him several times last Fall. He was the opponent against me in my Legislative race. I believe he's qualified. The man does possess certainly the acumen, I guess, to bring good change to the OTB, and he talked about, you know, a variety of different ideas. But that being said, I'll abstain.

P.O. LINDSAY:

Legislator Kennedy, you gave me pause. I know he was your opponent last Fall. I thought you were going to tell me he was your stockbroker, too.

LEG. KENNEDY:

I would assume I had stock. That would be a wrong assumption. Not in this business, no way, no how. Former life, maybe.

P.O. LINDSAY:

Okay. Any other discussion? All right. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstention.

LEG. CARACAPPA:

Abstain.

LEG. ROMAINE:

Abstain.

P.O. LINDSAY:

Okay. Raise your hand, please.

LEG. LOSQUADRO:

Abstain.

P.O. LINDSAY:

Legislator Romaine, Caracappa, Losquadro, Alden and Kennedy.

MR. LAUBE:

13.

LEG. SCHNEIDERMAN:

We skipped over one earlier.

P.O. LINDSAY:

Do we have someone from the County Attorney's Office? We do, okay. So let's go back to 2022, Page 7. Jackie, if you could come to the mike or sit at the table, or whatever, there were some questions on this resolution.

MS. CAPUTI:

Good morning.

P.O. LINDSAY:

Could you state your name for the record?

MS. CAPUTI:

Jacqueline Caputi, County Attorney's Office. I think the questions were whether it was going to have to go back to the Advisory Committee or to the Legislature, the lease; is that what the question was on this one?

LEG. ALDEN:

One of them.

LEG. SCHNEIDERMAN:

Could I ask that the Legislature be apprised of the nature of the application and also the litigation that was involved with this litigation?

P.O. LINDSAY:

I recognize Legislator Schneiderman.

LEG. SCHNEIDERMAN:

With this application.

P.O. LINDSAY:

I want to •• I forgot where the questions came from, but that's •
•

MS. CAPUTI:

I spoke to someone in my office, Basia Braddish, that's involved with this matter. She didn't mention anything about litigation, but what she did tell me is that this is a proposed long-term lease for a 20 to 40 year term. It's for a fixed base operator at the airport, and that she would recommend that this be tabled right now, because the lease negotiations aren't far enough along that she thinks that you have enough information to make a SEQRA determination at this point, unless there's some reason that she wasn't aware of that, you know, the Legislature feels it's important to move this along today. That was her recommendation.

LEG. SCHNEIDERMAN:

If that's •• if we don't have enough information, I'm not sure, then, how CEQ made its determination on any potential for environmental impact. But I would, again, recommend that it get recommitted to the Environment Committee before it comes before this body, to have that Environmental Committee review the full application.

LEG. ALDEN:

Bill.

MS. CAPUTI:

I don't think we'd have any objection to that.

P.O. LINDSAY:

I'm sorry, I didn't hear that.

MS. CAPUTI:

We wouldn't have any objection to that.

P.O. LINDSAY:

To have it recommitted?

MS. CAPUTI:

Yeah.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I apologize. Who recommended to have it tabled?

MS. CAPUTI:

Basia Braddish, who is the attorney that handles the leases for the airport in the County Attorney's Office. She just said that that would be her recommendation, unless there's some reason that it needs to be moved forward today, that she's still involved actively in the negotiations. So she doesn't have that much information to offer, other than what I told you already.

P.O. LINDSAY:

So we have a motion and a second to recommit. Do you ••

MS. CAPUTI:

I don't have a problem with that, yeah.

P.O. LINDSAY:

And County Attorney is indicating that she does not have a problem with that. Any other discussion on this? On the recommit motion, all in favor? Opposed? Abstentions? It's passed.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. That concludes the agenda. We'll go to vetoes. I think we still have a couple of vetoes.

2134 • To impose a moratorium; is that it? This is to impose a moratorium on fee increases for Title Examiners. Do I have a motion on this? Anybody?

LEG. MONTANO:

For what?

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

I recognize Legislator Kennedy.

LEG. KENNEDY:

I was the sponsor on this resolution originally. I would make a motion to override, but I'll also just speak a little bit to what I know of the resolution at this point. I have been told ••

P.O. LINDSAY:

Before you go on about the subject ••

LEG. ALDEN:

I'll second it.

P.O. LINDSAY:

Second by Legislator Alden.

LEG. KENNEDY:

I have been told that there has been continuing dialogue with the County Executive's Office, and that was the reason that I

sponsored this resolution in the first instance, in order to give these independent abstracters an opportunity to try and work out what had been, in my opinion, some really harsh terms that it appeared that the Exec's office was looking to implement in the licenses that they were being asked to go ahead and execute. I've been told that there has been some accommodation that was extended to them through The County Executive's Office as far as looking for past due increases, and • however, I think some of the terms, as far as the magnitude of the increase, still remain. I'm also told that a certain number of the Title Examiners did go ahead and execute the licenses, I guess for fear of having no place in order to go ahead and conduct their business. My conversation with Mr. Zwirn on this, I guess, has been somewhat brief, and I guess I would just ask him if he can give me whatever the latest is as far as this situation goes.

P.O. LINDSAY:

Mr. Zwirn.

MR. ZWIRN:

Thank you. My understanding is that virtually everybody in the Title Examiner's office has signed up on the new agreements. There is a projected revenue in the budget that was adopted with respect to the agreements that were made, and ultimately have been •• have been signed. You know, before the County Executive entered into these new agreements, it had pretty much been a pretty good sweetheart deal for the Title Examiners in this particular County•held space, and this space was space that we could use desperately for other purposes. As a result, there's new equipment in there, the system is running very well, and I would just urge you to sustain the veto on this, because everything is working as it was planned originally.

LEG. KENNEDY:

Again, I would take issue with some of the characterizations, having worked on the resolution that was put into effect back in '97 under which these abstracters operated. I do know that there have been changes in technology. I was directly involved, along with my former boss and now colleague, in putting this system into place. Ultimately, as I said, my purpose in putting this resolution in was to further give an opportunity for dialogue, for meaningful dialogue to go ahead and occur. I think that the fact that most of the examiners have signed the agreements does not necessarily mean that there was an ultimate meeting of the minds or a •• more of a move toward some kind of equity amongst the parties. I think it was more realization that they were concerned that they would lose any opportunity in which in order to go ahead and conduct their livelihood. But I'll leave it at that.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I would not have termed Paul Sabatino's drafting of the 1997 resolution as a sweetheart deal. I don't know if Paul would concur with that characterization, since he is the one that drafted that resolution.

MR. ZWIRN:

At somebody's request, expect, because he was not a member of the Legislature at that.

LEG. ROMAINE:

No, but he was always called the "19th Legislator". I was here, I

saw what Paul did, and anyone that served with Paul when he was a Counsel knew that he had a way of crafting legislation to reflect his thoughts, even though another Legislator might have requested it.

Nevertheless, the rents have tripled, and I have no problem with that, if that's based on some •• which, by the way, the '97 resolution was based on an appraisal that was done at the time, I believe, by BRO, so I have no problem if the rents have tripled. The problem that I have with the current resolution is we're leasing them space, but then we're telling them, "You can't use your own computer in the space, and you can't use your own printer in the space. In fact, we're going to put a County computer in there and we're going to charge you for every time you hit the print button 25 cents." Now, I mean, to me, that's excessive. We also have a public access room where, if they wanted official copies, they could print them out at 25 cents. But to require them to pay 25 cents in their own cubicle for every copy they make seems a little onerous. And I think, while some of them objected to the rent increase, the biggest problem was the fact that the County is now going to be charging them 25 cents for every print they make in their own cubicle. We're telling them how to run their own business in space that we license to them. We really don't do that with anyone else who we license space or even lease space to in this County, so it's kind of a unique situation.

So, I mean, Legislator Kennedy's request for a moratorium I think has some note so the whole body could consider that situation, because one would get the impression that there was a desire to shut down these independent title searchers within the County Center by taking a look at how onerous the lease was in that regard. So I think a call for a moratorium is certainly noteworthy, and I certainly would support that, so the whole Legislature, all 18 of us could take a look at this and examine that situation, because it does have an impact on the

title industry, per se. Thank you.

MR. ZWIRN:

Mr. Presiding Officer, if I might just add, they do not have to •• they do not have to be in this space, they could work from home. This is a very unique situation and the County Executive, I believe, has done everything that he can. We have had numerous meetings, some of which I have attended. I know the Title Examiners have come down before the Legislature on numerous occasions. All I can tell you is that the system is working, and it is working to the benefit of the taxpayers of this County. The real estate industry is moving forward. Why would you now undo something that is revenue generating now for the County.

It's in the budget. To have a moratorium now, you will have at least a million dollar hole in your budget coming •• going forward.

P.O. LINDSAY:

I think, before I recognize Legislator Kennedy, I think one of the things that we want to hear is that there's still ongoing discussions between the Exec's Office and this industry to clarify any of the problems in this tremendous redoing of this lease agreement.

MR. ZWIRN:

Well, the County •• the County Exec's Office has made some accommodations with respect to retroactive pay for going forward. They have I think until March now to pay up for past rent. The County Exec, we've had numerous meetings, Mr. Presiding Officer, where representatives of the Title Examiners have appeared, and we have accommodated them I think to the best the County Executive thought was fair on behalf of the

taxpayers of the County, because it's County-owned space that we're dealing with and they just can't •• you can't give it away.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA • FISHER:

Regarding the ongoing talks, there was a question with regard the common areas and the hours for which the Title Examiners are being charged. Are you continuing those talks as well, Ben, regarding the use of the common areas?

MR. ZWIRN:

I think.

D.P.O. VILORIA • FISHER:

And I understand that there was an issue where there was a charge for common areas that was •• were being used by others. They weren't opening up, for example, the cafeteria earlier in order to be used by the ••

MR. ZWIRN:

I'm sorry.

D.P.O. VILORIA • FISHER:

By these individuals or these companies. Is that part of the conversation that's continuing?

MR. ZWIRN:

No. We have recalculated the areas at their request, and the numbers that we came up with we found were accurate.

D.P.O. VILORIA • FISHER:

When was that recalculated? I'm just trying to recall when I had the complaint and to see whether or not that was responded to. Do you ••

MR. ZWIRN:

It was after the last meeting that we had with members of the Title Examiners. At their request, we recalculated. Public Works went back out there.

D.P.O. VILORIA • FISHER:

And that was subsequent to the last Legislative General Meeting, is that what you're saying, after we •• after this ••

MR. ZWIRN:

I believe so.

D.P.O. VILORIA • FISHER:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

You know, just to go ahead and make sure that, you know, at this point I can try and share with you what I know of it from having worked out there for all the years that I worked out there. A, first of all, it's a mischaracterization to say that abstracting can be done from some remote area. My understanding is, at this point, through in-house efforts and back-file work, deeds now are on back to the mid '80's, I believe it is. The standard in Suffolk County, and really in any county in the State of New York when it comes to abstracting, is a minimum of 40 years for a chain of title. However, it is not uncommon for change to have to go much further back than that.

As you know, there's 400 years worth of records in the County Clerk's Office, and in some cases, like in the Indian claim out in Southampton, you go all the way back to the patents, the Donegan Patent and the other patents, which can only be examined by the libers and by the original instruments that are kept in-house and preserved.

So that is a falsity to say that this function can be done from a computer located in Los Angeles or Germany, or someplace else. There has to be a certain element of on-site presence to be able to go ahead conduct the function.

Secondly, as far as ongoing conversations go, there was •• there were many different representations made. At one time, there was a representation from the Exec's Office that there would be no effort to go ahead and seek past due increase on rents.

Subsequently, that was resumed and now sought and enforced in the license. So, you know, I find that there was a lot of waffling, if you will, on the part of the administration, originally acknowledging perhaps it was a hardship, then, for whatever reason, taking a stance that, well, it was this way or the highway.

So my issue goes back to what I started with in the first instance, it's an issue of equity, and it was a method to merely try to promote some open, sincere, honest and meaningful dialogue in exchange to reach common ground and that was it.

MR. ZWIRN:

Well, there was meaningful dialog. There was an ebb and flow in the negotiations. The County Executive did not waffle. He took a tough position and he stood by it. Now, if the veto was • is overridden, we go back to square one and you lose the revenues until it can be resolved again. The County Executive's already taken the tough position on behalf of the taxpayers of this County, he just asks you to support that decision.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA • FISHER:

Thank you, Mr. Chair. I would just •• through the Chair, I'd like to ask Legislator Kennedy a question. Jack, you said that there was •• that most of these have already signed on, most of these individuals have signed on again. Wouldn't that then render this particular resolution moot?

LEG. KENNEDY:

Well, as a matter of fact, I guess I would have to turn to Counsel to go ahead and ask them. However, my interpretation of that would not be the case. As a matter of fact, if the moratorium went into effect, I would imagine that the increases associated with the new license agreement would have to be held in abeyance. The other terms and conditions that were similar to what had presumed would wind up remaining in place. As far as how many have actually signed on, the last conversation that I had with Title Examiners out there was that there were 40 to 45. Mr. Zwirn's related I guess at this point that there may be now 60•plus.

