SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

MAY 16, 2006

MEETING HELD AT THE EVANS K. GRIFFING BUILDING

IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM

300 CENTER DRIVE, RIVERHEAD, NEW YORK

MINUTES TAKEN BY

LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:37 A.M.]

P.O. LINDSAY:

Okay. I call this meeting of the Suffolk County Legislature to order. Mr. Clerk, would you call the roll?

MR. LAUBE:

Good morning, Mr. Presiding Officer.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not Present)

LEG. MYSTAL:

Here.

LEG. STERN:

(Not Present)

LEG. D'AMARO:

(Not Present)

LEG. COOPER:

(Not Present)

LEG. VILORIA•FISHER:

Here.

P.O. LINDSAY:

(Nodded yes)

MR. LAUBE:

He's here, because I can see him.

P.O. LINDSAY:

Okay. Could we all rise ••

MR. LAUBE:

13. (Not Present at Roll Call: Legs. Schneiderman, Horsley, Stern, D'Amaro, Cooper)

P.O. LINDSAY:

•• for a salute to the flag led by Legislator Alden.

(SALUTATION)

P.O. LINDSAY:

You want to say the prayer?

LEG. SCHNEIDERMAN:

We're waiting on our clergy.

P.O. LINDSAY:

Yeah, I know, but we can't wait for the clergy.

LEG. SCHNEIDERMAN:

Do you want to say a prayer.

LEG. ALDEN:

Isn't Elie a clergyman?

LEG. MYSTAL:

I'll do the clergy for you, if you want me to.

LEG. ALDEN:

He's a clergyman.

P.O. LINDSAY:

I guess because of the roads this morning, we were expecting the Reverend Joseph Hinds to say the prayer this morning, but he isn't here as yet, so we have a volunteer in Legislator Mystal. Please say the prayer.

LEG. SCHNEIDERMAN:

We'll start a new tradition here.

P.O. LINDSAY:

This should be good.

LEG. MYSTAL:

As an old Catholic person, we always start with the same saying. Please, God, bless us for what we are about to do, even though we don't know what we are going to do. And may you bless us if we err, and may you bless us if we are right. If we are wrong, forgive us. If we're not here, make us please be present. If we are present, make us be able to speak. If we speak, let us speak the truth. If we lie, we are human. Thank God for being here and thank you all. Amen.

LEG. CARACAPPA:

Nice job, Elie.

P.O. LINDSAY:

Could we remain standing for a moment of silence for the following people: Lester Albertson, a former Suffolk County Clerk and the Supervisor of the Town of Southold died recently at the age of 88, Pat Curcio who served more than 20 years as the Suffolk County Conservative Party Chair who passed away this past month, and {Seymour} Bishop, the father of former Legislator Dave Bishop who also passed away this past month.

(MOMENT OF SILENCE)

The Chair recognizes Legislator Schneiderman and Romaine for the purpose of a proclamation.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. I'll turn this microphone on. Thank you, Mr. Presiding Officer Lindsay, and good morning, Legislators, friends, and honored guests. Last week, as you know, was National Nurses Week and it was a special one throughout the United States for a lot of important people. In celebration of that, Legislator Romaine and I thought it would be especially fitting for some representatives to come forth and be recognized on behalf of all the nurses living and working in Suffolk County and whose dedication so many of our residents depend.

One of the most striking characteristics that I've noticed over the years about nursing is not only how important they are, but how the rest of the county respects •• the rest of the country respects, emulates and celebrates them. Just to take one example, think back to how many of you or your children or siblings wanted to be a nurse when they grew up. I think that that says a lot about our people and reflects the natural decency that calls us to help •• calls upon us to help others. Looking around, it's obvious that not everyone who said they wanted to be a nurse when they were little followed through. But even as adults we still remember that goodness nurses represent.

According to a 2005 Gallop Poll, the nation's nurses rank first in their honesty and integrity, with 82% of Americas rating •• American's rating them high or very high. Nurses have consistently rated first every year, but one •• every year but one, I guess, after being added to the list in 1999.

National Nurses Week continues in the tradition of honoring these dedicated individuals by honoring them in the days leading up to the birthday of Florence Nightingale, the Crimean War nurse who founded modern nursing.

This year's theme, strength, commitment, and compassion. Today's nurses must have the strength to care for patients during times of disaster and crisis, they must have the commitment to remain involved in continuing education throughout their careers, and they must have the compassion it takes to proved hands•on patient care at the bedside, as they have done throughout the centuries. On behalf of the residents of the East End and all of Suffolk County, thank you and congratulations.

So we have several proclamations.

LEG. ROMAINE:

I'd like to say a few words.

LEG. SCHNEIDERMAN:

Yeah, if Legislator Romaine would like to say a few words as well.

LEG. ROMAINE:

I'll just join, and we have proclamations celebrating the nurses and declaring this day as Nurse Day in Suffolk County for the Suffolk County Bureau of Public Health and all the nurses that serve in our Health Department. Not only do we respect them for their keen intellect, which they need in the jobs that they do now, but most of all we respect them for their compassion. It is an element sometimes lacking in our society that nurses find in their heart to give those who are most ill, most gravely ill at the time of their need the compassion. More than anything else, I respect the nurses for their compassion for the sick in our society, and for their caring of the sick. And

we want to do all we can to make sure the nurses are there and continue to be there for those who need them in this County. Thank you.

LEG. SCHNEIDERMAN:

Can we •• would you please stand if you are involved in nursing. Okay. You can see that we have quite a number of nurses here with us today. And, again, we offer our congratulations and thanks for all that you do for the residents of Suffolk County. We know this is hard, demanding work and compassionate work, and we know that you have the inner strength and dedication to serve our residents and we thank you all for that. And we will •• we're going to present two proclamations. I won't read them, but in particular, we are recognizing the Bureau of Public Health Nursing and the •• along with the Suffolk County Community Health Centers in these proclamations. So thank you again.

(Applause)

D.P.O. VILORIA•FISHER:

We're now going to have a proclamation presented by the Presiding Officer, Bill Lindsay, along with Legislator Elie Mystal to the Rolling Thunder Runners. Legislator Lindsay.

P.O. LINDSAY:

Maybe, Steve, could you join me and the track and field team? Come join

us. Yeah, Legislator Kate Browning is going to join us as well. Come on, guys, don't be shy. Come on up here.

May is National Autism Month, and about eight years ago, Steve and a bunch of parents started Rolling Thunder, which is a track and field team of autistic kids, and they're just a wonder to watch. I guess, was it last year that you went to the U.S.A. Track and Field?

MR. CUOMO:

Yeah.

P.O. LINDSAY:

Last year they went to U.S.A. Track and Field National Relay Championship and competed against teams that were not handicapped and really held their own. Steve and all the parents that work with these kids should be saluted for a wonderful, wonderful thing that they're doing for our community. And to all the boys and girls who have participated in Rolling Thunder, I know you are proud of your team, and I've seen you perform before. And congratulations and please accept this proclamation on behalf of the Suffolk County Legislature. And we've declared today Rolling Thunder Day.

(Applause)

MR. CUOMO:

I'm not short for words, but I'd like to thank everybody. And I'm real proud

of what these athletes are doing. We participate in mainstream races. They were the national disability champions last year. And we got a call about eight weeks ago that the United States ParaOlympic Committee is actually, lo and behold, interested in four or five of the athletes from Long Island to represent the United States team that's going to compete in Beijing, so ••

(Applause)

I don't want to brag, I'm prouder than heck. And I'd like to thank everybody for all the help and support that these athletes get, because without the support and the help, you know, we're not going anywhere. Thank you.

P.O. LINDSAY:

Congratulations, Steve.

(Applause)

No disrespect to Legislator Mystal, he did a good job with the prayer, but our Clergy has arrived now, and he weathered the weather this morning, the storm, to get here and I would not want to steal his prayer this morning. So, if Legislator Schneiderman could come forward for the purpose of introducing our Clergy.

LEG. CARACAPPA:

We're doubly blessed this morning.

LEG. SCHNEIDERMAN:

Yeah, doubly blessed. I guess you can't have too much prayer, right? Thank you, Mr. Presiding Officer. I've invited the Reverend Joseph Miller Hinds, III, to offer today's opening prayer. He's Pastor of the Springs Community Presbyterian Church in East Hampton Town. He was born in Vicksburg, Mississippi, and educated at the University of Alabama in Birmingham, and the Columbia Theological Seminary in Decatur, Georgia. Pastor Hinds is married to the Reverend Kathryn Blocher, who is Campus Minister for Suffolk Community College in Riverhead, and Executive Minister of the Long Island United Campus Ministries. Joe also serves as Chaplain of the Springs Fire Department. Kathryn and he moved to Springs in 2002 after serving parishes in South Carolina. They live near Accabonac Harbor where they enjoy boating, fishing, and playing with their two•and•a•half year old son, Paul. I am proud to call Joe one of my constituents, and for today, could call him Suffolk County's Minister. I should also apologize for the tardiness. As you know, my district is the furthest east, and it is quite a bit of travel, and we did have the rain and additional traffic today. So I apologize for that, and I thank you. And, at this point, I will introduce Reverend Hinds.

REVEREND HINDS:

Sorry for holding you up this morning. I bring you greetings from Springs where I apologize for being late. I had to stop by the church this morning, where the Deacons are starting to build the ark, to check up on their work. I appreciate the invitation and that you deem it worthy to begin your proceedings with invocation of prayer, so let us pray.

Almighty God, bless the members of this assembly, so they may serve

faithfully. Lord, this world wants us to line up on the left or the right of this issue or that one. I pray you will teach us to line up as is proper for you. Refresh our memories, that our ancestor was a wandering Aramaean until you brought your people to a land flowing with milk and honey. Let our offering of gratitude be the same as your people with Moses, who brought the first fruits before the Lord our God. Then, together with the resident aliens, celebrated with all the bounty provided. Don't let us forget about prophets like Isaiah who cried out, "We must learn to do good, seek justice, rescue the oppressed, defend the orphan and plead for the widow." Lord, we pray you will keep this image of justice before us, that in our land we can make a society where it's easier to do good. May elected and appointed officials in every place, who make decisions that affect your children everywhere, be guided by your justice and mercy, so that your peace will prevail in the world. May your justice come from your people. Let it begin with us in Suffolk County, for your name and for your sake. Let the people say Amen.

[Amen Said in Unison]

P.O. LINDSAY:

Okay. Today is Election Day for our school budgets county•wide. I just remind everybody who hasn't voted as yet that the polls are open until 9 o'clock tonight. And to my fellow Legislators, I ask you to please be attentive to the agenda today, so we can move through it in a prompt manner, and we as well can get to the polls, if you haven't already.

To start out today, we have a very brief presentation by a man that's been an institution in Suffolk County for 40 years, and I'm referring to Lee Koppelman, who has been the Regional Planning Board Executive and Director of the Regional Planning Board for like 40 years. And he has retired recently after a long and distinguished service to our County and to our

region. And he has •• I guess one of his last official acts, he wanted to present to us a preliminary report on housing in our region. And I say preliminary, because it hasn't been approved by the Planning Board as yet. But if Mr. Koppelman could come to the microphone and if you could give us a brief synopsis of your report and any other comments you'd like to leave with us. Thank you.

DR. KOPPELMAN:

Presiding Officer Lindsay, distinguished members of the Legislature ••

LEG. ALDEN:

That might not be on.

DR. KOPPELMAN:

One of the most serious problems that currently face the County of Suffolk in terms of the economic future and the well•being of the County revolves around the lack of affordable housing in all categories. One of the most important segments of the Third Comprehensive Regional Plan, which is now in the final stages of preparation, deals with this question of housing.

I have presented to each member of the Legislature an Executive Summary summarizing the key points. I've given Presiding Officer Lindsay the entire draft of 165 pages that goes through the entire details of analysis. This report was presented to the prior board and has been presented to the new members of the reconstituted board who have not yet taken final action. The key points that have to be understood is that between now and the Year

2030, when Suffolk County will have been totally built out, presents a current need of a lack of 35,000 units of affordable housing, of these 35,000 units, approximately 13,000 units are existing housing that is either dilapidated or in an extremely overcrowded use situation. This means that approximately 20 some•odd thousand units of housing is required right at the present time.

Now, if we go back to the history of the last 30 years, we haven't even accomplished close to 10,000 units throughout that entire period, so a goal of creating two to three times that inventory may sound like a daunting task. However, I could assure the members of the Legislature that if there is the will on the part primarily of the towns and villages, but certainly with the support of the County, this objective can be met. It not only addresses the need of housing so that our economy can remain vital, it is essential to the building trades unions, because construction is obviously tapering off as a result of the build•out that we're now facing. I think this is a challenge that the County is already beginning to address. There has been some proposals for using approximately 200 some•odd acres of the County•owned general purpose property at Yaphank. The proposals that were received from a number of developers who submitted proposals to the County Executive runs anywhere from 1,000 units of housing upwards to 3,000 units, which means on one single location we could probably achieve 10 to 15% of the need. Some of the other communities, including some of our small villages, are again beginning to address this problem. It is most serious in terms of the well•being of the public, because we have difficulty recruiting municipal employees, teachers, health care professionals, who are all workers, but can't find the opportunity to come or to stay in Suffolk County.

Let me just observe that while there's a lot of talk about meeting the need of people who are earning 80% of the median income of Suffolk County, let me just inform this distinguished body that individual families that are earning 100% of median income cannot comply with mortgages on the commercial market. It is a most dire problem.

As soon as the newly constituted board has had a chance to see what the prior board has already received, I will finalize that report as my last official responsibility, and I will see that every member of the Suffolk Legislature gets a complete copy of the 165 pages that constitutes but one chapter in the forthcoming Third Regional Plan. And I thank Mr. Lindsay for the opportunity to keep the Board posted on this endeavor. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Koppelman.

(Applause and Standing Ovation)

We have a little problem up here, but we'll survive. Okay. Now I'll go into the public portion. First card is Julie Griffin. Miss Griffin, you have three minutes.

MS. GRIFFIN:

Good morning. I'm just here to support Mr. Schneiderman's Amendment 1417 for the Capital Budget and Program to appropriate funds in connection with the traffic signal improvements.

I live in Cold Spring Harbor, and not exactly the best part of Cold Spring Harbor, but on Woodbury Pulaski Road, and this •• it's a County road there and there have been so many accidents over the last 35 years, I can't even

list them. We've lost our fence on many occasions. We live in an historical home. We've tried to keep it looking attractive and in accordance with a National Landmark Registry and Town Registry. Thanks to Jonathan Cooper, we did get a light at the top of the hill, and I've been asking for a guardrail for years and nobody seems to want to accommodate that, at least anyone in the County. I will keep fighting for that, but, in the meantime, there is going to be a light at West Rogues Path. Apparently it's on the books. And I'm hoping you will appropriate the funds as in this amendment to give us this light, and, hopefully, it will pass. And I'm just here to try to push it through. So thank you so much.

P.O. LINDSAY:

Thank you very much. I know I'm going to mess this name up. Victor Rjesnjansky. How close was I, Victor?

MR. RJESNJANSKY:

That was pretty good.

P.O. LINDSAY:

All right.

MR. RJESNJANSKY:

That was pretty good. I'd like to voice my opinion that I am against the opening of the Suffolk County Trap and Skeet Range. Has anybody ever seen the site and where it exists?

(Affirmative Response)

Everybody, okay. Do you realize it's in a neighborhood and that 300 homes have been built there since the facility closed in 2001? Suffolk County is supposed to, you know, protect the environment and people that live in it and I don't see this happening. I don't see the facility being cleaned up. The EPA puts out guidelines on how gun ranges should be operated and how they should be cleaned up. You signed a licensing agreement with this kid. I say kid. I'm 40 years old. He looks to be no more than 30 years old. How much experience does he have in running a facility of this magnitude. You know, we're going to have people there with loaded guns, weapons, everything going on. I don't see how this is good for the community.

You know, there used to be led paint in •• led in paint years ago. That doesn't exist anymore today. This facility •• everybody has the assumption that led is a heavy metal and it doesn't leach into the groundwater, or anything like that, but if you just go online and read some of the reports that were done all around the world, led does leach into drinking water and into the groundwaters of the Carmans River right there.

Studies have been done. Yeah, we hear all the studies have been done, but the NRA sponsored that study for $5,000. Somebody from West Virginia came up and did it, and suddenly there's no contamination. So I guess that gun range doesn't have to apply to the laws of the universe that applies to everywhere else in the world.

You know, does a gun range have to be opened there? You can open up a

state•of•the•art facility and follow the EPA guidelines for opening and running a facility that includes proper drainage and cleanup and sound mitigation. This can be opened up in an area where everybody can go and have lots of fun and not destroy a community over this. You are destroying the community. Thank you.

P.O. LINDSAY:

Thank you.

(Applause)

Douglas Cohen.

MR. COHEN:

Presiding Officer, members of the Legislature, my name is Doug Cohen. I'm the President of the Hauppauge Youth Organization. I'm speaking on behalf of Item 1414, amending the 2006 Capital Budget for the appropriation of funds in connection with the HYO Sports Complex. There's a handout going out. I apologize for the redundancy for those that heard my presentation last Tuesday. I'm going to read from the handout. Okay. Should I wait until everyone has one?

D.P.O. VILORIA•FISHER:

No, go ahead.

LEG. ALDEN:

No. You're using up the three minutes, keep going.

MR. COHEN:

Okay. Thirty years ago, a group of dedicated fathers, led by Bill Link, carved four baseball fields out of six acres of trees and swamps. From these humble beginnings, the HYO Complex was born. By the year 1999, the HYO Complex was showing its age. Twenty•five years of use and thousands of kids later, with little investment, resulted in this once beautiful sports facility looking worn, dated, and unsafe by today's standards. In an impressive showing of community support, HYO Baseball and HYO Football Boards worked together to conceive a new revitalized HYO complex.

With the tragic death of Nicole Biondo in January 2004, the Biondo Family, in a beautiful gesture of generosity, called on the Hauppauge community to construct a facility in the memory of Nicole. The Nicole M. Biondo Memorial Facility includes a modern concession stand, meeting room, storage and men's, women's restrooms. HYO Building Number 2 is constructed as a storage and maintenance facility to service the baseball and softball fields. Building Number 2 includes storage space for HYO field maintenance vehicles, as well as baseball and softball equipment. With the approval of the Suffolk County Department of Public Works, HYO cleared approximately 40 feet of scrub along Kings Highway, and expanded our parking capacity to 100 vehicles. The HYO memorial playground was conceived as a living tribute to the youth of Hauppauge that have tragically lost their lives. The playground will offer a safe refuge for the many younger siblings of HYO athletes who often accompany their older brothers and sisters.

Today, HYO serves over 2,000 children in the Hauppauge community, providing high quality programs and facilities for HYO's baseball, girls softball, football, cheerleading and basketball youth sports programs. Funding from Suffolk County is paramount to the completion of the revitalization of the HYO Sports Complex. It is fitting that this tribute to the youth of our community sits at the base of one of the most visible signs of the Suffolk County government, the Dennison Building.

I have attached in the dossier a spread sheet that shows that HYO has raised $230,000 of its own money and 230,000 additional in in•kind donations. We are asking for the appropriation of an additional $100,000 to complete this project. Thank you.

LEG. KENNEDY:

Mr. Chair, I know that we can't engage in questions, but I would like to say as a sponsor on the resolution that it's been a pleasure to work with the HYO. They really have gone far and above, I guess, what we see with a lot of organizations, and, certainly, it seems like it should be something worthwhile and of merit. So I thank him for coming out today.

MR. COHEN:

Thank you.

P.O. LINDSAY:

Thank you. Laura Ahearn.

MS. AHEARN:

Good morning. In July of 2004, a phlebotomist, traveling phlebotomist, visited a nursing care facility in Middle Island where he proceeded to orally sodomize and masturbate a 78 year old resident. The thought that our most vulnerable population, our elderly, are so incredibly vulnerable to sexual predators is outrageous to me.

At 16, my grandmother died of terminal cancer. She was in a facility with her arms wrapped because her bones and her ligaments and her muscles were so weak she couldn't move them. The thought of my grandmother lying motionless in a bed while a sex offender groped her or masturbated over her body is outrageous to me. But the reality is that in skilled nursing care facilities our elderly are very vulnerable.

Today you're going to vote on a local law that will protect our most vulnerable in nursing homes. Not only will you increase screening requirements, but you will also require that if a sexual predator is residing in that facility, that the residents will be informed, as will the next of kin. This will provide family members and residents an opportunity to make decisions about their futures.

This is the first county in New York State to enact such a law. We'd be the second state in the nation. And, quite honestly, all of the legislation that you guys work on is very special and very meaningful to me, but this one even more so because of my personal experience with my grandmother. Again, not only is it outrageous that our elderly are so vulnerable, but it's also very terrifying. So I'm proud to be a Suffolk County resident, because this Legislature is always blazing new trails to protect our most vulnerable. Thank

you.

P.O. LINDSAY:

Thank you, Laura. Colette Coyne.

MS. COYNE:

Good morning. Some of you I recognize from last year, and I would like to thank you for finally passing that bill to protect minors from tanning parlors, from the rays in the tanning parlors. And I would like to ask you to strengthen that bill, that young people under 14 cannot use a tanning parlor. I would also like to mention that talking about funding for a sports complex, I would hope that part of that sports complex would have shade covering, dugouts on the baseball fields to protect our young.

As I said last year, for those of you who are not aware of my mission, skin cancer, melanoma, which is a deadly cancer, is growing faster than any other cancer in America. And recent statistics tell us that Americans have a lifetime risk of 1 in 34. If this disease is caught early, there isn't a problem. Unfortunately, because of the lack of education about this disease, it isn't caught early and many 20, 30 and 40 year olds die from it. So I would ask you to, particularly in your own districts, see what you can do about providing shade covering on your playgrounds and recreational areas and dugouts on baseball fields.

I would also like to invite you, this morning I brought a, what they call a derma scan machine, and I would like to invite you to come and view yourself through that derma scan and just determine how well you have protected

your own skin in the past. It's not a diagnostic machine, but it is a cosmetic machine that, hopefully, will motivate those who haven't been to a dermatologist recently to go. This is a cancer that can be prevented and, yet, it's growing faster than any other disease. It doesn't make sense. We spend money for research. We need to spend money for prevention. Thank you.

D.P.O. VILORIA•FISHER:

Thank you, Colette.

MS. COYNE:

Oh, one other thing, before you cut me off. I just want to read to you, one of my pet peeves is the lifeguards on the beaches and in the pools. They are the role models for our young people, and it is our young people we have to be concerned about. And OSHA requires employees to •• employers to protect employees against overexposure to the sun's radiation. So how are we protecting our lifeguards when they're not mandated to have covering over them? I know there's a law pending in New York State at the moment that would give compensation to lifeguards who have contracted melanoma. So, rather than having them suing the towns in the future, let's protect them and mandate, not leave it up to them whether or not they'll use an umbrella, whether or not they'll get a tan. They're working for the County, they're working for the towns. Let them get a tan on their own time and let's provide shade covering for them, so that our young people on the beach are also aware that they must protect themselves from the sun. Thank you.

D.P.O. VILORIA•FISHER:

Thank you, Colette.

P.O. LINDSAY:

Thank you, Colette. Is it Johan McConnell?

MS. MC CONNELL:

Good morning. My name is Johan McConnell. I'm President of the South Yaphank Civic Association. I come before you this morning to, hopefully, have some of my questions answered about the Southaven Trap and Skeet Range. Before beginning, I would like to give each of you a copy of the report of the Trap and Skeet oversight committee, prepared for Commissioner Peter A. Scully by the Suffolk County Department of Parks, Recreation and Conservation, March 2002. Also included is an illustration of the way led can interact with the environment at outdoor shooting ranges from the National Shooting Sports Foundation.

My questions to the Legislative body are these: Why is this report never mentioned by Commissioner Foley when he discusses the studies by the County in regards to the Trap and Skeet Range, only two or three reports are mentioned, or any other County official or supporter of the range never mentions this account? It is clearly mentioned in the {Pedecor} study, which is the environmental study that everybody bases the reason for the opening of the range.

Why was I told at the November 2005 Parks Committee meeting that it would cost Suffolk County 7 million dollars if the range was not opened? Why is this amount quoted by supporters of the range? What does this figure represent? This has never been fully explained to myself or to my civic organization, and, somehow or another, we would like to know what this amount represents.

If there is no environmental damage to the property, why doesn't anything grow in the center of the field after four•and•a•half years? I live across from a 55 acre farm. The farmer turns it over in the beginning of the fall, and right now the weeds and the growth are about two feet high. In the center of the trap and skeet absolutely nothing is growing. Does it have anything to do with the led contamination in the middle?

Why does Mr. Nicholas Gibbons, Senior Environmental Analyst for the Department of Parks, always say that by law the proposal has to go before the Central Pine Barrens Commission and is subject to the New York State DEC regulations for a wild and scenic river, yet neither of these agencies have been asked to make any decisions about the trap and skeet, and the Commissioner Foley, as an informational, went before the Pine Barrens Commission and did not explain anything about what was happening?

Why was there no SEQRA declaration from CEQ for Resolution 2216•2005 when previous resolutions had one? It was declared an unlisted action pursuant to the SEQRA Law Section 617•7(C), yet this section clearly states that these criteria are considered indicators of significant adverse impacts on the environment, a substantial adverse change in existing traffic and noise level. We do know that the trap and skeet will be over the town noise level. The impairment of a critical •• the environmental characteristic of a critical environmental area, the trap and skeet is located in the core preservation area of the Pine Barrens, a critical area, and the creation of a hazard to human health. We know that every time shot goes off, led dust will be released into the air next to an active park.

I would like to thank Legislator Browning and Legislator Eddington for having come and walk the property with us and have seen what the property

actually looks like.

My last question to the body is how many of you would be willing to have this facility located in your district? Thank you.

P.O. LINDSAY:

Thank you, Johan. John McConnell.

MR. MC CONNELL:

Good morning. That was a little easier than Johan. We always get mixed up.

Good morning. My name is John McConnell, a member of the South Yaphank Civic Association. I'm just going to briefly touch on three areas about the trap and skeet. First of all, I'd like to mention the •• in fact, Victor asked about how many people have seen the trap and skeet. We'd like the people to not see it, but take a walk inside and actually see what it is.

Okay. First of all, the park, it's a critical environment area. Members of the South Yaphank Civic Association are opposed to the reopening of the Southaven Trap and Skeet, because environmental, health and noise issues. The range is located in the core preservation area of the Pine Barrens, and New York State designated wild scenic and recreation, Carmans River watershed, both critical environmental areas. Suffolk County purchased the area known •• now known as Southaven Park from {Ken Hard} in the early

'60's to protect the Carmans River watershed. January 11th, 1988, Suffolk County recorded both the Carmans River and Southaven Park as critical environment areas with the New York State DEC, which became effective February 10th, 1998. The question, generating money. This is one of the things that we have to have it opened, it's generating money.

To date, the County has approved three resolutions, a total of $800,000 of our taxpayer money, Resolution 278•2004, for $50,000, Resolution 1376 •2004 for $450,000 thousand dollars, Resolution 2216•2005 for $300,000. From the RFP, reported revenue, approximate, 1997, 285,000; 1998, 305,000; 1999, 260,000; 2000, 275,000; 2001, July, 140,000. The money the County would receive, based on 10% of gross •• of gross, would be from 26 to 30,000. It would take almost 30 years for the County to break even. So, for the County to say we need the revenue, that's ridiculous. 2007 Capital Budget and Program, 7079. County Executive Levy has asked for an additional $250,000 for the Trap and Skeet Range in his 2007 Capital Budget Program. This would bring the total amount allotted for this facility to 1 million plus.

South Yaphank Civic Association asks that you vote no on this item. This is not needed. There's a range elsewhere. We're not denying anybody, you know, the use of guns. There's shooting ranges elsewhere in better locations. Thank you very much.

P.O. LINDSAY:

Marian Zucker. Hello, Marian.

MS. ZUCKER:

Good morning. I'm Marian Zucker. I'm the Director of Affordable Housing for Suffolk County. I'm here this morning to speak in support of Resolution entitled "Authorizing certain technical correction to adopted Resolution 117 •2005."

Last February the Legislature passed Resolution 117, which authorized planning steps for the Patchogue downtown revitalization initiative that some of you are familiar with. This resolution allowed us to undertake the pre •development and pre•acquisition steps of this proposed 80•home community. Forty of these homes are going to be directed for workforce housing purposes for those earning up to 120% of median income. This site is one block off Main Street, one block from the Long Island Railroad Train Station, making it a quintessential smart growth community.

This initiative has the strong support of the Mayor, the Village Board, and was the first development endorsed by the Suffolk County Workforce Housing Commission. Since you approved Resolution 117 last year, we've been working hard to move this development forward. In fact, we expect to be in front of the Legislature requesting approval of a final authorizing resolution in late June. This technical correction reso captures one lot inadvertently left off the original resolution.

I ask your support today of this resolution, which will allow us to remain on schedule and bringing this initiative to fruition.

While I'm here, I also want to speak in support of Resolutions 1440, 1441, 1442, 43, 44 and 45. These 72•h transfers transfer surplus properties to the Towns of Babylon and Brookhaven for affordable housing purposes. Each of the towns intend to transfer these towns to one of the several non•profit organizations with whom they work all for homeownership purposes. Thank you.

P.O. LINDSAY:

Thank you, Marian. Joanne Steigerwald.

MS. STEIGERWALD:

Good morning. My name is Joanne Steigerwald and I am a resident of Yaphank. My home is within 300 feet of a shooting station within the trap and skeet facility. I would like to state for the record that my husband and I are adamantly opposed of the reopening of the trap and skeet facility in Southaven Park.

My husband has been a Suffolk County business owner for 25 years, and I have been employed by a Suffolk County business for 22 years. We moved to Yaphank a year ago to our dream home and community. This home has been a place of solace and has become the gathering place for family and friends. I am heartsick to think that our tranquil days will now be disrupted by repetitive gunshot, and that family videos will now include the sound of gunshot.

It is unconscionable to me that the Legislators we voted for and support may do nothing to support us and the quality of our lives. I cannot believe that individuals would support a recreational, nonessential venue that will negatively impact our community and the quality of our lives. Many have spoken out against this facility, yet our Suffolk County leader continues to move forward with the controversial project. I would truly like to continue to believe that our government is a democracy and is not changing into a dictatorship. No matter what anyone has to say, the bottom line is that no one would ever want to hear repetitive gunshot in their backyard. No one

would want to spend their days living indoors just because you cannot live with the constant sound of gunshot. What may have made sense in the past makes absolutely no sense in today's world.

In the words of the Reverend this morning, I implore you to please let peace prevail. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Ms. Steigerwald. Howard Carpluk.

MR. CARPLUK:

Good morning. My name is Howard Carpluk and I am a neighbor of the proposed Suffolk County Trap and Skeet, and I'd like to go on record stating that I am adamantly opposed to the reopening of this range.

Back in '95, there was a sound study done by the new operator in '95 to •• before he opened to do a sound study. It was a 30•day study. The 30•day study put into effect weather conditions, atmospheric conditions, wind direction and such. The study slows decibel levels up above 80, 81, 83, and that study stood. So he was supposed to put in noise abatements through the years, which he had not done. He was supposed to do led abatement, which he had not done. And he was not paying the County any money, or he was behind on his fees. So Peter Scully, the Commissioner at the time,

closed him down. Since that time, they went to reopen and put someone else in there, and they needed to get a sound study. And I kept saying there was a sound study done that was for 30 days. They did a sound study for one day, and they called in a guy, Hanson, who does extensive work for the NRA. He's up in Massachusetts, and if you go online, you can find him every community around the country that are fighting shooting ranges. He's the man that they pick. He took this study and he made it look very simple, that the Suffolk County noise law was a ridiculous law. He took the study and he put his microphones on the street. I was with him all the way. He put them on the street and he showed that a truck, garbage truck or a school bus was violating the law also and how ridiculous this law was, according to Ginny Fields. I asked the guy if he would go in my backyard and put the microphone in my backyard, he told me no, because it would skewer the results. I said, What results?" He goes, "The results of the testing." So I didn't want to get too far with him, he's being paid, he's a businessman.

The garbage truck that violates the law on the street with the microphone on the street, I don't hear it in my backyard. The school bus, I don't here it in my backyard. The gunshot that goes off in the range that was violating the law on the street was violating the law for a quarter mile around that site that everybody heard. So, when the garbage truck comes by and he violates the law on the street, it's not violating the law in my backyard. I just wanted to get that point across.

Ginny Fields took this thing on, I don't know, sometime around 2000 as a personal project of hers, and it shows if you study her campaign funds as pertaining to campsite sports. This guy, Mark {Rubell}, all their businesses is in Nassau County, he's in Nassau County, but he's paying money to Ginny Fields' funds to run for her Suffolk County Legislator at the time. Peconic Bay Sportsmen, all these guys that shoot, they want this place open, so you know where she was coming from.

Each and every one of these people that come to this range when it was open, they all wore hearing protection, each and every one of them. When they stood up here and they said that it's not noisy, the garbage truck •• I don't wear noise protection when the garbage truck pulls in my house. It's quick and over it and done. But when •• when they show up and they shoot with hearing protection and I'm 150 feet from my house, there's something wrong here. The Suffolk County government ••

P.O. LINDSAY:

Mr. Carpluk, your time is up. Could you wrap up, please?

MR. CARPLUK:

Yes, I will. Suffolk County government did not show all the environmental studies as pertaining to the study recently done for reopening this range. I can leave it at that, because you just got a copy of the ones that you guys didn't see. Pine Barrens Society letter. The Pine Barrens recently sent a letter to the County stating that they are in violation of the Pine Barrens Act and they will go to litigation if they go any further.

The led, I just want to make sure that you know that the led is not being cleaned up. There's a section of led that's being cleaned up today, but the woods is filled and inundated with led that will never ever be picked up according to the way their plan is.

And lastly, there are two other places in close proximity to be shooting, the shooting facility in Ridge and the shooting facility that's out in Calverton. All those guys that were shooting at the Suffolk County facility are all shooting

there now and it's been going on for four•and•a•half years. There is not a direct need to have this place open. Thank you very much.

(Applause)

P.O. LINDSAY:

Pat Voges. Pat Voges. Maybe I'm mispronouncing the name. Last time, Pat Voges. Going once, going twice. Joe Cavaliere.

MR. CAVALIERE:

Good morning. My name is Joe Cavaliere and I'm adamantly opposed to the opening of the gun range. I'd like to preface my statement by saying I am a Conservative who supports the Second Amendment strongly. What I don't support is a destruction and devaluation of the ••

P.O. LINDSAY:

Joe, maybe you could talk into the mike.

MR. CAVALIERE:

I'm sorry.

P.O. LINDSAY:

We can't hear you.

MR. CAVALIERE:

Yeah.

P.O. LINDSAY:

Just bend it down so you can read from there. There you go.

MR. CAVALIERE:

Okay. I'm new to this. Well, I'll start over again. Like I mentioned, I am a conservative who supports the Second Amendment strongly. What I don't support is the destruction and devaluation of a beautiful neighborhood with noise and led pollution. If the noise pollution were form a firehouse, a police heliport, or some other valid reason that benefits the entire community, I could rationalize that. But to destroy our neighborhood to shoot at flying clay objects by people who live in other towns is wrong. It almost seems ludicrous that we are debating whether to open a shooting range in the middle of a neighborhood which pays taxes in the double digits. Why would any politician on either side of the aisle support this insanity?

Smithaven Park, where families come to relax and listen to the chirping of birds and not the sound of firecrackers every second. Shooting ranges belong in isolated areas or not at all. This is 2006, not 1945. The noise

pollution is enough to fray your nerves after only a few hours. You must keep your windows shut all year long. Until you experience this type of repetitive noise pollution day after day, week after week, you cannot even begin to understand the severity of this problem. It is not just a decibel level, it is a repetitive duration problem. The first thing that shooters do is put their head •• their ear protection on when they begin shooting. I wonder why.

The County receives less than $30,000 in revenue from the gun range owner. Is this worth the destruction and devaluation of thousands of homes where we pay millions combined in taxes? This land should be used for more diverse interests which serve the community instead of a narrow segment of the population. The shooters have not used this range for over four years and they have survived just fine.