Again, I think the issue goes to, when you look at an independent practitioner or entrepreneur who's faced with a really disproportionate and onerous increase, you give them no latitude as far as being able to make a choice. We can't characterize this as a choice situation, because as we've just •• as I've just related, in order to perform the function of abstract, there must be a physical presence. It's not just the deeds, it's the court actions records, it's the judgments records, corporate records. There are a variety of records maintained in that building that all come under the grand umbrella of what's known as abstracting of title. So I find that that would really be turning a blind eye to a situation that occurred from a disproportionate perspective, one being the Exec's Office who holds essentially all of the marbles and abstracters as independent practitioners who are merely trying to go ahead and conduct a day•to•day business. That's all.

D.P.O. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Before I recognize Legislator Montano, though, I have a question for Legislator Kennedy as well. But we do have some Title Examiners that practice in this County that do not have offices and cubicles in the County Center.

LEG. KENNEDY:

My understanding in the industry, and certainly, look, I'm not an expert, I mean, I spent eight years out there, I know it from a variety of different perspectives, abstracting and title insurance are two different things. There are title insurance companies and •• all over the Island, all over the country, actually. But the concept of abstracting, which, by the way, in other states, as a matter of fact, is done most often by the real estate attorneys doing the actual representation, involves the actual examination of the records maintained in the courthouse or the Clerk's Office.

P.O. LINDSAY:

But, again, I'm asking you, is there any firms that operate in this field that don't have an office in the County Center?

LEG. KENNEDY:

I believe they subcontract abstracters. Yes, that's a truism, correct.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I just had a couple of questions and maybe a statement. Ben, you indicated that a lot of the Title Examiners have already •• can you hear me?

MR. ZWIRN:

Yes. Over 50 and have purchased new computers.

LEG. MONTANO:

So over 50 have signed on to this new proposal.

MR. ZWIRN:

Correct.

LEG. MONTANO:

And out of how many, 46? Well, some say 40, but 50 would be more, so maybe 60 in total? What's the percentage of those that are there now?

MR. ZWIRN:

Ninety, 90%.

LEG. MONTANO:

Ninety percent. In the veto message it says that we were charging \$4 a square foot •• no, \$14 a square foot for the use of

the cubicle, which is less than the County pays as a tenant.
That's ••

P.O. LINDSAY:

No, \$4, it's \$4.

LEG. MONTANO:

No. All right. The new rate would be \$14 a square foot?

MR. ZWIRN:

That's correct.

MR. MONTANO:

The old rate was \$4.

MR. ZWIRN:

Correct.

LEG. MONTANO:

And we pay on the outside how much a square foot generally?

MR. ZWIRN:

In the Riverhead area, we're paying as much as \$19 a square foot for the County leasing space.

LEG. MONTANO:

All right. You know, I'm sympathetic to some of the issues, but it seems to me that this resolution now is academic, because you've already signed up approximately 90%. I'm looking at the resolution and the resolution •• let me pull it out. I just want to make sure I'm reading this correctly.

MR. ZWIRN:

If I might add, Mr. Presiding Officer, we've also bought new computers for the public area, faster printers, and new staff is being released, two positions as our promise in January to handle all computer problems and technical problems for the Title Examiners and people in the public would have. So the County Executive has made some huge efforts here.

LEG. MONTANO:

Maybe I should direct this question to Counsel, then, because in the first resolved, it talks about suspension, to suspend implementation of any increase of a current or renewable license agreement for a period of 180 days. Now, if we've already reached agreement with 90%, then this would place a moratorium on a future increase, which we have no intention of doing because we already did it and they're current now. So I don't know that the resolution is retroactive to eliminate the agreements that we've already done; am I correct in that?

MR. NOLAN:

My reading of the resolution is that does not have a retroactive effect.

MR. MONTANO:

That's what I'm reading.

MR. NOLAN:

I think the license agreements that have been entered into would be binding.

MR. MONTANO:

That's the way I read it, that's why I asked the question. Thank you.

P.O. LINDSAY:

Any other discussion on this?

LEG. BARRAGA:

Yes.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

Mr. Zwirn.

MR. ZWIRN:

Oh, sorry.

LEG. BARRAGA:

I just want to clarify. It's your statement, for example, if the County Executive was overridden, this resolution, there would be a one million dollar hole in the budget, right?

MR. ZWIRN:

Could very well be. And let me just add that in the month of December sales tax revenues were •• are four million dollars under what were expected, so this would have a real hurt as respect to going forward with revenues, because there's one million dollars in there I think for the printing alone.

LEG. BARRAGA:

That's what your •• that's what the statement indicates.

MR. ZWIRN:

Yes.

LEG. BARRAGA:

Thank you. Then the question becomes, you know, if Mr. Zwirn is correct and you wind up with a one million dollar hole in your budget, before you do the override, you have to ask yourself where do you make up the one million?

P.O. LINDSAY:

Any other comments? Okay. I'm going to call for a roll call on this.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No to override.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No •• yes.

MR. LAUBE:

That's a yes?

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay. Override fails. Moving on to 2285 • Establishing a Task Force to promote workforce housing and economic development through the timely processing of permit applications in Suffolk County. Do I have a •• yes, Legislator Nowick.

LEG. NOWICK:

I make a motion to override.

P.O. LINDSAY:

Do I have a second? Second by Legislator Losquadro.

LEG. NOWICK:

On the motion.

P.O. LINDSAY:

On the motion, I recognize Legislator Nowick.

LEG. NOWICK:

Yeah. I just wanted to apprise the Legislature of just a few things about this piece of legislation. This was laid on the table back in November of 2000 •• November 22nd, 2005. At that time, I just wanted everybody to know, I did contact representatives and actually the President of the New York State Restaurant Association, President of the Long Island Builders Institute, President of the Long Island Association, representative •• President of the Association for a Better Long Island, and, at that time, we worked together and all of those associations were in full support of this particular legislation. In fact, the •• Mitch Pally had also asked that or suggested it would be a good idea to put or to ask a representative from the Suffolk County Supervisor's Association to be part of this, and a representative of the Suffolk County Village Officials Association, so it could be more of an inclusive, all inclusive type of legislation.

And again, I make a point that that was in November of this year. They all agreed, but the veto message states that the backlog is only four weeks. Well, in November I don't think that was true, because all of these associations were very much in support of this.

And I just wanted to say that I see here that two retirements in 2005 caused the backlog to go from four weeks back up to 11 weeks. Oops. That doesn't sound like this is such a very steady type of backlog. It looks to me like this is still a volatile area. It looks to me like that we could go up and down. DPW Sanitation has a backlog of new projects of about two to three months, and I see here there are sufficient positions in the budget to reduce that, but it's there, it's still there, and those back logs •• whenever you have a backlog like that, and also, just to go back, the veto message says the backlog refers to applications to •• what is it? The original submission and the first review. Well, as Legislators, we need to be concerned with when a permit is actually issued. This is what our constituents come to us for. They want to know when they get the permit. They don't want to know when they submitted the papers and when it goes for first review, because all of you, and any of you who have sat in on the Economic Development Committee, once those reviews start, that could take months and months and months, sometimes year, year•and•a•half, to get the actual permit issued. So this should be all inclusive.

This Task Force would simply work together to form a better way, a faster way to issue permits. And all of you know, when the permits don't issue, construction doesn't begin, people lose valuable work time, construction workers don't get to work, everything gets backed up. And if you take the smaller, not even businesses, your private citizen. We've sat here and we've heard about private citizens waiting a year to get permits. So I really don't think •• this is not a •• there's no cost factor in this.

This simply makes the Legislature aware of what's going on. It keeps our finger on the pulse. It keeps •• it keeps us on top of the situation, and it does help economic development, and it does help people stay •• continue to work.

P.O. LINDSAY:

First, Legislator Fisher.

D.P.O. VILORIA • FISHER:

When this resolution came before the Legislature, I voted in opposition, because, actually, I have to admit that I misunderstood it. The title led me to believe that this was to promote workforce housing, and I didn't read the second piece, which was economic development. And the Workforce Housing Commission and the Affordable Housing Commission has worked on fast•tracking these permits for workforce housing. Giving it a second look and having had a number of constituents who are experiencing extensive delays, and you and I spoke of a deli in my district, the person lives in your district, but was opening up a deli in my •• and he was almost bankrupt because of the delays. And so I'm going to support your motion to override.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I think we all saw many instances over the course of the past year where there were unreasonable delays. I myself was trying to help a young woman who was trying to open a business in my district, was having a great deal of difficulty. The one thing that I think we all should remember is

that the average person, and I'm sure they're thankful for it, has very limited contact with government, unless they're in need of specific services, they really don't deal with government all that often. And when it comes to things like permits, they just expect government to operate. This is why they pay their taxes. And when the average person comes to government for something that they think should happen in a timely fashion and they experience one of these delays, it is simply unacceptable, and to them, they see that all of government does not operate, and that's not the case. But to their mind, this is something that they feel, and they have the right to feel, should simply work, and I think this will begin to address that.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Legislator Fisher, I had several similar cases where constituents would call me. They didn't know where to go, where •• what happens is these people buy the buildings, they're paying their mortgage for the building, but business is not coming in because they can't get permits. And it's not just the County, and I understand that, and that perhaps that's why it was suggested that we ask for a member of the Supervisors Association and the Village Mayors Association, not that we have any jurisdiction, but maybe, if we all work together, we can help some of these people suffer a little less as far as permits. So I ask your support in overriding this.

P.O. LINDSAY:

That's a novel approach, working together.

LEG. NOWICK:

Yeah. Well, maybe, though.

P.O. LINDSAY:

Legislator Cooper.

D.P.O. VILORIA • FISHER:

It's so crazy it might just work.

LEG. COOPER:

Through the Chair, I have a question of Mr. Zwirn, if I can ask him up.

Ben, could you explain exactly how it was that the County was able to reduce the 16-week backlog last year from 16 weeks to 4 weeks, what steps had been taken?

MR. ZWIRN:

I think the County Executive's outlined pretty much in the veto message itself, but he moved people around, and he •• and they just focused on getting these permits improved just to get the timing down. One of the positions that somebody retired, that position is still open and will be filled shortly. I mean, it's been released, so that shouldn't be a problem. But my understanding was that there was a backlog early on, going back sometime, but with a concerted effort, it has been improved. And I think the reason the County Executive vetoed Legislator Nowick's bill was that it had already been accomplished, I think that was the only reason. It wasn't anything else but that.

LEG. COOPER:

And I myself, my office had been contacted early on last year by a number of builders who had expressed a growing concern over the backlog. But then I heard back from a couple of them later in the year and they were very pleased about the actions that had been taken and about how greatly that backlog had been reduced to four or five weeks. So I don't think it's rocket science, I think it's pretty obvious what we need to do to once again reduce the backlog and keep it at manageable levels and that's hire couple of more people. And I believe that there's already authorization in place to do that, and there's a commitment on the part of the County Executive to hire the people that are necessary. So I don't know that we need a Task Force to evaluate this issue in depth, I think we already have the answer before us, and so I don't think that the Task Force is necessary.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Originally I voted for this, and subsequently we got information from the County Executive that the backlog had been reduced, and subsequently we got further information that the backlog went back up, so kind of •• we had kind of a yo•yo information on it. As for myself, I do not see anything wrong in having the Task Force looking at it. You know, it's innocuous enough. You know, we recommended passing a law and can look at it and see maybe other ways to reduce the backlog besides, you know, hiring people. Then there'll be processes, systematic processes that are not, you know, in place that we need to put in place, or systematic obstacle that are there that we needed to remove. So to me, I don't see any, you know, big reason to not have the Task Force, you know, any compelling reason. I'm going to vote to override it, and I don't see why we shouldn't •• it's a Task Force, folks, it's no big deal.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah. Legislator Cooper, I just •• the veto message does say there have been changes and reduction in the time. However, I think that the important words here are that the term "backlog" in the veto message, the term "backlog" refers to the time between original submission and first review. Well, that is really a gray area as far as a permit being issued, because the private citizen that is doing something on their home, or not even the big builder, the person in my neighborhood who bought a building, a run down, dilapidated, horrible building on Jericho Turnpike in Saint James, buys the buildings, bought the building, and waited months and months and months. It went to review, but once it got to review, they went crazy trying to get the permits, so they kept paying for their mortgage. And, P.S., it did open last week, finally. But being their Legislator, I was the one that every time I past them in town I was trying to hide behind the car because I was embarrassed.

And this happened also in another place over in my town where the review was well in progress, but the permits never issued. One time these people even black•topped their driveway, the review process showed they had to change something. They had to pull up all the blacktop. So something seems like it's amiss. And I think it's •• I think it's important that we form a Task Force and just find out what is going on and we just keep our fingers on the pulse. I'm not saying that the County Executive did not do his job, certainly, he's working hard to do this, but I'm just not getting the calls in my district that are showing that. So maybe this is just a backup and maybe it will go along even faster now and we can all go out there and face our constituents.

MR. ZWIRN:

If I might.

P.O. LINDSAY:

Yes, Mr. Zwirn.

MR. ZWIRN:

Thank you. I think what Legislator Nowick is referring to is that there are times when it has to be resubmitted, and the County has no control over the time it takes for somebody to take a look at the comments that were made and then to resubmit their application. And if that period takes weeks, then the Department of Public Works or the Waste Management Group can't be held responsible for that time in between. When it comes in, when they're getting the material, they're acting in a very quick and responsible manner. And some of these projects are more complicated than others and probably take a longer period of time. But I used to get calls from Legislators just to check with the Health Department just to find out where things were, you know, in the stack of •• stack of applications and I haven't gotten those calls in quite sometime. So that's just anecdotal.

P.O. LINDSAY:

I'm going to recognize Legislator Kennedy, but before I do, I just want to make an observation, that it looks like the Caracappa rule is kicking in, we you have nothing on the agenda, we'll find something to debate. Legislator Kennedy.

LEG. KENNEDY:

I would just like to add, I also had experience of constituents contacting me and this was on the commercial side, in July, I believe it was, of 2005. And, at that point, there had been already six months that had run, and this was regarding replacement of underground fuel tanks. These were substantial tanks. This was about 20,000 gallons worth of underground capacity. And I had occasion to contact Vito Minei in the Health Department and he acknowledged at that point that, in fact, they were woefully understaffed and that there •• it was not uncommon to have in excess of a nine•month waiting period before plans were first reviewed, not for the back and forth, but before plans were first cracked, and this was where business was on its own, not as a result of enforcement or any kind of violation activity was on our part. They were electing to attempt to do the right thing to bring them into compliance with LUSTS and the various state and federal regulations governing underground tanks.

My concern in the veto message is I see that the backlog goes down when people are shifted. My concern goes to what suffers from where they were shifted from. Presumably they were doing some activity, not just hanging out. So there's a finite number of resources to throw at various fires. And in curing one area of backlog, are we not then creating a new backlog?

So I think a Task Force that looks at the comprehensive obligation and responsibility on the part of the County is the sensible approach. I supported it before, I'll support it again.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. Yeah, I actually want to explain why I'm going to switch my vote. I had originally voted no to the Task Force. I thought the problem had been resolved. Apparently, it is still out there. And in light of the comments that I've heard, I'm not a great fan of Task Force, but I would like to know exactly where this is at. So I think a Task Force composed of the people that are mentioned here is not going to hurt. I'll vote for it. I just want to put on the record why I'm switching my vote.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Believe it or not, I think a lot has already been said, so I'd like to proceed with the vote.

LEG. MYSTAL:

Yea.

LEG. HORSLEY:

Here•here.

LEG. MYSTAL:

Romaine, my man.

P.O. LINDSAY:

Okay. We have a motion and a second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. NOWICK:

Yes to override.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

Yes to override.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

(Not Present)

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

Viloria • Fisher, sorry.

P.O. LINDSAY:

Yes. Before you call the vote, Mr. Clerk, I believe Legislator Caracappa is just outside the room, if we could just give him a second. Not there?

MS. BAY:

No.

P.O. LINDSAY:

Okay.

LEG. COOPER:

Yes for the Task Force.

LEG. MYSTAL:

There you go.

P.O. LINDSAY:

Go ahead.

MR. LAUBE:

I'm just waiting on Legislator Caracappa.

P.O. LINDSAY:

We can't find him. Call the vote.

MR. LAUBE:

17.

LEG. CARACAPPA:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. The veto has been overridden. I do not have anything else on our agenda for this morning, so I'm going to call a recess until 2:30. I would ask all my colleagues to, please, we have a number of public hearings, to, please, be back here at 2:30. And I believe staff here has directions to Barbara Warsaw's funeral arrangements, so if anybody could make that, please do.

LEG. MYSTAL:

Well, we may caravan, like people can go in •• more than one person in the car, that way •• this is really for me. I don't know the area, I don't want to get lost, so I'll catch a ride with anybody's who's going.

P.O. LINDSAY:

Very good. Okay. Meeting is recessed.

[THE MEETING WAS RECESSED AT 11:30 A.M. AND RESUMED AT 2:30 P.M.]

P.O. LINDSAY:

Okay. We're going to convene •• reconvene. Before we go to the public hearings, I would just beg my fellow Legislators' indulgence. There was a question this morning about a land acquisition resolution, and Ms. Zielenski is here. She's passed out a copy of a document that explains what the question was. Does anybody have any further questions of her? Yes, okay.

LEG. CARACAPPA:

Yes, I will.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Well, we have to go to public hearings now, Mr. Chairman ••

D.P.O. VILORIA • FISHER:

Yeah, we have to.

LEG. CARACAPPA:

•• by law.

D.P.O. VILORIA • FISHER:

By law.

P.O. LINDSAY:

Okay. I was •• all right. We'll ask ••

LEG. CARACAPPA:

Actually, it turns out that this, and the Deputy Presiding Officer pointed out to me this morning, this parcel is in my district, not

only is in my district, it's actually two doors down from where I grew up. So I have some specific questions relating to that parcel, how it got here, how it's before us now, and what's the next step.

P.O. LINDSAY:

Okay. It looks like, Ms. Zielenski, you're going to have to wait around, okay? Mr. Clerk, would you please call the roll?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA • FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

Legislator Kennedy?

LEG. ALDEN:

This might be a first, Mr. P.O. This is the most we've ever had in eight years for public hearings. A new day, I like that.

P.O. LINDSAY:

Mr. Clerk, has the public hearings been advertised properly?

MR. LAUBE:

Yes, they have.

PUBLIC HEARINGS

P.O. LINDSAY:

Okay. First public hearing is on ***Introductory Resolution 1025 (A Local Law to prohibit all registered sex offenders from residing near schools, day care centers and playgrounds)***. And we have one card, Laura Ahearn.

MS. AHEARN:

Good afternoon. Preventing child sexual abuse requires that we take a very comprehensive approach. One single initiative is not going to eliminate child sexual abuse. Strong registration and notification laws, lifetime registration, supervision and treatment for sex offenders, more stringent sentencing, GPS monitoring and polygraph use for offenders who are on probation and parole, child sexual abuse prevention education programs, child sensitive courts, employment, living and residency restriction laws.

I'm here today to be completely supportive of Legislator Cooper's residency restriction law. While residency restriction laws are not going to eliminate childhood sexual abuse, they will reduce the potential by limiting a sex offender's contact, daily contact in many cases, within eye•shot view of potential victims. We've had many instances in Suffolk County where sex

offenders who have targeted children move in directly across the street from the same age victim that they would have •• that they had targeted in the past. So imagine, you have a pedophile moving in in your district right across the street from an elementary school, and that had happened in Legislator Caracappa's district a number of years ago.

So sex offenders have the highest rate of recidivism compared to any other violent felon released into the community, 35% for rapists, 29% for those who target girls, and 40% for those who target boys. Their crimes have a lifelong and devastating impact on children who become adults, with increased suicidal behavior, increased drug and alcohol abuse, and psychosocial issues. A government's right to protect its citizens has been upheld by the U.S. Supreme Court twice. Our government not only has a right to protect our most vulnerable, but a responsibility.

I strongly support the residency restriction laws. And I want to point something out very important. We've been working with Probation and Parole in New York State, New York State Parole and Suffolk County, Nassau County Probation. When a sex offender is residing a little too close to a place where children are congregating, what will typically happen is they, in working with us, will move that sex offender. Traditionally, the limit has been fifteen hundred feet, anywhere between a thousand and fifteen hundred feet, they will relocate them. So this is just a natural extension of that relationship, but it does a lot more.

We only have a small portion of our registered sex offenders who are on supervision, so we have plenty of sex offenders that are registered, that are finished with supervision, and can move in directly across the street from an elementary school or any other place where children congregate. Huntington passed their law recently and the Town of Brookhaven also passed a

residency restriction law. Currently, 15 states in our nation have residency restriction laws. It's been challenged and was not heard by the U.S. Supreme Court, it was sent back down, so it's been upheld.

A sex offender on probation or parole today is no less dangerous than a sex offender who comes off of probation or parole the next day and is living directly across the street from where potential victims are, so I'm very supportive of this legislation.

D.P.O. VILORIA • FISHER:

Thank you, Laura.

P.O. LINDSAY:

Thank you, Miss Ahearn. Do you want to ask her a question, Legislator Cooper?

LEG. COOPER:

No, thank you.

P.O. LINDSAY:

Okay. Is there any other speakers on this subject? Hearing none ••

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close.

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. The next public hearing is on ***Introductory Resolution 1026 (A charter Law to amend the Suffolk County Charter to ensure representation of environmental interests and historic preservation on the Council on Environmental Quality (CEQ))***. I have no cards. Is there anyone that would like to speak? Yes, please come forward.

MS. ESPOSITO:

Yes, thank you.

P.O. LINDSAY:

Miss Esposito.

MS. ESPOSITO:

Good afternoon, Legislators. My name is Adrienne Esposito. I'm the Executive Director of Citizens Campaign for the Environment. To those of you who are new to the Legislature, welcome and congratulations. To those of you who have been voted back into office, welcome back and good luck to all of you.

I'd like to speak in support of Introductory Resolution 1026, which establishes for the first time a key spot on the Council of Environmental Quality for a recognized environmentalist representing an organization that works and is active in Suffolk County. We believe this makes good sense. We believe that having an environmentalist on the Environmental Review Board for the County provides a valuable service to the public and also to this County Legislature.

As you probably know, or hopefully you know, the CEQ is simply an advisory board that seeks to give the County Legislature advice on the SEQRA process. All that board does is advise you on whether or not SEQRA as been followed. It is an important board, because it looks at all of the County projects to see how the environment can be better protected, better •• how the impact can be better assessed, and what can be done better in the County by County •• for County projects.

So, all I want to say is I think it makes good sense. We think it should be a welcome piece of legislation, noncontroversial, and we hope that you're going to vote for it.

I also just •• you know, as someone who has served previously on the CEQ for three•and•a•half years, I just want to make another comment, since I have five minutes, but that is that the CEQ is a little bit of •• is a little bit of kind of a lost or •• child for sometime there. And members are appointed by this body of Legislators, but when the term was expired for each member, there's no notice to that member that they are being removed or replaced, and there's no recognition to that member to even thank them for their work. So let me give you an example.

As I was being removed last year from the CEQ, another CEQ member called me and said, "You know, I'm sorry to hear that you're being removed," etcetera, etcetera. I said, "Yes, I'm sorry you were removed," and he said, "What?" And I said •• and this was Jack Finkenberg, another CEQ member who had been on the CEQ much longer than I was. And I said, "Yes, you were removed also." And he said, "But no one told me, I didn't receive any notice." And I said, "I know, I didn't receive any notice either." I found out kind of a round about way. So, if I didn't tell him, he would have showed up to the next meeting. So all I'm asking is that as we proceed with County boards, and I know you'll be doing a lot of that this year, these are voluntary positions, people who give a lot of thought, and a lot of time and effort and areas of expertise to the County, I think it would be •• it would behoove the County to maybe be a little bit more •• I don't want to say respectful, but at least recognize the work that's done. If you'd like to remove them or replace them, at least thank them for their work, and notify them that they've been replaced and you're going to rotate somebody else in and give somebody else an opportunity.

P.O. LINDSAY:

What a unique idea, to thank someone.

MS. ESPOSITO:

We are known for our controversial work here on Long Island, that's just part of it. Thank you very much for listening.

P.O. LINDSAY:

Thank you, Miss Esposito. Are there any other speakers on Introductory Resolution 1026? Seeing none ••

LEG. COOPER:

Motion to close, please.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Negative.

P.O. LINDSAY:

We've got one negative from one Legislator.

LEG. CARACAPPA:

Two.

P.O. LINDSAY:

What. Barraga, Legislator Caracappa.

MR. LAUBE:

16.

P.O. LINDSAY:

Okay. ***Introductory Resolution 1027 (A Local Law to promote energy efficient environmentally friendly dredge projects)***. I have no cards on 1027. Are there anybody in the audience that would like to speak on 1027? Hearing none, Legislator ••

D.P.O. VILORIA • FISHER:

Motion to close.

P.O. LINDSAY:

Legislator Fisher makes a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. In favor? Opposed?
Abstentions? Unanimous.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***Introductory Resolution 1048 (A Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission). And I have several cards.*** Juli Owens.

MR. OWENS:

Good afternoon. I'm Juli Owens, Executive Director of LITAG, Long Island Transgender Advocacy Group. I would like to take a moment today and explain to you why passing Bill 1048 with its current wording will have serious negative impact on the transgendered people of Long Island.

We all understand the importance of strengthening the Human Rights Commission in Suffolk County. We applaud this undertaking and appreciate the concerns it originates from. Our

problem is simply one of definitions. The law that will be amended had in its wording the term "gender" as a protected classification of people listed in the group identity. "Gender" was defined as both the biological and social characteristics of being female or male. This designation is extremely important because it eliminated any uncertainty our courts might have in protecting the minority transgendered population of Suffolk County.

Bill 1048 has removed the terms "gender" and "group identity" from the wording and now uses the words race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics and marital status, none of which fully describe transgendered people. Perhaps it might be a good idea to take a moment and talk about my personal situation so that you can become better aware of exactly who a transgendered person might be.

Although I'm transgendered, I spend a significant portion of my life in the male gender role. I have known that I was transgendered since early childhood, but I have been able to build a solid upper middle class life through hard work and determination. I was the first in my family to graduate from college, and I currently hold an engineering degree and a Masters in Business Administration. I have been with my present employer for almost 20 years, and I earn a six figure salary. I am heterosexual and I've been married to my childhood sweetheart for 23 years. My wife and I have a 17 year old daughter who will be going to college in the Fall.