I just want to mention, when I was younger, I flew model gas airplanes. I was fined for doing it, but I respected the neighborhood that fined me. And I think that you should take a serious look at what is going on here, and why are these people so adamantly •• they want to open this gun range, you know, so badly. It doesn't make any sense to put this in the center of a neighborhood. I'm a few •• maybe about a quarter mile from this gun range. When I moved in it was unbearable. I couldn't sit in my backyard and read. You couldn't sit on your •• you can't sit on your porch, you can't do anything. It's hour after hour, 365 days a year. Thank you very much.

(Applause)

P.O. LINDSAY:

Thank you. Doug Celiberti.

MR. CELIBERTI:

Good morning, all. I'm Doug Celiberti. I'm the Director of Finance and Comptroller for the Town of Islip, and I'm here today on behalf of the Acting Supervisor, Jeanette Messina, to read a letter regarding Resolution 1405 on the MacArthur Airport.

"Dear Presiding Officer Lindsay and Members of the Suffolk County Legislature: I write this letter as Acting Supervisor of the Town of Islip on behalf of all the members of the Town Board on behalf of all Islip taxpayers. We write to you in strong opposition to the provisions contained in the above referenced resolution that would mandate reimbursement from Islip taxpayers for services provided at Long Island MacArthur Airport by the Suffolk County Police Department. Approval of this measure would set a dangerous precedent that could threaten the safety of all County residents who use the airport, and permanently damage the model of intergovernmental cooperation that currently exists between the towns and the County of Suffolk. It is, in short, very bad government."

"Islip taxpayers have paid over 700 million dollars for Police District taxes over the last 10 years. In the year 2006 alone, Islip taxpayers have paid over 90 million dollars. If this measure were enacted, taxpayers would double•taxed for the same police services already paid for. If you set this precedent, it would not be long before Huntington taxpayers would be charged for police that provide protection to the Long Island Fall Festival. Other towns, villages and schools, their facilities and events such as fairs, concerts and parades, would soon follow."

"This notion of paying twice for police protection is particularly disturbing when applied to Long Island MacArthur Airport, a regional facility that not only serves all Suffolk County residents, but also serves residents of other states who travel to Long Island on business and pleasure. Long Island MacArthur Airport is economic generator for all of Suffolk County, delivering over 3 million dollars annually in sales tax revenues, and generating over 200 million dollars in economic benefits."

"Also, be careful •• also to be carefully considered by Legislators is the strong possibility that the towns will begin to charge the County for the full value of services provided now at a greatly reduced or no cost to County taxpayers. For instance, the special service building and the helicopter hangar at Long Island MacArthur Airport are occupied by the Suffolk County Police Department and deployed to all County residents with not reimbursement to the Airport or Islip Town taxpayers. Naturally, should the Legislature impose any charge for this service, it will appear as a separate item on the County tax bill."

"In summary, this is a poorly conceived plan to add monies to the County coffers with no regard for the fairness, the feasibility or the future ramifications of the effort. The County Legislators should stand up for all local taxpayers and reject this measure in any form that it may be presented. Very truly yours, Jeanette Messina." Thank you for the opportunity.

P.O. LINDSAY:

Thank you, Mr. Celiberti. I'll try one more time, Pat Voges. No, didn't come back in the room. Okay. That's the end of the cards. Is there anyone else in the audience that would like to speak under the public portion?

LEG. CARACAPPA:

Motion to close, Mr. Chairman.

P.O. LINDSAY:

Seeing none, I accept a motion to close from Legislator Caracappa. Do I have a second? Second to close the public hearing?

[SECOND SAID IN UNISON BY LEGISLATORS]

Oh, thank you. Jesus. Okay. All in favor? Opposed? Abstentions? I would ask •• we're missing a few Legislators. I'd ask them to come to the horseshoe. We're about to start the agenda. Okay. We'll go to the Consent Calendar.

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Do I have a motion? Motion by Legislator Caracappa, seconded by Legislator Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

LEG. MONTANO:

What is this?

P.O. LINDSAY:

The Consent Calendar. Come on, guys.

LEG. CARACAPPA:

Yeah, Billy.

RESOLUTIONS TABLED TO MAY 16, 2006

P.O. LINDSAY:

Resolutions that were tabled to May 16th. ***I.R. 2022 • Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of the Long Island Jet Center East, Incorporated, Town of Southampton.***

LEG. BARRAGA:

Second.

P.O. LINDSAY:

I'll make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Just a second, Bill, just wait.

P.O. LINDSAY:

Did you get the vote?

MR. LAUBE:

No. Just a second. Now, repeat the vote, please.

P.O. LINDSAY:

Pardon?

MR. LAUBE:

Repeat the vote, please.

P.O. LINDSAY:

I.R ••

MR. LAUBE:

2022?

P.O. LINDSAY:

2022. I made the motion, Legislator Fisher second the motion. I think it was •• okay.

MR. LAUBE:

That's 15. (Not Present: Legs. Losquadro, Kennedy and Cooper)

P.O. LINDSAY:

Yep. You caught up?

MR. LAUBE:

Yep.

P.O. LINDSAY:

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

LEG. ALDEN:

Motion to table?

P.O. LINDSAY:

Motion to table by Legislator Alden, second by Legislator Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

15. (Not Present: Legs. Losquadro, Kennedy and Cooper)

P.O. LINDSAY:

I.R. 1165 • Authorizing planning steps for the acquisition of One Tower Street Property, Huntington Station, Town of Huntington under the Multifaceted Land Preservation Program.

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

Motion to table, Legislator Alden.

LEG. EDDINGTON:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

15. (Not Present: Legs. Losquadro, Barraga, Cooper)

P.O. LINDSAY:

I.R. 1171 • Expanding the incentive program promoting the closure of residential underground fuel tanks to above ground fuel tanks.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden.

D.P.O. VILORIA•FISHER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Fisher.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. The tabling motion would take precedence. Any discussion? All in favor of tabling? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. CARACAPPA:

Opposed.

P.O. LINDSAY:

Okay. Hold up the opposed. We've got one •• Romaine, Caracappa, Alden, Barraga, Nowick.

LEG. ALDEN:

Schneiderman.

P.O. LINDSAY:

Schneiderman. I didn't see Schneiderman. I'm sorry.

LEG. ALDEN:

He's just a little guy, he's over there.

MR. LAUBE:

Seven •• eight. (Not Present:

P.O. LINDSAY:

Eight. So the tabling motion fails. Motion to approve. Any discussion?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

This bill is a very limited bill that would expand the residential underground fuel tank incentive of $100 for those who replace their underground fuel tanks to those residents with above ground fuel tanks that are outside the house. There are many homes, particularly of low and moderate income families and working families, that have outside above•the•ground fuel tanks. This would help them give a minor incentive of $100 to help them when they need to replace those fuel tanks to prevent them from leaking and leaching into the ground. I think it's a limited, but well thought out, expansion of this program, and should not involve a great deal of money, but would be of great benefit to the environment.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Where had a question?

LEG. MONTANO:

I had a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

What is the fiscal impact of this? I don't have my Fiscal Impact Statement with the bill.

LEG. ROMAINE:

I don't have the fiscal impact statement, but I believe it's less than $20,000. I mean, it probably would be less than that because I cannot imagine that more than 2,000 people over the course of the life of this program would apply for the $100 incentive who have above•ground outside tanks. Mostly it would benefit mobile homeowners. It would also benefit people that are living in small homes that happen to still have above•ground outside tanks.

LEG. MONTANO:

You'll forgive me, I don't have the bill in front of me. I'm reaching for it now. Where's the money coming from?

LEG. ROMAINE:

The money is coming from the same program that the money for the underground tanks came from.

D.P.O. VILORIA•FISHER:

I think it's 200,000.

LEG. CARACAPPA:

Two hundred grand.

LEG. ROMAINE:

Two hundred? You know, when you think that it's $100 a tank, $200,000, you're talking about 20,000 people replacing their tank. That's a lot of people.

LEG. ALDEN:

Twenty thousand would be 2 million.

LEG. ROMAINE:

No, 2,000, 2,000.

D.P.O. VILORIA•FISHER:

Yeah, 2,000.

LEG. ROMAINE:

I'm sorry, my arithmetic is off. I need to have more coffee.

P.O. LINDSAY:

You weren't a math teacher, right, Ed?

LEG. ROMAINE:

No.

P.O. LINDSAY:

Good.

LEG. MYSTAL:

Thank God.

P.O. LINDSAY:

Anybody else on this issue?

LEG. MONTANO:

Yeah, one last thing, Legislator Lindsay.

P.O. LINDSAY:

I'm sorry.

LEG. MONTANO:

Why wasn't this done, or would it not be more appropriate to do this in the budget, during the budget process?

LEG. ROMAINE:

The original program did not come forward during the budget process. This is a program that's coming forward at this time that would make these funds available that would allow this incentive to be done. Obviously, if it passes, I would encourage the County government and the County Executive to

publicize it, so that people could take advantage of it.

P.O. LINDSAY:

If I could just weigh in. You're absolutely correct, is the last program was for underground tanks. It was done as a separate item, it wasn't done as part of the budget.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

The big difference with that program and this program is •• and I think we offered a $100 as well, right?

LEG. ROMAINE:

Right.

P.O. LINDSAY:

Is underground tanks, you don't know whether they're leaking or not, and it's a much greater expense to replace the underground tank than the above •ground tank.

LEG. ROMAINE:

I agree with you, but most people that have above•ground outdoor tanks tend to be of working families or low or moderate income. This is a minor incentive of $100 to encourage them if it shows signs of leaking, instead of patching it or doing something of that nature, to encourage them to replace it.

P.O. LINDSAY:

Anyone else?

LEG. D'AMARO:

Mr. Chair.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just very briefly. I would think, as I stated at the last meeting, that the incentive here would be the cost of fuel oil itself. If you see your above •ground tank leaking, it's just a matter of time before you'd leak $100 worth of fuel oil on the ground, it wouldn't take very long. So, again, I don't •• I think the original program, as the Presiding Officer stated, was really about providing some incentive to investigate an underground tank that was not

immediately visible and that's not the case here.

LEG. MONTANO:

Mr. Lindsay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I just don't recall. Was the •• the original program, did that have or did it not have some kind of means test? I remember a debate about a bill and we were discussing whether or not ••

D.P.O. VILORIA•FISHER:

That was well testing.

LEG. MONTANO:

Excuse me?

D.P.O. VILORIA•FISHER:

That was well testing.

LEG. ROMAINE:

It had no means test.

LEG. MONTANO:

That was well testing.

LEG. ROMAINE:

Right.

LEG. MONTANO:

Okay, not the same thing.

P.O. LINDSAY:

Anybody else? Legislator Browning.

LEG. BROWNING:

Yeah. You know, if I have an outdoor tank and it's leaking, and I don't replace it and I'm reported to the DEC, wouldn't my fines be a lot more, that

that would be my incentive to replace it?

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Roll call, please.

P.O. LINDSAY:

Yeah, let's roll call.

MR. LAUBE:

Roll call, okay.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay. The ••

LEG. LOSQUADRO:

Mr. Chairman.

P.O. LINDSAY:

Yes, sir.

LEG. LOSQUADRO:

Before we go to the next resolution, I explained to you earlier, I don't want to get into the details, but if I could ask to be added to the majority on the Consent Calendar and the three previous votes. I had to be out of the room momentarily.

MR. LAUBE:

Sure.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

I'm going to rule from the chair. I'm aware of ••

LEG. COOPER:

And I'd like to make the same motion, please.

LEG. KENNEDY:

You know what, I'm going to ask for that as well. I had to step out, unfortunately.

LEG. MYSTAL:

Consent Calendar.

MR. LAUBE:

Everybody's here?

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

I'll make motion to reconsider the Consider Calendar.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

All right?

LEG. ALDEN:

Where's Horsley?

LEG. ROMAINE:

He had to step out of the room momentarily.

LEG. ALDEN:

He'll be back ten minutes from now and we'll have to reconsider it.

P.O. LINDSAY:

I know, you know, we all have problems from time to time, but I would ask the Legislators to please make every effort to be at the horseshoe when we're conducting business. All right?

LEG. SCHNEIDERMAN:

There he is, now that we've publicly embarrassed him.

LEG. MYSTAL:

We just made a motion to reconsider the Consent Calendar.

P.O. LINDSAY:

Okay. We have a motion to reconsider the Consent Calendar and we have a second. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

Motion to approve the Consent Calendar.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Do you have that? Motion by Legislator Mystal, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ALDEN:

Hooray.

LEG. LOSQUADRO:

Thank you, Mr. Chairman.

P.O. LINDSAY:

You're welcome.

LEG. LOSQUADRO:

On the next ••

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

I.R. 1240 (Appropriating funds in connection with the Rocky Point Tower site (CP 3235).

LEG. LOSQUADRO:

Yes. Unfortunately, the Health Department made a determination that this had to go back before CEQ because of some deemed substantive changes, so •• and CEQ does not mean until tomorrow. But I would ask if I could have a representative from the County Attorney's Office come up momentarily.

P.O. LINDSAY:

Sure. Just to keep Legislator Losquadro informed, too, I've been just informed that, I guess, as a result of that, we haven't been able to obtain a bond.

LEG. LOSQUADRO:

Correct.

P.O. LINDSAY:

So it would •• it probably needed to be tabled anyway.

LEG. LOSQUADRO:

Yes. To the County Attorney's Office, I had inquired, being that this is not County property, that this is owned by the Water Authority. How does this •• how does that affect the CEQ process in terms of our findings, being that we do not own the property? Does that affect the process in any way?

MS. CAPUTI:

I don't believe so, it's still an action.

LEG. LOSQUADRO:

Okay, very good. And just as an update, the Water Authority has agreed to do the site improvements. There will be no additional costs incurred by the County. There's just some site grading that they are going to now take care of, and the fencing they're going to take care of as well. So once it passes CEQ, to my understanding, all the other agreements and memorandums have been agreed upon. So, once CEQ meets tomorrow, we can actually move this forward. But in absence of that, I'll make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Legislator Losquadro makes the motion, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

This is to table?

P.O. LINDSAY:

To table.

MR. LAUBE:

Yes.

P.O. LINDSAY:

Suffolk County government moving right along.

LEG. ALDEN:

At the speed of light.

P.O. LINDSAY:

Okay. That takes care of 1240A and 1240. I guess I should have a separate resolution.

MR. LAUBE:

18. 18.

MR. NOLAN:

1240A is not really on, we don't have it.

P.O. LINDSAY:

Oh, okay, okay. So we're okay. ***I.R. 1252 • Amending the 2006, 2007 and 2008 management salary schedules for employees who are excluded from the bargaining units that are assigned a grade in the Official Suffolk County Classification and Salary Plan.*** I'm going to make a motion.

D.P.O. VILORIA•FISHER:

I'll second it.

P.O. LINDSAY:

And seconded by Legislator Fisher. And I'm going to ask Budget Review, Gail, if you would go over the particulars of this bill and the genesis of it.

MS. VIZZINI:

Basically, this bill impacts about 356 exempt employees. When the union personnel received their annual salary increases, in the course of our analysis, the Budget Review Office saw that the union salary schedule is fairly compact and the differences between the steps are about 3%. When the benefit to give exempt employees steps was passed, we made the recommendation that the exempt salary schedule, since there had been no steps, has a lot of diversity between steps. Basically, the difference between the steps alone can be anywhere from 4.2 to 5.1% so what this salary schedule does is it mimics the union salary schedule in terms of the percentage differences between the steps.

If we were to move forward with the old schedule compared to this schedule, this schedule will actually save the County approximately $180,000 annually, with a minimal impact on the individuals. There is some negative impact, meaning the parameters in the resolution require that nobody does better by this program than they would have the old •• the old schedule. But there are about 100 people who do not quite get a 3% increase because of how they will be placed on the new schedule. After this initial implementation, from this point forward, if they're eligible for steps, they'll get 3%.

P.O. LINDSAY:

Is that clear?

LEG. MONTANO:

Of course not.

LEG. MYSTAL:

You have managed to confuse me all around.

MS. VIZZINI:

Better than the last time?

LEG. MYSTAL:

I'm thoroughly confused.

P.O. LINDSAY:

Ben, did you want to comment on this?

MR. ZWIRN:

Yes. The County Executive is supportive of the intent. Jeff Tempera, who

spoke at the committee, just wanted to reiterate, and some of what Gail said, we would just reemphasize it, there will be some inequities with respect to the carrying out of this proposal. I think Jeff there'd be about 181 employees who would be getting more than the 3%.

LEG. MONTANO:

I can't hear you, Ben.

MR. ZWIRN:

There would be about 181 out of the 356 employees who are eligible who would be getting more than 3%, and about 100 who would be getting less. And I just want you to know that going in. So, when it's implemented and you get complaints, he just wants you to know that at least you knew before it was passed.

P.O. LINDSAY:

So is the County Executive in favor of this resolution?

MR. ZWIRN:

He's in favor of the concept of trying to make it more equitable, but he just wants you to be aware that ••

P.O. LINDSAY:

But he's against steps altogether.

MR. ZWIRN:

Well, that's it. He wants to make everybody an exempt employee.

LEG. HORSLEY:

Is that quotable?

P.O. LINDSAY:

Any other comments?

LEG. MONTANO:

Yeah.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Gail, just very quickly. I'm not sure I understand all the aspects of this bill, but I do understand that what we are doing is that if an employee starts at one step and they're going to end at another step, this bill makes the time in which they reach the end step longer than it was •• than it is at the time that they're working now. In other words, we're adding years to the point of beginning than to the point of end; is that correct in terms of salary?

MS. VIZZINI:

The old schedule started at Step 4 and had 9 steps, but you did not advance at all, you never advanced in step.

LEG. MONTANO:

What do you mean you never advanced in step? You're stating that one step?

MS. VIZZINI:

If you were hired as a Legislative Aide II, you only got an annual salary increase, as opposed to the union employees, who, if they were eligible for a step, every July would advance in step.

D.P.O. VILORIA•FISHER:

That's not your question, though.

LEG. MONTANO:

It's not my question, but let's stay there. So, if a civil service employee comes in at a Step 4, they will advance to Step 5, Step 6, Step 7, until they get to their nine steps. But if an exempt comes in at Step 4, they never go to Step 5; is that what you're saying?

MS. VIZZINI:

That was before the steps were extended in the recent legislation. Exempts did not get steps.

LEG. MONTANO:

Do they get steps now?

MS. VIZZINI:

Only because of the recent passage of the ••

LEG. MONTANO:

The one that we passed in the ••

MS. VIZZINI:

Exactly.

LEG. MONTANO:

So what this bill does now is goes and increases the years, or increases the steps?

MS. VIZZINI:

It smooths it out, correct.

LEG. MONTANO:

Well, it smooths it out or increases. I don't know what you mean by "smooths", because my understanding is you said 100 people in this group that are affected by this bill would receive less than the 3%?

MS. VIZZINI:

Correct.

LEG. MONTANO:

Is that what the County Executive's Office said.

MR. ZWIRN:

Yes.

LEG. MONTANO:

And the bill we passed in December basically gave everybody a 3% increase; is that correct?

MS. VIZZINI:

The bill you passed in December gave everybody a 3% salary •• annual salary increase and gave them steps, which will •• they'll advance in July.

LEG. MONTANO:

But this bill now puts them in a position where some employees at least •• well, almost half are getting less than 3%; is that accurate, because that's what I thought I just heard.

MS. VIZZINI:

It's •• yeah, it's 100 out of the 356. They'll get steps, but ••

LEG. MONTANO:

Isn't there a way of rewriting some •• the bill, so that at least they get their 3%, that 100 people that were affected get their 3%, which was what was intended, it parallels the AME contract, and it's what we passed in December; isn't there a way of doing that?

MS. VIZZINI:

Well, they're going to get their 3%, but I'm going to move them ••

LEG. MONTANO:

Who's going to get their 3%.

MS. VIZZINI:

Anybody who's in the •• all of the exempts in the beginning of each fiscal year, the salary schedule will go up by 3%. That's going to happen.

LEG. MONTANO:

Well, maybe I'm missing something, but I just thought I heard that 100 people would not get 3%.

P.O. LINDSAY:

On the step.

MS. VIZZINI:

They'll get their annual salary increase, but then on top of that, in addition to that, we are giving them steps. Normally ••

LEG. MONTANO:

Okay.

MS. VIZZINI:

•• a step is about 3%. The old exempt management schedule, the steps were all over the board, 4.5, 5.1, all over the board between those things. What this does is smooth it out. It does take it from a nine•step plan to a thirteen•step plan.

LEG. MONTANO:

You keep saying smooth, but I keep saying increase. It increases the steps •• •

LEG. LOSQUADRO:

The time.

LEG. MONTANO:

The time in which you get to the •• okay.

P.O. LINDSAY:

If you •• the prerogative of the Chair, Legislator Romaine, I have you, I just want to clarify one thing.

LEG. ROMAINE:

Sure.

P.O. LINDSAY:

Gail, does this plan emulate more the AME program than what we passed, or vice versa?

MS. VIZZINI:

In terms of steps, this tries •• mirrors the percentage increase between the steps.

P.O. LINDSAY:

That AME currently has.

MS. VIZZINI:

Correct.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I think this legislation demonstrates that all Aides are equal, some are just more equal than others, in the sense that if your an Aide now in the current program, in nine years, you can get to top step. If this bill is adopted in the current program, it will take you thirteen years to get to top step. This bill creates more inequity, and it doesn't reach the goal that I think most Legislators would have, which is to provide equity amongst Aides' salaries, so that we can continue to attract good people to work in our offices to help us with crafting legislation and constituent stuff. I just don't feel that this bill does it. I don't intend to vote for it. I think it creates too many inequities. I think it takes too long to get to top step. And I think, in the long run, as each year goes by, those inequities increase. So I do not intend to support this bill.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Gail, just another point of clarification. AME is nine steps to get to the top?

MS. VIZZINI:

No, AME is twelve steps. The old exempt was nine.

LEG. ALDEN:

Okay. So AME currently is twelve steps to the top.

MS. VIZZINI:

Correct.

LEG. ALDEN:

And then, under this, it would be thirteen for exempts.

MS. VIZZINI:

Correct.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Putting the steps aside for just a moment, I just want to confirm your fiscal impact statement. According to what I'm reading here, there would be annual savings of $175,000 if this is adopted, and over a five•year period, 875,000; is that right, Gail?

MS. VIZZINI:

Correct. And that's compared to if we move forward to the old salary schedule.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

I just want to reiterate what I said the last time I heard this. I keep hearing it, the exempts being compared to AME, and I'm going to say it again, that I believe it's apples and oranges. At 5:00 all the AME people go home, and at 5:00 all the other people don't go home. So I don't want to hear that comparison for me. And you just reaffirm when I hear this exactly why I've been a union member my whole life. So I won't be supporting this either.

P.O. LINDSAY:

Anyone else? No? Okay. We have a motion and a second.

D.P.O. VILORIA•FISHER:

Actually, I'm withdrawing my second.

LEG. D'AMARO:

Excuse me. On the motion. Just please note ••

P.O. LINDSAY:

All right. But I'm going to recognize Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just for the purpose of noting my recusal again as per my notice on file with the Presiding Officer's Office. Thank you.

P.O. LINDSAY:

Okay. Okay. The second has been withdrawn. Is there another second?

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. HORSLEY:

Is this to approve?

P.O. LINDSAY:

To approve. We have a motion before us with a second.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Pass.

LEG. D'AMARO:

Recuse.

LEG. STERN:

Pass.

LEG. MYSTAL:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

I'll pass.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Pass.

LEG. CARACAPPA:

Abstention.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Abstention.

LEG. ROMAINE:

No.

D.P.O. VILORIA•FISHER:

No.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. MONTANO:

No.

LEG. LOSQUADRO:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Resolution fails. ***I.R.1343 • Review of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act.***

LEG. ALDEN:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to table by Legislator Alden, seconded by Legislator Romaine. I'm going to make a motion to approve. Do I have a second?

LEG. ROMAINE:

Table takes precedence.

MR. LAUBE:

Tabling takes precedence.

D.P.O. VILORIA•FISHER:

I think Ben wants to talk.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

If we could, if we could just have this tabled one more cycle. There's still •• still a few tweaks we'd like to do to this bill.

P.O. LINDSAY:

I'll withdraw my motion ••

MR. ZWIRN:

Thank you.

P.O. LINDSAY:

•• to approve.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

We have a motion to ••

LEG. MYSTAL:

Table.

P.O. LINDSAY:

To table and a second. Did you want to comment on the motion, Legislator Kennedy.

LEG. KENNEDY:

Just on the motion. A question, actually, for the administration through Mr. Zwirn. Ben, if •• are you going to actually then wind up doing some amendment to the resolution regarding what the auction rules are? Going back now almost two months ago, I guess we had some discussion and questions, and things like that, particularly on the title side and a few of those areas.

MR. ZWIRN:

We're going to go ••

LEG. KENNEDY:

I've not heard anything more about it.

MR. ZWIRN:

But we're going to do a little tweaking and we'll get •• and we're going to amend the actual auction rules. We're still going to •• we're still going to tweak the auction rules and we'll bring them back to you.

LEG. KENNEDY:

So we'll have an opportunity to go ahead and review what the changes are, and then is that something that we'll have an opportunity to discuss in committee or are we going to have it back before us here in general forum.

MR. ZWIRN:

Well, we can discuss it at committee.

LEG. KENNEDY:

Okay. I would personally appreciate that, since I've got some particular interest in it.

MR. ZWIRN:

We can have Real Estate come back and ••

LEG. KENNEDY:

Good.

MR. ZWIRN:

•• make a presentation again.

LEG. KENNEDY:

Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

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

MR. LAUBE:

18.

BUDGET AND FINANCE

P.O. LINDSAY:

I.R. 1405 • Adopting a No Frills Budget Plan to stabilize property taxes in 2007 by ensuring affordable County government.

LEG. CARACAPPA:

Is there a CN?

MR. NOLAN:

There's a CN.

LEG. MYSTAL:

Sir, there's a CN for this? Should we pick it up now and start the debate on it? Do the CN now? We might make our day shorter.

P.O. LINDSAY:

All right. Is that everybody's pleasure, to address the CN?

LEG. MYSTAL:

I'll make a motion to take the CN out of order ••

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

•• so we can consider it.

P.O. LINDSAY:

We have a motion to take 1405, the Certificate of the Necessity, out of order? Do I have a second?

LEG. CARACAPPA:

Second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. Any questions about the CN?

LEG. CARACAPPA:

I have a few questions.

P.O. LINDSAY:

Yes •• okay. All in favor? Opposed to taking the motion out of order?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. With that, I recognize Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Ben, the original bill that I had seen had MacArthur in it.

MR. ZWIRN:

Right.

LEG. CARACAPPA:

That's taken out now and it's a stand•alone by itself.

MR. ZWIRN:

It will be a stand alone CN later in the day.

LEG. CARACAPPA:

That's all I need to know. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I guess two points that I guess I would like to go ahead and talk about, which I raised in committee. My first question actually, I guess, I have to go to Budget Review. Can you speak to the Item 2, Gail, again, please, about the Tobacco cessation? What is our annual tobacco revenue received?

MS. VIZZINI:

We get about 23 million dollars in tobacco monies from the settlement annually.

LEG. KENNEDY:

On an annual basis, the County of Suffolk receives 23 million?

MS. VIZZINI:

Correct.

LEG. KENNEDY:

Okay. And then I guess this is a question for Ben, just so that I make sure I understand. The second would actually impose a $500 participation fee for people who are seeking to go ahead and come to the County to stop smoking.

MR. ZWIRN:

It would be up to $500. It's going to be on a sliding scale based on income. What's happening now under the program is that the County is not going after any of the insurance that might be available to offset some of the costs of the program. For an individual, it's about twelve hundred and ninety dollars per individual who enters the program. And what we've ask for in this to try to save the taxpayers is, if people who have insurance, if the insurance pays the entire freight, then we should go after all that money and go after the whole twelve hundred and ninety, or to accept whatever insurance is available and not asking the resident to pay anymore than $500 out their

own pocket. But in ••

LEG. KENNEDY:

I understand the concept of third•party billing. I do understand also that we receive on an annual basis 23 million in the first instance associated with smoking cessation. So I don't necessarily agree with the fact that somehow the County is at a loss by providing these services. As a matter of fact, I think there's an awful lot of folks that could come ahead and get smoking cessation help before we hit 23 million. However, it's probably beneficial to go ahead and make reasonable efforts to go ahead and seek third party reimbursement if health insurer will provide for that.

My concern goes to this notion of sliding scale, where either a party is without any insurance whatsoever, or they have a third party who, for whatever reason, doesn't cover smoking cessation. There where we begin to look at, you know, levying a fee on somebody who's got an addiction in the first instance that ultimately is going to cause death, I don't see that as necessarily being a prudent way for us to deliver the service.

MR. ZWIRN:

I think that part of the thinking on the County Executive was that people are going out and buying cartons of cigarettes. So to try to get them to participate in the program, instead of taking that money to pay for cigarettes, at least offset some of the program. If they're serious, then this would be one way to do it. Often, if something is provided for free, people enter the program, then drop out. At least now they'll have an incentive. In addition, they would only pay as they use the different •• the patches as they go along, they wouldn't have to pay $500 up front. But if they •• on a basis, on an as•needed basis, they would pay it that way, but up to $500 would be the

maximum.

LEG. KENNEDY:

You know, look. I tend to •• I think once again we're looking at something where there's some philosophical differences, and in this case in particular, where we already as an entity receive 23 million dollars annually as a result of the national litigation, I find it hard to reconcile with this notion that somehow we have to, you know, fiscally justify on a delivery of service on a local instance. Perhaps maybe we're talking about, you know, philosophy here, philosophy there, I just think that to put this participation fee in place is something that's a disincentive for people who might otherwise try to avail themselves of the help that they could get through our County clinics to stop this addiction. And I think when you try to say that, well, folks are, you know, paying for cigarettes anyhow, now you're far afield of where the whole purpose is, which is to help people stop in the first instance.

MR. ZWIRN:

But you also have people who have means, you know, people who have •• may have very large incomes, asking them to pay $500 to be in a program even because they may not have insurance we didn't think seemed unreasonable.

LEG. KENNEDY:

But again, once again, perhaps, and my colleagues may be versed in this, I am not •• I don't know what the sliding scale schedule is for participation perhaps at the clinic right behind us, or something like that. If I make ••

MR. ZWIRN:

It's the same. It will be •• it will be the same.

LEG. KENNEDY:

Well, again, I don't know what that is. If I make $40,000 a year working in a gas station, or wherever, what am I paying now in order to go ahead and get the patch and Nicorette?

MR. ZWIRN:

If you'd like, Allen •• Allen can try to get that actual sliding scale number for you.

LEG. KENNEDY:

Great.

MR. ZWIRN:

But it's the same scale that we use in the Health Department at our health clinics.

LEG. KENNEDY:

The other aspect that I will go ahead and raise, and I will do this in as

succinct a manner as possible, because I did it in committee. I personally feel that the attempt to go ahead and raise by 500% the fee associated with recording land record instruments, mortgage instruments, is far beyond what is reasonable and what is something that would be prudent for us as a municipality to seek.

There is a concept I guess when you look at the recording of land record instruments. It is a function, and you know it, I know it, everybody knows it, it is a method so that land record transactions can occur and there can be reliance. To go to $175 for a {sata} mortgage, which today down the hall will cost $62.50, $20 of which is the County portion only, $10 of which only comes from County Clerk's participation, the other from verification, and run that up to 175 in the aggregate, half of which is supposed to go to the County and half of which is supposed to go to the State, and we have no language in front of us whatsoever. I personally cannot support it. I believe it is far too much, magnitude is too great.

MR. ZWIRN:

If I might respond. We're here today because we face a budget shortfall and we're trying to find a way to do it working with the Legislature, try to do it as painlessly as we can for the taxpayers of this County. This is one method which, when you use the percentages, mostly this will affect •• this revenue enhancing item goes from like a $75 fee on a satisfaction of a mortgage to $175. That's what the increase will be.

Every Legislator has things in their district that they want to fund. We had the HYO in here today. There's $100,000 for ball fields for little leagues and it's a great organization. A hundred and forty thousand dollars for a sound wall study, all worthwhile causes. But if we don't have enough revenue to pay for everything, we have to come up with another plan. You can raise

taxes, you can do a lot of things. This we thought was probably the least painful and the most creative, and would have the least impact on most of the residents of this County.

On the fees, it's usually on a satisfaction of a mortgage, when you've satisfied a mortgage or you sold your home and you're realizing hundreds of thousands of dollars. So, to go from 75 to 100 and raise a recurring revenue, which will help offset some of the shortfalls that we're anticipating we thought was fair. We discussed with all the Legislators and we thought this was the best way. There were •• quite frankly, we've tried to work with them. We've pulled things out of the resolution to try to work with Legislators. We knew some of them were very •• you know, very hard to do personally and they found •• they found that they could not support them. So we tried to, you know, talk to everybody and do what we thought would be the fairest and, again, the least painful thing.

LEG. KENNEDY:

Again, Mr. Chair, and I don't want to monopolize the debate, but, first of all, I appreciate the analogy, as a matter of fact, particularly for those two issues in the 12th Legislative District. However, as far as sound wall study goes, that was capital money that originated back in 2004 with my predecessor. I subsequently got the approval back in June of 2005, and to date, nothing has happened. So you can't tell me it's got to do with some kind of fiscal distress or fiscal constraints. Nada, zip, zilch. Dialogue with groups, as a matter of fact, to do anything but go ahead and do a sound wall study, but don't tell me about a sound wall study, because it hasn't happened.

As far as the HYO goes, yes, we all know, every one of us, every 18 has worthy notable groups and it is capital money, it is not operating money.

MR. ZWIRN:

But there's debt service •• but there is debt service ••

LEG. KENNEDY:

My opposition has got nothing to do with ••

MR. ZWIRN:

It's bonded money, but you still ••

LEG. KENNEDY:

•• the fact that there are groups ••

MR. ZWIRN:

But you still have to pay for it, and the taxpayers, it comes out of debt service. You have to •• you're not just borrowing money and that's the end of it.

LEG. ROMAINE:

This isn't the debate.

LEG. KENNEDY:

Ben, Ben, Ben, I sat there and I appreciated the opportunity to go ahead and hear the presentation from the County Executive. I admire him for some of the things that he's raised. I gave him some alternatives that I thought might work, including the Suffolk County Tax Act revisions, and I also engaged in dialogue with the Treasurer's Office about sale of liens, anything but residential. And I am going to revisit it now, because I believe that it's an opportunity to go ahead and increase our cash flow, because, philosophically, this County chooses to go ahead and let its assets sit for 10, 12, 15 years, and no business survives like that.

However, as I've said, I believe it is imprudent and unwarranted. Thirty five thousand residents in the 12th Legislative District with mortgages on their properties that are going to be directly impacted by a 500% increase, I can't go there from here.

MR. ZWIRN:

Only if they're satisfied.

LEG. KENNEDY:

No only if you're satisfied. Your lender can elect to go ahead and assign at any given time. You can make a mortgage to go ahead and pay for kid's education, a {HELA}. You can go ahead and do any of the things that any of us who own property with at any time. We are now being told we have to pay upwards of 500% more in order to do this because of the decisions that are being made at this table today.

MR. ZWIRN:

Which ••

LEG. KENNEDY:

I personally can't go ahead and do that.

LEG. KENNEDY:

Which fees are raised 500%, from what to what?

LEG. KENNEDY:

I'm sorry?

MR. ZWIRN:

Which fees are being raised 500%, from what number to what number?

LEG. KENNEDY:

Again, as I just explained to you, today, down the hall, $62.50 for a satisfaction of a mortgage, a two•page satisfaction of mortgage, $20 of which devolves to the County of Suffolk, $10 of which comes from the County

Clerk's recording fees. The other 10 is verification, we're not speaking of that, although there is nothing in this bill that gives the language as to how this is going to be effected. CPL and R 8021 has nothing to do with recording, it comes all out of Real Property, as a matter of fact, about seven or eight statutes.