From the sound of it, my life is the very life that most people strive and dream for. Unfortunately, being transgendered means that I face a life of secrets, shame and unhappiness because of the inability to be the person I really am. My family

and I are constantly hounded by the fear of discovery, which could lead to the loss of my job. And if I was discovered, this new bill would most likely give me to protection from discrimination. Obviously, many transgendered people do not share in my blessings and, as a result, face severe discrimination in securing housing, public accommodations and employment. These are exactly the three rights that the original Human Rights Bill was created to protect.

Suffolk County is currently one of only 70 American cities and counties that have transgender inclusive discrimination laws. I am proud to live in a socially responsible county that is concerned with the protection of all minorities, including transgendered people. However, if this legislation were to pass, Suffolk County will lose its position as a leader in civil rights simply because of this law's wording.

I am asking the Legislature to table this amendment and to modify its wording, so that the transgendered people of Suffolk County can be included in its most important protections. Thank you.

D.P.O. VILORIA • FISHER:

Thank you very much. Are there any questions for the speaker?

LEG. MYSTAL:

Vivian.

D.P.O. VILORIA • FISHER:

Yes. Legislator Mystal has a question.

LEG. MYSTAL:

This is not •• this is not a question, and we spoke earlier. My intention, yes, it is to keep the bill tabled until we change it. And for the edification of the rest of the public, we put the bill in as it is the way it was worded this year just to put it on the table so we can talk about it. There are a lot of modifications that are going to be part of that bill, and that bill will not be moved out of committee until all the changes are made. I intend to continue a dialogue with different communities, including the transgender community. I intend to continue a dialogue with the County Executive, who's working on a bill of his own together with Nassau County. I intend to talk with minority groups. So there are a lot of people that I'm going to talk with before this bill sees the light of day in terms of something that we can vote on. It's there because I wanted to make sure that it's on the table, it's in the public eye, but it's not going anywhere right now with the language. And you are definitely absolutely right, the language will be changed. The language was changed. It's just that in the reintroduction, something got lost in the translation and it was reintroduced without the old language. So rest assured that it will not be voted on in its present form.

MR. OWENS:

Thank you.

P.O. LINDSAY:

Thank you very much. We have •• the next card is Reverend Paul Ratzlaff.

MR. RATZLAFF:

Yes. I'm Reverend Paul Ratzlaff. I'm the Minister of the Unitarian Universalist Fellowship of Huntington. And there's an old joke which I think may apply to this situation about a scholar in the Vatican archives pouring over copies of Vatican law. He's shocked to discover that centuries ago one of the people who was copying, one of the scribes who was copying these laws mistook the word "celebrate" and replaced it with the word "celibate". I suspect that something similar has happened here, where there's a provision which protects transgender people for gender expression and identity, and somehow that got dropped in the process of strengthening the Human Rights Commission. And hearing the Legislators speak to this, I just want to applaud you for taking the time to make sure that you include the protection of this category of people from discrimination and bigotry.

On November 20th, our congregation cosponsored an event, which was part of a national series of events, to remember the victims of hate crimes who are transgendered people, and, frankly, our hearts were broken as we listened to story after story after the •• of the beatings, the atrocities, the murders of people who are misunderstood and feared because of their difference. So, for the Human Rights Commission to continue doing the excellent work that it's done in protecting minorities, people of national origin, sexual orientation, and so forth, I would urge you to restore language that includes this community of gender identity and gender expression. Thank you very much.

P.O. LINDSAY:

Thank you, Reverend. Donna Riley.

MS. RILEY:

Hello. My name is Donna Riley. I'm the founder of the Long Island Trans Experience, which is a peer support and outreach educational. I'm the Director of Transgender Services down and LIGALY. I've had the good fortune to work for the last five years in the community helping people to self•discover who they are and be proud of who they are. And I have to say, as a lifelong resident in Suffolk, I was proud to say that we had rights here, and I'm glad to hear that we're not going to push it through as it currently is. So I'm actually just here to support the fact that it's tabled and to show that I am here and with my community and supporting my community. It's very short and that's about all I have to say. Okay?

P.O. LINDSAY:

Thank you very much.

MS. RILEY:

Thank you.

P.O. LINDSAY:

I have no other cards on this resolution. Is there anyone else in the audience that would like •• please step forward and state your name for the record.

MS. NOVACK:

Yes, good afternoon. My name is Eileen Novack. I've been a Suffolk County resident since 1967. I live and work in Suffolk. I work as a software engineer for a telecommunications company here in Hauppauge. I've been working with them for five years. I'm also here representing the Long Island Transgender Advocacy Coalition in support of this •• in support of the •• this resolution not going into effect with it's current language. And I'm going to cut this short. I had a prepared speech, which Juli, and Paul and Donna sort of covered, so I'm not going to go into a lot of detail. But just be aware that small changes like this can affect the lives of people that you're not totally aware of. You know, we struggle very much to become who we are, and we struggle both externally and internally and it's a great struggle, and then we finally resolve our struggle internally. We find we have to fight for our rights under the law and we have to fight for our rights just to exist and be who we are. And I just want to say that I encourage Suffolk County to keep the protections we currently have and have enjoyed since 2002. Thank you so much.

P.O. LINDSAY:

Thank you very much. Is there anyone else that would like to speak on this Introductory Resolution? Seeing none, I look to Legislator Mystal. What would you like to do?

LEG. MYSTAL:

I would like to recess this hearing. I don't want to close it, I'd like to recess it, because I want to make sure that when we do make the changes that we are going to make to this bill, that we can bring people to speak again on the subject, because we're only hearing right now from one side of the story. I want to make sure that we get everybody in. So, instead of closing it, I'd like to recess it, if I please get the support from my colleagues to recess it instead of closing it.

P.O. LINDSAY:

Okay. There's a motion to recess.

LEG. COOPER:

Second.

P.O. LINDSAY:

We have a second.

LEG. SCHNEIDERMAN:

On that motion.

P.O. LINDSAY:

Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I don't have a problem with recessing it, but I just want to make sure we're complying with the new rules that says that the public hearing has to be on the bill in its final form. Maybe just from Counsel, if ••

P.O. LINDSAY:

Well, that doesn't •• I'll be happy to get Counsel's opinion, but the rules doesn't preclude you from recessing the hearing, it's just that you can't change the bill when it comes back. If there's significant changes, you have to reintroduce it. But let's

hear from Counsel.

MR. NOLAN:

I think the new •• the rule is designed do •• you don't want to close the public hearing and then make substantive changes after you've closed the public hearing. That happens, then the bill has to be essentially withdrawn and a new bill has to be reintroduced, and then it has to go back through the public hearing process.

P.O. LINDSAY:

That's what I was getting at. By recessing it, actually, we're complying with the new rules. Okay.

MR. LAUBE:

Who was the second on that, Legislator?

D.P.O. VILORIA • FISHER:

I'll second it.

P.O. LINDSAY:

Cooper was the second, Legislator Cooper.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

Okay. ***Introductory Resolution 1053 (A Local Law to facilitate the recording of deeds conveyed from the County to redeeming applicant/owners)***. I have one card, Penny Wells LaValle.

MS. LAVALLE:

Good afternoon. I am Penny Wells LaValle, Director of Suffolk County Real Property Tax Service Agency, and I'd like to thank you for this opportunity to speak before you. And also, at the same time, I'll congratulate you all on your election, and say that my staff and I look forward to working with you in the new year.

For those new members and previous members, old members, I don't want to say old, but Real Property maintains, mandated by law, tax maps, and we have over 585,000 parcels in Suffolk County. We maintain the parcels, as well as many attributes attached to that parcel.

I am here to speak in support of 1053. This is an issue that has

been floating around for many years on how to resolve unrecorded deeds that actually there may be some way to establish a procedure to remedy. I have in Real Property Tax Law, as well as the New York State Codes, Rules and Regulations, we are required to collect certain information, and that's Part 189, various sections of Part 189 in CRR. Part of that is the name of the reputed owner of a parcel, as well as ownership history for that parcel. The •• to give you some idea of the impact of this resolution and what it means to us in Real Property, to have as much as possible the reputed owner on a parcel, I prepared a very succinct document that I can put on the table used to •• that tracks the ownership or actually tracks the document, once the title is taken by the Treasurer's Office and prepared in a tax deed. So the Office of the Treasurer creates a tax deed or adds a parcel to an existing tax deed. Real Property receives that document for verification, which is part of our normal procedures, and at that time, the ownership is entered in Suffolk County, pending the recording of that tax deed. If the property is redeemed, the Director of Real Estate creates a •• executes and creates a quit claim deed for the redeeming deed. The quit claim deed is verified by real property, and our ownership files are updated, but not updated in an ancillary data base. But it's not an official update pending the recorded or the recording of that deed; that is there is no significant number like a liber and a page attached to that recorded document.

We're in a holding pattern at this point and that affects individuals, government, and any other entity, assessors, that has to do with ownership. Currently, we have approximately 700 of these documents, unrecorded documents since 1980 that's •• that are in a holding pattern in Real Property. They're held indefinitely until there is a recording of that document. Periodically, my staff will go into the County Clerk's system to see if that document was recorded.

In addition, if the redemption of the property is not completed for some reason, that is if the deal falls through or there is no quit claim deed, then those certification that remains in a certified pending file, we're not really notified of that fall through of that document. So, in the likely event that a person who redeems their property sells their property with a recorded deed out of the County, it causes the County to be listed as the fee owner, therefore, causing a title problem between the County and the new owner. The parcel is flagged by Real Property by exhibiting a skip or break in title.

In conclusion, adding this, this is a very pragmatic procedure, adding this procedure will certainly help make our Real Property data base more efficient. Thank you.

P.O. LINDSAY:

Thank you, Ms. LaValle. I think we have a question from Legislator Kennedy.

LEG. KENNEDY:

Actually, a twofold question. One, certainly just to say hello.

MS. LAVALLE:

Hi.

LEG. KENNEDY:

And, you know ••

MS. LAVALLE:

Happy new year.

LEG. KENNEDY:

Once again, I know the process very well.

MS. LAVALLE:

Yes, you do.

LEG. KENNEDY:

Ms. LaValle and I worked together as colleagues on many of these issues for many years. And it is a thorny issue, granted, when, for whatever reason, a party who's gone all this way to achieve the redemption then does not take that final step to actually put it into the public domain and achieve the liber and page, so that your agency can obtain closure for chain purposes. However, this is one of those areas where there's bifurcated or actually trifurcated responsibility, I think, within the County in that you are charged with verification, Division of Real Estate is charged with the actual conveyance, Clerk's Office is charge as Clerk's is with just keeping the recordings.

In committee I raised concerns that I posed to our Legislative Counsel about the underlying legitimacy and capacity of the County to actually move into this area, since it is occupied by Real Property Law, as far as recording requirements. And so I guess I just restate that question one more time. I appreciate the need to clean up in this case, I guess, 700 stragglers, but I'll

also go back to what you first pointed out, 585,000 discreet parcels in the County of Suffolk. The liability we assume in order to go ahead and address these stragglers may be huge in what the outcome could be by us now taking responsibility. And for Counsel, I guess I'll just restate the same questions that I had in committee.

MR. NOLAN:

I confess, Legislator, we haven't had a chance to look at that yet. We're shooting to have an opinion when we go back to committee with this bill. We should be able to talk on the preemption issue. My initial reaction is no, I don't think there will be a problem, but I'd like to do the research and make sure we're solid on that.

LEG. KENNEDY:

Okay. Thank you, Mr. Chair, and thanks again, Penny.

P.O. LINDSAY:

Yeah, Legislator Romaine.

LEG. ROMAINE:

Mr. Chair, I just simply raise the same concerns that Legislator Kennedy raised, that there is a presumption issue with the State. And the best way to remedy this is to seek amendment of State legislation, which perhaps, you know, Real Property could do, rather than trying to have the County weighed in on what essentially is a State issue in terms of regulating recordings. This is really not something that the County of Suffolk or any county as a subdivision of the State should be involved in, this is reserved for the State under Real Property Law.

P.O. LINDSAY:

Just an observation. We've had this dilemma before when we found it's easier sometime to pass local legislation and let the State challenge us and may •• sometimes they wind up exercising the duties they were supposed to exercise in the first place.

LEG. MYSTAL:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Mystal.

LEG. MYSTAL:

Is there any way we can get the County Attorney to weigh in on this? We haven't heard anything from them about this.

P.O. LINDSAY:

Well, the only thing I could suggest is that if we close this hearing, it's going back to committee and will be back before us if it does get out of committee, so we'll have two more bites at the apple to get some more explanation about it.

LEG. MYSTAL:

Thank you.

P.O. LINDSAY:

Anyone else on 1053? Hearing none, I'm going to make a motion to close.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

LEG. KENNEDY:

I'm going to abstain.

P.O. LINDSAY:

Abstain. We have two abstentions?

LEG. BARRAGA:

No.

P.O. LINDSAY:

No?

LEG. BARRAGA:

Negative.

P.O. LINDSAY:

Negative. Legislator Barraga is voting in the negative, Legislator Kennedy is abstaining.

LEG. ROMAINE:

I'm abstaining.

P.O. LINDSAY:

And Legislator Romaine is abstaining.

MR. LAUBE:

14. (Not Present: Leg. Montano)

P.O. LINDSAY:

Introductory Resolution 1063 (A Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works). I have no cards. This is a Charter Law to transfer the print shop from the County Department of Human Resources. Anybody who would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. ***I.R. 1064 • A Charter Law creating a County Department of Information Technology.*** I have no cards. Is there anyone in the audience who would like to speak on this Introductory Resolution? Seeing none, I'll make a motion to close.