Now I know there are bright attorneys in the Exec's Office and in the County Attorney's Office and they'll craft the language. But, again, I'm asked to go ahead and support something that I have absolutely nothing in front of me regarding the actual nuts and bolts of how this will be achieved. All I can do is go on what I'm presented with, and I guess I can hypothesize or surmise, $62.50 to do a {SATA} mortgage right now. I support this, I support it to go to $175, I'm told half of which devolves to the County. I guess that means that section of Real Prop that says the filing fee is now $5 or $10 is going to go to 60 or $70. In my opinion, that is too high an increase to seek for a simple ability to transact business that every property owner has. I'll yield. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Thank you. Just I'm going to go point by point, because I raised some things that I had a little bit of a problem with the last time. The tobacco cessation, I'm going to •• I really am going to reiterate some of things that Legislator Kennedy said. And I have a little bit of a problem with the sliding scale, but what I'm willing to do is pass this bill and then get some input from the Department of Health. And I have faith in the Commissioner of Health, sort of, that he can provide us with some numbers as far as, as this program

evolves, is it one person, is it going to be a hundred persons, is it going to be a thousand people? And if it's going to be a lot of people that would have to pay something, I would not mind at all modifying this and using some of the 23 million dollars that we have coming in to actually subsidize that program, because I think if somebody's addicted to something, and tobacco is horrible, I don't know why it's even still allowed to be sold in the United States in this day and age. With all the technological break•throughs and our modern thinking, why would we allow something that's so addictive and so destructive to be sold? I really can't understand that. But, again, I'm willing to revisit that portion of it in the future. If there's a lot of people that are coming forward and money seems to be a problem, and we're going to turn people away, I'd like to modify this and do that very quickly.

The tax stabilization part of it, and again, I think we can do this in the future, Legislator Schneiderman brought up a very valid point and I'm going to join him in that, and this should be tied to a percentage, not to dollar numbers, because two minutes from now dollar numbers can actually be worthless.

The other part, the uniform filing, I see some pluses and I see some minuses there, but I also realize that we haven't adjusted that filing fee in a long time. This is also predicated on New York State doing some enabling legislation. So we do have time to make some kind of adjustments, if they're necessary.

Right now, when you go and you do record a mortgage, if there's a number of pages, it involves some labor on the part of people down there in the Clerk's Office, which I can see a little bit of a benefit, because we're not going to be counting pages anymore, there's not going to be •• you know, we might save some labor in that regard. And I don't mind going to a slightly higher fee in the satisfaction and some of the recording of this these documents. So this I think is a good first step.

I agree sort of with the original "whereas" clause. We're facing a potential •• and as far as the dollar amount, I'm going to leave that out, but I do realize that there's a soft national economy. We have in Suffolk County a huge amount of health care and the costs for that are going up a tremendous amount each and every day. And the rising energy cost, while it does affect the taxpayers in Suffolk County, it also affects government, which in turn affects the taxpayers. So now, without the Islip MacArthur Airport in here and that attempt to extort money from the citizens of Islip, I find myself in a position to support this as a step for financial stability going forward. So I will be supporting this, but I'll be looking to possibly tweak this a little bit.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you very much. Is this on? Thank you very much. First of all, I want to say that I echo all of John Kennedy's comments. I think he was right on the money. Secondly, I have no questions for Mr. Zwirn, and since he's not a member of this body, I will not engage in a debate with him. But let me talk about some of the items.

LEG. MYSTAL:

Very white of you.

LEG. ROMAINE:

Let me talk about some of the items. Well, he's here to answer questions, I assume, not to act as a member of this body. Let me talk about some of the items in this no frills, no service budget plan.

We all sat on a stage in February and we heard this County Executive say what great shape this County was in fiscally. And here, sitting in this location five weeks later, we heard Mr. Zwirn say, guess what, we have an 86 million dollar deficit. Well, it's like the seasons, every Spring for this administration we have a deficit, and every winter the Comptroller announces a huge surplus. In fact, just recently, the Comptroller of this County said we closed 2005 with a 158 million dollar surplus. So I have a lot of questions about this.

Let's see. Now we have a deficit. What's the best thing to do when you're in debt? Go deeper into debt. Give up the pay•as•you•go. Now let's take out the credit card and let's start charging the County to the point of 7 1/2 million dollars that we were going to pay from Operating, we now will go into debt for and go into bond. Let's take the master agreement that we entered into. Part of that master agreement for the tobacco settlement was a cessation program that this County is obligated to provide. We now have 23 million dollars for that. But guess what, let's charge people up to $500 for it.

Let's take a look at the part that says OTB savings. I love that part. Has anyone read that? It says that the OTB is going to make more money this year and this should go into the County General Fund. Well, guess what, we could strike this item and guess what would happen, it would still go into the General Fund. Why is this item even in here, except to make it look like some plan was hobbled together of all types of things. Then we have something called the uniform fee. I agree, we need a uniform fee in this

State. I've advocated for every year that I was County Clerk. But one thing that I advocated is that any uniform fee adopted by the State should be revenue neutral. This administration is looking to use the uniform fee to create a back•door tax to the tune of 20 million dollars. I will not vote for a back•door tax by using a uniform fee to do it.

Let's take a look at our reserve funds. We're asked now with our reserve funds to contribute •• to start using our reserve funds that we've put aside for specific reasons. I don't think that that's the wisest way to go.

And finally, and I'm just turning the pages here as we talk, there's something called tax stabilization. And I absolutely agree with my colleague here, that we should not talk in absolute dollars, we should talk in percentages. This is a poorly put together plan at a last minute that really doesn't do anything.

Look, I've served in this Legislature and I've served in other Legislatures and am a County elected official. We have 18 very intelligent people that are capable of analyzing financial data. I say we defeat this. I say the Presiding Officer calls a Committee of the Whole, and this Legislature analyzes our fiscal situation with the Comptroller, with the Treasurer, with outside bond counsel, and we take a look at this, and if we think that there's going to be a problem, we address it when that problem comes. This is all about 2007, this has nothing to do with 2006. I think we can address that in the budget, in the Capital Budget, I think we can address it in the Operating Budget. I think this plan is unneeded. I think this is another one of those cyclical things that this administration does, it's Spring, so we must have a deficit. I think we need to put together our own plan.

I would ask that we defeat this and that our Presiding Officer call a

Committee of the Whole and we examine the finances of this County, and then we look to a plan, because this is all about 2007, not about 2006. Thank you very much.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Do you want Ben to answer first?

P.O. LINDSAY:

You have the floor.

LEG. MYSTAL:

I have a slight cold, so, Mr. Romaine, please excuse my tonality. I find it hard to believe that somehow we're sitting around this horseshoe and I'm hearing comments from the other side of the aisle in terms of how unhappy you are that we ended the Year 2005 with a surplus.

LEG. ROMAINE:

Oh, I'm happy.

LEG. MYSTAL:

That is unbelievable to me, that somehow you are dissatisfied that we ended the year with a surplus. I think you would be happy since you call yourself a fiscally conservative Republican. I on do not understand why some of you, some of you Legislators are so reticent in coming up with ideas that will save this County or put this County in a financial footing instead of falling into the abyss of fiscal chaos that we so recently in our sister county to our west. This is a preventive measure. We need to do something about the •• whether you believe we have a deficit or not, according to Budget Review, it says we do have one, maybe not as large as the one projected by the County Executive, but we do have one. If we do have one and we don't do anything about it and wait until we are facing the teeth or the flame of the dragon to do something about it, then we are too late. This is simply a preventive measure. If we wind up •• again, if the Comptroller come up again and said, "We have a surplus," I will go to the top of this building and shout hooray, because then we don't have to raise taxes on our taxpayers. Why is it that we are so reluctant to do something about a problem that is facing us? This is not tax •• back•door taxing, this is taking position that will make us financially sound. And I reject the idea that this is politically motivated. And this is not about the 2006 budget, it is about the 2007 budget, so we can go into the 2007 with financial footing that will continue our bond rating. I don't understand the argument.

So, you know, again, I will ask you guys, you know, as I always said before, please talk to me like a four•year•old, because I don't understand what you guys are arguing about. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, let me first start by address •• let me first start by addressing a little bit of what Legislator Mystal had to say. I don't think anybody is disappointed in seeing a surplus, we're all thrilled to see a surplus, but, you know, we all make decisions throughout the year based on the projections that we're being provided by both the County Executive's budget people and our own Budget Review Office, and many of those decisions come down to not being able to do some of the things we think are necessary in the County, like repairing roads or dredging canals, providing more public health nurses, etcetera. So we're happy to see the surpluses, but we'd also like to be able to provide the best level of services we can within our means, and we're being told our means are much lower, and I think there's a certain frustration there.

I want to actually thank the administration, though, for changing this bill dramatically from what we saw in the Budget and Finance Committee. I think it's much improved. You took out quite a bit of the controversial things and did address some of the things that we raised at the committee, but not all. You did put the sliding scale in for the tobacco cessation, I appreciate that. You did take out things like the MacArthur Airport, which was highly controversial.

But there was something that's been referred to by some of the my Legislators regarding the tax stabilization fund. The tax stabilization fund is there as a rainy•day fund. If we need it, we can't tap into it unless we raise taxes, I think it's 4% or something like that, property taxes, so that fund continues to amass. We don't want to raise property taxes, so it will continue to amass. And I think it's a good idea to set some limitation as to the size of that fund, and it really should be tied into the Operating Budget.

The 120 million is a good number right now. I think, and I could ask BRO, I think it's about 4% of our Operating Budget. If we said a 120 million or 4% of our Operating Budget, whichever is higher, then we have a number that will float, and I think the bonding agencies or the credit rating agencies would like to see, because I've been through this before as Supervisor, that as a percentage, not as a fixed number, because 120 million, if our Operating Budget ten years from now is twice as high, may not really be an adequate size fund to provide that Tax Stabilization Fund, if we need it. And if we're doing this by CN, I don't understand why we couldn't make that minor change and get a new bill quickly, and then I'd like to support it. I'll support it the way it is, but I think it will be made better if we could build that in.

P.O. LINDSAY:

Before I go on to Legislator Montano, I just want to exercise the prerogative of the Chair and address something that Legislator Schneiderman just said. In today's packet, I'm laying on the table a bill concerning tax stabilization. And, actually, it was an idea that I had brought to the County Executive and he put it in this bill. And the reason why is I've sat on many Operating Budget Committees with Legislator Caracappa and we're faced with this dilemma in a year like this that we don't know whether, you know, we're going to have to raise taxes or not raise taxes, or whatever, and we're forced as a result of this very rigid rule that we have to put money in tax stabilization, and at times we had to raise taxes to put money in tax stabilization. That never made sense to me. And the bill that's being laid on the table today gives us an automatic circuit breaker at the end of the year. And by a super•majority, we, the Legislature, will make a decision on whether to forego putting money in tax stabilization.

In a year where we have huge surpluses, we don't have a problem with raising taxes, the money goes into tax stabilization, it continues to grow. In

an in between year like this, we might want to waive that provision and not put money aside and raise taxes in order to put money aside. In a year where we have a clear deficit that we have to raise taxes 2 1/2%, we're going to take money out of it. And I think it's a better policy.

LEG. SCHNEIDERMAN:

I appreciate that, and I wish you success with your bill, but it's not the bill we have in front of us. And on the merits of this bill, I realize that 120 •• the 120 million dollar figure is something that's built into your bill as well, at least so I've heard. All of the budget people that I've talked to have all said that it would be good to have a percentage in there as well so that it could change. And that's all I'm saying is really to rely •• I think it's a great idea, I just want to rely on the advice of the budget professionals who are saying that it would be prudent to have a percentage in there. You can ask some of the BRO people here to comment on that. I think that they'll agree.

P.O. LINDSAY:

Well, I think •• I think that as time goes on, the percentage will grow. It's just to eliminate this in between year where you're going to wind up taxing residents of Suffolk County to put money in a reserve fund. I don't think that's what our people want.

LEG. SCHNEIDERMAN:

I'm not disagreeing with. I'm not disagreeing, I'm agreeing with you, Mr. Presiding Officer.

P.O. LINDSAY:

And I don't think that this provision of the bill is in direct conflict with the bill that I'm about to lay on the table. It's just my bill clarifies how this is going to be done. Legislator Montano.

LEG. MONTANO:

Thank you. This bill came before my committee, Budget and Finance Committee. It has since been revised several times. And even as of the last meeting, now we have the C of N. But I just want to be clear, because earlier I think Legislator Romaine was talking about a deficit. And when we had hearings before my committee, both BRO and the County Exec's Office appeared, I don't remember talking about deficits. I remember the presentation being that we were •• we want to have a shortfall in our projected revenues and that we •• BRO made an estimate of about 66 million, the County Exec's Office made an estimate of about 86 million with respect to a shortage in the fund balance for next year. Is my understanding accurate of what we're talking about, because that to me is a lot different than a deficit and this bill doesn't talk about a deficit, it talks about a shortfall. Gail, you want to ••

MS. VIZZINI:

Well, basically, the presentation to Budget and Finance had to do with the respective budget models that take into consideration projections on expenditures and projections on revenue. The fund balance itself is considered a revenue. Some might consider it a one•shot revenue, but it is a revenue.

When we talk about shortfall as in the case of this resolution, we are talking

about, as Legislator Mystal and Legislator Romaine indicated, what's ahead of us in 2007. We're doing as much as practicable in terms of controlling expenditures, but we need to balance the expenditures with revenue. So we anticipate that if we continue to spend at the rate that we have to, we will need additional revenue. So the shortfall is that piece of the puzzle that has to be met.

LEG. MONTANO:

This year?

MS. VIZZINI:

No, in 2007. However, the more you save in 2006, the more you can either generate additional revenue, or you can reduce your expenditures in 2006 and then have a piggy•back effect in 2007, you'll be able to meet your shortfall. The alternatives are always to moderately increase revenue in the form of property taxes or to access Tax Stabilization Reserve in addition to some of these other options that are before you.

LEG. MONTANO:

If I remember correctly, your BRO projection was a shortfall in the nature of 66 million; am I correct?

MS. VIZZINI:

That's correct.

LEG. MONTANO:

And the County Exec's was more than 86 million, 87. Now, this resolution talks about 79 million. Are we more or less, meaning you and the County Exec's Office, in agreement within a certain flexibility that we're dealing with a real shortage?

MS. VIZZINI:

Yes. Both our budget models have a lot of the same assumptions and we are probably within 10 million dollars, which although it may sound like a large number, when you are considering the 1.9 billion dollar General Fund, it really is •• we're very close.

And a few things happened after we had our 66 million dollar number, which actually brought the shortfall down, but in bringing the shortfall down, we were able to bring it down to be 43 million. That included using about 27 million dollars in reserve funds. So, if you take the 43 plus the 27, you're up to 70.

LEG. MONTANO:

And did you make an analysis of how much this bill plugs that 76 million, or 79 million, or 66 million, whatever model you want to use?

MS. VIZZINI:

I don't have a copy of the most recent fiscal impact after the changes ••

LEG. MONTANO:

County Exec?

MS. VIZZINI:

•• but I would believe the fiscal impact would address that.

LEG. MONTANO:

I'll ask. Ben, do you ••

MR. ZWIRN:

Yes, the answer's yes. If this bill goes into effect in its entirety and the State ••

LEG. MONTANO:

How much does it •• how much does it plug ••

MR. ZWIRN:

About 80 ••

LEG. MONTANO:

•• is what I'm asking.

MR. ZWIRN:

About 81 million dollars.

LEG. MONTANO:

Okay. Thanks.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Good morning, Ben.

MR. ZWIRN:

Good morning.

LEG. NOWICK:

I had a question about the pay•as•you•go, the 7.5 million. I'm not sure exactly where we're plugging that in. I know that ••

MR. ZWIRN:

In 2006 and 2007, so it would be a 15 million dollar savings over the two years.

LEG. NOWICK:

So the 15 million savings, I just wanted to note, is that going to go into the deficit problem or •• you'll take it out. Where will you put that money, because I was trying to read in Exhibit A and understand it. So, if you take it out of the pay•as•you•go ••

MR. ZWIRN:

We don't spend it, so it's ••

LEG. NOWICK:

Well, that's what I want to know. Where does it go? Maybe could ••

MS. VIZZINI:

It will become part of the fund balance.

LEG. NOWICK:

The fund balance.

MS. VIZZINI:

Right.

LEG. NOWICK:

Now, when you have a fund balance, and maybe I should know this, but does that money sit there, get invested into a CD, or just •• what can you do with that money, it just sits there, or can you ••

MR. ZWIRN:

No.

LEG. NOWICK:

•• invest it to make money on it, or ••

MR. ZWIRN:

At the end of the year, it goes back to the taxpayers to keep taxes stable.

MS. VIZZINI:

As part of our Charter, that's what we are addressing. At this point, 75% of it must go back to the taxpayer to reduce taxes.

LEG. NOWICK:

But are we taking the pay•as•you•go money in order to handle the deficit problem?

MS. VIZZINI:

Unfortunately, yes.

LEG. NOWICK:

Yes.

MS. VIZZINI:

This resolution strikes the cash that would ••

LEG. NOWICK:

That's what I wanted to know.

MS. VIZZINI:

•• that we would advance capital projects with cash.

LEG. NOWICK:

Because my •• that would be •• then answer the question, that if you need the cash •• if you're taking the 7.5 and you are using it to pay for a deficit, then ••

MS. VIZZINI:

It's an appropriating ••

LEG. NOWICK:

We really don't have use of that money anyway to •• for everyday things, for our pay•as•you•go, so it's kind of a wash. I mean, you get to use it for what we need it for, for deficit.

MR. ZWIRN:

Right, as with the reserve funds that were set up. They were set up ••

LEG. NOWICK:

I just wanted to know ••

MR. ZWIRN:

That were reachable in the even.

LEG. NOWICK:

•• what we were doing with that money.

MR. ZWIRN:

Right.

LEG. NOWICK:

And the other thing that I wanted to bring up, because I am supporting this, is the filing fee. And while I certainly understand my colleagues, Legislator Kennedy and Romaine and where they're coming from on that, I just •• I think the reason why I find that this is prudent is that over the years our County has not raised taxes. We don't raise taxes and we, as Legislators and elected officials, do brag about that. However, I don't believe that we can do that forever, or at least not raise revenue, because I think if we continue to have years where they •• we brag about we don't raise taxes, and that's a wonderful thing, we could wind up with the problems of Nassau County. And I think if we can do this in the most painless way possible, without having taxes go up for the entire •• all of the citizens of Suffolk County, that this

might be the most prudent way of doing it. And while I hate to do this, the time does come, the oil is going up, and electric, and the price of living is going up here, and it goes up as well for us in the County. So I find, although I hate it, I find that it's a necessity. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I guess just a couple of questions and maybe a couple of more observations. I think I pretty well laid out where I stand on this.

We were handed this sheet, I guess the sliding scale sheet, which I appreciate, thank you very much. Nevertheless, I don't see $500 on here anyplace, so I'm just •• I'm curious, how do I go ahead and interpret this? In other words, do I extrapolate, Ben, where I see at 61,000 a fee for an individual of $100, I'm to assume that that individual then would be paying $500 for smoking cessation products?

MR. ZWIRN:

They'd be spending $100.

LEG. KENNEDY:

Then •• okay. Then I genuinely and truly am confused. Where does $500

come from?

MR. KOVESDY:

This is per visit, Legislator Kennedy. The $500 is a cumulative total, so there's no $500 for any particular visit here. The maximum for a visit for a health center on this scale is a $100 if the person is a single person with no family. If the person had $61,000 and had a family of four, he would only pay $18 each time he came to •• for the smoking treatment. So the $500 is a cumulative number based on the number of visits.

LEG. KENNEDY:

Okay. I think I understand. Thank you.

MR. ZWIRN:

Let me just add, it's a 30•visit program.

LEG. KENNEDY:

Yes.

MR. ZWIRN:

So, if it was ••

LEG. KENNEDY:

Thirty visits and ••

MR. ZWIRN:

And we're capping it ••

LEG. KENNEDY:

•• irregardless of what the income level is, the individual is not going to pay in excess of $500 for those 30 visits.

MR. ZWIRN:

It will be based on this scale.

LEG. KENNEDY:

Well, again, as I said, I am more challenged than some of my colleagues in doing the extrapolation. But I think I gather it. Notwithstanding, I still, you know, reiterate the same concerns that I had previously, which is that we look at this recoupment method in the face of the fact that we are in receipt of 23 million in the first instance. So, in fact, this is not an attempt to go ahead and recover expenditures, this is an attempt to gather additional income or revenue beyond what we have, vis•a•vis our role in the national master class settlement.

The other thing that comes to mind is, as we talk about, I guess, the legitimacy or the efficacy of trying to deal with budget issues here and now, and in particular with the uniform •• I am what I am, so I have to call it recording, I can't call it filing. Filing is something that goes on over in the court action side. But, again, as I said, there are bright lawyers in the Exec's Office and in the County Attorney's Office who will resolve those language issues and at some point put to paper what the actual mechanics will be in order to achieve this, if, in fact, it does want to pass it.

The thought occurs to me that when we talk about contrasting this as opposed to a property tax increase, which is anathema to all of us, nevertheless, it's important to talk about the dollar and cent items associated with it. There are 500,000 plus parcels of property in the County of Suffolk. It is the largest number of discreet parcels of property in the State of New York out of all 62 counties. Hence, when it comes to levying annual property tax, we have the largest gross number.

Gail, you mentioned before about the access to tax stabilization. I should know the mechanics. I don't know all of the mechanics. How do we as an entity get to tax stabilization?

MS. VIZZINI:

The state law requires us to increase our General Fund property tax by 2.5%, then you could access whatever you needed from tax stabilization reserve.

LEG. KENNEDY:

What's the average property tax bill for a property taxpayer here in the County of Suffolk?

MS. VIZZINI:

For the General Fund alone, it's $100, both west end and east end.

LEG. KENNEDY:

One hundred dollars.

MS. VIZZINI:

Right.

LEG. KENNEDY:

Okay. So what would a 2 1/2% increase be?

LEG. ROMAINE:

Two dollars and fifty cents.

LEG. KENNEDY:

Two dollars and fifty cents. Is that what it would take in order to access tax stabilization funding?

MS. VIZZINI:

It is a marginal dollar increase, yes, about that.

LEG. KENNEDY:

Okay. So we are contemplating now drastically increasing fees and other items at this point in order to plug what's been presented as a serious and dire fiscal matter at this point, particularly with the recording fee, a 500% excess. Nevertheless, there is a mechanism in place that would allow access for $2.50. I think like Legislator Romaine said, we are all skilled in certain areas, and perhaps it requires some discussion or some dialogue. I'll yield.

MR. ZWIRN:

If I just might just intercede just briefly. If you go into the Tax Stabilization Fund, you've got a one shot. The largest part on the recording or filing fee, whichever you prefer, is a recurring revenue. So once you raise taxes 2 1/2%, you're going to tax stabilization and take what you need, you're going to drop the number down below 120 million dollars, whatever you take out of it, and then you have to either make that back up the next year, or you keep using your tax stabilization reserve, which your bonding agencies will just •• will shoot you all to hell.

LEG. KENNEDY:

Ben, there are other alternatives, though, that we've discussed as well, and, as a matter of fact, I think several of us here have talked about different things. I applaud the Presiding Officer for putting forward the legislation that gives us the flexibility as far as what to do with surplus over the 120 million. I also have •• again, when we sat on the 12th Floor, talked about revisions to the Suffolk County Tax Act.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Most of the things I was going to mention have been mentioned, but, you know, this County recently went before the rating agencies, be it Standard and Poors, Fitch and Moody's. We've got a great upgrade with one of them, we have a positive outlook on another, and we're waiting for the third, and I think they're waiting to see if we follow through with this bill and other items before they announce, hopefully, another upgrade. And I've attended those meetings and they're no joke. It's when the rubber really hits the road.

One of the first items that you'll see in every report from a bonding agency as it relates to our credit, basically, is they mention the ability of the county's branches of government to work together on the finances. To be quite honest with you, in the early '90's there was none of that, and that's why our bond rating went to almost junk status, in fact, I think it did. Over the last 15 years or so, this Legislature and County Executives past and present have come together on one item that's always been important to all of us and that is our fiscal footing and our fiscal situation. With that, Wall Street has

reacted very positively, and this is no exception.

I'd like to thank the County Executive as it relates to this, because I had some concerns early about the original bill, things as it related to community things, such as DARE. You removed the airport out of there, and it gives us the ability to address that on its merits. This is something we need to consider.

It was talked about •• the surplus was talked about at length as well. And keep in mind, Ladies and Gentlemen, surpluses, whether they're end•of•the •year audited results from the Comptroller or just fund balances that we think about, those are already factored into the budget models. We can't double count them, and that's what I hear around this horseshoe a little built, that we might very well be double•counting. They're already booked as revenue for the future, so we cannot look at them again. And we've done pay•as•you•go suspension in years past. We've suspended 5•25•5. I thought it was a bad idea then. But the real, real discipline comes when we have a bill before us for a capital expenditure of a low amount and that's when we as a body say, "No, show some fiscal restraint." We'll, of course, bond the big projects, the road projects, the bridges, the jail, everything that we need to do buy way of our infrastructure that so rightfully should be bonded. But the little items that fall under 5•25•5, even though it won't be in place, that's where we show our fiscal discipline, and that's where we save money in the long run. This is something we'll have to always do as long as there's a deficit.

We can't be partisan when it come to our finances, we have to pull together as a team, and in the end, it does help the taxpayer with a better bond rating, a lower tax rate, and a better fiscal structure as it relates to our budgeting. And what do I mean by that? Look at our General Fund over the last 10, 15 years. It has shrunken to the point where it's almost

nonexistent. You look at our Police District, it has grown out of sight. You look at our relying on sales tax for so long and way too much. It's a cancer to our budget the way we rely on sales tax. We need to be cognizant of getting back to a solid structure as it relates to our budgeting, and if we don't, we're going to keep having these problems, these numbers are going to be artificial in a sense, but they're going to be real. We need fiscal integrity, we need fiscal structuring in our budget, and we need to pull together on this and •• because 2007, before you know it, will be here and it could be ten times worse. So I urge everyone to pass this on its merits.

P.O. LINDSAY:

Thank you, Legislator Caracappa. Legislator Mystal.

LEG. MYSTAL:

Thank you. I just wanted to address a couple of questions that Legislator Kennedy put in front of us. Just a little bit of history. It wasn't too long ago in 1989 when County Executive Pat Halpin proposed a budget with a very modest increase in the tax •• property taxes in this County, that basically the Republicans drummed him out of business. And the famous line for that was from a Democrat named Richard Schaffer, who's now Chairman of the Democratic Party, and the question was, you know, it's just a small increase, how come we're talking about it so much? He said, "Well, that small increase has followed me from block to block."

To Legislator Kennedy, if you think it's a good idea right now to raise taxes by whatever amount you think should be raised, why don't you propose a bill and let's see how it goes? You know, propose a bill that will have a modest tax increase in it and let's see how it plays in the field. That's all.

LEG. KENNEDY:

Do I get a chance to reply, Mr. Chair?

P.O. LINDSAY:

Yeah, you're on the list. Legislator Alden.

LEG. ALDEN:

I'd actually yield to Legislator Kennedy for a personal rebuttal.

P.O. LINDSAY:

That's fine.

LEG. KENNEDY:

Thank you, Legislator Alden. As a matter of fact, Legislator Mystal, I had the privilege, if you will, to go ahead and serve County Executive Halpin. I worked for four County Executives. And I recall vividly what occurred during that time and, as a matter of fact, I remember the mantra. As a matter of fact, it was called "High Tax Halpin".

LEG. MYSTAL:

Oh, yeah.

LEG. KENNEDY:

In the first year, as a matter of fact, of the Halpin Administration, due to the equalization of the increase, there were several towns that sustained double •digit tax increases. So I do not talk about tax increase in the theoretical or without full knowledge of what "tax increase" means. Each and every one of us sits here and, as a matter of fact, we pay taxes, so I know that. I don't entertain it flippantly. Nevertheless, in an effort to go ahead and view comprehensively the actions that we take, I'll defer to your prayer. I think it's important that we have all information in front of us. So if we voluntarily embrace quadrupling a recording fee that impacts potentially 500,000 parcels, then I have difficulty contrasting how I've done right by my constituents and not raise the tax, but I've enabled many of them to go ahead and pay many times over what the tax will be. So that's the reason I raise it, solely so that we can make our decisions eyes wide open. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. ALDEN:

Then put me back on the list.

LEG. BARRAGA:

Thank you very much. Ben, let me ask you a question. I was listening intently to the Budget Director with reference to I think it was

Mr. Montano's question as it pertains to filling this gap. If this particular resolution passes, bottom line is that you generate about 79 million dollars and you fill the gap or deficit?

MR. ZWIRN:

That's •• if we get the State legislation, and we think we will, then, yes, the answer is ••

LEG. BARRAGA:

And it's basically being done by, you know, the equivalent of tax and fee increases, as opposed to the property tax?

MR. ZWIRN:

Correct.

LEG. BARRAGA:

All right. Well, my question is, as I listen to this, if this resolution passes and you actually fill the gap and you generate an additional 80 million dollars, where is the incentive on the part of the County Executive to reduce on the spending side?

D.P.O. VILORIA•FISHER:

Like he needs an incentive?

MR. ZWIRN:

It's •• we're going to have to do that as part of the plan going into the 2007 budget.

LEG. BARRAGA:

Well, I guess the question is, if you fill the gap with the 80 million, you know, where is the driving force to reduce the spending as you go forward? Or are you better off with a bill that closes a gap by this method, say a 40 million, and coming forth with proposals on where you're going to reduce future spending in the County as we go forward another 40 million?

MR. KOVESDY:

If I may, Legislator. This plan includes increased turnover savings. Budget Review and the Exec Office have done estimates on turnover savings. This factors in additional turnover savings, not filling up positions, and savings ••

LEG. BARRAGA:

How do you define "turnover savings"?

MR. KOVESDY:

Turnover savings are two things. One, a position is vacant for a period of time that's budgeted, or someone with leave during the year and somebody would come in at a lesser salary. So the accumulated funds from that are considered turnover savings. So it's basically ••

LEG. BARRAGA:

So, is that ••

MR. KOVESDY:

It's basically vacancies and a difference of salary between a new and

an old.

MR. ZWIRN:

And it's 54 million dollars of this plan is salary savings and ••

LEG. BARRAGA:

Other than salary savings, are you coming forth with any other method of saving in any other area?

MR. ZWIRN:

Well, there's tighter controls on supplies and things like that. But the biggest portion of ••

LEG. BARRAGA:

So the answer, frankly, is no.

MR. ZWIRN:

Well, if you want to do it ••

LEG. BARRAGA:

Other than salary savings and turnover, that's pretty much about it.

MR. ZWIRN:

Yes.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I think this is a very, very valuable debate that we've been having and discussion, and I'm going to have to say something to you, too. And I'm glad he said it was nonpartisan, because we should pay heed to the most senior member of this Legislative body, because he's seen the bad times, he's seen the good times. And when you structure your budget on nonrecurring one •shots and some trickery, that's not a good way to go into the future. And what Legislator Caracappa was talking about before was let's get some solid basis for going into future years and not just •• you can't just worry about '06, you can't worry about '07, you've got to worry about the fiscal health of the County of Suffolk going forward for the next hundred years, hopefully. And I think that those are words of wisdom from Joe, and we should really pay very, very strict heed to that. And whether it's this that we adopt, or whether we can come up with other ideas that are not just one•shots, but something that's either going to be a recurring theme as far as revenues, something that's going to balance our expenses with our revenues going far into the future, that's the way to go, not just come up with •• because a budget surplus, that's a horrible one•shot, because you have a budget surplus •• when I first started, and that's nine years ago, our budget surplus might have been 30 million dollars. Now you have to generate more than that each year. And last year we generated somewhere above 120 million dollars on a surplus. That is no way to go, unless you're going to use smoke and mirrors to establish a budget that's basically just trickery, then you're fooling the public by putting in expenditures that you have no •• you know, you really have no idea that you're going to go and expend that money. So that's not the way to go.

And I really have to reiterate with Joe. If we want to go this way, this might be a good way to make a couple of steps, but we've all got to put a lot more effort into structurally changing the way we go forward and looking at this budget, otherwise we're going to end up in some nightmarish situations in

'07, '08 and '09.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Just to expand on that, my point earlier, and I thank Cameron for those words, we have •• we have one of three choices as a body, we cut expenditures, which we've done, we look for new revenue, which we're doing, or we have to start pumping up our General Fund. Those are the three choices we really, really have before us. And we've been very, very leery of doing any of those in the past, especially the two, looking for new revenue or raising General Fund property taxes. This is a balance approach, and it does look to years in the future. And all of you are going to be here awhile. It's very important that you bite the bullet some way, shape or form, because, again, like I said earlier, it could turn around very, very quickly.

LEG. ALDEN:

Joe and I will be gone pretty soon, but the rest of you are going to have to live with this stuff.

P.O. LINDSAY:

Anyone else? Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And I guess what I'll do is I'll defer to both of my colleagues as far as the years in service and their time. And I take their advice seriously, and what they've put forward I think has a lot of sense and meaning. And I also applaud the County Executive for opening up the dialogue and moving the mechanism to this level, as far as discussion. But I think I'll go back to what Legislator Romaine spoke about and see if there is an ability to go ahead and look at other items. I did raise it. I would take the opportunity to bring it to the administration again about the way that this County elects to go ahead and dealing with its delinquent property tax, the tax liens in particular on anything but residential. As a business, we have poor business practice. And I know that on an annual basis we have tax delinquency that approaches 10, 12, 14 million dollars. So it may be a method for us to move forward to address a revenue increase forward.

There's also a methodology there to go ahead and to deal with some of the chronic litigation issues that we presently have right now in our land auction areas.

So perhaps it's my fault for not bringing this forward more cogently or in bill form, as my colleague, Legislator Mystal, has spoke about, but I do believe that there's a way to go ahead and have us address this on a recurring way without necessarily engaging in the increase in the recording fee that's being proposed. Thank you, Mr. Chair.

P.O. LINDSAY:

I overlooked Legislator Losquadro before. I'm sorry about that.

LEG. LOSQUADRO:

That's all right. Thank you, Mr. Presiding Officer. Many of the comments that I wanted to make have already been made, but I will just say that I think we have come to a good place, being that we were able to enter into some discussions, have some negotiations, remove some items, discuss some items, and really engender the debate that we hear today that is going to help us move forward and look to stabilize us, as Legislator Caracappa had mentioned, as we move forward, and I think that's very important. So, as Legislator Alden mentioned, this is a starting point, and we can move from here, we can adjust from here. That's what this body does when we look at our budget process as we move forward. So coming through this year into next year, as we craft these budgets, we need to be cognizant of not only the type of initiatives mentioned here, but things that we've heard mentioned around the horseshoe today during this debate. And I think, as we move forward, we are going to continue to do good work for the residents of the County. So I think I've been pretty clear up to this point, but my support is for this bill, and that I hope my colleagues join me.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I don't think, you know, it's rocket science that we're talking about when we talk about this budget. Our expenditures, because we are a municipality, most of our expenditures are •• it's a services industry, it's mostly payroll, be it County employees, police, law enforcement, whatever is •• so whatever saving we can make and what savings we can realize will be in the area of payroll. That's not rocket science.

Our revenues, again, it's not a very big deal. We either increase our sales

taxes, which we cannot do, or we increase property taxes. Now this again not, you know, a very hard concept to deal with, we just increase property taxes. Who wants to do it? I don't know. But you guys are welcome to it.