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. **1065 • a Charter Law to promote non-political, professional diverse County Planning Commission.** Again, I have no cards. Anybody in the audience would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. BARRAGA:

Mr. Chairman, I'd like to speak.

P.O. LINDSAY:

Let me just get a second and then I'll be happy to recognize you. Second by Legislator Stern, and I recognize Legislator Barraga.

LEG. BARRAGA:

Thank you, Mr. Chairman. I really don't have any adverse or negative feeling concerning this particular piece of legislation in terms of its objective establishing a Planning Commission, as I did not on Resolution 1026 where I voted in the negative. But my concern is the specificity associated with the legislation. You know, there is a role in public policy and public debate and special interest groups, and with the experience of the members in the horseshoe and my own personal experience, special interest groups certainly have the right to come in and speak to me concerning their particular position on an issue, whether for or against. They have a right to appear at a committee or even at a public forum like this, a Legislative forum to present their point of view. And at times they will take the time to either support or not support me in the case of a re-election, and support my campaign or not support my campaign. But this particular piece of legislation I think goes across the line with reference to special interest by specifically indicating certain criteria that has to be followed.

Right now, as I take a look at this bill I see that one or more of the members of this Planning Commission have to come from an environmental organization, a civic association, municipal planning, real estate industry, the business community, a labor organization, transportation, workforce housing, Association of Towns, all special interest groups. And I think when that term is used, special interest groups, in the immediate, it is not a positive term, because the media and the people I represent •• can see the influence of these special interest groups, but now we have now interjected them in government itself. I am not saying that members of all these groups shouldn't be included in a Planning Commission, but I think it should be left to the Legislature to do that, it shouldn't be spelled out specifically in the legislation.

Second, I notice an entire paragraph with reference to party officers and affiliations. You know, I find this almost hypocritical, that if you are a committee person, you cannot be a member of the Planning Commission, yet those are the same I personally go to every two years, and lately, almost every year, to circulate my petitions, to give out my literature, to vote for me, to help me raise funds. And yet I turn around to them and say, "After all this is done, you can't be on this Planning Commission, no, no, you're part of a political affiliation. No, you cannot be part of this." Do we say the same thing to the CEO's of Enron, or Tyco, or WorldCom? No more CEO's, they're all corrupt. No more chief financial officers, they're all corrupt. No more school superintendents, they're all corrupt. No more business managers from school districts or school board members, they're all corrupt, based on recent history. Of course we don't. Why should we take it out on this particular group when they are part of our extended family, because they get a lot of press? Are party people any more corrupt than any other segment of our society? And the answer is no. Do they get more publicity? The answer is yes. But that isn't a rationale for

excluding them from this Planning Commission. I'll be voting in the negative, Mr. Chairman.

LEG. ROMAINE:

Mr. Chairman.

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

I wish to concur with my colleague, Mr. Barraga. And I'd also like to point out that the current Planning Commission has representatives from each of the ten towns of Suffolk County. That representation would be reduced to one. I represent four towns that now will have diminished representation. Mr. Schneiderman represents three towns that would now have diminished representation. The one nice thing about the Planning Commission from an East End perspective is we now have five representatives, one for each of the five East End towns. That now will be diminished. And, in fact, a town representative could come from the West End and the voice of the East End disappear from this Planning Commission.

Finally, I would say, this body, instead of trying to discourage appointments based on political activity, should encourage it. The one thing that we see in this society is less and less people getting involved in the political process, getting involved in issues that matter, and shying away as if politics is some plague. I mean, I was attracted to politics when I went into college, because I saw that as a way to get things done, to voice an opinion, to change things, and now we are almost universally condemning political involvement. That's wrong. It's also wrong

to diminish the voice of the East End on the County Planning Commission.

I intend to vote in the negative. I want to see every one of my East End town representatives represented on this Planning Commission. I want to see their voice heard, because most major planning decisions in this county now are occurring on the East End. Thank you.

LEG. CARACAPPA:

Mr. Chairman. Mr. Chairman.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Though I agree with both my colleagues, I just •• I guess by way of our rules, I think both statements are out of order based on the way we conduct our public hearings. There were no speakers, we were debating the bill, and I'd ask that in the future those statements aren't made during a public hearing in this regard and save it for the committee process and the floor of the Legislature when we actually have the bill before us. I do have a question, though, as it relates to the bill.

P.O. LINDSAY:

Actually, they were speaking on the motion to close the hearing, which is kind of •• I take your point, Legislator Caracappa.

LEG. CARACAPPA:

Just, Legislator Barraga, you have the bill in front of you, what were the groups named, just quickly, if you wouldn't mind?

LEG. BARRAGA:

An environmental organization, a civic association, someone in municipal planning, law degree with land use experience, someone from the real estate industry, the business community, labor organization, transportation, workforce housing, and the Association of Towns.

P.O. LINDSAY:

Are you done, Legislator Caracappa?

LEG. CARACAPPA:

Yes.

P.O. LINDSAY:

I'm going to recognize Legislator Alden, but this is simply on the motion to close the hearing, not to debate the substance of the bill.

LEG. ALDEN:

I can wait, then, because mine's more of a procedural question then, and I'll wait until after we vote on that.

P.O. LINDSAY:

Could •• is there anybody else on the motion to close now?

LEG. MYSTAL:

I wanted to ••

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I wanted you to call the vote, because I agree with Legislator Caracappa, this is not the time ••

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

•• to debate the bill.

P.O. LINDSAY:

That's what I'm trying to do. Okay.

LEG. MYSTAL:

It's just a question of let's vote it up and down, then we all can •

P.O. LINDSAY:

Okay. That's what I'm trying to do.

LEG. MYSTAL:

•• jaw•bone all you want.

P.O. LINDSAY:

All right. We have a motion and a second to close the hearing.
All in favor? Opposed? Abstentions?

LEG. CARACAPPA:

Point of personal privilege.

P.O. LINDSAY:

Yes. I recognize •• before the vote's called?

LEG. CARACAPPA:

No, after the vote was called.

P.O. LINDSAY:

Okay. Would you call the vote, Mr. Clerk?

MR. LAUBE:

17. (Not Present: Mr. Montano)

P.O. LINDSAY:

17. Legislator Caracappa.

LEG. CARACAPPA:

That bill, and I don't want to debate it, is strictly the Planning Commission; correct?

P.O. LINDSAY:

(Nodded, indicating yes)

LEG. CARACAPPA:

Doesn't include bodies of CEQ? No?

MR. NOLAN:

No.

LEG. CARACAPPA:

I'd ask Counsel to start drafting a resolution with the same exact language that's in this bill, the Planning Commission bill, as it

relates to CEQ.

P.O. LINDSAY:

Did you still want to talk, Legislator Alden?

LEG. ALDEN:

It's just on one procedural point, that I think that it was clearly established at the Organizational Meeting that the preference of the Legislators, or of a majority of the Legislators, was to hold these hearings in the general session so that all Legislators could be •• could be present. That's why I take what Legislator Barraga said and Legislator Romaine, that that's just two more people of the public that have the right to address all of us at the Legislative hearings. So I think they're perfectly in order, and that's really what we •• I hope we're going in that direction, because we can actually do away with a couple of committee meetings and have them all debated right here where all of us can sit in on all of the debate and hear all of the ideas, and whether they be pro and whether they be con. And I think that we should take a serious look at that, because, if we want to keep these hearings here before the Legislative body in general, then I think it is beneficial, as the remarks of Legislator Mystal pointed out, at least all of •• and Vivian Vilorio•Fisher pointed out, that at least we can all hear all of the remarks, because I only sit on I think four committees, five committees, whatever it is. So some of these I haven't sat on and I want ••

P.O. LINDSAY:

Do you want another?

LEG. ALDEN:

No. Actually, I have a three•day schedule, though, Mr. Presiding

Officer.

P.O. LINDSAY:

Thank you. Again, on ••

LEG. KENNEDY:

I will make the comments very, very brief.

P.O. LINDSAY:

We're not •• you know, we've ••

LEG. KENNEDY:

I know.

P.O. LINDSAY:

•• closed that hearing, and we really never went to the next hearing. If you want to make a comment about procedure that's germane, go right ahead.

LEG. KENNEDY:

In a way ••

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

•• it's going to dovetail with procedure, and it will be a request, I guess, to Counsel. Lest I be chastised for being beyond my legal capacity, I would raise an issue with this one as far as constitutional provisions as well, and look at the constitutional right of free speech and constitutional right of association as the membership.

P.O. LINDSAY:

I would hold those remarks for committee and for when we debate the bill.

LEG. KENNEDY:

I merely ask Counsel to go ahead and note it, because that's the direction I'll be looking.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Okay. We're up to Introductory Resolution 1066. Did we call the vote on that, right?

MR. LAUBE:

Yes, you did.

P.O. LINDSAY:

Yes, okay. ***Introductory Resolution 1066, a Charter Law to authorize the Department of Public Works to perform eminent domain function.*** I have no cards. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. And then we have ***Introductory Resolution 1067 • A Local Law to establish the Special Traffic Options Program for Driving While Intoxicated as a Division within the Probation Department.*** Again, I have no cards. If there's anyone in the audience that would like to comment, please come forward. Seeing none, I'll make a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

17, it's closed. Okay. I will set the following public hearings for Tuesday, February 7th, 2006, 2:30 P.M. at the General Meeting of the Legislature, in the Rose Caracappa Auditorium at the William H. Rogers Legislative Building, the following Introductory Resolutions: 1068, 1069, 1070, 1114, 1142, and 1143.

D.P.O. VILORIA • FISHER:

Second.

LEG. COOPER:

Mr. Chair, I just wanted to point out a scrivener's error on the on-line agenda where it says that the public hearing is at 230 a.m. I don't want any member of the public showing up at that hour of the morning.

LEG. ALDEN:

Oh, I'm sure they would, too, Jon. They can't wait to get down here for these.

P.O. LINDSAY:

Thank you, Legislator Cooper, for pointing that out. I think I said P.M. for the record, right?

LEG. ALDEN:

No. He said it was on•line.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Just a scrivener's error on•line, not your error.

P.O. LINDSAY:

Okay. I have a motion, I have a second by Legislator Fisher. All in favor? Opposed? Abstentions? If you go to the red folder, we have some CN's.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. We have ***Introductory Resolution 1115 • Designating the month of January as the annual thirty • day period within which a landowner may submit a request for inclusion of land that is predominantly viable agricultural land with a certified agricultural district.***

LEG. MYSTAL:

On the question.

P.O. LINDSAY:

Could we get a motion and a second first? I'll make the motion.

D.P.O. VILORIA • FISHER:

I'll second it for the purposes of discussion.

P.O. LINDSAY:

Seconded by Legislator Fisher for the purposes of discussion.
Legislator Mystal.

LEG. MYSTAL:

Mr. Zwirn, front and center, please, through the Chair. Why?

MR. ZWIRN:

Well, the reason we're doing it is we're trying to do it in January so that farmers will have •• its an eight•year program, and this

will give them the opportunity to opt in at the earliest time, and it would be for every January so that you get the benefit for the whole year.

LEG. MYSTAL:

It could not go through the committee process?

MR. ZWIRN:

Well, we wouldn't be able to do •• they still have time within the month of January, if it's passed today, that they would be able to opt in right now, this month, and get full advantage of the program. It's your pleasure.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Well, the legislation seems good in intent. Let me see. We're allowing people that have agricultural lands to opt into an agricultural district that will allow them to get a better tax ••

MR. ZWIRN:

Correct.

LEG. ROMAINE:

•• rate on their real estate. And we want to do this for the month of January, so that everyone is notified and they have

adequate time to opt into this program. Today is January 17th. If the Executive signed this tomorrow, it would be January 18th. By the time the information got out to the general public, it would be even later. Why not February? I mean, the thing that strikes me, and I'm supportive of the intent of the bill, is that you're actually limiting the amount of time that farmers can have available to join this program or even be aware of it. There wasn't even pre-announcements that you were going to come up with this CN. Quite frankly, it looks like sloppy paperwork, that this wasn't submitted, let's say, on January 3rd, or it wasn't submitted at the end of December. It looks like someone dropped the ball, and as a result, in 2006, we're going to have less than a handful of days to notify people that they can opt into this program. That's what it seems like to me. And I'm surprised you're not changing this until February, where you could have enough time to make people aware of the program.

MR. ZWIRN:

He must have been a pearl diver at one time. Nobody could take a breath that long and speak for that long. And I say that with due respect.

LEG. MYSTAL:

I think I still had the time and you cut me off.

LEG. ROMAINE:

I'm looking for pearls of wisdom in this case.

P.O. LINDSAY:

Did I cut you off?

LEG. MYSTAL:

Yeah, you cut me off. You just took the microphone out of my hand and gave it to Romaine.

P.O. LINDSAY:

I don't recall that.

LEG. MYSTAL:

Anyway, Legislator Romaine ••

P.O. LINDSAY:

Wait a minute.

LEG. MYSTAL:

You almost had me. I mean, you had me and then you took a dive. I said, "Ay." So, I agree with the •• if I could take your paragraph and cut it in two, and I would put a sentence, you know, like, Mr. Zwirn said you don't have any period, I'd put a semicolon there. You had me on the part as to why we're doing this right now, it's the 18th, by the time •• they wouldn't get any information out, and that was all good. And then you got to go into that little, you know, sloppy work, somebody •• so you had lost me there. I agree with you with your part one. And I still maintain the question, is that, you know, if you are doing something, you know, why can't it be like •• and you know how much I hate to agree with Romaine. Why can't it be, you know, February? You know, why is it January? It's the 18th, tomorrow is the 18th.