The third component of it is turnover savings. I don't think this County Executive needs anymore incentive to save money, especially when he's been fighting with every one of us around this horseshoe in terms of spending. I mean, the man can hold a penny until Lincoln cry, and that's •• you know, he will save money wherever he can. So we have the three components we have in the budget, the expenditure, the revenue side, and the savings side. All of them are here for us to do something. Somebody wants to propose a bill to raise taxes by 2%, 3%, 4%, whatever it is, come on with it. If somebody wants to, you know, raise our sales tax, we can't on our own, because we need State enabling legislation so we can go there. If somebody wants to reduce, you know, our expenditures, hey, that means somebody proposing firing half of the County payroll. That's, you know •• that's one way to reduce it. So what we are reducing, as Legislator Caracappa already said, all of the savings that we are talking about are already into this plan, and 54 million of it is already savings, so we're not talking about a whole bunch more money. Thank you.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA•FISHER:

Actually, I think this has been a very good discussion. I think it's been healthy. There have been a number of very important ideas put forward. And I think that Legislator Losquadro basically said what I had planned on saying, which is that many of these issues should be brought to the table as

we go into our budget discussions and our budget deliberations. I've heard some very good ideas. This is a serious discussion. I don't believe that there have been many people who have just spoken without a sense of •• a message that's an important one to put on the table before us. And I think we should hold on to them for the budget deliberations. But, in the meantime, I think that this CN is •• the County Executive has been willing to work with us. We've had both branches of government at the table working on this with give and take on both sides. I think it's worthy of our support. And I think that it shows the beginning of the kind of fiscal discipline that we had spoken about. It's not just revenue•creating. The County Executive started out with a longer laundry list of places where he wasn't going to spend money. We worked with him. We said that there was just some places where we were not willing to make those concessions, and this is a very good compromise. It certainly is worthy of our support.

P.O. LINDSAY:

Is that it? Okay.

MR. LAUBE:

You need a motion and a second.

P.O. LINDSAY:

We have a motion?

MR. LAUBE:

No, you don't.

P.O. LINDSAY:

Oh, we don't.

MR. LAUBE:

You need a motion and a second.

LEG. MYSTAL:

We have a motion to approve.

MR. LAUBE:

No, you don't.

LEG. MYSTAL:

Okay. Motion to approve the bill.

LEG. COOPER:

Second.

P.O. LINDSAY:

I think we did. All right.

MR. LAUBE:

You need a second?

LEG. MYSTAL:

On the motion.

MR. LAUBE:

The motion. Who's the second?

P.O. LINDSAY:

Legislator Losquadro.

MR. LAUBE:

Okay.

P.O. LINDSAY:

I'm going to call for a roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MYSTAL:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

P.O. LINDSAY:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

MR. LAUBE:

15.

MR. ZWIRN:

Thank you very much.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Because it's related, would you want to do that 1653 that came over as a CN, which is also included as part of this one, get that out of the way now?

P.O. LINDSAY:

I'd prefer not to. My ••

LEG. ALDEN:

Okay.

P.O. LINDSAY:

My caucus wants to talk about it; all right?

LEG. MYSTAL:

Which one is that?

P.O. LINDSAY:

The Airport.

D.P.O. VILORIA•FISHER:

The MacArthur Airport.

LEG. MYSTAL:

Oh, that's going to create a lot of debate. We'll do it after lunch. A lot of debate.

P.O. LINDSAY:

Okay. ***I.R. 1420 • Adopting an updated investment policy for the County of Suffolk.***

D.P.O. VILORIA•FISHER:

Motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion by Legislator Fisher, second by Legislator Montano. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1072 • Amending Resolution 673•2004, to impose a fee for late night landings at France S. Gabreski Airport. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Did this go through our •• there's as an Airport •• there's still an Airport Committee, right?

LEG. SCHNEIDERMAN:

Of a sort. There is •• the County Executive has an Advisory Committee. It has been •• it has gone through there. The Airport Lease Screening Committee it hasn't gone through, but it wouldn't be germane.

LEG. ALDEN:

All right. Then I'll be real pointed then and just get to the ••

LEG. SCHNEIDERMAN:

It has gone through the FAA.

LEG. ALDEN:

Is this to discourage landings that might lead to the economic stability and economic improvement of our condition in Suffolk County, or is this ••

LEG. SCHNEIDERMAN:

Well, I certainly hope it serves as a disincentive to late night landings. You're probably more familiar with MacArthur Airport, which you can't land after 11

o'clock, it's closed. We can't impose a total shut•down of the airport at Gabreski, we're just trying to encourage people to land before 11 and take off after 7 in the morning. I tried to do ••

LEG. ALDEN:

Does this include military?

LEG. SCHNEIDERMAN:

I tried to do much larger fees ••

LEG. ALDEN:

All right.

LEG. SCHNEIDERMAN:

•• which the FAA rejected. They are •• they have found this 33% increase acceptable, and so I, working with the administration, have put forward this bill or amended my earlier bill so that would have this lesser fee. It's not a huge increase in fees on a typical landing of a large jet, it might go from $200 to $260.

LEG. ALDEN:

All right. Does it include anything on the military, any imposition on the

military?

LEG. SCHNEIDERMAN:

You don't have a fee. If you're based there, you have no fee to begin with, so ••

LEG. ALDEN:

Okay. Now the other question is this is an emergency diversion point, this airport. Would that affect anybody that's in an emergency situation ••

LEG. SCHNEIDERMAN:

No.

LEG. ALDEN:

•• that's going to be diverted to ••

LEG. SCHNEIDERMAN:

They're exempt as well, emergency landings.

LEG. ALDEN:

That's exempted. Thank you. Okay.

P.O. LINDSAY:

And just understand something. It increases the fees, it doesn't ban an aircraft from landing there. I don't think you can do that, right?

LEG. SCHNEIDERMAN:

You can't.

LEG. MYSTAL:

Yes, you can, depending on the size, the size.

P.O. LINDSAY:

Yeah, but we're not talking about Haiti.

LEG. MYSTAL:

Depend on the size of the plane.

P.O. LINDSAY:

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

LEG. MONTANO:

Abstention.

LEG. HORSLEY:

Presiding Officer, just on that other •• on that other matter. We've modeled after the MacArthur Airport policies.

LEG. ALDEN:

Thank you.

MR. LAUBE:

17.

P.O. LINDSAY:

17. ***I.R. 1143 • A Charter Law to require all leases for property at Francis S. Gabreski Airport to be approved by the Legislature to streamline County government.***

LEG. HORSLEY:

I'll make the motion.

D.P.O. VILORIA•FISHER:

What's the I.R.?

P.O. LINDSAY:

1143.

LEG. COOPER:

I'll second the motion.

P.O. LINDSAY:

We have a motion by Legislator Horsley, a second by Legislator Cooper.

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

We have seen this before. This is an idea that's been kicking around for awhile to try to undo a mechanism that was created prior to my service on the Legislature, which was to give a group of individuals, an eight•member committee, the Airport Lease Screening Committee, the ability to approve

leases if they are unanimous in their vote. Some have said it would be better to have the Legislature have that authority. My concern really doesn't go to that point, because I don't necessarily disagree with the Legislature having that ultimate authority. My concern's more in terms of how input is given from the community. Once you take away the Airport Lease Screening Committee, what mechanism do you have?

The County Executive has through another executive order created an Airport Conservation Advisory Board, which is intended to advise the CEQ and the Legislature. Although well intended, I feel that that ought to be a Legislative committee, and I've had discussions with the Presiding Officer to that effect. I feel much more comfortable abolishing the Airport Lease Screening Committee if I knew that there was a citizen committee that could comment officially on the record before the Legislature signs off on a lease. And for that reason, I can't yet support abolishing the Airport Lease Screening Committee, which really is the only statutory committee that we have that allows the community itself to comment within the community. Of course, they could come here to Riverhead or Hauppauge, but I think it would be much better to have an official committee advising the Legislature and I'm hoping that that is formed. I just would like to see that happen simultaneous to this resolution.

P.O. LINDSAY:

Before I recognize Legislator Alden, just to comment, and I think Legislator Caracappa will agree with me, is when we had the screening committee out there, it became a substitute for the Legislature. It got bogged down. I think we're probably one of the few municipalities in this country that loses money on an airport. We had willing people that wanted to lease property out there and just couldn't go through this other layer of bureaucracy that we set up. So, you know, I really think it's a good idea if it comes back to us, because I think it shines more of a light on everything that goes on out there. And I'm not necessarily in disagreement about legislating your advisory committee,

it's just that I think the Screening Committee was •• didn't serve the best purposes of the majority of the Suffolk County residents.

LEG. SCHNEIDERMAN:

Could I just comment on that point?

P.O. LINDSAY:

Sure.

LEG. SCHNEIDERMAN:

Because the Lease Screening Committee was created, I believe, to expedite leases. And one of the requirements was that all eight members had to be there and vote unanimous, and it was a requirement that really, even though that Lease Screening Committee would have started to approve certain amount of leases, often one member couldn't make it and so nothing happened. And we finally changed that requirement at the end of last year, and this year we haven't been able to have a Lease Screening Committee, because I know my office has made multiple attempts to assemble the eight members, and not all of the people who have designees have designated anyone, so we can't pull together a meeting. It's been very frustrating, and so we haven't had an Airport Lease Screening Committee.

So you're right in a sense that it is not functioning, but I thought there was an opportunity where it could have functioned as it was intended for the first time and we're not going to get that opportunity.

LEG. ALDEN:

The unanimous agreement was that was our attempt to get everything before us and not leave it out there, because there was major problems with that, and might have even been some legality type of issues that could have been raised. But, Jay, I'm going make a suggestion. You draft and I'll cosponsor it with you, do a procedural motion to crate an advisory board to the Legislature and, you know, we can act on it fairly quickly.

LEG. SCHNEIDERMAN:

I am working with the Presiding Officer on doing exactly that.

LEG. ALDEN:

Good.

P.O. LINDSAY:

Okay. Any other comments? Yes, Legislator Horsley.

LEG. HORSLEY:

The only thing I just wanted to add to it, that Commissioner Morgo advised our committee that this •• that they're moving along satisfactorily in creating the committee, and that there will be an approval amongst all the players that this committee will be forthcoming.

MR. ZWIRN:

And that has been done.

LEG. HORSLEY:

And that has been done?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Opposed for the reasons stated.

LEG. ROMAINE:

Opposed.

P.O. LINDSAY:

Opposed, Legislator Schneiderman, Legislator Romaine. Anyone else? No? Okay.

MR. LAUBE:

16.

P.O. LINDSAY:

I think we've got time to do a couple more. 1413 • Establishing a Commission to evaluate school district expenses and efficiency.

LEG. D'AMARO:

Yes. Mr. Presiding Officer, I'd like to offer a motion to table this resolution. This is going to examine the expense side where Legislator Nowick and yourself have examined through a similar commission the revenue side of school taxes. You know, we're going to try and get past rhetoric on this, and I want to be inclusive in the process. And during the committee process some suggestions were made as to bring some other groups to the table, and on the basis, I'd like to modify the bill and offer to table it for one cycle.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1421 • Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for an Educational Opportunity Program 71% reimbursed by State funds at Suffolk County Community College.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

I.R. 1434 • Appointing member to the Suffolk County Empire Development Zone Administrative Board (Vanessa Pugh).

LEG. MYSTAL:

Motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion by Legislator Mystal, second by Legislator Horsley. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

Okay. We have ***1449A • A bonding resolution having to do with Capital Budget and Program, and appropriating funds in connection with the emergency runway, taxiway and apron at the Francis S.***

Gabreski Airport. Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

(Not Present)

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

Okay. 1449, same motion, same second, same vote.

I.R. 1485 • Authorizing the extension of a sublease for hangar space located at Francis S. Gabreski Airport, Westhampton Beach, New York, for use by the Police Department Aviation Division.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

Do you want to second it?

LEG. EDDINGTON:

No.

P.O. LINDSAY:

No? You want to talk on the motion.

LEG. LOSQUADRO:

I'll second it.

P.O. LINDSAY:

I need a second. Second boy Legislator Losquadro. And I recognize Legislator Eddington.

LEG. EDDINGTON:

Yes. As the Chair of the Public Safety Committee, I went out there and inspected this facility, and the person that we lease our property from hasn't been in compliance with building codes or fire codes. There's been a problem for two or three months out there with heat. I was there in March and it was colder in the building than it was outside. The Police have tried to build a little place and got volunteer hand•me•down furniture, and they've been criticized about that. There is no internal security. I believe there's outside security, but there are other people leasing parts of the building that come and go at all times of the evening, and we have helicopters sitting there, and there are no personnel really there at night. So I have some major concerns about the person that we're leasing from. I like the idea of a month•to•month lease, but I think we have to tighten our requirements on this person.

MR. ZWIRN:

If I may. This is a month•to•month lease. The County Attorney's Office believes we will have more leverage and more action for remedies if this lease is approved. It is just a temporary solution as we wait for the modular hangar to be built, which will be permanent for the Police Department. This is just a month•to•month thing just to try to get some of the issues that Legislator Eddington has talked about resolved. And Basia Braddish, who's

not here today, who handles this matter, has recommended that we move forward on a month•to•month basis.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA•FISHER:

Ben, can you just clarify something. We own the property, but this landlord owns the building, is that how it works, and then he leases it back to us?

MR. ZWIRN:

Yes. And there have been some disputes between the landlord and the tenant. In this case, it's the Suffolk County Police Department, the helicopter operators there, and it's mostly landlord/tenant stuff. And, I say, that ••

D.P.O. VILORIA•FISHER:

But he's also our tenant, because he's on our property, is that •• how does that work?

MR. ZWIRN:

I believe he is. He probably has a lease with the County, so they're subleasing from ••

D.P.O. VILORIA•FISHER:

So he has a lease on the land for the building, and then we have a lease as part of •• on part of the building?

MR. ZWIRN:

Maybe Legislator Schneiderman can •• do you know the answer?

LEG. SCHNEIDERMAN:

Repeat the question. No, I mean, is he a tenant of ours ••

D.P.O. VILORIA•FISHER:

I guess we need those lunch calories to keep us awake.

LEG. SCHNEIDERMAN:

You're saying is he a tenant of ours and are we a tenant of his?

D.P.O. VILORIA•FISHER:

Yes.

LEG. SCHNEIDERMAN:

The answer is yes.

D.P.O. VILORIA•FISHER:

Yes.

LEG. SCHNEIDERMAN:

Right.

D.P.O. VILORIA•FISHER:

Okay.

LEG. SCHNEIDERMAN:

He has a lease.

D.P.O. VILORIA•FISHER:

He has a long•term lease on the land ••

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA•FISHER:

•• for his building.

LEG. SCHNEIDERMAN:

And then we are renting space from him to •• for the Medevac helicopter, at least temporarily until we have the new hangar built, and we don't ••

D.P.O. VILORIA•FISHER:

Now, in most of our long•term leases, we have stipulations with •• regarding the care and maintenance of the property. I mean, you know, the times I've seen it, for example, we were working with the Boys and Girls Club and the contract is, you know, hundreds of pages long, it seems, and all of our stipulations in that long•term lease and how they •• what they have to do to continue. I think the County Attorney's Office has a response to that.

MR. ZWIRN:

There are some •• I don't want to go into all the details. There's issues over water. We haven't been paying them rent, because we don't really have a lease, and it's been tit for tat. I mean, if I told you some of this stuff, you'd sit here and scratch your head and say •• you're already scratching your head, and can say this is •• this is so silly. But as I say, I mean, it's a battle over water, whether the police officers are using water, instead of using it for the helicopters and for their work, are they using it to wash their cars? I

mean, this is absolutely, you know, ridiculous stuff. But, as I say, the County Attorney's Office recommended it. Let us get this month•to•month lease in place so we can resolve these problems and then move forward as quickly as possible to get the more permanent facility there for the Police Department.

LEG. MYSTAL:

Is this a George Guldi deal?

P.O. LINDSAY:

Wait a minute, wait a minute.

MR. ZWIRN:

No.

P.O. LINDSAY:

We have a list. Legislator Schneiderman, are you done?

LEG. SCHNEIDERMAN:

No, no.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

No.

LEG. SCHNEIDERMAN:

You know, I think it's important as we vote •• first of all, the concerns that Legislator Eddington brought up are valid, and we do need to make sure, you know, that we have adequate heat and, you know, other concerns with the lounge area where you have people there 24 hours a day. You want to make sure it's appropriate. But this is a temporary situation, that we have no other choice that I can see. The other hangars there I don't think are as well suited as this. And we are planning not only to have one helicopter, but to have two, and the second helicopter is going to be substantially larger than the other helicopter that's there. We really have no choice but to approve this for now and to move quickly, which I believe we are doing, to get the new hangar in place, and then we will have the adequate facilities.

P.O. LINDSAY:

Thank you. Legislator Eddington.

LEG. EDDINGTON:

Yeah. And I don't oppose it, but I want reassurances that, you know, it all sounds great, as long as you're not standing there in the ten degree weather and then you have to jump into a helicopter to save people. I want

reassurances that the County will be checking it monthly, that the personnel is secure, that the helicopters are secure, and that there's somewhat comfort in this situation. So I want reassurances monthly as we renew the lease. Thank you.

LEG. MYSTAL:

Are we voting or are we going to lunch?

P.O. LINDSAY:

Well, I still have a list here. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And notwithstanding the hour, unfortunately, I'm not on this committee, so I didn't have an opportunity to go ahead and raise the questions. And the first question that I would have, Ben, is •• would be, almost as if through the Chair, if I could get the County Attorney's Office up to the podium, because it is inconceivable to me that we are electing to lease back space that we own. Nine times out of ten, when we let space that we have fee title in the first instance, we usually have the ability to unilaterally breach that lease without any recourse. That's the first thing that I guess I would ask. What kind of lease document compels us to have to now go pay somebody else for our own space?

LEG. SCHNEIDERMAN:

It's not our building. It's not our building.

LEG. KENNEDY:

It's not our building?

LEG. SCHNEIDERMAN:

It's not our building. It's our land.

LEG. NOWICK:

But not the building.

LEG. SCHNEIDERMAN:

Their building.

LEG. KENNEDY:

But now, whoa, whoa, whoa, hold on. Somebody said our land, their building?

D.P.O. VILORIA•FISHER:

Our land, their building. There are tenants ••

LEG. SCHNEIDERMAN:

They pay the entire cost of the construction of the hangar, not us.

LEG. KENNEDY:

You know, all right, I would need to know more, but I guess ••

LEG. MYSTAL:

This is Suffolk County, don't worry about it.

LEG. KENNEDY:

And still, we've got a fee interest. Usually we've got an ultimate right in what would own, but ••

P.O. LINDSAY:

And just to interject, I believe that almost all the leases that are out there, we own the land, they're all land leases. I don't think we own any of the buildings out there, do we?

MR. ZWIRN:

I don't believe •• I don't know. I don't think so, but I don't know for sure.

P.O. LINDSAY:

Okay. Legislator Mystal, did you want to say something?

LEG. MYSTAL:

No.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA•FISHER:

Good.

P.O. LINDSAY:

Legislator Montano.

LEG. MYSTAL:

I want to say something. Lunch. I want to go to lunch.

P.O. LINDSAY:

We were very concerned about you, Legislator Mystal, getting back from Haiti.

LEG. MYSTAL:

Yes, I got back and ••

P.O. LINDSAY:

We almost had to send out the Marine Helicopter Division to get you.

LEG. MYSTAL:

Thank you very much.

LEG. HORSLEY:

From Gabreski.

LEG. MYSTAL:

From Gabreski.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Between further debating and going to lunch, I'm going to lunch.

LEG. MYSTAL:

Okay. Thank you.

P.O. LINDSAY:

Any other questions about this resolution?

D.P.O. VILORIA•FISHER:

No.

P.O. LINDSAY:

No, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'll abstain on it.

P.O. LINDSAY:

One abstention.

MR. LAUBE:

16. (Not Present: Leg. Caracappa)

P.O. LINDSAY:

Okay. With that, I •• we're adjourned until 2:30 for a lunch break.

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

P.O. LINDSAY:

Mr. Clerk, would you call the roll?

MR. LAUBE:

Surely.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not Present)

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA•FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

14.

P.O. LINDSAY:

Okay. The first hearing this afternoon is I.R. 1048 •• no. Oh, I'm sorry, I missed the 2007•2009 Capital Budget Program. I don't see any cards here. Oh, here's one. Dr. Pippins.

DR. PIPPINS:

Good afternoon. Let me begin by again thanking you for your continued support of the College's Operating and Capital Budgets. I am proud to again emphasize that your investments continue to make a difference, yielding impressive results. Our recent accomplishments include the first new Century Scholar, the highest ranking Phi Theta Kappa Honors Student in the history of the College. She also made USA Today's First Team, one of 20 students in the nation to receive this honor, placing Suffolk County solidly on the national scene.

Our 2.4 Megatronics Advanced Manufacturing Skills Grant is the largest in the College's history, serving industry and business in multiple industries. Our expanded nursing program, built on partnerships with 17 hospitals, is responding to your priorities, supporting downtown revitalization and enhancing our position as the largest nursing program in New York State, at the same time, bringing millions of dollars to support the College.

The new College success program is supporting students with developmental needs and is also yielding impressive outcomes.

These results validate the recent economic impact study that revealed that in just 8.4 years, New York and Suffolk taxpayers receive a 100% return on their investments. These results didn't magically happen. They are the result of your visionary leadership and continued investment in the College. All the economic trends and the long•term implications of "world flattening" theories suggest the College will become even more important in the future. As we seek to reverse the "brain drain", keeping our children and grandchildren in Suffolk, reversing the trends reported just this past Monday in Newsday, seeking to move from a tough sell to an economically desirable location, with quality of life, strong businesses, a strong workforce, and multiple career options, as we seek to make Suffolk more competitive on the regional, state, national and, yes, international level, the place you will be able to point existing at potential businesses to with pride as the producers and supporters of a high quality workforce must and can be your Community College.

We can be the place citizens and current or future employees come to acquire the state•of•the•art skills they will need to compete for well paying jobs that cannot be easily outsourced. To function in this capacity, we need sufficient, accessible, comprehensive state•of•the•art learning and teaching facilities, facilities that can accommodate state•of•the•art labs, equipment and other resources. Many of our buildings are not structurally designed to support technology required by today's instructional needs.

I believe one of the major reasons I was selected as President was your belief that I could establish Suffolk County Community College as a world class institution, capable of producing and supporting a workforce nationally recognized for its quality. With your support, I can achieve this goal.

Let me close by emphasizing several important points that would please any potential investor. One, we have been great stewards of your investments, yielding impressive results. Two, we are providing proactive leadership in addressing the workforce and economic development needs of the County. Three, we are not coming to you empty handed. We have secured significant resources from other sources. They will review the level of County support when we make subsequent requests.

And, finally, all the economic research and projections suggests that strong community colleges with state•of•the•art facilities and resources are essential to creating and sustaining a world class workforce. With your support, we can achieve these goals. Thank you.

P.O. LINDSAY:

Thank you, Dr. Pippins. Charles Stein.

MR. STEIN:

Thank you. I'd first like to take this opportunity to thank the Suffolk County Legislature for all its past support of Suffolk County Community College's Capital and Operating needs. The Legislature has continuously demonstrated its leadership and vision in supporting our "College of Excellence" and the college students and County as a whole. Thank you.

While I was able to provide some comments last week at the public hearing held in Hauppauge, for the benefit of those who were not present, I'd like to

take this opportunity to describe the actions taken by the County Executive regarding the proposed 2007•2009 Capital Program ad 2007 Capital Budget and their impact on Suffolk Community College. In general, there was one project deleted, two projects requested and not included, one existing project for which additional funds were requested, and a denial of our request to advance design funds for a new building. The details are as follows:

The Health and Sports Facility at the Eastern Campus, this project was included by the Legislature last year following a veto by the Executive. The project is a component of the College's master plan update and has been submitted to the State for consideration. We are requesting that this project be included in subsequent years section of the Capital Program, so that we may continue to pursue State financial support.

Culinary Arts Program equipment. Last year the County Legislature unanimously approved and County Executive signed Resolution Number 865 of 2005, authorizing the lease for a new Culinary Arts and Hospitality Center in Downtown Riverhead. The capital project being requested would fund the remaining equipment necessary to complete the outfitting of the culinary and baking laboratories, demonstration theater and classrooms. The overall equipment cost for the program are approximately $850,000. However, the College has received 520,000 in funding from various sources, representing 61% of the total funds required. Included in this amount is $150,000 that will be refunded to the County when it is demonstrated that at least 300,000 has been spent by the College for this equipment. Therefore, we are requesting that 480,000 be added to the 2007 Capital Budget to properly equip this facility, projected to be available in June 2007. Since 150,000 will be refunded to the County by the State, the net amount that we are requesting from the County is $330,000.

Repairs to the athletic fields. This project would repair the existing athletic

fields on the Grant Campus, which are unsafe to use due to poor drainage. This includes the baseball field, soccer, lacrosse field, and softball field. Currently, the College is forced to lease alternative fields, since competing teams and athletic associations refuse to endanger players on existing surfaces. The renovated fields will be constructed with subsurface drainage and synthetic turf. In addition, a new irrigation system is needed for the Ammerman Campus athletic fields, as well as minor facility improvements to both Ammerman and Eastern Campus fields. It is critical to demonstrate local support in order for the State to consider this project for State funding.

Reconstruction of Central Plaza at Ammerman. The original scope of the project exceeded the available funding and certain key aspects had to be removed. These components included memorial fountain ••

P.O. LINDSAY:

Keep going, keep going.

MR. KLEIN:

Thank you. Stone facade, concrete reconstruction and irrigation system for new plantings. Additional funding is being requested to reincorporate these components and complete what is now known as the Veterans Plaza. Anyone who has recently visited the Ammerman Campus can see how beautiful this project is progressing, and it would be a shame to leave it only partially done.

Science, Technology and General Classroom Building at Ammerman. As the College continues to expand its Nursing enrollment in partnership with seven Suffolk County hospitals, and as the growth of the regional economy is

largely dependent on the adequacy of a highly skilled and educated technical workforce, the need for a new Science and Technology Building is a strategic economic development investment for the County. A funding timetable change for this project is being requested. In 2005, the College received half of the State funding required to complete this project. This year, the State Legislature has provided the rest of the State's share. Therefore, funding exists for this sorely needed building. We are requesting an advance from 2009 to 2007 for the design funding.

There are currently 15 projects with continuing authorizations outstanding, not changed, nor affected by the Executive's proposal. There were 17 projects, but two have just been fully appropriated, and once Project 2111, the HVAC Technology and Services Building, receives its appropriation, there will be 14 projects with continuing authorizations outstanding that have not been changed, nor affected

by the Executive's proposal. All of these projects were included in the Capital Program, adopted last year by the Legislature. In total, the Executive's proposed Capital Budget and Program removes 21,113,000 and does not advance the 28,550 in the Capital Project funding, as requested by the College.

I again want to thank you for your commitment to •• that the Legislature has made to the capital needs of the College, and ask that you recognize the difficulties that the Executive's recommendations will cause. Thank you for your •• for this opportunity. And I'm here to answer any questions.

P.O. LINDSAY:

Thank you.

MR. STEIN:

Okay.

P.O. LINDSAY:

Sam Braunstein. Does he want to speak on the College?

MR. BRAUNSTEIN:

Yes. Good afternoon. My name is Sam Braunstein. I'm the Director of Athletics at the Grant Campus of Suffolk County Community College.

Colleges across the country have focused on aligning student success with athletic success in order to improve student participation, persistence, student engagement, student retention, and student transferability. At Suffolk County Community College, dedicated coaches and staff work countless hours to ensure that the dreams of our student athletes are realized, despite the condition of our fields.

At the Grant Campus, the athletic fields are in dire need of renovation and corrective transformation. The fields are considered to be the classrooms for our physical education courses at the campus. Additionally, they should meet the needs of collegiate competitions, community sport camps, and club play. Due to the current conditions of the fields, numerous testimonials have been received by the College declaring the danger our fields pose for visiting teams

and our own students. I have a sampling of these letters, which I have made copies for your information.

A recent report issued by Cornell Cooperative Extension of Suffolk County detail the existing conditions of the fields at the Grant Campus. The report found our baseball field contained large sections of turf that has been killed by a root disease called summer patch. The best method of remediation for this fungus is slit seeding and fertilization. The entire field also needs to be regraded to improve drainage. Aeration is critical. However, due to the shallow nature of the irrigation system, aeration cannot be performed without serious damage to the existing system. Deep tine aeration is nearly impossible without insulation of a whole new irrigation system.

Regarding the soccer and lacrosse fields, the report stated drainage is very poor and the field is very soft. The soil has been watered to the point of anaerobic and contains large quantities of clay. This has led to the decline of turf roots and invasion of crabgrass and clovers. Slit seeding will improve the appearance, but aeration is necessary. Aeration concerns are the same as for the baseball field.

Finally, a portion of the softball field serves as a sump for the rest of the field, resulting in extremely wet conditions. The skin clay infield does not drain, leading to dangerous soft and slippery conditions, as well as aggressive weed incursions. The turf has suffered a serious decline from summer patch, and in the area closest to home plate, there's an area of sod that never knit into the soil below due to incompatibility between soil types.

In my professional capacity as the Campus Director of Athletics, my concern is that the College faces potential liability. Visiting teams, district officials,

referees, coaches and players have all complained about the unsafe conditions found on our playing fields. The College has found it necessary to lease field use at Stony Brook University at a cost of 13 to $15,000 per year in order to avoid injuries to any student while continuing to build a successful sports program at the College.

I urge you to view the College's capital request positively and encourage you to support the renovation of our campus fields, so that Suffolk will continue to be recognized for regional and national championships, as well as state•of •the•art facilities. Thank you.

P.O. LINDSAY:

Could I just ask a question?

MR. BRAUNSTEIN:

Sure.

P.O. LINDSAY:

I have your •• and I •• you know, should know this from the Capital Budget request, but I don't recall this. So you're requesting three turf fields?

MR. BRAUNSTEIN:

That's correct.

P.O. LINDSAY:

Three synthetic turf fields?

MR. BRAUNSTEIN:

Yes.

P.O. LINDSAY:

What is the cost of three synthetic turf fields?

MR. BRAUNSTEIN:

It costs about 1.6 million dollars.

P.O. LINDSAY:

Okay.

MR. BRAUNSTEIN:

Any other questions? Thank you very much.

P.O. LINDSAY:

Is there anyone else here that would like to speak on the Capital Budget? Yes, sir, please come forward.

MR. SIMONSON:

Hi.

P.O. LINDSAY:

If you could give your name.

MR. SIMONSON:

Sure. Good afternoon. My name is Gary Simonson. I'm Deputy Director of Suffolk County Real Property Tax Service Agency. I filled out a card. I don't know what happened to it, but I'm here to talk about Capital Project 1758. And essentially, what we'd like to do, we make the tax maps now that the towns and I'm sure your offices use, and a lot of other people use, and we use it •• without getting too technical, we do it in microstation and we'd like to go from that to a GIS format, which is called ESRI. One of the reasons for using ESRI is because all the other County agencies now use ESRI, so that when they get our maps, they have to convert them from what we use to ESRI, so they can use them. So I think in 2007 we're asking for 518,000, and then in 2009, we're asking for an addition of 250,000, which we'd really like to move that up to 2008. It really makes more sense to do that. But, basically, that's why I'm here.

We're going to have to go to something anyway. What we're using now to create the tax maps is probably going to be outdated very soon and we're going to have to move to something else anyway. ESRI makes sense, because, as I said, the rest of the County agencies and offices are using ESRI. So we'd like to save them the time and the money, obviously, that it takes to convert our maps to ESRI, and we'd like to get it into that GIS format.

So, basically, that's my {schpiel}. If you have any questions, I can't get real technical with you, because I'm not a techie, but, you know, if you have any questions, I'll be happy to answer them for you.

P.O. LINDSAY:

No. I appreciate you coming, Mr. Simonson. I'm sorry that I overlooked your card.

MR. SIMONSON:

That's okay.

LEG. HORSLEY:

Bill, may I just ask one quick question?

P.O. LINDSAY:

Yes. We have a question from Legislator Horsley.

LEG. HORSLEY:

Yes. Sir, do you •• I'm somewhat familiar with what you're talking about, surprisingly.

MR. SIMONSON:

Okay.

LEG. HORSLEY:

The towns are all going to the GIS system. How do you •• how do the tax maps interface with the town systems, because they all use your zoning processes and all that ••

MR. SIMONSON:

Right.

LEG. HORSLEY:

Are generated from you. Now they're going GIS. How do you ••

MR. SIMONSON:

Well, hopefully, now they get books. They get it in a paper format.

LEG. HORSLEY:

Right, I'm familiar.

MR. SIMONSON:

So, hopefully, if we all are on the same format, we can send it to them electronically. I guess that would be the goal, one of the goals anyway.

LEG. HORSLEY:

Have they discussed that with you, or you discussed that with them?

MR. SIMONSON:

We haven't gotten that far. We're really just trying to work it out with the County. You know, we're trying to be more helpful to the County agencies, especially the Planning Department, because they •• you know, they use our maps all the time, and they're in the ESRI ••

LEG. HORSLEY:

So do the towns. I don't know if you knew that or not, but they do.

MR. SIMONSON:

Well, yeah. Yeah, we know that, of course. And we'd like to get on board them also, sure. Only makes sense.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Good afternoon, Mr. Simonson.

MR. SIMONSON:

Hello, John.

LEG. KENNEDY:

How are you?

MR. SIMONSON:

I'm good.

LEG. KENNEDY:

As important as sharing with the County and towns and villages, as far as tax maps go, you also do quite a bit of vending to the industry at large, don't you?

MR. SIMONSON:

Yes.

LEG. KENNEDY:

Realtors and appraisers, and other folks out there.

MR. SIMONSON:

Surveyors, bankers.

LEG. KENNEDY:

Right.

MR. SIMONSON:

Yeah.

LEG. KENNEDY:

And would this conversion to the GIS format enhance that ability for the private sector out there? Would they be able to electronically access it or acquire it in its different format?

MR. SIMONSON:

Well, Penny's been around to see some of your offices and we're offering {Aries} on the internet, and {Aries} is our •• is the data that goes along with the map. So you put in a tax map number, you put in an address, you put in a name and you'll get the information on what that person owns, when they got it, and there's a button on there that you click that then brings up the map. So we are going to be offering that to the general public I believe June 1st, and we've been authorized to do that by you folks for twenty•five hundred dollars, and so that will be coming out. I don't know how many engineering firms out there use ESRI and might be compatible, and, therefore, you know, would be able to just take our information electronically, I'm not sure about that, but I'm sure we'll find out if we do the conversion, you know.

LEG. KENNEDY:

Okay, good.

MR. SIMONSON:

But I don't know that ••

LEG. KENNEDY:

Okay, thanks.

MR. SIMONSON:

•• that answer right now.

P.O. LINDSAY:

Okay. Thank you very much, Mr. Simonson.

MR. SIMONSON:

Thank you.

P.O. LINDSAY:

Is there anyone else that would like to address us on the Capital Budget? Seeing none, I'll move onto ***I.R. 1048 • A Local Law strengthening the procedures and remedies to the Suffolk County Human Rights Commission.*** Yes, Elaine Gross.

MS. GROSS:

Yes. Good afternoon, and thank you.

LEG. LOSQUADRO:

Would you pull the microphone closer, ma'am?

MS. GROSS:

Sorry. Can you hear me now?

P.O. LINDSAY:

Yes.

MS. GROSS:

Okay. Thank you very much. I'm Elaine Gross. I'm president of ERASE Racism. I'm also a resident of Suffolk County. I'm here today representing the Board of ERASE Racism to urge the Suffolk County Legislature to recess the public hearing and to refrain from passing Bill Number 1048, introduced by Legislators Mystal and Montano, and also to refrain from acting on a human rights bill that I understand will be introduced by Presiding Officer Lindsay on request of County Executive Levy. Neither of these bills are •• as currently proposed, provides the residents of Suffolk County with the strong fair housing enforcement to which they are entitled, and they should not be acted on in haste.

Although ERASE Racism is withholding its support for each of these bills at present, we remain hopeful that the proposed bills will be amended, made available for public comment, and that a strong amended bill will emerge and be enacted by the Suffolk County Legislature.

ERASE Racism did a study last year, which was released in April of 2005, and here are the findings that sparked this effort to make Legislative change in the first place around housing discrimination. One was that discrimination and segregation are alive and well here on Long Island. Two, that the existing federal•state enforcement system was broken. It's really only a pretend system, enforcement system, if you will, with the overwhelming number of people who believe they have been discriminated against not coming forward. So, unfortunately, neither bill being introduced today take significant steps to fix the substantive gaps. Neither bill utilizes all the tools that should be available for both administrative and judicial enforcement. One bill actually makes no commitment to act unless and until the legislation is declared to be substantially equivalent to the Fair Housing Act, and our analysis on both bills shows that neither will achieve substantial equivalence. One bill would place those thought to have been discriminated against in the hands of the very State division, the New York State Division of Human Rights, that has a record of nonperformance stretching back for decades, and both bills have some provisions that actually weaken current law.

So the serious discussions with County officials, however, have been ongoing for almost a year as a result of the study that we did. And in April 2005, ERASE Racism released the results of that rigorous study in the report entitled Long Island Fair Housing, A State of Inequity. A core finding in this report was that County Fair Housing Enforcement agencies failed to investigate violations and passed all cases on to the New York State Division of Human Rights. This was distressing for two reasons. First, victims of housing discrimination most frequently need to have access to swift action

and an immediate remedy, which is most readily available at the local level. And second, we found that the New York State Division was deficient in its actions to provide timely, effective services to victims. Neither of these bills will solve those •• these critical problems. And here are just a few facts that I'd like you to be aware of. The National Fair Housing Alliance estimates that more than 3.7 million instances of housing discrimination occur annually on a national level, yet less than one percent of these cases are reported.

A HUD funded study by the Urban Institute found that 83% of the people do not report fair housing complaints, because they do not think that the complaints will be taken seriously due to a lack of effective enforcement. Long Island generates the most fair housing complaints in New York State and over 70% of the cases filed on Long Island based on race are from African•American complainants.

So, in conclusion, we want to emphasize once again that ERASE Racism stands ready to work with anyone who wishes to enact landmark legislation to protect Long Islanders from illegal acts of housing discrimination.

In the packets that you've received, there are two accompanying documents that provide more detailed analysis about the deficiencies of each bill, and also contain recommendations for appropriate amendments. Please keep in mind that neither document represents an exhaustive list of deficiencies, since we received the copies of the two bills laid on Friday, May 12th. We've had limited time to review. But I want you to be aware of the team of people working with •• on ERASE •• working with ERASE Racism on the Fair Housing legislation. Howard Glickstein ••

P.O. LINDSAY:

Could you wrap up, Miss Gross?

MS. GROSS:

I'm sorry?

P.O. LINDSAY:

Could you wrap up?

MS. GROSS:

Yes.

P.O. LINDSAY:

Your time is up.

MS. GROSS:

Howard Glickstein, who's the former Dean of the Touro Law School, and one of the drafters of the Civil Rights Act of 1964, he's also on our Board, he's one of the people working with us on the legislation, Craig {Grurian}, who was the Executive Director of the Anti•Discrimination Center of Metro New York and an acclaimed New York civil rights attorney, with extensive Legislative experience, and myself and Catherine Harris on the staff of ERASE Racism have been working on the analysis that you have in your packets.

Thank you very much.

P.O. LINDSAY:

Yes. Legislator Montano has a question for you, Miss Gross.

LEG. MONTANO:

Good afternoon, Elaine.

MS. GROSS:

Hi.

LEG. MONTANO:

Just so I'm clear, and we discussed this at lunch, and just to put on the record, there is a bill that was introduced awhile back by Legislator Mystal and myself, which is the subject of this public hearing.

MS. GROSS:

Correct.

LEG. MONTANO:

Which is a bill that you say needs some further development. I don't know of a second bill other than the drafts that were •• that have been circulating between yourself and the County Executive's Office. There's been ••

P.O. LINDSAY:

There's a bill in the ••

LEG. MONTANO:

Oh, there is?

P.O. LINDSAY:

•• being laid on the table today from the Executive.

LEG. MONTANO:

There's one being laid on the table today, okay.

P.O. LINDSAY:

All right. The public hearing is scheduled for June 13th.

LEG. MONTANO:

Okay. And then the last thing is that you have reached •• when I say "you", I mean ERASE Racism has essentially reached an accord with Nassau, the Nassau County Executive to introduce a substantive bill in Nassau, and that's where we're at with these three bills.

MS. GROSS:

Correct.

LEG. MONTANO:

Okay. Thanks, Elaine. We're going to recess, as I told you earlier, we're going to recess the bill that you're speaking on today, so we have time to look at the proposed amendments.

MS. GROSS:

Great. Thank you.

P.O. LINDSAY:

I might be •• you know, I might be wrong about that. There's a housing bill that's scheduled for hearing on the 13th. George doesn't think it's that bill.

LEG. MONTANO:

Right, that's my point. There is no •• there's no bill that has been laid on the table from the County Exec's Office with respect to amending the Human Rights Law at this time; is that correct?

MR. ZWIRN:

Absolutely correct.

LEG. MONTANO:

And we don't anticipate a late•starter?

MR. ZWIRN:

Uh•uh, no.

LEG. MONTANO:

All right. We're still going to recess our bill, at least ask to recess it. Elie?

P.O. LINDSAY:

Well, I still have another card on this issue.

LEG. MONTANO:

Oh, you do?

P.O. LINDSAY:

Yeah. Edward Pruitt.

MR. PRUITT:

Good afternoon, members of the Legislature. My name is Edward Pruitt. I reside in the Hamlet of Coram, in the Town of Brookhaven, the County of Suffolk. I'm a Director of ERASE Racism, and member of the Suffolk County Planning Commission, and a member of the County Exec's Economic Development Committee.

I agree with ERASE Racism analysis, that the current Montano human rights bill, as currently proposed, is flawed and, if enacted, would fail to realize the Legislative intent to deter those who would discriminate against the citizens of Suffolk County.

I must admit sadly that I was a victim of housing discrimination when I first moved in in 1986. Like many others that have faced housing discrimination, I did not report it. My employer had arranged for me to see two apartments when I moved in in 1986. I went to visit the first apartment here in Suffolk County. When I arrived at the first apartment, the landlord told me that the apartment was no longer available. He said that his daughter was coming back from college and that she would occupy the apartment. I visited the second appointment, only to be told that the apartment would only be available for a nonsmoking single male. At the time, I was married. My employer had made the landlord aware of that before I made my visit. This

is the reason why I think we need to enact some very strong housing •• fair housing legislation, so these things do not continue to occur.

I would encourage the Legislature to refrain from acting until hearings have been heard from experts and other community members. Thank you so much.

P.O. LINDSAY:

Thank you. I do not have any other cards on this I.R. Legislator Montano, you make a motion to recess?

LEG. MONTANO:

Motion to recess, yes.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal. All in favor? Opposed? Abstentions? Where's our Clerk? You've got to announce it.

MR. BAKER:

Announce it?

P.O. LINDSAY:

Yeah.

MR. BAKER:

The hearing is closed.

P.O. LINDSAY:

It's recessed.

MR. BAKER:

Oh, it's recessed. I'm sorry.

P.O. LINDSAY:

It's 18•0.

MR. BAKER:

18•0.

P.O. LINDSAY:

Okay. The next is ***I.R. 1069. It doesn't appear that I have any cards on 1069 • A Charter Law to create a consolidated department of Audit and Financial Management.*** Is there anyone here that would like to speak on the issue?

MR. ZWIRN:

We would ask that this be recessed as well.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion to recess by Legislator Montano.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. I.R. 1142 • A Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display of public warning notices regarding pesticides. And I have one card, Pat Voges.

MR. VOGES:

Good afternoon. First thing I'd like to say is could you guys raise our taxes enough to fix that door?

LEG. ALDEN:

I thought it got fixed. They put some pads on it.

P.O. LINDSAY:

We've had some very high priced Aides working on it all morning.

MR. VOGES:

Okay. Good afternoon. I would like to address both 1142 and 1391 at the same time. I am Pat Voges, Government Affairs Director of the Nassau •Suffolk Landscape Gardener's Association. I also serve on the Board of Directors of the Long Island Farm Bureau. I am representing both the Nassau•Suffolk Landscape Gardener's Association and Joe Gergela, Executive Director of the Long Island Farm Bureau and the Board, as Joe is in Albany today.

The Long Island Farm Bureau and the Nassau•Suffolk Landscape Gardener's Association oppose both I.R. 1142 and 1391, Local Laws to regulate display and sale of pesticides in Suffolk County, as Suffolk County does not hold statutory authority to regulate pesticides and is preempted by federal and state laws from enacting local legislations. Pesticides are regulated by the provisions of the Federal Insecticide, Fungicide and Rodenticide Act and at a state level by the Department of Environmental Conservation under Section 33 of the New York State Environmental Conservation Law, as stated under Title 3•33•0303 of the New York State Environmental Conservation Law, Powers and Duties of the Commissioner and the Department. Jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides is by the Article vested exclusively in the Commissioner. This law has been interpreted by the courts of our state to completely preempt local regulations.

In addition, before any further legislation is introduced by the administration or by Suffolk County Legislators, you should be aware that several laws and regulations are already in existence, yet have not been implemented or

enforced. New Section 41 of the 6 New York CRR regulations implemented the Neighborhood Notification Law and governs commercial and residential applications, and it became effective March 1st, 2001. These are additional requirements whereby retail establishment must post information signs required by the Neighborhood Notification Law. See attached, which I have a handout for everybody.

In addition, to the best of my knowledge, in the green industry pesticides with a "Danger" poison, skull and cross bone signal word, are restricted use pesticides and can only be purchased by a fully licensed certified applicator and are not for sale in retail stores.

Also, Suffolk County passed local legislation regulating pesticides in 1990, adopted by the Suffolk County Legislature Act 1,4•6•1990 as Long Island Number 10•1996. This law was adopted to addressed neighborhood notification and sale of pesticides in Suffolk County.

Before introducing anymore pesticide legislation, we urge the administration and the Legislature to research and identify all federal, state and local laws that are already in place and take action to ensure that they are implemented and enforced.

While we agree that the homeowner use of pesticides is a concern, we encourage Suffolk County to work within the current State law.

In closing, I would also like for you to know that the Long Island Farm Bureau and the Nassau•Suffolk Landscape Gardener's Association, and other industry

organizations, support I.R. 1288•2006, introduced by Legislator Vivian Viloria •Fisher and Jay Schneiderman, which will create a Task Force to develop a public education program that would address reducing risks associated with citizen use of fertilizers and pesticides. This bill has not been brought forward at the current time. Thank you for your attention to these issues.

With that said, I was talking to Legislator Schneiderman just before the hearing and he said to me, "Well, I've been in the retail garden center where I've seen a pesticide with poison label on it. Let me say this to you, Legislator Schneiderman. Two weeks ago, it was brought to my attention that a product called Dimension was for sale in the Home Depots. That's a product that is not labeled and banned for use on Long Island. I brought this to the attention of Vincent Palmer of the DEC. That product has been quarantined and enforcement actions are taking place as we speak. So we need to get this Task Force going. We need to work together, industry and the Legislators, to enhance Suffolk County.

P.O. LINDSAY:

Pat, don't go away, because Legislator Fisher has a question of you. But just to summarize your remarks, you want us only to pass legislation we can enforce?

MR. VOGES:

I don't want you to pass any kind of legislation on pesticides.

P.O. LINDSAY:

I'm only kidding, I'm only kidding.

MR. VOGES:

I would like you to work with the State and industry and address the homeowner concerns with pesticides with educational programs. We are ready, willing and able to assist, and when I talk, I talk for all industry.

P.O. LINDSAY:

Legislator Fisher has a question for you.

D.P.O. VILORIA•FISHER:

Yes. I just wanted to let you know that we have been in discussion with the County Executive's Office and Mr. Deering, and we •• it has been suggested by the County Executive's Office that they would like this to be recessed rather than closed. And I didn't know if you were aware that part of that •• the reason for that being recessed is that the County Executive's Office has said that they want to do some research on what kind of laws currently exist, just as you suggested, so that we're not •• because I have in my search also found laws that cover some of these areas already. And so, rather than being duplicative, I think that while we're going to be recessing this today, I am going to try to move forward with the Task Force next month, so that we can get started on that. I have given the County Executive the courtesy of giving them a month to do that search, so that when we put the Task Force together, it will be more meaningful, because we'll know what we're working with at that time.

MR. VOGES:

Thank you. Sounds good. Presiding Officer, I would like you to enforce the laws that are in effect now that says that ••

P.O. LINDSAY:

Well, that's •• that was my whole point of the question. It was kind of a rhetorical.

MR. VOGES:

The garden centers have to have signs, and the homeowners are supposed to post their properties, just like we are. However, I have never seen in a garden center a little sign that says, "Pesticides have been applied."

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Pat, thanks for coming out this afternoon.

MR. VOGES:

How are you?

LEG. SCHNEIDERMAN:

And I, too, like Vivian •• like Legislator Viloria•Fisher, am working with the County Executive trying to create one bill, kind of a unified bill. And we are looking at all other current laws. And, you know, I'm glad you had that experience where you saw directly something in violation. One of the big issues is who is responsible for enforcing these things? You shouldn't, as a resident, be responsible for enforcing federal regulations.

When I was researching my bill, I went into a local hardware store, a garden center to look at the various pesticides, and there's three categories, as you know, danger, which are the most toxic, warning, and then caution. And I found on the bottom shelf, the very bottom shelf, chemicals marked "danger" where, you know, if you know your toxicity here, and those marked "danger" are because a taste to a teaspoon will kill an average size adult person. So these are extremely toxic substances that a child could pick up and play with and potentially open.

So we do have a public health concern. Our primary directives •• our primary directive as lawmakers is to protect our citizens. And my bill doesn't act to seek to create any new laws, only to enforce what's on the books by tasking an individual with reviewing it and making sure that somebody is following through, the way you did. So I'm hoping that we can get somewhere on this, because it really is a public health hazard, and I think we can do better.

MR. VOGES:

I was not the enforcement person. I brought it to the attention of DEC. And

when them people get cranky, believe me, they get cranky.

LEG. SCHNEIDERMAN:

Right. And that's fine. If we have somebody who'd doing what you did on a county•wide level, that would satisfy me.

MR. VOGES:

Any other questions.

P.O. LINDSAY:

No. Thank you very much.

MR. VOGES:

Thank you for your time. And who do I give these to?

P.O. LINDSAY:

I don't have any other cards on 1142. Is there anyone in the audience who would like to comment on this bill? Okay. A motion to recess by Legislator Fisher. Do I have a second? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***I.R. 1214 • A Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment and Energy to the Suffolk County Department of Health Services.*** I have no cards. Does anyone wish to speak on this subject?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Seeing none, I'll accept a motion to recess by Legislator Romaine.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

And second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***I.R. 1296 • A Local Law establishing responsible standards and controls for alarm systems that require Police Department response.*** I have no cards on this issue. Is there anyone in the audience that would like to speak on this? Seeing none, what is your pleasure, Legislator Cooper?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1357 • Approving renewal and extension of ferry license and fares of Tony's Freight Service, Incorporated. And I have one card here, Barbara Weltsek.

MS. WELTSEK:

Good afternoon.

P.O. LINDSAY:

Miss Weltsek, go right ahead.

MS. WELTSEK:

I worked with Ms. Ortiz on this application, and it's my understanding all the papers are in order. I'm here solely to answer questions, if there are any, on the renewal.

P.O. LINDSAY:

Okay. Do we have any questions from the Clerk's Office about the application?

MR. LAUBE:

No, we do not.

P.O. LINDSAY:

Is there any questions from the Legislature about the application? Seeing none, I'll entertain a motion to close.

LEG. LOSQUADRO:

Motion to close.

P.O. LINDSAY:

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

MS. WELTSEK:

Thank you.

MR. LAUBE:

17. (Not Present: Leg. Stern)

P.O. LINDSAY:

Thank you. ***I.R. 1391.*** This is the other pesticide resolution. ***A Local Law to ensure proper storage for toxic pesticides in retail stores.*** Pat has already spoken on this issue as well. Is there anyone else in the audience that would like to speak on this I.R.? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll do a motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Stern)

P.O. LINDSAY:

Okay. ***I.R. 1409 • A Local Law further extending first time homeowner County property tax exemption.*** I have no cards on this very important issue. Is there anyone in the audience that would like to comment on 1409? Seeing none, I'll entertain a motion.

D.P.O. VILORIA•FISHER:

Motion to close.

P.O. LINDSAY:

Motion to close by Deputy Presiding Officer Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Okay. ***I.R. 1410 • A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors. And I have one card, Katherine Hoak from the League of Women Voters.*** Hello, Katherine. How are you?

MS. HOAK:

I'm Katherine Hoak, representing the League of Women Voters. And the League has had a longstanding position in favor of campaign finance reform. This position was based on extensive study which indicates that when special interests are permitted undue influence with Legislators and in Legislative decision•making in their behalf, citizen influence and the best interests of the public are significantly diminished. This has serious implications for our democracy. We, therefore, ask that you put your support behind I.R. 1410. It's an important step in the right direction. Thank you.

P.O. LINDSAY:

I don't have any other cards. I was just going to ask if anybody else would like to comment, but Legislator •• but Ben Zwirn wants to make a comment.

MR. ZWIRN:

Yes. Thank you, Mr. Presiding Officer. The County Executive has asked me to state on the record that he is in support of campaign finance reform and has been, but this bill he feels doesn't go far enough. You have •• among the people who are not covered by this are the unions, and he thinks the unions ought to be covered if you're going to do a comprehensive plan where the Legislature actually votes on contracts and recommendations from the different •• PBA, or the AME, or the Suffolk County Community College faculty. So those contracts come before this Legislature, and other conflicts of interest with accepting campaign finance contributions from them.

And I had a chance to speak with Eric Brown of the sponsor's office, and I pointed out to him that even though the sponsor of this bill, during the last campaign cycle, accepted as much as $4,000 in a day from the landlord, where his Legislative office is, and I'm not sure if Legislator Schneiderman would include that as well. I mean, part of the problem was that the contributions came through corporations that were controlled by the landlord, and, at first blush, you would not know. And I'm not saying this just to harp •• to point out Legislator Schneiderman, except that he's the sponsor of this bill, and this could happen to any •• any candidate for public office, we understand that. But here's a situation. Are landlords to be included in this? Is a lease considered a contract? Are you a vendor of the County if you're receiving County funds for a Legislative office? And I would curiously ask the sponsor that, but that we would be willing to work with the Legislature to try to come with the full comprehensive plan for campaign finance reform and will stand ready, willing and able to do that, but we just don't think this bill goes nearly far enough.

P.O. LINDSAY:

Mr. Zwirn, you've generated some interest. Legislator Romaine.

LEG. SCHNEIDERMAN:

Put me on, because I want to respond.

LEG. ROMAINE:

Well, I certainly await the County Executive's bill with all of those things included in it. But the bill in front of us now is a bill that says, if you do $10,000 worth of business with the County, you are limited to contributing to County candidates to the amount of $500. We don't say you're limited to nothing, we still give you an opportunity to participate, we just limit that participation so it's not abusive, so it doesn't give the impression that it is a pay•to•play situation.

I don't know how, but, certainly, a list of every contractor, every contractor that did a certain amount of business has been invited to numerous golf outings, helped by the County Executive in other events. I don't know how the Friends of Steve Levy got a hold of that list or how that was provided to him, but however it was done, by osmosis, or whatever the process, nevertheless, I think it's important that we say, "You know, if you're doing a lot of business with the County, you really have to limit your contribution, because there is a perception out there that it's, you know, pay for play, and that's the wrong perception. I mean, we're dealing now in the press with articles concerning a trial that gives exactly that impression, mistaken as it may be. And, you know, I think that this legislation has merit, but if the

County Executive has further legislation, I await it with great interest. Thank you.

MR. ZWIRN:

Well, if I might respond. We did submit legislation in the •• before the last Legislature that was tabled and it didn't go anywhere. But if I might, does that •• does a vendor include landlords? Would that •• Legislator Romaine?

LEG. ROMAINE:

I don't have a landlord, I'm in Cornell Cooperative Extension.

MR. ZWIRN:

I'm asking you, if you have a lease with the County, if the County is paying a landlord for space, are you considered a vendor under this bill?

LEG. ROMAINE:

I'm going to read that draft that the County Executive sends over very carefully.

MR. ZWIRN:

I'm asking a very simple question, because Mr. ••

LEG. ROMAINE:

I don't have a landlord, I'm in the Cornell Cooperative Extension Building, so, you know, I'm not getting it.

MR. ZWIRN:

Legislator Romaine, I'm talking about the legislation, I'm not talking about you personally.

P.O. LINDSAY:

Mr. Zwirn, Legislator Schneiderman is on the list. Maybe, you know, you'll get a chance to hear that. Legislator Barraga.

LEG. BARRAGA:

Just one or two comments. You know, I think it's important that when a bill comes before this body, that we strictly limit our remarks to the issue relating to the bill. I think you're •• when you start moving off and you're citing specific examples concerning what a given member of this body may or may have not done in the past, I think you run far afield very quickly and you lose credibility in terms of your comments.

The other comment is that if the County Executive doesn't feel that this bill goes far enough, let him submit legislation going further. Certainly, I think that the bill has some merit and I'll be supporting it. Thank you.

MR. ZWIRN:

I just •• I'm just asking a question about the legislation in particular. I made a particular point with the sponsor.

LEG. BARRAGA:

I took ••

MR. ZWIRN:

Is that covered?

LEG. BARRAGA:

No.

MR. ZWIRN:

Is that covered by the legislation.

LEG. BARRAGA:

I think there's ••

LEG. SCHNEIDERMAN:

I'm on the list and I'll be happy to answer it.

LEG. BARRAGA:

I think there's a better way of handling it without citing a particular member and what that member has or hasn't done in the past. I don't think it's an appropriate example that you used, that's what I'm telling you.

MR. ZWIRN:

I respect that, but my point is the same. I don't know if that is intended to cover that ••

LEG. BARRAGA:

By using the example, you know, I don't know what your point is, because that's all I can think of is the example you used.

MR. ZWIRN:

Is a landlord considered a vendor under this bill?

LEG. BARRAGA:

I'm not interested. You're missing my point, Mr. Zwirn.

LEG. SCHNEIDERMAN:

When I get my chance to speak, I'll address this issue.

MR. ZWIRN:

Well, everybody else in the Legislature has to vote on this bill at some point, presumably, and I'd like them to know if they understand what your intention was.

LEG. SCHNEIDERMAN:
I'm not up yet.

LEG. BARRAGA:

Mr. Zwirn, all I'm asking you to do, you know, when we take up a bill here, let's stick to the merits of the bill, and be careful in terms of the examples you use, because your comment was not appreciated by me and I'm sure by other members. So let's just move on, okay?

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. Ben, I've tried not to make this personal, and I'm sorry you have tried to make it personal. And if you want to go play that game, I'm sure we can look at the County Executive's filings and see ••

MR. ZWIRN:

This is your bill, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

It is, and I'm happy to address my bill. My bill is seeking to raise the bar, in this case, lower the limit by which vendors who do business with the County can contribute to the people who make the decisions to hire or not hire those vendors. In the case that you bring up, as a Legislator who doesn't sit on the Space Management Committee, I have no say in who my landlord is. However, I believe under this bill I still could not accept a donation in excess of $500 from that person. But you're saying •• I think you're trying to say I'm violating my own bill. My own bill isn't law, so it basically sets •• it sets a new limit, new rules of the game for everyone, and I will play by those rules, so will everyone else. So, if you're going to tell me, you know, if the speed limit is 65 miles an hour and you're considering moving it to 55 and I'm doing 65, have I done something wrong, and I would have to say no. When it becomes 55, I will drive 55, and those still should be the rules of engagement.

But I think it's a good bill. I think the public is saying we've got to do something about the pay•to•play culture. It's certainly been in the news a lot with, you know, potential selling of influence, etcetera, and I think the public is looking for some significant campaign finance reform. I think this

delivers it. Not only does it limit it to $500, but it also establishes that as an aggregate for family members or principals within a corporation. I think it's •• I think it's a move in the right direction.

MR. ZWIRN:

And I say thank you, because some of my questions were clearly answered. One, that intent is to cover landlords as well, they are considered vendors, and that the contributions that you had would be, under this new bill •• I'm not saying that the contributions you got were legal •• were illegal. That was never •• that was never my intent.

LEG. SCHNEIDERMAN:

I'm not even sure that those contributions were in violation of this bill.

MR. ZWIRN:

Well, in what •• I would just say in what regard, because the landlord would not be considered a vendor? I'm not sure.

LEG. SCHNEIDERMAN:

I would have to ask Counsel to look at the bill and see •• determine directly if those contributions •• I don't believe through •• he may be partners in various companies, my landlord you're talking about and those companies. But I would say, in terms of the spirit of the law, yes. And I, you know, certainly would personally make sure that I would not receive a contribution in excess of $500 in the aggregate.

MR. ZWIRN:

I just pointed out where the areas can become gray and how we would like it to be very clear when the Legislature and the County Executive looks at this bill down the road, if it gets that far, that we know what we're looking at, and I think we're a little clearer than we were when we started.

P.O. LINDSAY:

Okay. Legislator Cooper.

LEG. COOPER:

Several years ago I had considered drafting similar legislation that would have •• that would have imposed campaign contribution limits, not this same approach, but somewhat similar, and at that time, I had •• at that time, I had spoken with then Legislative Counsel Sabatino and he advised me that the legislation, as I had proposed it, was unconstitutional, would be unconstitutional, because it was preempted by the State. So I have a question for our Counsel. Is there the same problem with this bill? Is it •• does it fall under State jurisdiction?

MR. NOLAN:

The State Election Law does lay out a scheme for contributions and limits on contributions to candidates. There have been advisory opinions. I forget it was the Comptroller or the AG's Office that have indicated that this area is preempted. I do know that •• I do know we enacted a Local Law despite that a couple of years back prohibiting contributions from lobbyists, but this is an

area where there's definitely a preemption issue.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Actually, I was going to ask what Counsel would describe as far as parties, where we had the conversation before between the sponsor and Mr. Zwirn as far as definition. But I'm more intrigued now by the notion that our Counsel seems to be suggesting at this point, that we're preempted from discussion from the whole matter. Is that the opinion that we're getting, George?

MR. NOLAN:

The State has enacted legislation which governs campaign contribution limits to local candidates.

LEG. KENNEDY:

Is it ••

MR. NOLAN:

There are advisory opinions from I think the Attorney General's Office interpreting that to mean that the area has been preempted and local

legislation would not be permissible.

LEG. KENNEDY:

So it's your opinion at this point that actually the whole area of the field of the matter is taken up by the State statute, it's an integrated scheme?

MR. NOLAN:

That's what the Attorney General has said.

LEG. KENNEDY:

Thank you. And I have no more questions. This is not a productive conversation.

P.O. LINDSAY:

Legislator D'Amaro.

MR. LAUBE:

In light of the preemption dialogue, I just want to make a comment, that, you know, if $500 is bad, more than $500 can create some kind of undue influence, then shouldn't we be limiting everyone's right to contribute to $500? I mean, how are we singling out one particular class that happens to do business with the County? I would be all for a more comprehensive plan,

having just run the first time for the Legislature and going through this process. If we're going to do it, let's do it across the board. I don't see why we're singling out one group and saying, "You can't have the influence that it supposedly brings, but all the other groups can. That doesn't make any sense to me.

LEG. SCHNEIDERMAN:

Can I respond to that?

P.O. LINDSAY:

Okay. Seeing no other ••

LEG. SCHNEIDERMAN:

Can I just respond?

P.O. LINDSAY:

Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Lou, this is ••

P.O. LINDSAY:

Don't debate the bill, though, okay?

LEG. SCHNEIDERMAN:

No, just to clarify or respond to the last comment. It's •• again, it's targeting that pay•to•play culture, so it only pertains to those people who are doing significant amounts of business with the County. Those other people aren't doing business with the County, so, you know, they're believing in good government, they don't have a •• kind of a personal financial interest in, that's the difference.

LEG. D'AMARO:

So all the other contributions are just for the sake of being part of the process, it's not for any other reason?

P.O. LINDSAY:

Okay. Through the Chair, please, Legislators, all right? All right. I see •• I have no other cards. I don't see anybody else who wants to talk. What's your pleasure, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll recess the •• no, I'll close the clearing. Close it, close it.

P.O. LINDSAY:

Close the hearing. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second to close the hearing. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Alden)

P.O. LINDSAY:

I.R. 1466 • A Charter Law to amend and strengthen requirements for Fiscal Impact and Revenue Impact Statements. I do not have any cards on this issue. Is there anyone in the audience that would like to speak on this issue? No? Okay. Legislator D'Amaro, what's your pleasure with this legislation?

LEG. D'AMARO:

Move to close.

P.O. LINDSAY:

Move to close. Do I have a second?

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***I.R. 1491 • A Local Law implementing redemption of real property acquired by Suffolk County pursuant to the Suffolk County Tax Act.*** I do not have any cards on this I.R. Is there anyone in the audience that would like to dress us on this issue? Do I have some indication from the Executive what you would like to do with this?

MR. ZWIRN:

If this can be recessed or tabled.

P.O. LINDSAY:

Recessed, recessed.

MR. ZWIRN:

Recessed.

P.O. LINDSAY:

Okay. I'll make a motion to recess. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***I.R. 1492 • A Local Law requiring prior approval from the Suffolk County Sewer Agency for the establishment, improvement or expansion of County Sewer Districts.*** I do not have any cards. Is there anyone in the audience that would like to speak before us on this issue? Okay. Seeing none, what would •• this is an Executive bill.

MR. ZWIRN:

Close the hearing.

P.O. LINDSAY:

Close? I'll make a motion to close. Do I have a second? Second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. CARACAPPA:

That has to happen now.

P.O. LINDSAY:

Huh.

LEG. CARACAPPA:

That has to happen now.

LEG. HORSLEY:

I was thinking the same thing.

LEG. CARACAPPA:

I guess we'll debate the bill when it comes back. I'm just saying a Local Law requiring prior approval from the Suffolk County Sewer Agency for the establishment, improvement or expansion of a County Sewer District, they do that now.

P.O. LINDSAY:

But it goes back to committee, Joe. I'm not saying that I'm in favor of it, it's just that they just want the hearing closed.

LEG. CARACAPPA:

I don't want to debate it now.

P.O. LINDSAY:

Yeah.

LEG. CARACAPPA:

I'm just curious as to the title is something that's in place.

P.O. LINDSAY:

So am I, so am I.

LEG. CARACAPPA:

Okay. Thank you.

LEG. HORSLEY:

As am I. I'm watching it.

LEG. MYSTAL:

Joe, we all are.

P.O. LINDSAY:

Okay. That concludes the public hearings. I'm going to set the date for the following public hearings for Tuesday, June 13th, 2006, 2:30 p.m. at the General Meeting of the Legislature in the Rose Caracappa Auditorium in Hauppauge, New York: I.R. 1499, I.R. 1525, I.R. 1644, I.R. 1645, I.R. 1646, I.R. 1647, I.R. 1648.

I'm going to make a motion to waive the rules, let it age, and to vote on ***1357. It's the ferry license for Tony's Freight Service.*** And the reason for that is my understanding is their license has lapsed and that they're operating without a license, and it would behoove us to address this issue today. So, do I have a second to that motion?

D.P.O. VILORIA•FISHER:

I'll second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions? So that will age and we'll address that later. We did 1485, right?

D.P.O. VILORIA•FISHER:

Yeah, we did. We're on 1497.

P.O. LINDSAY:

Okay. We're up to ***I.R. 1497 • Approving the lease of additional square footage of premises located at 30 Greene Avenue, Sayville, by Suffolk County Community College.*** I will make the motion. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. And I would just •• being the sponsor, I'd like to just take the liberty to explain a little bit about this bill. This was actually a pilot program that we established last year to establish a satellite nursing school in Sayville. We had a partner in Good Samaritan Hospital that contributes heavily to subsidize this program. Rather •• Good Samaritan found that rather than recruiting nurses from Indonesia at about $15,000 apiece, it would be more beneficial for them to subsidize the County program to produce home grown nurses. The program, after one year operation, has been so successful that we have seven other hospitals on Long Island that want to buy into the program. And the building that we're using has additional space that we're going to lease additional classrooms. It's a wonderful program and it's one of the things that we can point to as a success by this Legislature over the last year. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

<u>ENVIRONMENT, PLANNING AND AGRICULTURE</u>

P.O. LINDSAY:

Okay. ***I.R. 1354 • A Local Law to require sufficient notice of Planning Commission referrals and meetings.*** Do I have a motion?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Fisher.

LEG. ALDEN:

Just a quick explanation.

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

Just a quick explanation, please.

LEG. STERN:

You want me to go first? Go ahead, George.

MR. NOLAN:

What this bill would do is require •• when a matter is referred to the Suffolk County Planning Commission on the basis that the application involves property within 500 feet of a village or a town boundary, the Planning Commission would have to notify the adjacent town or village of the referral and when they are going to consider that matter, so that the town or the village is aware of it. In addition, the applicant would have to notify property owners, residences and businesses within 1,000 feet that the matter has been referred to the Suffolk County Planning Commission, and that the •• and the date and time and place of the meeting at which the Planning Commission is going to consider that application.

LEG. ALDEN:

So, to the sponsor through the Chair, you're just picking up on basically

notices that most towns do on planning matters and you're applying that to the County level? I know that it's more square •• more feet. Two hundred's usually, you know, the town ••

LEG. STERN:

We're expanding the distance and providing much more adequate notice to a lot more people who are going to be affected by a very significant project that's going on literally right across the street from them. But because they happen to live on the wrong side of an arbitrary town line aren't otherwise entitled to notice. And I can tell you, given all of these significant developments that are going on right now that we've been all reading about lately known at the Commack Road Sagtikos Corridor, that area residents are, of course, upset with the scope, the scale of this large scale development. But what they're most upset about is the fact that these are significant projects that are going to have a regional impact going on right across the street from where they live, but they were never given adequate notice, were never really given an opportunity to participate in the process.

LEG. ALDEN:

Do you have the cutoff on what size project, or is it all projects?

LEG. STERN:

There is a size limitation, Counsel can speak to it, but it's a project of 25,000 square feet.

LEG. ALDEN:

Good. Okay, thanks.

LEG. STERN:

This is also important for all of us to understand that in no way does this legislation usurp any of the traditional zoning authorities of the towns, really just provides for much more adequate notice to area residents, and I believe is an important step towards realizing, you know, a very important goal that we all share, which is smart growth and a more regional approach to planning.

LEG. ALDEN:

Good.

P.O. LINDSAY:

Okay. Any other questions about this I.R.? If not, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***I.R. 1412 • Reappointing member of the Council on Environmental Quality (R. Lawrence Swanson).*** Legislator Fisher, you want to make a motion?

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

I'll second the motion. Any discussion on Mr. Swanson? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1446 • To set a public hearing for the review and modification of Agricultural District No. 3 in the Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown.

D.P.O. VILORIA•FISHER:

Motion to approve.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

We have a second by Legislator Romaine. I wasn't aware that we had an Agriculture District in Huntington and Islip.

D.P.O. VILORIA•FISHER:

Yeah, we do.

MR. LAUBE:

Legislator Lindsay, who was the motion?

P.O. LINDSAY:

Huh?

MR. LAUBE:

I had several on the motion. Who was the motion, Fisher?

P.O. LINDSAY:

Legislator Fisher made the motion, Legislator Romaine, the second. On this issue, anyone like to comment? No? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1451 • Authorizing planning steps for acquisition under Multifaceted Land Preservation Program (Richards Property) Town of Shelter Island.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second? Second by Legislator Caracappa. Any comments on 1451? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1463 • Authorizing planning steps for the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program • Town of Islip • Penataquit Stream Corridor.

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Alden, second by Legislator Barraga. On the issue? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1467 • Authorizing planning steps for implementing Greenways Program in connection with the acquisition of active parklands for the Martin property (Town of Riverhead).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by myself. Anybody want to speak on this issue? Seeing none. All in favor? Opposed? Abstentions?

This is the horse farm, Eddie?

LEG. ROMAINE:

Yes, this is the horse farm, right.