MR. ZWIRN:

You can do it in any month you want. The County Executive has been assured by the Planning Commissioner, by Tom Isles, that people can be notified and they can still opt into this program to get the maximum use and benefit of the program, and they can file retroactively back to January. However, if you decide to do it for another day, you want to put in committee and have these farmers lose this month and the opportunity to save that money, then they can give you •• you can give them a call and I'm sure they'd be glad to hear your explanation today.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Ben, all I can say is that, you know, earlier today I spoke about a veto override and we talked about forfeiting of revenue. I looked at the financial impact statement. I looked at what the expense associated with allowing property owners to opt into this is going to be; NA. Can't we have something that let's us know what the potential impact is going to be by embracing and allowing this to go forward? Certainly, we want to promote agriculture, but I can't help wanting to know something specific once in awhile. Could we •• can we get some of that?

MR. ZWIRN:

Well, I think we try when we can. When you're going forward on a program ••

LEG. KENNEDY:

No, you can't try when you put it in the same day.

MR. ZWIRN:

I can tell you that if you didn't •• if you hadn't sustained the County Executive's veto of the Title Examiners, you would have lost a million dollars. That I can tell you. I cannot tell you ••

LEG. KENNEDY:

I don't want to beat that dead horse ••

MR. ZWIRN:

No, but I just say I can't ••

LEG. KENNEDY:

•• but it was only 437,000 in rent.

MR. ZWIRN:

But I can't tell you going forward what the savings will be and what the costs will be, because I don't know how many people are going to opt into the program.

LEG. KENNEDY:

You do know how much agricultural land exists in the County of Suffolk. You can predict based on prior programs that exist with the towns. You could say at 20% it's going to be X, at 40% it'll be X•plus. You could give us something. NA is nothing.

MR. ZWIRN:

I could defer to Budget Review and perhaps they could give us a number.

MS. VIZZINI:

I'd have to have more time and more information.

P.O. LINDSAY:

Okay. Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

Ben, I'm very confused because you just responded that farmers can sign up any time they want, but the legislation says that January would be the 30•day period during which they can sign up. So can you explain the disparity in those two statements?

MR. ZWIRN:

My understanding is that we're picking January to give them the maximum time to take advantage of this program and that they should have enough time within the month. My understanding also is that, if they are late, it can be made retroactive back to January. But, if we go forward into February, that would be the maximum time they could get it. We're trying to do this in January as fast as we can. This was the first meeting we could get it on. There isn't another meeting in the month of January which give them any time to do this.

D.P.O. VILORIA•FISHER:

And then in 2007 ••

MR. ZWIRN:

It would be January again.

D.P.O. VILORIA • FISHER:

•• it would just be January.

MR. ZWIRN:

Correct.

D.P.O. VILORIA • FISHER:

And they wouldn't have the opportunity to be retroactive ••

MR. ZWIRN:

My understanding is, no, it would be January ••

D.P.O. VILORIA • FISHER:

•• if they missed that window of opportunity.

MR. ZWIRN:

It would be every year January for the course of the program, which I think is an eight•year program.

D.P.O. VILORIA • FISHER:

Okay. So, in 2006, if they don't get the information early enough, they can •• they can do it retroactively.

MR. ZWIRN:

It's my understanding, but Tom Isles says ••

D.P.O. VILORIA • FISHER:

Henceforth, they only have •• well, let me just finish.

MR. ZWIRN:

But I just •• but Tom Isles says ••

D.P.O. VILORIA • FISHER:

Let me just finish so that I can make sure I understand ••

MR. ZWIRN:

Okay.

D.P.O. VILORIA • FISHER:

What you're saying here. Henceforth, they must opt in in January. And if they miss January of 2007 •• if they opt in in 2007, then that's good for the next eight years after that, until 2015?

MR. ZWIRN:

No. It's the eight-year program. They can opt every January they'll be able to opt in. If they didn't do it this year, they would be able to do it beginning of next year. But it gives them the entire year for that period to run. It's an eight as I said, it runs for eight years. And I think they can opt in over that over that eight

D.P.O. VILORIA FISHER:

Okay. I'm not sure I understand it runs for eight years. If you sign up now, it's not a term that lasts for eight years, you have to sign up again. They have to sign up annually. So what do you mean by eight years? Maybe he can come to the mike.

MR. ZWIRN:

No. This is Brian Beedenbender from our from the County Exec's Office. And, Brian, come up, then you can explain.

MR. BEEDENBENDER:

It's an eight-year program that right now, as constituted, farmers can only opt into it once every eight years. This legislation takes advantage of enabling state legislation that will allow farmers to opt in once every year in the month of January. And as Ben was saying, Tom Isles has assured us that he has contacted some of these farmers already, and that he will be able to get them into the program this year. And then, as we go forward in the coming years, they can do it again each January. So it just allows them to not have to wait each year for their agricultural district to get into it, they can do it once every year during the month of January. The State enabling legislation requires us to adopt a month requires you to adopt a month in which they can do that.

D.P.O. VILORIA • FISHER:

When was this legislation passed, this enabling legislation, was it recent?

MR. BEEDENBENDER:

I believe it was recently. I would •• I would have to imagine it was recently or Tom Isles would have sent us the bill earlier than we got it.

D.P.O. VILORIA • FISHER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah. I hope I'm not the only one sitting here that didn't quite catch on as fast as some of the others, but let's hope some of the new Legislators don't understand this either, because ••

LEG. MYSTAL:

Looking for backup, huh, Lynne?

LEG. NOWICK:

Yeah.

LEG. HORSLEY:

The newbies.

LEG. NOWICK:

All right. I'm sitting •• the newbies, right. If I could ask Counsel, kind of a give•and•take with Counsel so I could understand this, I understand the part about signing up in January and/or February, or whatever month we pick. Once these farmers include their land as predominantly viable agricultural land, what is it that they get from that? What is the benefit to them?

MR. NOLAN:

Having just read the resolution and the backup, it looks •• it appears to be tax breaks of some kind.

LEG. NOWICK:

Real estate property tax breaks, school tax breaks, all of those, just County tax breaks?

MR. NOLAN:

I believe so.

LEG. NOWICK:

Which one?

MR. NOLAN:

I think it's •• I'm just going by what's in the resolution and it just ••

LEG. NOWICK:

Would it be a break on County property tax, not school tax? I'm just not ••

P.O. LINDSAY:

If something's designated farmland, it pays a much different tax rate.

LEG. NOWICK:

Okay. So they get a break, then, on their property tax. I thought I remembered Ben saying that there would be money lost if we didn't do it in January. Money lost then ••

D.P.O. VILORIA • FISHER:

To the farmer.

LEG. NOWICK:

To the farmers, not to the County. Okay. That's what I didn't understand, because we were comparing it with one of your pieces of legislation, which would have been money lost, so he says, to the County. Okay. So this is all for the farmers, then, to get a break, this is what this is all about.

D.P.O. VILORIA • FISHER:
Right.

LEG. NOWICK:

Thank you.

MR. NOLAN:

Yes.

LEG. NOWICK:

Okay.

MR. NOLAN:

Yes.

LEG. NOWICK:

I'm sorry, but it just ••

MR. NOLAN:

No, no. I'm doing it on the fly, I'm reading the State law.

LEG. NOWICK:

That had confused me, what Ben had said. I misunderstood that. So would there not be a way, then, of putting this in committee, but putting the wording •• January, it's too late for January, I mean, for the property tax bill. Isn't it all •• it's over until December 1st; correct? How could this •• what's the difference, January or February? It's not going to go on until December 1st next statement. It's got nothing to do with this year.

P.O. LINDSAY:

I think Mr. Zwirn might have a response to that.

MR. ZWIRN:

No, I don't have an •• I can't tell you exactly when the tax bill would kick in, but I ••

LEG. NOWICK:

I can tell you.

LEG. MYSTAL:

You got two people who can tell you.

LEG. HORSLEY:

Get the town guys.

LEG. NOWICK:

I can tell you it's too late for this year, because we're collecting

until May 31st, and then the tax statement goes after our tax warrant and levy is signed, as we know here, in December, and that statement goes out December 2006. So anything we do now is not going to help them for immediate •• it doesn't matter, January, February, March.

LEG. HORSLEY:

Yeah, it does. It would matter up to March.

LEG. NOWICK:

Up to March.

LEG. HORSLEY:

Up to March.

LEG. NOWICK:

See how I stopped?

LEG. HORSLEY:

Yep, you did, you did.

LEG. NOWICK:

Okay.

D.P.O. VILORIA • FISHER:

Wayne and Lynne, the "Village People".

LEG. NOWICK:

The "Village People".

MR. ZWIRN:

The only thing that I would add, Mr. Presiding Officer, is that there are additional •• that there are additional benefits with this legislation that is listed in the Certificate of Necessity. And if you look at the second paragraph, included in these benefits are preferential real property tax treatment, agricultural assessment and special benefit assessment, and protections against all the restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices, so it's not just simply real property taxes.

P.O. LINDSAY:

If I might, before I recognize Mr. Schneiderman, and this isn't anything against you personally••

MR. ZWIRN:

I understand.

P.O. LINDSAY:

•• Mr. Zwirn, but a Certificate of Necessity is usually something that we have to act on immediately. It would have been great if we had them this morning. At least we could have read the bill over our lunch break. You know, this seems like a confusing

item. We're really not sure what it does, how we get the break, when we give the farmer the break. And to spring it on us and then to ask us to vote on it right away I think is a little much, and I think that's why the questions are •• there's so many people questioning it, you know.

MR. ZWIRN:

That's fine.

LEG. COOPER:

Mr. Chair.

P.O. LINDSAY:

Legislator Cooper.

D.P.O. VILORIA • FISHER:

Legislator Schneiderman was next.

P.O. LINDSAY:

Oh, I'm sorry. I'm sorry.

D.P.O. VILORIA • FISHER:

Schneiderman.

P.O. LINDSAY:

Yes, Legislator Schneiderman and then Cooper.

LEG. SCHNEIDERMAN:

Yeah, this is a CN, so it's easy enough to modify. It does conflict with itself. It seeks to give farmers a 30•day period, and this year certainly doesn't give them a 30•day period by the time this is signed by the County Executive and filed by the State. I'm not sure that they have any period this year. So why couldn't the CN be rewritten, at least just for this year, and start it 30 days from the time the bill is filed with the State?

P.O. LINDSAY:

I think that you're misunderstanding, at least the way I understand it. It isn't for a 30•day period, this is an eight•year program. The 30 days in January is time that you can sign up and gain ••

LEG. SCHNEIDERMAN:

No, I do understand that.

P.O. LINDSAY:

•• whole advantage of the entire year.

LEG. SCHNEIDERMAN:

I'm just saying that for that this year there would be an exemption, that that period would start 30 days from the date it's filed with the State, and then subsequent years it would be January.

D.P.O. VILORIA • FISHER:

I think that's what Ben said. Yes, he did. He said ••

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I have a question, perhaps, for Legislative Counsel. I'm reading the second paragraph of I.R. 1115 and it raises a couple of concerns in my mind. It talks about, aside from the tax benefits of this resolution, it says that it's also designed to offer landowners protections against overly restrictive local laws and private nuisance suits involving agricultural practices. What does that mean? I mean, if we have a local law that's governing agricultural use, for example, there's a farm in my district where they began to get involved with a commercial mulching operation, and there was tremendous community opposition to this because of the noise and the smell, that might be something that's governed by a local law. And I'm also concerned about the private nuisance protections against private nuisance suits. Do you have any information about the ramifications of these two sections?

MR. NOLAN:

Very limited. This is a whole article of the Agricultural and Markets Law. I really would need to read through the article to tell you what that means. Taken out of context, I have no idea what that means. I will say that the resolution references Section 303(B) of the Agriculture and Markets Law, and it says the Legislative Body of any county containing a certified agricultural district shall designate an annual 30•day period within which a land owner may submit to such body a request

for inclusion of land which is predominantly viable agricultural land within a district prior to the county established review period. So I don't know •• just from reading that, I don't know that you're wedded to setting January as the 30•day period. I wish I could tell you more of what the ramifications of passing this are, but having not read the whole article, it's extensive, I really can't answer your question fully.

LEG. COOPER:

That's one reason that I would prefer that this be tabled, that we not act on it, because I'm concerned about the possible adverse ramifications if we acted too quickly without really knowing what could result from action today.

D.P.O. VILORIA • FISHER:

Legislator Horsley.

LEG. HORSLEY:

Okay. Maybe I could add some •• maybe I could add some clarification to the date. And I was just speaking with Ms. Nowick on this, that probably the reason why •• Mr. Zwirn, you might want to listen to this. The reason why it was put forth in January is because the Assessors of the towns close their books out on March 1st, and they would not be able to process anything after March 1st. So, if you had the month of February and you're running right up to the end of the deadline, you've got to push it over to the towns and things like that, it probably would not be able to be processed in time, so they probably pushed it back to January, and that's probably the reason you got January.