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1472 • Authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program • Open Space for the Jerome J. Norton property • Mud Creek (Town of Brookhaven).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Losquadro. On the issue?

D.P.O. VILORIA•FISHER:

Yes. I just want to make a comment about this and the next two. If you notice, they're all on Mud Creek, and I think that Planning has been doing a great job with these areas that they're trying to preserve. And last month you saw a lot regarding Forge River, and the month before we saw that. So they're trying to take a holistic view of particularly sensitive wetlands that need to be preserved, and we have a few of those areas in Brookhaven Town, where there have been small spotty pieces, and they're trying to create one protected area and acquire those. So these three resolutions that are coming up now are a case in point. If you look at it in future General Meetings, you'll see that •• you'll see groups like this. They're doing a great job.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1473 • Authorizing the acquisition under Suffolk County Multifaceted Land Preservation Program • Open Space for the Howard Norton property • Mud Creek. Could we do the same motion, same second, same vote? All right with everybody? You got it, Mr. Clerk?

MR. LAUBE:

18.

P.O. LINDSAY:

1474 • Authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program • Open Space for the Richard Norton property • Mud Creek. Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***1475 • Authorizing acquisition of environmentally sensitive land under the Suffolk County Open Space Preservation Program • the Walsh Property (Town of Southampton).***

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1476 • Authorizing acquisition of land under the new Suffolk County Drinking Water Protection Program • Open Space component McGhee n/k/a Sains property • Sagaponack Greenbelt (Town of

Southampton).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1478 • Authorizing acquisition of land under the old Suffolk County Drinking Water Protection Program • Vilardi property • Orowoc Creek addition, Town of Islip.

LEG. ALDEN:

Motion.

P.O. LINDSAY:

Motion by Legislator Alden, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1494 • Authorizing acquisition of land under the Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund • Open Space component • Georgiopoulos property • Great Pond wetlands (Town of Southold).

LEG. ROMAINE:

Motion.

LEG. ALDEN:

What property is this?

P.O. LINDSAY:

Don't make me repeat it again, will you? Jesus.

D.P.O. VILORIA•FISHER:

Georgiopoulos.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Browning. Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

We have a bonding resolution, ***1495A, and it's to amend the Capital Budget and Program and appropriating funds in connection with the improvements to the active parkland/recreation areas for the Oak Beach fishing pier.***

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley. Do we have a second? Second by Legislator Mystal. On the question, Legislator Alden.

LEG. ALDEN:

Just can we get a brief explanation? I'm not on that committee, so I don't know how much ••

D.P.O. VILORIA•FISHER:

Can I just mention that this is part of the Greenways Infrastructure Improvement Fund that we have and that was •• we had additional funds added to that. There was a bill that was introduced by Legislator Bishop and I think it was cosponsored by Legislator. Furthermore, you have in your backup a Town of Babylon resolution, and so they're on board. You know, we always need a partnership for these active parklands programs.

LEG. ALDEN:

Actually, Horsley asked me before the meeting to ask him a couple of questions so he could talk on the record a little bit, because he's ••

D.P.O. VILORIA•FISHER:

I'm sorry.

LEG. ALDEN:

He's been a little a quiet, so ••

LEG. HORSLEY:

No, that' ••

D.P.O. VILORIA•FISHER:

I thought you were asking ••

LEG. HORSLEY:

No, he's kidding.

D.P.O. VILORIA•FISHER:

•• the Chair of the committee.

LEG. HORSLEY:

Thank you very much, Ms. Fisher, for your ••

P.O. LINDSAY:

Why don't you ask him to say Georgiopoulos again?

LEG. HORSLEY:

•• for support on this bill, this all important bill of a fishing pier at the Oak Beach Park.

LEG. SCHNEIDERMAN:

Important to some.

LEG. HORSLEY:

Just let me add that ••

D.P.O. VILORIA•FISHER:

Sorry to steal your thunder.

LEG. HORSLEY:

No, no, no. I'm very comfortable. You guys go along with this, I don't have

to say a word. If I can get you on sewers next, you're with me.

I just want to mention that •• again, that the Town of Babylon is sharing the cost of this. This is a •• this was a County purchase park, which will be shared and open to all Suffolk County residents, and we'll create a fishing pier on the inlet, which all our citizens can enjoy.

D.P.O. VILORIA•FISHER:

And you have the backup in your packet.

P.O. LINDSAY:

Any other questions on this? No? Roll call Mr. Clerk.

(Roll Called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

LEG. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. 14 ••

LEG. HORSLEY:

Thank you.

P.O. LINDSAY:

1495, same motion, same second, same vote.

HEALTH AND HUMAN SERVICES

1394 • Adopting a Local Law to strengthen nursing home screening requirements. I'll make a motion.

D.P.O. VILORIA•FISHER:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Any comments?

D.P.O. VILORIA•FISHER:

No. We made them all during lunch.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Cosponsor.

LEG. MONTANO:

Put me on as cosponsor.

MR. LAUBE:

18. Cosponsor, Montano ••

LEG. SCHNEIDERMAN:

If I'm not already a cosponsor, put me down. I think I am.

LEG. COOPER:

Me also, Tim.

LEG. ALDEN:

I want to be a cosponsor, too.

P.O. LINDSAY:

I.R. 1418 • Approving of the appointment of Jacqueline Hasson as a member of the Suffolk County Youth Board Coordinating Council representing Legislative District No. 16. 16.

LEG. STERN:

I'll make the motion.

P.O. LINDSAY:

Yeah, motion by Legislator Stern, second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1481 • Requesting Legislative approval for the submission of a

grant application to the New York State Department of Environmental Conservation. I'll make that motion.

D.P.O. VILORIA•FISHER:

I'll second that.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LABOR, WORKFORCE AND AFFORDABLE HOUSING

P.O. LINDSAY:

1139 • Amending the Suffolk County Classification and Salary Plan and 2006 Operating Budget in connection with a new position title in the Department of Public Works (Public Works Capital Project Manager).

D.P.O. VILORIA•FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Fisher.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning. On the motion.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

Could we just get a brief explanation, and also any testimony •• again, I wasn't •• I'm not in this •• on this committee, but any testimony that would establish the need for this, and what the duties would be, and what the

qualifications, things of that nature?

P.O. LINDSAY:

Are you going to answer it, George? You want me to answer it? I'll answer it.

MR. NOLAN:

I'll start.

P.O. LINDSAY:

Okay.

MR. NOLAN:

All right. There was some testimony in the committee. I think Kris Chayes came in from Civil Service, so it's going to be a Civil Service position, that eventually there will be a test. It's going to be a Grade 35 position, and a Grade 17 position is being abolished by this resolution.

LEG. ALDEN:

Just Grade 35 is how much?

MR. NOLAN:

About 82.

LEG. ALDEN:

Eighty•two thousand a year?

P.O. LINDSAY:

No, I thought it was more than that. What does •• Gail, do you know?

MS. VIZZINI:

Yeah. Wait for me, but I'll have it for you.

P.O. LINDSAY:

Why don't we get back to that, okay, while Gail looks that up? Legislator Kennedy.

LEG. KENNEDY:

Thanks, Mr. Chair. I recall a discussion about this resolution previously. As a matter of fact, I thought that I had this conversation in Public Works. I'm trying to recall how •• maybe over in Labor and Workforce, because I'm not there. Nevertheless, maybe it was in General Meeting.

My questions with this resolution went to the qualifications, I think, I believe, as far as the individual for the position. And my recollection is that the requirement is a high school degree and 10 years worth of experience in the construction industry. Counsel, can you tell me, is that correct?

MR. NOLAN:

Let me check the backup for the resolution. I don't know offhand if that's what the qualifications are.

LEG. KENNEDY:

Do we have anybody here from the Exec's Office.

P.O. LINDSAY:

I think they went to get someone. So if we could, you know, just hold that question, okay? Gail, did you find the salary level? While you're still looking, maybe, you know, I had an opportunity to question the County Executive about this, because it's been lingering for a couple of sessions now about what was the need for this position. And he is frustrated, like a lot of us, as far as the time it takes for us to build something in our Capital Program, and I think we could all agree with that. And he wanted a special position to track projects and to find out why the delay •• they're delayed so much and why the cost overruns. And, you know, what I had suggested to him is why •• I mean, why don't you just make this a part of your Executive staff? And it was his wish to have it as a Civil Service position so that he wouldn't be

accused of creating another patronage job, and that was his answers to me. Okay? I got you, Legislator Romaine, but, Ben, there's a couple of questions that I couldn't answer. You want to go first, Legislator Alden?

LEG. ALDEN:

Let John go first.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

All right. Thank you, Mr. Chair. And, by the way, I appreciate you sharing with us the sentiments of the County Executive. And I think each and every one of us •• well, I don't want to speak for my colleagues, but I'll say I do believe that with the magnitude of the projects that we have in front of us, certainly, there's a need to have an individual, if not more folks, maybe a Capital Budget team or a construction team that's tracking, you know, the progress right from inception to conclusion of the projects without experiencing cost the overruns and things like that. But, again, I'll defer to your wisdom, Mr. Chair, having been 40 years in the construction industry, that where you're looking at this type of tracking, you're usually talking about folks that come from various disciplines, such as engineers or architects, or other people that are intimately knowledgeable or familiar with the construction process and industry.

So, Ben, I'll go to you, then, I guess, if I can. My question has been

essentially the same with this position throughout. I believe that the only qualification for this position is a high school diploma and 10 years of generalized experience in the construction industry. I could be a laborer and qualify for this, but not to disparage laborers or any other trade. I could be a lineman, because I was.

MR. ZWIRN:

I know there was ••

LEG. KENNEDY:

Is that correct?

MR. ZWIRN:

I haven't got the Civil Service title in front of me and the qualifications.

P.O. LINDSAY:

If I might, Counsel has the requirements in the backup. If he could read that, maybe that will help clear up some of it. Go ahead.

LEG. KENNEDY:

Sure.

MR. NOLAN:

Okay. The minimum qualifications are a Bachelor's degree and 10 years of administrative experience in the management and oversight of major Public Works projects, or graduation from a standard senior high school, and 12 years of administrative experience in the management and oversight of major Public Works projects, or an equivalent combination of education and experience as defined by the first two items.

LEG. KENNEDY:

Again, I guess my personal concern with this position is hands on experience is a valuable tool, particularly when you're talking about operations in the area of construction management, I believe, but I also think that there •• we need the kind of expertise and guidance that we would be able to get by bringing on board somebody with some type of external licensing, as well as the academic credentials. So for a PE or an architect, or somebody of that ilk, they're going to have the experience to be able to guide us and ultimately give us the services that we need. I don't think that we've got the level of •• credentially necessary associated this position, and I've consistently, you know, basically said that throughout the course of the meetings. I'll yield.

P.O. LINDSAY:

I have a list, but I just want to exercise the prerogative of the Chair a little bit. You eluded to my experience in the construction industry. And people that were in the field used to kind of •• you know, the PE's and the architects, what they could do with a line we couldn't do in the field physically. You know, it was easier to draw the line than it was to build the building. And in my experience, I found that construction managers and superintendents on jobs did more to get a project going than the architect or the •• I mean, I'm not saying you don't need the architects or the civil engineer to get project on paper, but to get it built, I think you needed

people with more hands on. That was my experience, but ••

MR. ZWIRN:

And the Commissioner has the licensing and the Professional Engineer's license, so we wanted somebody I think that was more hands on, and we didn't want to have somebody who had the same qualifications necessarily as the Commissioner of the department, but just somebody who could •• the Commissioner's got to deal with potholes, roads. There's so many things that they have to deal with. We just thought this would be an extra pair of hands, so everybody, even the Legislature, could make use to find out what's going on in particular projects, especially in their own districts.

It's a frustration that the County Executive has, and I'm sure the Legislature shares it. Some of the projects are taking very long times and coming in way over budget. We're just trying to get a better handle on it. And, as the Presiding Officer said, the reason the County Executive went this route, instead of trying to put an exempt position there is he didn't want to make it political, he wanted to have it somebody who'd have to qualify for a Civil Service test, so somebody would based on qualifications and not anything else.

P.O. LINDSAY:

And just to comment is, at this salary, I believe they're already lining up to take this test, because, you know, the qualifications, there's a lot of people that fill within •• fit within that •• those qualifications. So I would assume that we're going to have quite a compliment of people taking the exam for this position. Legislator Romaine.

LEG. ROMAINE:

Yes, thank you. As I heard your explanation, Presiding Officer, I now know why the people of the Eighth District have put their faith in you, very compelling. However, I do have some questions about this position.

D.P.O. VILORIA•FISHER:

You've got his vote. You've got his vote.

P.O. LINDSAY:

He doesn't live there.

D.P.O. VILORIA•FISHER:

He's moving.

LEG. ROMAINE:

Nevertheless, I do have some questions about this. This person is going to be supervising Architect, County Architect.

MR. ZWIRN:

No.

LEG. ROMAINE:

County Engineer? Who's this person going to be supervising, or who is this person going to be working with?

MR. ZWIRN:

It's going to be working with the County Exec and Public Works as a liaison back and forth to try to get information on particular projects, the jail project coming up. You know, some people I think at the beginning thought we were going to have two, you know, Public Works Commissioners and that's not what this is designed to do. This is designed to help the department. Now, no department's going to say they need •• you know, they need more administrative help, they could probably use more •• you know, people out in the field.

LEG. ROMAINE:

More bodies.

MR. ZWIRN:

More bodies. But this is one •• you know, for example, we have the •• we have the modular at the airport to house the helicopters. It's to house two helicopters. Why isn't it done? You know, why can't we get •• this is not •• you know, this is not •• we're not designing, you know, the Guggenheim Museum. It's just taken forever. Why does it cost $140,000 to have a sound wall study? I mean, it just seems like an awful lot of money. We want to be able to, whether we spend it or not ••

D.P.O. VILORIA•FISHER:

He said the magic word.

LEG. ALDEN:

Now look what you did.

D.P.O. VILORIA•FISHER:

You revved him up.

LEG. ALDEN:

Energized him.

LEG. MYSTAL:

You're opening up that can of worms again.

MR. ZWIRN:

I know, Niagara Falls, right? Slowly he turns.

LEG. ROMAINE:

I appreciate ••

LEG. KENNEDY:

Do we really want to go there, do we really?

P.O. LINDSAY:

Does anybody not want to be on the list?

LEG. HORSLEY:

He needs a sound wall right now.

MR. ZWIRN:

Cell towers, we'll go through the whole list. I mean sometimes •• no, I'm just saying, sometimes these projects •• sometimes these projects take a longer time than most of us think should be.

LEG. MYSTAL:

Ben, remove foot from mouth, then continue.

LEG. ROMAINE:

You know what ••

MR. ZWIRN:

Insert other foot.

P.O. LINDSAY:

Legislator Romaine still has the floor.

LEG. ROMAINE:

Yeah. I appreciate the soliloquy. What I really would appreciate even more is succinct answers to specific questions, so ••

MR. ZWIRN:

Excuse me. I thought I was giving succinct answers.

LEG. ROMAINE:

Okay. Okay.

MR. ZWIRN:

I'm sorry, I apologize if you don't think so.

LEG. ROMAINE:

You must have majored in English or something. In any event, does the person we're hiring is required to be a Public Engineer?

MR. ZWIRN:

No.

LEG. ROMAINE:

A Professional Engineer?

MR. ZWIRN:

No.

LEG. ROMAINE:

Are they required to have a four•year college degree?

MR. ZWIRN:

It's •• they have •• the qualifications, I'll let you read them.

LEG. MYSTAL:

No.

MR. NOLAN:

No.

LEG. MYSTAL:

No.

D.P.O. VILORIA•FISHER:

It was just read.

LEG. ROMAINE:

Are they required to have a four•year degree? It's a yes or no answer.

LEG. MYSTAL:

No.

MR. ZWIRN:

No.

LEG. MYSTAL:

High school.

MR. ZWIRN:

Just for the record, I've given •• I've given Legislator Romaine a copy of the •• •

LEG. ROMAINE:

I appreciate it.

MR. ZWIRN:

•• Civil Service requirements.

LEG. ROMAINE:

Does •• and I assume there's a person in mind. I'm told that there is a person in mind that the County Executive would like to see hired for this.

MR. ZWIRN:

There may have been at one time, but there's •• we're not sure if that •• if any individuals, that they were ••

LEG. ROMAINE:

Is that person that they had in mind at one time, does that person live in Nassau County?

MR. ZWIRN:

I don't know.

LEG. ROMAINE:

Does that person have any experience with jails or sewers?

MR. ZWIRN:

This will be a Civil Service test. The person that they had in mind may have been sometime ago. I'm not privy to who they had in mind.

LEG. ROMAINE:

Will you make •• will the Executive make a commitment that this position will not be filled until a test is taken and a list of candidates established?

MR. ZWIRN:

No.

LEG. ROMAINE:

So ••

MR. ZWIRN:

He would fill it provisionally and that person would have to take the test and be reachable on a list.

LEG. ROMAINE:

Having filled provisional positions in my capacity as County Clerk, I know that sometimes it can take two, three, four years before a test is given.

MR. ZWIRN:

No. I think Civil Service testified at the committee that it would be about a year, I believe they said.

LEG. ROMAINE:

A year or two.

MR. ZWIRN:

But they would request a test from the State immediately.

LEG. ROMAINE:

Now, you're looking to hire this person. The person you had in mind is no longer in mind?

MR. ZWIRN:

I don't know.

LEG. ROMAINE:

Okay. And this is a Grade 35. If you found the right person, would you do in •step step hiring, or would you bring it in at basic step?

MR. ZWIRN:

I don't know. Whatever •• I don't know what the difference is particularly with respect to salary.

LEG. ROMAINE:

And lastly, do you know roughly, and I'll ask for a guesstimate, of how many vacancies there are currently, budgeted vacancies that, you know, we've put in the budget and funded, budget vacancies in the Public Works Department at this time?

LEG. MYSTAL:

18, the Legislators.

MR. ZWIRN:

No, I don't •• I wouldn't have that off the top of my head, no.

LEG. ROMAINE:

I assume it's several hundred at this point in the Department of Public Works.

MR. ZWIRN:

Yeah, but not in this capacity. It would be at a different level ••

LEG. ROMAINE:

Right.

MR. ZWIRN:

•• in the department.

LEG. ROMAINE:

This would be a top level position. Can I ask you, in a top level position, a Grade 35, which is pretty •• I mean, that's pretty close to the ceiling of Civil Service, why not a four•year degree? Why not a Professional Engineer degree? Why not some qualifications as a minimum? I don't understand that. We're treating this almost as if it's a political appointment by lowering the requirements as much as we possibly can for someone that we expect to act as a liaison between the Executive and Public Works, dealing with major, you know, complex projects like a jail or sewer systems, or a whole host of other things. They're not a Professional Engineer, they have no college degree. They have some experience, and I believe in real world experience, but at this level? I mean, that's what makes us suspect, makes me suspect anyway, just to give you my thinking process on that. Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Based on what I'm hearing is we have a place where there's a lot of architects and engineers and they don't seem to be able to get anything going here. So I think I would rather see somebody that can work with people. I really don't care about the degree. When you do problem solving, you don't always bring the same skill level people together, because they already know what won't work, so they don't try things. I'd rather get •• I'd

rather see you get a social worker, or, you know what, I'll tell you somebody who can get things done, hire a crossing guard. They get •• they move things and they work with people every single day. So I don't think the requirement is bad. I want somebody that's going to do the job. I want to see •• I want to see the hangar built in •• at the airport. So thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. HORSLEY:

We're with you, Jack.

LEG. ALDEN:

Through the Chair. Ben, this is a hands•on supervisor or this is a liaison position?

MR. ZWIRN:

It's a liaison position, but somebody who knows the industry and knows how projects get done, so that we can find out, you know, what's going on on a project•by•project basis.

LEG. ALDEN:

Okay. In that case, I can be very brief on this. We have a whole staff of people in place. You have a Commissioner, Deputy Commissioners, you have

other people that run projects. The Commissioner and the Deputy Commissioner, at the pleasure of the, County Executive, that, the last time I looked, would qualify as a liaison.

We have a Public Works Committee, and at one time a number of years ago I was on that Public Works Committee and we got constant updates on the projects why they were moving slowly, why they weren't moving slowly, or why they're moving and cost overruns might have occurred, but it seems to me that everything's in place. If the people that are in place already can't do their jobs, then you replace the people that are not doing their jobs right now. Otherwise, this is just •• in my estimation, this is a waste of taxpayer's dollars and sounds more political than it does as far as, you know, getting the job done, because this person is not going to have any ability to get the job done, this person is just going to be the eyes and ears of either us or the County Executive, and to me, that's not a good use of taxpayers' money, not when you're already paying other people to do it.

MR. ZWIRN:

The County Executive has felt, with all the other projects going on, with the jail project, that this would be a good •• this would be a good use of taxpayer money.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Legislator Romaine, this is for you. I know I'm going to commit heresy right here, so at the risk of running afoul of the "Great Inquisitor" of the Legislature, I would much rather have this job be an exempt job than a Civil Service job, and for the simple reason that I would like to have somebody that I can fire at will if the person is not doing the job. I know your intention is to make it nonpolitical, but to me the job that you're describing is more of a person that I want to be directly responsible to me as a County Executive, that will go and follow through on projects, and that I can •• because once somebody gets that Civil Service job, they don't have •• you know, they don't have to do a damn thing if they don't want to, because you can't fire them. You can't make them do anything. So I would rather have this as an exempt job. Like, you know, Legislator Eddington, I don't care that much about the credentials, but if you're looking for, you know •• don't print that •• if you're looking for an ass•whipper, you know, you don't need somebody, you know, to be a Civil Service person. We need an exempt person that will respond to you directly and who can kick butt, who can kick butt because he's only responsible to the County Executive. That's my flow with this thing.

MR. ZWIRN:

Legislator Barraga made those comments at the committee as well and echos your comments, and it was something that the County Executive considered. That was brought up, that he would prefer to have an exempt position as well if we were going to do it.

P.O. LINDSAY:

Legislator Stern, did you want to comment?

LEG. STERN:

Thank you, Mr. Chair. Suffolk County, through all of our capital projects, is essentially a very large scale construction company, and any successful construction company has a hands•on, very effective project manager. We're hearing all the time about how government should be run more like a business. Now, I don't know if that's always possible, but I think this is a situation where government can be run more like a business and reap the benefits of an on•hand project manager, something I support.

LEG. MYSTAL:

And I nominate Jack Kulka for the job.

P.O. LINDSAY:

Losquadro. Legislator Losquadro.

LEG. SCHNEIDERMAN:

Bill, I'm on your list, right?

LEG. LOSQUADRO:

To follow•up on some of the comments that have been made, talk about someone who could be fired at will, to my mind, and this isn't a Legislative accusation towards the Department of Public Works, but if the County Executive is not happy with the performance coming out of the Department of Public Works, then he appoints the individuals who head up the department, well, then replace them, if you're not happy with the work and

it's not getting done in a timely fashion, and these are the people who are ultimately responsible. I know working in a corporate environment, we went through reorganizations, and there were management people who lost their jobs because they were not delivering. So, if that's the way that the County Executive feels, I don't think creating another salary position is the answer. Shake things up. If you want to really run it like a business, can people. If they are not doing the job, get rid of them, if that's your feeling. If you feel they're doing a sufficient job and you want to keep them around, I don't see the reason to add another job and for taxpayers to spend more money. If you really want to talk about how to run it like a business, that's how you run it like a business.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Yes, thank you. I'm not so concerned with reference to the educational qualifications, even though, as Mr. Nolan pointed out, it does require a Bachelor's Degree in one instance with like 10 years of experience verus a high school diploma with 12 years of experience. I mean there's some very successful people in American industry like Bill Gates and Michael Dell who never graduated from college. I am more concerned, as I brought in committee, with the question of this being a Civil Service title versus being exempt. My concern centers around the comments made by the lady who represented Civil Service at the committee, indicating that it would take maybe 9 to 12 months to formulate a test. And if you go out and hire somebody, for example, if this passes within three or four weeks and they're sitting there 8 or 9 months out and you're happy with their job, they're doing a good job, but they're not •• they didn't do well on the test, especially if you have a load of people taking the test, all of a sudden you're in trouble, because the projects that they have followed they can no long follow,

because you have to pick somebody off a list.

And I'll go back to what Mr. Lindsay was pointing out. I think this would be much more appropriate if it was an exempt position, part of the administration. This way there's some accountability. And, as Mr. Mystal pointed out, you know who to go to when things are going well, and when things aren't going well, the same person, because you don't want to find yourselves, you know, from the standpoint of your administration, 9 months, 12 months into this, and the person who you think is doing a great job now walks out the door because they didn't do well on a test.

P.O. LINDSAY:

Legislator Fisher.

D.P.O. VILORIA•FISHER:

I just need to expand on that a little bit, although I don't agree. I like the idea of the test, because I believe that we should know what the capability of the individual is. However, if the test takes 9 months to develop, you then have to set up the time for the exam. By the time those tests are corrected and by the time you start interviewing people off the list, you're running close to two years from beginning to end. So I believe that you have somebody now, when we need somebody, because we have the jail, a large project like that, looking at us, and I believe that we need to have someone hired immediately, and have the assurance that that will always be a position that will require a level of expertise. And although it's an exempt position, so you can fire the person, but they have to be taken off a list; is that correct? I'm not sure of how that works.

MR. ZWIRN:

Somebody could be appointed provisionally, they would have to take the test and be reachable on the list. If not, then that person wouldn't be able to serve in that position at that point.

D.P.O. VILORIA•FISHER:

Okay. No, that's not what I meant.

MR. ZWIRN:

They wouldn't be exempt.

D.P.O. VILORIA•FISHER:

George, if •• it wouldn't be an exempt position.

MR. ZWIRN:

No. It would be competitive.

D.P.O. VILORIA•FISHER:

Not if they're coming off a Civil Service exam.

MR. ZWIRN:

It would be a competitive position.

D.P.O. VILORIA•FISHER:

So they have all the Civil Service protections ••

MR. ZWIRN:

Right.

D.P.O. VILORIA•FISHER:

•• after that, which is •• which goes back to the point that was made by Legislator Mystal and Barraga, that you don't have that ability to get •• to unload them if they're not doing a good job.

P.O. LINDSAY:

But just understand something. They only have the Civil Service protections when they're officially in the job, not as •• not as a probationary employee.

D.P.O. VILORIA•FISHER:

Right.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. First, I want to defend Public Works a little bit. Having the opportunity, thank you, to Chair the Public Works Committee, I've had the occasion to sit down with Commissioner Bartha and others at that department, and they actually have provided me with some of the tracking that you have said. And I think that they really actually do an excellent job with the resources they have. Some of the reason, obviously, for the holdups is a lack of staff or a lack of funding, the authorizations to move forward. And, you know, they could probably take an additional 50 or 60 people and still couldn't do things overnight the way some of us would like to see happen, but could potentially speed things up.

I would •• you know, as I understand, this position really is a supervisory type of position. And the reason why, when we heard this the first time, we kicked it back to committee, because there was some concern that we were bringing in somebody to oversee architects and engineers who didn't have similar qualifications, and we weren't going to be expediting the process, by maybe even slowing it down, because the person lacked the knowledge to read the specs, you know, and some of these are complicated projects. We're embarking on the largest capital works project since the Southwest Sewer District in the Suffolk County Jail. So that was concern. It went back to committee, it got kicked back, discharge without recommendation. So here we are looking at it again absent of that recommendation.

There's a lot of titles that could be used here. You could use something called Clerk of the Works. That sounds like the project title. It's actually a Grade 23, not a Grade 35. There's something called a Public Works Special Project Supervisor, which is a Grade 31, which could potentially be a good title. But I still have this concern about efficiency within the department and bringing in somebody, what appears to be in a supervisory capacity. You know, maybe they'll do a great job, but it would be •• I feel more comfortable if I knew that person had a similar level of education and qualifications as the people that they were supervising. I think that's only fair.

D.P.O. VILORIA•FISHER:

Legislator Nowick. Sorry. Legislator Nowick.

LEG. NOWICK:

Yeah. Just it seems to me two separate issues on this. The one issue was whether or not the person should be Civil Service, the other issue is •• Civil Service as opposed to man off the street with or without a Bachelor's. That's one issue. The other issue, which I'm concerned about, is that does one person, and we've spoken about this, have the ability to get all of these many, many capital projects moving, because if you don't have enough Indians, I don't know that one chief is going to move it. That's a concern of mine, do we put somebody in there with or without the education, with or without Civil Service? Does it accomplish what we want it to accomplish? And, again, it's •• what is it, $90,000, plus benefits? By the time you add it up, it's $150,000. So my concern is, is this one person going to be able to help us move our capital projects? And I think there's where I'm teetering here. Thank you.

P.O. LINDSAY:

Okay. Gail, do you have a salary component?

MS. VIZZINI:

Just to confirm what George said, the entry level would be 82,000.

LEG. ALDEN:

George hit it on the head.

P.O. LINDSAY:

And just •• you know, just to clear up something that Legislator Nowick just talked about, we •• usually, on any major project, Public Works has what's called the Clerk of the Works on the job to monitor. Sometimes these fellows monitor several jobs at once if they're of a smaller size, but •• so it isn't •• we do have a network out there that monitors individual jobs. And I'm •• you know, I'm not exactly clear where this fellow will sit, you know, they say as a liaison between the Exec and the Commissioner, but ••

LEG. NOWICK:

Well, that does make it clearer, that each job does have a Clerk of the Works. So, then, does person, what does this person do, move along the Clerk of the Works to move along the people that work under him? Is this just another ••

P.O. LINDSAY:

I don't think so. I don't think so.

LEG. NOWICK:

If the Clerk of the Works can't move it along, I'm not sure what he can do, this person, or she.

MR. ZWIRN:

Well, there are certain projects that are going on. The cost overruns are happening all the time. We don't find out about them generally until the last minute and it's sometimes a surprise. The County Executive is just hoping that this individual could get a •• keep a better handle on some of the projects, while the Commissioner and his staff are working on a myriad of things, you know, on the roads, on drainage.

D.P.O. VILORIA•FISHER:

Transportation, dredging.

MR. ZWIRN:

There's dredging. I mean, there are so many things going on in Public Works that this is just one extra pair of hands to try to get a handle. You know, when the Legislature complains about a project not going forward or going slowly in their district, whatever the vote is today, the County Executive has

tried to make it a little bit easier and a little bit more productive, but it's up • • you know, the Legislature, it's at your disposal. Whichever way you vote, the County Executive is prepared to accept it and move on. But, you know, when the projects aren't coming in the way you want, just remember that we had this conversation today, that's all.

LEG. NOWICK:

So then the Clerk of the Works would be answerable to the new person, it sounds like.

P.O. LINDSAY:

No, no.

MR. ZWIRN:

No, no.

P.O. LINDSAY:

I'm not saying that.

MR. ZWIRN:

No.

P.O. LINDSAY:

No, I'm not saying that at all.

MR. ZWIRN:

No.

P.O. LINDSAY:

I just wanted to point out that Public Works has representatives on the job sites tracking, tracking the jobs. I don't know where this person fits in, but I wouldn't suggest that. Okay. I think we've beat this to death, right?

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

All right.

LEG. ALDEN:

And it deserved that.

LEG. LOSQUADRO:

Bludgeoned.

P.O. LINDSAY:

We have a motion and we have a second.

LEG. D'AMARO:

What was the motion, to approve?

LEG. MYSTAL:

What's the motion to, to table or to approve ••

P.O. LINDSAY:

A motion to approve.

LEG. MYSTAL:

It's to approve. Okay. Horsley is not here, Cooper is not here. Where is my Leader? Oh, here he is.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

MR. LAUBE:

Okay. Hold on.

P.O. LINDSAY:

Roll call.

MR. LAUBE:

You want to read them off?

P.O. LINDSAY:

Roll call.

MR. LAUBE:

Roll call?

LEG. MYSTAL:

Roll it.

MR. LAUBE:

Roll call.

P.O. LINDSAY:

Okay, roll call.

MR. LAUBE:

Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA•FISHER:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Pass.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

I have just been informed by my Political Leader, if I don't vote for this, I'm dead. Yes.

LEG. ROMAINE:

Not that there's any pressure here.

P.O. LINDSAY:

Where is your Political Leader. Not me.

LEG. ROMAINE:

Not that this is a political appointment.

MR. LAUBE:

Ten.

LEG. ALDEN:

Everybody's got their own process on how you arrive at a vote.

LEG. MONTANO:

How did that come to you, Elie? I didn't see anyone next to you.

MR. LAUBE:

Ten.

LEG. ROMAINE:

This is the political process, or political appointment.

P.O. LINDSAY:

Okay. 1424 • Approving appointment of relative of County employee at the Suffolk County Department of Public Works (William J. Barclay).

LEG. ALDEN:

Does this go along with 39?

P.O. LINDSAY:

I don't know. Do I have a motion?

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

I'll make a motion. Do I have a second?

D.P.O. VILORIA•FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1428 • Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund and for Brightwaters Child Care and Development Center, Inc., DBA Kiddie Academy of Brightwaters, Kid's Place Early Childhood Day School, Lazy Cow, Inc. That one fascinates me. Could you imagine having •• ***DBA Kiddie Care, Noah's Ark Day Care Center, Rainbow Chimes, Inc., and the Community Program Center of Long Island, Inc., day care providers under contract with the Department of Social Services.***

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Fisher.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1440 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes.

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

1441 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

1442 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes. Do I have a motion?

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote. All right?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

0kay. ***1443 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes.***

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote. Okay? (Vote: 17, 1 not present • Leg. Montano)

Authorizing the •• ***1444 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes.***

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote. (Vote: 17, 1 not present •

Leg. Montano)

1445 • Authorizing the sale of County•owned real property pursuant to 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes.

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote. (Vote: 17, 1 not present •

Leg. Montano)

1461 • Establishing a County policy permitting leaves of absence for breast cancer and prostate cancer screening. Legislator Browning.

LEG. BROWNING:

Motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Alden. Any comments?

LEG. ALDEN:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstention? Hold up your hands if you want to cosponsor.

MR. LAUBE:

I got everybody.

LEG. ROMAINE:

Got them all.

MR. LAUBE:

Yep, I got everybody with a hand up.

P.O. LINDSAY:

Include Legislator Fisher in case she isn't on there.

MR. LAUBE:

Yep.

LEG. ALDEN:

Just leave Bishop off, he doesn't like to cosponsor stuff.

MR. LAUBE:

And the vote on that was 17. (Not Present: Leg. Montano)

P.O. LINDSAY:

I thought we left Bishop off in January.

LEG. ALDEN:

I know.

P.O. LINDSAY:

1487 • Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Civil Service (Senior Workers Compensation Claims Examiner).

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, second by Legislator Eddington. Any discussion on this? Yes, Legislator Romaine.

LEG. ROMAINE:

I assume once the position is created, the County Executive will move to fill it. Why do we laugh?

LEG. MYSTAL:

It's his bill.

LEG. ALDEN:

No. That's a big leap, though.

LEG. MYSTAL:

It's his bill.

P.O. LINDSAY:

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

MR. LAUBE:

17. (Not Present: Leg. Montano)

LEG. ALDEN:

I think we'll have to monitor that closely.

PARKS AND RECREATION

P.O. LINDSAY:

Okay. ***1419A,*** I am being informed that we haven't received a bond as yet.

MR. NOLAN:

No, we did.

P.O. LINDSAY:

We do have the bond, so it is eligible to vote on. Okay. The pending resolution is ***appropriating funds in connection with the removal of toxic materials in County parks.*** I'll make a motion. Do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Does anyone want to comment on that? Roll

call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yeah.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. On 1419, same motion, same second, same vote.

1482A, a bonding resolution amending the 2006 Capital Budget and Program and appropriating funds in connection with the reconstruction of the former site •• (GATR) site for use as a maintenance and operation building.

LEG. ALDEN:

Motion to approve.

LEG. MYSTAL:

What's GATR?

P.O. LINDSAY:

I don't know. Motion by Legislator Alden. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Legislator Mystal has a question.

LEG. MYSTAL:

What is GATR?

MR. NOLAN:

It stands for Ground to Air Transmit and Receive.