D.P.O. VILORIA • FISHER:

I'm next on the list. Through the Chair, Mr. Zwirn, if you could come back up. I was next on the list. I was just considering what Legislator Schneiderman said regarding the 30-month •• the 30-day period, and I want to refer back to a response that you had given me earlier, which was that this year you would give an exemption and allow farmers who signed up in February to do it retroactively. That being said, and coupled with the number of questions that we have and the lack of understanding, it would seem to me that if we're going to have that extension this one year, that perhaps we should not pass this right now, but have time to go over it •• over it in committee, have the questions answered, and when we do pass it, we would still •• farmers would still have the ability to sign on in February, retroactive to January, with that exemption only occurring this year. Does that seem like a viable •• it seems to me that that would be a viable compromise here.

MR. ZWIRN:

Well, the only thing that I can suggest is I've asked Brian to go back and call Tom Isles, who is more familiar with this, because there are questions, and you have fair questions that you've asked and I can't answer all of them, to be very honest. So, hopefully, if Tom Isles •• if you can just wait, I know it's not •• you don't have one •• more things on the agenda, but if you could just hold this for one second until we can get Mr. Isles over here, I mean, he may have •• he may be able to answer those questions better than I, and maybe sufficiently.

P.O. LINDSAY:

Okay. I know there's been a lot of questions about this.

D.P.O. VILORIA • FISHER:

Elie is next.

P.O. LINDSAY:

Oh, I'm sorry. You want to •• I was going to skip over it and we'll come back to it, no? Okay.

LEG. MYSTAL:

No, no, I don't want you to skip over it, because this is exactly what I'm talking about. And I know, Ben, it may look like somebody is harping on and trying to criticize the County Executive, and I know in the past we've had, you know, the same question being raised by Legislator Alden repeatedly and by other members of this Legislature. This is a very complex piece of legislation. This is not something that I can sit here, and I don't consider myself a stupid man, you know, I'm fairly well miseducated by your system in this country, so I have some formal kind of education, so I can read something. But this is very complex, there's a lot of things that we have to consider, and for the County Executive to want us to sit here and make a quick decision, you know, and the piece of it that Legislator Cooper picked up and did a, you know, lawsuit, and things like that, so I was going to ask that question, I'm glad you asked that question.

We need to respect the committee system. This bill needs to go to committee. I don't care who comes here tonight, it needs to go to committee. We need to look at it, because •• you know, our own lawyer, our own Counsel doesn't know what the bill says. You know, we ask him, he says, "Yo, I can't tell you, I don't know a damn thing about it, because this thing just got on me." He just told you.

P.O. LINDSAY:

You know ••

LEG. MYSTAL:

You know, please.

P.O. LINDSAY:

•• just in defense of our Counsel, he got the bill the same time we got the bill and he's over here thumbing through Municipal Law trying to figure out what we're talking about.

LEG. MYSTAL:

That is exactly my point. If he's our Counsel and he's a lawyer, he doesn't understand the bill, and here I am, a lowly black man from Wyandanch, trying to understand the bill, so I don't know what you're talking about; okay?

LEG. HORSLEY:

Oh, please, Elie.

P.O. LINDSAY:

Did you •• was that a motion to recommit?

LEG. MYSTAL:

I think so, yes.

LEG. CARACAPPA:

I think you took the words out of my mouth, I think that was his motion.

LEG. MYSTAL:

Motion to commit to the committee. I don't care if Isles comes in and tells me this is the best piece of gold we ever had in this County, I want us to look at it. This is too complex. There's too many things in here I don't understand.

LEG. CARACAPPA:

Second.

LEG. MYSTAL:

And I would like to have the benefit of my Counsel to tell me what the bill says.

P.O. LINDSAY:

Okay. Legislator Caracappa seconds that motion?

LEG. CARACAPPA:

Yes.

P.O. LINDSAY:

Does anyone want to speak on that motion?

LEG. CARACAPPA:

No.

LEG. NOWICK:

Can I just ask a question?

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

And I'm sorry to keep going on this, but now I'm thinking February 7th is the next meeting. If all goes through ••

LEG. MYSTAL:

We can change it.

LEG. NOWICK:

Yeah, okay. What, change what?

LEG. MYSTAL:

We can change it in the committee, change the bill.

LEG. NOWICK:

Yeah, we can change it in committee, but it still has to go back to the full Legislature for consideration ••

LEG. MYSTAL:

Fine.

P.O. LINDSAY:

Correct.

LEG. NOWICK:

•• February 7th. And if we do it then, can we make it •• take this time to apprise the farmers of what is probably going to happen, what they have to do by maybe this time the end of February. How many days this year in February, 28, 29?

LEG. MYSTAL:

Leap year.

LEG. NOWICK:

No?

LEG. MYSTAL:

Leap year.

D.P.O. VILORIA • FISHER:

This isn't a leap year.

LEG. MYSTAL:

It's a leap year.

LEG. NOWICK:

Because then they do miss out for this year if we ••

LEG. ALDEN:

No, not for the year.

LEG. CARACAPPA:

No one misses out on it.

LEG. NOWICK:

Yeah.

D.P.O. VILORIA • FISHER:

Yes, for the year.

LEG. SCHNEIDERMAN:

You have to change •• amend the bill.

LEG. NOWICK:

Yeah, because •• no, no, because the numbers have to be at the Tax Assessor office by March 1st.

LEG. ALDEN:

The tax status date ••

LEG. HORSLEY:

Right, March ••

LEG. ALDEN:

•• is still in March.

LEG. HORSLEY:

March 1st.

P.O. LINDSAY:

Through the Chair, through the Chair.

LEG. ALDEN:

Sorry.

P.O. LINDSAY:

Caracappa rule's kicking in again.

LEG. CARACAPPA:

Not my show.

LEG. MYSTAL:

Not my job.

LEG. NOWICK:

That's just my concern, then what happens? I guess we could do it. If the Legislature decides to pass it on February 7th, it could be immediate.

D.P.O. VILORIA • FISHER:

Why don't we skip over it until Tom gets here?

P.O. LINDSAY:

Well, we have a motion before us to commit to committee and a second. And anybody else want to talk about that motion? I'll begin to take a vote.

LEG. D'AMARO:

Legislator Lindsay.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:

I just had a question in my own mind as to •• I'm not sure how this program works, or what's proposed, or what the benefit is to either the County or the farmer, but my question is, from a practical standpoint, if we do not act on this today, what benefit would be lost, what advantage would be lost by the farmer that could not be recaptured in February? And that's a question I'd like to answer today.

LEG. NOWICK:

Nothing, if they act in February.

LEG. MYSTAL:

Nothing.

LEG. D'AMARO:

Well, okay. If •• so, if it's retroactive, then what would be the harm in going forward today? I'm not quite sure.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

If I can just add the little bit that I think I understand with this, we did deal with agricultural district recordings and things like that out in the Clerk's Office. But as to retroactivity, there would be no retroactivity. It is proactive in that the farmer has to go ahead and make actual application for the purposes of achieving the reliefs for the '06•'07 tax year. There is no aspect of retroactivity associated with this. I think, as our colleagues from the •• with the town experience is sharing with us ••

LEG. NOWICK:

If I may.

LEG. KENNEDY:

•• that is to make the assessment cutoff.

LEG. HORSLEY:

Right. They cut •• they close the books.

LEG. NOWICK:

It's not a matter of us giving them, it's got to get to the Assessor by a certain date.

D.P.O. VILORIA•FISHER:

Your mike's not on, Lynne.

P.O. LINDSAY:

Through the Chair, I recognize Legislator Nowick.

LEG. NOWICK:

It's not a matter of us giving them the leeway, which would be wonderful if we could, it's that the Assessors in the town need the information by a certain day in order to get everything into their computers. That's why the cutoff date for the STAR Program, I think it's March 1st.

LEG. HORSLEY:

March 1st.

LEG. NOWICK:

That's all part of it.

LEG. D'AMARO:

If I may. I understand the tax time line, but I think, if you are designating land into this program, there are other benefits that come along with that. And what I would like to know is whether or not there is a farmer out there, if you will, who will, by not being able to apply this January, lose a benefit that may be important to preserve that as farmland, as opposed to any other purpose.

P.O. LINDSAY:

Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

From the response that we received from Mr. Zwirn, the retroactivity is there to have inclusion in the program. The prospective matter that you spoke to was regarding the Tax Assessor and filing with the Tax Assessor. Now, Mr. Zwirn also said that Mr. Isles has been reaching out to farmers, so that outreach can continue whether or not this is passed today. So that when we pass it on February 7th, if it is passed on February 7th, the farmers can hit the ground running. They'll be aware of this and they can file for inclusion in the agricultural district, and that would be according to Legislators Nowick and Horsley, it would be enough time for them to file with the Tax Assessor. So it seems to me that it shouldn't be a problem to have it in committee and vote on it in the affirmative on February 7th. I don't •• from the testimony we've heard, it doesn't seem that it would harm any of the farmers.

P.O. LINDSAY:

Okay. All right. We have two motions before us, one to approve and one to commit. I believe commit takes precedent. If there's no other discussion, I'll call the vote. Someone ask for a roll ••

LEG. COOPER:

Actually, Mr. Chair, I do have one more question ••

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

•• maybe for Mr. Zwirn. The existing eight•year renewal period, when is that up? I mean, if a farmer that currently had signed

up and was within this agricultural district three years ago, if we don't act now, will he lose that status, or does that eight-year period extend for a certain period of time and they're still covered?

MR. ZWIRN:

Okay. I'm advised that there's more than one district and they run at different periods.

LEG. COOPER:

So, even within Suffolk County, there are a number of districts and they each have different renewal periods?

MR. ZWIRN:

As I say, Mr. Isles is really on his way. I'm surprised he's not here yet. If you can just •• I mean, you have the full Legislature here and he would be able to answer some of these questions, I'm sure, to your satisfaction. I would just •• he must be walking here. I can't imagine •• we told him ••

D.P.O. VILORIA•FISHER:

He's trying to cross 454.

LEG. ROMAINE:

Maybe we could pass over this and move on.

MR. ZWIRN:

We told him to take a County car, but I don't know.

P.O. LINDSAY:

All right. We have two motions before us. If someone wants to make a motion to pass over it, I'll certainly entertain that, if you think it will clarify the issue, but ••

LEG. COOPER:

Motion to pass over it.

LEG. CARACAPPA:

Car I don't think that's a valid motion.

LEG. ALDEN:

Guys, you would have to withdraw the other motion. You can't make a motion to pass over it.

LEG. CARACAPPA:

You can make a motion to table to a certain time.

LEG. MYSTAL:

I'll withdraw it. If you want to see if we can have enough votes, I'll withdraw my motion and we can •• somebody else can make it up. I'll withdraw it, do yours.

LEG. COOPER:

It's just that none of us have any idea what we're voting on, that's the problem.

LEG. MYSTAL:

It's ten•to•four. I have a life, I want to get out of here. I want to get out of here now. It's ten•to•four. We have a small agenda.

P.O. LINDSAY:

Did you ••

LEG. MYSTAL:

I'm withdrawing my motion, Mr. Chair.

LEG. CARACAPPA:

And I'm making it.

P.O. LINDSAY:

You're making a motion to commit.

LEG. MYSTAL:

There you go.

P.O. LINDSAY:

We need a new second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

We need a new second. Have a second. We have a valid motion before us. Did you want to talk about this, Legislator Losquadro?

LEG. LOSQUADRO:

No. I thought I was the second.

LEG. ALDEN:

Motion and a second again.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Motion by Legislator Caracappa, second by Legislator Alden.
Roll call.

D.P.O. VILORIA • FISHER:

Motion to commit.

LEG. MYSTAL:

To commit.

D.P.O. VILORIA • FISHER:

Motion to commit.

LEG. MYSTAL:

Call it.

(Roll Called by Mr. Laube, Clerk)

LEG. CARACAPPA:

Yes.

LEG. MYSTAL:

Thank you.

LEG. ALDEN:

Yes.

LEG. COOPER:

Pass.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Pass.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA • FISHER:

Pass.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. HORSLEY:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

LEG. CARACAPPA:

Coalition wins.

MR. LAUBE:

12. (Not Present: Leg. Montano)

LEG. MYSTAL:

It's a hard one. Next.

P.O. LINDSAY:

Okay. Next, ***Introductory Resolution 1149 • Authorizing execution of an agreement by the Administrative Sewer Head of Suffolk County Sewer District Number 11 • Selden, with Plymouth Estates and Pond View Estates.*** I'll make a motion. Do I have a second?

LEG. LOSQUADRO:

I'll make the motion for purposes of discussion. Since this is in my district, I would just like a little information.

P.O. LINDSAY:

Okay. I made the motion, so you'll second it.

LEG. LOSQUADRO:

Oh, I apologize. I'll second it, then.

P.O. LINDSAY:

All right, okay. And I recognize Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Mr. Zwirn, I know this sewer district has been in existence for sometime, and I know it's nearing its capacity, because just •• was it last year or the year before, we authorized the new Talmadge Woods Sewer District, which isn't all that far away. What is the capacity of this district, and how close will this take it to its maximum?

MR. ZWIRN:

I don't know what the complete capacity of the district is. This will not put it over that capacity. This is a condominium development that has been constructed. We are trying •• it's finished.

LEG. LOSQUADRO:

It's currently being constructed.

MR. ZWIRN:

No, there are people ready to move into this condominium complex, and that's why we did this by CN. There are people with their bags packed who cannot move in because they do not have approval for a sewer hookup. The developer filed his application very late and we are trying to accommodate several dozen people so they can move in and have a home. The district will not be over capacity. But that's all this is, is an accommodation for those citizens, and they are in your district, to help them move into their homes.

LEG. MYSTAL:

Your district.

LEG. LOSQUADRO:

Thank you for that. Thank you for giving me such advanced warning, as we discussed earlier, as to not put people out in the bitter cold of the past couple of days, as you've just •• as you just put it. On the •• well, I'll defer to Legislator Caracappa.

P.O. LINDSAY:

Well, we have a list. Legislator Alden.

LEG. ALDEN:

When this •• and what is •• I guess it's the Plymouth Estates and Pond View Estates?

MR. ZWIRN:

Right.

LEG. ALDEN:

All right. So when this community was being planned, it was always planned on going into the Suffolk County Sewer District?

MR. ZWIRN:

That's my understanding, Legislator Alden, that they should have filed their papers back in 1997, going back that far. It was not done. And the only reason we're offering a CN now is not •• is to help the residents who have purchased a homes there, because they're the victims, and we can accommodate them if the Legislature so desires.

LEG. ALDEN:

They might be the victims, but this might go back to •• you know, if it had gone through the committee, I hope this would have come out. I've had a number of builders, and they've actually built affordable housing, and they couldn't get their approvals through the Health Department, and then, if they were in the Southwest Sewer District, then they need more, you know, permit applications and things like that and a longer

process to get hooked up to the sewer district, and they find that is still an inordinate amount of time to get any of those procedures followed with and to get those permits. So I was just wondering if you had off the top of your head the amount of time that Suffolk County has actually looked at this, and the time that its taken to issue the permits to, number one, construct this, and number two, to get them hooked up into the sewer district, because there's a number of good things that happen to them when they go into the sewer district. They're able to get money from the •• from that fund to either reconstruct or actually expand this. So there's a whole bunch of ramifications when you can build something like this. Did all that happen?

MR. ZWIRN:

I don't know what the time frame was with respect to the application, but I know that we're trying to expedite it today at the last possible moment to try to get this thing done in time so these people can move. There are people literally, we understand, with their bags packed, the cars are packed, and they have no •• they can't move in, so ••

LEG. ALDEN:

And I noticed that, you know, with reference to the \$12 per gallon hookup fee, you know, like that •• but that was way lower than that, but Maxine Postal and I put a resolution in that beefed it up a little bit, but that hasn't been revisited in like three, four or five years now either. So that might be under the current market value as far as how much they should be paying us to come into our •• you know, our sewer system. So that was the line of questioning that I would hope would be, you know expanded, a little bit more and explored in the committee process, but, again, it doesn't look like that happened.

MR. ZWIRN:

This is not something we would like to see happen on a regular basis, this is just a situation where we're trying to help out these particular residents. Again, if you want to go through the committee system, I mean, you'll have an opportunity to have DPW come in and give you a full explanation.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Last year we debated a hookup to 11 and Ben •• Ben Wright came and testified that 11's at its capacity. Yes, there are some improvements being done to improve capacity, but that •• those improvements are far from being finished. We're at capacity. How are we going to accommodate 55,000 gallons a day when we're at capacity right now? And how this got through the Sewer Agency without that being noted, that these increases for capacity have not been completed, I just don't know. And I think we need some more advice from Mr. Wright or Mr. Bartha, or any one of the Commissioners, as it relates to where that work is, when it's going to be completed, if it is completed, which I don't think it is, and if they can handle 55,000 gallons in that very antiquated sewer facility on Old Town Road in Coram.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Yes, Mr. Zwirn. First of all, I would have voted for 1115, and, you know, absent something else, I may vote for 1149, but here's my problem with 1149. This is in the district, the

Legislative district of Legislator Losquadro. I suspect, and perhaps you can confirm, did anyone from the Executive's staff, knowing that this is coming forward, attempt before this General Meeting to reach out to Legislator Losquadro to make him aware of this and the implications of this, and see if he had any questions, so he could get back to them with whatever questions so they could be answered before this meeting?

MR. ZWIRN:

I don't believe so, not that •• I didn't, certainly. My office didn't reach out to him.

LEG. ROMAINE:

Then let me ask you this question, sir. Will you or the Executive agree in the future that before bills come before a vote, particularly CN's of this nature, that they would have the courtesy to contact the Legislator in whose district the bills affect, simply have a staff person call them up, explain, "We're bringing this bill up, this is some of the things, if you have some questions, get back to us, we'll try to answer them before the meeting"? Because you understand my point, this gums up the works, because a Legislator feels, "Hey, if this legislation is okay, how come they didn't contact me beforehand so I could check it out," because most of us know our districts fairly well. You know, what's going on here? Where's that Executive/Legislative cooperation that we hear of and we don't seem to be getting on this bill or other bills? And I'm not speaking for myself, I'm speaking for all 18. And there's a problem there, because I think things can go a lot smoother if someone just did that. I don't see anything nefarious, but I don't know, because you find out about these things at the last minute on the horseshoe. It's the wrong way to do things. I hope you take that message back, and I hope it's •• you know, at least it gets some hearing over there. Thank you.

MR. ZWIRN:

Well, I just had to say, this is a CN, so it is not a normal bill that would go through the committee cycle. We're doing this to try to accommodate Suffolk County residents, and they happen to be in Legislator Losquadro's district. Again, it's the pleasure of the Legislature.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Ben, maybe you can clarify this. The lead agency here, is that the Town of Brookhaven? It's Suffolk County? So are you making the SEQRA determination right now?

LEG. LOSQUADRO:

The SEQRA's done.

LEG. SCHNEIDERMAN:

Who did SEQRA? It says it's been made by the lead agency.

LEG. ROMAINE:

The Sewer Agency did SEQRA?

LEG. SCHNEIDERMAN:

I don't know that the Sewer Agency can do SEQRA.

P.O. LINDSAY:

I can't hear you Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm just trying to find out. I mean, it says it's a negative declaration. It's a large project. I just want to make sure that the SEQRA is in proper form, because we're not supposed to act until SEQRA is completed.

LEG. CARACAPPA:

If you would. SEQRA being done on the project itself would be Brookhaven Town, seeing that they authorized the subdivision and the units. If you're talking about the sewer hookup and this resolution, there's a SEQRA associated with that, too, which we're the lead agency as it relates to the sewer hookup. We're not the lead agency as it relates to the building and the rezoning, or whatever took place on the premises. So there's two separate agencies as it relates to the project.

LEG. SCHNEIDERMAN:

My understanding is that type of segmentation is prohibited, but
••

MR. ZWIRN:

Mr. Presiding Officer, I can answer one of the questions that Legislator Caracappa raised. And in part of the backup is the Suffolk County Sewer Agency resolution, Number 49•2005, which verifies that there is capacity to handle this 55,000 gallons per day, and that's part of the backup in the CN.

P.O. LINDSAY:

All right. If nobody else wants to weigh in on this, we have a motion to approve and a second. Roll call.

LEG. ALDEN:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. SCHNEIDERMAN:

Is this to approve?

LEG. LOSQUADRO:

Is this to approve.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

I'll pass.

LEG. BARRAGA:

Pass.

LEG. ALDEN:

Punt. Pass.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Pass.

D.P.O. VILORIA • FISHER:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. LOSQUADRO:

No.

LEG. ROMAINE:

No.

P.O. LINDSAY:

I'll make a motion to table.

LEG. ALDEN:

Second.

LEG. MYSTAL:

The motion should be •• oh, okay. Second.

LEG. CARACAPPA:

The vote wasn't called, right, Mr. Clerk?

P.O. LINDSAY:

No, it wasn't called.

LEG. ROMAINE:

No.

MR. LAUBE:

No.

P.O. LINDSAY:

It wasn't called.

LEG. LOSQUADRO:

I'd like to change my vote to a yes.

LEG. ROMAINE:

Likewise, I'll change my vote to a yes then.

P.O. LINDSAY:

I'll withdraw my motion to table.

LEG. ALDEN:

You didn't call the vote, right? Yes.

LEG. BARRAGA:

Change my vote to yes.

LEG. NOWICK:

Change my vote to yes.

LEG. KENNEDY:

I'll change my vote to a yes.

LEG. MYSTAL:

That is so nice of you guys. I love you guys. Everything comes along together, ooh.

LEG. ROMAINE:

I feel the love.

MR. LAUBE:

16. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

See how easy it is.

P.O. LINDSAY:

Before I do the late•starters, you want to be recognized?

LEG. ALDEN:

Yeah.

P.O. LINDSAY:

Legislator Alden would like to be recognized for a point of personal privilege.

LEG. SCHNEIDERMAN:

Do we have •• I didn't hear the vote.

P.O. LINDSAY:

Did you call the vote.

D.P.O. VILORIA • FISHER:

16.

MR. LAUBE:

16.

LEG. ALDEN:

Just before we were having a little discussion about when Suffolk County purchases property, and I did a little research and I did make a statement before that Suffolk County pays tax on 100% of the property that we do get. That's erroneous in this regard. If the property was already tax exempt and we bought it, then we don't pay tax on it. But every other piece of property that we buy, whether it's for water protection, whether it's for open space, whether it's for athletic fields, we pay tax on it. Varying time frames, there's a tax status date. So, if we bought it at the end of March, we'll at least pay tax for a year on that property until it comes around to the tax status date of the next year when it can be removed from the tax rolls. But on every piece of property that we do buy, we pay tax on it. And then sometimes it's for longer than that one-year period, because for pieces of property to actually end up exempt, we have to do certain things with some of them. We have to declare them parkland, or we have to put them in different programs. Then, when it came around to tax status date from the following date from the purchase, they would become tax exempt from that point forward. But 100% of the property that we do buy and that we inherit, or whatever way you want to take for nonpayment of taxes we end up paying tax on.

LEG. MYSTAL:

Therefore, we shouldn't buy anymore land.

LEG. ALDEN:

Oh, no, no, don't add that to my statement.

P.O. LINDSAY:

We had Miss Zielenski from Planning and Real Estate drop off a document to us on I.R. 1022, which, as I recall, we acted on this morning. I believe we tabled it subject to something that she would present or change our mind.

LEG. SCHNEIDERMAN:

I believe it actually was recommitted.

P.O. LINDSAY:

Huh?

LEG. CARACAPPA:

No.

LEG. SCHNEIDERMAN:

It was sent to committee.

LEG. CARACAPPA:

No.

LEG. SCHNEIDERMAN:

It was, it was sent to the Environment Committee.

LEG. CARACAPPA:

No, that's yours.

LEG. SCHNEIDERMAN:

That's the one, 1022, that's the Gabreski one.

LEG. CARACAPPA:

No.

P.O. LINDSAY:

My point for bringing this up is I don't know whether she's still in the building or the auditorium. She isn't, she isn't. Okay. So moving on.

Late•starters. I make a motion to waive the rules and lay the following bills on the table: 1144 to Ways and Means. And we'll set a public hearing for 2/7 at 2:30 P.M. in Hauppauge.

D.P.O. VILORIA•FISHER:

On that motion. Do you have a second?

P.O. LINDSAY:

Well, I'm going to put them all on and then you can second. 1146, Labor, Workforce Housing and Affordable Housing. 1147 to EPA. 1148 to Budget and Finance. 1150, Budget and Finance. Looks like two thousand and •• Number 2, a Memorial Resolution, Number 2, Ways and Means.

P.O. LINDSAY:

Do I have a second?

D.P.O. VILORIA • FISHER:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? Yes, Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you.

P.O. LINDSAY:

Could we just •• you got the vote.

MR. LAUBE:

18.

P.O. LINDSAY:

Call the vote, 18. Go ahead.

LEG. D'AMARO:

I'm sorry.

P.O. LINDSAY:

17.

MR. LAUBE:

17. (Not Present: Leg. Montano).

LEG. D'AMARO:

Okay. The letter that was dropped off I think relates to 1022, is that correct, and which was tabled?

P.O. LINDSAY:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

LEG. D'AMARO:

It was not sent back to committee, though, it was just simply

tabled?

P.O. LINDSAY:

Right.

LEG. MYSTAL:

It was tabled.

P.O. LINDSAY:

As I recall, we tabled it, and the discussion was that if Planning and Real Estate came over with any additional information, we would revisit the resolution. But she was here and evidently couldn't wait, so unless ••

LEG. MYSTAL:

You can reconsider it if you want. Make a motion to reconsider.

LEG. D'AMARO:

Okay. But we do have the letter now which indicates that the property burned down, and I think that was the open question. Do we want to not consider this now for some reason or ••

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

If you would. This is, like I said, in my district. It was brought to my attention. I know the parcel very well, and I have a series of questions as it relates to it and what the plan is that Suffolk County has for that parcel. So I would rather it be tabled for the next couple of weeks while I consult with the Real Estate Department.

P.O. LINDSAY:

Legislator D'Amaro, do you want to make a different motion or something to reconsider, no?

LEG. D'AMARO:

No, that's fine. I just thought that was the only open question, but that's fine, I'll defer to my colleague.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

All right. If there is no other business, a motion to adjourn is in order.

LEG. CARACAPPA:

Good job, Mr. Chairman.

LEG. COOPER:

So moved.

[THE MEETING WAS ADJOURNED AT 4:05 P.M.]

_ _ Indicates Spelled Phonetically