P.O. LINDSAY:

I knew that, I knew that.

LEG. MYSTAL:

You knew that?

P.O. LINDSAY:

Yeah.

LEG. MYSTAL:

You're a smart man.

P.O. LINDSAY:

Okay. Any other comments? No other comments, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. Same motion, same second, same vote on the accompanying 1482.
I.R. 1416 • Creating a Suffolk County Stop DWI Deaths Task Force.

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any comments on the issue? No? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

1417 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with traffic signal improvements (CP 5054), I am being told we had to get a CN on, which is in the packet. What if we just do it now and get it over with, if that's all right with everybody. So, if you go to your CN, the red folder and dig out 1417, maybe Counsel can explain what the change was.

MR. NOLAN:

The change involved removing a "resolved" clause, which refer to waiving the 5•25•5 Law just for the purposes of this resolution. However ••

LEG. MONTANO:

What number are we on?

LEG. ROMAINE:

1417.

LEG. LOSQUADRO:

I don't have that.

MS. ORTIZ:

The bond. It's not in the CN folder?

P.O. LINDSAY:

I think it ••

MR. NOLAN:

It's in the CN folder. I have it.

P.O. LINDSAY:

I think, was that what was put in.

MS. ORTIZ:

Ann Marie put it in, yes.

P.O. LINDSAY:

Ann Marie came around and put them in earlier today?

MS. PASTORE:

Yeah, I handed it out separately.

P.O. LINDSAY:

All right.

LEG. ALDEN:

It might have been thrown on top of stuff.

P.O. LINDSAY:

If somebody doesn't have it, please raise your hand and we'll get you another copy.

LEG. ALDEN:

It might not be in the folder, it might be a loose copy.

D.P.O. VILORIA•FISHER:

It is a loose copy.

P.O. LINDSAY:

Okay. 1417, I'll wait until everybody has a copy before them, okay? Okay. Everybody up to speed with it? Okay. All right. I still •• I need motion and a second on this. Could I have a motion?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Isn't this •• Schneiderman isn't this yours? Oh, okay, so •• okay. Any ••

MR. LAUBE:

Sorry. Motion? Schneiderman and Kennedy?

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Kennedy.

MR. LAUBE:

Gotcha.

P.O. LINDSAY:

Is there any discussion on this?

LEG. SCHNEIDERMAN:

This is the CN of it?

P.O. LINDSAY:

Yes, the CN. We bypassed the one, but we still have to treat this as a bond, right? Yeah.

MR. NOLAN:

You can do the bond first, and you can do.

P.O. LINDSAY:

Right. What we're going to vote on first is 1417A, the bond, going along with the CN resolution, all right? We have a motion and we have a second. Roll call.

[SUBSTITUTE OF COURT STENOGRAPHER • DONNA CATALANO].

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

LEG. SCHNEIDERMAN:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Before I vote on the CN, and, Mr. Clerk, make note that we're voting on the CN now, not the one in the packet, just out of curiosity, maybe the sponsor could tell me, how do you wind up sponsoring traffic signals in ten different locations around Suffolk County?

LEG. SCHNEIDERMAN:

I can answer that quite simply, and part it comes through my role as Chairman of the Committee, but there was one •• a particular one in my district that I wanted to sponsor. When I called to DPW to find out about it, I

found out there was quite a few others that were also •• that had not been yet authorized. So I said, let's •• you know, I'm going to put them all into one bill. I thought that was logical.

P.O. LINDSAY:

That's fine. I was just curious.

LEG. SCHNEIDERMAN:

Through like an Omnibus Bill. I got a little bit of bad information from DPW in terms of the 525 exemption, which is an old [bill|Bill] that's basically related to the usable lifespan, that certain things had to go pay•as•you•go and not by bond if the lifespan was less than five years, which I thought it was for these traffic light signals, but it's not. So put a line in there that presented a technical problem, and that's why we're doing it by CN.

P.O. LINDSAY:

Okay. Again, we're dealing with the CN. Same motion, same second, same vote as the bond.

1426 (Accepting and appropriating 75% grant funds received from the New York State Division of Criminal Justice Services, New York State Comptrollers Number C825632).

P.O. LINDSAY:

I'll make a motion, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

1432 (Amending the 2006 Operating Budget in connection with the creation of eight (8) Detention Attendant positions in the Police Department).

Motion by Legislator Eddington. I'll get a second, then we'll discuss it.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. Legislator Caracappa, you want to ask a question on this?

LEG. CARACAPPA:

I got it. Thank you.

P.O. LINDSAY:

Okay. Any other comments? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1433, (Accepting and appropriating 90% Federal grant funds awarded through the New York State Division of Criminal Justice Services Bureau of Justice funding to the Suffolk County Department of Probation).

I'll make a motion on 1433, seconded by Legislator Losquadro.

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

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

Legislator Kennedy, your pleasure.

LEG. KENNEDY:

I have a couple technical questions that have arisen on this resolution, so I'm going to ask that it be tabled for one cycle.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1414, same motion, same second, same vote.

MR. LAUBE:

P.O. LINDSAY:

1422, 1422A (Authorizing the purchase of up to eleven paratransit vans and related equipment and accepting and appropriating Federal aid (80%), State aid (10%) and County funds (10%) in connection with this purchase (CP 5658).

Do I have a motion? Motion by Legislator Eddington, seconded by Legislator Caracappa.

LEG. ALDEN:
Just quickly on the motion.

P.O. LINDSAY:

Yes.

LEG. ALDEN:
Are these traditional fuel or are we going to go with •• did we look at some kind of alternate fuel or natural gas?

P.O. LINDSAY:

I don't think the resolution states that, but is there someone in the Administration that would have an answer to that?

LEG. LOSQUADRO:

Mr. Chairman.

LEG. ALDEN:
I'll tell you what happened. Nine years ago, when I got elected, I started talking about looking at alternative fuels, because over in Nassau County, Long Island Bus does it and pretty much the whole fleet in Nassau County is natural gas. At that time, KeySpan had expressed an interest in either building a couple of plants in Suffolk County or partnering with people to build plants in Suffolk County so that we could go to an alternative fuel type of situation.

Since then it's always been too much trouble to even look at alternative fuels. And I was just wondering on this if we're just going to into the same old, you know, let's buy conventional fuel vehicles, or are we looking at something that can run on all gas •• not all gas, but all alcohol, a combination of gasohol, natural gas. I don't know if we're pursuing those options, and I think we should be at least looking at them.

MR. BEEDENBENDER:
I would think the answer is no, but I'm not positive. We could check into it, but I don't know.

LEG. ALDEN:
Not you. You are the messenger. But that's not good. We should be looking at possibly going all gas, then these purchases would all be targeted to replacing the fleet in a natural progression and going that route. Even if it's just something that can burn, you know, gasohol or maybe a bigger mixture, 50/50, any combination thereof.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Legislator Alden basically stated the points that I was going to make. And the terminology that's now used is the E85, the 85% ethanol mixture, which is commonly available and is referred to as flex fuel. Flexible fuel vehicles can burn straight gasoline or 85 ethanol. And to my knowledge, regardless of how many times myself, Legislator Alden or when Legislator Binder was here, how many times we asked what the County vehicle standard was as defined by the quote, unquote by the SUV Law that this Legislative body saw fit to pass several years ago, that County vehicle standard has never been enumerated to this Legislature, nor has the methodology of the selection of vehicles been given to this Legislative body as well.

So I will again, reiterate to the Executive Branch, whoever is to listen, please convey that information to us. Let us know what methodology is being used to select these vehicles[.|. |.] I understand there are other considerations with fleet management other than just fuel efficiency. They have to do with maintenance and durability. But these are factors that have to be brought to light and we have to be looking at the must up•to•date most technologically advanced vehicles that we can be using for these purposes. And to date, that information not been forth coming.

P.O. LINDSAY:

Do you want to answer this?

MR. ZWIRN:

I don't believe these are hybrid vehicles. I know the buses that we're buying now we're testing •• •

LEG. LOSQUADRO:

If I may.

MR. ZWIRN:

Alternative fuel.

LEG. LOSQUADRO:

But it goes to the larger point that there is no methodology for •• why certain vehicles are being selected over others. The County vehicle standard as defined in the SUV Law has never been enumerated to me no matter how many times I asked for it. So I don't know what the methodology that the Department of Public Works is using to select vehicles. Do I know that these are the best vehicle for this application? What was the methodology used to select them? Are they alternate fuel capable, flex fuel. Is there a vehicle from another manufacturer that would serve the same purpose for the same price that would get better fuel economy? I don't know.

MR. ZWIRN:

I don't have the answer.

LEG. LOSQUADRO:

I understand that. I'm asking that this information be forthcoming.

MR. ZWIRN:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:
At the very least, if this does get passed, I think that, again, at the very least in our Public Works Committee, I think that we've got to look at what our policy is, we've got to look at what we want to accomplish going forward, and I think some of it is to be more fuel efficient, but I think the alternative type of fuels, bio diesels and some of things that can run or 85% •• and there are some actual standards where some countries can switch over, and they do all pretty much no gasoline, it's all ethanol.

And so I think we have to look very seriously at our policy and even the purchase of buses. Because I'm watching, you know, 40 passenger buses go by with two or three people in them. That's not really fuel efficient, that's not really efficient as far as providing a transportation service. So I know that some of those studies are underway on the federal and state level right now, so I think that we really have to take a hard look at what we're doing with our public transportation, and this would include these type of paratransit vehicles.

P.O. LINDSAY:

I think probably the question, Ben, is I understand that we need these vehicles to be ADA compliant and that it's 90% funded federal and state.

MR. ZWIRN:

We get these off the state contract.

P.O. LINDSAY:

Would it be too late to rethink this particular issue in terms of the issues that the Legislators have brought up?

MR. ZWIRN:

I don't know with respect to these vehicles, but I hear you. I'll bring this back to the County Executive, and we'll talk to Public Works about it, and we can bring it up at the Public Works Committee as well.

I don't think we've gone as far with the paratransit vans as we have with other vehicles that we've purchased. I know we've bought hybrid cars, we've ordered buses that have alternative fuel. I know when I first came on board, one of the questions I had was why did Nassau County have, you know, propane buses and Suffolk didn't. And it was explained to me by representatives of LIPA at the time that the bus routes are so long in Suffolk County that there's not enough •• the fuel •• they couldn't hold enough fuel. They would have to have refueling stations along the way on some of the routes, and that's why they're taking so long. That was two years ago.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:
In answer to that, some of the routes are, but most of the routes in western Suffolk are not. They parallel what goes on in Nassau County. And it really would be appropriate. The problem was a lack of a fueling station. And then in the Eastern End it would be probably the need for two or three fueling stations because of the trip from different bus yards to wherever the fueling station would be. So that was more of the problem rather than the length of the trip itself.

MR. ZWIRN:

Right.

P.O. LINDSAY:

Everybody talked out? Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:
Abstain.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Abstain.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

15.

P.O. LINDSAY:

Same motion, same second, same vote.

1423, (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of the properties for intersection improvements on CR 46, at Surrey Circle, Town of Brookhaven, Suffolk County, New York (CP 3301).

Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second? Legislator Eddington. All those in favor? Opposed? Abstentions?

MR. LAUBE:

17 •• 16.

1437 (A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 3 • Southwest (Various Capital Projects).

P.O. LINDSAY:

Do I have a motion?

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Legislator D'Amaro. Do I have a second? Legislator Stern. All in favor? Opposed? Abstention?

LEG. HORSLEY:

No.

LEG. ROMAINE:

Record me as a no as well.

P.O. LINDSAY:

Two.

MR. LAUBE:

14.

P.O. LINDSAY:

1438, **(A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 23 • Coventry Manor (CP 8149).**

Anybody opposed to a public hearing on this one? No? Motion? Do I have a motion? Legislator D'Amaro, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

1439 (A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 9 • College Park (CP 8163).

P.O. LINDSAY:

I'll make a motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

1462, 1462A (Amending the 2006 Capital Budget and Program and appropriating funds in connection with planning for the construction of sidewalks along County Road 85, Montauk Highway between West Sayville and Oakdale (CP 5497).

I'll make a motion. Do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Seconded by Legislator Mystal. All in favor? Oh, I need a roll call.

I'm sorry.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE

LEGISLATURE)

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

(Not present).

LEG. BARRAGA:

Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Sure.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Okay.

LEG. ROMAINE:

Yes.

D. P.O. VILORIA•FISHER:

(Not present).

MR. LAUBE:

16.

LEG. KENNEDY:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

Same motion, same second, same vote.

1276, (A Charter Law to enhance public hearing process).

I'll make a motion, second by Legislator Montano.

LEG. CARACAPPA:

Explanation.

MR. NOLAN:

What this would do is amend the Charter to require that if a proposed Local Law is amended in a substantial manner after the public hearing is closed, that the public hearing be reopened for a further hearing before it can be

enacted.

P.O. LINDSAY:

You wouldn't have to go through the reintroduction process.

MR. NOLAN:

Well, right now the Charter •• according to the Charter, if you have the public hearing and you close it and it's amended substantially thereafter, you don't have to have another public hearing. Our rules require now that if you make changes, a substantial change, to a Local Law or Charter Law after the public hearing has been closed, then you have to withdraw it and refile it, okay? What this law would do, it would amend the Charter, you make a substantial change, reopen the public hearing.

LEG. SCHNEIDERMAN:

Would we then have to amend our rules to reflect it, because we have a conflict?

MR. NOLAN:

We wouldn't have to, but there would be a slight conflict and we might look at amending the rules.

LEG. MONTANO:

If there's a conflict in the rules and the Charter, the Charter take precedence, so we would override the rules in that case.

MR. NOLAN:

I would still recommend amending the rules to make it consistent with what's in the Charter.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1349, (Sale of County•owned real estate pursuant to Local Law 13 •1976 Donato Ambrosio (SCTM No. 0200•685.00•03.00•022.000).

Do I have a motion? Motion by Legislator Mystal? Do I have a second? Seconded by Legislator Eddington? I don't see any hands. You want a question this, Legislator Kennedy?

LEG. KENNEDY:

Not a question, Mr. Chair. I'll make it quick. My objection in committee, we had several of these Local Law 13s in front of us, my recollection is that with this one it approached what appeared to be a something that might possibly be a building lot. We questioned Division of Real Estate and our Affordable Housing Coordinator. In my opinion, there was ambiguous information. I wasn't convinced that, in fact, it would not be viable as building lot. So I opposed it, and I'll oppose it again.

LEG. MYSTAL:

Bill.

P.O. LINDSAY:

Yes. Legislator Mystal.

LEG. MYSTAL:

The ambiguity a lot of times come along because even though a parcel of land may look like it's buildable by us, we have to obtain a resolution from the town saying that they want it before we give to a town to build for affordable purposes. And a lot of times, for example, Brookhaven Town has a rule that you have to have at least 75 by 100 for them to build. Town of Babylon, for example, will not build on anything under 50, and sometimes even 50, you know, you have to force the rule on them. Town has to accept it even if we want to build an affordable home on it. If the town doesn't want to take it, we cannot give it to the town unless the town accepts it. So that's why, you know, a lot of time we just sell it to the adjoining property owner.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:
Then the question becomes how large is this lot, and what town is it in?

LEG. MYSTAL:

This is Brookhaven, and I think the lot was 50.

LEG. ALDEN:
The ZBA always has the power to grant if it's an existing lot and it wasn't created and benefitted the owner ••

LEG. MYSTAL:

No. No. See, before a piece of land can get to the ZBA, the town as a municipality has to •• has to pass a resolution from its Town Board saying to us that we'll accept it, then it can go to the ZBA.

LEG. ALDEN:
Right. My point would be that this probably would have been more appropriate to auction off as a possible building lot and let the owner take the risk of going through the whole process. They didn't create their own hardship, they didn't create their own, you know, substandard lot.

LEG. MYSTAL:

Those parcels have been to the auction process several times, and nobody

would buy them, because they know they would not be able to build on them, and they will not get the vote from the Town Board.

LEG. ALDEN:
How much did we get from the adjacent owner?

LEG. MYSTAL:

I don't remember.

LEG. ALDEN:
If this is close to a building lot, you know, I'm going to agree with Legislator Kennedy that, you know, there's a possibility that we should have gotten a lot more for it rather than just give it to an adjacent owner. Is there a covenant against that owner building on it?

P.O. LINDSAY:

Yes. On all 13s there's a covenant.

LEG. ALDEN:

So they can't actually go and sell it off and build on it.

LEG. MYSTAL:

It's being sold for $5000.

LEG. ALDEN:

But it does have frontage, and it's slightly substandard.

MR. NOLAN:

I can just say that there was a lot of discussion about this in committee. Marian Zucker, I forget the details, but she said that it just •• either the town was not interested or it was not buildable, there was not a way to access the property. Legislator Kennedy may remember better, but that was the jist of it.

LEG. KENNEDY:

Through the Chair, if I can add recollection for what the discussion was. There was also a question as far as access, I believe, with this piece, because it fronted on a paper street. And actually Legislator Romaine added that he was quite familiar with the main access road and that, in fact, several other residences access their residences vis a vis •• not dirt road, but a gravel driveway, which might provide access to this lot and less then having to incur the cost of a 50 foot wide paved access street. So our questions went to whether or not there had been dialog as to the viability of building this out with that, you know, lesser cost access provision, and that ultimately is why I voted no.

MR. ZWIRN:

If I might add. At the committee, the Planning Director, Tom Isles, also testified that we have a resolution from the Town of Brookhaven which sets a minimum of 7500 square feet, and they said not to come back to them with anything less then that, they weren't interested.

Marian Zucker, who is the Director of Affordable Housing, who spoke to you this morning, reviews every one of these and made a presentation at committee. Any of the ones in committee, I think, that were questionable were tabled in committee. The reason, I think, that the Local Law 13s have gone on is because a lot of these are vacant lots in communities that wind up as dumping areas. Historically, the Legislature has tried to give them to people in the community as opposed to giving them to a developer for spot building and changing the nature of a community. So that's been the thought process going on.

P.O. LINDSAY:

Just to comment, it was a common practice a couple of years back that speculators at auction would pick up these irregular plots, and a lot of times they would try and flip them and sell them to the neighbor at a huge profit. I had a couple of them in my district. A guy bought the property for $1500, he wanted to sell it to the neighbor for 15,000, because they just didn't pick up on the auction.

MR. ZWIRN:

And they all have restrictive covenants about building on them.

P.O. LINDSAY:

Did you want to say something?

LEG. MYSTAL:

I'm a great advocator in trying to turn every piece of land that we have in the County into affordable homes, but we also have to deal with the reality that those properties are off the tax role, number one. Number two, they've been through the auction process, and no buyers. Number three, they become, you know, landfills for the neighbors. And they cannot be sold. And the town •• we have to recognize the town's position on most of those parcels of land, not just in the Town of Brookhaven, anywhere, Smithtown, Islip or Babylon. If the town itself doesn't want the property, there's nothing we can do with the property. There's nothing we can do to, you know •• if the auctioneers will not buy it and the town doesn't want it, what else do we do with it? It's not on the tax role.

P.O. LINDSAY:

Thank you, Legislator Mystal. Any other comments?

LEG. D'AMARO:

Mr. Lindsay.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Not to beat a dead horse, but, you know, as Chairing the Ways and Means

Committee, we've been down •• we've had these types of properties before the committee, you know, each committee hearing. And what I'm getting out of the process now is that they've actually, when they come finally to the committee and to the Legislature, these properties have gone through the mill, so to speak. They've spoken to the towns, the towns have rejected them usually. We've looked at aerial maps, usually they're landlocked. They've been rejected for workforce or affordable housing.

So they've been down that process already, and they're coming to us and saying •• you know, I mean, still we have the oversight and we can say, no, we think we can try again. Often they've been auctioned several times unsuccessfully, or if successfully, they've been returned back the to County •• the County inventory. So, you know, having done this now several times, I'm convinced that most of these properties coming into us through Ways and Means have been reviewed for other purposes, determined whether or not they were usable in any other way, and usually they're not. And I think that's the case with this property as well.

P.O. LINDSAY:

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

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

One opposition.

MR. LAUBE:

17.

P.O. LINDSAY:

1388A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $225,000 bonds to finance the cost of acquisition and installation of an Optical Disk Imaging System, Redacting Software Application (CP 1751).

Why don't we have a regular resolution with that?

MR. NOLAN:

We approved the companion resolution at the last meeting, we missed the bond.

P.O. LINDSAY:

Okay. That explains that. I'm surprised, we're so sharp, that we missed something, you know?

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria•Fisher, seconded by Legislator Mystal. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

D. P.O. VILORIA•FISHER:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Just an observation, if this piece of equipment was wheeled before us, I don't think one of us would recognize it. Oh, you would, yes, Legislator Romaine and Legislator Kennedy. Forgive me.

1393 (A Local Law to amend the membership of the Hispanic Advisory Board).

LEG. MONTANO:

I'll make a motion to table.

P.O. LINDSAY:

Motion to table by Legislator Montano, seconded by Legislator Losquadro. All

in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1415, (Establishing a policy and procedure for the naming of County facilities).

Legislator Cooper.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do we have a second?

LEG. LOSQUADRO:

Explanation.

P.O. LINDSAY:

We have a second by Legislator Mystal, that's a team born in Heaven. Someone had a question. Legislator Alden.

LEG. ALDEN:
I would have said part of the team is a team born in Haiti, though, right? Okay. Can I have an explanation from the sponsor or from legislative Counsel on what we're trying to do and how we're doing it?

LEG. COOPER:

This resolution would establish five criteria to utilize when naming County facilities in the future. It would establish a standing committee, a five member committee, that would review the criteria and make sure that the person or the organization after which the facility will be named is appropriate based on these criteria. And the criteria, they're outlined in the resolution.

For example, if it's a deceased individual, they must have provided outstanding service to Suffolk County over a period of years. If it's named after a living individual, they had to provide outstanding over a period of years, and the individual should be at least 65 years old. If it's named after an organization, there are criteria such as there has to be a relationship that exists •• preexist between the individual or the group or the organization and the facility. And the standing committee that would be established is comprised of a representative of the Presiding Officer, the County Executive, Minority Leader, Chairman of the Ways and Means Committee and Commissioner of DPW.

LEG. ALDEN:

I have a couple of questions and then we'll flow from that. Do we have to abide by their recommendation, or can we act on something without their recommendation?

MR. NOLAN:

It's a recommendation.

LEG. ALDEN:
It's not binding?

LEG. COOPER:

We could always •• we could set aside the recommendation of the committee, but the hope is that it would eliminate any possibility of political pressure being bought to bear or other inappropriate names.

LEG. ALDEN:
Now, if I look at the overall functioning of this, it's going to allow me more flexibility or less flexibility as a Legislator to name a facility or park or something after somebody?

LEG. COOPER:

Probably •• well, if you adhered by the criteria established, it would grant you less.

LEG. ALDEN:
Would I be prohibited from putting in a resolution to name something after somebody if we •• this is an official policy then?

LEG. MYSTAL:

No you cannot name something after yourself, Alden.

LEG. ALDEN:
Well, I was thinking maybe a Supervisor or something. Maybe over in Babylon.

LEG. COOPER:

Legislator Alden, there would be nothing that would stop you from putting in a resolution, but after the resolution was filed, it would go before this committee and they would review the criteria and see if it's appropriate, and they would report back to the Legislature with their findings as to whether they feel, based on the criteria, it is in deed an appropriate naming. Now, we could set aside the recommendation.

LEG. ALDEN:
Personally, I'd like to see just a less restrictive type of process. So I probably won't support this.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

This committee is already in place, it's called the Suffolk County Citing of Monuments and Symbols Committee that was made available to us from former Presiding Officer Maxine Postal. I served on the committee, and we

approved a whole host of monuments and renamings, such as the Dog War Memorial, also the World War II Monument as well as a whole host of the renaming of some County roadways.

It's very similar to what you are saying, Jonathan. I don't think we abolished the committee, it just has been dormant. So you may want to go back and look at the boards and commissions that exist. It was myself as •• I was the Presiding Officer's appointee, Chief Deputy County Executive, at that time, Eric Kopp, Public Works and a representative from Parks. And we would meet regularly whenever there was a monument or renaming or some sort of symbol to be placed on County property.

LEG. COOPER:

So basically what I've outlined and what I'm trying to accomplish in my resolution, there's already a process, a committee in place to accomplish that?

LEG. CARACAPPA:

Yes.

P.O. LINDSAY:

And I just found out that I named Legislator Nowick to Chair this committee next week.

LEG. NOWICK:

And I just want to make a comment. Tomorrow at ten o'clock, there's a meeting on this committee, and we have one thing in front of us.

LEG. CARACAPPA:

I rest my case.

LEG. COOPER:

I guess I would defer to Legislative Counsel.

P.O. LINDSAY:

Did someone say earlier today testifying before us that we made a comment about enforcing the laws that we have?

LEG. COOPER:

I'll defer to Counsel. If this is already enacted, then •• George.

MR. NOLAN:

I'll be honest, I wasn't aware of that board.

P.O. LINDSAY:

Legislator Cooper, what if we table this to do a little research to see if it's ••

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Okay.

D. P.O. VILORIA•FISHER:

I'll second the motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I don't mean to digress, but remember the two ambulance drivers that were •• I mean we named an auditorium after that, and didn't go through any committee or anything.

LEG. CARACAPPA:

Like I said, it went dormant there for a while.

LEG. NOWICK:

Now it's alive.

LEG. COOPER:

As long as Lynne is in charge, I'm okay.

P.O. LINDSAY:

1450, (Authorizing waiver of interest and penalties for property tax for John Clement and Mary Kay Clement (SCTM No. 0402•004.00 •02.00•009.000).

Legislator Cooper.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second? Legislator D'Amaro. And does that fit the criteria?

LEG. COOPER:

Yes. There was an error in the Post Office data base that the town utilized when they did their mailing.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1468, (Sale of County•owned real estate pursuant to Local Law 13 •1976 Daniel W. Hofmann, Sr and Jackie Hofmann, his wife (0100 •180.00•01.00•088.000).

LEG HORSLEY.

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Mystal. Any discussion? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1469, (Sale of County•owned real estate pursuant to Local Law 13 •1976 Gregory C. Sesto (0103•001.00•01.00•029.000).

Do I have a motion? Legislator D'Amaro. I'll make the second to that. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. KENNEDY:

Abstention.

P.O. LINDSAY:

One abstention, Legislator Kennedy.

MR. LAUBE:

17.

P.O. LINDSAY:

1471 (Sale of County•owned real estate pursuant to Local Law 13 •1976 Ralph B. Adams (SCTM No. 0200•883.00•01.00•038.000).

Do I have a motion? I'll make the motion, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

M.018 (Memorializing resolution in support of amending the New York State Tax Law to provide tax credits for alternative energy

systems and generating equipment).

Legislator Romaine.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Eddington. On the question, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

[RETURN OF STENOGRAPHER • LUCIA BRAATEN]

P.O. LINDSAY:

Memorializing 19 • Resolution in support of New York State Assembly Bill No. A.1434, providing the owners of manufactured homes the right of first refusal for the purchase of manufactured home parks.
I'll make that motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

M21 • Memorializing resolution in support of legislation that will empower the Waterfront Commission to deny licensing or registration of persons associated with organized crime and terrorists groups.

LEG. MYSTAL:

I love that one.

P.O. LINDSAY:

I don't know where I got that one from. Okay. We have a motion and a second.

MR. LAUBE:

Who was the motion?

P.O. LINDSAY:

I'm making the motion.

MR. LAUBE:

Who was the second?

P.O. LINDSAY:

Second, Legislator Eddington. All in favor? Who's opposed to terrorists? Abstentions? Jesus. Lindsay, Lindsay, Lindsay. I'm like the Lord of the Memorializing Resolution.

LEG. MYSTAL:

I know.

LEG. LINDSAY:

(***M22) Memorializing Resolution in support of requiring motor fuel dealers to maintain electric generators.*** I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I got to ask how my name got on all of these. ***23 • Memorializing Resolution in support of establishing standards for nursing homes and assisted living facilities regarding emergency preparedness.***

LEG. MYSTAL:

How did your name get on that one?

P.O. LINDSAY:

This was all a packet of emergency preparedness stuff that came through FRES, because I'm old.

LEG. MYSTAL:

That's because you're old.

P.O. LINDSAY:

Yeah, okay, okay.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

M24 • Memorializing Resolution in support of Assembly Bill A09735 and Senate Bill S06635 requiring automated external defibrillators in State police vehicles.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Legislator Losquadro ••

LEG. ALDEN:

Second.

P.O. LINDSAY:

•• makes the motion, Alden seconds. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

Cosponsor by Legislator Alden. ***M25 • Memorializing Resolution in support of tougher penalties for hazing and bullying.*** Legislator Stern.

LEG. STERN:

Motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second. Legislator Stern, what are you going to do to anybody who votes against this?

MR. LAUBE:

Who's the second?

D.P.O. VILORIA•FISHER:

Beat him up.

LEG. ROMAINE:

Beat them up.

LEG. MYSTAL:

He's going to haze them and bully them.

MR. LAUBE:

Legislator Lindsay, who's the second?

LEG. LOSQUADRO:

Put another one of these bills in.

P.O. LINDSAY:

No. Stern and Eddington.

LEG. MYSTAL:

If you don't, I'll smack him for you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. BROWNING:

Tim, cosponsor.

LEG. COOPER:

Cosponsor, please.

P.O. LINDSAY:

27 • Memorializing Resolution requesting the State of New York to enact Assembly Bill A.10010 to amend the Vehicle and Traffic Law and the Education Law in relation to school bus safety. Legislator Romaine.

LEG. ROMAINE:

Motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, I'll second the motion. All in favor? Opposed? Abstentions? Oh, who ••

LEG. MONTANO:

Kate.

P.O. LINDSAY:

Oh, Legislator Browning, forgive me.

LEG. BROWNING:

I'm a bus driver, remember?

P.O. LINDSAY:

Yes. I'm sorry, I'm sorry, I'm sorry. How could I forget?

LEG. MYSTAL:

I'll vote for that.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. We've got a ***Home Rule Message Number 1 • Home Rule Message requesting New York State Legislature amending the Tax Law authorizing the County of Suffolk to exempt motor fuel and diesel motor fuel from sales tax.*** Is this still pertinent?

LEG. ROMAINE:

This is pertinent, it's a Home Rule Message. It gives the County the opportunity to determine the amount that they wish, if they wish, to exempt part of the sales tax on gasoline for cars.

P.O. LINDSAY:

Okay. I thought some ••

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

This didn't pass.

MR. NOLAN:

Not this one.

P.O. LINDSAY:

Okay. I read in the paper some version of this bill passed.

LEG. ROMAINE:

The State has done this. The State has taken a very bold step and the State has passed legislation that said, "Guess what, we're going to cap the sales tax on gasoline at two dollars," so any price above that we won't be collecting sales tax on. This resolution doesn't do this. This resolution is simply a Home Rule Message to give the County the power. If this passes and it passes up in Albany, which I believe it will, then we can debate at what level we want to set an exemption, if we want to set an exemption. Obviously, if it passes, I'm going to move to set some form of an extension and we can enter the debate at that time. But this is only about asking permission to give us the power, if we choose to exercise it, to set that exemption.

P.O. LINDSAY:

See, it was my understanding, I thought that this bill passed last week.

LEG. ROMAINE:

It did for the State.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

They can't impose it on the County.

MR. NOLAN:

No, no, it's not this bill.

P.O. LINDSAY:

Counsel wants to comment. Go ahead.

MR. NOLAN:

It's my understanding that it's not this bill that has passed. There have been

bills up in Albany that have passed both Houses where the State is going to cap the sales tax on a certain •• on gasoline at I believe $2. I think there's going to be a local opt•in option. Okay?

LEG. ROMAINE:

Which this deals with.

MR. NOLAN:

But it's different legislation.

LEG. ROMAINE:

I understand, but i.

MR. NOLAN:

Also deals with it

MR. NOLAN:

This is an this is an exemption.

LEG. ROMAINE:

Right.

MR. NOLAN:

You know, I think it's quite •• it's pretty different. But there will be a local opt•in in the bills that have passed, if the Governor signs them.

LEG. SCHNEIDERMAN:

I'll second it.

P.O. LINDSAY:

Okay. I think •• do we have a second yet?

MR. LAUBE:

Yeah, Jay.

MS. ORTIZ:

Legislator Schneiderman.

P.O. LINDSAY:

Okay. And Legislator Cooper, I'll be truthful with you, I'm still confused. I

thought that the legislation that I read in the paper has the option that you talk about. But, Legislator Cooper, go ahead.

LEG. ROMAINE:

This is different, Bill, right. It can't hurt. It's like chicken soup, it can't hurt.

LEG. COOPER:

I have a couple of concerns about this entire effort the State •• the approach that the State is taking and •• but my primary concern is that, although this may sound good and it may make for a good press release, that there's no guarantee that a penny of this tax savings will be passed on to consumers.

LEG. ROMAINE:

I think the State legislation deals with that. I have several articles that have been published by various newspapers that says the exemption must be passed on to consumers, so ••

LEG. COOPER:

And how is that, because I have a New York Times article. I don't know what papers you're quoting.

LEG. ROMAINE:

Newsday.

LEG. MYSTAL:

Ed Romaine's special messenger.

LEG. COOPER:

If I can just •• and maybe it's been addressed in the State legislation, I haven't seen it yet, but ••

LEG. LOSQUADRO:

The national Enquirer, Jon.

LEG. COOPER:

If I could just read a brief section of the New York Times article. "Even the oil industry acknowledges that there's no guarantee that the savings will get passed on to consumers. One reason is that gas taxes, for the most part, are levied when oil companies import fuel into the state and not directly at the pump. Though tax cuts at the wholesale level are past down to retailers, small cuts would not necessarily show up in prices set by gas stations, since variations of a few cents among stations are common." And then it quotes the manager of Energy and Market issues for the American Petroleum Institute, which is an industry trade group, saying, "I'm not sure consumers would see it," talking about the savings, "they might see something, but I'd be astonished if they saw eight cents across the board." And, of course,

whatever the consumers don't see, the oil companies are going to see, and it's just going to increase their already record profits. So, if the resolution accomplished what it was intended to accomplish, it might be another matter. The other question about the hole it would blow in our budget and in the State budget, the County budget ••

LEG. ROMAINE:

Well, this doesn't do anything except give us the permission, and then we can have that debate at another time. They're two separate issues. But regarding about being passed along, I would defer to an expert on that and that's Cameron Alden.

LEG. ALDEN:

Actually ••

P.O. LINDSAY:

Expert, through the Chair. Legislator Alden.

LEG. ALDEN:

Basically, what happened in New York State, actually, they kind of doubled the fines. And they stated this was on the retail level, and Elliot Spitzer will vigorously prosecute anybody that does not pass the savings on in one capacity or the other, and I think they meant that either as his current capacity, or, if he gets elected Governor, he'll make sure that the new fines and the ••

LEG. COOPER:

But we're only talking about it's a four cent savings. I mean ••

P.O. LINDSAY:

Legislator Cooper.

LEG. ALDEN:

This is retail, this is a retail level.

P.O. LINDSAY:

But ••

LEG. COOPER:

Right, but how could •• how can anyone prove, the Attorney General or otherwise, that •• because there's more than a four•cent variation from one station to ••

LEG. ALDEN:

They do it right now, because there's •• it's an Anti•Gouging Law that New York State has on the books, and that they actually, if they enforce it properly, which they do pretty much right now, enforce it properly, they can

go after people by invoice, and it's simply by invoice.

LEG. COOPER:

I don't think so. I mean, because ••

LEG. ALDEN:

I know so.

LEG. COOPER:

Okay. Because I had addressed this with Charlie Gardiner of Consumer Affairs and ••

LEG. ALDEN:

But Charlie actually came to Consumer Affairs and told us about how the prosecutions take place, and it's •• right now, in Suffolk County, it's more or less on •• and he was using our law as an example. Our law would be prosecuted on a •• I'd say a call•in. We don't do, you know, like roving type of enforcement, so, if we get a complaint, then we send out people and they pull the invoices and they look at, you know, when ••

LEG. COOPER:

Again, I spoke to both Suffolk County Consumer Affairs and New York State, because they have a hotline for reporting price gouging, and they both told

me that it's not illegal, it's not price gouging to have huge variations in price from one gas station to another in the same community. If you have four ••

LEG. ALDEN:

Right. I was just using it as an example. Ours isn't a price gouging law, but there is a price gouge law on the books that if you go, and this actually attacks it, if you go and take a reduction in taxes and you don't pass that along to your consumers, right now, that's on the books. And I think it was a $10,000 fine, now it's like a 20 or a 30,000 dollar fine. But they absolutely said that Spitzer is enforcing it right now and will enforce the new fines, which doubled, will enforce it very vigorously in one capacity or the other.

LEG. COOPER:

But with the huge fluctuations that we're seeing and the rate at which the prices are increasing, what's to stop a gas station from passing on the four cents, we were talking about four cents, the four•cent per gallon decrease ••

LEG. ALDEN:

Actually, I can't hear, I'm sorry.

LEG. COOPER:

Oh. What would stop a gas station from passing on the four•cent per gallon decrease one day and the next day raising prices nine cents? I mean, prices are going up every day and ••

LEG. ALDEN:

They're paying $25,000 to pick up four cents on a couple of gallons of gas. I think that, you know, most gas stations would be deterred from.

P.O. LINDSAY:

Maybe I could just weigh in, because I'm a little confused, too. I mean, we just went through a cycle where we saw gasoline prices raised by the hour on inventory that was already in the tank, and I didn't see anybody doing anything to those gas stations.

LEG. ALDEN:

Suffolk County prosecuted. Charlie came down and told us, as far as a mechanism, it was on a •• you had to call it in. So Suffolk County didn't go out and look at people's invoices and see how many times they raised it, but if there was a complaint made, then Suffolk County Consumer •• Department of Consumer Affairs would go out, they'd look at the invoices. If the person had a pass•on, so say, for instance, they could show an invoice where they were raised on two separate occasions during that day, then that's a legal way that they can increase their price. But if they increased their gasoline more than one time a day on stuff that they had in the ground, then that was an illegal ••

LEG. COOPER:

Through the Chair.

LEG. ALDEN:

An illegal raise and it was prosecuted.

LEG. COOPER:

Right. Well, I mean, that was my resolution that prohibits increasing the price ••

LEG. ALDEN:

Well, I know, I said that originally.

LEG. COOPER:

Right, more than once a day.

LEG. ALDEN:

When I used it as an example.

LEG. COOPER:

But that's really a different issue here. I mean, if they don't raise prices more than once a day, yes. If they raise it more than once a day, they have to provide written documentation.

LEG. ALDEN:

I only used yours as an example of how things are being prosecuted right now. There's a law on the books in New York State already, an Anti•Gouging Law, that is being enforced. In other words, if you get an invoice, you can't go and take advantage of a •• for instance, what happened on that Hurricane Katrina. People are actually going to jail now over that and they're paying huge fines, because Attorney General Spitzer is prosecuting on the complaints that came in. Now what they did in New York State, along with the other bill that they passed, to freeze the tax at a $2 level, they actually doubled the fines, so it's more of an •• more of an incentive not to try to gouge the customer.

LEG. COOPER:

But, Cameron, and you may be right, but I know in Huntington there are several ••

LEG. ALDEN:

No. You need to call Attorney •• the Attorney General.

LEG. COOPER:

There are several mobile stations, I go to Mobile, and I've seen 20 cent per gallon variations from one Mobile station to another within Huntington ••

LEG. ALDEN:

I'll take you back to ••

LEG. COOPER:

•• and I can't believe that they're •• I mean, they're all Mobile ••

LEG. ALDEN:

No. Four or five years ago, we went through the zone pricing, and I •• you know, if you have a couple of hours, I could sit down and talk to you a little bit about it, but ••

D.P.O. VILORIA•FISHER:

No.

LEG. MYSTAL:

No, we don't. No, no, no.

LEG. ALDEN:

No, no, I'm not talking about today, I'm talking about ••

LEG. ROMAINE:

Again, this is only a Home Rule Message.

LEG. ALDEN:

We did do zone pricing.

LEG. ROMAINE:

This is only a Home Rule Message.

LEG. ALDEN:

You could be a Mobile station buying from an independent contractor, so their invoices are •• you know, it's not related. If it's a Mobile station, they're not going to be all the same prices. And, actually, in the same town, it could be a different zone. So it's really complex and as far as that price goes, but your original question, as far as price gouging and the incentive for people to conform to the law, that's already in place. They doubled the fines and it's being prosecuted very vigorously.

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Just a simple question. If the County were to partially roll back the sales tax on gas and an oil retailer or an oil distributor decided not to pass on that savings to the consumer, would that be illegal?

LEG. ALDEN:

Actually, I'd defer to Attorney General Spitzer and ••

LEG. D'AMARO:

Well, my point is, if it's not illegal, then how do we know the consumer will benefit from the rollback?

LEG. ALDEN:

Unfortunately, I don't think you want to get into it, but for two hours we can go ••

LEG. D'AMARO:

It's a simple question.

LEG. ALDEN:

It's not a simple answer, though.

LEG. D'AMARO:

If I'm retailing gasoline and my cost goes down, what prohibits me from pocketing the rollback as opposed to passing it on to the consumer?

LEG. ALDEN:

Good question. New York State's Anti•Gouging Law, which is ••

LEG. D'AMARO:

I don't think that's gouging. It's not gouging. It's a business decision, it's not gouging.

LEG. ALDEN:

Well, that's •• as an attorney, you know that you and I both would have to agree on this. If you have two attorneys, you can have 15 different legal opinions, but ••

LEG. D'AMARO:

Yeah.

LEG. ALDEN:

And you, as a defense attorney, would have one opinion. As a prosecuting attorney, the Attorney General or another attorney ••

LEG. D'AMARO:

You may not sell as much gasoline if you're competing with the guy across the street, but I don't think that falls within the definition of gouging.

LEG. ALDEN:

Well, New York State does, and Attorney General Spitzer actually went on for about four paragraphs in the one article that I read recently about what he's doing to gasoline stations that took advantage of the Hurricane Katrina, and he still •• that's ongoing right now. People are being arrested, they're being prosecuted criminally and civilly.

LEG. D'AMARO:

Right. But until you convince me that this County's going to take a hit in sales tax, until you convince me that money definitely winds up in the pocket of the consumer, I think we have to be very careful in

authorizing the rollback.

LEG. ALDEN:

Do you want me to give you my opinion ••

LEG. D'AMARO:

Sure.

LEG. ALDEN:

•• and it's more a professional as a retailer?

LEG. D'AMARO:

Sure.

LEG. ALDEN:

In competitive markets, for instance, like gasoline or some food stuffs, like maybe milk or things of that nature, cigarettes, unfortunately, are the same, they fall into the same category, very, very competitive, people will sometimes drive miles to get gasoline at one, two, three cents less than a service station right, you know, around the corner from their house. So some of it is a normal market action that will shake out some of the price, some of it is actually done by prosecutors.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I know Legislator Romaine does not want me to go beyond this legislation, but you already said that your intent is to introduce a resolution that will do exactly what this does, which is to reduce the sales tax on motor fuel. So I think, you know, it's fair game.

LEG. ROMAINE:

And we have two separate issues, though.

LEG. MYSTAL:

I know, but it's fair game for me to look at, you know, not wanting to vote for this resolution for the simple reason that I don't want to go through the debate of trying to reduce taxes on gasoline which may or may not be passed to the consumer, and at the same time blowing a big hole in the budget of this County, which you, yourself, said is too dependent on sales tax, which we don't have enough money for. And, you know, it's too iffy that whether or not this is passed and then, you know, we voted into it whether is going to get to the consumer. But one thing is for sure. Whether or not the money gets to the consumer, they're going to make sure they don't pay us the taxes. See, that is the one •• the one constant in this legislation is that, whether or not the money gets passed to the consumer, we are sure that the gasoline operators are not going to give us the tax that is owed to us, they're going to tell us you don't •• that we're applying the law. So we're going to lose the money without having the benefit, and that's why •• I don't even want this to get anywhere, so we •• you know, so I'm going to kill it, if I can.

LEG. ROMAINE:

That's a tremendous assumption.

LEG. MYSTAL:

Yeah, I know.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm a cosponsor on this Home Rule Message. The bill in Albany is •• it can't be voted on that relates to giving the County's the ability to regulate their sales tax, because it needs a Home Rule Message. This is •• it's basically stuck in committee. This would give Suffolk County that ability. So, if it turns out to be redundant, Albany's not going to pass it. But I would urge you to at least give Albany that power by saying, "Yes, we'll support the Home Rule Message on it so they can discuss it."

I don't believe that the opt•in is there. It may prove to be there and it may make it redundant. But this really empowers Suffolk County to make the appropriate fiscal decision and to give some relief to our consumers.

And in terms of, you know, Elie's point and others, I think Legislator

D'Amaro, you know, either there are market forces or there are not. And if you're going to make that argument, then you wouldn't take the tax off of anything, because it wouldn't •• you know, clothing or otherwise, the retailers will just keep the prices high. And I think that, as was said by Legislator Alden, if there's competitive forces at work, they will come down. You had the additional protection through the gouging laws as well. But I think this is a competitive market and I think it will go directly back to the consumers. I think it's the right thing for our residents.

P.O. LINDSAY:

And I'm just going to weigh in before I recognize Legislator Cooper, but •• and correct me if I'm wrong, Legislator Alden, all our sales tax is based on actual sales, with the exception of gasoline. I think they pay for the sales tax before the fuel goes in the tank, it isn't on actual sales.

LEG. ALDEN:

You want to hear something weird about gasoline? There's excise taxes that are put on it first and then there's a sales tax at point of sale. So you're actually paying a sales tax on taxes.

P.O. LINDSAY:

But it isn't based on the sale at the pump, it's based on the ••

LEG. ALDEN:

It is.

P.O. LINDSAY:

•• product that's delivered.

LEG. ALDEN:

No. There's two •• there's more than two components, but Budget Review actually did a nice •• who was it from Budget Review did it? But he had the actual ••

LEG. SCHNEIDERMAN:

Yeah, Robert Lipp did it.

LEG. ALDEN:

Robert Lipp did a nice little ••

LEG. SCHNEIDERMAN:

Right.

LEG. ALDEN:

Little demonstration, basically, that there's excise taxes, there's •• yeah, in the price, and then it ••

LEG. SCHNEIDERMAN:

There's federal and state excise.

LEG. ALDEN:

Then there's a sales tax based on excise taxes. So you're •• actually, you're double•taxed on some of it.

LEG. SCHNEIDERMAN:

That's true.

D.P.O. VILORIA•FISHER:

Like the LIPA bill.

P.O. LINDSAY:

Legislator Cooper.

LEG. SCHNEIDERMAN:

And there is an Albany bill to eliminate that as well, which we'll do a ••

P.O. LINDSAY:

Did you want to talk, Tom?

LEG. BARRAGA:

Just a comment.

P.O. LINDSAY:

All right.

LEG. BARRAGA:

Message.

LEG. SCHNEIDERMAN:

•• message.

LEG. COOPER:

I just want to make two points. First of all, to briefly readdress the issue of price gouging, I really think that there's a misunderstanding about what price gouging is, according to New York State Law and County Law, because this

had come up when we had the rocket •• the sky high prices a few weeks ago. And I had numerous conversations with Charlie Gardiner's Office, as well as New York State, and they said that there was a public misperception of what price gouging was. And they gave the example of, if you had a dozen gas stations in a community and a 11 of those gas stations had prices of about $3 a gallon, and one had a price of $7 a gallon, it's not price gouging. It's only price gouging if.

LEG. ALDEN:

It could be.

LEG. COOPER:

Let me just finish. It's only price gouging if there was a •• let's say, a natural disaster that struck, a flood that knocked out 11 of those 12 gas stations, one was left and they jacked up their prices by 100%. That's price gouging. The rest, they said, is free market and they're allowed to charge what they want to charge. So that's one point.

But the other question I had for Budget Review, let's say that this Home Rule does pass and we come to the next step ultimately, and there's a resolution that's introduced to cap •• to actually cap the sales tax, what would the budget impact be on Suffolk County? What sort of a shortfall would we about looking at?

MS. VIZZINI:

Well, in 2005 we collected about 57 million dollars in sales tax directly related to motor fuels, and we expect in 2006 that we'll collect about 64 million. If you go to the step where you're going to cap the fuel at a certain •• you're going to cap the sales tax, for each percent of sales tax that reduce, it's a loss of revenue of about 15 million dollars.

LEG. ROMAINE:

That's percentage.

LEG. ALDEN:

That's irrelevant to this bill.

LEG. ROMAINE:

Yeah, that's irrelevant, because that ••

P.O. LINDSAY:

Legislator Romaine, I have a list.

LEG. ROMAINE:

Oh, sorry.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I guess we're finally getting into the area where I have my concern, because certainly the State of New York about a month ago eliminated the sales tax on clothing for the State of New York. And, you know, I guess we had an option to do something at the local level, but I think you pointed out the loss would be something like 127 million dollars, if I recall the figure, which would be a major shortfall to the County if that went into effect. And the same holds true here. Whether it goes to the consumer as far as the sales tax on gas or not, there's still a shortfall to the County. And, you know, where do you make that up? I mean, if we spent all morning talking about an 86 million dollar deficit where how we're going to make it up, I mean, it's a nice thing to do, but, I mean, in the end, if you extend it on to the consumer, if they get it, then you come back to the taxpayer, because sooner or later you got to make it up.

P.O. LINDSAY:

And before I recognize Legislator Romaine, if we did do that and we did have to make it up, it would really be a kick in the butt if it wasn't past on to the consumer, who we were trying help to start off with. Legislator Romaine.

LEG. ROMAINE:

Yes. Gail Vizzini talked about taking a percentage of the sales tax. Suppose you don't take a percentage, Gail. We're supposed to collect 64 million dollars. What is the presumption of the price of gas that were produced at 64

million dollars?

MS. VIZZINI:

About three•and•a•quarter.

LEG. ROMAINE:

It's three•and•a•quarter?

MS. VIZZINI:

A gallon.

LEG. ROMAINE:

When did we make that presumption, since at the beginning of the year, if I'm not mistaken, gasoline was about 255, 260? So when was that presumption made? And back in the Fall, if I'm not mistaken, and I distinctly remember the Fall of 2005, as some of us realized we were involved in running around, it was 235. So where did we come up with that number to make that presumption?

MS. VIZZINI:

Well, there's two different things, Legislator Romaine. What I did in preparation for today's agenda was have the Economist prepare based on what we are collecting relative to gasoline now what we expect in terms of ••

LEG. ROMAINE:

That wasn't my question.

MS. VIZZINI:

Right.

LEG. ROMAINE:

When we put together the 2006 Operating Budget, we made an assumption • •

MS. VIZZINI:

3.25% over what we had received.

LEG. ROMAINE:

Right. We made an assumption of what we would collect, and you're saying that assumption was the 64 million dollars in the Operating Budget?

MS. VIZZINI:

No. I was ••

LEG. ROMAINE:

What was the assumption in the 2006 Operating Budget.

MS. VIZZINI:

That sales tax would come in 3.25% better than the collections in 2005.

LEG. ROMAINE:

And what was the average price of the collections of 2005?

MS. VIZZINI:

You're talking about gas or ••

LEG. ROMAINE:

Yes, gasoline? Because what I'm saying is my understanding is ••

MS. VIZZINI:

Somewhere between two•forty•five and three.

LEG. ROMAINE:

If we capped it at $2, the loss to the County in terms of absolute revenue, to a County that has a 2 billion, two•plus billion dollar budget, would be less than 3 or 4 million dollars. That's my understanding of this. So that's what I'd like to get down.

I think what you're doing is you're talking about numbers as you're adjusting them as we're going along. I'm talking about what was the number that we originally planted in the 2006 budget? Because I believe that the differential is not going to be that great, and that's what I want to talk about.

However, I would remind everyone we're having a premature debate. This debate isn't about that, this debate is a Home Rule Message simply to ask the State to give us the authority to make that decision. We may decide to do nothing. We may decide not to do anything this year. And, you know, we can ask the County Executive's representative, when this passes and when the State acts on it and it's back before us, you know, to seek guidance from the Executive. Right now, all we're doing is giving ourselves the flexibility to take a look at this. That's all we're doing in this Home Rule Message, nothing more than that. The debate we're having today is a debate we shouldn't be having unless this passes and everything else passes and there's a consensus that we want to do something. We don't want to collect more than we anticipated collecting. We don't want to collect that type of additional revenue that we did not anticipate that we're taking out of the consumer's pocket.

LEG. MYSTAL:

Call the vote.

MR. ZWIRN:

If I might just ••

LEG. ROMAINE:

Call the question.

P.O. LINDSAY:

Well, I have ••

LEG. ROMAINE:

Call the question.

P.O. LINDSAY:

•• Legislator Alden, and then I want to hear from Mr. Zwirn.

LEG. ALDEN:

Yeah, you have to, because this simply gives us an option to pass a long some kind of savings and relief to the people in Suffolk County. And then,

when we get into the gasoline and what option we want to choose in here, then we also have to consider bootleg gasoline, which cost this County anywhere between two and ten million dollars a year in revenue, lost sales tax that is not collected because it's bootleg gas. And then, if you go into the underground economy, that's another 10 to 50 million dollars a year in sales tax. And that debate should actually take place if and when we debate what to do after this bill.

LEG. MYSTAL:

I agree. Let's call the vote.

P.O. LINDSAY:

Legislator Schneiderman, did you want to say something?

LEG. SCHNEIDERMAN:

Yeah. Just looking on the internet at the bill that passed, and there is an option for counties to opt in at •• also fixing it at $2 per gallon, but you have to make the change by July 1st of 2006.

P.O. LINDSAY:

Okay. Which was my point in the beginning, that this is really moot, because they've already passed the bill.

MR. ZWIRN:

Yes.

P.O. LINDSAY:

Mr. Zwirn.

MR. ZWIRN:

And I've spoken to the County Executive and this is a little bit premature. The Governor •• this sits on the Governor's desk. He has not signed the legislation yet and we don't know if he will.

Legislator Barraga makes a very good point, and the County Executive would like to echo that point. If we're going to do a bill like this, and the County Executive will work with the Legislature, if that's the way they want to go, but he wants it to be done responsibly, like he worked with Legislator Alden on the fuel tax adjustment when we reduced the sales tax on fuel. He want it •• an offset identified for the revenue that we lose, so that we don't raise another tax, like a property tax, in order to cut this tax. We want to be very sure that we're just not passing the tax and moving it around. And if the Legislature so desires, he will work in a constructive way to do that, but to do it responsibly.

P.O. LINDSAY:

Okay. We have a motion and a second on Home Rule Number 1.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Roll call we're being asked for.

LEG. NOWICK:

Twelve votes.

MR. LAUBE:

Legislator Romaine

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

And we need 12 votes. Wait a minute, why are we ••

MR. NOLAN:

Twelve votes.

LEG. MONTANO:

You need 12?

MR. NOLAN:

You need 12 on this one.

P.O. LINDSAY:

Why?

LEG. ROMAINE:

On a Home Rule Message?

MR. NOLAN:

Under the Home Rule Law.

P.O. LINDSAY:

Under the Home Rule Law we need 12. Okay.

LEG. MYSTAL:

You need 12, Home Rule Law.

P.O. LINDSAY:

Go ahead.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Abstain.

LEG. D'AMARO:

Pass.

LEG. STERN:

Pass.

LEG. MYSTAL:

Abstain.

LEG. HORSLEY:

Abstain.

LEG. NOWICK:

Where's the guts? Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Pass.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Abstain.

D.P.O. VILORIA•FISHER:

Abstain.

P.O. LINDSAY:

Yeah, abstain.

LEG. D'AMARO:

Abstain.

LEG. STERN:

Abstention.

LEG. HORSLEY:

Abstain.

LEG. MONTANO:

Abstention.

LEG. EDDINGTON:

No.

LEG. CARACAPPA:

This Home Rule is out of gas.

LEG. MYSTAL:

Best line of the day.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay. Let's turn to CN's. We did 1405. We did 1417, right? Yes, we did 1417.

Okay. ***1496 • Transferring funds to train four additional Community Emergency Response Teams (CERT) to assist the County in times of emergencies.***

LEG. HORSLEY:

I'll make the motion.

LEG. MONTANO:

Second.

D.P.O. VILORIA•FISHER:

They're changing the offset, I believe, which is why they have the CN.

P.O. LINDSAY:

Yeah, I believe it was •• we changed the offset, that's why it would necessitate a CN. Do I have a motion?

LEG. HORSLEY:

Yes, I had the motion.

P.O. LINDSAY:

Motion by Legislator Horsley, second ••

LEG. MONTANO:

I'll second.

P.O. LINDSAY:

Second by Legislator Montano. Any discussion? All in favor? Opposed?

Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***1625 • Accepting and appropriating 80% reimbursable supplemental funds for the expanded in•home services for the Elderly Program from the New York State Office for the Aging.***

D.P.O. VILORIA•FISHER:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion by Legislator Fisher, second by Legislator Kennedy. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1652 • Accepting a donation of approximately $20,000 from the Winners Circle Horse Shows, Incorporated, for the restoration and repairs to be made at the Suffolk County Farm in Yaphank.

LEG. MYSTAL:

I make the motion.

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Make a motion. Who wants to second it?

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Huh? No, I think it's Schneiderman's landlord.

LEG. SCHNEIDERMAN:

A horse, Mr. Ed?

MR. LAUBE:

Who was the second?

P.O. LINDSAY:

I'm •• second was Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. BROWNING:

Tim, cosponsor on that one.

MR. LAUBE:

On which one, the last one, 1652?

LEG. BROWNING:

Yes.

LEG. ALDEN:

Did you see the numbers that they're taking on some of these?

P.O. LINDSAY:

What is that?

LEG. ALDEN:

The dozer operators, twelve hundred dollars a day?

P.O. LINDSAY:

Where are we at now?

D.P.O. VILORIA•FISHER:

Yeah, twelve hundred dollars a day it says.

LEG. ALDEN:

Is that normal?

D.P.O. VILORIA•FISHER:

I don't know.

LEG. ALDEN:

That's pretty high. They're going to take that as a tax write•off, so we just basically supplemented their income for the year. It's

right up there. All right, whatever.

LEG. LOSQUADRO:

That's for the machine and the operator.

LEG. ALDEN:

Another win for the taxpayer.

LEG. LOSQUADRO:

That's not just the operator.

P.O. LINDSAY:

That's with the machine and the operator. That's about right.

LEG. ALDEN:

That's the going rate for the machine and operator, twelve hundred dollars a day?

P.O. LINDSAY:

I would think so. Yeah, I would ••

LEG. ALDEN:

Twelve hundred dollars a day?

P.O. LINDSAY:

Absolutely.

D.P.O. VILORIA•FISHER:

You're in the wrong business, Cameron.

LEG. CARACAPPA:

Depends on the size, too.

P.O. LINDSAY:

1653 (Adopting No Frills Budget Plan to stabilize property taxes in 2007 by securing Suffolk County's equitable share of Homeland Security Funds for MacArthur Airport). We did this one already. What, did •• we tabled this. We tabled •• yeah, we didn't do this yet, right?

D.P.O. VILORIA•FISHER:

We haven't done this.

P.O. LINDSAY:

I'm going to make a motion to table.

LEG. ALDEN:

Second.

LEG. MONTANO:

Table this or send it to committee?

LEG. COOPER:

I think we have to •• I think we have to refer this to committee.

LEG. MONTANO:

Send it to committee.

LEG. MYSTAL:

To committee.

P.O. LINDSAY:

Okay. All right.

LEG. MONTANO:

Send it to Ways and Means.

P.O. LINDSAY:

We'll commit it to committee. Is that all right with you?

LEG. ALDEN:

That sounds good.

LEG. SCHNEIDERMAN:

Send it far away.

P.O. LINDSAY:

All right. We have a motion to recommit to committee ••

MR. LAUBE:

Who was the motion?

P.O. LINDSAY:

•• or commit to committee. I made the motion.

LEG. COOPER:

Second the motion.

P.O. LINDSAY:

Legislator Alden seconded it.

LEG. COOPER:

Oh.

D.P.O. VILORIA•FISHER:

It would be Budget Committee.

LEG. MYSTAL:

Budget Committee?

D.P.O. VILORIA•FISHER:

That's where it was, wasn't it?

P.O. LINDSAY:

It will go to Ways and Means.

D.P.O. VILORIA•FISHER:

Oh, Ways and Means.

LEG. MONTANO:

The other part of the •• Ways and Means, good.

P.O. LINDSAY:

All right.

LEG. ALDEN:

It was in Budget originally.

MR. LAUBE:

Call the vote?

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. ALDEN:

Can I make one quick comment?

P.O. LINDSAY:

Sure.

LEG. ALDEN:

On this, I think what's going to happen is we're going to talk to the Town and we're going to get a good dialogue going between the County Executive's Office and the Town.

P.O. LINDSAY:

That's a wonderful thing.

LEG. ALDEN:

And, no •• but it looks like one sticky point was an indemnification, because the Town was not going to receive any of the money and they had to rely on representations from the County. So if the Town can •• we can work it out where the Town gets the indemnification, I think that •• you know, that this whole thing can be accomplished without using the sledgehammer.

P.O. LINDSAY:

Wonderful.

LEG. MYSTAL:

Send it to committee.

P.O. LINDSAY:

Okay. ***I.R. 1654 • Authorizing certain technical corrections to adopted Resolution 117•2005.*** Motion by Legislator Eddington, and seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Don't disappear. We still got a couple of more pieces of business. We have ***1357 (Approving renewal and extension of ferry license and fares of Tony's Freight Service, Incorporated),*** which we •• this is Tony's Freight Service, the license. It's been aging. I'll make a motion. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Real quick. Budget Review, have they cooperated and have they provided all the requirements that you normally would go through?

MS. VIZZINI:

They have.

MR. NOLAN:

It's an extension.

LEG. ALDEN:

Right, but they still have to give all the ••

P.O. LINDSAY:

Isn't it the Clerk's Office that does that?

MS. ORTIZ:

Yeah. Tony's has been cooperative.

LEG. ALDEN:

But there's also a requirement on their financials that they go through Budget Review.

D.P.O. VILORIA•FISHER:

He's right.

P.O. LINDSAY:

Any problems with this, Ladies?

MS. ORTIZ:

Not that I'm aware of.

LEG. ALDEN:

And gentlemen.

MS. VIZZINI:

I'm not aware that we've completed a review. I would defer to Counsel. Are you aware?

LEG. CARACAPPA:

Can't do it without the review.

MR. NOLAN:

I know they don't need a report to vote on this, an extension. The rates are remaining the same.

MS. ORTIZ:

There's no report for the extension.

LEG. ALDEN:

But if they've been uncooperative, traditionally what we've done is held up their license until they've come into compliance.

P.O. LINDSAY:

I don't think they've been uncooperative and ••

MS. ORTIZ:

No. Kevin said that last year there was an issue, but there's not, they've been fine.

LEG. ALDEN:

Not this year.

P.O. LINDSAY:

And it isn't a new license, it's an extension. And I think the rates stayed the same, right?

MS. ORTIZ:

Yeah. There was no significant changes, so they didn't require a report from Budget Review.

MR. NOLAN:

There's no changes.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

Okay. So we have a motion ••

LEG. CARACAPPA:

Just quickly.

P.O. LINDSAY:

•• and a second.

LEG. CARACAPPA:

Gail, don't we have to wait for the review to be completed even though it is an extension?

MS. VIZZINI:

If it's a rate request, absolutely. This I'm •• quite frankly, I'm not familiar with what we are required to do in terms of extending their license. I would defer to George.

MS. ORTIZ:

It's not necessary.

P.O. LINDSAY:

What I'm going to do is I'm going to skip over this while Counsel checks the code on it. Okay? So ••

LEG. CARACAPPA:

I want to do it, it's just ••

P.O. LINDSAY:

Yeah.

LEG. CARACAPPA:

•• I think we need the review.

P.O. LINDSAY:

For the simple reason they're not •• I don't think they're carrying passengers, they're garbage carriers, and they're operating really under necessity, because if they don't do it, nobody picks up the garbage over there.

LEG. ALDEN:

So what you're saying, there's enough garbage for everybody.

P.O. LINDSAY:

Yeah. But we'll check it if •• and while George is looking up the code on it, I'm going to move on to something else.

Okay. We have some late•starters. Okay. I'd like to make a motion to waive the rules and lay the following resolutions on the table: **Resolution 1037, authorizing certain technical corrections to adopted resolution,** goes to Ways and Means. **1650, to accept surrender of Cross Bay Ferry license at Bay Shore Ferry,** to Public Works. **1651**, goes to EPA, **authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program. 1655,** Public Safety, **appropriating 100% State funds from the New York State Office of Children and Family Services. 1656,** to Ways and Means, **sale of County•owned real estate pursuant to Local Law 13. 1657, establishing a policy requiring the use of mercury•free vaccines in County Health Centers,** goes to Health and Human Services. And I also

want to make a motion •• are you ready with that answer, George?

MR. NOLAN:

Yeah.

P.O. LINDSAY:

I'll go back to your question, Legislator Caracappa.

MR. NOLAN:

My reading of Chapter 287, as the rates are remaining the same, we may proceed without a report from Budget Review.

LEG. CARACAPPA:

Excellent.

LEG. LOSQUADRO:

Very good. Motion and second.

LEG. CARACAPPA:

Thank you, Counsel.

MS. ORTIZ:

Are we going back?

P.O. LINDSAY:

Yeah, we're going back to the question on that. Do you have the •• who made the motion and the second on that?

MR. LAUBE:

Yep.

MS. ORTIZ:

Yes.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Ed's back, right there.

LEG. MYSTAL:

Ed's there. The gang's all here.

MR. LAUBE:

Okay.

P.O. LINDSAY:

Okay. We have three resolutions here that Counsel says we can waive the rules and vote on now, if you would go through them, please.

MR. NOLAN:

Well, first of all, we have a Procedural Resolution No. 4, which all the Legislators should have, which is just to set a public hearing regarding Bay Shore Ferry, Inc. We received a letter from them that they want to surrender their license. The Code requires that we hold a public hearing to consider that. So this resolution sets the hearing for June 13th, our next General Meeting. It's a procedural motion.

P.O. LINDSAY:

So we need a motion on that and a second, right? Motion by Legislator

Fisher, I'll second. All in favor? Opposed? Abstentions?

Next, George.

MR. NOLAN:

Now we have the Home Rule Message. There are three Home Rule Messages that were just laid on the table, which have to do with the Red Light Camera Program. The number is 4, 6 and 7. I believe there's a need that we act on these today, but we're going to have to, it's my understanding ••

LEG. CARACAPPA:

Mr. Chairman.

LEG. LOSQUADRO:

Six doesn't look like red light cameras.

LEG. CARACAPPA:

Mr. Chairman.

MR. PEARSALL:

No. That's the ••

MR. NOLAN:

4, 6 and 7. Okay, pet dealers.

MR. PEARSALL:

Yeah.

MR. NOLAN:

Okay.

P.O. LINDSAY:

Yeah. This pet bill was mixed up in the middle of it. No, take 6 out; 4 and 5. And I believe the reason it's being done this way is we just got bill numbers on them; is that right?

MR. PEARSALL:

Yes, and they need the Home Rule Messages ••

P.O. LINDSAY:

Done yesterday.

MR. PEARSALL:

•• released from committee.

P.O. LINDSAY:

Okay.

LEG. MYSTAL:

Are we •• what are we establishing, red light districts?

P.O. LINDSAY:

No, no, no. Cameras, cameras.

LEG. MYSTAL:

Oh, a camera. You just said red light. I didn't hear anything else.

P.O. LINDSAY:

Okay. Let me do them one at a time; okay?

LEG. CARACAPPA:

I believe ••

LEG. MYSTAL:

He just said red light, you know.

LEG. CARACAPPA:

I don't think you ever called the vote for laying them on the table.

P.O. LINDSAY:

Oh, I'm sorry.

LEG. CARACAPPA:

Just you need to put them on the table. I don't think the vote was ever called; right?

MR. LAUBE:

No. No, not on this.

P.O. LINDSAY:

Okay. Let me make a motion to lay the following resolutions on the table. I thank you, Legislator Caracappa. Home Rule Message Number 4, Home Rule Message Number 6, and Home Rule Message Number 7. Could I have •• I'll make the motion. Could I have a second?

MR. LAUBE:

Who's the second?

P.O. LINDSAY:

Second by Legislator D'Amaro.

D.P.O. VILORIA•FISHER:

You already made the motion.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

You're going to do 6 also, Bill?

MR. LAUBE:

17.

P.O. LINDSAY:

Well, the three of them, this is just to lay them on the table.

MR. LAUBE:

18.

P.O. LINDSAY:

Now I'm going to deal with them one at a time to waive the rules and to approve them; all right? Four ***(Home Rule Message No. 4 • Home Rule Message Requesting to allow Suffolk County to install and operate Red•Light Camera Program)*** has to do with the red light camera, and it's Assembly Bill 3393. And there's a second version, too, right? All right. Let me just do 4. I'll make a motion. Do I have a second?

D.P.O. VILORIA•FISHER:

I'll make a •• I'll do the second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. So we did that one, right?

MR. NOLAN:

Moving on?

P.O. LINDSAY:

Yeah, moving on. ***6, Home Rule Message requesting the State of New York to authorize the County of Suffolk to enforce State Law regulating pet dealers.*** I mean, I'll make the motion, but why do we have to •• why does this have to be done in this way?

LEG. MYSTAL:

Yeah, please. I don't know, what is this about?

MR. PEARSALL:

The State Legislature will give the Suffolk County SPCA the right to inspect pet shops.

P.O. LINDSAY:

But ••

D.P.O. VILORIA•FISHER:

Second it, and be cosponsor.

P.O. LINDSAY:

Okay, second and cosponsor.

MR. PEARSALL:

That's Sweeney's.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Whose resolution is this?

P.O. LINDSAY:

Mine.

LEG. MYSTAL:

Whose resolution is it?

P.O. LINDSAY:

It's mine.

LEG. MYSTAL:

You again?

P.O. LINDSAY:

Yeah.

LEG. MYSTAL:

Okay.

P.O. LINDSAY:

Told you.

LEG. MYSTAL:

Next rule change ••

P.O. LINDSAY:

I don't understand why we had to deal with it in this way, but, evidently, we have a request from the Assembly to do it this way. So we have a motion, we have a second by Legislator Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And the last one is ***Home Rule Message Number 7, again, requesting New York State Legislature to allow Suffolk County to install and operate red light cameras.*** This is a different bill?

MR. NOLAN:

Different bill, very similar.

P.O. LINDSAY:

A.3345•A. I guess if we did it for one, we'll do it for all of them. I'll make a motion. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

If we don't have any other business before ••

MR. LAUBE:

Wait.

MS. ORTIZ:

Wait, wait, wait.

P.O. LINDSAY:

Wait, wait.

MR. LAUBE:

With the late•starters, you made a motion, but you didn't get a second to lay your late•starters on the table.

P.O. LINDSAY:

I can't hear you. Come on, guys, hold it down. We're not done yet.

MR. LAUBE:

You made a motion on your late•starters to lay them on the table, but you never got a second and you didn't do a vote.

MS. ORTIZ:

You didn't do a vote.

LEG. CARACAPPA:

That's what I was saying earlier.

P.O. LINDSAY:

Oh, we didn't do a vote on that?

MS. ORTIZ:

You went back to the ••

P.O. LINDSAY:

Oh, I'm sorry.

MS. ORTIZ:

You went back to the ferries.

MR. LAUBE:

Yeah, you went back to the ferry, you never finished it.

LEG. CARACAPPA:

I second it.

P.O. LINDSAY:

We have the second. This is to lay the late•starters ••

MR. LAUBE:

Legislator Caracappa is the second.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. With that, we're adjourned.

[THE MEETING WAS ADJOURNED AT 6:00 P.M.]

{ } Indicates Spelled Phonetically